



Addendum No. 3
MJUD Master Contract – Staff Augmentation & Professional Consulting Services
K23-0094-25L

05/04/2023

The purpose of this addendum is to amend and clarify certain portions of the above-referenced solicitation with all prospective bidders/offerors.

Questions:

Q227. Please confirm that Offer Profile and Available Resources should be separate sections, for the online upload to portal, even though in section IV,b.2 on page 27 of the RFP they are listed together. Can the state please provide an amendment to the RFP, that combine these section, to follow the RFP structure?

A227. No. Section IV.B.2.a.(4) and Section IV.B.2.b.(2) are entirely different submittals.

Q228. Section IV.B.2.b.(1). states "Offeror's Proposal shall reference the organization and numbering of Sections in the RFP (e.g., "Section III.A.1 Response..."; "Section III.A.2 Response...", etc.). Is A.1 refers to FA 1 (Functional areas 1 - 6)?

A228. The "(e.g., Section III.A.1. Response...)" is an example. Offerors shall submit a Technical Response in accordance with Section IV.B.2.b.(1) where the response references the organization and numbering of the Section in the RFP.

Q229. To speed up procurement, would the AOC consider disclaiming to previously negotiated cooperative contracts?

A229. No.

Q230. Can the following be removed as a requirement: Section II.O.5.b.(1)., Cyber Liability & Data Breach Insurance \$5,000,000 per occurrence for any service offering by the Successful Offeror.

A230. No. Section II.O.5. includes insurance requirements that may be required for PORFPs issued under this Master Contract. The only required insurance coverages to submit for this RFP is outlined in Section III.O.4.

Q231. What is the average tenure of the temporary resources?

A231. This would depend on the functional area. For example, FA1 is typically five-year placements, whereas FA2 will be one-time projects where length will be set at the PORFP level.

Q232. Section III.D.3.d., states the AOC reserves the right to establish retainage for any PORFP issued under this Master Contract, provided that no retainage exceeds 10%. Retainage conditions, including the percentage of retainage, whether retainage is cumulative, and the timeframe(s) and conditions(s) for release of retainage will be defined in the PORFP. Can you explain why this would happen?

A232. If a Successful Offeror is awarded a one-time project (e.g., FA2, FA4, FA6) with outstanding deliverables, the AOC reserves the right to retain up to 10% until the project is completed. The actual retainage will be defined in the individual PORFPs.

Q233. Are H1B Immigration Visa Holders eligible for positions?

A233. The AOC will not sponsor proposed resources.

Q234. Are there any restrictions on the legal status for applicants regarding these positions?

A234. The AOC will not sponsor proposed resources. Offerors shall also review Section I.R-S of the RFP.

Q235. Can Non-U.S. Citizens be placed in these positions?

A235. The AOC will not sponsor proposed resources.

- Q236.** Should we provide names/contact information for possible candidates along with the high-level descriptions? Or should we keep all personal information anonymous in our response?
- A236.** The RFP does not request names/contact information for possible candidates.
- Q237.** Section IV.B.2.a.(2). states that Offerors must identify “any information which is claimed to be confidential and/or proprietary”. What should Offerors submit here if we do not have any confidential information to claim?
- A237.** Nothing. It is an optional submittal.
- Q238.** Section IV.B.2.b.(1)., states “Offerors shall address each RFP requirement (Section III), including Attachment 2 & 3 (as applicable) in the Proposal and describe how its proposed services will meet or exceed those requirements”. Since the positions listed in Attachments 2 and 3 are only potential/sample positions, how should Offerors address the requirement of providing these specific positions? Do we need to state our experience/ability providing services for each of the specific positions listed or only the services of the functional area as a whole?
- A238.** Yes. Offerors shall submit in accordance with Section IV.B.2.b.(1).
- Q239.** Section IV.B.2.b.(1)., states “Offerors shall address each RFP requirement (Section III), including Attachment 2 & 3 (as applicable) in the Proposal and describe how its proposed services will meet or exceed those requirements (as applicable per functional area). Offeror’s Proposal shall reference the organization and numbering of Sections in the RFP (e.g., “Section III.A.1 Response...”; “Section III.A.2 Response...”, etc.)”. For all requirements in Sections 1 and 2, do we need to address each requirement section by section (such as sections titled “False Statements”, “Contract Type”, “Incurred Expenses”, etc.)? It seems difficult to address some of these smaller sections without simply stating agreement, which you have outlined that you do not want us to do.
- A239.** The RFP does not request responses to your examples (e.g., False Statement, Contract Type, etc.). Please review Section IV.B.2.b.(1) of the RFP where it specifically states, “address each RFP requirement (Section III), including Attachment 2&3.”
- Q240.** Section IV.B.2.b.(2)., states, “Offeror shall identify the experience, qualifications, and types of staff proposed to be utilized under the contract. Specifically, the Offeror shall describe in detail how the proposed staff’s experience and qualifications relate to their specific responsibilities.” In this section does proposed staff refer to the offeror’s internal recruitment/consultant team staff? For offeror’s responding to the staffing functional areas, do we also need to provide information here about potential future candidates that we would submit to perform the work? If so, should we base the potential candidates needed off of the positions provided in Attachments 1 and 2?
- A240.** No, it does not refer to the Offeror’s internal recruitment/consultant team staff. Offerors shall supply information as requested in Section IV.B.2.b.(2) of the RFP.
- Q241.** Regarding Functional Areas III and IV, can the AOC provide insight on what would constitute a competitive response to these areas? Should Offerors describe previous examples delivering staff augmentation services and consulting services for clients in the field of education, or provide our overarching ethos on delivering services to this field?
- A241.** Yes, and yes. Offeror shall provide submittals in accordance with Section IV.B.2. of the RFP.
- Q242.** Our carrier is unable to provide a 60 days’ notice of insurance cancellation, as 30 days is standard. Can this item be changed to reflect 30 days?
- A242.** No.
- Q243.** Who performs the background check and what is typically involved?
- A243.** The AOC uses a third-party to conduct background checks, and will approve/deny an individual at our discretion.

