
	Request for Proposals Solicitation # BPM000251 Surprise Out-of-Network Billing Dispute Arbitration Services	State Procurement Office Arizona Department of Administration 100 N 15th Ave., Suite 402 Phoenix, AZ 85007
	Section 1 Solicitation Instructions	

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	Section 1A Solicitation Summary	

1A-1 WHAT THE STATE IS SOLICITING

The Arizona Department of Administration State Procurement Office (“the State”) as authorized under Arizona Revised Statutes (“A.R.S.”) § 41 2501 is seeking to establish one or more “single-agency” contract to provide surprise out-of-network billing dispute arbitration and related services as set forth in A.R.S. Title 20, Chapter 20, Article 2 on behalf of the Arizona Department of Insurance (“Using Agency”). Awarded contractors must be able to provide services starting January 1, 2019.

OFFERORS SHOULD READ THE ENTIRE SOLICITATION CAREFULLY.


1A-2 WHAT IS IN THE SOLICITATION

Documents for this Solicitation are made available exclusively online through the Arizona Procurement Portal (“APP”) at <https://app.az.gov>.

File Name	Contents
<u>File # 1:</u> <i>BPM000251-1_OpenFirst_IDA-SOONBDAS.PDF</i> <i>(Or as amended)</i>	Section 1A: Solicitation Summary
	Section 1B: Instruction to Offerors
<u>File # 2:</u> <i>BPM000251-2_RFP_IDA-SOONBDAS.PDF</i> <i>(Or as amended)</i>	Section 2A: Scope of Work
	Section 2B: Pricing Document
	Section 2C: Special Terms and Conditions
	Section 2D: Uniform Terms and Conditions
<u>File # 3:</u> <i>BPM000251-3_ProposalForms_IDA-SOONBDAS.DOC</i> <i>(Or as amended)</i>	Section 3A: Experience and Capacity Questions
	Section 3B: Method of Approach Questions
	Section 3C: Other Forms

1A-3 HOW AND WHEN PROPOSALS ARE DUE

Proposals will only be accepted online in the APP at <https://app.az.gov>. Proposals will only be accepted until the date and time indicated for “End Date” in the APP for the Solicitation # shown at the top of this page. Proposals must be in the State’s possession online no later than that deadline.

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Submit technical inquiries about navigating and/or submitting proposals in the APP to the APP Help Desk:

- by phone at (602) 542-7600, option2; or
- by email to app@azdoa.gov


LATE PROPOSALS WILL NOT BE CONSIDERED. No extension or grace period will be given for delays or incomplete proposals caused by internet connectivity problems, file uploading difficulties, or misunderstanding of the requirements or procedures for online submission in the APP.

1A-4 PRE-OFFER CONFERENCE

The State shall not conduct a pre-offer conference for this Solicitation. . Use the “Discussions with Buyer” tab in the APP to ask the Procurement Officer questions about the Solicitation.

1A-5 INQUIRIES

Any question related to this Request for Proposal shall be submitted utilizing the State’s “Discussions with Buyer” Tab in the e-procurement system. The Offeror shall not contact or ask questions of the department for which the requirement is being procured.

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1B-1 DEFINITION OF TERMS

Definitions in the Scope of Work, Special Terms and Conditions and Uniform Terms and Conditions apply.

1B-2 SOLICITATION INQUIRIES

1B-2.1 Duty to Examine.

1B-2.1.1 Examine the entire Solicitation, obtain clarification in writing for any questions or concerns by submitting inquiries.

1B-2.1.2 Examine your Offer thoroughly and carefully for completeness and accuracy before submitting it. Lack of care in preparing an Offer will not be grounds for modifying or withdrawing it after the due date and time.


1B-2.2 **Questions, Inquiries and Exceptions.** If you are currently providing Work under a contract procured by the State, you may discuss matters relating to the contract you currently hold with the Eligible Agencies for that contract; however, YOU MUST NOT DISCUSS ANY MATTER RELATING TO THIS SOLICITATION WITH ANY STATE PERSONNEL OTHER THAN THE PROCUREMENT OFFICER OR APP HELP DESK WHILE THE SOLICITATION IS IN PROGRESS, THROUGH AND INCLUDING AWARD.

