

Request for Proposal (RFP)

For Payphone and Inmate Telephone Services

Office of Administration and Department of Corrections

Request for Proposal (RFP) Number 2005-081-011

Section 2 Inmate Telephone Services

Date of Issuance June 29, 2005

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Section 2 Inmate Telephone Services

Part 1

General Information for the Contractors

Part 1
General Information For The Contractors

2.1-1. Purpose: This Request For Proposals (RFP) provides interested Contractors with sufficient information to adequately prepare and submit proposals for furnishing, installing, and maintaining related telecommunications systems for the Commonwealth of Pennsylvania (Commonwealth) to provide inmate payphone services and to control inmate calling and recording systems from the Department of Corrections (DOC) State Correctional Institutions (SCI). This RFP is structured in such a way to allow a proposer to propose on both systems or on either. The preference is to award one contract to a single proposer, but the Commonwealth reserves the right to award separate contracts for the services, if determines that it is in its best interest to do so. Section 1 relates to public payphones. This section 2 relates to inmates phones. The Commonwealth is seeking an innovative solution for the provision of these services. The RFP sets out the minimum requirements related to both systems. Payphones proposed in response to this RFP in Section 2 must be equal to or better then the specification listed in Attachment 1 Payphone and Enclosures in Place, which may be new or refurbished. DOC-SCIs inmates utilize Philips and Brooks payphone model G05010. All Control and Recording Systems and all associated components will be new.

2.1-2. Issuing Office (Office of Administration): This RFP is issued for the Commonwealth by the Office of Administration, Bureau of Infrastructure and Operations. The Office of Administration is the sole point of contact in the Commonwealth for this RFP. Any and all questions should be directed to:

Georgia A Baer,
Contract Administrator
Governor's Office of Administration
Bureau of Infrastructure and Operations
Telephone No. (717) 772-8124
Facsimile No. (717) 772-8018
Email: gbaer@state.pa.us

2.1-3. Scope: This RFP contains instructions governing the proposals to be submitted and materials to be included therein; requirements which must be met to be eligible for consideration; description of the required systems and the general evaluation criteria; Contractor's responsibilities; and other requirements to be met by each Contractor submitting a proposal.

2.1-4. Problem Statement:

- a. Purpose: The Commonwealth of Pennsylvania wants to ensure highly-reliable, high quality service on a collect calling and prepaid basis for use by the inmates of the SCIs. It is intended that a state-of-the-art call control system and a state-of-the-art call monitoring and recording system be integrated into the inmate service. The purpose of this RFP is to secure these types of services for all inmate telephones located at the Department of Corrections (DOC) State Correctional Institutions (SCI).

The Commonwealth of Pennsylvania has four major objectives that must be met:

1. To ensure the provision of high-quality service for the inmates at SCIs.
2. To set up a control system for inmate telephone calling services that provide detailed stationed message information and that reduce as much as practical illegal activity by inmates using the inmate telephone system.
3. To set up a system, integrated with the call control system, for monitoring and recording calls from the inmate telephones to ascertain illegal activity and to support the legal prosecution of perpetrating parties.
4. To receive a competitive market-driven commission from inmate telephone calls while recognizing the Contractor costs of providing the inmate call control and monitoring/recording systems.

- b. Summary of Scope of Work: The Contractor shall be responsible for furnishing, installing, and maintaining related telecommunications systems that provide payphone service for the Commonwealth of Pennsylvania and control inmate calling from SCIs. Contractor should recognize that the Department of Corrections has unique needs and special requirements that must be served. For example, the Department of Corrections has special security requirements and has a prime objective of controlling and limiting the use of the inmate telephone system for fraudulent activity. At the end of the contract, the ownership of all equipment would remain with the Contractor. The Contractor must maintain records of inmate calls for a least one year. At the end of the contract, the most recent one year of inmate call records must be transferred to the Commonwealth. The records must be in a form that is readable by a non-proprietary system.

