

**Ohio Public Defender Request For Proposal (RFP):
Skills-Based Certified Legal Education Training for Public Defenders
TRIAL ADVOCACY SKILLS
August 15, 2012
Procurement Opportunity PUB01-1301**

SECTION I. GENERAL PURPOSE

1.1 Purpose

The Ohio Public Defender (OPD) releases this Request for Proposal (RFP) for the purpose of securing a vendor to provide a Skills-Based Certified Legal Education (SBCLE) training seminar to private attorneys and public defenders who are appointed or provided under Section 120 of the Ohio Revised Code and who provide representation to indigent persons accused of crime. The goal of this program is to increase the general trial advocacy skills of the attorneys, to increase the quality of representation, and to decrease the overall cost to the State to provide indigent defense services. The training must be skills-based training, as opposed to traditional classroom lecture-style training, taught primarily by attorneys with demonstrated criminal law experience.

1.2 Background

Ohio Revised Code Section 120.03(D)(2)(c), grants the Ohio Public Defender Commission the authority to “[c]onduct programs having a general objective of training and educating attorneys and others in the legal representation of indigent persons.” Training improves the skills of the attorneys, thereby improving the quality of representation. With sufficient training, attorneys are also less likely to make procedural errors or to create appealable issues. This helps to reduce the long-term costs of providing indigent defense representation by avoiding improper convictions and costly appeals.

Historically, the agency provided only traditional classroom, lecture-style training. In the past few years, the agency has also been providing skills-based training. Through this experience, the agency has come to recognize that the intensive “skills-based” training has proven to be a more effective training vehicle for attorneys. The agency still provides traditional lecture style training, however, this RFP is limited to vendors who can provide the more comprehensive skills-based style of training.

1.3 Project Overview, Description and General Requirements

This RFP is for a vendor to provide a *Skills-Based* Certified Legal Education (CLE) Training Program for a minimum of forty (40) attorneys on the topic of Trial Advocacy.

A. Skills-Based Training Defined:

Skills-based training is defined as training that actively engages the participant at every level of practice. This training focuses on mastering one stage of a proceeding at a time. At such training, lawyers are divided into small groups and receive focused instruction from an experienced trainer on the specific skills required for the particular stage. The lawyer then

performs the skills as instructed while the trainer and other lawyers observe. The trainer and the other lawyers in the group then critique the lawyer's effort and offer suggestions for more effective advocacy. Because the lawyer has actively performed the taught skill and received immediate feedback and instruction, the lawyer better retains the training for use in his or her own practice.

The training should include, but not be limited to the following:

- Attorneys bringing a real case to the training session to discuss and develop a defense.
- Mock trials complete with defense, prosecution, judge and jurors.
- Use of real cases to instruct trainees how to develop factual theories, use literary devices and storytelling techniques to construct a winning case, and how to develop tactical and strategic skills to persuade judges and juries.
- Use of recognized local and national experts as instructors and mentors.

B. Certified Legal Education (CLE)

The vendor must ensure the seminar is in compliance with the Ohio Supreme Court Rules for the Government of the Bar of Ohio, Rule X, Attorney Continuing Legal Education, and must obtain certification from the Ohio Supreme Court that participating attorneys may receive Continuing Legal Education (CLE) credits for attending the seminar. Seminars that do not qualify for Ohio Supreme Court CLE do not meet the requirements of this RFP and will not be awarded.

C. Trial Advocacy

A Trial Advocacy program is defined as a multi-day seminar (usually 3-5 days) designed to instruct attorneys how to develop factual theories of defense, how to use literary devices and other techniques to construct a winning case, and how to develop the tactical and strategic skills to persuade judges and juries. Topics include brainstorming facts, developing theory of defense, managing the voir dire process, crafting opening statements, conducting direct and cross examination, impeachment, developing and delivering closing arguments, and other trial skills as proposed by the vendor.