1B-2.2.1 Contact the State's APP Help Desk for questions or problems relating to the APP. You can reach the State's APP Help Desk by:

- Phone: (602) 542-7600, Option 2; or,
- E-mail: app@azdoa.gov

1B-2.2.2 If you wish to express exceptions to any part of the Solicitation, you must submit your requests for exceptions at least seven (7) calendar days before the Solicitation "End date" displayed in the APP "View RFX" tab. You must enter your exception through the APP "Discussions with Buyer" tab, and include in the information you enter the word "EXCEPTION" in all capital letters as well as the Solicitation document and paragraph number for the provision to which you are requesting an exception. You must also respond "NO" to the appropriate question in the File # 3 (*BPM000251-3_ProposalForms_IDA-SOONBDAS.DOC*) Conformance Statements document and complete the appropriate supplement to that document for an exception to be considered as part of your Offer. See also paragraph 1B-3.7.

1B-2.2.3 Direct all other inquiries related to the Solicitation, including requests for or inquiries regarding standards referenced in the Solicitation, to the Procurement Officer through the APP "Discussions with Buyer" tab. Include the specific Solicitation document and paragraph number at the beginning of your inquiry. The State is not responsible for responding to any inquiries submitted less than three (3) business days before the Solicitation "End date" displayed in the APP "View RFX" tab.

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1B-2.2.4 An Offeror shall not rely on verbal responses to inquiries. A verbal reply to an inquiry does not constitute a modification of the Solicitation.

1B-2.3 **Solicitation Amendment.** Only a Solicitation Amendment issued in the APP can change the Solicitation.

1B-2.4 **Pre-offer Conference.** A Pre-offer conference will not be held. Use the “Discussions with Buyer” tab in the APP to ask the Procurement Officer questions about the Solicitation.

1B-3 OFFER PREPARATION

1B-3.1 Online Documents.

1B-3.1.1 The Solicitation documents are only provided online in the APP. State will not provide any printed copies or other formats.

1B-3.1.2 “File # 3” (*BPM000251-3_ProposalForms_IDA-SOONBDAS.DOC*) contains attachments with questions and forms. Except where instructions state that you must or may provide information differently, you must complete your Offer by responding to the questions and by completing the forms in that document.

1B-3.2 Required Offer Format.

1B-3.2.1 Where the Solicitation allows or requires you to complete a form in your response to the Solicitation, the Solicitation includes the form and you must use that form for your response. No other form or format will be accepted, and your Offer can be determined Not Susceptible for Award if you do not submit information in the form.

1B-3.2.2 Where the Solicitation allows you to attach additional documents in response to a question or line item without specifying a form, you may attach the documents. You must include in your response to the question or line item, in the space provided for “Attachment Supplements” the filename(s) used for the file(s) that respond to the question or line item. The filename(s) you use must conform to any instructions the Solicitation provides.


1B-3.3 Confidential Information.

1B-3.3.1 Contract terms and conditions, pricing and information generally available to the public are not considered confidential pursuant to A.A.C. R2-7-103.

1B-3.3.2 If you believe that a portion of your Offer (or a protest or other correspondence) contains a trade secret or other proprietary information, you must:

1B-3.3.2.1 Indicate on the “Designation of Confidential Information” form that your proposal contains such claimed confidential information.

1B-3.3.2.2 Create one set of that portion of your Offer that contains only non-confidential information (“non-confidential documents”) and a separate set of that portion of your Offer that contains information you believe is

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confidential (“confidential documents”). Each confidential document you upload into APP must have the word “CONFIDENTIAL” in uppercase letters at the beginning of the filename.

1B-3.3.2.3 In parts of the non-confidential documents that would otherwise contain confidential information that you are providing in a correlating confidential document, refer to the filename and section of the confidential document (e.g. see CONFIDENTIALfilename.doc, Section X, paragraph Y).

1B-3.3.2.4 In each confidential document, clearly and prominently identify each instance where a trade secret or proprietary information is provided using the term “CONFIDENTIAL” and include a detailed explanation as to why the information should be designated as confidential information, including impacts of making the information accessible to the public.

1B-3.3.3 The Procurement Officer shall review your claim of confidentiality and provide a written determination. Until a written determination has been made, the Procurement Officer shall not disclose the claimed information to anyone who does not have a legitimate State interest. If the Procurement Officer denies the claim of confidentiality, you may appeal the determination to the State Procurement Administrator within the time specified in the determination.


1B-3.4 **Public Record.** Once submitted and opened by the Procurement Officer, your Offer is a public record and must be retained by State for six (6) years. All offers will be available for public inspection in the APP after the resulting contracts have been awarded, except for any portions that were determined to be confidential information. The Procurement Officer shall make the names of Offerors available in the APP promptly after the opening date.

1B-3.5 **Electronic Submissions.** When submitting an Offer, you must only include files that are Microsoft Word documents, Microsoft Excel workbooks, Microsoft Powerpoint presentations, or Adobe Acrobat documents unless you have received approval in advance for submitting files in another format.

