



STATE OF IDAHO

Office of Secretary of State Ben Ysursa

REQUEST FOR PROPOSAL (RFP12014)

Acquisition and Implementation
of a Web-based Electronic Ballot Delivery System
for Military and Overseas Voters

Issue Date: May 1, 2014

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DISCLAIMER

The Office of the Idaho Secretary of State reserves the right to reject any and all proposals if it is determined by the evaluation committee to be in the best interest of the people of Idaho.

This is not a Department of Purchasing RFP. [Idaho Code 57.6733](#) describing the appeals process does not apply to this RFP. Award of this RFP is not a contract. A final agreement will be drafted by the state on the award of the contract to the successful vendor, if any.

RFP12014 Administrative Information

RFP Title:	Acquisition and Implementation of a Web-based Ballot Delivery System for Military and Overseas Voters.	
RFP Project Description:	Web-based Ballot Delivery, Statewide Sample Ballot Access, Accessible Voting Solution, Reporting and Evaluation System for all Idaho elections funded by an FVAP EASE 2 Grant.	
RFP Lead:	Jim Mairs, HAVA Coordinator mailto:jmairs@sos.idaho.gov Idaho Office of the Secretary of State 208.334.2852	
Deadline to Submit Proposal: MONDAY, JUNE 2, 2014. 5PM MST.	<u>Address for Courier:</u> Office of Secretary of State 700 W. Jefferson, Room E-205 Boise, ID 83720 - 0080	<u>Address for US Mail:</u> Office of Secretary of State P.O. Box 83720 Boise, ID 83702-0080
Submit (1) original with three (3) copies of the print version and three (3) copies on CD-ROM with the electronic file of the proposal.	Due: Monday June 2, 2014. 5PM Mountain Standard Time.	
Deadline to receive questions on the RFP 10 business days after initial release.	Thursday May 15, 5 p.m. Mountain Standard Time. All questions must be submitted by email and the state will respond in writing to all vendors the week of May 19 th , 2014.	
RFP Closing Date:	Friday May 30, 5 p.m. Mountain Standard Time.	
RFP Proposal Review Begins:	Monday, June 2, 2014.	
Oral Presentation Date:	If conducted, the State will schedule vendor demonstrations in Boise between June 9 and 20, 2014.	
Initial Term of Contract and Renewals:	The resulting contract will be for One (1) year with the option to renew for four (4) additional 1 year periods. Total grant funding for this project is \$250,000.	
Award Announcement Date:	Friday, June 27, 2014	
Project Start Date:	Monday June 30, 2014	
Project Completion Date:	Friday, September 19, 2014. UOCAVA 45 day deadline for November 4 th , 2014 General Election.	

1.1 Purpose:

The office of the Secretary of State is seeking a proposal, from qualified vendors, for the acquisition and implementation of a web-based ballot delivery system for military and overseas voters. The proposed system, designed for all elections statewide, must include web-based ballot delivery to military and overseas voters, sample ballot access for all Idaho voters for all elections, an accessible voting solution for people with disabilities, and a reporting and evaluation component as required under the FVAP EASE grant guidelines. Specific technical requirements are provided below.

- 1.2 Questions must be submitted, in writing, to the RFP Lead, by the date and time noted above, in order to be considered. Written questions must be submitted using **Attachment 1, Vendor Questions, and sent via e-mail to the RFP Lead**. Official answers to all written questions will be emailed to the offers as an amendment to this RFP.

Any questions regarding the State of Idaho Standard Contract Terms and Conditions found at http://purchasing.idaho.gov/rules_and_policies.html and/or Special Terms and Conditions (See Appendix E if included) must ALSO be submitted in writing, using Attachment 1, Vendor Questions, by the deadline to receive questions. The State will not consider proposed modifications to these requirements after the date and time set for receiving questions.

Proposals which qualify the offer based upon the State accepting other terms and conditions **not found in the RFP or which take exception to the State's terms and conditions**, will be found non-responsive, and no further consideration of the proposal will be given.

1.3 Background Information:

The Idaho Secretary of State requested funding from FVAP to support the acquisition and implementation of a web-based electronic ballot delivery system for our military and overseas citizens. The goal of Idaho is to provide an online tool to make voting more accessible for UOCAVA voters and provide a comprehensive set of voter services including a sample ballot and accessible voting option for all Idaho voters for all elections.

Idaho recognizes that UOCAVA voters traditionally have a lower voting percentage than domestic voters and that the MOVE Act was passed to narrow the gap between UOCAVA and domestic voters. Idaho has approximately 3600 active UOCAVA voters. All ballots must be returned by mail by statute. A web-based ballot delivery system must reduce the ballot return gap between UOCAVA and domestic voters. By the General Election of 2014 our goal is to raise the number of successfully returned and tabulated ballots by 50 percent.

The vendor will provide absentee ballot notifications, on-demand ballot delivery, clear return instructions, a voter specific sample ballot and ballot tracking for any qualified voter from any web-connected device, anywhere in the world. The solution will provide complete usage data and reporting of UOCAVA participation as required by FVAP and the EAC.

To achieve this result, Idaho will select a vendor that can develop and service a comprehensive, user friendly web-based ballot delivery system that complies with Idaho election laws, the MOVE Act and FVAP and EAC reporting requirements. The system must also facilitate the ballot data entry and proofing of online ballots for counties with and without election management systems. The system must accommodate the Idaho Voter Registration System and all types of ballots used by Idaho counties including paper, punch card and optical scan ballots.

1.4 The goal is to implement a web-based ballot delivery and reporting system that is:

- ✓ Compliant with federal FVAP EASE Grant requirements.
 - Capable of collecting data as required by Grant mandated evaluation and monitoring requirements for FVAP and EAC reports.
 - Compliant with the Federal requirements of [32 CFR33.40](#), [Circular A-102](#), [2CFR 170.320](#) and [Circular No. A – 133](#) as required by FVAP EASE Grant II.
 - Capable of supporting all aspects of the Idaho web-based ballot delivery system and provide technical assistance and training as needed.
- ✓ Secured to the highest military standards with verifiable systems to protect personal data and prevent intrusions with data storage redundancy and recovery protocols.
- ✓ Designed to increase UOCAVA voter participation.
 - Provides a comprehensive web-based balloting solution that is compatible with existing VR and ballot production systems.
 - Provides for UOCAVA voters to complete an absentee ballot application, receive, mark, return by mail and track their ballot.
- ✓ An ongoing service for the future of Idaho elections including:
 - A sample ballot feature for all Idaho voters for all elections.
 - An accessible voting solution for all voters with disabilities for all elections.
 - Options for reasonable customization to suit state specific requirements.
- ✓ An improvement for Idaho's UOCAVA voters and at the same time lower long-term MOVE Act and UOCAVA voter services costs to the counties and provide:
 - Vendor training for state and county personnel.
 - Ongoing technical support with critical ballot data entry and online ballot proofing.
 - An interface that is user friendly for voters and county personnel.

2. INSTRUCTIONS FOR SUBMISSION OF PROPOSALS

- 2.1 Proposals must be submitted with a signature page which must contain an **ORIGINAL HANDWRITTEN** signature executed in **INK** and be returned with the relevant Solicitation documents. **PHOTOCOPIED SIGNATURES** or **FACSIMILE SIGNATURES** are **NOT ACCEPTABLE (and will result in a finding that your proposal is non-responsive)**.