D. Other General Requirements

The training must be held within the State of Ohio. The vendor must provide for the training facilities, overnight lodging for the trainees, mailings, publications, printing, instruction tools and materials, faculty/instructors, and other participants (e.g., mock jury), and include these in the proposed price. The contractor may provide light refreshments, but individual meals shall be the responsibility of all participants. Accordingly, the training site must have on-site or nearby restaurants, lodging and parking. Trainees shall be responsible for travel costs to and from the seminar. The vendor is responsible for distribution and collection of required Ohio Supreme Court CLE forms, and remitting the forms to the Ohio Supreme Court so the attorneys may be credited with CLE.

1.4 Time Frame & Funding

OPD is seeking to contract with a vendor to provide the seminar between October 15, 2012 and June 30, 2013.

Potential vendors are to be aware that OPD may, at its sole discretion, negotiate with all technically qualifying vendors for a revised price proposal if the price proposals of all technically qualifying vendors are in excess of the available funding for this project.

SECTION II. PROCUREMENT PROCESS

2.1 Anticipated Procurement Timetable

DATE	EVENT/ACTIVITY
August 15, 2012	OPD Releases RFP to potential vendors and posts procurement opportunity on the DAS Procurement website; Q&A via internet/email begins (see section 2.2 below). -RFP becomes active -Vendors may submit inquiries for RFP clarification
August 24, 2012	Vendor Q&A period closes at 5:00 p.m. -No further inquiries for RFP clarification accepted.
August 31, 2012	OPD provides final Vendor Q&A document
September 14, 2012	Deadline for vendors to submit proposals to OPD (5:00 pm). -This is the proposal opening date, beginning the OPD process of proposal review. THE AGENCY WILL NOT CONSIDER LATE PROPOSALS. THE AGENCY WILL MAKE NO EXCEPTIONS FOR ANY REASON.
September 20, 2012	OPD Issues Contract Award Notification Letter and Contract to selected vendor. -OPD sends letters to vendors that submitted proposals in response to the RFP whether their proposal was accepted for award.
October 15, 2012	Implementation* -Contract implementation is contingent on approval by the Ohio Controlling Board**. -OPD contracts are not valid and effective until the state Office of Budget and Management approves the purchase order.
June 30, 2013	Project Completion -The Trial Advocacy Seminar must be completed, and all work approved by OPD Contract Manager no later than June 30, 2013.

OPD reserves the right to revise this schedule in the best interest of the State of Ohio and/or to comply with the State of Ohio procurement procedures and regulations and after providing reasonable notice.

* According to requirements of Ohio Revised Code (ORC) 126.07, OPD contracts are not valid and enforceable until the Office of Budget and Management (OBM) certifies the availability of appropriate funding, as indicated by the approval of the Purchase Order (PO). The selected vendor may neither perform work nor submit an invoice for payment for work performed for this project for any time period prior to the PO approval date. The OPD Contract Manager will notify the selected vendor when the requirements of ORC Section 126.07 have been met.

**The contract period is expected to run from approximately October 15, 2012 through June 30, 2013. Contracts that equal or exceed \$50,000 per fiscal year, or that in aggregate with other contracts the agency enters into with the same vendor during the same fiscal year that exceed \$50,000 are subject to approval by the Controlling Board.

2.2 Internet Question & Answer Period; RFP Clarification Opportunity

A. Submitting Questions

Potential vendors may ask clarifying questions regarding this RFP via the Internet during the Q&A Period as outlined in Section 2.1, Anticipated Procurement Timetable. To ask a question, potential vendors should send an email to: rfp@opd.ohio.gov

Questions about this RFP must reference the relevant part of this RFP, the heading for the provision under question, and the page number of the RFP where the provision can be found. The potential vendor must also include the name of a representative of the potential vendor, the company name and business phone number.

OPD may, at its option, disregard any questions which do not appropriately reference an RFP provision or location, or which do not include an identification for the originator of the question.

OPD will not respond to any questions received by the agency after **5:00 p.m.** on the date the Q&A period closes. The time stamp on the email shall determine timeliness.

OPD strongly encourages vendors to ask questions early in the Q&A period so that answers can be posted with sufficient time for any possible follow-up questions.