1B-3.6 **Offer and Acceptance.** Each Offer you submit (e.g. initial Offer and any subsequent submission) must contain the “Offer and Acceptance Form” completed with the information and signature of the duly authorized officer, executive, principal or agent of the Offeror. A response to the solicitation that does not contain the completed and signed Offer and Acceptance Form will be void and without force or effect. The signature shall signify:

1B-3.6.1 the Offeror’s intent to be bound by that Offer and the terms of the Solicitation, and the Offeror’s representation that the information provided in that Offer is true and accurate;

1B-3.6.2 the Offeror did not engage in collusion or other anti-competitive practices in connection with the preparation or submission of the Offer; and

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1B-3.6.3 the Offeror does not discriminate against any employee or applicant for employment or person to whom you provide services because of race, color, religion, sex, national origin, or disability, and the Offeror complies with applicable federal, state, and local laws and executive orders regarding employment.


1B-3.7 **Exceptions to Solicitation Documents.** If you are submitting an Offer conditioned on exceptions to the Solicitation Documents, including any deviations from the Specifications or other technical requirements documents, you must have informed the Procurement Officer of those exceptions through the APP “Discussions with Buyer” tab, you must indicate “NO” to the appropriate section of the File # 3 “Conformance Statements” document, and you must describe and justify the exception or deviation in the corresponding Supplement. Any exception taken elsewhere in the Offer, and all of your preprinted or standard terms will be void in that Offer and without force or effect in any resulting contract.

1B-3.8 **Insurance Evidence.** Provide the evidence of insurance availability, of insurance in force, of bonding capacity, of bonds in hand and of other security required in the File # 3 “Insurance Evidence” attachment. If you intend to withhold or redact any element of your evidence of insurance required in the “Contractor Insurance Requirements” section of the Special Terms and Conditions on the grounds that the information is confidential, you must complete the File # 3 “Designation of Confidential Information” attachment. Each file that you attach to your Offer that contains confidential information must contain the word CONFIDENTIAL in all capital letters in the filename.

1B-3.9 **Tax Identification.** Pursuant to 26 U.S.C. 6041A (accessible online at <https://www.gpo.gov/fdsys/granule/USCODE-2011-title26/USCODE-2011-title26-subtitleF-chap61-subchapA-partIII-subpartB-sec6041A>), you must provide to State your Federal Employer Identification Number or Social Security Number for the purposes of reporting monies paid under the Contract to appropriate taxing authorities. If the identifier provided is a social security number, State shall only use it for tax reporting purposes and only share it with appropriate government officials.

1B-3.10 **Disclosure.** If you are submitting an Offer despite having been debarred, suspended or otherwise lawfully precluded from participating in any public procurement activity, including being disapproved as a subcontractor with any federal, state or local government, or if any such preclusion from participation from any public procurement activity is currently pending, then you must provide with that Offer the name and address of the governmental unit, the effective date, duration, and circumstances of the suspension, debarment, or other preclusion, and your justification for State to consider the Offer despite the suspension, debarment, or other preclusion. Include in your disclosure any suspension, debarment, or other preclusion that is pending, but indicate that it is pending.

1B-3.11 **Federal Immigration Laws.** By signing an Offer, you will be deemed to have represented that both you and all your proposed subcontractors are in compliance with federal immigration laws and regulations relating to the immigration status of their personnel. State may, at its discretion, demand evidence of compliance during Evaluation, which you must provide promptly. Not providing the evidence will be grounds for Procurement Officer to determine that the Offer is Not Susceptible for Award.

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1B-3.12 **Cost of Offer Preparation.** State will not reimburse to you or any of your prospective subcontractors, suppliers, or consultants any costs associated with responding to the Solicitation.

1B-3.13 **Offshore Performance of Work.** Review the Uniform Terms and Conditions provision entitled, “Offshore Performance of Work Prohibited,” and declare all anticipated offshore services in the proposal.

1B-4 OFFER SUBMISSION, AMENDMENT AND WITHDRAWAL

1B-4.1 The Arizona Procurement Portal (APP).

1B-4.1.1 You should review the “Submitting an Offer” training available from the Arizona Procurement Portal Supplier Training website (<https://spo.az.gov/app/supplier/training>) to become familiar with the steps for submitting an offer in response to a solicitation.

1B-4.1.2 The APP contains features that the State does not utilize for every solicitation. Specific instructions are provided in this document and in File # 3 that you must follow for submitting your proposal.

1B-4.1.3 While the APP requires some technical competency, State cannot help enter your proposal in the APP. You are solely responsible for your proposal, regardless of who completed, uploaded and submitted information on your behalf.

1B-4.2 Submission – General Information.