- Q244.** Can you provide the screening requirements to meet the Criminal Justice Information System (CJIS) State and Federal criminal background check needs for personnel assigned to account?
- A244.** The Judiciary leverages a third-party provider to run checks of both federal and state criminal and civil databases. The results are then dispositioned by the Judiciary. We are not able to share specific screening methodologies.
- Q245.** Will AOC consider providing 30-day notice of termination?
- A245.** No.
- Q246.** Will AOC agree to a mutual no-hire agreement?
- A246.** No.
- Q247.** Does the AOC expect each PORFP to operate only in a single Functional Area? Should the Labor Categories in each Functional Area need to plan for all possibilities, or can one Functional Area use Labor Categories from another Functional Area? For instance, a PORFP on financial management system migration could require technology experts from FA-II, training experts from FA-IV, and domain experts from FA-VI. Should there be redundant Labor Categories in each Functional Area proposal to plan for that possibility, or will a contractor be able to pull from approved Functional Areas as needed?
- A247.** Yes. In your example, the AOC would issue a PORFP under FA VI only to Master Contracts awarded in FA VI.
- Q248.** Does the AOC expect to grade each Functional Area proposal comprehensively or each type of work individually? For instance, if a contractor submits a FA-II proposal on six (6) of the eight (8) areas mentioned in Attachment 3, and AOC only views the contractor as acceptable in five (5) of those six (6) areas, would the contractor be approved for those five (5) areas or does the entire FA-II proposal get rejected?
- A248.** The AOC will evaluate proposals from each Offeror for each functional area separately. The AOC understands that Offerors will have specializations within the functional areas and intends to make award to Offerors to ensure maximum secondary competition. The award is by functional area, and not areas within a functional area. In your example, the Offeror may be awarded for FAII, and would simply not respond to PORFPs issued under FAII where they do not have the resources or experience.
- Q249.** We note that “The Successful Offeror will be required to follow all current Judiciary protocols referencing pandemic flu or other infectious diseases including, but not limited to, proof of vaccination, producing negative COVID tests, completing/passing an initial screening questionnaire, non-contact temperature taking, the wearing of personal protective equipment (e.g., face mask), and practicing appropriate social distancing.” Would the AOC please clarify what current Judiciary protocols are, or otherwise confirm that protocols are in line with Safer Federal Workforce Task Force guidance (<https://www.saferfederalworkforce.gov/contractors/>)?
- A249.** There are currently no pandemic related protocols in place. The latest updates are available at www.mdcourts.gov.
- Q250.** Would the AOC clarify the number of allowable characters in each cell of the Offeror Experience/References Excel file? For example, the total number of characters that a cell can contain is 32,767; however, a cell can only display about 1,200 characters.
- A250.** The Procurement Portal will display the entire response to a cell to the evaluation committee during evaluation within the Procurement Portal.
- Q251.** Can the AOC please confirm the language/any specific information that is being expected in the Transmittal Letter?
- A251.** The AOC has no specific language/information required other than what is listed in Section IV.B.2.a.(1).
- Q252.** Can the forms be filled out and signed electronically or is wet ink required?
- A252.** Electronic signature and wet ink are both acceptable signatures.

