
REQUEST FOR PROPOSALS NO. CVM 10-2767

COMMUNITY VOICEMAIL SERVICE PILOT PROGRAM

DOCKET NO. 10-2767-TP-UNC

Issued by:
THE
PUBLIC UTILITIES COMMISSION OF OHIO
180 East Broad Street
Columbus, Ohio
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Community Voicemail Service Pilot Program
Request for Proposal
RFP # CVM 10-2767
Docket No. 10-2767-TP-UNC

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Section 1 INTRODUCTION

1.1 Background

On June 13, 2010, the governor of the state of Ohio signed into law Substitute Senate Bill 162 (Sub S.B. 162). Section 6 of the new law requires the Public Utilities Commission of Ohio (PUCO, or the Commission) to implement a two-year Community-Voicemail Service Pilot Program for individuals who are in a state of transition and have no access to traditional telephone exchange service or readily available alternatives, including the homeless, clients of battered-spouse programs, and displaced and returning veterans.

Under the new law, the PUCO shall establish a competitive bidding process to implement the pilot program in at least one urban area and one rural area in this state. Using the competitive bidding process, the Commission must select one or more vendors of community-voice mail (CVM) service by September 13, 2011, i.e., by no later than one year after the effective date of the law. Section 6(A) of the new law specifies that, unless the vendor(s) apply for and the PUCO grants an extension of time, the selected vendor(s) shall begin providing services under the pilot program not more than 60 days after being officially notified of selection. The PUCO is authorized, under the law, to adopt such rules as it finds necessary to carry out the section of the new law pertaining to the two-year CVM pilot project. However, the law specifies that the PUCO may not contract for CVM service if the total amount of expenditures under all contracts exceeds five hundred thousand dollars.

The PUCO has initiated Case No. 10-2767-TP-UNC for the purpose of both establishing the process for selecting, as well as actually making its selection of, the vendor or vendors who shall be authorized to provide CVM, as a participant in the CVM Pilot Program. In making its selection, the PUCO will designate areas of the state, at least one urban area and one rural area, covered by the pilot program, and will designate in which area or areas each selected vendor or vendors is authorized to provide CVM as a vendor participant in the pilot program.

Section 6(H) of Sub S.B. 162 states that the CVM pilot program shall last for two years after the date that any services begin to be provided under the program. At the conclusion of the pilot program, the PUCO shall evaluate the effectiveness of the program, the costs and benefits of the program, and the availability of other options that may better serve the needs of individuals who are in a state of transition. The new law requires the PUCO to report its finding to a select legislative committee named in the legislation, including any recommendations for continuation, expansion, or changes to the program, within 120 days after the program's conclusion.

1.2 Overview of the Project

The purpose of the CVM to be implemented under the two-year pilot program is to provide free, personalized, 24-hour, seven days per week, incoming and outgoing voice mail access to individuals, specifically including homeless persons, clients of battered-spouse programs, and displaced and returning veterans who qualify to participate in the pilot program, by being both: (1) located within one of the urban or rural areas of Ohio included in the pilot program, and (2) an individual in a state of transition that, as such, is without access to traditional telephone exchange service or readily available alternatives. CVM, as provided under the two-year pilot program, will function to provide these individuals, during their eligible participation in the pilot program, with: (1) a voice mail box that can be reached from a personalized voice mailbox telephone number (VM number) assigned for their exclusive use, (2) the ability to leave their own personalized outgoing voice mail message(s) on their voice mail box, and (3) a reliable and confidential ability to receive voicemail messages on their voice mail box. CVM is intended to provide its participants, i.e., people in transition, with the ability to, through voice mail, stay in touch with, among others, those who offer housing and employment resources, domestic violence protection, and/or resources and programs intended to address the needs of displaced and returning veterans. Such persons may include potential employers, landlords, health care providers, social service staff, family, and friends.

1.3 Purpose of this RFP

This request for proposal (RFP) provides potential vendors of CVM who wish to participate in the selective bidding process by which the PUCO will select the vendor(s) to participate in a two-year pilot program established under Section 6 of Sub S.B 162 with the requisite information needed to prepare and submit formal bid proposals for consideration by the PUCO in the context of its selective bidding process.

Section 2 THE BIDDING PROCESS

2.1 Entities May Collaborate on Responding to this RFP

Proposing entities may collaborate on responding to this RFP and propose to jointly execute the scope of the work. Such collaborations must clearly delineate in their bid proposals the roles and responsibilities of each proposing entity, demonstrate how the coordination between or among them will be defined and managed, and how the costs will be allocated between or among the entities. To the extent collaborating entities have worked together in the past, such experiences should be described. The

effectiveness and advantage of a collaborative approach must be demonstrated in the bid proposal.

2.2 Submission Date for Responses to this RFP to be Established by PUCO Order

To be considered for selection, a bidder's formal response to this RFP must be submitted by a date and time to be established within an order to be issued by the PUCO in Case No. 10-2767-TP-UNC.

2.3 PUCO Not Liable For Costs

The PUCO is not liable for any cost associated with the preparation of bid proposals in response to this RFP or any other costs incurred by any bidder.

2.4 Withdrawal or Modification of Bid Proposal

Prior to the due date for submission of bid proposals, a submitted proposal may be withdrawn from consideration or modified by the bidder. Any such request must be signed by a person authorized to sign for the bidder. After it is formally filed however, a proposal shall not be modified, except upon the direction of the PUCO for good cause shown.

2.5 Responses Valid and Binding for Certain Time Period

After the due date for submission of bid proposals, all filed responses shall be valid and binding until September 13, 2011, or until the Commission issues its final decision in this case regarding vendor selection, whichever occurs first.

2.6 PUCO Reserves Right to Allow a Bidder to Cure Minor Irregularities in a Filed Bid

The PUCO reserves the right to allow, at its own discretion, an opportunity to cure minor irregularities in a filed bid proposal, including either those that pertain to the bid's compliance with the requirements of this RFP, or those that pertain to any of the specified selection criteria set out in Section 5.2 of this RFP, that are subject to weighted scoring and evaluation by the PUCO in making its selection.

2.7 Deviations from the RFP

Any deviation from the RFP proposed by the bidder must be identified and explained in the bid proposal and, unless sufficient explanation and justification for the deviation is provided, will not necessarily be accepted by the PUCO as proposed. Any deviation proposed, if accepted by the PUCO, shall become part of any resulting contract.

2.8 Submitted Bid Proposals are the Property of the PUCO

All bid proposals, once submitted to the PUCO, become the property of the PUCO.

2.9 Unless Protective Order is Sought and Granted, All Portions of Bidder's Response Treated as Public Information

All portions of all submitted bid proposals shall be considered and treated as public information, unless, they are the subject of either a pending motion for protective order filed with the PUCO pursuant to Rule 4901-1-24, Ohio Administrative Code, or a protective order issued in response to such a motion by the PUCO pursuant to that same rule. Bidders who seek to protect the confidentiality of any portion(s) of their bid proposal must follow the procedure set forth in Rule 4901-1-24(D), Ohio Administrative Code, in order to obtain such protection.

2.10 Disqualification from Further Bid Consideration for Failure to Meet Mandatory Requirements of Pass/Fail Chart

Any filed bid proposal that fails to meet each of the threshold requirements listed in the Pass/Fail Chart set out in Appendix A to this RFP will be immediately disqualified from further consideration.

2.11 Internet Question and Answer Period; Opportunity to Seek Clarification on RFP

Bidders may make written inquiries regarding this RFP prior to three business days before the due date for submission of bids. All inquiries will be addressed per the process below without attribution to the inquiring bidder. To make an inquiry, bidders must use the following process;

- (a) In order to be able to receive responses to any and all inquiries, the bidder must register to become a member of a listserv. The listserv will be used to provide responses.
- (b) Using your web browser, go to the PUCO home page at <http://www.PUCO.ohio.gov/>. There will be a link to the CVM Pilot Program RFP web page under the “Announcements” section. Click on that link.
- (c) On the CVM Pilot Program RFP web page fill out the form entitled “CVM Pilot Program RFP Listserv.”
- (d) The bidder will be placed on an email listserv that does not receive emails and does not reveal the identity of any listserv member to any other listserv member. This will ensure the anonymity of the inquiring bidder to all other bidders.
- (e) To submit an inquiry, send an email to: CVMPilotProgramRFPQuestions@puc.state.oh.us

In the subject line of the email provide:

- (i) First and last name of the prospective bidder’s representative who is responsible for the inquiry.
 - (ii) The representative’s business phone number.
 - (iii) The representative’s email address.
 - (iv) The question or inquiry.
 - (v) A reference to the relevant part of this RFP.
 - (vi) The heading for the provision of the RFP under question.
 - (vii) The page number of the RFP where the provision can be found.
- (f) Any bidder submitting an inquiry will receive an email acknowledgement that the PUCO has received the inquiry. The bidder will not receive a personalized response to the question or notification when the PUCO has answered the question. The answer or response to the inquiry will be sent to the submitting bidder and all other bidders via the listserv.

The PUCO will use its best efforts to respond to all inquiries within 3 business days of receipt, excluding weekends and state holidays. However, the PUCO will not respond to any inquiries received after 5:00 p.m. on the third business day prior to the due date for submitting proposals.