1B-4.2.1 You must submit each Offer online in the APP before the “End date” indicated for the Solicitation. Pursuant to A.A.C. R2-7-C307, State will not consider late offers. State will give no extension or grace period for delays.

1B-4.2.2 You must use the APP to submit your proposal. State will not consider a proposal submitted by any other method.


1B-4.2.3 If your proposal is not submitted correctly, completely and in conformance to these Instructions, the Procurement Officer may determine it Not Susceptible for Award.

1B-4.2.4 After the Bid Due Date, you cannot submit, amend or withdraw an Offer except as specified in Arizona law.

1B-4.3 Submitting an Initial Offer.

1B-4.3.1 Complete all of the content (respond to questions and complete forms) provided in this document, and save the completed document using a consistent approach for filenames.

1B-4.3.1.1 When saving the completed version of File # 3 that does not contain confidential information, you should use the filename “Proposal YYYYMMDD-HHMM” replacing YYYYMMDD-HHMM with the four-digit

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year, two-digit month, two-digit date, a dash, and then the time in 24-hour format (e.g. 2:00 PM would be “1400”).

1B-4.3.1.2 If submitting a file containing portions of File # 3 that contains confidential information, you should use the filename “CONFIDENTIAL Proposal YYYYMMDD-HHMM,” replacing YYYYMMDD-HHMM with the four-digit year, two-digit month, two-digit date, a dash, and then the time in 24-hour format (e.g. for 1/31/2018 at 2:00 PM, you would use “20180131-1400”).

1B-4.3.1.3 The filename extension (the characters after a period at the end of a filename, such as “.pdf” or “.docx”) must correspond to the type of file you are submitting. Computer software will usually assign the correct file extension to a file.

1B-4.3.2 When submitting other documents that the Solicitation indicates you must or may provide, you should use a filename that indicates the content of the file and the filename should include the date and time that corresponds to your other proposal documents in YYYYMMDD-HHMM format to make it easier for you to be able to differentiate between versions of documents that you upload.

1B-4.3.3 You may wish to save all files relating to your Offer in the same location within your computer or network to make it easier to upload all those files into the APP. NOTE: Do not include non-specific marketing materials in an Offer. Inclusion of irrelevant information in an Offer may result in the Offer being evaluated less favorably.

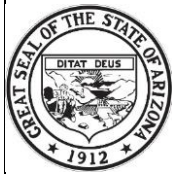
1B-4.3.4 After logging into the APP, the APP homepage will display an “RFP in progress” badge showing the number of solicitations to which you have been invited and solicitations in which you expressed interest. Click the “RFP in progress” badge.

1B-4.3.5 Click the pencil icon to the left of the solicitation to which you wish to submit a proposal.

1B-4.3.6 To respond to the Solicitation, you must click the [I acknowledge receipt of this RFP] button, which will appear in the ACKNOWLEDGEMENT section. After clicking the button, the section title will change to reflect the State’s receipt of your acknowledgement, and the content of the section will change to reveal options as to whether you will or will not submit a bid. To respond to the Solicitation, you must click the checkbox to the left of “WILL BID: our intent is to respond to this RFP” and click the [Valid] button to confirm this selection.

1B-4.3.7 In the “Your Offer Infos and Docs” tab of the APP:

1B-4.3.7.1 Leave all information in the GENERAL INFORMATION section as shown.




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Arizona Department of Administration
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- 1B-4.3.7.2 DO NOT attach any file using the “TECHNICAL ENV. – SUPPLIER TECHNICAL DOCUMENTS” section. The State is not using this section for this Solicitation.
- 1B-4.3.7.3 You must attach all files that are part of your proposal using only the “FINANCIAL ENV. – SUPPLIER FINANCIAL DOCUMENTS” section (even for documents that are not of a financial nature).
- 1B-4.3.8 Respond to all required questions asked in the “Technical questionnaire” or “Financial questionnaire” tabs (if displayed in the tab menu).
- 1B-4.3.9 Prices for Contract Items; the “Items (F)” tab. You must enter your firm, fixed, all-inclusive price for each line item for which you wish to make an offer in the “Unit price” column in the “Items (F)” tab of the APP. If you leave the “Unit price” blank for an item, your Offer shall be deemed to exclude that item.
- 1B-4.3.9.1 You should leave the “Deliv. Date” blank for all items unless the Solicitation instructs you to complete it.
- 1B-4.3.9.2 If the Solicitation allows you to offer items in addition to those that are displayed, you may click the icon containing a plus sign (“+”) in the upper left corner of the list of items to reveal an “Add specific item” form. In the “Add specific item” form:
- 1B-4.3.9.2.1 Code: Do not change the default content of the “Code” field.
- 1B-4.3.9.2.2 Name: Enter a brief description for the line item you wish to offer.
- 1B-4.3.9.2.3 Order: If you add more than one item, you can sequence the items you added by entering a number in the “Order” field, with the lowest number appearing first. All items that you add will always appear after the items that were part of the Solicitation.
- 1B-4.3.9.2.4 Type: Select “Optional Item” to allow you to submit your Offer without filling in a unit price for the item.
- 1B-4.3.9.2.5 Qty: Leave this field blank unless you are only offering to provide a specific quantity.
- 1B-4.3.9.2.6 Unit: Click the button containing the ellipses (three dots) to display a “Unit selector” form. Then, enter the unit of measure in the “Unit” field and click the [Search] button. Click the icon to the left of the option you wish to select.
- 1B-4.3.9.2.7 Deliv. Date: Leave this field blank unless the Solicitation instructs you to complete it.