B. Answers to Questions

OPD will post responses to all questions on the agency's website page devoted to this RFP, for reference by all potential vendors and available at:

<http://opd.ohio.gov/RFP/rfp.htm>

Potential vendors' questions shall only be answered inside this forum. Clarifying questions asked and OPD responses to them will comprise the "OPD RFP Q&A Document" for this RFP. **OPD reserves the right to determine when to post (i.e., as received or after the closing of the Q&A period) official answers to vendor questions.**

Vendor proposals in response to this RFP are to take into account any information communicated by OPD in the Final Q&A Document for the RFP. **It is the responsibility of all potential vendors 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.**

The location of the OPD Q&A Document will be clearly identified on the website dedicated to this RFP, **once that document is made available.**

Vendors are to base their RFP responses, and the details and price of their proposed projects, on the requirements and performance expectations established in this RFP for the future contract, NOT on details of any current or past related contract. Requirements under a current project may or may not be required by OPD under any future contract, and so may not be useful information for vendors who choose to respond to the RFP. If vendors ask questions about existing or past contracts using the Internet Q&A process, OPD will use its discretion in deciding whether to provide answers.

There is an established time period for the Vendor Q&A process (see Section 2.1, Anticipated Procurement Timetable, above). OPD will only answer those questions submitted within the stated time frame for submission of vendor questions, and which pertain to issues of RFP clarity, and which are not requests for public information. OPD is under no obligation to acknowledge questions submitted through the Q&A process if those questions are not in accordance with these instructions.

Should vendors experience technical difficulties accessing the OPD website where the RFP and its related documents are published, they may contact OPD at (614) 466-5394.

2.3 Communication Prohibitions

From the issuance date of this RFP until an actual contract is awarded to a vendor, there may be no communications concerning the RFP between any vendor that expects to submit a proposal and any employee of OPD in the issuing office, or any other OPD employee, or any other individual regardless of their employment status, who is in any way involved in the development of the RFP or the selection of the contractor.

The only exceptions to this prohibition are as follows:

1. Communications conducted pursuant to Section 2.2, Internet Q&A Period;
2. As necessary in any pre-existing or on-going business relationship between OPD and any vendor that could submit a proposal in response to this RFP;
3. As part of any vendor interview process or proposal clarification process initiated by OPD;
4. Communication which OPD deems necessary in order to make a final selection;
5. If it becomes necessary to revise any part of this RFP, OPD will post those revisions, amendments, etc., to the website dedicated to this RFP;* and;
6. Any public records request made to the OPD.

*** Important Note:** Amendments to the RFP or to any documents related to it will be accessible to interested vendors through the original web page established for the RFP. All interested vendors must refer to that web page regularly for amendments or other announcements. OPD may not specifically notify any vendor of changes or announcements related to this RFP except through the website posting. It is the affirmative responsibility of interested vendors to be aware of and to fully respond to all updated information posted on this web page.

OPD is not responsible for the accuracy of any information regarding this RFP that was obtained or gathered through a source other than the Q&A process described in this RFP. Any attempts at prohibited communications by vendors may result in the disqualification of those vendors' proposals.

If interested vendors have a need to communicate with the agency regarding this RFP, they must contact **OPD** using one of the mechanisms provided for in **Sections 2.2, Internet Question & Answer Period/RFP Clarification Opportunity**, or **2.3, Communication Prohibitions**, of this RFP.

Vendors are cautioned that communication attempts which do not comply with these instructions will not be answered, and that OPD will not consider any proposals submitted to any address other than as provided in Section 5.3 of this RFP. Vendor proposals must be submitted to OPD in strict accordance with proposal submission instructions provided in **Section 5.3, Proposal Submission**.

SECTION III. VENDOR EXPERIENCE AND MANDATORY REQUIREMENTS

To be considered for the contract expected to result from this RFP, OPD requires the vendors and proposals to meet minimum qualifications and requirements. The agency will not consider vendors who do not meet all the minimum requirements. The minimum requirements are as follows:

1. The vendor must have previously provided at least one CLE Seminar on a criminal law topic.
2. The vendor must have previously supplied or participated in supplying Skills-Based CLE to at least one defense organization (e.g., Public Defender Office) or to a group of attorneys who practice criminal defense law.
3. The vendor must provide at least one valid reference.
4. The vendor's proposal must include skills-based teaching methodology as outlined in this RFP.
5. The majority of the proposed instructors must be licensed attorneys with demonstrated criminal law experience in the subject matter proposed. Instructors other than attorneys (e.g., professionals, experts, investigators, etc.) may be proposed as supplemental faculty.

