

State of Minnesota

Department of Education



REQUEST FOR PROPOSAL

External Evaluator for Preschool Development Grant Efforts

Date Posted: July 6, 2020

- Responses must be received not later than 2:00 p.m., Central Time, July 27, 2020
- Late responses will not be considered

Minnesota's Commitment to Diversity and Inclusion

The State of Minnesota is committed to diversity and inclusion in its public procurement process. The goal is to ensure that those providing goods and services to the State are representative of our Minnesota communities and include businesses owned by minorities, women, veterans, and those with substantial physical disabilities. Creating broader opportunities for historically under-represented groups provides for additional options and greater competition in the marketplace, creates stronger relationships and engagement within our communities, and fosters economic development and equality.

To further this commitment, the Department of Administration operates a program for Minnesota-based small businesses owned by minorities, women, veterans, and those with substantial physical disabilities. For additional information on this program, or to determine eligibility, please call 651-296-2600 or go to www.mn.gov/admin/oep.

SPECIAL NOTICE: This is a request for proposal. It does not obligate the State of Minnesota or the Department of Education to award a contract or complete the proposed program, and the State reserves the right to cancel this solicitation if it is considered in its best interest.

TABLE OF CONTENTS

Solicitation Content

| | |
|--|----|
| SECTION 1 – INSTRUCTIONS TO RESPONDERS | 3 |
| SECTION 2 – SUMMARY OF SCOPE | 4 |
| SECTION 3 – PROPOSAL INSTRUCTIONS AND ADDITIONAL INFORMATION | 8 |
| SECTION 4 – PROPOSAL CONTENT | 10 |
| SECTION 5 – EVALUATION PROCEDURE AND CRITERIA | 13 |
| SECTION 6 – SOLICITATION TERMS | 14 |

Solicitation Attachments

- Attachment A: Responder Declarations
- Attachment B: Exceptions to State's Terms and Conditions
- Attachment C & C-1: Cost Proposal
- Attachment D: Responder Forms
 - Veteran-Owned Preference Form (If Applicable)
 - Workforce Certificate Information Form
 - Equal Pay Certificate

Sample Contract

- Exhibit A: Contract Terms
- Exhibit B: Insurance Requirements
- Exhibit C: Specifications, Duties, and Scope of Work
- Exhibit D: Pricing
- Exhibit E: State of Minnesota Security Requirements

SECTION 1 – INSTRUCTIONS TO RESPONDERS

Steps for
Completing Your
Response

Follow the steps below to complete your response to this Solicitation:

- Step 1: Read the solicitation document and ask questions, if any
- Step 2: Write your response
- Step 3: Sign and submit your response

Incomplete
Submittals

A response must be submitted along with any required additional documents. Incomplete responses that materially deviate from the required format and content may be rejected.

STEP 1 – READ THE SOLICITATION DOCUMENT & ASK QUESTIONS, IF ANY

How to Ask
Questions

The contact person for questions is:

Christina VanDell, State Program Administrator Principal (“Solicitation Administrator”)
Department of Education, Contract Unit
christina.vandell@state.mn.us

Questions should be emailed to the contact by July 13, 2020. In the subject line of the e-mail, please include the reference “PDG Evaluator RFP Question.” Other personnel are not authorized to answer questions regarding this Solicitation.

STEP 2 – WRITE YOUR RESPONSE

The Proposal Content section is in Section 4. Prepare a written response and supply all requested content.

STEP 3 – SIGN & SUBMIT YOUR RESPONSE

Where to Send
Your Response

Emailed, faxed, mailed or late responses will not be accepted. Upload your response in the SWIFT Supplier Portal. By signing this response, your company is making a binding legal offer for the period of time set forth below in Section 6, Paragraph 11, Conditions of Offer.

All costs incurred in responding to this solicitation will be borne by the Responder.

Response
Submission
Deadline

Must be received not later than 2:00 p.m., Central Time, July 27, 2020.
Late responses will not be considered.

SECTION 2 – SUMMARY OF SCOPE

1. Procurement Overview and Goals.

Minnesota has been awarded a Federal Preschool Development Birth through 5 implementation grant (“Grant”), a three-year \$26.7 million federal grant to implement the work of the Federal Preschool Development Birth through Five planning grant (“Initial Grant”) which was effective from December 2018 to February 2020.