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1B-4.3.9.3 You must click the [Save] button to save your entries.

1B-4.3.10 INFORMATION PROVIDED BY THE PROCUREMENT OFFICER AS DISCUSSION ITEMS MAY AMEND THE SOLICITATION.

1B-4.3.10.1 The “Discussions with buyer” tab of the APP may include a table listing records of discussions that the Procurement Officer has had with you and any other offerors concerning the Solicitation. You should click on each record in the “Subject” column to display, on the screen and possibly in an attachment, information the Procurement Officer has entered for the Solicitation that could impact your proposal.

1B-4.3.10.2 If a file is attached to the discussion record, you should double click the filename to open the attachment, review the content of the file carefully, and take any action you believe you may need to take in order for your proposal to be determined Responsive.

1B-4.3.10.3 Your proposal must conform to all Solicitation requirements, including any amendments made by the Procurement Officer through the APP “Discussions with buyer” tab.

1B-4.3.11 When you are ready to submit your proposal, click the [Validate and Send my answer] button toward the top of the APP form. The APP will display a summary of what you are submitting.


1B-4.3.12 Click the [Submit my proposal] button. The APP should display a message that says, “Your proposal has been successfully submitted.”

1B-4.3.13 The information in the APP “History” tab should show the status of your proposal as “Submitted.”


1B-4.3.14 After submitting your proposal, you should remain alert for subsequent Solicitation Amendments that the State may issue, and you should return to the APP before the “End date” to determine whether the Solicitation has been modified with additional records in the APP “Discussion with buyer” tab, or by a Solicitation Amendment or a Request for Best and Final Offer reflected in the APP “History” tab.

1B-4.4 Submitting a Revised Offer. At any time before the Bid Due Date, you may submit a Revised Offer to change your proposal. **YOU MUST SUBMIT A REVISED OFFER BEFORE THE BID DUE DATE IN RESPONSE TO EACH SOLICITATION AMENDMENT AND IN RESPONSE TO A REQUEST FOR A BEST AND FINAL OFFER.**

1B-4.4.1 In your proposal, incorporate the results of negotiations or discussions you had with the Procurement Officer into your proposal documents. Your revised proposal documents must include all content required in the Solicitation Amendment or Request for Best and Final Offer. You should update the date and time portion of the filenames of your documents so you can differentiate newly updated documents from previously submitted documents.

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- 1B-4.4.2 After logging into the APP, the APP homepage will display an “RFP in progress” badge showing the number of solicitations to which you have been invited and solicitations in which you expressed interest. Click the “RFP in progress” badge.
- 1B-4.4.3 Click the pencil icon to the left of the solicitation to which you wish to submit a proposal.
- 1B-4.4.4 Toward the top of the APP form, click the [Other Actions] button, and then click the “Recover my last offer” option from the dropdown menu. APP will copy your previously submitted Offer into a new Offer.
- 1B-4.4.5 The value of the “Label” field in the GENERAL INFORMATION section of the APP “Your Offer Infos & Docs” tab with default to “Copy of...” plus the label from the previous Offer. Change the label by eliminating the “Copy of” portion and by adding 1 to the proposal number. *For example*, if the label shows “Copy of Proposal # 1,” change the label to say “Proposal # 2.”
- 1B-4.4.6 You should use the “Description” field in the GENERAL INFORMATION section of the APP “Your Offer Infos & Docs” tab to describe the parts of your Offer that you are amending, adding or removing. For example, “AMENDING prices on Items tab, ADDING new insurance documents, REMOVING old insurance documents.”
- 1B-4.4.7 Documents that you uploaded into your previous Offer will display in the section where they were uploaded, which should be the “FINANCIAL ENV. – SUPPLIER FINANCIAL DOCUMENTS” section within the APP “Your Offer Infos & Docs” tab.
 - 1B-4.4.7.1 If you need to provide an updated version of a document that was copied forward from a previously submitted Offer, you must delete the previously uploaded document from your Revised Offer and upload the changed document.
 - 1B-4.4.7.2 If you wish to retain a document attached to a previously submitted Offer, leave the previously uploaded document attached to your Revised Offer.
- 1B-4.4.8 Complete any other changes to your Offer, or to any prices entered in the APP “Items (F)” tab, bearing in mind that your Offer will be evaluated on the basis of whether such changes are in the best interests of State and in relation to other Responsive offers the State receives.
- 1B-4.4.9 When you are ready to submit your proposal, click the [Validate and Send my answer] button toward the top of the APP form. The APP will display a summary of what you are submitting.
- 1B-4.4.10 Click the [Submit my proposal] button. The APP should display a message that says, “Your proposal has been successfully submitted.”

