



**MINNESOTA STATE**  
**SYSTEM OFFICE**

**REQUEST FOR QUALIFICATIONS (RFQ)**  
**FOR**  
**ON-LINE DOCUMENT DISTRIBUTION AND BIDDING**

**October 12, 2020**

SPECIAL NOTE: This Request for Qualifications (RFQ) does not obligate the Minnesota State Colleges and Universities system, hereinafter referred to as “Minnesota State”, its Board of Trustees, or Minnesota State system office to award a contract or complete the proposed project and each reserves the right to cancel this RFQ if it is considered to be in its best interest. Responding vendors must include the required information called for in this RFQ. Minnesota State reserves the right to reject a proposal if required information is not provided or is not organized as directed.

Minnesota State also reserves the right to change any provisions in this RFQ by posting notice of the change(s) on Minnesota State’s website, <http://www.minnstate.edu/vendors/index.html> under FACILITIES CONSULTANT & CONTRACTOR OPPORTUNITIES. Minnesota State system office also reserves the right to waive minor informalities and, notwithstanding anything to the contrary, reserves the right to reject any and all RFQ responses received.

Minnesota State is an affirmative action, equal opportunity employer and educator.

**REQUEST FOR QUALIFICATIONS (RFQ)  
FOR  
ON-LINE DOCUMENT DISTRIBUTION AND BIDDING**

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**List of Attachments**

- Attachment 1: Affidavit of Non-Collusion
- Attachment 4: Minnesota State Preference Form
- Attachment 5: Veteran-Owned Preference Form

Attachments 2-3 are not used

**For Reference Only**

- Hosting Services Contract
- Professional/Technical Certificate of Insurance Example (CC.20)

# SECTION I. GENERAL INFORMATION

## Background

Minnesota State Colleges and Universities (Minnesota State) is the third-largest system of higher education in the United States. It is comprised of 37 two-year and four-year state colleges and universities with 54 campuses located in 47 Minnesota communities. The System serves approximately 350,000+ students each year. Minnesota State Colleges and Universities is an independent state entity that is governed by a 15-member Board of Trustees.

For more information about Minnesota State's strategic plans, mission, and vision, please view its website at [www.minnstate.edu](http://www.minnstate.edu).

## Purpose of this Request for Proposal

Minnesota State is requesting qualifications from qualified firms for an On-line software solution to allow campuses to solicit and receive bid proposals electronically from potential bidders for capital projects.

The system shall allow advertisement of construction bid opportunities, electronic distribute of construction documents to prospective bidders, maintain a Plan Holder's list, automatically notify all Plan Holders when any addenda is posted to the system and allow electronic submission of bids from contractors. The system must also allow campuses to solicit Requests for Proposals (RFP) and Requests for Qualifications (RFQ) from interested, qualified Architects, Engineers and other Owner consulting firms, to assist in the design and construction of projects. Minnesota State intends to retain a firm to provide a Software as a Service, Web Based On-line Construction Documentation Distribution and On-line Bidding System that best meets the needs of Minnesota State. The system will be a virtual plan room implemented and maintained by the selected vendor. The System Office is seeking an existing system with a demonstrable solution with a minimum of five years of proven performance.

The selected vendor shall work with the Owner's appointed System Office Program Manager, to administer the rollout and provide training to the System Office Design and Construction Staff and Minnesota State campus users.

This RFQ is undertaken by Owner pursuant to the authority contained in provisions of Minnesota Statutes § 136F.581 and other applicable laws.

## Definitions

Wherever and whenever the following words or their pronouns occur in this RFP, they shall have the meaning given here:

**A/E:** Architect or Engineer licensed in the State of Minnesota.

**Minnesota State:** State of Minnesota, acting through its Board of Trustees of the Minnesota State Colleges and Universities on behalf of the System Office.

**Minnesota State system office:** The central system office of Minnesota State Colleges and Universities located at Wells Fargo Place, 30 7<sup>th</sup> Street East, Suite 350, St. Paul, Minnesota.

**Owner:** The State of Minnesota, acting through its Board of Trustees of the Minnesota State Colleges and Universities, on behalf of the System Office.

**Responder/Respondent:** A firm who may reply to this RFP.

**Vendor:** The firm selected by Minnesota State as the successful Responder responsible to execute the terms of a contract.