1. System B: Inmate Telephone Service. System B is comprised of all the inmate telephones located at the present 26 SCIs. Attachment 2 provides the names and contacts at presently existing SCIs where inmate telephone

service must be installed. Contractors may not contact any SCI personnel during the RFP process. The Commonwealth may in its sole discretion close and/or add facilities during the contract term without penalty. Attachment 3 is a map of Pennsylvania showing the geographic locations of the SCIs. Attachment 4-A lists the SCIs indicating the incumbent/local exchange company (ILEC). While the pre-proposal conference and site visit are not mandatory, it is strongly recommended that the visit be made to ensure full understanding of the requirements. The Contractor is responsible for all costs of installing the proposed systems to include, but not be limited to, conduit, backboards, drilling of holes, sleeves, fire retardant material, cable/wiring and the pulling thereof.

The inmate control system technical requirements are listed in Section 2.5-A of this RFP. These requirements are to be considered minimum and must be included in any proposal, regardless of what other services the Contractor includes in its proposal. Because the Commonwealth used minimum does not mean or will consider any less requirements than requested and/or being used in the DOC-SCIs today. The Commonwealth will not accept a response that requirement(s) are not available or could be provided after a mutually agreed period of time to allow for development, testing, etc. All inmate telephone systems shall be installed using a procedure such that there shall be no interruption of inmate telephone service. The installation schedule is to be completed by the Contractor using Attachment 5 of this RFP. Each responding Contractor must submit a detailed transition schedule with its proposal, including time frames for the various stages of installation, including tests and acceptance by the Commonwealth.

2. System C: Monitoring and Recording Equipment/Systems. System C is comprised of equipment necessary to monitor and record both sides of the communications on telephone calls made using the inmate stations at the SCIs. System C must be fully integrated with System B, the inmate telephone control system. All equipment, software, and training of Department of Corrections personnel must be provided at no cost to the Commonwealth. Technical requirements for the monitoring/recording systems and associated equipment can be found in Section 2.5-C. Installation must be in accordance with Attachment 5 of this RFP.
3. Integration of Command/Investigative Staff Operations: Two (2) Central Office, Camp Hill, organizations must be integrated into System B, Inmate Telephone service, and System C, Monitoring and Recording Systems. Description and details of this integration are delineated in Section 2.5-C of this RFP.

2.1-5. Current Commission Information, Partial Fixed Rates and Description of Present Inmate Calling System and Monitoring and Recording Equipment/System and Prepaid Calling:

The current contract is a statewide contract, from which the Commonwealth receives different amount of commissions on telephone calls. From the commission received from the 26 DOC State Correctional Institutions (SCI) locations, where the inmates make collect and prepaid calls to family and friends, \$3 million is for the Department of Corrections Inmates General Welfare Fund. The balance goes into the Commonwealth's General Fund.

Verizon's support levels under the current contract are Verizon Director, Regional Sales Manager, Account Executive, numerous Project Managers, Mangers, Customer Service Representative, support staff, subcontractor's team of Mangers and its Support Staff. The Verizon contract was extended with one (1) year with two (2) six (6) month options to renew. Approximately five (5) change orders were issued over the life of the current contract.

The Commonwealth has fixed rates with no rate increases on inmate collect and prepaid calling for Interlata/Interstate and Interlata/Intrastate. If any, other rates are subjected to 30 day notification of any tariff rate increases. If any inmate rate change occurs, the Contractor is required to supply sufficient copies of the rate change in writing both in English and Spanish for posting at each inmate telephone station at lease 30 days prior to the effective date of the rate change. Attachment 6 lists current tariffs for public payphones, inmates collect and prepaid.

Presently all DOC-SCIs have T-Netix's (Securus Technologies) Digital Call Recording and Monitoring System (DCRMS), which are fully integrated with the Inmate Calling System, and are designed to provide secure recordings of inmate telephone conversations. Corrections personnel can listen to live or archived recordings via multi-media PC interfaces connected over Local Area Networks. Multiple levels of security ensure that only authorized personnel can access and monitor the inmate recordings. The current DOC-SCIs Verizon connection is a T1 at each SCI and Frame Relay system. TelCove (Adelphia) is the Commonwealth's network service provider. TelCove's fiber is available for subcontracting transport. For information see TelCove's website <http://telcove.com> or contact David Stonfer @ (717) 506-7603, david.stonfer@telcove.com.