The PUCO does not consider questions asked during the inquiry period through the inquiry process as exceptions to the terms and conditions of this RFP.

- (g) In the event you experience technical problems in trying to access the PUCO Website in order to participate in the above-described process for submitting inquiries regarding this RFP, you can request assistance in resolving such problems by sending an e-mail to the PUCO Webmaster at webmaster@puc.state.oh.us. The PUCO does not consider e-mails sent to the PUCO Webmaster concerning technical problems with the PUCO website as violations of the communication restrictions set forth in Section 2.14 of this RFP.

Bidder proposals in response to this RFP are to take into account any information communicated by the PUCO using the above-described listserv process. Amendments to the RFP or any other documents related to it will be accessible to the interested bidder through the original web page established by this RFP. All interested bidders must refer to that web page regularly for amendments or other announcements. **It is the responsibility of all potential bidders to check this site on a regular basis for responses to questions, as well as for any amendments or other pertinent information regarding this RFP.**

2.12 Bidder Presentations

Prior to rendering a decision as regards the successful bidder(s), the PUCO may decide to establish a time for oral presentations to be provided on behalf of those bidders that have met or exceeded the minimum requirements of this RFP. Advance notice will be provided to any bidder requested to make a presentation.

2.13 PUCO May Seek Additional Information

The PUCO may request from any bidder either that additional information be provided in writing or that a meeting be scheduled between representatives of the bidder and the PUCO to discuss the specifics of the bidder's proposal in greater detail.

2.14 Communications Restriction

With the exception of the Internet Question and Answer Period under the procedure outlined in Section 2.11 of this RFP, bidder presentations, if any, as outlined in Section 2.12 of this RFP, and PUCO-solicited information, if any, as covered in Section 2.13 of this RFP, bidders, including but not limited to their employees, agents, assigns, and legal representatives, shall not communicate with any PUCO staff members or Commissioner concerning this RFP from the date that it is released for bid until one or more bidder has been selected and the PUCO has issued its order selecting the vendor(s). If a bidder attempts any unauthorized communication, the state, including the PUCO, shall reserve the right to reject that bidder’s proposal.

2.15 Anticipated Procurement Timetable

DATE	EVENT/ACTIVITY
December 8, 2010	PUCO issues Entry by which it releases this RFP PUCO releases a press release concerning the RFP The RFP appears on the State of Ohio Procurement Opportunities Web Page, which is managed by the Ohio Department of Administrative Services (DAS) The RFP appears on the PUCO Web Site; The Internet Q&A Period Opens <ul style="list-style-type: none"> – RFP becomes active – Bidders may submit inquiries for RFP clarification
February 2, 2011 5:00 p.m.	Bidder Q&A Period Closes, (for inquiries for RFP Clarification) <ul style="list-style-type: none"> – No further inquiries for RFP clarification will be accepted after 5:00 p.m. on the 3rd business day prior to the due date for submission of bid proposals.
February 7, 2011	Bidder proposals must be received by the PUCO by this deadline. LATE PROPOSALS WILL NOT BE CONSIDERED. THERE WILL BE NO EXCEPTIONS MADE. <ul style="list-style-type: none"> – This is the proposal submission deadline date, beginning the PUCO process of proposal review.
Date to be announced, but no later than September 13, 2011	PUCO issues Opinion and Order Awarding Contract to Selected Bidder(s) (subject to all necessary contractual and funding approvals).
Date to be	Controlling Board Review of Contracts

<p>announced, based on availability of opening on agenda of Controlling Board following PUCO Order selecting bidder(s)</p>	<ul style="list-style-type: none"> - Contract with selected bidder requires review and approval. - Approval of contract(s) with selected bidder(s) will be placed on Controlling Board's agenda as soon as possible following PUCO selection of bidder(s).
<p>Date to be announced, PUCO Fiscal Chief will notify the selected bidder when the requirements of ORC Section 126.07 have been met.</p>	<p>Certification of availability of funding by Office of Budget and Management (OBM).</p> <p>Under Section 126.07, Revised Code, PUCO contracts are not valid and enforceable until the OBM certifies the availability of appropriate funding, as indicted by the approval of the Purchase Order (P.O.). The contractor may neither perform work nor submit an invoice for payment for work performed for this project for any time period prior to the P.O. approval date.</p>
<p>60 days following date of the PUCO Order selecting bidder(s), i.e., by no later than November 12, 2011, unless PUCO grants an extension</p>	<p style="text-align: center;">Service implementation beginning date.</p>

The PUCO reserves the right to, upon reasonable notice, revise this schedule.

Section 3 INFORMATION REQUIRED OF BIDDERS

3.1 Bid Proposals Shall Follow Prescribed Format

All bid proposals shall follow the format described in Appendix D of this RFP. An identifiable tab sheet shall, for ease of reference, precede each section of the bid proposal. Each bid proposal must, at a minimum, include all of the tabs specifically identified in Appendix D of this RFP, labeled and organized sequentially as described in Appendix D. Additional information deemed pertinent by the bidder, but not applicable to any of the required tab sections, may be included, but should be separately set forth and identified in whatever manner the bidder deems most

appropriate, in an appendix or appendices to the bid proposal. All pages, excepted preprinted technical inserts, shall be sequentially numbered.

3.2 Cover Letter

Each bid proposal shall include a cover letter. The cover letter shall contain the name of the project; the name and address of the bidder; the name, address, e-mail address, and current telephone number of the contact person with authority to answer questions regarding the proposal; and the name, address, e-mail address, and current telephone number of a contact person to be notified regarding contractual issues. Wherever possible, please use representatives within the boundaries of the state of Ohio.

The cover letter shall be signed by a representative authorized to legally bind the bidder, and shall include the following: an identification of the bidder as a corporation or other legal entity; a statement that the bidder does not discriminate on the basis of race, religion, national origin, color, sex, sexual orientation, age, disabilities, or veteran status; and a statement that the bidder has sole and complete responsibility for delivery of the required services.

3.3 Verification of All Information Contained in Bid Proposal

In the next tabbed section following the cover letter, each bid proposal shall include a verification by which a representative authorized to legally bind the bidder verifies, through signature, that all of the information submitted in the bid proposal is true and correct to the best of the knowledge of the person signing the verification.

3.4 Executive Summary

Each bid proposal shall include an executive summary highlighting the key components of the bid. The bidder shall, in the executive summary, clearly specify its competitive advantages and its proposed ability to meet the terms, conditions, and requirements as defined in this RFP.

3.5 Bidder Profile

Each bid proposal shall include a bidder profile that explains and documents who the bidder is, what type of legal entity it is and, as such, how it is organized (e.g., a corporation, a partnership, a sole proprietor, etc.). The profile should explain whether the bidder's business is for profit or not-for-profit, and document that the bidder holds

all necessary authority to conduct its business in the state of Ohio, and currently is an entity registered and in good standing to conduct business in Ohio.

The bidder profile shall include, but not be limited to, recent data describing the following: articles of incorporation, if any, date of incorporation, and date of corporate registration in Ohio; a current IRS Tax Determination letter; a letter from the Internal Revenue Service and also a letter from the Ohio Department of Taxation showing that the bidder is current on all taxes on all federal and state taxes.

The bidder profile should include a description of the bidder's business, its current ownership; the number of years it has been in business; the number of its offices both in total and in Ohio (including the locations of the Ohio offices); the revenue totals for the last fiscal year; the home office location; and other appropriate company profile information, including CVM service offerings already being provided in Ohio or in other states (and identifying the locations where CVM is already offered in Ohio). Finally, the bidder shall include a statement describing how bidder resources and experience will support the CVM service being proposed, including access to back-up staff and facilities if needed.

3.6 References

Professional references shall be provided that demonstrate the bidder's expected ability to provide CVM in the manner proposed by the bidder. References should be provided for the bidding entity itself, for any subcontractors that will be used, and for the individuals designated as principals for the proposed CVM pilot program project. The PUCO or its staff may call these references to receive an assessment of the previous performance of those being referenced. The information expected to be included for each reference is as follows:

- (a) Name of the individual to contact for reference.
- (b) Affiliation of the individual as relates to his or her capacity to give a reference (e.g., company/facility which employs the individual).
- (c) Telephone number and any other contact information (e.g., e-mail address).
- (d) Whether the reference is for the bidding entity, a principal, or a subcontractor.
- (e) Project or work for which the reference is given.

3.7 Documentation Regarding Any CVM Service Provider Experience

Any bidder with experience in providing CVM in Ohio or another state must include a description of such service, and provide a copy of any materials used in publicizing the service, as well as any publicly available information regarding the cost of the service, and studies and statistics reporting usage of the service. Additionally, the names, titles, and telephone numbers of state administrator contacts concerning the bidder's provision of CVM in other states should be provided.

3.8 Commitment From Bidder to Provide CVM to All Qualified Enrollees Throughout the Proposed Service Area(s) for the Duration of the Pilot Program

All bid proposals must set forth a commitment from the bidder that CVM service as proposed in the bid proposal will, once the service has commenced, continually be made available throughout the duration of the pilot program, and throughout all service area(s) covered by the bid proposal, to all to individuals in the proposed service area(s), specifically including homeless persons, clients of battered-spouse programs, and displaced and returning veterans who qualify to participate in the pilot program, by being both: (1) located within one of the urban or rural areas of Ohio included in the pilot program, and (2) an individual in a state of transition that, as such, is without access to traditional telephone exchange service or readily available alternatives.