## Selection Process

The selection process includes an evaluation of all qualified proposals. Minnesota State will select the Vendor(s) whose submittal, and follow up interviews if requested, demonstrate in Minnesota State’s sole opinion, the clear capability to best fulfill the purposes of this RFQ. Minnesota State reserves the right to accept or reject submittals, in whole or in part, and to negotiate separately as necessary to serve the best interests of Minnesota State.

This RFQ shall not obligate Minnesota State to award a Contract(s) or complete the proposed project, and it reserves the right to cancel this RFQ if it is in its best interest.

### Selection and Implementation Timeline

EVENT	DAY	DATE	TIME
RFP advertisement	Monday	10/12/2020	8:00 a.m.
RFP Questions due	Thursday	10/22/2020	2:00 p.m.
RFP Addendum posted	Monday	10/26/2020	12:00 p.m.
<b>Deadline for RFP</b>	<b>Thursday</b>	<b>10/29/2020</b>	<b>2:00 p.m.</b>
Planned selection	Thursday	11/5/2020	NA
Planned contract execution	Friday	12/11/2020	NA

The dates noted above are estimates. If Minnesota State does not agree to reach a decision by any certain date although it is hoped the evaluation and selection will be completed by the dates identified in the timeline above.

### Questions Regarding This Project

To assure potential vendors receive the same information about the Project, only questions submitted by email for clarifications about this RFQ will be addressed. Questions concerning the project RFQ should only be referred to the individual below. **Submit questions by e-mail only to:**

James Morgan  
Program Manager  
[James.morgan@minnstate.edu](mailto:James.morgan@minnstate.edu)

Questions regarding this RFQ must be received no later than **October 22, 2020, at 2:00 p.m. CDT.** Only Prime Firms responding to this RFQ should send inquiries on behalf of themselves and their sub-consultants. When emailing questions, please include in the subject line, “RFQ questions for ON-LINE DOCUMENT DISTRIBUTION AND BIDDING from **firm name**”. The Owner anticipates providing answers to such questions via addenda by **12:00 p.m. CT, October 26, 2020.** All prospective Respondents shall be responsible for information regarding this project and the RFQ, including any addenda to this RFQ.

No member of the responding firm or its sub-consultants shall have discussions regarding this RFQ or project with any member of the **requesting agency** from the date of issuance of this RFQ until after the completion of interviews for this project. **Proposals may be rejected** if discussions occur with the requesting agency outside the prescribed communication provisions set forth in the RFQ.

## Contract

The successful Respondent will be required to meet all the terms and conditions and execute a **Hosting Services Contract** with Minnesota State. Vendors should be aware of Minnesota State's standard contract terms and conditions in preparing the response. Much of the language reflected in the contract is required by statute. If Vendors take exception to any of the terms, conditions or language in the contract, the Vendor must indicate those exceptions in the response to the RFQ; certain exceptions may result in a proposal being disqualified from further review and evaluation. Only those exceptions indicated in the Vendor's response to the RFQ will be available for discussion or negotiation.

A sample document is posted with this RFQ at <http://www.minnstate.edu/vendors/index.html>.

### Parties to the Contract

Parties to this contract will be the State of Minnesota, acting through its Board of Trustees of the Minnesota State Colleges and Universities on behalf of the system office and the successful vendor.

### Duration of Offer

All proposal responses must indicate they are valid for a minimum of **sixty (60)** calendar days from the date of the proposal opening unless extended by mutual written agreement between the system office and the Respondent. Prices and terms of the proposal as stated must be valid for the length of the resulting Purchase Order.

### Addenda to the RFQ

If appropriate, a change responding to questions or clarifications may be issued by the Owner in the form of addenda to the RFQ. Addenda to the RFQ will be posted at <http://www.minnstate.edu/vendors/index.html>

It is the responsibility of the Respondent to check for addenda prior to submitting qualifications. No other communications shall amend this RFQ.

