**Addendum 3**

**ERP Solution**

**RFP 615190**

**This document provides updated information and clarification pertaining to the above captioned RFP and will be updated as necessary.**

**REMINDER:** It is the Respondent's responsibility to thoroughly examine and read the entire RFP document and any appendices and addenda to this RFP.

1. **RFP DUE DATE**. **Proposals are now due Friday, December 16, 2016 at 2:30 pm Central time.**

The “Projected Timetable of Activities” in RFP Section 7 is hereby amended to read:

Friday, October 7, 2016 RFP released to prospective Respondents

Friday, October 21, 2016 5:00 PM CST - Last date/time questions are accepted

Wednesday, Nov. 9, 2016 Last date for issuing an addendum

Friday, December 16, 2016 Proposal submission deadline 2:30 PM CST

February, 2017 Software Demonstrations/Respondent Presentations

2nd Quarter, 2017 Notice of Intent to Award

Upon Award Contract Negotiations Begin (upon intent to award)

Late 2017 Service to Commence

1. Does the Arkansas system currently use a third party software product [to] collect and manage faculty course evaluations?

**RESPONSE:** Various systems are currently used, including Banner and in-house-developed solutions.

1. Are you currently using a third party parking or card reader system? If so which company?

**RESPONSE:** Various systems are currently used, including winDSX, OPS Parking and ARMS.

1. What software product does the system use to support Career service and Judicial review process?

**RESPONSE:** Various systems are currently used, including Adirondack, Symplicity NaceLink and CareerLink.

1. Is the system using a third party housing scheduling system? If so which company?

**RESPONSE:** Various systems are currently used, including StarRez, Banner and Adirondack.

1. Section 16, Submittal Contents – Cost Proposal, indicates “The implementation schedule for the institutions participating in this solicitation has not been determined per below: The implementation schedule for the institutions participating in this solicitation has not been determined, nor has the phasing of functionality during the implementation. The University expects the deployment will be phased over time in some fashion, and therefore presented pricing will be valid and paid at the initiation of implementation of the major functional area at an institution.

Has the University defined a length of time over when the institutions will implement the new solution? Is it the expectation that all named institutions will implement each functional area?

**RESPONSE:** No firm decisions have been made about implementation, but it is the expectation of the System that all participating institutions will move to the new solution as a result of this RFP. Due to the number of institutions and complexity of the functionality, the System foresees a minimum project duration (including all institutions and all functionality) of six years, and hopes to complete the project within ten years.

1. Section 9.18, Health Insurance Portability and Accountability Act

To the extent that this contract involves covered use or receipt of Protected Health Information, as defined under the Health Insurance Portability and Accountability Act (HIPAA), Contractor agrees to fully comply with all applicable privacy requirements under HIPAA.

Is there PHI data in the Financial or HCM systems that requires HIPAA compliance?

**RESPONSE:** Because one of the participating institutions is University of Arkansas Medical Sciences, the System wants to ensure that any newly acquired solution will have the capability to protect information that would apply under HIPAA.

1. **Request for Proposal (RFP), (9.42 Confidentiality and Publicity) Confidentiality of marked materials**. Will the University kindly confirm that, in the absence of a request under the Arkansas Freedom of Information Act, it will maintain marked materials as confidential? The University has provided detailed information about how Respondents should handle materials they believe are exempt from disclosure under the Arkansas Freedom of Information Act. The University has also stated that materials marked “as confidential, proprietary, or trade secret, can only be protected to the extent permitted by law.” Several exemptions to the Arkansas Freedom of Information Act which might apply to materials submitted by Respondents have an implicit or explicit requirement that the materials must be confidential to qualify for the exemption (Trade Secrets, exemption for materials that “give advantage to competitors or bidders,” Ark. Code Ann. § 25-19-105(b)(9)(A)). The RFP and responses to date have not provided any assurance of confidential treatment of marked material in the absence of a request under the Arkansas FOIA.