3.9 Commitment From Bidder Regarding Date of Commencement of Service and Detailed Schedule Explaining Proposed Commencement of Service Date

All bid proposals must set forth a commitment from the bidder that CVM service as proposed will be initiated in compliance with the service commencement requirements set forth in Paragraph (A) of Section 6 of Sub S.B 162. That provision indicates that the vendor or vendors selected by the PUCO shall begin providing services under the pilot program not later than 60 days after officially notified of selection, unless the vendor or vendors applies for, demonstrates good cause for, and is granted by the PUCO, an extension of this 60-day time period.

Unless the bid proposal includes (i.e., is accompanied in its filing by) an application which requests an extension of the 60-day time period required of selected CVM vendors for commencing CVM service, each bid proposal submitted, in order to qualify for consideration by the PUCO, must include a detailed schedule and a written explanation of that schedule, which demonstrates specifically how the bidder expects to be able to commence service within 60 days after being selected by the PUCO as a vendor/participant in the pilot program. The PUCO will consider bid proposals that

contain such time-extension applications, so long as they meet all other requirements for bid proposals set forth in this RFP. However, the Commission will not select a bid proposal that includes such a time extension application unless it finds, in addition to all other considerations, that the time extension application should be granted because the applicant has set forth good cause for granting the time extension.

Upon the stated commencement date, the CVM vendor, once selected by the PUCO for participation in the two-year pilot program, must be prepared to begin providing CVM throughout its proposed service area(s) in accordance with the terms of this RFP, the terms of its response to this RFP, and the terms and conditions of the order by which the PUCO makes its selection of vendor(s). In the event of a conflict, the latter shall be controlling.

3.10 Proposed Service Area(s) Identified

All bid proposals must designate and clearly identify the parameters of the proposed urban and/or rural area(s) in which CVM, under the proposal, is to be provided throughout the duration of the pilot program.

In determining whether an area is either urban or rural, bidders should and the PUCO will rely on the definition for these terms established by the U.S. Census Bureau, for purposes of the 2000 Census, which can be found at www.census.gov/geo/www/ua/ua_2k.html.

3.11 Documentation Showing System Design and Explaining How CVM Will Be Provided

All bids must include a complete description of the various components of CVM, as well as how the vendor, either through direct provision or through other entities, will provide them. Such components include, but are not limited to:

- (a) A complete description of the bidder's system design which must illustrate how CVM will be provided, how CVM users will access the service, how they will be discontinued as CVM customers when they are no longer in transition, and how their number will be recycled after that.
- (b) A complete description of all facilities and equipment required for the provision of CVM. A complete description of all planned or existing physical spaces, buildings, offices, real estate, permits, rights-of-way, or clearances necessary to operate as the provider of

CVM in the bidder's proposed service area(s). This description must include a listing of all the bidder's and each subcontractor's offices, facilities, and equipment to be used in the provision of CVM under the bid proposal, as well as description of their locations, including a specification of offices, facilities, and equipment located in Ohio. If none, state that there are none.

- (c) All personnel and related training required in order to staff the vendor's CVM operations and to operate as the provider of CVM in the bidder's proposed service area(s).
- (d) A complete description of the manner in which the records will be maintained in order to permit review and evaluation by the PUCO and its staff.
- (e) A detailed work plan that demonstrates the bidder's ability and commitment to both:
 - (i) Timely implement the CVM service proposed.
 - (ii) Maintain the provision of CVM service as proposed, throughout the duration of the pilot program.

3.12 Functionalities of Proposed CVM System Must Be Explained

Each bid proposal shall fully explain the functionalities of the voice mail boxes that will used to provide the CVM service proposed. The explanation shall, at a minimum, explain:

- (a) What is the maximum number of voice mail messages that can be left in the voice mailbox before it becomes full? (e.g., 10, 20, 30 messages).
- (b) How long the voice messages can be stored if the message has not been retrieved by the user.
- (c) How long the voice messages can be stored if the message has been retrieved and the user wants to save the message.
- (d) What is the maximum space, in seconds, per message (e.g., can a caller leave a 60, 90, or 120 second voice mail message).

- (e) When a voice mailbox becomes full what happens? (e.g., the caller receives an announcement the voice mailbox is full then the system hangs up? The oldest voicemail message in the box is deleted in order to make room for the new message?)
- (f) Is there a way to notify the assigned voice mailbox owner that the mailbox is full? What method of notification is used (e.g., e-mail).
- (g) Will the user be able to retrieve voice mail message via the Internet?
- (h) Which, if any, of the following features (none which are required in order for a bid proposal to be considered as meeting the minimum requirements of this RFP) does the CVM service being proposed include: broadcast messaging; reply to broadcast messaging; E-mail notification; E-mail broadcast messaging; Hotlines; and Voice surveys. Please fully explain your answer, and also, please fully describe any other optional features or service enhancements included in your proposed CVM service offering.
- (i) Is there a way to prevent “robocalls” to these CVM mailboxes?
- (j) How will numbers used be acquired, and recycled?

3.13 Explanation of Staffing, Description of Personnel

All bid proposals must include the names of the individuals who will be involved in the CVM pilot program, a description of their areas of responsibility, a description of their experience and/or expertise in the field of CVM. The bid proposal must provide a complete description of the personnel, including supervisory personnel, necessary to staff its provision of CVM in the bidder’s proposed service area(s). Such description must also include:

- (a) How the personnel will be selected, screened, and trained.
- (b) Staffing levels relative to anticipated changes in the number of CVM users over the course of the two-year pilot program.

- (c) Identification, by name, of the lead personnel to be employed, the extent of their involvement in the CVM pilot program project, and a description of how the proposed personnel's experience matches the requirements of the project. Substitution of lead personnel at any time during the pilot program is not permitted without prior written approval of the PUCO.
- (d) A description of the qualifications, experience, and proven results achieved by all professional lead or significant personnel to be employed on the project, with a summary of the work performed on projects similar to the one contemplated by this RFP, including specific references. The PUCO reserves the right to request samples of prior relevant work from any bidder prior to making its final selection of vendor.

Personnel commitments identified in the selected bidder's selected bid proposal shall be considered mandatory to the work performed under this RFP. Replacement of such personnel shall be with personnel of equal ability and qualifications.

It is the affirmative duty of the bidder to seek to protect all of the personal confidential information (such as home address and social security numbers) of bidder staff and/or any subcontractor staff from the resumes or any other part of the bid proposal. To reiterate what is stated in Section 2.9 of this RFP, bidders who seek to protect the confidentiality of any portion(s) of their bid proposal must follow the procedure set forth in Rule 4901-1-24(D), Ohio Administrative Code, in order to obtain such protection.

3.14 Subcontractor Identification and Participation Information

Any bid proposal that proposes use of a subcontractor for any part of the work described in this RFP, or to fulfill any obligation arising from any contract that may result from the RFP, must clearly identify the subcontractor(s) and their tasks. The bid proposal, in such an event, must include a letter from the proposed subcontractor(s), signed by a person authorized to legally bind the subcontractor, indicating the following:

- (a) The subcontractor's legal status, federal tax ID number, and principle business address.
- (b) The name, phone number, and e-mail address of a person who is authorized to legally bind the subcontractor to contractual obligations.
- (c) A complete description of the work the subcontractor will do.
- (d) The cost of the proposed subcontractor's work.
- (e) A commitment to do the work, if the bidder submitting the bid proposal is selected as the vendor/participant in the pilot program.
- (f) A statement that the subcontractor has read and understands the RFP, the nature of the work, and the requirements of the RFP.

3.15 Statement of Financial Responsibility, Submission of Information Relating to Bidder's Corporate and Financial Integrity

The bid proposal must contain a statement of financial responsibility including certification that the bidder (including all joint partners if the bidder is a conglomerate operation) and any subcontractors have no outstanding liens or claims against them.

The bidder must submit with its proposal copies of its latest published financial reports and any other documents and information sufficient to enable the PUCO to assess the bidder's corporate and financial integrity, history, and ability to provide the CVM being proposed. Further, the PUCO may request additional information if initial submissions are deemed not sufficient in this regard. As applicable, the financial reports should include:

- (a) The most recent annual report and Security and Exchange Commission (SEC) 10K and 10Q forms of the company submitting the proposal, and of any parent company.
- (b) When available, any investment advisory and rating agency reports issued during the past year about the company or its parent company.

3.16 Documentation Showing Bidder Has Adequate Liability Insurance

Each bid proposal must contain evidence of adequate insurance to cover claims of liability. More specifically, the bid proposal must document the bidder holds a certificate of insurance with at least one million dollars combined single limit coverage for general liability.

3.17 Projected Budget

All bid proposals must include a detailed projected month-by-month, annual, and total budget that shows the projected costs of providing the CVM service in the manner proposed in the bid proposal and explains in detail how the bidder proposes to provide the service under the offered contract price. The budget should specifically detail, at a minimum, each of the following categories or line items: the estimated number of voice-mail boxes that will be used during each month of the pilot project; the cost per voice-mail box; equipment costs; materials and supplies costs; office occupancy of space costs; travel costs; outreach costs, including advertising budget; travel costs; and employee payroll costs, including salary of any salaried personnel; recruiting, training, and any other employee costs; any other direct expenses; and other indirect expenses.