## SECTION II. VENDOR REQUIREMENTS

### Scope of Services

Provide (HOST) a Web Based (Software as a Service) System for On-line Construction Documentation Distribution and On-line Bidding System. On-line Bidding will utilize the selected vendors On-line Software System. The system shall allow advertisement of construction bids, Request for Qualifications and Request for Proposal opportunities, distribute construction documents and other solicitation documentation electronically to prospective bidders, maintain the Plan Holder's list and distribute addenda to all Plan Holders and allow on-line electronic submission of bids or proposals.

#### Program Administration:

Minnesota State system office Design and Construction Program Managers will be system administrators. Program Managers are charged with oversight of Construction Projects, with users affiliated with multiple institutions throughout the state of Minnesota.

- Add or delete participant.
- Set permissions which campus users can perform.
- Assign or change passwords.
- Ability to access all campus solicitations and make modifications or edits.
- Able to post solicitations and open bids on behalf of any campus.
- Post RFPs and RFQs on behalf of all campuses.

#### Minnesota State campus users

- Campus users are typically Project Managers delegated to manage a project on behalf of the campus. They may have assistant project manager's or there may be multiple Project Managers at a large university campus that has multiple construction projects.
- Multiple users possible at each campus.
- Campus Users will only be able to post solicitations and open bids for their assigned campus(es).

Except for licenses and initial training, Minnesota State assumes no responsibility for any real or potential costs associated with the use of this software by the vendor.

#### Program Requirements:

##### A. On-line Solicitations

- Advertisement posts to vendor website utilizing a Minnesota State private interface (Separate web link, filtered to show only Minnesota State advertisements).
- Solicitation advertisement minimum information:
  - Post Date/time
  - Category – construction type of work
  - Project Name
  - Bid Date/Time – date and cutoff time for bid submissions
  - Owner Name – name of the Minnesota State campus posting the advertisement
  - Fees – fee for downloading bid documents and fee for submitting bid by the Prime Contractor
  - Qualifications (Yes/No) – are potential bidders required to be prequalified
  - Prebid Meeting Info – date, time and location of informational pre-bid meeting

- Brief Project Description – brief summary of the project
- Owner Information – Minnesota State plus campus name and address along with contact information of the Project Manager
- Plan Document Information – Where to see the advertisement, what are the fees for downloading and soliciting bids, how bidders register with the vendor, vendor contact information.
- Visibility – open (viewable on web site) or hidden (not viewable) for editing purposes
- A/E Information (optional) – firm name, address, contact information
- Minnesota State shall upload documents to be posted for advertisement to the vendor’s web site.
- Construction documents for a Project posted to the vendor’s website will be in a mutually agreed upon format.
- The system shall have adequate bandwidth to support the download or upload of large project document sets.
- Bidding documents and addenda shall post to the vendors web site immediately upon submittal.
- Potential bidders and subcontractors shall be able to view bid documents on-line free of charge, to determine if they are interested in bidding the project.
- Maintain Plan Holders list on website that is visible to all interested parties.
- The system shall collect data from each Plan Holders to include Company, address, contact with contact information, designation type (Prime Bidder, subcontractor, Plan Room), business type (Preference) and date they downloaded documents.
- Process to designate qualified bidders on the Plan Holders list.
- The website shall indicate a posting date/time and a due date/time for the bid.
- The system shall provide potential bidders or subcontractors the capability of downloading only sections of a bid documents they are interested in bidding.
- Provide a process for Minnesota State to upload Addendum to be posted on the vendor’s web site. The system shall immediately notify, via electronic mail, all the Plan Holders that an Addendum has been posted. If the addenda results in a change to the bid opening date and/or time, the campus user shall modify the bid opening date/time on the Bid Advertisement, which should then automatically change the Bid Opening Clock.

**B. Create Bid Requirements**

Provide process for Minnesota State to create the bid requirements and bid worksheet (electronic bid form) either at the same time as the bid solicitation or after the bid solicitation has been posted on the vendors web site.

Qualifying information is additional requirements required as part of the bid submittal in addition to cost. If a potential bidder does not provide any or all the requested documents or acknowledgements required by the qualifications section, their bid submittal shall be rejected by the system.

- Qualification Information shall include:
  - Check a box for Bid Bond required and % amount. An electronic bid bond must be submitted.
  - Verify download of addendum – check box that requires bidders to download all addendum from the bid solicitation or their bid will be rejects.