**RESPONSE:** If the Respondent follows the proper procedures laid out in the RFP for designation of Proprietary Information, the System will treat as confidential the materials labeled “confidential,” “proprietary,” or “trade secret.”  Proprietary Information, as used herein, excludes information that (a) is in the public domain at the time of its disclosure; (b) enters the public domain other than by breach of this provision; (c) is independently developed by the receiving party;  (d) is known at the time of its disclosure to the other party; (e) is deemed subject to disclosure as the result of a valid request made under Arkansas FOIA following the procedure referenced in the RFP Section 9.19; or (f) is subject to disclosure pursuant to the binding order of a governmental agency or court of competent jurisdiction, provided that the disclosing party has been given notice of the pendency of such order and the opportunity to contest the same.  The System reserves the right to determine whether any such exception applies after consultation with the Respondent and Office of General Counsel for the System.  The Evaluation Committee for this procurement will not disclose Proprietary Information received from the Respondent during the procurement.  Each Evaluation Committee member will receive training regarding System policy for proprietary information and will attest to their compliance by signing a Non-Disclosure Agreement prior to receiving copies of Respondent materials.

1. **STANDARD TERMS AND CONDITIONS (Standard Term 7 - ACCEPTANCE AND REJECTION) Acceptance and Inspection of goods and supplies**. This section appears to apply to physical materials and supplies. Please confirm that it is inapplicable to the intellectual property licenses or software as a service solutions being sought.

**RESPONSE:** This provision applies to physical materials and supplies (such as any associated hardware) rather than intellectual property.

1. **Intellectual Property Ownership**. The RFP states in several places that the submitted documents become “the property of the University of Arkansas/System/State.” (Pages 4, 6, 23, 25, 28). Respondents are likely to be using pre-existing materials in their documents and are not being compensated for their effort in preparing the documents. Please confirm that these statements should be interpreted as permitting the University/System/State to retain the documents but is not a transfer of intellectual property rights to the content of the documents.

**RESPONSE:** This phrase is meant to permit the System to retain the documents. In addition, the System may use the documents for any lawful purpose, with the exception of properly identified proprietary information. The phrase is not intended to transfer intellectual property rights in the context of such proprietary information.

1. **Scoring for Acceptance of System Contract Terms**. The System is reserving the right to award the Respondent with the highest rating up to 10 points on this factor. However, Respondents may not be providing equivalent levels of detail or candor as to their acceptance or rejection of the System’s standard contract terms. There is at least one potential Respondent with a very poor reputation for providing contract compliance language which appears to accept the prospective customer’s terms, with language elsewhere in the response that conditions the proposal upon use of the Respondent’s standard contract documents. Will the System be checking references for each Respondent to confirm that there were no material surprises during contract negotiations in this regard prior to awarding points in this area?

**RESPONSE:** Thoroughly vetting customer references is a step in the System’s evaluation process.

1. **Financial Statements**. Can Respondents that are publicly traded provide their 10K reports rather than audited financial statements? The 10K reports are filed with the Securities and Exchange Commission and include information from audited financial statements.

**RESPONSE:** 10K reports are acceptable.

1. **Guidance on submission of materials that are claimed as exempt from FOIA**. The system is asking for both physical and electronic copies of the proposal materials. Section 9.34 directs Respondents to label their confidential, proprietary or trade secret information and submit it in a separate envelope. Section 10.4 has instructions for electronic copies of the proposal materials, which do not include any instructions for segregation of confidential, proprietary, or trade secret information. Section 10.5 includes a requirement for a redacted copy of the proposal which “should reflect the same pagination as the original.” Please address the following questions:

* Should Respondents be segregating their confidential, proprietary or trade secret information from the electronic copies of the proposal materials? If so, how?
* Should the hard copy original have sequential numbering for all pages, with pages containing confidential, proprietary or trade secret information placed in the sealed envelope?
* Should the hard copy original have “see confidential information envelope” or similar pages inserted in place of the removed pages?
* When creating the redacted copy, should the Respondent remove any “see confidential information envelope” or similar replacement pages in order to preserve the pagination of the original?