3.18 Demonstration of Commitment and Ability to Meet Performance Bond Requirement

The bid proposal must document the bidder's commitment and ability to comply with the performance bond requirements of Section 6.14 of this RFP.

3.19 Final Contract Price Offered to the PUCO Must Be Specifically Tabbed

Each bid proposal shall set forth a final offer, at a final contract price to the PUCO specifically identified in the final section of the bid proposal under a tab marked "final contract price offer." Such final offer shall consist of the bid price under which the submitting bidder, under the proposal, offers to provide, if the bid proposal is accepted by the PUCO and the submitting bidder is selected by the PUCO as a vendor participant in the pilot program, throughout the entire two-year duration of the pilot program, the CVM service described in the bid proposal, to all individuals, specifically including homeless persons, clients of battered-spouse programs, and displaced and returning veterans who qualify to participate in the pilot program, by being both: (1) located within any portion of the proposed service area(s) in Ohio included in the bid proposal, and (2) individuals who are in a state of transition and, as such, are without access to traditional telephone exchange service or readily available alternatives.

The final contract price to the PUCO cannot exceed a total dollar amount of \$500,000.00 for the entire bid proposal.

The final contract price quoted by the bidder shall include all items of work defined in the bid proposal. The bidder will be required to deliver the performance described in its bid proposal at or below the proposed final contract price.

3.20 Explanation of the Bidder's CVM Service Eligibility Criteria

The bid proposal shall set out all of the criteria that the vendor will apply in determining CVM customer service eligibility. None of these criteria may conflict with eligibility standards established in this RFP. Among these standards are that:

- (a) CVM service must be offered throughout proposed service area, throughout the duration of the pilot program, to all eligible participants.
- (b) All individuals, specifically including homeless persons, clients of battered-spouse programs, and displaced and returning veterans, are eligible as participants in the pilot program if they are both:
 - (i) Located within one of the urban or rural areas of Ohio included in the bidder's proposal, and
 - (ii) Individuals in a state of transition that, as such, are without access to traditional telephone exchange service or readily available alternatives.

The bid proposal shall specify and explain the criteria that the bidder will use to determine whether a person seeking to obtain CVM service is: (1) located within one of the urban or rural areas of Ohio included in the bid proposal and, (2) in a state of transition and, as such, is without access to traditional telephone exchange service or readily available alternatives.

3.21 Documentation Showing that Bidder Has A Policy and Established Procedures for Avoiding the Provision of CVM Service under the Pilot Program to Non-Eligible Individuals

The bidder must have in place a policy and established procedures for avoiding the offering or providing of CVM service under the pilot program to individuals who

are not qualified to receive such service, as, for example, in situations where such individuals are either not, or no longer continue to be, in a state of transition without access to traditional telephone exchange service or readily available alternatives. The bid proposal shall explicitly set forth the bidder's policy and explain in detail the bidder's established procedures in this regard.

3.22 Explanation of Bidder's CVM Customer Service Enrollment Process

The bid proposal must fully explain the CVM customer service enrollment process. All the forms and criteria that the vendor will use to enroll CVM service customers should be included and fully explained in the bid proposal. These must comply with all customer eligibility and all other requirements set out in the RFP.

The enrollment process must put all potential CVM service customers on notice that CVM service may not be used for any illegal purpose or activity, and that the service will not be offered, or may be terminated, in the event that it is, or appears that, any use, or attempted use of the service is being made for any illegal purpose or activity.

3.23 Explanation of Bidder's CVM Customer Service Disconnection Process

The bid proposal must fully explain how, and under what circumstances, CVM service will be discontinued to those who are enrolled. All the forms and criteria that the vendor will use to discontinue CVM service to enrolled CVM customers should be included and fully explained in the bid proposal. These must comply with the spirit of all of the eligibility requirements set out in the RFP.

3.24 Documentation Showing that Bidder Will Comply with RFP's Requirements Pertaining to Protecting the Privacy of CVM Service Customers

The vendor must protect the privacy of its CVM customers, including preventing, at all times, any public disclosure of the particular and personal reasons why any individual qualifies to participate in the pilot program. Each bid proposal must fully explain the manner in which the CVM customer's privacy, in this regard, will be and remain protected.

3.25 Documentation Showing that Bidder Will Comply with RFP's Requirements Pertaining to How CVM Service Customers Will Be Notified Regarding of Termination of the Pilot Program

Vendor participants in the pilot program must establish a mechanism to notify CVM service customers that they are receiving such service as part of a pilot program that will end two years after its commencement date. The notification mechanism must be set up in such a way as to notify the vendor's CVM service customers of this information as part of the service enrollment process, and to notify them again of this same information, to the extent that they are still enrolled as CVM service customers, at each of four different intervals: (1) at the end of the first year of the pilot program, as well as (2) six months, (3) three months, and (4) thirty days before the pilot program ends. The notification shall be provided by voice mail message and must be delivered to the CVM service customer's voice mail box on the date on which each of the four intervals occurs.

The PUCO will issue an entry in this docket which will formally establish the beginning and ending dates of the two-year pilot program. The beginning date of the pilot program, which will be formalized by the entry, will coincide with the date that CVM services under the pilot program, as provided by the first vendor to provide CVM service under the pilot program, commenced. Likewise, the ending date of the pilot program, which will be formalized by the entry, will be a date two years from the beginning date of the pilot program.

Once the PUCO formally establishes by entry the beginning and ending dates of the two-year pilot program, the notice(s) required under this Section (i.e., 3.25) of the RFP must specifically identify the date on which the pilot program, and thus the provision of CVM service to the customer, will end, which date shall coincide with the ending date of the pilot program formally established by the PUCO's entry. Vendors are permitted to end the process of enrolling new customers beginning on the date 30 days prior to the ending date of the pilot program.

All bid proposals must demonstrate the bidder's commitment to meet the notice requirements of this Section (i.e., 3.25) of the RFP.

3.26 Description of Outreach

All bid proposals must include a detailed description of the manner in which the bidders will provide CVM service outreach.

All bid proposals shall describe in detail, specifically, how the bidder will connect with and reach out to the communities of persons whom the pilot program is specifically targeted, namely, for individuals who are in a state of transition and have no access to traditional telephone exchange service or readily available alternatives, including the homeless, clients of battered-spouse programs, and displaced and returning veterans.

3.27 Advertising Plan and Media Strategy to Promote Usage

The bidder must provide the advertising plan it intends to utilize to promote usage of CVM under the pilot program. The bidder must also describe, in detail, the media strategy it intends to adopt to promote usage. Additionally, the bidder must describe or, if available, provide, as part of its response to this RFP, any educational materials, concerning why CVM is offered, to whom it is available, and how to use it. The bidder must also indicate in its response to the RFP, what instructional programs, if any, it intends to implement to familiarize users with CVM. Any and all promotional materials concerning the CVM pilot program are subject to PUCO review and approval prior to their use. This includes advertising copy, educational materials, brochures, mailings, and instructional programs of all kinds concerned with how CVM is offered under the pilot program.

3.28 Attestation that Bidder Will Comply With Executive Order 2010-09S Banning the Expenditure of Public Funds on Offshore Services

The bidder must attest within its bid proposal that no public funds, including any provided by the PUCO to fund this CVM pilot program, would be used to purchase services provided outside the United States or to contract with a subcontractor who will use the funds to purchase services provided outside the United States. To comply with this requirement the attestation form included as Appendix B to this RFP must be completed and signed by the bidder, and submitted as part of its response to the RFP.

3.29 Certification that Bidder Has Not Provided Material Support or Resources to Any Listed Terrorist Organization

Any bidder responding to this RFP is required, using the appropriate form furnished by the Ohio Department of Public Safety, Division of Homeland Security (the instructions for downloading the form are included as Appendix C to this RFP), to provide certification that the bidder has not provided material support or resources to any organization listed on the "Terrorist Exclusion List" (TEL) maintained by the U.S. Department of State. The form must be printed, completed, and signed by the bidder's authorized representative and returned to the PUCO as a component of the bid

proposal submitted in response to this RFP. Failure to properly complete the form or to provide as part of the bid proposal may result in disqualification of the bidder's proposal from consideration.

3.30 Attestation That Bidder Is Not, Because of an Unresolved Finding of Recovery, Excluded From Entering Into a Contract with the PUCO

Each bid proposal must contain an attestation from the bidder, attesting that the bidder is not excluded, under Section 9.24, Revised Code, because of an unresolved finding of recovery, from entering into a contract with the PUCO.

3.31 Documentation Regarding Any Minority Business Enterprise (MBE) Certification

If the bidder itself, or any of its subcontractors, is an Ohio certified MBE vendor, as defined in Section 122.71, Revised Code, it is expected that the bidder would submit, as part of its bid proposal, evidence of such certification.