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1B-4.4.11 **IMPORTANT:** You must withdraw the previous Offer you submitted in the APP “History” tab, which must show your most recent proposal with a “Submitted” status.

1B-4.4.11.1 To the right of the proposal that you need to withdraw, click the drop-down box in the “Withdraw Proposal” column

1B-4.4.11.2 Select “Withdraw this offer” from the menu.

1B-4.4.11.3 Click the [Save] button toward the top of the page. The “History” page will refresh and will only show your most recently submitted proposal.

1B-4.5 **Withdrawing an Offer.** At any time before the Bid Due Date, you may withdraw an Offer.

1B-4.5.1 After logging into the APP, the APP homepage will display an “RFP in progress” badge showing the number of solicitations to which you have been invited and solicitations in which you expressed interest. Click the “RFP in progress” badge.

1B-4.5.2 Click the pencil icon to the left of the solicitation for which you wish to withdraw your Offer.

1B-4.5.3 You must withdraw the previous offer you submitted in the APP “History” tab, which shows your proposal with a “Submitted” status.

1B-4.5.3.1 To the right of the proposal, click the drop-down box in the “Withdraw Proposal” column

1B-4.5.3.2 Select “Withdraw this offer” from the menu.

1B-4.5.3.3 Click the [Save] button toward the top of the page. The “History” page will refresh and will show your proposal as being in “In progress” status.


1B-4.5.3.4 Click the [Cancel this Offer] button toward the top of the page. A pop-up window may appear that asks if you really want to cancel the bid. Click the [OK] button to confirm that you wish to cancel.

1B-5 RESPONSIBILITY; RESPONSIVENESS AND ACCEPTABILITY

1B-5.1 **Responsibility.** In accordance with A.R.S. § 41-2534(G), A.A.C. R27-C312 and R2-7-C316, the State shall consider the following in determining Offeror’s responsibility, as well, as the responsiveness and acceptability of their proposals. The State will consider, but is not limited to, the following in determining an Offeror’s responsibility as well as susceptibility to Contract Award:


1B-5.1.1 Whether the Offeror has had a contract within the last five (5) years that was terminated for cause due to breach or similar failure to comply with the terms of the contract;

1B-5.1.2 Whether the Offeror’s record of performance includes factual evidence of failure to satisfy the terms of the Offeror’s agreements with any party to a contract. Factual

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evidence may consist of documented vendor performance reports, customer complaints and/or negative references;

- 1B-5.1.3 Whether the Offeror is legally qualified to contract with the State and the Offeror's financial, business, personnel, or other resources, including subcontractors;
- 1B-5.1.4 Legally qualified includes if the vendor or if key personnel have been debarred, suspended or otherwise lawfully prohibited from participating in any public procurement activity, including but not limited to, being disapproved as a subcontractor of any public procurement unit or other governmental body.
- 1B-5.1.5 Whether the Offeror promptly supplied all requested information concerning its responsibility;
- 1B-5.1.6 Whether the Offer was sufficient to permit evaluation by the State, in accordance with the evaluation criteria identified in this Solicitation or other necessary offer components. Necessary offer components include: attachments, documents or forms to be submitted with the offer, an indication of the intent to be bound, reasonable or acceptable approach to perform the Scope of Work, signed Solicitation Amendments, references to include experience verification, adequacy of financial/business/personal or other resources to include a performance bond and stability including subcontractors and any other data specifically requested in the Solicitation;
- 1B-5.1.7 Whether the Offer was in conformance with the requirements contained in the Scope of Work, Terms and Conditions, and Instructions for the Solicitation and its Amendments, including the documents incorporated by reference;
- 1B-5.1.8 Whether the Offer limits the rights of the State;
- 1B-5.1.9 Whether the Offer includes or is subject to unreasonable conditions, to include conditions upon the State or necessary for successful Contract performance. The State shall be the sole determiner as to the reasonableness of a condition;
- 1B-5.1.10 Whether the Offer materially changes the contents set forth in the Solicitation, which includes the Scope of Work, Terms and Conditions, or Instructions; and,
- 1B-5.1.11 Whether the Offeror provides misleading or inaccurate information.
- 1B-5.2 **Responsiveness and Acceptability.** Proposals that do not contain information sufficient to evaluate the proposal in accordance with the factors identified in the solicitation or other necessary proposal components may not be considered responsive and/or acceptable. Necessary components include an indication of the Offeror's intent to be bound, price proposal, solicitation amendments, bond and reference data as required. The Offeror shall make a firm commitment to provide services as required and proposed. The material contained in the Offer
 - 1B-5.2.1 shall be relevant to the service requirements stated in the Solicitation;