The DCRMS enables the system administrator to select specific dialed numbers, lines, or inmate Personal Identification Numbers (PINs) to be recorded. When the DCRMS detects activity based on the selected criteria, conversations are automatically recorded. As an alternate mode of operation, the System will simultaneously record all inmate conversations. In addition, telephone numbers

defined as "Record Restricted" prevent recording of attorney calls or other privileged communication. Recorded conversations may be played back on demand using the integrated playback module. The audio may be directed to the integrated loudspeaker or headphones. This output may also be used to record the conversation(s) to a standard analog tape recorder.

The DCRMS is fully automatic, with each call being digitally recorded onto two high-speed, high-capacity disk drives. When the first disk nears capacity, new recordings are re-directed to the second drive. Then, when all recordings on the first drive are completed, the DCRMS archive the recordings automatically onto storage media. This dual, active drive process also provides for immediate redundancy should one of the active drives fail. Depending on configuration size of the DOC-SCI there are between 3 to 10 - 145 GB hard drives at each DOC-SCI site.

The workstations use Windows 2000. The DCB system operates on QNIX operating system and the Contractor is responsible for all costs associated with software or hardware upgrades and licenses.

Once a recording has been made, investigators can access one or more recordings by completing a search screen on the VGA monitor to retrieve all recordings matching the specified parameters. Searches can be done by dialed number, date, date ranges, time, time ranges, inmate account number(s), call length, and site ID. Once the search form has been completed, the system administrator is presented with a list of matching recordings. From this list, the selected recordings may then be listened to and/or spooled onto a standard cassette tape. The DCRMS will then retrieve the desired recordings, prompting for archival tapes as necessary. The DCRMS playback has the ability to store a recording on the local machine, and once stored, it can be e-mailed as an attachment.

In addition, the DCRMS enables facility personnel to listen to a conversation in-progress on a near real-time basis and have the conversation recorded at the same time. All conversations currently in progress will be displayed and the user may select the desired conversation to monitor. Once the user makes the selection, the requested conversation will be directed to the integrated playback module.

DCRMS Playback Security features include:

- Integrated a checksum to authenticate original recording
- Local file search
- Recording time stamp announcement
- Damage recording verification

The playback will warn user of possible recording file tampering or damage. This functionality ensures the authenticity of the recording for court proceedings, etc.

Recordings will play until the segment that has been tampered with has been reached.

Storage Media Alerts:

Provides the facility with the ability to measure the used and remaining storage available within a CD jukebox or other storage media. The feature presents information such as the number of full disks, the number of empty disks, and the used and remaining space on the current disk. It presents information in terms of the number of disks and the number of minutes of recording. It also provides a target date when the operator will need to refill the jukebox. The information is easily viewable on demand by the operator, and if the threshold for the minimum amount of space is crossed, the visible alarm is made to the operator with an appropriate message on the screen.

Verizon's subcontractor T-NETIX, Inc. (Securus Technologies): T-NETIX (Securus Technologies) supplies the inmate telephone system for the Commonwealth and has five (5) field technicians currently supporting the inmate telephone system.

Verizon's subcontractor ShawnTech Communications, Inc.: ShawnTech supplies the inmate telephone system with between eighteen (18) and nineteen (19) System Administrators (SA) located in the DOC-SCIs.

Long Distance Services:

Starting in May, 2003 all long distance services related to Attachment 7 Pennsylvania Department of Corrections (DOC) Inmate Collect Calling Rates, Attachment 8 Pennsylvania DOC Inmate Prepaid Calling Rates were changed from T-Netix long distance (LD) carrier services to Verizon Select Services, Inc. (VSSI) LD services. VSSI is Verizon's in-house LD Company.