6. All proposed instructors must have prior experience as a trainer and have provided training at a minimum of one previous CLE certified seminar.
7. Attorney instructors must have both practical experience in criminal defense law and experience in providing training to attorneys and others who practice criminal defense law.
8. The proposed location for the seminar must be within Ohio, and must be adequate for the kind of training provided and the number of students. The location must be in a campus like setting or at a hotel or other building with on-site training facilities, nearby restaurants, on-site or nearby adequate overnight accommodations, and parking.

SECTION IV. SCOPE OF WORK & SPECIFICATIONS OF DELIVERABLES

The scope of work shall be as follows:

The Vendor agrees to provide a skills-based criminal law seminar at a location within the State of Ohio on the topic of Trial Advocacy to [a minimum of forty (40)] attorneys who provide legal representation to indigent persons in Ohio.

The Trial Advocacy training shall be a multi-day (3-5 days) seminar designed to teach attorney skills and instruct participants on how to develop factual theories of defense, how to use literary devices and other techniques to construct a winning case, and how to develop the tactical and strategic skills to persuade judges and juries. Topics shall include brainstorming facts, developing theory of defense, managing the *voir dire* process, crafting opening statements, conducting direct and cross examination, impeachment, developing and delivering closing arguments, and other trial advocacy skills as proposed by the vendor.

The Vendor is responsible for all aspects related to providing the seminar, including but not limited to:

1. Making all arrangements for use of any facilities;
2. Employing all faculty and instructors;
3. Designing the course curricula and agendas;
4. Providing overnight lodging arrangements for seminar participants;
5. Providing all written materials, handouts, workbooks, and testing materials;
6. Arranging for and providing for any audio visual equipment or computer interfacing, and;
7. Arranging for and providing all other accommodations related to implementing the seminars.

Attendees shall be selected by the Agency, and shall be by invitation only. The Agency must approve all attendees in advance of the seminar.

The Vendor shall apply to the Ohio Supreme Court, Attorney Continuing Legal Education (CLE), for all available Continuing Legal Education credits for each seminar. The seminar must qualify for CLE and the Ohio Supreme Court must grant CLE for the seminar. Upon the

Supreme Court granting CLE, the Contractor shall certify the seminar with the Ohio Supreme Court or with the appropriate body as directed by the Ohio Supreme Court through either a blanket certification or individual seminar certification, whichever is appropriate. The contractor shall provide an attendance and registration list containing each participant's name and signature for each day of training, submit the appropriate materials to the Ohio Supreme Court to allow each participating attorney to receive CLE credit, and shall keep all registration materials and attendance sign in sheets for a period of five years in the event of a future audit by the Ohio Supreme Court.

SECTION V. PROPOSAL FORMAT & SUBMISSION

5.1 RFP Response Form & Narratives

Vendors must complete the **RFP Response Form**, included with this RFP as **Attachment A**, and remit the form with their proposal. The RFP Response Form covers both technical and price information. The agency has provided the RFP Response Form as a Microsoft Word document available on the agency's web page located at:

<http://www.opd.ohio.gov/RFP/rfp.htm>.

Users may download and type the information directly onto the form. The boxes provided on the form will expand to accommodate the text.

In addition to the RFP Response Form, vendors should provide an additional Technical Proposal narrative further detailing their proposal. The first page of such narratives should be provided on the vendor's letterhead, and subsequent pages should be numbered. The narratives should be no longer than 5-10 pages, and may be accompanied by supporting attachments. Narratives should address:

- Special qualifications/experience of the vendor
- Location of the Seminar
- Proposed Faculty Members (Name, affiliation, qualifications, resume/vitae)
- Seminar Agenda and Content
- Seminar Format
- Teaching Techniques
- Proposed CLE hours available
- Any other information relevant to the proposal

5.2 Price Proposal

The payment terms for this contract shall be one completion payment at the conclusion of the seminar and remittance of CLE information to the Ohio Supreme Court. The payment shall be based on a price per attendee for a minimum of 40 attorneys, validated by signatures on attendee sign in sheets for each seminar day.