Proposals must be submitted on paper and CD-ROM:

- 2.1.1 The proposals must be addressed to the RFP Lead and clearly marked "CONTRACT PROPOSAL – RFP12014 Web-based UOCAVA Ballot Delivery System.
- 2.1.2 Each proposal must be submitted with one (1) original with three (3) copies of the print version and three (3) copies on CD-ROM with the electronic file of the proposal.
- 2.1.3 Word or Excel format is required (the only exception is for financials or brochures). The format and content of the electronic version must be the same as the printed version of the proposal. The electronic version must NOT be password protected or locked in any way.
- 2.1.4 If your proposal contains trade secret information which you have identified, also submit a redacted copy (in electronic format, with the word "redacted" in the file name) of the Business and Scope of Work Proposal with all trade secret information removed or blacked out; as well as a separate document containing a complete list (per the instructions in **Section 3.5**, below) of all trade secret information which was removed/blacked out in the redacted copy.
- 2.1.5 The Business and Scope of Work Proposal must be sealed, identified "Business and Scope of Work Portion of Proposal – RFP12014 Web-based UOCAVA Ballot Delivery System.
- 2.1.6 The Cost Proposal must be separately sealed, identified "Cost Portion of Proposal – RFP12014 Web-based UOCAVA Ballot Delivery System.
- 2.2 Proposals should be submitted on the most favorable terms from both a price and technical standpoint which vendors can propose.

3. PROPOSAL FORMAT

- 3.1 These instructions describe the format to be used when submitting a proposal. The format is designed to ensure a complete submission of information necessary for an equitable analysis and evaluation of submitted proposals. There is no intent to limit the content of proposals.
- 3.2 Evaluation. The proposals will be evaluated and scored by a Proposal Evaluation Committee. The committee will review and evaluate the entire proposal for completeness and compliance with Idaho requirements.

- 3.3 Cover Letter:** The Business and Scope of Work Proposal must include a cover letter on official letterhead of the vendor; with the vendor's name, mailing address, telephone number, facsimile number, e-mail address, and name of vendor's authorized signer. The cover letter must identify the RFP Title and number, and must be signed, in ink, by an individual authorized to commit the vendor to the work proposed. In addition, the cover letter must include:
- 3.3.1** Identification of the vendor's corporate or other legal entity status. Vendors must include their tax identification number. The vendor must be a legal entity with the legal right to contract.
 - 3.3.2** A statement indicating the vendor's acceptance of and willingness to comply with the requirements of the RFP and attachments, including but not limited to the State of Idaho Standard Contract Terms and Conditions (http://purchasing.idaho.gov/rules_and_policies.html) and/or **Special Terms and Conditions (See Appendix E if included).**]
 - 3.3.3** A statement of the vendor's compliance with affirmative action and equal employment regulations.
 - 3.3.4** A statement that vendor has not employed any company or person other than a bona fide employee working solely for the vendor or a company regularly employed as its marketing agent, to solicit or secure this contract, and that it has not paid or agreed to pay any company or person, other than a bona fide employee working solely for the contractor or a company regularly employed by the contractor as its marketing agent, any fee, commission, percentage, brokerage fee, gifts or any other consideration contingent upon or resulting from the award of this contract. The vendor must affirm its understanding and agreement that for breach or violation of this term, the State has the right to annul the contract without liability or, in its discretion, to deduct from the contract price the amount of any such fee, commission, percentage, brokerage fee, gifts or contingencies.
 - 3.3.5** A statement naming the firms and/or staff responsible for writing the proposal.
 - 3.3.6** A statement that vendor is not currently suspended, debarred or otherwise excluded from federal or state procurement and nonprocurement programs. Vendor information is available on the Internet at: <http://sam.gov>
 - 3.3.7** A statement affirming the proposal will be firm and binding for ninety (90) days from the proposal opening date.
 - 3.3.8** A statement, by submitting its proposal, that the vendor warrants that any contract resulting from this Solicitation is subject to Executive Order 2009-10 (http://gov.idaho.gov/mediacenter/execorders/eo09/eo_2009_10.html); it does not knowingly hire or engage any illegal aliens or persons not authorized to work in the United States; it takes steps to verify that it does not hire or engage any illegal aliens or persons not authorized to work in the United States; and that any misrepresentation in this regard or any employment of persons not authorized to work in the United States constitutes a material breach and will be cause for the imposition of monetary

penalties up to five percent (5%) of the contract price, per violation, and/or termination of its contract.

3.4 Acknowledgement of Amendments: If the RFP is amended, the vendor must acknowledge each amendment with a signature on the acknowledgement form provided with each amendment. Failure to return a signed copy of each amendment acknowledgement form with the proposal may result in the proposal being found non-responsive. IDAPA 38.05.01.52

3.5 Trade Secrets: Paragraph 32 of the Solicitation Instructions to Vendors describes trade secrets to “*include a formula, pattern, compilation, program, computer program, device, method, technique or process that derives economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by other persons and is subject to the efforts that are reasonable under the circumstances to maintain its secrecy.*” In addition to marking each page of the document with a trade secret notation (as applicable; and as provided in Paragraph 32 of the Solicitation Instructions to Vendors), vendors must also:

3.5.1 Identify with particularity the precise text, illustration, or other information contained within each page marked “trade secret” (it is not sufficient to simply mark the entire page). The specific information you deem “trade secret” within each noted page must be highlighted, italicized, identified by asterisks, contained within a text border, or otherwise clearly delineated from other text/information and specifically identified as a “trade secret.”

3.5.2 Provide a separate document entitled “List of Redacted Trade Secret Information” which provides a succinct list of all trade secret information noted in your proposal; listed in the order it appears in your submittal documents, identified by Page#, Section#/Paragraph#, Title of Section/Paragraph, specific portions of text/illustrations; or in a manner otherwise sufficient to allow the state’s procurement personnel to determine the precise text/material subject to the notation.

3.6 Table of Contents: Include a table of contents in the Business and Scope of Work Proposal identifying the contents of each section, including page numbers of major subsections.

3.7 Executive Summary: Include an executive summary in the Business and Scope of Work Proposal providing a condensed overview of the contents of the Business and Scope of Work Proposal demonstrating an understanding of the services to be performed.

3.8 Business Experience:

3.8.1 A minimum of three (3) years of experience providing software to state government agencies is required please describe your company years of experience.

Please list up to five (5) government agencies currently using applications developed or supported by your company.

3.8.2 References: Provide at least three (3) completed Reference Questionnaires. Reference Questionnaires must be submitted to the RFP Lead directly by your reference. At least one reference should be from vendor’s largest government customer. See **Attachment 2**.

3.9 Organization and Staffing: Describe your qualifications to successfully complete the requirements of the RFP by providing a detailed response to the following:

3.9.1 Qualifications of Personnel: Provide resumes for employees who will be managing and/or directly providing services under the contract. The project team members must be clearly identified and their experience noted as required under Section 3.8.1. For the duration of this project, identified project team members CANNOT be reassigned, replaced or removed from the project unless specifically requested and/or approved by the office of the Secretary of State. For positions that are not filled, a position description (including requisite qualifications/experience) should be provided.

3.9.2 Subcontractors: Describe the extent to which subcontractors will be used to comply with contract requirements. Include each position providing service, and provide a detailed description of how the subcontractors are anticipated to be involved under the contract. Include a description of how the vendor will ensure that all subcontractors and their employees will meet all Business and Scope of Work requirements. Vendors must disclose the location of the subcontractor's business office and the location(s) of where the actual work will be performed. If the vendor utilizes any entity other than the entity submitting the proposal to provide any of the services required by this RFP, the relationship between the two entities is considered that of a contractor-subcontractor for the purpose of this section, regardless of whether a relationship is based on an actual written contract between the two.