- 2.1-6. Rejection Of Proposals: The Commonwealth reserves the right to reject any and all proposals received as a result of this request, or to negotiate separately with competing Contractors.
- 2.1-7. Incurring Costs: The Commonwealth is not liable for any costs incurred by Contractors, in preparing response to this RFP.
- 2.1-8. Pre-proposal Conference and Site Visit: A pre-proposal conference will be held on the date and at the place specified in the cover letter. The DOC-SCI site visit will follow the pre-proposal conference. The purpose of this conference is to clarify any points in the RFP, which may not have been clearly understood. The Office of Administration must receive questions in writing at least five (5) business days prior to the meeting to ensure sufficient analysis can be made before

an answer is supplied. The pre-proposal conference is for information only. Answers furnished during the conference are not official until verified, in writing, by the Office of Administration. All questions and answers will be issued as an addendum to and become part of this RFP and posted to the Department of General Services website www.dgsapp.state.pa.us/comod/main.asp.

- 2.1-9. Amendment To The RFP: If it becomes necessary to revise any part of this RFP, an amendment shall be posted to the Department of General Services website www.dgsapp.state.pa.us/comod/main.asp.
- 2.1-10. Response Date: To be considered, proposals must arrive at or before the time and date specified in the cover letter at Department of Corrections Central Office Building, Support Services Section, 2520 Lisburn Road, Camp Hill, Pennsylvania 17001-0598. Contractors mailing proposals should allow sufficient mail delivery time to ensure timely receipt of their proposals. Late proposals will not be considered regardless of the reason for the proposal being late.
- 2.1-11. Proposals: To be considered, Contractors must submit a complete response to this RFP, using the format provided in PART 2. A Contractor may make no other distribution of proposals. An official authorized to bind the Contractor to its provisions must sign the proposal. For this RFP, the proposal must remain valid until the contract is fully executed by the Commonwealth. The contents of the proposal of the selected Contractor become contractual obligations if a contract is entered into.
- 2.1-12. Disadvantaged Business Information: The Commonwealth encourages participation by small disadvantaged businesses as prime Contractors, joint ventures and subcontractors/suppliers and by socially disadvantaged businesses as prime Contractors.

Small Disadvantaged Businesses are small businesses that are owned or controlled by a majority of persons, not limited to members of minority groups, who have been deprived of the opportunity to develop and maintain a competitive position in the economy because of social disadvantages. The term includes: 1) Department of General Services Bureau of Minority and Women Business Opportunities (BMWBO)-certified minority businesses enterprises (MBEs) and women business enterprises (WBEs) that qualify as small businesses and 2) United States Small Business Administration-certified Small Disadvantaged Businesses or 8(a) small disadvantaged business concerns.

Small businesses are businesses in the United States that are independently owned, are not dominant in their field of operation, employ no more than 100 persons and earn less than \$20 million in gross annual revenues (\$25 million in gross annual revenues for those businesses in the information technology sales or service business).

Socially disadvantaged businesses are businesses in the United States that BMWBO determines are owned or controlled by a majority of persons, not limited to members of minority groups, who are subject to racial or ethnic prejudice or cultural bias, but which do not qualify as small businesses. In order for a business to qualify as "socially disadvantaged", the offeror must include in its proposal clear and convincing evidence to establish that the business has personally suffered racial or ethnic prejudice or cultural bias stemming from the business person's color, ethnic origin or gender.

Questions regarding this Program can be directed to:

Department of General Services
Bureau of Minority and Women Business Opportunities
Room 611, North Office Building
Harrisburg, PA 17125
gs-bmwbo@state.pa.us
Phone: (717) 787-6708
FAX: (717) 772-0021

Program information and a database of BMWBO-certified minority- and women-owned businesses can be accessed at www.dgs.state.pa.us, DGS Keyword: BMWBO. The federal vendor database can be accessed at www.ccr.gov by clicking on Dynamic Small Business Search (certified companies are so indicated).

2.1-13. Information Concerning Small Businesses in Enterprise Zones: The Commonwealth of Pennsylvania encourages participation by small businesses, whose primary or headquarters facility is physically located in areas designated by CWOPA as Designated Enterprise Zones, as prime Contractors, joint ventures and subcontractors/suppliers.

Small businesses are businesses in the United States that are independently owned, are not dominant in their field of operation, employ no more than 100 persons and earn less than \$20 million in gross annual revenues (\$25 million in gross annual revenues for those businesses in the information technology sales or service business).