- **Receipt of these Documents** - verified by the potential bidder downloading the documents.
- **Attach and Certify Completion of Documents** – download, fill out and sign the document and attach the document to the bid submittal.
- **Certify Document Uploads** – Requires the bidder to upload a document that you have requested to be part of the bid submission, other than those required above.
- **Post Letting Document Information** – Download the documents that are required to be submitted after bid award and are required prior to contract execution.
- Bid Worksheet is the electronic equivalent of a Bid Form. Majority of Minnesota State Projects will be lump sum base bid. System should allow input of the following as required for the project:
  - Base Bid
  - Bid Allowances
  - Deduct Alternates
  - Unit Costs
- **Base Bid Total** shall automatically add the base bid and any Bid Allowance in the bid tab.
- Allow for potential bidding of civil engineering projects. Provide import and export of CVS files to allow for multiple unit prices markups and percentage calculations.
- Process for bid submittal shall have error messages to notify bidders if there is missing information and indicate what is missing. If there is any missing information, the system shall not allow the bid to be submitted.
- Process to allow bidders to make changes to their bid and resubmit as many times as you need before the bid ending time.

Once posted, it will be noted on the bid solicitation that On-Line Bidding is open or available and potential bidders will be able to submit their bid at any time up to the bid clock reaches 0:00, at which time no more bids will be accepted.

### C. Potential Bidder Training and Bid Submittal

- Provide a detailed step by step guide for potential bidders of the system to include, but not limited to:
  - How to set up an account with the vendor to make payments for downloading and submitting bids.
  - Set up login information to the system to access On-line Bidding.
  - How to upload and download documents required with the bid submittal.
  - How to fill in the price fields on the Bid Worksheet.
  - How to submit the bid.
  - Secure transmission of bid documents.
  - How to correct errors.
  - How to un-submit bid, prior to bid closing time to make changes.
  - Where to find the bid result posting.
  - The vendor must provide telephone support for potential bidders during normal business hours. Customers shall have the capability of reporting problems during non-business hours using e-mail or voice mail.

#### **D. Bid Opening and Verification:**

- Provide Minnesota State campus users a page to view Electronic Bid status to include:
  - Number of bids received.
  - Bid closing date and time.
  - The official time.
  - A countdown clock for the bid closing time.
- Once the countdown clock reached 0:00, campus users shall have access to open the bids.
- Provide process for campus users to accept the bids and once accepted create a bid tab that can be printed, downloaded and posted as preliminary bid results to the vendors solicitation web site.
- All the bid submittal information and forms should be available for review and evaluation.
- Once evaluation and award of bid is complete, provide procedure to allow posting of the final bid results, with comment field to explain why contractor other than apparent low bidder was awarded the project (if applicable) and what the final award amount (if different than bid amount).

All documents submitted by bidders shall be available to download.

#### **E. RFP/RFQ Solicitations**

Provide solicitation and receipt process for Request for Proposals (RFP) and Requests for Qualifications (RFQ), like the solicitation for bids.

#### **F. Misc.**

- Provide a detailed project plan including implementation timeline
- Develop step by step guide for campus users of the system to include, but not limited to:
  - How to login to the system
  - Instructions on transmitting and posting construction documents
  - Standards for naming and formatting files transmitted to the system
  - Descriptions of all files that will be used to transmit data from the system to Minnesota State
  - Data on Electronic Plan Holders (contact information)
  - How to submit addenda
- Campus users and/or potential bidders of the system should be able to learn to complete basic functions of the system without training within one hour of logging onto the system for the first time. If not, the vendor shall provide on-site or web-x training to customers in order to become familiar with the basic functions of the system.
- The vendor must provide telephone support for users during normal business hours. Users shall have the capability of reporting problems during non-business hours using e-mail or voice mail.
- The system shall maintain an archive of solicitations, bid openings, documents and dates. Data shall be available to Minnesota State upon request.  
Operate and maintain the System and satisfy all requirements of the contract for the duration of the contract.

## SECTION III. RESPONSE CONTENTS AND EVALUATION

### Scoring Criteria

Criteria described below, based upon the point scale, will be used to evaluate Respondents' proposal. The evaluation may include requests for additional information and will focus on the specifics of the Respondent's response to the RFQ and approach. The following is criteria for evaluation of response to the RFQ:

#### Pass /Fail requirements

Responder's proposal must be submitted on time.