3.10 The Office of the Idaho Secretary of State will maintain ownership of all data.

Provide a statement affirming you understand that the state of Idaho owns all data provided or otherwise generated under this contract.

3.10.1 Provide a statement documenting your understanding that in event of contract termination or expiration, the Contractor shall provide all State data (operational and historical) in a usable form (ASCII delimited or Microsoft Excel).

3.10.2 Provide a statement documenting you understand that all data and reports must be maintained for a minimum of seven (7) years.

3.11 Other Agency/Project specific requirements:

Provide a statement affirming adherence to State and Federal standard required for securing and protecting data.

4. SCOPE OF WORK

Use this proposal outline as part of your response to the RFP, and identify it as **Appendix A – Scope of Work**. Keep in mind, the evaluators will be scoring your proposal based on the completeness of the response to each item listed below.

4.1 Vendor must complete and return **Appendix B** with your response.

Vendors must also demonstrate that they can meet the list of requirements below, in order to be “responsive”, and continue in the evaluation process.

4.1.1 Project Plan: The proposed system must be designed and tested and fully prepared to “go live” forty-five (45) days prior to the General Election November 5, 2014. Provide a Plan outlining your implementation of the system to meet the “go live” date.

4.1.2 Data Migration: Contractor shall assist the office of the Secretary of State in the preparation for data extracts from the ISVRS and verification that all records transition properly into the contractor’s system.

4.1.3 Technical Architecture: All solution functionalities must be made available in an ASP model (Microsoft Visual Studio) where all solutions applications are housed and maintained by the Vendor. Describe how your organization meets this requirement.

4.1.3.1 Customers (internal and external) must be able to access any of the vendor’s applications via any of the major available web browsers (i.e. Explorer, Firefox, Mozilla, Chrome etc. on any basic configuration PC or Mac computer). Describe how your system meets this requirement and how your organization maintains continuity when systems upgrade versions.

4.1.4 Hosting/Security: Describe how you will: host the data system to ensure that the site and its contents are protected from internal and external threats and backed up to appropriate media that can be restored, archived and recovered as necessary. Describe your archiving options for historical information.

The system must ensure that all data records are transported and stored in a secure manner. Additionally implemented applications must utilize the highest level of internet security including regularly updated anti-virus and anti-spam protection. Describe how your system meets this requirement.

4.1.4.1 Describe how you will: protect the confidentiality and ensure security of personal voter information. Describe any security test your system been submitted for and the results.

4.1.4.2 Describe how you will: ensure the office of the Secretary of State has access to all portions of the data system.

4.1.4.3 Describe the level of customization available (look and feel, logos, formatting of forms, web look, etc.)

4.1.5 Business Continuity/Disaster Recovery: Describe how you will ensure that there is no interruption in service provided to the office of the Secretary of State, the 44

counties and the end user. Also how will you handle disaster recovery? Include information regarding remote locations (data centers) that serve the system.

4.1.5.1 Describe in detail how data is to be safeguarded and how recovery of data is to be accomplished in the event of catastrophic system failure, intrusion or breach of system security measures.

4.1.6 System Flexibility: Describe the flexibility offered in your proposed system; and the ability to expand/modify the system, how upgrades/modifications would be delivered; along with the associated level of effort (for identified modifications).

4.1.6.1 System Bugs: Describe how system “bugs” will be worked out during implementation, data migration, and following project completion

4.1.7 System Gaps: Describe options for resolving any gaps between the system capabilities and the needs of the he office of the Secretary of State and the 44 counties.

4.1.8 Maintenance/Upgrades. Describe how you will: maintain the system including making system updates and repairs as necessary to ensure the system is in working order and meets all state and federal reporting requirements

4.1.8.1 Describe how you will: conduct routine maintenance processes and include normal maintenance window time frames.

4.1.8.2 Describe how you will: respond to reports of functionality problems by the end user, the office of the Secretary of State and the 44 counties.

4.1.09 Help Desk Functions/Support: Describe how you will: provide ongoing help desk support to system users including types of technical assistance available (e.g.: 1-800 number; e-mail; user interface etc.). Include time of day support is available.

4.1.10 System Administration: Must allow for a local system administration with the capability to create new users with roles, multiple sub-departments, create and run various system reports.

4.1.10.1 Describe how system administration is accomplished and what the responsibilities of the office of the Secretary of State and the 44 counties would be in system administration.

4.1.10.2 In a decentralized operation, can sub-departments be created under the master account, each with its own identity and processing rules? If yes, can the primary owner (agency authority) view and collect information on the activity of sub-departments?

4.1.11 Administration and User Training: Provide training for the office of the Secretary of State that at the minimum covers data migration, reporting and troubleshooting county issues. Provide a “base” training plan for the 44 counties. Training must be included in your base system cost, and must be provided on-site.

Training must be sufficient to educate a new system user on how to utilize the features of the system with minimal assistance. Training must also be provided (at no additional cost)

to county administrators of the system. This is a higher level training which will include trouble-shooting and more in-depth technical training, allowing county administrators to assist end users in daily use of the system.

Describe how you will meet this requirement. Specify the number of users to be trained and any printed and/or online training materials that will be made available to the counties and state. A “refresher” course must also be included in the “base” training plan, which must, at a minimum, provide a “refresher” course on an annual basis, reviewing all available features and introducing new/modified features.

Also identify any on-going training opportunities such as web-based, interactive tutorials, etc. Identify how current your on line tutorial(s) is today and how this is updated as upgrades/enhancements are introduced.

4.1.12 Communications Plan: Vendors must utilize a formal communicated plan for product upgrades and communicating the reason for, and impact of the upgrades with the office of the Secretary of State. Provide a description of planned upgrades.

4.1.13 System Efficiency: Describe your system’s ease of use by county personnel and UOCAVA voters. Describe reporting capabilities and efficiencies and time saving expectations.

4.1.14 History and Reports: The objective of the reporting requirement is to continually assess, measure, and track improvement relating to UOCAVA voters. The vendor must offer an array of reporting tools to measure performance, implement improvements and meet all reporting requirements.

A final report for each election will be required to summarize all data and financial reports to meet the FVAP data collection requirements. Also, the EAC survey categories must be included to take advantage of the uniform data collection process across Idaho’s 44 counties provided by the proposed centralized web based solution.

Reporting requirements must include specific FVAP post grant reporting categories including but not limited to the following categories:

- Number of voters requesting a ballot
- Number of visitors viewing a ballot
- Number of ballots downloaded
- Delivery method requested/downloaded
- Ballots sent by county
- Ballots received by county
- State total ballots sent and received
- Ballot sent to ballot received ratio
- Ballot sent to ballot downloaded ratio
- Locality and Region of voter activity
- Cost Tracker

Describe the proposed system reporting process, report categories, and archival capabilities in detail.

4.1.15 Identification of Risks and Constraints – Based on the Scope of Work detailed in this RFP, identify any risks or constraints that you will need to address prior to or during the performance of the Work; as well as a description of how you will address each one.

5. COST PROPOSAL

Pricing will be evaluated using a cost model that offers the State the best possible value over the term of the contract.

- 5.1 Use the format established in **APPENDIX C** to respond to the Cost Proposal of this RFP, and identify it as **APPENDIX C** - Cost Proposal and Billing Procedure. Altering the format may result in a finding that your proposal is non-responsive.
- 5.2 The vendor must provide a fully-burdened rate which must include, **but not be limited to**, all operating and personnel expenses, such as: overhead, salaries, administrative expenses, travel, parking, per diem, profit, supplies, etc.