The Grant focuses on supporting pregnant and parenting families with young children who are experiencing racial, geographic, and economic inequities so children can be born healthy and thrive within their families and community. The Grant supports the state’s vision by aligning and coordinating multiple systems to help families with young children (prenatal to age 5) navigate through the system more efficiently focusing on the goal areas of Health & Wellbeing; Early Learning; Economic Security; and Safe, Stable, Nurturing Relationships. The Grant runs through December 30, 2022 and is a partnership between the Minnesota departments of Education, Health, Human Services, and the Governor’s Children’s Cabinet; however, the state has funding authority only through December 30, 2020. Renewal of this opportunity for up to the Grant period of December 30, 2022, is not guaranteed and is dependent on federal funding approval.

The Grant will be implemented under the community-defined guiding principles of racial equity, trauma-informed, whole family systems, cross-agency collaboration, intersectionality, geographic responsiveness and belonging and inclusion. The Grant moves towards an ultimate goal of collective impact to best serve children and families as well as continuously working towards inclusive and responsive programs, practices and policies.

Grant Activities:

- Update the needs assessment and strategic plan in 2022;
- Fund Help Me Connect, a centralized system to enhance navigation supports to directly connect families and those working with families to resources and direct referral to programs and services;
- Invest in community solutions to community-identified challenges, prioritizing people of color and American Indians by building upon the Community Solutions for Healthy Child Development Grant Program;
- Pilot 4-10 local, cross-agency hubs in the state to use as a prevention strategy and to test Help Me Connect;
- Explore technology supports to increase information sharing to coordinate eligibility and services; and
- Support early childhood workforce.

The state’s Department of Education is in need of a contractor to evaluate the implementation of the Grant’s strategic plan and its many program activities as stated above, as well as conduct larger scale systems change evaluation. The goal of this project is to evaluate the state’s success in implementation of the Grant, Strategic Plan, as well as reaching overall state goals in creating a more coordinated system and supporting children and families in accessing what they need to thrive.

During the Initial Grant, which ended February 2020, an evaluation plan was developed by a contractor and exists to guide/inform evaluation during implementation. Evaluation questions were drafted as a part of the [Initial Grant](https://education.mn.gov/MDE/dse/early/preschgr/NeedsPlan/) (<https://education.mn.gov/MDE/dse/early/preschgr/NeedsPlan/>). They are as follows:

1. To what extent have Grant activities been implemented as planned?
 - a. What has facilitated successful implementation?
 - b. What barriers has the implementation faced?
 - c. How have the activities changed over time?
2. To what extent are the Grant activities incorporating strategies that:
 - a. Leverage community assets?
 - b. Improve equity?
 - c. Build community capacity?

3. How and to what extent have community members been engaged in the design and implementation of Grant activities?
4. How satisfied are community members with their engagement in the design and implementation of Grant activities?

Evaluation questions were also drafted for each goal within the [Strategic Plan](https://education.mn.gov/mdeprod/idcplg?IdcService=GET_FILE&dDocName=MDE089188&RevisionSelectionMethod=latestReleased&Rendition=primary) (https://education.mn.gov/mdeprod/idcplg?IdcService=GET_FILE&dDocName=MDE089188&RevisionSelectionMethod=latestReleased&Rendition=primary). Due to the developmental nature of this work, it is expected that evaluation questions may evolve throughout the Preschool Development Grant Birth through Five (“PDG”) Program Performance Evaluation (“Evaluation”) period.

2. Sample Tasks and Deliverables.

Proposals should demonstrate the Responder’s understanding of how to prioritize evaluation planning and implementation on community strengths and assets, and should build on communities’ capacity to promote child and family well-being. The Responder needs to describe how they will co-create all PDG Evaluation and learning activities with the communities served or impacted. Community engagement is a process through which community members are involved in issue identification, problem-solving and decision-making. The contractor must authentically engage and work in partnership with community members experiencing inequities to ensure PDG Evaluation and learning are co-created, appropriate and welcomed by the community.

MDE envisions the development and implementation of a PDG Evaluation that is centered on children, families and community. It is the intent that the PDG Evaluation builds community capacity and engages stakeholders, especially those most impacted, in planning, conducting, analyzing the evaluation and/or making decisions about the evaluation. The PDG Evaluation will include summative and formative evaluation and will help meet annual federal reporting requirements.