#### Company profile – 10 points

The Respondent will submit a company profile. Provide brief description including:

- Firm Name and location
- Year established
- Legal status
- Ownership
- Name of software system being proposed to meet the scope requirements of this RFQ.
- Vendors must describe how their qualifications to meet the needs of Minnesota State.
- Sophisticated and state-of-the art information technology in its performance of its project duties.

Factors favorable to a Respondent will be stability of the Respondent's business and greater length of experience that would contribute to the Respondent's performance on this project. Describe problem-solving successes on a) service and support generally, b) service and support as reflected by quality control, and c) service and support as reflected by use of information technology.

#### Support Multiple Users – 20 points

Minnesota State is a large, complex state-wide entity that operates at 37 colleges and universities and the system office. There may be multiple users at a campus. Explain how your system manages login information to allow campuses to post Requests for Bids/ Requests for Proposals and Requests for Qualifications. Provide examples of other multi-user clients that used your services.

- Provide name and location of clients and reference contacts. The Owner may contact the references at its discretion.

Factors favorable to a Respondent will be the systems capability to support multiple users and allow Minnesota State Administrator to monitor all projects.

#### Software Functionality – 30 points

The Respondent should provide verification that their program can meet the scope of services requested in the Scope of Services. Provide screen shots showing examples of how to input a bid advertisement, an example of a final bid advertisement, how to setup the bidding requirements and upload forms, how the bid opening documents are received and what an example bid tab would look like. Explain how your program maintains security during the bid submittal process. Describe the company's archival policy for project data.

Factors favorable to a Respondent submittal will be the ability to meet the scope of services and the ease of use of the program by both Minnesota System campus users and Respondents.

Provide a copy(s) of applicable Software Licensing Agreements that Users of the system may be required to execute.

### **Implementation and Service Support - 25 points**

The Respondent should describe its approach to training and support to all users of the system.

Factors favorable to a Respondent will be availability to respond to user problems in using the system during normal business hours and providing initial training to all new users of the system.

### **Fee - 10 points**

Provide a sample fee structure, noting typical ranges, that may include:

License Fees

Download fee charged to Responders for construction projects and RFP/RFQ (if different)

Upload fee for Responders who submit a proposal

Customer fee for downloading and/or for hard copy prints.

Annual Subscription Fee to Users (if applicable).

Software Licensing Agreements

Provide fee rate for customization work if requested - \$/hr.

### **Unique Qualifications – 5 points**

Additionally, the Respondent should describe any special services, product characteristics, or generally other benefit or advantage to the Owner in selecting the Respondent for the project.

### **Preferences – 6 points (extra)**

In accordance with M.S. 16C.16, the basis of award is that eligible certified targeted group (T.G.), economically disadvantaged (E.D.), and Veteran Owned small businesses will receive a six percent (6%) preference. Preferences are not cumulative; the total percentage of preference granted on a contract may not exceed the highest percentage of preference allowed for that contract.

Eligible, verified, small businesses currently listed in the Directory of Certified Targeted Group, Economically Disadvantaged and Veteran-Owned Vendors will be eligible for the preference. This directory is located at <http://www.mmd.admin.state.mn.us/mn02001.htm>. Attach a copy of your firm's letter indicating certification by the Office of Equity in Procurement, if applicable.

Responders interested in becoming a certified vendor or to verify their T.G. eligibility and certification or E.D. certification, should refer to the state of Minnesota, Department of Administration, Office of Equity in Procurement Division website at <https://mn.gov/admin/business/vendor-info/oep/sbcp/>, or call the division's help line at (651) 296-2402.

## SECTION IV. ADDITIONAL RFQ RESPONSE & CONTRACT

### Requirements

#### Rights Reserved

Notwithstanding anything to the contrary, the Minnesota State Colleges and Universities, or the System Office reserves the right to:

1. Cancel the Request for Qualifications at any time with no cost or penalty to the State.
2. Reject any and all responses received in response to this RFQ;
3. Disqualify any Responder whose submittal fails to conform to the requirements of the RFQ;
4. Duplicate all materials submitted for purposes of RFQ evaluation, and duplicate all public information in response to data requests regarding the RFQ;
5. Select for contract or for negotiations a Proposal other than that with the highest evaluation score;
6. Negotiate as to any aspect of the Proposal with the selected Responder;
7. Extend the contract, not to exceed a total contract term of five (5) years;
8. Change any provisions in this RFQ by posting Addenda on Minnesota State website; and
9. Waive any non-material deviations from the requirements and procedures of this RFQ and waive informalities contained in the RFQ.