**RESPONSE:** As described in RFP Section 9.34, “any part of its bid that is considered confidential, proprietary, or trade secret, must be labeled as such and submitted in a separate envelope along with the bid.” For the hard copy original of the Technical Proposal, the confidential, proprietary, or trade secret (proprietary, for short) information must be segregated and submitted in a separate envelope labeled as such. This envelope may be placed in the back pocket of the original binder. For the electronic copies of the Technical Proposal, the proprietary information should be segregated into a separate electronic file labeled as such and submitted on the same flash drive as the rest of the Technical Proposal. There will be 25 flash drives with the complete Technical Proposal on each – a file of proprietary information and a file of non-proprietary information. Additionally, there will be one flash drive with the Cost Proposal, and one flash drive with the redacted version of the Technical Proposal. The redacted version will exclude any proprietary information or other information that the Respondent believes would not be available under a FOIA request.

In specific response to the questions posed:

1. Yes, proprietary information should be segregated on the electronic copies as described above.
2. The Technical Proposal should have sequential numbering of its pages, with some reference where applicable to the Proprietary Information packet so the System Evaluation Team is aware that there is relevant information that is separate. The Respondent may choose to put as much as possible of the Proprietary Information in a separate section of the proposal to minimize the requirement to flip back and forth.
3. As stated in # 2, it would be helpful to have references in the document when additional information is available in the Proprietary Information file/packet.
4. The goal is to have an item in the original proposal and an item in the redacted version be located on the same page number. The method that retains identical page numbering is the best method when deciding whether to keep or remove a page.
5. **Guidance on Technical Proposal copies**. Section 10.4 directs Respondents to “submit 25 copies of their complete Technical Proposal on CD-ROM, DVD-ROM or USB Flash drives.” Please clarify as to whether the System is seeking 25 separate CD-ROM, DVD-ROM or USB Flash drives, each with a single copy of the Technical Proposal, or whether individual CD-ROM, DVD-ROM , or USB Flash drives can contain multiple copies.

**RESPONSE:** The System is seeking 25 separate CD-ROM, DVD-ROM or USB Flash drives, each with a copy of the Technical Proposal file(s).

1. **Guidance on labeling for Flash Drives**. 10.4 has specific labeling requirements which may not be practical for flash drives. Please suggest alternative means of meeting such requirements.

**RESPONSE:**  If it is not practical to affix or attach a label in some fashion to the flash drive, the Respondent may label the drive with the company name only and deliver each flash drive in an individual small envelope with the required information on the envelope. Primarily, it is important that each drive is easily identifiable. The method of associating the identifying information with the flash drive is not as important, as long as it is readable and securely associated with the drive.

1. **Request for Proposal (RFP) Section 10.8 (Number 7).** It is extremely unlikely that the Q&A process will resolve all concerns from all Respondents. Technically, this statement is worded so that a Respondent who answers “no” to any specification or who offers alternative language to any requirement is at risk of being disqualified. Please clarify if the University’s intention was to limit this clause to Respondents who take exception to the RFP’s description of how the procurement will be run.

**RESPONSE:** In this context, a “bid requirement” is an item that has been designated as mandatory for proper submission of the bid. Examples of mandatory bid requirements for this RFP include submission by the proposal due date/time and inclusion of a signed Bid Sheet. The examples given in your response are not mandatory bid requirements; answering “Does Not Meet” to a requirement or choosing to exclude a specification will not result in rejection of the proposal.