Deliverables from this contract must include, but are not limited to:

- Work plan along with a brief description of each activity/strategy and who will lead and coordinate each activity/strategy, other participants and partners, and an anticipated timeline.
- Ongoing community engagement as a part of co-creation of PDG Evaluation criteria, implementation and quality control. Activities should reflect ability to identify, engage, and work with families, communities, and stakeholders, to partner with and complete the PDG Evaluation.
- Approach to “evaluating the evaluator,” including an opportunity for those being evaluated a chance to assess and provide feedback on the evaluation itself. The assessment and feedback process will help ensure: (i) appropriate methods are being used, (ii) the evaluation is authentically engaging with partners, (iii) measurement of just processes, and (iv) meaningful impact.
- Procedures, methods and delivery of displaying and sharing PDG Evaluation findings with different levels of stakeholders.
- Bi-monthly in-person meetings with state staff from the departments of Education, Health, Human Services and the Children's Cabinet at dates, times and locations to be determined by MDE. At least three (3) meetings per year should be in-person meetings. Three (3) may be held via conference call or virtually.
- Quarterly progress reports due March 31, June 30 and September 30.
- Annual report complete by 12/20.
- Final products along with a summative report with findings, conclusions and recommendations to be completed at the end of the contract. Other examples of final products may include a final presentation of findings, PowerPoint slides of top-level findings, and/or community-friendly summary report. As noted above, the state has funding authority through December 30, 2020. If federal funding approval is granted, it is anticipated the contract will be extended through an amendment at a time increment determined by the state; therefore, the due date of the final summative report would be extended closer to the end date of such amendment extension.

- Conduct annual PDG Evaluation training for the audience of community members as well as state and local staff on best practices in equity-focused evaluation and using PDG Evaluation results to advance equity. Training content and remote training platform must be accessible to all attendees and comply with the State of Minnesota Accessibility Standards. This includes, but is not limited to, providing CART services or ASL interpreter when there is a request for accommodation, captions for recorded trainings, accessible presentations and accessible meeting platform.
- Digital content, including documents, presentations, audio recordings, etc., produced must be in compliance with the State of Minnesota Accessibility Standards.

Requirements within the scope of work include:

- A robust plan to prioritize the voices of those who have been systematically oppressed, and experience barriers to opportunity. This will be done through innovative PDG Evaluation methods that center on community assets and are highly participatory. Methods and access should be able to accommodate multiple populations, including meeting diverse language needs.
- Plan to use the project to build community capacity to conduct PDG Evaluation focused on community assets and systemic challenges including the ability to identify effective practices and disseminate.
- Recognition of the interrelated nature of the areas of early childhood; education; health & wellbeing; family economic security; and safe, stable, nurturing relationships and development of systems-level evaluation methodologies that reflect this interrelation.
- Are rooted in the voice of the community and meaningful engagement of families with lived experience of our systems.
- The ability to present PDG Evaluation findings in a visual, plain language and culturally responsive way.
- Coordination with the Indigenous Evaluation Expert and partnership with the PDG Tribal Nation Early Childhood Specialist.
- Conduct quantitative evaluation in alignment with state and federal PDG priorities for measurable indicators of progress, including but not limited to indicators within the PDG Evaluation.
- Coordination with state evaluation efforts, including but not limited to: Whole Family Systems, Results Team at Minnesota Management and Budget, Family First Prevention Act, Title V, etc.
- Address technical and logistical questions throughout the PDG Evaluation project.

The state reserves the right to ask Responders to collaborate on the project if the state anticipates such proposals would complement one another.

3. Desired Skills of Responders are:

- Participatory and equity focused evaluation experience, including experience working with diverse communities.
- Ability to manage, gather, collect, analyze and maintain large amounts of data.
- Strong qualitative and quantitative evaluation skills to both create measurable process indicators, build community evaluation capacity and complete the PDG Evaluation.
- Experience with participatory, developmental and/or equity focused evaluation.
- Knowledge of and experience with being trauma-sensitive in evaluation work.
- An understanding of the health, education and care issues impacting children and families with children prenatal to age five.
- External and independent of any state agencies, commissions, etc.
- Prior experience(s) where accessibility was a factor in the end products and how the accessibility requirements were met. Response should include how the accessibility requirements will be met for this project.
- Experience with evaluating large-scale systems change, particularly with complex social issues.
- Experience with developmental evaluation.
- An understanding of trauma-informed approaches to evaluation and community engagement.