Vendors shall provide the agency with a single overall price based on price per person. The proposed price shall be all-inclusive, and the agency shall not pay for vendor's expenses

separately or in addition to the proposed price. The agency will not make any advance payments.

Vendors shall provide the price data as specified on the RFP Response Form.

5.3 Proposal Submission

Vendors should submit **two copies** of their proposal, which includes the RFP Response Form, narrative, and any accompanying documents **no later than 5:00 p.m., Friday, September 14, 2012** to the following location:

John Alge, CPPO
Director of Administration
Office of the Ohio Public Defender
250 E. Broad St. Suite 1400
Columbus OH 43215
John.Alge@opd.ohio.gov or rfp@opd.ohio.gov

Vendors may submit in person, by mail, or via email. To be considered timely, the agency must receive the submission or email by the deadline date and time. Date and time of submission for email shall be evidenced by the receipt time stamp on the email log on OPD's email server, not the time stamp on the sender's email. Email submissions require only one (1) copy. Email submissions must include a single transmission to the email address rfp@opd.ohio.gov and contain attachments in portable document format (PDF) or Microsoft Office formats (Word, or Excel) that collectively constitute the entire proposal.

SECTION VI: CRITERIA FOR PROPOSAL EVALUATION & SELECTION

6.1 Phase 1 Review-Initial Qualifying Criteria

To be fully reviewed and scored, proposals submitted must pass Phase 1 Review. **Any "no" answer for criteria listed below will eliminate a proposal from further consideration. See Attachment B for the Initial Qualifying Review Criteria Form to be used by OPD.**

1. Was the proposal received by the deadline as specified in Sections 2.1 and 5.3?
2. Did the vendor submit two paper copies, or if submitted by email, one transmission containing readable file attachments in either PDF or Microsoft Office formats that constitute the vendor's entire proposal?
3. Did the proposal include a properly completed RFP Response Form?
4. Did the RFP Response Form include a price proposal in the format designated by the RFP?
5. Did the vendor submission include a Technical Proposal narrative?

6.2 Phase 2 Review-Criteria for Scoring Technical Proposal & Narratives

In the selection process, the agency proposal evaluation team will score all proposals using the Evaluation Score Sheet, included as **Attachment C**. Vendors are encouraged to review this score sheet and prepare their response to address all the items included on the scoring sheet. The agency will not award a contract to any vendor not meeting all the minimum criteria. The agency will assign individual scores to vendors meeting or exceeding minimum criteria based on the information provided in their response to the RFP. For example, vendors will be scored based on the number of previous skills-based CLE seminars they have provided in the past, with those providing more receiving higher scores than those providing fewer. As another example, vendors who have provided CLE seminars to criminal defense attorneys will be scored higher than vendors who have provided CLE seminars only on civil law topics.

The agency will base the final selection for award on the scores on the RFP Evaluation Score Sheet as well as the overall quality of presentation of the proposal and price.

6.3 Phase 3 Review-Criteria for Scoring Price Proposal

The price quoted must be within the agency's budget for the proposed seminar.

OPD may, at its sole discretion, negotiate with all technically qualifying vendors for a revised price proposal. Vendors may then submit one best and final offer, or may request that OPD view its original price proposal as its best and final offer, or may formally withdraw from further consideration, and shall formally indicate its choice according to directions provided by OPD at that time. Upon receipt of all best and final offers, OPD will then consider those vendors' revised price proposals which are within the agency budget.

6.4 Review Process Caveats

OPD may, at its sole discretion, waive minor errors or omissions in vendors' proposals/forms when those errors do not unreasonably obscure the meaning of the content. OPD reserves the right to request clarifications from vendors to any information in their Technical and/or Price proposals/forms, and may request such clarification as it deems necessary at any point in the proposal review process. Any such requests for proposal clarification when initiated by OPD, and vendors' verbal or written response to those requests, shall not be considered a violation of the communication prohibitions contained in Section 2.3 of this RFP. Such communications are expressly permitted when initiated by OPD, but are at the sole discretion of OPD.