There is no database or directory of small business located in Designated Enterprise Zones. Information on the location of *Designated Enterprise Zones* can be obtained by contacting:

Aldona M. Kartorie
Center for Community Building
PA Department of Community and Economic Development

4th Floor Keystone Building
400 North Street
Harrisburg, PA 17120-0225
Phone (717) 720-7409 Fax (717) 787-4088
Email akartorie@state.pa.us

- 2.1-14. Economy of Preparation of Proposals: Proposals should be prepared simply and economically, providing a straightforward, concise description of the Contractor's ability to meet the requirements of the RFP.
- 2.1-15. Oral Presentation: Contractors that submit proposals may be required to make an oral presentation of their proposal to the Commonwealth. Such presentations provide an opportunity for Contractors to clarify their proposals to ensure thorough mutual understanding. The Office of Administration will schedule these presentations.
- 2.1-16. Pre-Award Performance Demonstration: At the option of the Office of Administration, qualified Contractors will be required to demonstrate the functional capabilities of the equipment proposed for System B and System C prior to final selection. Qualified Contractors are those that have met all mandatory requirements as set forth in Part 3. The proposed equipment and software must be in production and installed and in use by one (1) or more customers of the Contractor. Refer to Paragraph 2.2.6, Tab 6 D. Demonstration of Part 2 for a more detailed description of the demonstration phase of the evaluation. The Office of Administration will not be responsible for any cost incurred by a Contractor for such a demonstration(s). A minimum of six (6) and not more than seven (7) Commonwealth of Pennsylvania representatives will be a part of the team reviewing the demonstration. The Contractor shall be responsible for reimbursing the Commonwealth for the travel expenses of the representatives of the Commonwealth to attend the demonstration(s).
- 2.1-17. Prime Contractor Responsibilities: The selected Contractor must assume responsibility for all services offered in its proposal whether or not it produces them. Further, the Commonwealth will consider the Contractor to be the sole point of contact with regard to contractual matters. Any services provided by a subcontractor must be identified in the Contractor's proposal.

The selected Contractor shall be the sole contact with the Commonwealth for all matters covered by the contract and shall have submitted a single proposal in which the following are participants:

Single interLATA carrier for B; one or more Contractors providing local and intraLATA call service for System B; a single Contractor providing the equipment controlling the inmate telephone service at all of the SCI's - System B; a single

Contractor meeting the requirement of providing monitoring/recording equipment and software for each SCI - System C.

- 2.1-18. Disclosure Of Proposal Contents: Proposals will be held in confidence and will not be revealed or discussed with competitors, unless disclosure is required to be made (i) under the provisions of any Commonwealth or United States statute or regulation; or (ii) by rule or order of any court of competent jurisdiction. If a contract is executed, however, the successful proposal submitted in response to this RFP shall be subject to disclosure. All material submitted with the proposal becomes the property of the Commonwealth of Pennsylvania and may be returned only at the Commonwealth's option. Proposals submitted to the Commonwealth may be reviewed and evaluated by any person other than competing Contractors at the discretion of the Commonwealth. The Commonwealth has the right to use any or all ideas presented in any proposal. Selection or rejection of the proposal does not affect this right.
- 2.1-19. Standard Contract: If a contract is entered into as a result of this RFP, it will be a firm commission percent contract and will include the terms and conditions contained in Part 6 of this RFP. The RFP and the successful proposal will become part of the contract.
- 2.1-20. Negotiations. Negotiations may be undertaken with Contractors whose proposals show them to be qualified, responsible, and capable of performing the work. After negotiations, if the selected Contractor fails or refuses to properly execute the contract or furnish the required bonds(s) (see Part 6-33. Performance Bond) and return them to the Office of Administration within fifteen (15) working days after receipt of the written notification of award and the contract documents, the Office of Administration may, at its option, discontinue communications with the Contractor and commence contract negotiations with another Contractor that submitted a proposal or reject all proposals.
- 2.1-21. System Design Changes: The Office of Administration reserves the right to negotiate system design changes after award if the Office of Administration determines that changes are in the best interest of the Commonwealth and do not change the scope of the proposal.
- 2.1-22. Debriefing Conferences: Contractors whose proposals are not selected will be notified of the name of the selected Contractor and will be given the opportunity to be debriefed upon request. The Office of Administration will schedule the time and location of the debriefing. Each Contractor will be limited to two (2) participants at the debriefing conference. The Contractor will not be compared with other Contractors. Contractor's exercise of the opportunity to be debriefed shall not constitute the filing of a protest under Section 2.1-33 hereof.