All costs incurred in responding to this RFQ will be borne by the Responder. This RFQ does not obligate the Owner to award a contract or complete the project, and the Owner reserves the right to cancel the solicitation, if it is in Minnesota State best interest.

#### Insurance Requirements

By submission of a proposal, Responder certifies that it complies with all insurance requirements specified in the proposed sample contract.

#### Notice to Vendors and Contractors

As a condition of this contract, CONTRACTOR is required by Minn. Stat. §270C.65 to provide a social security number, a federal tax identification number or Minnesota tax identification number. This information may be used in the enforcement of federal and state tax laws. These numbers will be available to federal and state tax authorities and state personnel involved in approving the contract and the payment of state obligations. Supplying these numbers could result in action to require CONTRACTOR to file state tax returns and pay delinquent state tax liabilities. This contract will not be approved unless these numbers are provided.

If you are an independent contractor, Minn. Stat. §256.998 requires the state to report your name, address and social security number to the New Hire Reporting Center of the Minnesota Department of Human Services unless your contract is for less than two months in duration with gross earnings of less than \$250.00 per month. This information may be used by state or local child support enforcement authorities in the enforcement of state and federal child support laws.

#### Attachment 1: Affidavit of Non-Collusion

All respondents shall complete Attachment A and submit with their response to this request for qualifications.

#### **Attachment 4: Preference Form**

In accordance with M.S. 16C.16, the basis of award is that eligible certified targeted group (T.G.) vendor and certified economically disadvantaged (E.D.) vendor will receive a six percent (6%) preference. Preference will only be allowed if the vendor is certified prior to the scheduled submittal date.

#### **Attachment 5: Veteran/Service Disabled Veteran-Owned Preference Form**

In accordance with Minnesota Statute §16C.16, subd. 6a, veteran-owned businesses with their principal place of business in Minnesota and verified as eligible by the United States Department of Veterans Affairs' Center for Veteran Enterprises (CVE Verified) (prior to the solicitation opening date and time) will receive a preference in the evaluation of its proposal (consistent with RFQ Section IV., Selection Criteria). Eligible veteran-owned small businesses include CVE verified, certified small businesses that are majority-owned and operated by veterans (pursuant to Minnesota Statute §16C.16, subd. 6a). Information regarding CVE verification may be found at <http://www.vip.vetbiz.gov>.

Only eligible, CVE verified, veteran-owned small businesses that provide the required documentation per the form, will be given the preference.

#### **State Audit**

The books, records, documents and accounting practices and procedures of the vendor relevant to the contract(s) must be available for audit purposes to Minnesota State and the Legislative Auditor's Office for six (6) years after the termination/expiration of the contract.

#### **Minnesota Government Data Practices Act**

The requirements of Minnesota Statutes § 13.05, subd. 11 apply to the contract. The vendor must comply with the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13, as it applies to all data provided by Minnesota State, its schools and the System Office in accordance with the contract and as it applies to all data created, gathered, generated or acquired in accordance with the contract. All materials submitted in response to this RFQ will become property of the State of Minnesota and will become public record after the evaluation process is completed. Pursuant to the statute, completion of the evaluation process occurs when Minnesota State has completed negotiating the contract with the selected vendor. If the vendor submits information in response to this RFQ that it believes to be trade secret materials as defined by the Minnesota Government Data Practices Act, the vendor must:

- mark clearly all trade secret materials in its response at the time the response is submitted;
- include a statement with its response justifying the trade secret designation for each item;
- defend any action seeking release of the materials it believes to be trade secret, and indemnify and hold harmless the State of Minnesota, Minnesota State, its agents and employees, from any judgments or damages awarded against the State or Minnesota State in favor of the party requesting the materials, and any and all costs connected with that defense. This indemnification survives Minnesota State award of a contract. In submitting a response to this RFQ, the responder agrees this indemnification survives as long as the trade secret materials are in possession of Minnesota State.