6. PROPOSAL REVIEW AND EVALUATION

- 6.1 The objective of the State in soliciting and evaluating proposals is to ensure the selection of a firm that will produce the best possible results for the funds expended.
- 6.2 All proposals will be reviewed first to ensure that they meet the mandatory submission requirements of the RFP. Any proposal (s) not meeting the mandatory submission requirements may be found non-responsive.
- 6.3 The Business and Scope of Work proposal will be evaluated first as either “pass” or “fail,” based on compliance. All proposals that meet the requirements will continue in the evaluation process outlined in this section.
- 6.4 The State may request that any or all vendors, after the evaluation of the Business and Scope of Work proposal is complete, make oral presentations to the Proposal Evaluation Committee. If requested, vendors asked to make oral presentation should expect to give an overview of their proposal and respond to questions, which may include hypothetical scenarios and questions concerning quality assurance. Responses become an official part of the offer’s proposal response. The vendor’s cost associated with oral presentations are the responsibility of the vendor. Oral presentations are optional, and will be held at the discretion of the State.
- 6.5 The proposals will be evaluated and scored by a Proposal Evaluation Committee. The committee will review and evaluate the entire proposal for completeness and compliance with Idaho requirements.

6.6 The “Scope of Work” document, 4.1 through 4.1.15, will be evaluated based on a four point system. 4 points for “Meet the requirement”, 3 points for “Can Meet – included in price”, 1 point for “Can Meet – extra cost”, zero points for “Can’t Meet”.

EVALUATION – “Scope of Work”

VENDOR:				
RFP Category	Meets Requirements	Can Meet Modification incl in Price	Can Meet Modification at Extra Cost	Does Not Meet Requirements
4.1 Appendix B, Requirements, complete				
4.1.1 Project Plan by deadline				
4.1.2 Data Migration and verification				
4.1.3 Technical Architecture				
4.1.3.1 Browser Access				
4.1.4 Hosting/Security				
4.1.4.1 Voter personal confidentiality				
4.1.4.2 SOS access				
4.1.4.3 Customization				
4.1.5 Business Continuity/Disaster Recovery				
4.1.5.1 Recovery in catastrophic failure				
4.1.6 System Flexibility				
4.1.6.1 System bug repair				
4.1.7 System gaps - resolution				
4.1.8 Maintenance/Upgrades				
4.1.8.1 Timeframes				
4.1.8.2 Response to reported issues				
4.1.09 Help Desk Functions/Support				
4.1.10 System Administration				
4.1.10.1 State/County management				
4.1.10.2 Information collection				
4.1.11 Administration and User Training				
4.1.12 Communication plan				
4.1.13 System Efficiency				
4.1.14 History and Reports				
4.1.15 Identification of Risks and Constraints				

- 6.7** The Requirements Detail form, APPENDIX B, will be evaluated on a four point system: 4 points for “Meet” the requirement, 3 points for “Can Meet – included in price”, 1 point for “Can Meet – extra cost”, zero points for “Can’t Meet”.

EVALUATION – “Requirements Detail”

VENDOR:				
RFP Category	Meets Requirements	Can Meet Modification incl in Price	Can Meet Modification at Extra Cost	Does Not Meet Requirements
Election Management System				
Voter Registration System				
End User Experience				
Authorization - Election Personnel				
Ballot Layout				
Security				
Ballot Delivery				
Ballot Marking				
Ballot Return				
Hosting				
Help Desk				
Training				
Sample Ballot				
Accessible Ballot				
Cost Proposal				

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APPENDIX A

Scope of Work

(See Section 4: The contractor's proposal will be included in the contract as Appendix A – Scope of Work)

APPENDIX B

This form must be completed and returned.

Requirements Detail

Election Management System

		Meet	Can Meet – Incl. in Price	Can Meet – Extra Cost	Can't Meet
EMS 1	Vendor's system must be capable of accepting data extracts from Idaho's Election Management Systems.				
EMS 2	Canyon and Ada Counties use ES&S Unity 3.0.1.1 and produce their own ballots.				
EMS 3	Bonneville County uses the Hart 6.2.1 voting system and produces their own ballot.				
EMS 4	Optical scan ballots are created by ES&S for 25 counties. ES&S creates AutoMARK ballots for Federal elections for all counties except Ada, Canyon and Bonneville.				
EMS 5	There are 14 hand count paper ballot counties and 2 punch card counties. Local printers create paper ballots and punch card books from County data.				
EMS 6	The system must allow the implementation of all election processes according to Idaho's election laws and procedures. Idaho Title 34 Election Laws				
EMS 7	The system must include a ballot design tool that is able to accept all election information for any election from any county in multiple formats. Counties use paper ballots, arrow optical scan, oval optical scan, square optical scan ballots and punch card ballots.				
EMS 8	The system must support Logic & Accuracy testing and the approval of the election officials before going live.				
EMS 9	Election officials and the vendor will perform L&A on every ballot style and proof all ballot return materials.				
EMS 10	The vendor must provide technical support for pre-election logic and accuracy testing by the state and counties. This testing will include but is not limited to: <ol style="list-style-type: none"> 1. Load blank ballots online. 2. Download correct ballots by precinct and split. 3. Mark the ballots online and print. 4. Print blank ballots for marking. 5. Tabulate and compare to expected results. 6. Download return mail package. 7. Download sample ballots by precinct and split. 				

	8. Test all links, email addresses and functionality.				
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Voter Registration System

		Meet	Can Meet – Incl. in Price	Can Meet – Extra Cost	Can't Meet
VR 1	Vendor's system must be capable of accepting data extract files downloaded from the Idaho State Voter Registration System (ISVRS) maintained by HP.				
VR 2	The system must be able to identify the correct ballot style for a voter based on the street file extract files from the voter registration system.				
VR 3	The system must be able to identify the eligible voters, and the specific ballots they are eligible to receive from the data extract files from the voter registration system.				
VR 4	The system must be able to accept a data extract file from the voter registration system(s) on a regular and convenient schedule to update eligible voters.				
VR 5	The system must help voters fill in the federal postcard application ("FPCA") form and pre-populate as much information as possible in the return form. The form must be printed, signed and returned by mail to the county.				
VR 6	If the voter is already registered, the system must create a barcode of the information on the pre-populated FPCA so that a local election office can scan the FPCA information for data entry.				

End User Experience

		Meet	Can Meet – Incl. in price	Can Meet – Extra Cost	Can't Meet
EU 1	The system must be securely accessible through the internet to verified and authorized voters.				
EU 2	The system must allow for authentication of the voter prior to the user seeing the ballot.				
EU3	Voters must not be required to manually install any specific election software or hardware on their personal computer to access the voting process (with the exception of Adobe Acrobat).				
EU 4	The system must support the use of the most common Internet browsers, operating systems, and Windows and Apple computers.				
EU 5	The system shall allow voters the option to download and print both blank and voted ballots and all required return materials on standard paper on standard printers.				
EU 6	The system must allow voters to access only the ballot style which they are eligible to vote.				
EU 7	Voters must select their voting options by directly selecting the candidate instead of using a code or indirect selection method.				
EU 8	The system must provide clear plain language instructions and warning messages.				
EU 9	The system must clearly distinguish between selected voting options from non-selected ones.				
EU 10	The system must provide a clear warning and must not allow for a voter to over-vote a contest.				
EU 11	The system must provide a clear warning if a voter is choosing to under-vote a contest.				
EU 12	The system must require a voter to deselect a choice prior to changing their selection in a given race.				
EU 13	The system must provide the voter with the option of modifying their selections by navigating directly to the appropriate race from the review screen. The system must permit the voter to return to the review screen without requiring the voter to re-navigate through other races.				