- 2.1-23. News Releases: News releases pertaining to this project may not be made without prior Commonwealth approval, and then only in coordination with the Office of Administration.
- 2.1-24. Commission Data: All commission data for the proposal MUST be submitted in a separate sealed envelope, marked "Commission Data" within the sealed proposal and kept separate from the technical proposal. Failure to meet this requirement will result in automatic disqualification of the proposal. Since this is a "no cost" contract, no cost data is required to be submitted as part of this RFP.
- 2.1-25. Subcontracting: In addition to complying with the Standard Contract Terms and Conditions provision regarding subcontracting, each Contractor must provide a list of all proposed subcontractors with its proposal. The Contractor shall not enter into subcontractors for any of the services contemplated under this contract without obtaining prior written approval from the Office of Administration. The Commonwealth reserves the right to approve or reject, in writing any subcontractor. All references to Contractor requirements throughout this RFP include subcontractors. Award of a contract is deemed approval of all subcontractors set out in the proposal, unless the Commonwealth specifically disapproves of a subcontractor in writing.
- 2.1-26. Restriction of Contact: Contractors contact is limited to the Office of Administration specified in Part 2.1, 1-2. Any violation of this condition may be cause for the Commonwealth to reject a Contractor's proposal.
- 2.1-27. Best and Final Offers: To obtain best and final offers from Contractors whose proposals are determined by the Commonwealth, in its sole discretion, to be reasonably susceptible of being selected for award, the Commonwealth may (a) enter into discussion (b) schedule oral presentations; and/or request revised proposals.
- 2.1-28. Commonwealth Participation: Unless specifically noted in this section, Contractors must provide all services to complete the identified work. The Commonwealth will provide oversight to ensure that all aspects of any contract that may be entered into are satisfactorily performed.
- 2.1-29. Term of Contract: The term of the contract with the selected Contractor shall be for an initial term of five (5) years, with the Commonwealth retaining the option to renew the contract for two (2) additional one-year periods. The term of the contract will commence on the Effective Date. The Effective Date shall be fixed by the Office of Administration after the contract has been fully executed by the Contractor and by the Commonwealth and all approvals required by the Commonwealth have been obtained.

2.1-30. Withdrawal Of Proposals: Proposals may be withdrawn by written notice from the Contractor which is received at the Office of Administration's address for proposal delivery prior to the exact hour and date specified for proposal receipt.

2.1-31. Contractor's Representations and Authorizations: Each Contractor by submitting its proposal understands, represents, and acknowledges, that:

- a. All information provided by, and representations made by, the Contractor in the proposal is material and important and will be relied upon by the Office of Administration in awarding the contract(s). Any misstatement shall be treated as fraudulent concealment from the Office of Administration of the true facts relating to the submission of this proposal. A misrepresentation shall be punishable under 18 Pa. C.S. 4904.
- b. The commission incentives of this proposal have been arrived at independently and without consultation, communication, or agreement with any other Contractor or potential Contractor.
- c. The commissions incentives of the proposal have not been disclosed to any other firm or person who is a Contractor or potential Contractor, and they will not be disclosed on or before the proposal submission deadline specified in the cover letter to this RFP.
- d. No attempt has been made or will be made to induce any firm or person to refrain from submitting a proposal on this contract, or to submit a proposal higher than this proposal, or to submit any intentionally high or noncompetitive proposal or other form of complementary proposal.
- e. The proposal is made in good faith and not pursuant to any agreement or discussion with, or inducement from, any firm or person to submit a complementary or other noncompetitive proposal.
- f. To the best knowledge of the person signing the proposal for the Contractor, the Contractor, its affiliates, subsidiaries, officers, directors, and employees are not currently under investigation by any governmental using agency and have not in the last four (4) years been convicted or found liable for any act prohibited by State or Federal law in any jurisdiction, involving conspiracy or collusion with respect to bidding or proposing on any public contract, except as disclosed by the Contractor in its proposal.
- g. To the best of the knowledge of the person signing the proposal for the Contractor and except as otherwise disclosed by the Contractor in its

proposal, the Contractor has no outstanding, delinquent obligations to the Commonwealth including, but not limited to, any state tax liability not being contested on appeal or other obligation of the Contractor that is owed to the Commonwealth.