- An understanding of Minnesota’s early childhood landscape, including where and how children and families access services.
- Team history of co-creating evaluations with stakeholders and community.
- Methodology approach for utilizing stakeholder input, subsequent analysis and meaningful utilization of evaluation findings at the community and state levels.

SECTION 3 – PROPOSAL INSTRUCTIONS AND ADDITIONAL INFORMATION

1. Anticipated Contract Term.

The current term of this contract is anticipated to be from approximately September 1, 2020 to December 30, 2020 with the option to extend up to an additional two (2) years and eight (8) months in increments determined by the State. Due to the current COVID-19 situation, an extension of time may be allowed by the granting authority for tasks to be completed beyond the three-year period. Should this occur, the state would work within the provided parameters to extend the timeline of the contract.

2. Question and Answer Period.

Prospective Responders who have any questions regarding this solicitation may contact:

Christina VanDell, State Program Administrator Principal
Department of Education
1500 Highway 36 West, Roseville, MN 55112
christina.vandell@state.mn.us

All questions should be submitted no later than the date and time listed in Section 1, Instructions to Responders. The State is not obligated to answer questions submitted after the questions/clarifications due date and time.

Only personnel listed above are authorized to discuss this solicitation with Responders. Contact regarding this solicitation with any personnel not listed above could result in disqualification. If a Responder discovers any significant ambiguity, error, conflict, discrepancy, omission, or other deficiency in the solicitation, please immediately notify the contact person detailed above in writing of such error and request modification or clarification of the document.

3. Additional Tasks or Activities.

Responders are encouraged to propose additional tasks, activities, or goods if they will substantially improve the results of this procurement. These items should be separated from the required items on the cost component of the response.

4. Response Submission Instructions.

All responses to this solicitation (termed an “Event” within SWIFT) must be submitted through SWIFT using the Supplier portal (<http://supplier.swift.state.mn.us/>). Training and documentation on how to submit your response is available through the Supplier portal link above.

All responses to this solicitation must be submitted and received in SWIFT no later than the Event End Date and time as set forth in the SWIFT Event Details applicable to this solicitation. **Late responses will not be considered.** Faxed, e-mailed, and printed responses will not be accepted or considered. All costs incurred in responding to this solicitation will be borne by the Responder.

All responses should include the following separately attached documents, unless otherwise specified (DO NOT INCLUDE Non-Public/Trade Secret data (as defined by Minn. Stat. § 13.37)):

- a Technical Proposal;
- a Cost Component, which must be submitted separately from the Technical Proposal;
- Two (2) accessibility documents (1 Word document and 1 PDF document). Titled as follows:
 - Word Accessibility Document #1
 - PDF Accessibility Document #1
- Completed VPAT for remote training platform
- Attachment A: Responder Declarations
- Attachment B: Exceptions to State's Standard Terms and Conditions
- Attachment C & C-1: Cost Proposal

- Attachment D: Responder Forms
 - Veteran-Owned Preference Form (If Applicable)
 - Workforce Certificate Information Form
 - Equal Pay Certificate

Responses received after the Event End Date above will not be considered, even if errors or delays were caused by issues outside of Responders' control. If you need assistance please contact the SWIFT Vendor Assistance Helpline at 651-201-8100, Option 1, and then Option 1.

SECTION 4 – PROPOSAL CONTENT

Please submit the following information:

1. Understanding of Project Context and Objectives. Responder should submit a statement of the objectives and goals to show or demonstrate the Responder's view and understanding of the nature of the contract. Description should include but not be limited to the following:
 - a. How the work of your organization honors the many identities and lived experiences of the population(s) served by PDG implementation activities (e.g., people of color and American Indians, have a disability, live in rural areas and/or have low incomes).
 - b. The team's perspective on the importance of the following perspectives/lenses: strengths-based, culturally appropriate and focused on whole family systems.
 - c. Information on how this PDG Evaluation project can be used as a tool to build community capacity.
 - d. Understanding of Minnesota's early childhood landscape and how it impacts the wellbeing of families with children prenatal to age five.
 - e. Importance of creating a structure for shared learning for the state and grantees, and how the PDG Evaluation may support this activity.
 - f. Understanding of research and evaluation sometimes having the unintended consequence of causing harm, and what protective measures your team takes to avoid such outcomes.
2. Work Plan. Responder should provide a description of the deliverables, as outlined in Section 2, including the Responder's understanding of how to prioritize evaluation planning and implementation on community strengths and assets, and should build on communities' capacity to promote child and family well-being. The Responder needs to describe how they will co-create all PDG Evaluation and learning activities with the communities served or impacted. In addition, the Responder should provide a detailed work plan that identifies the major tasks to be accomplished to be used as a scheduling and managing tool, as well as the basis for invoicing.
3. Qualifications and Experience. Responder should provide an outline of background and experience, as outlined in Section 2, with examples of similar work done by the Responder and a list of personnel who will conduct the project, detailing their training, and work experience. Please respond to the following questions:
 - a. Why you're the right fit for this project?
 - b. If this would be your first state grant funding as the primary contractor.

In addition, make sure to include contact information (address, phone, email and website) for the primary contact person who is authorized to sign on behalf of the Responder. Resumes or other information about project personnel should not, if possible, contain personal telephone numbers, home addresses, or home email addresses. If it is necessary to include personal contact information, please clearly indicate in the response that personal contact information is being provided.

4. Accessibility of Services or Products. A description of how Responder will produce deliverables and documents in compliance with the State of Minnesota Accessibility Standards (see <https://mn.gov/mnit/government/policies/accessibility/> for additional information). To demonstrate Responder's understanding of accessibility standards, Responder should submit two (2) accessible documents it has produced as examples of accessible deliverables: 1 Word document and 1 PDF document. Responder's documents will be scored based on the State of Minnesota's Accessibility Standards.

The State of Minnesota has developed Accessibility Standards effective September 1, 2010, which entails, in part, the Web Content Accessibility Guidelines (WCAG) 2.0 (Level AA) and Section 508 which can be viewed on the Minnesota IT Services website (<https://mn.gov/mnit/about-mnit/accessibility>). The Standards apply to web sites,

software applications, electronic reports and output documentation, training delivered in electronic formats (including, but not limited to, documents, videos, and webinars), among others. Responders are encouraged to reference Minnesota IT Services website (<https://mn.gov/mnit/about-mnit/accessibility>) for information and instructions on meeting the State's Accessibility standards.

If any issues arise due to nonconformance with the above mentioned Accessibility Standards, the Responder agrees to provide alternative solutions upon request at no additional charge to the State. MDE is particularly concerned with following Accessibility Standards for all end products and the two (2) submitted Accessibility Responder documents should show an understanding of accessibility. Responder acknowledges that the final reports will need to be shared with MDE for accessibility testing before the work product can be accepted by MDE as final. MDE will not make final payment until deliverables have cleared accessibility testing.

The Responder should complete, in an accessible format, the Section 508 and WCAG 2.0 A and AA sections in a VPAT® 2.0 (or newer) for all software, hardware, and websites (as applicable) as proposed in response to the solicitation. Responders can use the VPAT form from the [ITIC VPAT site](https://www.itic.org/policy/accessibility/vpat) (<https://www.itic.org/policy/accessibility/vpat>). (Under "Resources," select the "508" option, as it contains both 508 and WCAG 2.0 forms.) For systems with multiple interfaces (such as an admin and user interface), complete a VPAT for each interface. These documents may be scored according to the evaluation process.

Responders are encouraged to reference the "[Vendor VPAT Guidance](https://mn.gov/mnit/about-mnit/accessibility/it-procurement.jsp)" (<https://mn.gov/mnit/about-mnit/accessibility/it-procurement.jsp>) in the "Products" tab on the [Accessible IT Procurement page](https://mn.gov/mnit/about-mnit/accessibility/it-procurement.jsp) (<https://mn.gov/mnit/about-mnit/accessibility/it-procurement.jsp>) for information and instructions on completing the VPATs. Respondents should also review the related guidance documents on the same site for solicitation reviewers to understand expectations. The Responder is strongly encouraged to provide remarks and explanation that both support compliance and detail any deficiencies, as even if you claim "supports" unless there are remarks and explanations, you may score low.