		Meet	Can Meet – Incl. in price	Can Meet – Extra Cost	Can't Meet
EU 14	Contests must appear one at a time. Voters must not have to scroll to read a contest unless the SOS approves the formatting with scrolling.				
EU 15	The system must enable configuration of write-ins according to Idaho Statutes. The write-in option must be selected as well as the candidate name written on a blank line.				
EU 16	Voting options must support the use of multiple languages. Specifically the system must support presentation, marking, printing and screen reading of the ballot in English and Spanish if multiple ballot language ballots are required in any Idaho county in the future.				
EU 17	The system must meet the following accessibility standards: Web Content Accessibility Guidelines (WCAG) 2.0 Section 508 of the U.S. Rehabilitation Act, Web-based Intranet and Internet Information and Applications (1194.22)				

Authorization - State and County Election Personnel

		Meet	Can Meet – Incl. in price	Can Meet – Extra Cost	Can't Meet
AUT 1	The system must be securely accessible through the internet to verified and authorized election administration personnel only.				
AUT 2	The system will have hierarchical passwords and roles defined to allow authorized personnel at the state and county to define how the system works and who has access.				
AUT 3	All access to the system, at the state and county levels, will be recorded in a secure real time audit log, reviewable by state officials at any time necessary.				

Ballot Layout

		Meet	Can Meet – Incl. in price	Can Meet – Extra Cost	Can' t Meet
BL 1	The system must enable configuration of ballot layout and rotation according to Idaho Code.				
BL 2	The ballot must be viewable to the voter on the screen and printable.				
BL 3	The system must be able to load a county ballot file to create the ballots in a timely manner. Ada County, the largest county in Idaho, can have over 500 ballot styles.				
BL 4	Sample ballots must be clearly labeled "Sample".				
BL 5	The vendor's proposal describes ballot data submission process from counties.				
BL 6	The vendor's proposal describes ballot proofing process for counties.				
BL 7	The vendor's proposal describes L&A testing procedures for the system.				

Security

		Meet	Can Meet – Incl. in price	Can Meet – Extra Cost	Can' t Meet
SEC 1	The system must use strong password requirements for all system user log-ins (authorized State and County users) A strong password requirement means an eight character or more password that contains alpha, numeric, and symbol characters.				
SEC 3	Voter's privacy must be protected throughout the voting process.				
SEC 4	The system must be available 24x7, handle traffic spikes, and provide industry standard counter-measures against attacks on availability (e.g. Distributed Denial-of-Service, Man in the Middle).				
SEC 5	The system must have an intrusion detection system that alerts the Idaho system administrator immediately to the presence of a person or entity that is not approved for access to the system.				
SEC 6	The system must prevent the system administrator,				

	system vendor and anyone else with access from having the ability to tally or count the votes from information created and stored by the action of the voter marking the ballot.				
SEC 7	The vendor's proposal discusses sub-contractors and security credentials comparable to employees.				
SEC 8	The servers hosting the system must be protected by common industry practices that include firewalls, 24/7 monitoring, and limited access protected by proper access controls.				
SEC 9	All personal identifying information must be protected via encryption or a substantially similar method.				
SEC 10	All system logs must be protected from manipulation in such a way that any manipulation of the logs can be detected.				
SEC 11	The system shall provide auditability to ensure that no unauthorized or unapproved voter or administrator can access the system.				
SEC 12	The system shall require a level of authentication to verify the voter is eligible to use the online system by matching the information provided by the voter against the official voter record.				
SEC 13	The system shall allow voters to access only the ballot style they are eligible to receive.				
SEC 14	Authorized election officials shall be the only entity with the ability to authorize individuals to use the system.				
SEC 15	The system shall not store any data on how the ballot was marked by the voter.				
SEC 16	Proposed solution must use at least 2048-bit encryption and follow NIST guidelines for security and encryption.				
SEC 17	The vendor's proposal describes how the system has been tested by an accredited testing organization such as NIST.				
SEC 18	The system must log all events. These events include but are not limited to the following: Log in and Log out. Must be tracked by class of user (e.g. voter, system admin, etc.) Failed log in attempts. Blank ballots downloaded. Completed ballots printed. Blank FPCA's downloaded. Completed FPCA's printed. Page loading failures.				
SEC 19	If online marking is utilized by the voter, all voting history must be deleted at the close of the browser session				

	from the web site and on the end user's device.				
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Ballot Delivery

		Meet	Can Meet – Incl. in price	Can Meet – Extra Cost	Can' t Meet
BD 1	The system shall ensure ballots are available for UOCAVA voters beginning no later than 45 days before Federal and/or State elections and 30 days before all other elections.				
BD 2	The system shall provide for a secure method to provide the voter to access his/her unique ballot style based upon his/her voter registration as required by Idaho law.				
BD 3	The system shall guarantee only eligible UOCAVA voters who have made timely application for absentee ballots and who have requested online ballot delivery can access the voting platform. The authentication for accessing the voting platform will require the voter to provide a combination of the following voter information: last name, first name, Idaho residence address, and date of birth.				
BD 4	The system must make available blank absentee ballots of the appropriate ballot style.				

Ballot Marking

		Meet	Can Meet – Incl. in price	Can Meet – Extra Cost	Can' t Meet
BM 1	The system shall allow for a single race at a time allowing the user to select “back” or “next” to move through the contests.				
BM 2	The system shall indicate the number of races to be voted e.g., 1 of 20, 2 of 20, 3 of 20, etc., if the races are displayed one at a time.				
BM 3	The system shall provide voters with instructions/help to vote his/her ballot.				
BM 4	The system shall provide a HAVA-compliant online onscreen marking interface for voters to mark their ballot including logic to prevent over voting and a warning to easily determine races that are under voted.				
BM 5	The system shall provide the voter with the opportunity to confirm, change and/or correct their ballot by navigating directly to the appropriate race from a review				

	screen prior to printing if contests are presented one at a time.				
BM 6	The system shall create materials defined by the office of the Secretary of State, which will include: Voted ballot instructions, oath and affidavit certificate, secrecy envelop template and return mailing envelope template. All ballots must be returned by mail.				

Ballot Return

		Meet	Can Meet – Incl. in price	Can Meet – Extra Cost	Can't Meet
BR 1	The system must generate for the voter all the return materials pre-filled with the required information about the voter, the county and the election official's office.				
BR 2	The system shall allow voters the option to mark a ballot on-line and then print the ballot or print and mark a blank ballot, and return the voted ballot(s) by mail.				
BR 3	Unique information for the ballot used shall be printed in the form of a barcode on the voter's mailing envelope.				
BR 4	The voter's privacy should be protected throughout the ballot duplication process.				
BR 6	The voter information to be prepopulated shall include: voter name, mailing address, precinct number, and any other unique information to identify a returned absentee ballot and record receipt by the county.				
BR 7	Proposed solution may enable automated ballot transcription. This automated transcription should be accomplished by scanning a barcode and printing a tabulation ready ballot on a ballot-on-demand printer. Provider must have delivered this feature in a live binding election.				
BR 8	The system must allow the voter to print complete jurisdiction-specific instructions for the return by U.S. mail of a marked ballot, to include but not limited to: cover sheets, mailing and security envelopes templates, postal and email addresses and oath statements.				
BR 10	The automated process must prevent the processing of the same ballot more than once.				
BR 11	The automated ballot duplication process must support write-ins.				