Minnesota State will not consider the prices submitted by the Responder to be proprietary or trade secret materials.

## **Conflict of Interest**

The CONSULTANT must provide a list of all entities with which it has relationships that create, or appear to create, a conflict of interest with the work that it is contemplated in this Request for Proposal. The list should indicate the names of the entity, the relationship, and a discussion of the conflict.

## **Organizational Conflicts of Interest**

The responder warrants that, to the best of its knowledge and belief, and except as otherwise disclosed, there are no relevant facts or circumstances that could give rise to organizational conflicts of interest. An organizational conflict of interest exists when, because of existing or planned activities or because of relationships with other persons, a vendor is unable or potentially unable to render impartial assistance or advice, or the vendor's objectivity in performing the contract work is or might be otherwise impaired, or the vendor has an unfair competitive advantage. The responder agrees that, if after award, an organizational conflict of interest is discovered, an immediate and full disclosure in writing must be made to the respective school's chief financial officer or the System Office's Business Manager that must include a description of the action which the vendor has taken or proposes to take to avoid or mitigate such conflicts. If an organizational conflict of interest is determined to exist, the school or System Office may, at its discretion, cancel the contract. In the event the responder was aware of an organizational conflict of interest prior to the award of the contract and did not disclose the conflict to the contracting officer, the school or System Office may terminate the contract for default. The provisions of this clause must be included in all subcontracts for work to be performed similar to the service provided by the prime contractor, and the terms "contract," "contractor," and "contracting officer" modified appropriately to preserve the rights of Minnesota State.

## **Physical and Data Security**

The vendor is required to recognize that on the performance of the contract the vendor will become a holder of and have access to private data on individuals and nonpublic data as defined in the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13; and other applicable laws.

In performance of the contract, the vendor agrees it will comply with all applicable state, federal and local laws and regulations, including but not limited to the laws under Minnesota Statute Chapters 13 relating to confidentiality of information received as a result of the contract. The vendor agrees that it, its officers, employees and agents will be bound by the above confidentiality laws and that it will establish procedures for safeguarding the information.

The vendor agrees to notify its officers, employees and agents of the requirements of confidentiality and of the possible penalties imposed by violation of these laws. The vendor agrees that neither it, nor its officers, employees or agents will disclose or make public any information received by the vendor on behalf of Minnesota State.

The vendor shall recognize the sole and exclusive right of Minnesota State to control the use of this information. The vendor further agrees it shall make no use of any of the described information, for either internal or external purposes, other than that which is directly related to the performance of the contract.

The vendor agrees to indemnify and hold harmless the State of Minnesota, Minnesota State from any and all liabilities and claims resulting from the unauthorized disclosure by the vendor, its officers, employees or agents of any information required to be held confidential under the provisions of the contract. The vendor must return all source data to the "Authorized Representative" to be identified in the contract.

## **Deviations and Exceptions**

Deviations from and exceptions to terms, conditions, specifications or the manner of this RFQ shall be described fully on the vendor's letterhead stationery, signed and attached to the proposal submittal page(s) where relevant. In the absence of such statement the vendor shall be deemed to have accepted all such terms, conditions, specifications and the manner of the RFP. A vendor's failure to raise an issue related to the terms, conditions, specifications or manner of this RFP prior to the proposal submission deadline in the manner described shall constitute a full and final waiver of that vendor's right to raise the issue later in any action or proceeding relating to this RFP.



## SECTION IV. RFP RESPONSE

### Submission

*By submitting a response to the RFQ for this project, your firm commits to the schedule and to dedicating the required staff for the duration of the project.*

Submittals shall be received via email, with the Subject: **ON-LINE DOCUMENT DISTRIBUTION AND BIDDING** addressed to [James.morgan@minnstate.edu](mailto:James.morgan@minnstate.edu), no later than **2:00 p.m. CT on October, 29, 2020**.

Each submittal will receive an email confirmation of receipt within 24 hours of submission.

Late Submittals will not be acknowledged.

### Format

The submittal shall be a maximum of **25 pages** in PDF format, including applicable **Attachments**. The response may not exceed 15MB.

**Thank you!**



**MINNESOTA STATE**

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