5. Cost Proposal Detail. Complete and submit Attachment C & C-1 "Cost Proposal" attached to this solicitation.
6. Additional Requested Documentation.

Submit all requested documentation, including, but not limited to, the following documents:

1. Attachment A: Responder Declarations
 2. Attachment B: Exceptions to State's Standard Terms and Conditions
 3. Attachment C & C-1: Cost Proposal
 4. Attachment D: Responder Forms
 - a. Veteran-Owned Preference Form (If Applicable)
 - b. Workforce Certificate Information Form
 - c. Equal Pay Certificate
 5. Two (2) accessibility documents (1 Word document and 1 PDF document). All submitted documents will be scored based on whether they demonstrate an understanding of and the ability to meet Accessibility Standards. Accessibility documents should be labeled with the following titles to easily distinguish from other submitted documents as follows:
 - Word Accessibility Document #1
 - PDF Accessibility Document #1
 6. Completed VPAT for remote training platform
7. Software and License Agreements. The State may require Responder to provide any license agreements, maintenance agreements, or any other pertinent documents relevant to the contract. Review and approval by the State will be required prior to contract execution. In the event Responder fails to comply with this provision,

Responder agrees that it will not seek enforcement against the state of any such agreement. Further, failure to provide any of the pertinent documents upon request may result in the State not agreeing to sign any additional documents, rejecting your response, or canceling the award.

SECTION 5 – EVALUATION PROCEDURE AND CRITERIA

The State will conduct an evaluation of responses to this Solicitation. The evaluations will be conducted in three phases:

Phase 1 - Review responses for responsiveness and pass/fail requirements

Phase 2 - Evaluate responses

Phase 3 - Select finalist(s)

1. Phase 1 – Responsiveness and Pass/Fail Requirements:

The purpose of this phase is to determine if each response complies with mandatory requirements. The State will first review each proposal for responsiveness to determine if the Responder satisfies all mandatory requirements. The State will evaluate these requirements on a pass/fail basis.

Mandatory Requirements. The following will be considered on a pass/fail basis:

- Responses must be received by the due date and time specified in this RFP.
- Responders must not be debarred or suspended.

2. Phase 2 - Evaluate Responses.

Only those responses found to have met Phase 1 criteria will be considered in Phase 2.

Responses will be rated as follows:

The factors and weighting on which responses will be judged are:

- | | |
|--|---|
| 1. Expressed Understanding of Project Objectives | 15 points |
| 2. Deliverables, Work Plan and Project Management Approach | 30 points |
| 3. Qualifications and Experience | 15 points |
| 4. Accessibility of Services or Products | 10 points |
| 5. Cost Detail | <u>30 points</u> |
| | 100 points |
| 6. Preference Points (if applicable) | 6 points (in addition to 100 available) |

Preference points are described under Solicitation Terms and will be applied to the total score after points have been awarded.

3. Phase 3 - Select Finalist(s).

Only those responses that have been evaluated under Phase 2 shall be eligible for Phase 3.

The State shall make its selection based on best value, as determined by this evaluation process. The State reserves the right to pursue negotiations on any exception taken to the State's standard terms and conditions. In the event that negotiated terms cannot be reached, the State reserves the right to terminate negotiations and begin negotiating with the next highest scoring responder or take other actions as the state deems appropriate. If the state anticipates multiple awards, the state reserves the right to negotiate with more than one Responder.

It is anticipated that the evaluation and selection will be completed by the week of August 24, 2020.

SECTION 6 – SOLICITATION TERMS

1. Competition in Responding.

The State desires open and fair competition. Questions from Responders regarding any of the requirements of the Solicitation must be submitted in writing to the Solicitation Administrator listed in the Solicitation before the due date and time. If changes are made the State will issue an addendum.

Any evidence of collusion among Responders in any form designed to defeat competitive responses will be reported to the Minnesota Attorney General for investigation and appropriate action.

2. Addenda to the Solicitation.

Changes to the Solicitation will be made by addendum with notification and posted in the same manner as the original Solicitation. Any addenda issued will become part of the Solicitation.

3. Data Security - Foreign Outsourcing of Work is Prohibited.

All storage and processing of information shall be performed within the borders of the United States. This provision also applies to work performed by subcontractors at all levels.