BR 12	The vendor's proposal describes how the proposed solution manages the possibility of a voter printing multiple ballots.				
BR 13	The vendor's proposal describes how a voter would manage a printer failure after marking a ballot online.				

Hosting

		Meet	Can Meet – Incl. in price	Can Meet – Extra Cost	Can't Meet
H 1	The system must be hosted on a secured environment and accessible to auditors upon request to do on-site verification of the applications running on the servers and the data stored in the database.				
H 2	The system must be protected by the highest level of military security to protect confidentiality and security of the system.				
H 3	The system is backed up and data is recoverable in the event of a catastrophic event.				
H 4	The vendor must immediately notify the state of any attach or data breach of the system.				
H 5	The system will be updated and maintained by qualified employees of the vendor. The state will be notified in the RFP response of any sub-contractors involved in the security or maintenance of the system.				

Reporting

		Meet	Can Meet – Incl. in price	Can Meet – Extra Cost	Can't Meet
REP 1	The system must collect statistics during the process.				
REP 2	The system must provide administrative users with a dashboard with statistics, warnings and status.				
REP 3	The system must provide authorized users with a variety of reports on demand and scheduled.				
REP 4	Reports must meet or exceed FVAP report requirements.				
REP 5	Reports must meet or exceed EAC reporting requirements.				

REP 6	Reports must be available in the required format of FVAP and EAC reports.				
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Help Desk

		Meet	Can Meet – Incl. in price	Can Meet – Extra Cost	Can' t Meet
HD 1	A Help Desk must be provided for voters and election administration personnel. Vendor will maintain Help Desk statistics on help request volume, resolution, and response time, and provide reports to the Secretary of State.				
HD 2	Help Desk must be available during normal business hours in Idaho (MST and PST) for administrators during the ballot loading phase before each election and during reporting periods.				
HD 3	A Help Desk manual must be provided to the counties to assist voters that call or email.				
HD 4	Help Desk must be available twenty-four (24) hours a day, seven days a week, for UOCAVA voters as soon as ballots are posted online and no later than forty-five (45) days prior to Primary and General elections.				
HD 5	Help Desk must provide support at a minimum by toll-free telephone and email.				
HD 6	A knowledge base document generated from help desk requests and responses will be provided to the state and county and updated following each election.				

Training

		Meet	Can Meet – Incl. in price	Can Meet – Extra Cost	Can' t Meet
TR 1	The vendor shall train all appropriate elections personnel on the use and administer the system.				
TR 2	Training shall be done in person with follow-up and refresher training available online.				
TR 3	The vendor should provide all documentation, appropriate for the state and the counties, and training materials needed to perform a comprehensive training program in both paper and electronic versions.				
TR4	Electronic training materials will be searchable				

Sample Ballot

		Meet	Can Meet – Incl. in price	Can Meet – Extra Cost	Can't Meet
SB 1	The system shall provide an appropriate sample ballot for all voters in all counties for all elections by precinct and split as necessary.				
SB 2	The system will not allow a sample ballot to be voted.				
SB 3	Sample ballots will be marked clearly "Sample Ballot" and may be printed by the voter.				
SB 4	The online portal will clearly be divided between Sample Ballot access and UOCAVA access to actual ballots.				
SB 5	The system will provide a precinct/split specific sample ballot.				
SB 6	Timing tracks and bar codes will be removed from sample ballots.				
SB 7	Sample ballots will be available as soon as possible and no later than 45 days before Federal elections and 30 days before all other elections.				
SB 8	The sample ballot web page must contain specific contact links, email and phone number to the voter's county election department, Secretary of State web site and idahovotes.gov.				
SB 9	Voters should have access to the Help Line if they have difficulty accessing their ballot.				
SB10	The sample ballot should have a notice to the voter that their ballot at the polls may look different than the online sample (depending on the county ballot type) but the races and candidates are the same.				

Accessible Ballot

		Meet	Can Meet – Incl. in price	Can Meet – Extra Cost	Can't Meet
AB 1	The system must allow the option for persons with disabilities to access, vote and print their precinct specific ballot from the computer of their choice.				
AB 2	Instructions for all phases of locating, downloading, marking, reviewing, printing and returning an absentee ballot should be in an audio format and/or compatible with screen readers.				
AB 3	The system must allow accessible voting using a voter's own internet capable device, or a device provided by the county at the polling place to access, download, mark and print the appropriate ballot at a polling place or early voting site.				
AB 4	The system must provide a solution for accessible voting for polling places without internet access.				
AB 5	The vendor's proposal describes the recommended COTS equipment necessary for compatibility with the system to implement at a polling site with internet connectivity, including internet capable devices, operating systems, and printers.				
AB 6	The vendor's proposal describes the recommended equipment necessary for compatibility with the solution to implement at a polling site <u>without</u> internet connectivity, include devices, operating systems, and printers.				
AB 7	The vendor's proposal describes how the system can produce a CD-ROM with the ballot and voter data for each polling place and run on a laptop as a backup.				

APPENDIX C

Cost Proposal and Billing Procedure

Part 1: Cost Proposal: Altering the format may result in a finding that your proposal is non-responsive.

<i>Description</i>	<i>Dollar Amount</i>
Initial system Purchase, to including year one (1) Support	\$
Implementation and Training*	\$
Total Cost for one full year (Year 2).	\$
Total Cost for one full year (Year 3).	\$
Total Cost for one full year (Year 4).	\$
Total Cost for one full year (Year 5).	\$
<i>Total Firm/Fixed Fully burdened Cost for Implementation & Five (5) years of service</i>	\$

All Costs shall be Firm/Fixed and *Fully Burdened.

*Fully Burdened includes all direct and indirect cost including travel, lodging, and out of pocket costs for providing services in Idaho.

Part 2: Billing Procedure:

The contractor must provide the following information with each invoice:

- 1 Contract Number (and name of project/product, if appropriate)
- 2 Identification of Billing Period.
- 3 Total amount billed for the billing period.
- 4 Detailed description of services/products provided and associated # of hours/\$ amounts, as appropriate.
- 5 Name of authorized individual/contact information for Contractor

Invoices and reports are to be submitted to:

Jim Mairs
Office of the Secretary of State
Room # E205
700 West Jefferson
Boise, ID 83720

ATTACHMENT 1
VENDOR QUESTIONS

PLEASE DO NOT IDENTIFY YOUR NAME OR YOUR COMPANY'S NAME OR PRODUCT NAMES OF INTELLECTUAL PROPERTY IN YOUR QUESTIONS.

ADD ROWS BY HITTING THE TAB KEY WHILE WITHIN THE TABLE AND WITHIN THE FINAL ROW.

The following instructions must be followed when submitting questions using the question format on the following page.

1. DO NOT CHANGE THE FORMAT OR FONT. Do not bold your questions or change the color of the font.
2. Enter the RFP section number that the question is for in the "RFP Section" field (column 2). If the question is a general question not related to a specific RFP section, enter "General" in column 2. If the question is in regards to a State Term and Condition or a Special Term and Condition, state the clause number in column 2. If the question is in regard to an attachment, enter the attachment identifier (example "Attachment A") in the "RFP Section" (column 2), and the attachment page number in the "RFP page" field (column 3).
3. Do not enter text in column 5 (Response). This is for the State's use only.
4. Once completed, this form is to be e-mailed per the instructions in the RFP. The e-mail subject line is to state the RFP number followed by "Questions."