1. **Request for Proposal (RFP) Section 10.8 (Number 7).** It is extremely unlikely that the Q&A process will resolve all concerns from all Respondents. This statement is worded in a manner that could equally penalize Respondents who are forthright in disclosing their exceptions in their proposals and those who do not disclose at that stage, but disclose only during negotiations. In fact, it encourages Respondents to not be forthright, in the hope that their proposal will be down selected and by the time of down selection, the University will be so committed to the selected solution that it is willing to overlook the exceptions. This is a strategy employed by some potential Respondents. In order to avoid wasting the time of the University’s evaluators on a proposal with “hidden” exceptions, please consider changing this so that it states, “Any later exception to the bid requirements of the RFP that was not included in the Respondent’s proposal.”

**RESPONSE:** The System intended for Respondents to submit all known contract exceptions with their proposals. To clarify that point, the first paragraph of Section 15.3 is amended to read: (new text is underlined)

**15.3 Tab 1: Response to RFP**. As instructed in Section 10.2 above, the Respondent shall respond to each section of this RFP (other than Sections 15 And 16, which require more detailed responses) by stating ACKNOWLEDGED as the response following each major section to indicate that the Respondent acknowledges, understands, and fully complies with the specification. If the Respondent has an exception to a term or condition in that section, it ~~should~~ must be noted at this point. The System may exclude from negotiations or discussion any exceptions not noted in the proposal. Insert the completed RFP response in Tab 1.

1. In order to provide accurate pricing, we would like to request the number of Full-time Employees, Part-time Employees, Contract Workers, Student Workers, and Retirees that will need access to the system and the Calculated Student FTE for the University of Arkansas System. Below is a chart partially populated with information from IPEDS. Please modify and complete accordingly.

| **Institution** | **Student FTE** | **Full-time Employees** | **Part-time Employees** | **Contract Workers** | **Retirees w/ Access** | **Student Workers** |
| --- | --- | --- | --- | --- | --- | --- |
| ***\*\* Information below is based on available IPEDS Data*** | | | | | | |
| University of Arkansas, Fayetteville (UAF) | 23,583 | 3,805 | 826 |  |  | 3,291 |
| University of Arkansas at Fort Smith (UAFS) | 5,101 | 575 | 251 |  |  | 189 |
| University of Arkansas at Pine Bluff (UAPB) | 2,394 | 600 | 40 |  |  |  |
| University of Arkansas at Little Rock (UALR) | 8,814 | 1,426 | 1,212 |  |  | 427 |
| University of Arkansas at Monticello (UAM) | 2,770 | 400 | 198 |  |  | 283 |
| Cossatot Community College of the University of Arkansas (CCCUA) | 869 | 129 | 82 |  |  | 12 |
| Phillips Community College of the University of Arkansas (PCCUA) | 989 | 201 | 132 |  |  | 43 |
| University of Arkansas Community College at Batesville (UACCB) | 879 | 120 | 57 |  |  |  |
| University of Arkansas Community College at Hope (UACCH) | 944 | 125 | 49 |  |  | 21 |
| University of Arkansas Community College at Morrilton (UACCM) | 1,517 | 145 | 47 |  |  | 13 |
| University of Arkansas Division of Agriculture | 0 | 1,148 | 410 |  |  | 285 |
| Arkansas School for Mathematics, Sciences, and the Arts | 0 | 71 | 6 |  |  |  |
| University of Arkansas System eVersity | 185 | 86 | 12 |  |  | 1 |
| University of Arkansas Medical Sciences (UAMS) | 2,555 | 9,932 | 1,207 |  |  | 267 |
| Rich Mountain Community College (pending merger completion) | 602 | 76 | 54 |  |  |  |
| Pulaski Technical College (pending merger completion) | 4,160 | 331 | 446 |  |  | 41 |
| **TOTALS:** | **55,362** | **19,170** | **5,029** |  |  | **4,873** |

**RESPONSE:** See responses above. The System has no information at this time regarding retirees or contract workers.

All else regarding this RFP solicitation remains as is. Further questions concerning all matters of this RFP should be sent via email to:

Linda Fast, Procurement Coordinator

Office of Business Affairs

lfast@uark.edu