Section 4 SCOPE OF SERVICE; SPECIFICATION OF DELIVERABLES

4.1 Minimum Service Requirements

CVM service under the pilot program must, at a minimum, meet each of the following service standards:

- (a) The VM number must be a local number (i.e., a number served from within the local service exchange area in which the CVM service customer is located, for service eligibility purposes).
- (b) The mail box must be able to store a minimum of twenty voice mail message before it is considered and operates as full.
- (c) The mail box must store voice messages that have not been initially retrieved by the customer for a minimum of 30 days.
- (d) When the mail box becomes full, the voice mail box system must notify the customer, via a voice prompt, that the voice mail is full. While this requirement must be met, it does not preclude the vendor from also optionally providing such notification by other additional methods, or notifying by voice prompt, when appropriate, that the mail box is almost full.

4.2 Monthly Reporting Requirements

Once the vendor's CVM services commence, the CVM vendor must submit to the PUCO detailed monthly reports. Each bid proposal must demonstrate the bidder's commitment to comply with the requirements of this Section (4.2) of the RFP. The report is due by the second Friday of the month following the reported month, unless that is a day on which the PUCO's offices are closed, in which case the report is due on the first day following that second Friday that happens to be a day on which the PUCO's offices are not closed. Such reports must contain, at a minimum:

- (a) A statement of the total number of persons enrolled as CVM customers as of the first day of the reported period, as well as a statement of the total number of persons enrolled as CVM customers as of the last day of the reported period.
- (b) A statement of the total number of persons enrolled during the reported period in each rural service area covered by the bid proposal, as well as a separate statement of the total number of persons enrolled during the reported period in each urban service area covered by the bid proposal.
- (c) A statement of the total number of new enrollees in the program during the reported period.
- (d) As concerns new enrollees in the program, to the extent possible, the vendor should recognize and, for reporting purposes, create categories which distinguish groups of program participants from one another based on any identifiable and commonly shared reasons or characteristics that pertain to how those in each category qualify for program participation. For example, one category might consist of those who share the characteristic of being in transition and without traditional phone service because they are homeless, while another category might consist of those who share the characteristic of being in transition and without traditional phone service, not because they are homeless, but rather because they are unemployed and without traditional phone service or readily available alternatives. The report should contain a statement, broken down by category, of the total number new enrollees in each category who enrolled in the service during the reported period.

- (e) A statement of the total number of enrollees in the program who discontinued the service during the reported period.
- (f) As concerns those who discontinued the service during the reported period, a list, by category, of all the reasons why service was discontinued, including any reasons why the enrollees in any specific category become, during the period, no longer eligible for participation in the pilot program (e.g., a statement explaining why the individual has moved past transitional status). The report should contain a statement, broken down by category, of the total number enrollees in each category who discontinued the service during the reported period.
- (g) A breakdown of the persons reported in (a), (b), (c), (d), (e), and (f) above, showing the total number, by category, of all whose status as enrollees in the pilot program results, in whole or in part, because they, as individuals, fit within one or more of the following enrollment criteria categories:
 - (i) Homeless
 - (ii) Clients of battered-spouse programs.
 - (iii) Displaced veterans.
 - (iv) Returning veterans.
- (h) To the extent that individuals are neither homeless, clients of battered spouse programs, nor either displaced or returning veterans, yet are enrolled in the pilot program because they meet the statutory criteria for enrollment, namely being in a state of transition and having no access to traditional telephone exchange service or readily available alternatives, the vendor must report the same type of information as it is required to report, under paragraph (g) above, as regards those categories of program participants who are homeless, clients of battered spouse programs, displaced veterans and/or returning veterans.
- (i) A brief description of any and all complaints pertaining to CVM service received during the period covered by the report, and the

CVM vendor's response to the same. The brief description should, at a minimum, explain the nature of the matter complained of.

4.3 Annual Reporting Requirement

The CVM vendor must submit to the PUCO a detailed annual report of operations, service standards, and studies showing the pattern of usage of the CVM service offered by the vendor under the pilot program. Each bid proposal must demonstrate the bidder's commitment to comply with the requirements of this Section (4.3) of the RFP. The initial report must be submitted by February 1, 2012. The initial report shall cover the period from initial operation under this contract through the end of the 2011 calendar year. Such reports must contain, at a minimum:

- (a) An annual usage study that employs the same usage criteria listed above in the section entitled Monthly Reporting Requirement.
- (b) A report that summarizes the nature and number of any complaints received during the period covered by the report, and the CVM vendor's response to the same.
- (c) Any recommendations which the CVM vendor deems necessary to improve its provision of CVM service now or in the future.
- (d) Detailed financial information that shows how actual spending by vendor during the reporting period compares with the most recent budget that was submitted to the PUCO, as part of either the bidding process or the vendor/participant reporting process.

4.4 Complaints and Inquires Procedures

The CVM vendor and PUCO shall entertain informal complaints regarding the provision of CVM. The CVM vendor shall ensure that the complaint includes the following information: name and address of the complainant; the name and address of the CVM vendor against whom the complaint is made; a statement of facts supporting the complainant's allegation; the specific relief or satisfaction sought by the complainant; and the complainant's preferred format or method of response.

The CVM vendor must provide its users with a means to file service quality complaints, to offer suggestions, and to make general inquiries regarding the service. The CVM vendor must accept and respond to complaints received by both mail and telephone within ten business days. The CVM vendor must display a toll-free customer

service telephone number and address on all CVM brochures and educational materials.

The CVM vendor shall file with the PUCO a statement designating an agent or agents whose principal responsibility will be to receive all complaints, inquiries, orders, decisions, and notices and other pronouncements forwarded by the PUCO. Such designation shall include a name or department designation, business address, telephone number, and e-mail address.

The CVM vendor must employ all reasonable means available to resolve a complaint. In the event a complaint cannot be resolved by the CVM vendor, it must refer the complaint to the PUCO's Service Monitoring and Enforcement Department's Investigation and Audit Division. If the complaint cannot be resolved to the customer's satisfaction by the Investigation and Audit Division personnel, a formal complaint form will be provided to the complainant. The complaint form will provide CVM users with the necessary information concerning how to file a formal complaint with the PUCO. The PUCO will entertain formal complaints to determine whether the CVM vendor is meeting the requirements set forth by this RFP.

The CVM vendor must maintain a log of consumer complaints. The log shall include, at a minimum, the date the complaint was filed, the nature of the complaint, the date of resolution, and an explanation of the resolution. Summaries of logs must be submitted monthly to the PUCO.

Each bid proposal must demonstrate the bidder's commitment to comply with the requirements of this Section (4.4) of the RFP.

4.5 All Costs Are Assumed To Be Imputed in the Final Contract Price Offer

All costs, including but not limited to initial start-up costs and a return on investment, will be assumed to be imputed in the final contract price offered to the PUCO, submitted by the bidder and specifically identified in the final section of the bid proposal under a tab marked "final contract price offer."

4.6 Sole Mechanism for Compensation from State

Recovery of the final contract price offered to the PUCO, submitted by the bidder and specifically identified in the final section of the bid proposal will be the sole mechanism by which the successful bidder will be compensated by the PUCO.

Section 5 SELECTION PROCESS AND SELECTION CRITERIA

5.1 Selection Process

Following receipt of all timely filed proposals, PUCO staff will review all timely filed responses, and submit its recommendation to the PUCO. Bid proposals, once formally submitted in response to this RFP, shall be evaluated by the PUCO and its staff based on whether and how well the bidder demonstrates, through its submitted bid proposal, its ability to meet or exceed all technical, service quality, implementation, and other requirements as outlined in this RFP, at the least cost to the state of Ohio, consistent with the delivery of quality of CVM service to all individuals who meet the eligibility requirements for participation in the CVM pilot program.

The PUCO shall use its own judgment to select a CVM vendor or vendors based on the record as a whole and its own assessment of the submitted, qualified bids considering the legislative intent of Section 6 of Sub S.B 162; the interests of persons who are within the class of people that CVM is intended to serve (namely, individuals who are in a state of transition and have no access to traditional telephone exchange service or readily available alternatives, including the homeless, clients of battered-spouse programs, and displaced and returning veterans); how each submitted proposal compares in relationship to other proposals, taking into consideration the manner in which the potential number of CVM users who could be expected to benefit from the service as proposed relates to the final contract price proposed; and all other factors identified in this RFP.

5.2 100-Point Scoring System, Applicable to Specific Criteria Beyond the Mandatory (Pass/Fail) Requirements

The Commission will use a 100-point scoring system in evaluating, using its own discretion, the extent to which qualified bids, i.e., those which meet all mandatory requirements set out in Appendix A to this RFP, as well as any other requirements set out elsewhere in this RFP, meet certain specific additional evaluation criteria. These additional evaluation criteria, along with the maximum number of points assigned to each, out of the 100-point scoring system, are as follows:

- (a) Relative value of the bidder's total proposed contract price as compared with all other submitted offers. The PUCO's assessment of the value will be based on its evaluation of the highest quality proposed work plan offered for the most reasonable dollar price, not necessarily on which bid price happens to be lowest.

Under this criterion, the PUCO would compare and contrast the relative strengths and merits of, for example, each qualifying bidder's demonstration of the soundness of its budget projection and its demonstration of ability to provide the proposed CVM service to all qualified persons for the entire period at the proposed contract price.