ATTACHMENT 1 - VENDOR QUESTIONS
RFP # 12014 Web-based Ballot Delivery System

Question	RFP Section	RFP Page	Question	Response
1				
2				
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ATTACHMENT 2 REFERENCES

INSTRUCTIONS TO THE VENDOR:

Vendors will be scored on three (3) completed reference questionnaires (if more than three are received, reference scores will be averaged). The completed references questionnaires must be from individuals, companies, or agencies with knowledge of the vendor's experience that is similar in nature and scope to the products or services being requested by this RFP, and are within the last (3) years from the date this RFP was posted to IPRO.

References not received prior to the RFP Closing Date and time will receive a score of "0" for that reference. References outside the requisite number of years (See paragraph above), and references determined to be not of a similar nature and scope to the products or services requested by this RFP will also receive a score of "0" points. **Determination of similar will be made by using the information provided by the reference in Section II of the Reference Questionnaire, General Information and any additional information provided by the reference.**

REFERENCES MUST BE RECEIVED BY THE OFFICE OF THE SECRETARY OF STATE, DIRECTLY FROM THE REFERENCE IN ORDER TO BE CONSIDERED.

1. Offers must complete the following information on page 2 of the "Reference's Response To" document before sending it to the Reference for response.
 - a. Print the name of your reference (company/organization) on the "REFERENCE NAME" line.
 - b. Print the name of your company/organization on the "VENDOR NAME" line.
 - c. Be certain that the RFP Closing date and time in Instruction 5, on the following page, is correct.
2. Send the "Reference's Response To" document to your references to complete.

NOTE: It is the vendor's responsibility to follow up with its references to ensure timely receipt of all questionnaires. Vendors may e-mail the RFP Lead prior to the RFP closing date to verify receipt of references.

**REFERENCE QUESTIONNAIRE
REFERENCE'S RESPONSE TO: IDAHO RFP 12014**

RFP Title: **Web-based Ballot Delivery System for UOCAVA Voters**

REFERENCE NAME (Company/Organization): _____

VENDOR (Vendor)NAME (Company/Organization):_____ has submitted a proposal to the State of Idaho, Office of the Secretary of State, to provide the following services: Web-based allot Delivery System for UOCAVA Voters. We've chosen you as one of our references.

INSTRUCTIONS

1. Complete **Section I. RATING** using the Rating Scale provided.
2. Complete **Section II. GENERAL INFORMATION** (*This section is for information only and will not be scored.*)
3. Complete **Section III. ACKNOWLEDGEMENT** by manually signing and dating the document. (*Reference documents must include an actual signature.*)
4. E-mail or fax **THIS PAGE** and your completed reference document, **SECTIONS I through III** to:

RFP Lead: Jim Mairs, HAVA Coordinator

E-mail: jmairs@sos.idaho.gov

Fax: 208-334-2282

5. This completed document must be received no later than Friday, May 30, 2014 at 5:00 p.m. (Mountain Time). Reference documents received after this time will not be considered. **References received without an actual signature will not be accepted.**
6. DO **NOT** return this document to the Vendor.
7. In addition to this document, the State may contact references by phone for further clarification if necessary.

Section I. RATING

Using the Rating Scale provided below, rate the following numbered items by circling the appropriate number for each item:

Rating Scale	
Category	Score
Poor or Inadequate Performance	0
Below Average	1 – 3
Average	4 – 6
Above Average	7 - 9
Excellent	10

Circle **ONE** number for each of the following numbered items:

1. Rate the overall quality of the vendor's services:

10 9 8 7 6 5 4 3 2 1 0

2. Rate the response time of this vendor:

10 9 8 7 6 5 4 3 2 1 0

3. Rate how well the agreed upon, planned schedule was consistently met and deliverables provided on time.
(*This pertains to delays under the control of the vendor*):

10 9 8 7 6 5 4 3 2 1 0

4. Rate the overall customer service and timeliness in responding to customer service inquiries, issues and resolutions:

10 9 8 7 6 5 4 3 2 1 0

5. Rate the knowledge of the vendor's assigned staff and their ability to accomplish duties as contracted:

10 9 8 7 6 5 4 3 2 1 0

6. Rate the accuracy and timeliness of the vendor's billing and/or invoices:

10 9 8 7 6 5 4 3 2 1 0

7. Rate the vendor's ability to quickly and thoroughly resolve a problem related to the services provided:

10 9 8 7 6 5 4 3 2 1 0

8. Rate the vendor's flexibility in meeting business requirements:

10 9 8 7 6 5 4 3 2 1 0

9. Rate the likelihood of your company/organization recommending this vendor to others in the future:

10 9 8 7 6 5 4 3 2 1 0

Section II. GENERAL INFORMATION

1. Please include a brief description of the services provided by this vendor:

2. During what time period did the vendor provide these services for your business?

Month: _____ Year: _____ to Month: _____ Year: _____

Section III. ACKNOWLEDGEMENT

I affirm to the best of my knowledge that the information I have provided is true, correct, and factual:

Signature of Reference

Date

Print Name

Title

Phone Number

E-mail address

ATTACHMENT 3

RFP CHECKLIST

The following checklist, provided below, is NOT intended as an exhaustive list of all items required in your response, but rather as an additional tool for Vendors to utilize as they work their way through the RFP. There may be additional required items that do not appear on the provided checklist; it is the responsibility of the vendor to review all instructions on the Request for Proposals solicitation, download attachments, including addendums, and read, review and complete all required elements of this solicitation, as described in the RFP documents.

___ Section 3, Proposal Format, 3.3 – 3.11, inclusive

___ Appendix A, Scope of Work (Section 4)

___ Appendix B, Cost Proposal

___ Signature Page

___ Affidavit – Illegal Aliens. 3.3.8.

___ Drug Alcohol Affidavit – Attachment 4

ATTACHMENT 4
CONTRACTOR'S AFFIDAVIT

CONCERNING ALCOHOL AND DRUG-FREE WORKPLACE

STATE OF ____

COUNTY OF

The undersigned being duly sworn upon oath deposes and says that _____
(Contractor Name) complies with the

provisions of Section 72-1717 Idaho Code (Drug Free Workplace program); that

_____ provides a drug-free workplace program that complies with the
(Contractor Name)

provisions of Idaho Code, Title 72, Chapter 17 and will maintain such program throughout the life this

contract and that _____ shall subcontract work only to
(Contractor Name)

subcontractors meeting the requirements of Idaho Code, section 72-1717(1)(a).

Name of Contractor

Address

City and State

By: _____
(Signature)

Subscribed and sworn to before me this _____ day of _____, in the year _____. Commission expires: _____

NOTARY PUBLIC, residing at

ATTACHMENT 4

Federal Contract Clauses Required in Final Agreement

Circular A-110

[Circular A-110](#)

The Grant Award Agreement specifies that Idaho follow the same policies and procedures it uses for procurements from non-federal funds. The clauses required by federal statute are found in Appendix A of Circular A-110.

Appendix A

Contract Provisions

All contracts, awarded by a recipient including small purchases, shall contain the following provisions as applicable:

1. Equal Employment Opportunity - All contracts shall contain a provision requiring compliance with E.O. 11246, "Equal Employment Opportunity," as amended by E.O. 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," and as supplemented by regulations at 41 CFR part 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor."

2. Copeland "Anti-Kickback" Act (18 U.S.C. 874 and 40 U.S.C. 276c) - All contracts and subgrants in excess of \$2000 for construction or repair awarded by recipients and subrecipients shall include a provision for compliance with the Copeland "Anti-Kickback" Act (18 U.S.C. 874), as supplemented by Department of Labor regulations (29 CFR part 3, "Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States"). The Act provides that each contractor or subrecipient shall be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he is otherwise entitled. The recipient shall report all suspected or reported violations to the Federal awarding agency.