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- 1B-5.2.2 shall be submitted in a sequence that reflects the scope of work section of the Solicitation;
- 1B-5.2.3 shall include information relevant to the designated evaluation criteria; and,
- 1B-5.2.4 should include all requested information because failure to include requested information may have a negative impact on the evaluation of the Offeror's proposal.

1B-5.3 Eligibility for Evaluation and Negotiation.


- 1B-5.3.1 If the Procurement Officer determines an Offeror is Not Responsible, then the Procurement Officer is not permitted by A.A.C. R2 7 C314 to give further consideration to the Offer or include it in any Negotiation or make Evaluation of the Offer.
- 1B-5.3.2 If the Procurement Officer determines that an Offer is Responsive (i.e., there is no applicable determination of Not Susceptible for Award), then the Procurement Officer is obliged by A.A.C. R2 7 C314 to make Evaluation of the Offer and include the Offeror in the immediate round of Negotiation (if Negotiation is initiated).
- 1B-5.3.3 If the Procurement Officer determines subsequently that your Revised Offer is Not Susceptible for Award by virtue of comparison to other revised offers per A.A.C. R2 7 C314(A)(3), then the Procurement Officer will not include you in any further Negotiation.
- 1B-5.3.4 The Procurement Officer may with each successive round of Negotiation reduce the number of offers that are "Susceptible for Award" since the purpose of Negotiation is to achieve best value for State.

1B-6 EVALUATION OF OFFERS

- 1B-6.1 **Offer Validity Period.** By submitting an Offer, you agree to hold it open for the validity period specified in the Solicitation Summary. If no validity period is specified therein, then you shall hold your Offer open for one hundred eighty (180) days after the latest of the Bid Due Date or the date by which the latest Revised Offer or Best and Final Offer became due.
- 1B-6.2 **Clarifications.** Upon receipt and opening of proposals submitted in response to this solicitation, the State may request oral or written clarifications, including demonstrations or questions and answers, for the sole purpose of information gathering or for eliminating minor informalities or correcting nonjudgmental mistakes in proposals. Clarifications shall not otherwise afford Offerors the opportunity to alter or change their Offer.
- 1B-6.3 **Oral Presentations.** The State may request oral presentations. If requested, the Offeror shall be available for oral presentations with no more than ten (10) business days advance notice. Participants in the oral presentations should include the Offeror's key persons. Such oral presentations shall not otherwise afford an Offeror the opportunity to alter or change its Offer.