Q253. Do any of the forms need to be notarized?

A253. No.

Q254. Is there a naming convention for the response?

A254. No.

Q255. Can the AOC clarify if Offerors have to just answer Acknowledgments, Section IV.B.1., in the portal or do we have to include them in the response?

A255. In the Procurement Portal, as stated in Section IV.B.1. of the RFP.

Q256. Can the AOC clarify if Offerors have to respond to Offeror Profile on the portal only or do we have to include it in the response as well?

A256. See Section IV.B.2.a.(4). of the RFP. Offerors shall download the Offeror Profile Questionnaire, completely fill out the questionnaire, and upload in the Procurement Portal where requested.

Q257. Can the AOC confirm, if we are responding to multiple Task areas, do we have to address all Task Areas in a single response file or different?

A257. See RFP Section IV.B.2.b., for all required submittals per Functional Area, and submit in accordance with Section IV.A. of the RFP. In the Procurement Portal, after submitting your intent to bid, and selecting the functional areas for which you intend to propose, the Procurement Portal will automatically create areas to upload the required/optional submittals based on your selections.

Q258. Can the AOC clarify if Offerors can provide references of ongoing contracts?

A258. Yes.

Q259. Section IV.B2.b.(2)., under Offeror Personnel Experience & Qualifications, do Offerors have to provide the number of available resources on our payroll or talent pool?

A259. The AOC does not make a distinction between resources on your payroll or talent pool. The response shall encompass any available resources at your disposal.

Q260. Can the Judiciary please provide the average or anticipated length of assignments by skill type?

A260. This would depend on the functional area. For example, FA1 is typically five-year placements, whereas FA2 will be one-time projects where length will be set at the PORFP level.

Q261. Is it acceptable for the same answers to be used in different Functional Areas (i.e., the provision of qualified personnel to Maryland Judiciary on a temporary basis, with the goal of augmenting Maryland Judiciary's existing workforce)?

A261. Yes.

Q262. Within the technical response(s), what further information is Maryland Judiciary seeking, apart from explicit agreements to part (3) Duration, part (4) Deliverables, and part (5) Compensation?

A262. See Section IV.B.2.b.(1) and Section V.B. para. 2. of the RFP.

Q263. Will Terms and Conditions be negotiable for individual PORFP awards?

A263. No.

Q264. Does acknowledging the terms and conditions for the master contract submission prohibit negotiation or edits to the terms and conditions for specific PORFP awards?

A264. See Section IV.b.1.a. of the RFP. The AOC is not accepting any exceptions to terms and conditions.

Q265. Can an Offeror partially participate in this contract?

A265. Offerors may propose for one (1), or more than one (1) functional area.

Q266. Would Maryland Judiciary consider extending the submission deadline for proposal responses?



A266. No.

Q267. What are the current hourly bill rates or mark-up percentage that Maryland Judiciary spends for each position?

A267. The hourly rates vary by resource, and cannot be disclosed.

Q268. What percentage of temporary personnel has Maryland Judiciary converted to full time employees in the past?

A268. This Master Contractor does not create an employee/employer relationship.

Q269. Has Maryland Judiciary ever awarded this work to a non-local vendor

A269. Yes.

Q270. Will the PORFP allow a vendor to bill for overtime, even in just cases of travel?

A270. PORFPs will include information specific to that project regarding compensation, and travel.

Q271. Regarding consulting vs. Staff Augmentation, for the consulting categories, would Offerors just be providing personnel or would software/hardware be required?

A271. Software/hardware is not included in the RFP.

Q272. Please confirm that offerors are only required to input the contract and POC information in the Offeror Experience/Reference Questionnaire, and the AOC will directly contact the Offeror's POCs for performing the reference checks.

A272. The RFP does not state those are the only required fields. Offerors shall complete every available field on the Offeror Experience/Reference Questionnaire.

Q273. There are obvious differences with staff augmentation and consulting services and simple items such as with who is supervising under the staff augmentation agreement. Should Offerors expect any additional terms at the SOW stage? What should be the additional terms for consulting services around deliverables?

A273. Specific project requirements will be set at the PORFP level, and the RFP provides examples in Section III.

Q274. Is the state able to provide a minimum or expected number of positions annually?

A274. No.

All addenda will be incorporated into the final contract documents and will be binding on all Bidders/Offerors responding to this solicitation. Each Bidder/Offeror submitting a bid/proposal must acknowledge receipt of all addenda on the Procurement Portal; failure to acknowledge addenda may result in the rejection of the bid/proposal.

If you have any questions regarding this addendum, please contact me at (410) 260-2468 or email me at Savannah.Healy@mdcourts.gov

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Procurement Officer