(Total of 20 possible points)

- (b) Relative strength of bidder's demonstration of how the proposed service area compares in relative size with that of other comparably priced bids. The PUCO is interested in having the pilot program serve the greatest number of potential participants, at the most beneficiary, reasonable, and sustainable price. Therefore, all other considerations being equal, so long as there is a sufficient demonstration that the proposed service can be adequately and sustainably served at the proposed price, the larger the proposed service area, the more points will be awarded.

(Total of 25 possible points)

- (c) Relative strength of bidder's demonstration concerning whether any, and if so how many, advantages could result from the bid proposal to persons who are within the class of people that CVM is intended to serve. In general, more points will be awarded to those proposals which include relatively more and/or relatively better service enhancements, i.e., service features that exceed the minimum service requirements required under the RFP.

(Total of 25 possible points)

- (d) Relative strength of bidder's demonstration of ability to timely commence service.

(Total of 5 possible points)

- (e) Relative strength of bidder's demonstration of its overall wherewithal to carryout the project. Under this criterion, the PUCO would compare and contrast the relative strengths and merits of, for example, the bidders' submitted: (1) references; (2)

demonstrations of expertise in the field; (3) demonstrations of financial stability; and (4) any other factors which impact on its overall wherewithal to carryout the project.

(Total of 15 possible points)

- (f) Relative strength of bidder's demonstration concerning whether any, and if so how many, advantages to the state of Ohio and its citizens could result from the bid proposal.

(Total of 10 possible points)

5.3 Award

On or before September 13, 2011, the PUCO shall issue an order in Case No. 10-2767-TP-UNC setting forth the chosen bidder or bidders.

Section 6 CONTRACT TERMS AND CONDITIONS

6.1 Submission of Bid Proposal Certifies Bidder's Agreement to be Bound by the Contract Performance Requirements Established in the RFP, the Terms of the Selected Bid Proposal Accepted by the PUCO, and the PUCO Order Selecting the CVM Vendor(s)

By issuing the order by which it will select the bid or bidders, it is the PUCO's intention to, subject to necessary contract review and approval by the State Controlling Board, and certification of available funding by the Office of Budget Management, establish a contract between the state of Ohio (through the PUCO) and the selected bidder or bidders that, unless it is terminated sooner, will remain in effect throughout the two-year duration of the pilot program. The PUCO shall issue an order selecting the CVM vendor or vendors who shall, thereby, be contractually bound to provide CVM as proposed in bid proposal(s) of the selected vendor(s), for the two year period of the pilot program.

By submission of a bid proposal, the bidder certifies its agreement to enter into such a contract and, if its bid is selected, to the following:

The PUCO order selecting the CVM vendor will establish the contract performance requirements that the CVM vendor must meet in fulfilling its obligations under the contract. These contract performance requirements shall include, either implicitly or explicitly:

- (a) The terms, conditions, and requirements set out in the RFP and any amendments thereto.
- (b) The terms of the selected bid proposal submitted in response to the RFP that are accepted by the PUCO.

No modification or change of any provision in the performance requirements shall be made, or construed to have been made, unless such modification is incorporated as a written amendment by order of the PUCO.

The PUCO may, by a written order, issued in response to any valid and applicable legislative or judicial directives, make changes within the general scope of the performance requirements of this RFP and the contract. No changes in scope are to be conducted except with the approval of the PUCO. If any such change causes an increase or decrease in the cost of, or the time required for, the performance of any part of the work under the contract, whether changed or not changed by any such order, an adjustment may be made in the performance requirements and shall be modified in writing according to the requirements of this RFP. To the extent such a change affects the contract, necessary amendments shall be made.

6.2 PUCO Reserves Right to Negotiate

The PUCO reserves the right to negotiate with the selected vendor(s) or make other additions, deletions, or changes to the order, provided that no such addition, deletion, or change, in the sole determination of the PUCO, unduly affects the evaluation criteria set forth in this RFP.

6.3 Introduction of New Technologies Relating to CVM and Services Corresponding to CVM

No regulation set forth in this RFP is intended to discourage or impair the development of improved technology that fosters the availability of telecommunications to persons who are eligible to participate in the pilot program. At any time, the PUCO may consider the introduction of additional technologies relating to CVM and services corresponding to CVM, upon a demonstration of the viability of such services on both a technological and economic basis.

Once the pilot program has begun, and service has commenced, CVM vendors may propose enhancements to the service, however, such enhancements shall not be compensated for by the PUCO at a price above the final contract price originally

proposed by the vendor in its successful bid proposal submitted in response to this RFP. The CVM vendor shall strive to provide the latest advancements in voice mail technology that can provide a cost-effective CVM service without decreasing the quality of service.

6.4 Preconditions to Contract Obligations and Performance

None of the rights, duties, or obligations in the contract resulting from this RFP will be binding on the PUCO, and the contractor will not begin performance, until all of the following conditions have been met:

- (a) The director of the Office of Budget and Management has certified the availability of funds, as required under Section 126.07 of the Ohio Revised Code.
- (b) Approval of this contract is given by the Controlling Board of Ohio.

6.5 Contract and Order Variation

If any provisions of the contract or performance requirements of the order (including terms incorporated by reference) is declared or found to be illegal, unenforceable, or void, then the PUCO and the CVM provider shall be relieved of all obligations arising under such provision. If the remainder of the contract or order is capable of performance, it shall not be affected by such declaration or finding and shall be fully performed.

6.6 Waiver

No covenant, condition, duty, obligation, or undertaking contained in or made apart of either the contract or performance requirements of the order will be waived except by the written agreement of the parties with the concurrence of the PUCO. Forbearance or indulgence in any other form or manner by either party in any regard whatsoever shall not constitute a waiver of the covenant, condition, duty, obligation, or undertaking to be kept, performed, or discharged by the party to which the same may apply. Furthermore, until complete performance or satisfaction of all such covenants, conditions, duties, obligations, and undertakings, any other party shall have the right to invoke any remedy available under law or equity, notwithstanding any such forbearance or indulgence. Any consent by any party to or waiver of a failure by the other, whether express or implied, shall not constitute a consent of, waiver of, or excuse for any other different or subsequent failure.

6.7 Entire Agreement

The contract and performance requirements of the order shall represent the entire agreement between the parties with respect to the services provided under the contract and order and supersede all prior negotiations, representations, or agreements, either written or oral, between the PUCO and the CVM service provider and shall be independent of and have no effect upon any other agreements.

6.8 Federal and Ohio Laws

This RFP and the contract are subject to the laws of the state of Ohio and, where applicable, federal law. The contract shall be construed according to the laws of the state of Ohio. Any legal proceedings regarding this RFP or the resultant contract shall be brought before the PUCO.

6.9 CVM Service Provider's Responsibility

Any contracts that may result from the RFP shall be understood as specifying, whether explicitly or implicitly, that the CVM service provider chosen by the PUCO is solely responsible for fulfillment of the contract. The CVM service provider chosen by the PUCO to participate in the pilot program may use a subcontractor to perform part of the work described in this RFP, only if such use is consented to by the Commission in writing, but, in any event, such use, even if consented to by the PUCO, shall not relieve the PUCO-chosen CVM service provider from its sole responsibility and legal obligation to fulfill the contract.

6.10 Performance Assignment

The CVM service provider chosen by the PUCO to participate in the pilot program shall not assign the obligation to perform in accordance with the RFP and the PUCO's order in whole or in part without the prior written consent of the PUCO. To the extent that a bid proposal includes a proposal by the bidder to use a subcontractor to perform any part of the work described in this RFP, acceptance of the bid proposal by the PUCO, through an order in Case No. 10-2767-TP-UNC, will constitute such prior written consent, subject to any additional terms, conditions, or contingencies that are contained in such order. No addition, deletion, or substitution of subcontractors will be permitted during the course of the pilot program unless approved in advance by the Commission.

6.11 Force Majeure

The CVM service provider chosen by the PUCO to participate in the pilot program will not be liable for failure to perform its obligation in accordance with the RFP and the PUCO's order if such failure arises out of causes beyond the control and without the fault or negligence of the provider. Such causes may include, but are not limited to, acts of God, fires, quarantine restriction, strikes, and freight embargoes. The provider will take all possible steps to recover from such occurrences.

6.12 Reference to Award Not Permitted In Commercial Advertising

The CVM service provider chosen by the PUCO to participate in the pilot program agrees not to refer to awards in commercial advertising in such a manner as to state or imply that the firm or its services are endorsed or preferred by the PUCO or the state of Ohio.

6.13 Permits, Licenses, Taxes, and Registrations

The CVM service provider chosen by the PUCO to participate in the pilot program shall procure all necessary permits and licenses and abide by all applicable laws, regulations, and ordinances of all federal, state, and local governments in which work is performed in its provision of CVM service.

Such provider shall pay any and all sales, use, property, or other taxes arising out of its provision of CVM. Any taxes levied upon this transaction, and the equipment or services delivered pursuant hereto, shall be borne by the provider.

The provider must furnish certification of authority to conduct business in the state of Ohio. Certification is obtained from the secretary of state. The provider need not be registered with the secretary of state before responding to this RFP.