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- 1B-6.4 **Cost or Pricing Data.** Submit any cost or pricing data promptly that Procurement Officer requests under A.R.S § 41 2543 per A.A.C. R2 7 702(B)(2). Procurement Officer may make the following preconditions for eligibility and award:
- 1B-6.4.1 submission of appropriate cost or pricing data under A.A.C. R2 7 704;
 - 1B-6.4.2 determination that the submitted cost or pricing data demonstrates that pricing is fair and reasonable under A.A.C. R2-7-702(A); and,
 - 1B-6.4.3 determination that the data is not defective under A.A.C. R2-7-705.
- 1B-6.5 **Evaluation Criteria:** In accordance with the Arizona Procurement code A.R.S. § 41-2534, awards shall be made to the responsible Offeror(s) whose proposal is determined in writing to be the most advantageous to the State based upon the evaluation criteria listed below. The evaluation factors are listed in their relative order of importance.
- 1B-6.5.1 Experience and Expertise of Offeror
 - 1B-6.5.2 Price
 - 1B-6.5.3 Method of Approach
- 1B-6.6 **Negotiations.** In accordance with A.R.S. § 41-2534, after the initial receipt of proposals, the Procurement Officer may conduct discussions with those Offerors who submit proposals determined by the State to be reasonably susceptible of being selected for award. The Procurement Officer will request a Best and Final Offer from any Offerors with whom Negotiation has been conducted. State may make awards without any Negotiation; therefore, each Offer that Offeror submits should be complete, provide the most favorable terms possible, and should not assume the State will provide an opportunity for Negotiation.
- 1B-6.7 **Financial Stability.** You must be able to substantiate your financial stability to State's satisfaction as a precondition of any contract award. The Procurement Officer may demand documentation such as current and audited financial statements, including income and balance sheets, directly from you, or the Procurement Officer may obtain reports from independent financial rating services. Not providing the evidence will be grounds for Procurement Officer determining your Offer is Not Susceptible for Award.
- 1B-6.8 **Consideration of Exceptions.** The Procurement Officer may determine that your Offer is Not Susceptible for Award if it is conditioned on an exception to a material aspect of the Solicitation. Even if the Procurement Officer determines that an exception is one that does not merit Not Susceptible for Award determination, your Offer may be evaluated less favorably if the exception is significant.
- 1B-6.9 **Consideration of Deviations.** Your Offer may be evaluated less favorably if it contains deviations that the Procurement Officer determines would materially reduce the value of affected Materials or Services that would be provided to the State during the course of a resulting contract.

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- 1B-6.10 **Consideration of Prompt Payment Discount.** The Procurement Officer may consider any proposed prompt payment discounts when evaluating prices in offers.
- 1B-6.11 **Consideration of Taxes.** The Procurement Officer shall not include the Arizona Transaction Privilege Tax or other sales/use taxes when evaluating prices in offers.
- 1B-6.12 **Consideration of Cost.** Regardless of the relative importance assigned to cost in the Evaluation Criteria, cost is an essential consideration in every award State makes. State always intends to obtain the best pricing available and strives to apply a straightforward comparison of best value among Responsible and Responsive Offers to the extent practicable under the Arizona Procurement Code.
- 1B-6.13 **Unit Price Prevails.** In the case of discrepancy in your Offer between a unit price or rate and an extension of that unit price or rate, the unit price or rate will prevail.
- 1B-6.14 **Waiver and Rejection.** Notwithstanding any other provision of the Solicitation Documents, State reserves the right to waive any minor informality, reject any or all offers or portions thereof or cancel the Solicitation.

1B-7 AWARD OF CONTRACT

- 1B-7.1 Under A.A.C. R2-7-C317, contracts will be awarded to one or more responsible offeror whose offer is determined to be most advantageous to the State based on the stated evaluation criteria.
- 1B-7.2 State may make multiple awards or to award contracts by individual line items or alternates, by group of line items or alternates, or to make an aggregate award, or regional awards, whichever is determined to be most advantageous to State.
- 1B-7.3 Your Offer does not constitute a contract nor does it confer any right on you to the award of a contract. A contract is not created until your Offer has been accepted for State by the Procurement Officer's signature on the Offer and Acceptance Form. Notice of award or of intent to award will not constitute State's acceptance of your Offer.
- 1B-7.4 State may, at its option, consolidate the resulting contract documents after contract award. Examples of such consolidation are reorganizing Solicitation Documents and those components of the Accepted Offer not pertaining to the contract's operation and excluding any components of the Accepted Offer that were not awarded. Contract document consolidation will not, however, include or be construed to include any material change to the Solicitation or the Contract.

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1B-8 SOLICITATION OR AWARD PROTESTS

Any protest must comply with and be resolved according to Arizona Revised Statutes Title 41, Chapter 23, Article 9, and rules adopted thereunder. Protests must be in writing and be filed with both Procurement Officer and the State Procurement Administrator. Protest of the Solicitation must be received before the Bid Due Date. Protest of a proposed award or of an award must be received within 10 (ten) days after the Procurement Officer makes the procurement file available for public inspection. In either case, the protest must include:

- 1B-8.1 the name, address, email address and telephone number of the interested party;
- 1B-8.2 signature of the interested party or its representative;
- 1B-8.3 identification of the purchasing agency and the solicitation or contract number;
- 1B-8.4 a detailed statement of the legal and factual grounds of the protest including copies of relevant documents; and
- 1B-8.5 the form of relief being requested.

1B-9 COMMENTS WELCOME

The State Procurement Office periodically reviews these Instructions to Offerors and welcomes any comments the public may have.

SEPARATELY AND APART FROM YOUR RESPONSE TO THIS SOLICITATION, please submit your comments to:

State Procurement Administrator,
 Arizona State Procurement Office
 100 North 15th Avenue, Suite 402
 Phoenix, Arizona, 85007

END OF SECTION 1B