- h. The Contractor is not currently under suspension or debarment by the Commonwealth, or any other state, or the federal government, and if the Contractor cannot certify, then it shall submit along with the proposal a written explanation of why such certification cannot be made.
- i. The Contractor has not, under separate contract with the Office of Administration, made any recommendations to the Office of Administration concerning the need for the services described in the proposal or the specifications for the services described in the proposal.
- j. Each Contractor, by submitting its proposal, authorizes all Commonwealth agencies to release to the Commonwealth information related to liabilities to the Commonwealth including, but not limited to, taxes, unemployment compensation, and workers' compensation liabilities.
- k. Until the selected Contractor receives, a fully executed and approved written contract from the Office of Administration there is no legal and valid contract, in law or in equity, and the Contractor should not begin to perform.

2.1-32. Notification of Selection: The responsible Contractor whose proposal is determined to be the most advantageous to the Commonwealth, as determined by the Office of Administration, after taking into consideration all of the evaluation factors, will be notified in writing of its selection for negotiation.

2.1-33. RFP Protest Procedure:

a. **Who May File the Protest.** Any actual or prospective Contractor who is aggrieved in connection with the solicitation or award of the contract may file a protest.

b. **Time and Place for Filing.**

- 1. A protest or improprieties in solicitations must be filed by prospective Contractors within seven (7) days after the protesting Contractor knows or should have known of the facts giving rise to the protest, but in no event

later than the proposal submission deadline specified in the cover letter to the RFP. Contractors who submit a proposal may file a protest within seven (7) days after the protesting Contractor knows or should have known of the facts giving rise to the protest. The date of filing is the date of receipt of the protest.

2. The Office of Administration for good cause may consider any untimely protest.
 3. A protest must be in writing and filed with the Office of Administration.
- c. **Notice of Protest.** The Office of Administration shall notify the successful Contractor, by registered mail, of the protest if award has been made. If the protest is received before award and substantial issues are raised by the protest, all Contractors who appear to have a substantial and reasonable prospect of winning the award shall be notified by registered mail, and may file their agreement/disagreement with the Office of Administration within three (3) days after receipt of notice of protest.
- d. **Stay of Procurement.** The Office of Administration will immediately decide upon receipt of the protest whether or not the award of a contract shall be delayed, or if the protest is timely received after the award, whether the performance of the contract should be suspended. The Office of Administration shall not proceed further with the solicitations or with the award of the contract and shall suspend performance under the contract, if awarded, unless: the using agency head of the Office of Administration makes a written determination that the protest is clearly without merit or that award of the contract without delay is necessary to protect the substantial interests of the Commonwealth.
- e. **Procedures.** The Office of Administration may decide the merits of the protest on the written, submitted documentation. However, if the Office of Administration deems the protest to be complex, an informal conference may be held before reaching a decision.
- f. **Decision.** The Office of Administration shall promptly, but in no event later than 120 days from the filing of the protest, issue a written decision. The decision shall:
1. State the reason for the action taken.

2. Inform the protesting Contractor of its right to file an action in Commonwealth Court within fourteen (14) days of the receipt of the decision. A copy of the decision shall be delivered by registered mail to the protesting Contractor and any other person determined by the Office of Administration to be affected by the decision.

2.1-34. Definitions: For the purpose of this RFP, the following definitions apply:

Call Blocking: Placing a restriction on a specific number or series of numbers, which prohibits calling those numbers.

Call Records: The data storage and retrieval of all calling information.

CLEC: Competitive Local Exchange Carrier - Approved by the PUC.

Central Processor: For System B, a single, fully redundant data processor from which System B can be completely controlled, the complete set of required reports can be prepared, can produce reports in real time and, can interact in a real time mode with the location processors.

Commissary: An area within each DOC SCI where inmates may purchase or order goods and products provided by DOC for sale or acquisition by inmates housed with the SCI.