3. Davis-Bacon Act, as amended (40 U.S.C. 276a to a-7) - When required by Federal program legislation, all construction contracts awarded by the recipients and subrecipients of more than \$2000 shall include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 276a to a-7) and as supplemented by Department of Labor regulations (29 CFR part 5, "Labor Standards Provisions Applicable to Contracts Governing Federally Financed and Assisted Construction"). Under this Act, contractors shall be required to pay wages to laborers and mechanics at a rate not less than the minimum wages specified in a wage determination made by the Secretary of Labor. In addition, contractors shall be required to pay wages not less than once a week. The recipient shall place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation and the award of a contract shall be conditioned upon the acceptance of the wage determination. The recipient shall report all suspected or reported violations to the Federal awarding agency.

4. Contract Work Hours and Safety Standards Act (40 U.S.C. 327-333) - Where applicable, all contracts awarded by recipients in excess of \$2000 for construction contracts and in excess of \$2500 for other contracts that involve the employment of mechanics or laborers shall include a provision for compliance with Sections 102 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-333), as supplemented by Department of Labor regulations (29 CFR part 5). Under Section 102 of the Act, each contractor shall be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than 1 ½ times the basic rate of pay for all hours worked in excess of 40 hours in the work week. Section 107 of the Act is applicable to construction work and provides that no laborer or mechanic shall be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

5. Rights to Inventions Made Under a Contract or Agreement - Contracts or agreements for the performance of experimental, developmental, or research work shall provide for the rights of the Federal Government and the recipient in any resulting invention in accordance with 37 CFR part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by the awarding agency.

6. Clean Air Act (42 U.S.C. 7401 et seq.) and the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), as amended - Contracts and subgrants of amounts in excess of \$100,000 shall contain a provision that requires the recipient to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401 et seq.) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251 et seq.). Violations shall be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

7. Byrd Anti-Lobbying Amendment (31 U.S.C. 1352) - Contractors who apply or bid for an award of \$100,000 or more shall file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier shall also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the recipient.

8. Debarment and Suspension (E.O.s 12549 and 12689) - No contract shall be made to parties listed on the General Services Administration's List of Parties Excluded from Federal Procurement or Non procurement Programs in accordance with E.O.s 12549 and 12689, "Debarment and Suspension." This list contains the names of parties debarred, suspended, or otherwise excluded by agencies, and contractors declared ineligible under statutory or regulatory authority other than E.O. 12549. Contractors with awards that exceed the small purchase threshold shall provide the required certification regarding its exclusion status and that of its principal employees.

Circular 2 CFR 170.320

Circular 2 CFR 170.320

§ 170.320 Federal financial assistance subject to the Transparency Act. Federal financial assistance subject to the Transparency Act means assistance that non-Federal entities described in §170.105 receive or administer in the form of—

- (a) Grants;
 - (b) Cooperative agreements (which does not include cooperative research and development agreements pursuant to the Federal Technology Transfer Act of 1986, as amended (15 U.S.C. 3710a));
 - (c) Loans;
 - (d) Loan guarantees;
 - (e) Subsidies;
 - (f) Insurance;
 - (g) Food commodities;
 - (h) Direct appropriations;
 - (i) Assessed and voluntary contributions; and
 - (j) Other financial assistance transactions that authorize the non-Federal entities' expenditure of Federal funds.
- (b) Does not include—
- (1) Technical assistance, which provides services in lieu of money;
 - (2) A transfer of title to Federally owned property provided in lieu of money, even if the award is called a grant;
 - (3) Any classified award; or
 - (4) Any award funded in whole or in part with Recovery funds, as defined in section 1512 of the American Recovery and Reinvestment Act of 2009 (Pub. L. 111–5).

EDITORIAL NOTE: At 75 FR 55669, Sept. 14, 2010, § 170.320 was added with two paragraph (b)s.

OMB Circular Q-133

Circular No. A-133

Revised to show changes published in the Federal Register, June 27, 2003
Audits of States, Local Governments, and Non-Profit Organizations

TO THE HEADS OF EXECUTIVE DEPARTMENTS AND ESTABLISHMENTS
SUBJECT: Audits of States, Local Governments, and Non-Profit Organizations

1. Purpose. This Circular is issued pursuant to the Single Audit Act of 1984, P.L. 98-502, and the Single Audit Act Amendments of 1996, P.L. 104-156. It sets forth standards for obtaining consistency and uniformity among Federal agencies for the audit of States, local governments, and non-profit organizations expending Federal awards.
2. Authority. Circular A-133 is issued under the authority of sections 503, 1111, and 7501 et seq. of title 31, United States Code, and Executive Orders 8248 and 11541.
3. Rescission and Supersession. This Circular rescinds Circular A-128, "Audits of State and Local Governments," issued April 12, 1985, and supersedes the prior Circular A-133, "Audits of Institutions of Higher Education and Other Non-Profit Institutions," issued April 22, 1996. For effective dates, see paragraph 10.
4. Policy. Except as provided herein, the standards set forth in this Circular shall be applied by all Federal agencies. If any statute specifically prescribes policies or specific requirements that differ from the standards provided herein, the provisions of the subsequent statute shall govern. Federal agencies shall apply the provisions of the sections of this Circular to non-Federal entities, whether they are recipients expending Federal awards received directly from Federal awarding agencies, or are subrecipients expending Federal awards received from a pass-through entity (a recipient or another subrecipient). This Circular does not apply to non-U.S. based entities expending Federal awards received either directly as a recipient or indirectly as a subrecipient.
5. Definitions. The definitions of key terms used in this Circular are contained in §____.105 in the Attachment to this Circular.
6. Required Action. The specific requirements and responsibilities of Federal agencies and non-Federal entities are set forth in the Attachment to this Circular. Federal agencies making awards to non-Federal entities, either directly or indirectly, shall adopt the language in the Circular in codified regulations as provided in Section 10 (below), unless different provisions are required by Federal statute or are approved by the Office of Management and Budget (OMB).
7. OMB Responsibilities. OMB will review Federal agency regulations and implementation of this Circular, and will provide interpretations of policy requirements and assistance to ensure uniform, effective and efficient implementation.
8. Information Contact. Further information concerning Circular A-133 may be obtained by contacting the Financial Standards and Reporting Branch, Office of Federal Financial Management, Office of Management and Budget, Washington, DC 20503, telephone (202) 395-3993.
9. Review Date. This Circular will have a policy review three years from the date of issuance.
10. Effective Dates. The standards set forth in §____.400 of the Attachment to this Circular, which apply directly to Federal agencies, shall be effective July 1, 1996, and shall apply to audits of fiscal years beginning after June 30, 1996, except as otherwise specified in §____.400(a). The

standards set forth in this Circular that Federal agencies shall apply to non-Federal entities shall be adopted by Federal agencies in codified regulations not later than 60 days after publication of this final revision in the Federal Register, so that they will apply to audits of fiscal years beginning after June 30, 1996, with the exception that §____.305(b) of the Attachment applies to audits of fiscal years beginning after June 30, 1998. The requirements of Circular A-128, although the Circular is rescinded, and the 1990 version of Circular A-133 remain in effect for audits of fiscal years beginning on or before June 30, 1996. The revisions published in the Federal Register June 27, 2003, are effective for fiscal years ending after December 31, 2003, and early implementation is not permitted with the exception of the definition of oversight agency for audit which is effective July 28, 2003. Augustine T. Smythe, Acting Director.