4. Joint Ventures.

The State allows joint ventures among groups of Responders when responding to the solicitation. However, one Responder must submit a response on behalf of all the others in the group. The Responder that submits the response will be considered legally responsible for the response (and the contract, if awarded).

5. Withdrawing Response.

Before the time for responding has ended, a Responder may withdraw its response. For solicitations in the SWIFT Supplier Portal, a Responder may withdraw its response from the SWIFT Supplier Portal. For solicitations done any other way, a Responder may withdraw its response by notifying the contact person for this solicitation in writing of the desire to withdraw.

After the time for responding has ended, a Responder may withdraw a response only upon showing that an obvious error exists in the response. The showing and request for withdrawal must be made in writing to the contact person for this solicitation within a reasonable time and prior to the State's detrimental reliance on the response.

6. Rights Reserved.

The State reserves the right to:

- reject any and all responses received;
- waive or modify any informalities, irregularities, or inconsistencies in the responses received;
- negotiate with the highest scoring Responder[s];
- terminate negotiations and select the next response providing the best value for the State;
- Short list the highest scoring Responders;
- Require Responders to conduct presentations, demonstrations, or submit samples;
- Award by item (including category, location, etc.), by groups of items, or all items, therefore, the Responder is encouraged to offer a response for all items
- Award by location
- Interview key personnel or references; and
- Request a best and final offer from one or more Responders.

7. Evaluation of Responses.

The State reserves the right to use estimated usage or scenarios for the purpose of conducting pricing evaluations. The State reserves the right to modify scenarios, and to request or add additional scenarios for the evaluation.

8. Samples and Demonstrations.

Upon request, Responders are to provide samples to the State at no charge. Except for those destroyed or mutilated in testing, the State will return samples if requested and at the Responder's expense. All costs to conduct and associated with a demonstration will be the sole responsibility of the Responder.

9. Responses are Nonpublic during Evaluation Process.

All materials submitted in response to this Solicitation will become property of the State. During the evaluation process, all information concerning the responses submitted will remain private or nonpublic and will not be disclosed to anyone whose official duties do not require such knowledge. Responses are private or nonpublic data until the completion of the evaluation process as defined by Minn. Stat. § 13.591. The completion of the evaluation process is defined as the State having completed negotiating a contract with the selected Responder. The State will notify all Responders in writing of the evaluation results.

10. Nondisclosure of Confidential Information.

10.1 Responders must not submit as part of their response trade secret material, as defined by Minn. Stat. § 13.37. In the event trade secret data are submitted, Responder must defend any action seeking release of data it believes to be trade secret, and indemnify and hold harmless the State, its agents and employees, from any judgments awarded against the State in favor of the party requesting the data, and any and all costs connected with that defense. The State reserves the right to request additional information as part of the evaluation process.

10.2 The State does not consider cost to be trade secret material, as defined by Minn. Stat. § 13.37.

11. Conditions of Offer.

Unless otherwise approved of by the State in writing, the cost proposal and terms offered in its response pertaining to the completion of professional and technical services and general services will remain firm for 180 days, until they are accepted or rejected by the State, or they are changed by further negotiations with the State prior to contract execution.

12. Award.

Any award that may result from this solicitation will be based upon the total accumulated points as established in the solicitation. The State reserves the right to award this solicitation to a single Responder, or to multiple Responders, whichever is in the best interest of the State, providing each Responder is in compliance with all terms and conditions of the solicitation. The State reserves the right to accept all or part of an offer, to reject all offers, to cancel the solicitation, or to re-issue the solicitation, whichever is in the best interest of the State.

13. Requirements Prior to Contract Execution.

Contract documents, including the insurance requirements stated in the Solicitation, must be submitted to the State prior to contract execution. Failure to comply may result in cancellation of the award.

14. Targeted Group, Economically Disadvantaged Business, Veteran-Owned and Individual Preference.

Unless a greater preference is applicable and allowed by law, in accordance with Minn. Stat. § 16C.16, businesses that are eligible and certified by the State as targeted group (TG) businesses, economically disadvantaged (ED) businesses, and veteran-owned businesses will receive points equal to 6% percent of the total points available as preference.

For TG/ED/VO certification and eligibility information visit the Office of Equity in Procurement website at <https://mn.gov/admin/business/vendor-info/oep/> or call the Division's Helpline at (651) 296-2600.