6.14 Performance Bond

Upon the Commission's selection of the CVM service provider(s), and prior to actual commencement of service, the CVM service provider must procure a performance bond necessary to guarantee uninterrupted provision of CVM service. The amount of the performance bond will be one percent of final contract price specifically identified in the final section of the bid proposal under a tab marked "final contract price offer." The Commission may require and/or the provider may request an adjustment to the amount of the bond in subsequent years. Bidders who are financially able shall have the option to self-insure such performance bond. In the event

a bidder elects to exercise this option, it shall provide sufficient assurance to the Commission that the bidder's own organization, its parent, or an affiliate stands ready to dedicate the financial resources necessary to ensure that the bidder is able to meet the obligations required by this RFP. The bidder shall further demonstrate that its organization, parent, or affiliate possesses the necessary financial resources to fund the requirements of this RFP, and that its organization, parent, or affiliate is financially sound. If assurance is provided by a parent or affiliate, the bidder shall furnish, at a minimum, an attested statement from its parent or affiliate that it will dedicate the financial and other resources necessary to perform the duties required by this RFP, in the event the bidder is unable to meet its obligations.

6.15 Employment Practices

The provider shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, age (except as provided by law), marital status, political affiliations, or disability. The provider must take affirmative action to ensure the employees, as well as applicants for employment, are treated without discrimination because of their race, color, religion, sex, national origin, age (except as provided by law), marital status, political affiliations, or disability. Such action shall include, but is not limited to, the following: employment, promotion, demotion, transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. Bidders are strongly encouraged to employ throughout their organization persons who are communicatively disabled. Submitted bid proposals should demonstrate how this goal is or will be accomplished.

The provider shall, in all solicitations or advertisements for employees placed by or on behalf of the provider, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, national origin, age (except as provided by law), marital status, political affiliation, or disability, except where it relates to a bona fide occupational qualification.

The provider shall comply with the nondiscriminatory clause contained in the Federal Executive Order 11246, as amended by Federal Executive Order 11375, relative to Equal Employment Opportunity for all persons without regard to race, color, religion, sex, or national origin, and the implementing rules and regulations prescribed by the Secretary of Labor of the United States and with 41 C.F.R. § 60. The provider shall comply with related state of Ohio laws and regulations. The provider shall comply with regulations issued by the Secretary of Labor of the United States, pursuant to the provisions of Executive Order 11758 and the Federal Rehabilitation Act of 1973.

The provider shall comply with the Civil Rights Act of 1964, and any amendments thereto, and the rules and regulations thereunder.

6.16 Accounting Requirements

The provider shall establish and maintain an accounting system in accordance with the applicable FCC Uniform System of Accounts or generally accepted accounting principles (GAAP). The accounting system shall maintain records pertaining to the tasks defined in the RFP and any other related costs and expenditures. The costs properly applicable to the provision of CVM service under the pilot program shall be readily ascertainable from such records.

6.17 Record of Operations Must Be Maintained and Made Available for Audit

The CVM vendor must maintain all records and reports relating to the operation of its CVM service offered under the pilot program, and shall make such records and reports available for audit by the PUCO. All such records must be made available during normal business hours for inspection by the PUCO or any PUCO-approved personnel. Such reports and records shall include, but are not limited to, studies detailing the following:

- (a) The CVM vendor must maintain accounting and financial records detailing the expenses incurred in providing CVM under the pilot program.
- (b) The vendor's compliance with the monthly and annual reporting requirements established in this RFP.

6.18 Records Retention

Authorized PUCO representatives shall have access to and the right to examine and copy the items listed below. Delivery of and access to the listed items shall be at no cost to the PUCO. Specifically, the provider shall preserve and make available to the Commission the following:

- (1) All books, documents, papers, and records related to the provision of the CVM under the pilot program for a period of six years from the expiration or termination of the CVM pilot program.

- (2) Records involving matters in litigation shall be kept for one year following the termination of litigation and associated appeals if the litigation has terminated within six years.

6.19 Audit Requirements

The selected provider will be subject to an independent audit when required by the PUCO. However, the Commission will not require an independent audit to be performed on a regular basis, but rather will only require it if and when it issues an entry order which finds that, due to extraordinary circumstances, such an audit might prove useful or be necessary in order to protect the integrity of the CVM pilot program. This audit will verify the service's usage patterns and calling volumes. The cost of this audit will be borne by the successful bidder. The independent auditor shall be selected by the successful bidder, subject to approval by the Commission.

6.20 Name "Community-Voicemail Service Pilot Program" Shall Be Used

Throughout the duration of the pilot program, the name "Community-Voicemail Service Pilot Program" shall be used exclusively as the name of the CVM service provided under the two-year pilot program. The bidder shall not include in that name any references to or endorsements of the bidder's company or of any one else.

6.21 Duty to Keep PUCO Apprised of Operational Situations

The CVM vendor must keep the PUCO's staff apprised of any operational situations that could potentially have a significant adverse impact on overall CVM service quality once that potential becomes apparent.

6.22 Independent Price Determination

By submission of a bid proposal, the bidder certifies the following:

- (a) The prices in the proposal have been arrived at independently, without consultation, communication, or agreement for the purpose of restricting competition, as to any matter relating to such costs with any other bidder or with any competitor.
- (b) Unless otherwise required by law, the prices that have been quoted in the proposal have not been knowingly disclosed by the bidder to any competitor.

- (c) No attempt has been made or will be made by the bidder to induce any other person or firm to submit or not submit a proposal for the purpose of restricting competition.

6.23 Offer of Gratuities

By submission of a bid, the bidder certifies that no member of or delegate of Congress, nor any elected or appointed official or employee of the state of Ohio, has or will benefit financially or materially from this procurement. This procurement and contracts arising out of such procurement may be terminated by the PUCO if it is determined that gratuities of any kind were either offered to or received by any of the aforementioned officials or employees, from the bidder, his or her agent or employee in return for such procurement.

6.24 Hold Harmless

The provider agrees to indemnify, defend, and hold harmless the PUCO, its officers, agents, and employees from the following:

- (a) Any claims or losses for service rendered by the CVM service provider, person, or firm performing or supplying services, materials, or supplies, in connection with the provision of CVM.
- (b) Any third party claims of losses to any person or firm injured or damaged by the acts of the provider, its officers or employees by the publication, translation, reproduction, delivery, performance, use, or disposition of any data processed in a manner not authorized by the PUCO, or by federal or state regulations or statutes; and
- (c) Any failure of the CVM service provider, its officers, or employees to observe Ohio laws, including but not limited to labor laws and minimum wages.

6.25 Termination

The obligation to perform resulting from this RFP shall be subject to the following termination provisions:

6.25.1 Termination for Default

- (a) Any CVM service provider who is determined in writing by the PUCO to be in breach of any of the terms and conditions of the performance requirements may, in the discretion of the PUCO, be declared in default and such contract may be terminated as a result of such default. Before reaching any such written determination, the PUCO will provide the provider with reasonable notice of the PUCO's intention to examine whether such a determination is warranted and allow the provider a reasonable opportunity both to be heard on the matter and to cure any alleged breach before the contract can be terminated.
- (b) A default in performance by a provider for which the obligation to perform may be terminated shall include, but shall not be limited to, a failure to perform according to the terms, conditions, and specifications established by the RFP and the PUCO's order.

6.25.2 Termination for Provider Bankruptcy

In the event of the filing of a petition in bankruptcy by or against the CVM service provider, the PUCO shall have the right to require the termination of the obligation to perform upon the same terms and conditions as a termination for default.

6.25.3 Termination for Unavailability of Funds

In the event that the PUCO determines that funding becomes unavailable, the PUCO shall have the right to terminate both the obligation to perform and the contract without penalty and upon the same terms and conditions as a termination for convenience. Availability of funds will be determined at the sole discretion of the PUCO.

6.25.4 Procedure for Termination

Upon delivery by certified mail to the provider of a notice of termination specifying the nature of the termination, the extent to which performance of work is terminated and the date upon which performance of work is terminated becomes effective, the provider shall:

- (a) Stop work on the date and to the extent specified in the notice of termination.

- (b) Place no further orders for materials, services, or facilities, except as may be necessary for the completion of the work as is not terminated.
- (c) Terminate all orders to the extent that they relate to the performance of work terminated by the notice of termination.
- (d) Complete the performance of such part of the work as shall not have been terminated by the notice of termination.
- (e) Take such action as may be necessary, or as the Commission may direct, for the protection and preservation of the property and which is in the possession of the provider and in which the Commission has or may acquire an interest.

6.25.5 Termination Claims

- (a) After receipt of a notice of termination, the CVM service provider shall submit to the PUCO any termination claim in the form and with the certification prescribed by the PUCO. Such claim shall be submitted promptly, but in no event later than six months from the effective date of termination, unless one or more extensions in writing are granted by the PUCO within such six-month period or authorized extension thereof. However, if the PUCO determines that the facts justify such action, it may receive and act upon any such termination claim at any time after such six-month period or extension thereof.
- (b) Upon failure of the CVM service provider to submit its termination claim within the time allowed, the PUCO may, subject to any review required by state procedure in effect as of the date of the initiation of the performance obligation determine, on the basis of information available to it, the amount, if any, due to the provider by reason of termination and shall thereupon cause to be paid to the provider the amount so determined.