Should OPD determine a need for interviewing vendors prior to making a final selection, results to interview questions shall be scored in a manner similar to the process described for scoring of proposals, above. Such scored results may be either added to those vendors' proposal scores, or will replace certain criteria scores, at the discretion of OPD. The standards for scoring the interviews and the method used for considering the results of the interviews shall be applied consistently for all vendors participating in the interview process for that RFP.

OPD reserves the right to negotiate with vendors for adjustments to their proposals should OPD determine, for any reason, to adjust the scope of the project for which this RFP is released. Such

communications are not violations of any communications prohibition, and are expressly permitted when initiated by OPD, but are at the sole discretion of OPD.

SECTION VII. PROTEST PROCEDURE

7.1 Protests

Any potential, or actual, vendor objecting to the award of a contract resulting from the issuance of this RFP may file a protest of the award of the contract, or any other matter relating to the process of soliciting the proposals. Such a protest must comply with the following guidelines:

- A. A protest may be filed by a prospective or actual bidder objecting to the award of a contract resulting from this RFP. The protest shall be in writing and shall contain the following information:
 - 1. The name, address, and telephone number of the protestor;
 - 2. The name and number of the RFP being protested;
 - 3. A detailed statement of the legal and factual grounds for the protest, including copies of any relevant documents;
 - 4. A request for a ruling by OPD;
 - 5. A statement as to the form of relief requested from OPD, and;
 - 6. Any other information the protestor believes to be essential to the determination of the factual and legal questions at issue in the written protest.

- B. A timely protest shall be considered by OPD, if it is received by OPD's Agency Legal Counsel, within the following periods:
 - 1. A protest based on alleged improprieties in the issuance of the RFP or any other event preceding the closing date for receipt of proposals which are apparent or should be apparent prior to the closing date for receipt of proposals shall be filed no later than 3:00 p.m. the closing date for receipt of proposals, as specified in Section 2.1, anticipated Procurement Timetable, of this RFP.

 - 2. If the protest relates to the announced intent to award a contract, the protest shall be filed no later than 3:00 p.m. of the *eighth (8th) calendar day* after the issuance of formal letters sent to all responding vendors regarding the State's intent to make the award. The date on these OPD letters to responding vendors is the date used to determine if a protest regarding the intent to award is submitted by the end of the protest period.

- C. An untimely protest may be considered by OPD if OPD determines that the protest raises issues significant to the department's procurement system. An untimely protest is one received by OPD's Agency Legal Counsel after the time periods set forth in Item B. of this section.

- D. All protests must be filed at the following location:

Office of the Ohio Public Defender
Agency Legal Counsel
250 East Broad Street, Suite 1400
Columbus, Ohio 43215

- E. When a timely protest is filed, a contract award shall not proceed until a decision on the protest is issued or the matter is otherwise resolved, unless the Director of OPD determines that a delay will severely disadvantage OPD. The vendor(s) who would have been awarded the contract shall be notified of the receipt of the protest.
- F. OPD Agency Legal Counsel shall issue written decisions on all timely protests and shall notify any vendor who filed an untimely protest as to whether or not the protest will be considered.

7.2 Caveats

OPD is under no obligation to issue a contract as a result of this solicitation if, in the opinion of OPD and the proposal review team, none of the proposals are responsive to the objectives and needs of the OPD. OPD reserves the right to not select any vendor should OPD decide not to proceed. Changes in this RFP of a material nature will be provided via the agency website. All vendors are responsible for obtaining any such changes without further notice by OPD.

SECTION VIII. CONDITIONS AND OTHER REQUIREMENTS

Through this section of the RFP, OPD notifies vendors seeking award of a contract of certain conditions and requirements which may affect their eligibility or willingness to participate in any procurement process; or their eligibility to be awarded a contract; and of requirements that would be in effect should they be awarded a contract.