- (3) Subject to the provisions of the previous paragraph and subject to any review required by state procedures in effect as of the date of the initiation of the performance obligation, the provider and the PUCO may agree upon the amounts to be paid to the provider by reason of the total or partial termination of the work pursuant to this RFP. The PUCO order establishing the performance requirements shall be amended accordingly.
- (4) In the event of the failure of the provider and the PUCO to agree, in whole or in part, as to the amounts with respect to the costs to be paid to the provider in connection with the total or partial termination of work pursuant to this RFP, the Commission shall determine, on the basis of information available, the amount, if any, due to the provider by reason of termination.

Appendix A

RFP Section	Threshold Requirements for Bid Consideration Pass/Fail Chart	Pass	Fail
2.2	Is bid proposal submitted by filing deadline established by PUCO Order		
3.1, 3.2, 3.3, 3.4, 3.5, and 3.6	Does bid proposal comply with format requirements, e.g., tab sheet, numbered pages, cover letter, executive summary, bidder profile, and references		
3.5 and 6.13	Does bid proposal document that bidder is in good standing to do business in Ohio		
3.8	Does bid proposal meet the requirement that the pilot program shall continue for two years		
3.9	Does bid proposal demonstrate bidder's ability to commence providing services not later than 60 days after being notified of selection (or request for extension and provide support for extension)		
3.10	Does bid proposal designate and clearly identify a proposed service area that includes at least one urban or one rural area of Ohio		
3.11	Does bid proposal explain system design and how the proposed CVM service will be provided		
3.12	Does bid proposal explain the functionalities of the proposed voicemail system		
3.13	Does bid proposal explain staffing and provide a description of personnel		
3.15	Does bid proposal provide sufficient documentation to allow PUCO to assess bidder's corporate and financial integrity, history, and ability to provide the CVM service being proposed		
3.16	Does bid proposal provide documentation of insurance		
3.17, 3.19, and 4.5	Does proposed total program expenditures stay within budgeted contract amount		
3.26	Does bid proposal explain outreach plan		
3.27	Does bid proposal explain advertising plan and media strategy to promote service usage		

3.28	Does bid proposal include attestation regarding compliance with Executive order 2010-09S banning the expenditure of public funds on offshore services		
3.29	Does bid proposal include certification that bidder has not provided material support or resources to any organization listed on the TEL maintained by the U.S. Department of State		
3.30	Does bid proposal include attestation that bidder is not involved in an unresolved finding of recovery		
4.1	Does bid proposal demonstrate compliance with minimum service requirements for CVM		
4.2, 4.3, and 6.17	Does bid proposal demonstrate compliance with all reporting requirements: record of operations, monthly reporting, and annual reporting		
4.4	Does bid proposal demonstrate compliance with all requirements relating to complaint and inquiries procedures		

APPENDIX B

AFFIRMATION AND DISCLOSURE FORM
EXECUTIVE ORDER 2010-09S
Banning the Expenditure of Public Funds on Offshore Services

This form must be completed and signed by every bidder responding to the Request for Proposal (RFP) issued by the Public Utilities Commission of Ohio (PUCO) in Case No. 10-2767-TP-UNC.

BIDDER AFFIRMATION AND DISCLOSURE:

By the signature affixed to this response, the bidder affirms, understands, and will abide by the requirements of Executive order 2010-09S issued by Governor Ted Strickland. The bidder hereby affirms that, if its bid proposal is accepted and, as a result, it is awarded a contract as a vendor participant in the CVM pilot program, neither it, as vendor, nor its subcontractors, if any, shall perform any services necessary or incidental to the pilot program outside of the United States. The Executive Order is available at the following website: (<http://www.governor.ohio.gov/Default.aspx?tabid+1495>).

The bidder shall provide in the spaces provided below, or by attachment, all of the names and locations where will be performed the services it proposes to provide as a vendor participant in the CVM pilot program. Failure to provide this information will amount to a failure by the bidder to meet all of the mandatory requirements of the RFP and, as described in Section 2.1 of the RFP, will result in the bid proposal's disqualification from consideration. If the bid proposal does not entail the use of subcontractors, indicate "Not Applicable" in the appropriate spaces.

1. Bidder's principal location of business

(Address)

(City, State, Zip)

Name, principal location of business of subcontractor(s)

(Name) (Address, City, State, Zip)

(Name) (Address, City, State, Zip)

2. Location where services will be performed by bidder:

(Address) (City, State, Zip)

Name/location where services will be performed by subcontractor(s)

(Name) (Address, City, State, Zip)

(Name) (Address, City, State, Zip)

3. Location where state data will be stored, accessed, tested, maintained, or backed-up by bidder:

(Address) (City, State, Zip)

Name/Location(s) where state data will be stored, accessed, tested, maintained or backed-up by subcontractor(s)

(Name) (Address, City, State, Zip)

(Name) (Address, City, State, Zip)

4. Location where services to be performed will be changed or shifted by bidder:

(Address) (City, State, Zip)

Name/Location(s) where services to be performed will be changed or shifted by subcontractor(s):

(Address) (City, State, Zip)

Name/Location(s) where state data will be stored, accessed, tested, maintained, or backed-up by subcontractor(s)

(Name) (Address, City, State, Zip)

(Name) (Address, City, State, Zip)

By signing below, I hereby certify and affirm that I have reviewed, understand, and will abide by the Governor's Executive Order 2010-09S. I attest that no funds provided by the PUCO for this pilot program will be used to fund services provided outside the United States or to contract with a subcontractor who will use the funds to fund services provided outside the United States. I will promptly notify the PUCO if there is a change in the location where any of the services relating to the pilot program will be performed. If I am signing this on behalf of a company, business, or organization, I hereby acknowledge that I have the authority to make this certification on behalf of that entity.

Signature Date

(Entity Name) Address (principal place of business),

Printed Name (of above signatory) City, State, Zip

APPENDIX C

To Provide Certification That the Bidder Has Not Provided Material Support or Resources to Any U.S. State Department Listed Terrorist Organizations

Use the Form Furnished by the

**Ohio Department of Public Safety
Division of Homeland Security**

The form is available from the Division's website.

To download the form, go to the Division's website at:

<http://www.homeland security.ohio.gov>

From there, click on the link entitled:

"DMA Forms and Materials"

From there, click on the further link entitled

"DMA for funding and business contracts"

Once there, the form is available to be downloaded in either PDF or Word format

APPENDIX D

Overall Bid Proposal Organization

All bid proposals shall follow the format described in this Appendix to the RFP. An identifiable tab sheet shall, for ease of reference, precede each section of the bid proposal. Each bid proposal must, at a minimum, include all of the tabs specifically identified below, labeled and organized sequentially as described here.

- Tab 1** Cover Letter
- Tab 2** Verification
- Tab 3** Executive Summary
- Tab 4** Bidder Profile
- Tab 5** Statement of Financial Responsibility; Submission of Information Relating to Its Corporate and Financial Integrity
- Tab 6** Documentation Regarding Any Past or Present CVM Service Provider Experience
- Tab 7** Subcontractor Identification and Participation Information
- Tab 8** Professional References
- Tab 9** Documentation Regarding Any Minority Business Enterprise (MBE) Status
- Tab 10** Attestation that Bidder will Comply with Executive Order 201009S Banning the Expenditure of Public Funds on Off-Shore Services (Appendix B)
- Tab 11** Declaration that Bidder has not Provided Material Support or Resources to Any Listed Terrorist Organization (Appendix C)
- Tab 12** Documentation that Bidder Has Adequate Insurance
- Tab 13** Explanation of Bidder's CVM Eligibility Criteria
- Tab 14** Explanation of Bidder's CVM Customer Enrollment Process
- Tab 15** Explanation of Bidder's CVM Customer Service Disconnection
- Tab 16** Documentation Showing Bidder Has a Policy and Established Procedures for Avoiding the Provision of CVM Service Under the Pilot Program to Non-Eligible Individuals
- Tab 17** Documentation Showing that Bidder will Comply with the RFP's Requirements Pertaining to How CVM Customers will be Notified Regarding the Termination of the Pilot Program
- Tab 18** Documentation Showing Bidder will Comply with RFP's Requirements Pertaining to Protecting the Privacy of CVM Service Customers
- Tab 19** Description of Outreach
- Tab 20** Explanation of Staffing; Description of Personnel
- Tab 21** Explanation of Functionalities of Proposed CVM Service
- Tab 22** Identification of Proposed Service Area(s)

- Tab 23** Explanation of Advertising Plan and Media Strategy to Promote Usage
- Tab 24** Minimum Service Requirement
- Tab 25** Monthly Reporting Requirements
- Tab 26** Annual Reporting Requirements
- Tab 27** Duty to Keep PUCO Apprised of Operational Situations
- Tab 28** Complaints and Inquiries Procedures
- Tab 29** Documentation Showing System Design and Explanation of How CVM Will Be Provided
- Tab 30** Projected Budget
- Tab 31** Cost Proposal

Any Appendices

Additional information deemed pertinent by the bidder, but not applicable to any of the required tab sections, may be included, but should be separately set forth and identified in whatever manner the bidder deems most appropriate, in an appendix or appendices to the bid proposal. Within each tab section, all pages, excepted preprinted technical inserts, shall be sequentially numbered.