8.1 Proposal Costs

Costs incurred in the preparation of this proposal are to be borne by the vendor, and OPD will not contribute in any way to the costs of the preparation.

8.2 Contractual Requirements

- A. Any contract resulting from the issuance of this RFP is subject to the terms and conditions as provided in the model contract, which is included as **Attachment D** of this RFP;
- B. Many of the terms and conditions contained in the model contract (See **Attachment D**) are required by state and federal law; however, the vendor may propose changes to the model contract by annotating the model, and returning it with the vendor's proposal submission. Any changes are subject to OPD's review and approval;

- C. Payments for any and all services provided pursuant to the contract are contingent upon the availability of state or federal funds, where applicable;
- D. All aspects of the contract apply equally to work performed by any and all subcontractors where permitted;
- E. The contractor, and any subcontractor(s), will not use or disclose any information made available to them for any purpose other than to fulfill the contractual duties specified in the RFP. The contractor, and any subcontractor(s), agrees to be bound by the same standards of confidentiality that apply to the employees of OPD and the State of Ohio. Any violation of confidentiality will result in an immediate termination of the contract, and may result in legal action;
- F. As a condition of receiving a contract from OPD, the contractor, and any subcontractor(s), shall certify compliance with any court order for the withholding of child support which is issued pursuant to Section 3113.217 of the ORC. The contractor, and any subcontractor(s), must also agree to cooperate with OPD and any Ohio Child Support Enforcement Agency in ensuring that the contractor or employees of the contractor meet child support obligations established under state law;
- G. By signing a contract with OPD, a vendor agrees that all necessary insurance is in effect, and;
- H. The selected contractor shall be required to comply with prevailing wage standards, as established in ORC 4115.03 to 4115.16.

8.3 Waiver of Minor Proposal Errors

OPD may, at its sole discretion, waive minor errors or omissions in vendors' Technical and/or Price proposals/forms when those errors do not unreasonably obscure the meaning of the content.

8.4 Proposal Clarifications

OPD reserves the right to request clarifications from vendors of any information in their Technical and/or Price proposals or forms, and may request such clarification as it deems necessary at any point in the proposal review process.

8.5 Prohibition Against Services Performed Outside the United States

All vendors seeking an award of an OPD contract must contractually agree that no funds provided by OPD 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. Language prohibiting the use of offshore services is contained in section 4.15 of the sample contract, **Attachment D**.

8.6 Ethical & Conflict of Interest Requirements

- A. No contractor or individual, company or organization seeking a contract shall promise or give to any OPD employee anything of value that is of such character as to manifest a substantial and improper influence upon the employee with respect to his or her duties;
- B. No contractor or individual, company or organization seeking a contract shall solicit any OPD employee to violate any of the conduct requirements for employees;
- C. Any contractor acting on behalf of OPD shall refrain from activities which could result in violations of ethics and/or conflicts of interest. Any contractor or potential contractor who violates the requirements and prohibitions defined here or of Section 102.04 of the ORC is subject to termination of the contract or refusal by OPD to enter into a contract; and,
- D. OPD employees and contractors who violate Sections 102.03, 102.04 2921.42 or 2921.43 of the ORC may be prosecuted for criminal violations.

8.7 Vendor Selection Restriction

Any vendor deemed not responsible, or submitting a proposal deemed not to be responsive to the terms of this RFP, shall not be awarded the resulting contract.

SECTION IX. ATTACHMENTS AND THEIR USES

- Attachment A: Mandatory Vendor RFP Response Form (to be completed by the vendor and remitted with their submission.) The agency has provided the RFP Response Form as a Microsoft Word document available on the agency's web page for this RFP located at <http://www.opd.ohio.gov/RFP/rfp.htm>. Users may download and type the information directly onto the form. The boxes provided on the form will expand to accommodate the text.
- Attachment B: Initial Qualifying Criteria Review Form (used by OPD to determine whether a proposal will receive further consideration.)
- Attachment C: RFP Response Score Sheet (used by OPD to score the technical proposal)
- Attachment D: Sample Personal Service Contract (contains standard language, terms and conditions that contractor must agree to in any contract awarded.)