DOC: Shall mean the Pennsylvania Department of Corrections.

DOC Number: Department of Corrections Number - a six (6) digit (2 letter, 4 numerical i.e.: NNXXXX) identifier assigned to each inmate by the DOC that usually remains unchanged during the period of the inmate's incarceration.

Gross Revenue: Total billed revenue earned from usage charges before any operational costs are deducted. Total revenue billed to customers before uncollectible, billing fees, or any other costs or payments to suppliers.

Headquarters Security Office: This office has headquarters responsibility for inmate security matters at all SCI's.

ILEC: Incumbent Local Exchange Carrier-- Tariffed by the PUC.

Instantaneously: Occurring or completed without perceptible delay.

InterLata Carrier: Any carrier registered with the Federal Communications Commission that is authorized to carry customer transmissions between Lata and interstate.

IntraLata: A geographic area or region, mandated by the FCC, in which the local operating telephone company provides local service, long distance service, and access to the entire telephone network. Telecommunications services that originate and end in the same Local Access and Transport Area.

International Calls: For System B, international calls are defined as calls to the North American Numbering Plan (reference the Department of Corrections policy statement on Attachment 9 IV.R.).

Lata: Local Access and Transport Area.

Location Processor: For System B, a redundant data processor located on the premises of State Correctional Institution(s) which completely controls the SCI(s) inmate calling system, collects call data, produces reports in real time and interacts in real time with the central processor.

Monitoring: On line listening to an inmate telephone call by a person or persons authorized by the Commonwealth.

Mothballed: Mothballed is when a DOC SCI facility has been closed or is closing. It will have no inmates and will maintain minimal staffing for security of the facility. It could be opened if necessary to again house inmates.

North American Number Plan: The area includes all 50 states, Canada, and parts of the Caribbean Islands composed of the following with area codes: Bahamas (242), Bermuda (441), Barbados (246), British Virgin Islands (284), Puerto Rico (787), and the U.S Virgin Islands (340).

Office of Professional Responsibility: This office is responsible for all internal Department of Corrections security matters.

Passive Acceptance: When the called party answers, does nothing and the call is completed.

PIN Number: A Personal Identifying Number assigned to each inmate that must be used as access to the inmate telephone system and is the principal identifier for managing the call detail produced by the inmate call control system in the process of controlling fraud and other abuses of the inmate telephone system. The current format of inmate PIN number assignment is: 2 alphanumeric and 4 numeric. PIN numbers: 6 numeric. Inmate can currently have 20 individual numbers plus 3 attorney numbers and 2 common numbers used for administration purposes.

Prepaid Calling Services: Prepaid Calling Services are an alternative calling method that allows inmates, family and friends to pay for the inmate's telephone

calls by using funds in the DOC-SCI commissary account. Calls placed using Prepaid Calling Services are at a rate that is discounted from the normal inmate collect call rate.

Project Manager: The person named by the Contractor who shall be responsible for coordination of all activities between the Office of Administration and the Department of Corrections, and the Contractor and the Contractor's subcontractors.

Provide means supply and install, unless otherwise stated.

Real Time: The time in which the occurrence of an event and the reporting or recording of it are almost simultaneous and the interaction shall not require a second entry at the location processor.

Recording: To register in real time in permanent form by mechanical or electrical means for reproduction on a playback device the conversation on both sides of telephone calls placed from inmate telephones.

Recording Media: A digital, audiotape or other electronic recording medium, which stores the human voice.

State Correctional Institution: SCI shall mean the DOC institution in which Pennsylvania inmates are housed and which cumulatively comprise the Pennsylvania DOC inmate prison system.

System Control Device: For inmate control systems administered from a central location, the interface between the central control unit and the inmate stations at each SCI.

Telecommunications Management Officer (TMO): The individual designated by each Commonwealth using agency responsible for all telecommunications matters within that agency.

Text Telephone (TTY): TeleTYpewriter. A telephone terminal with a typewriter-like keyboard that permits hearing or speech-impaired persons to communicate by typing messages back and forth over telephone lines.

Turnkey System: A completely installed operational system furnished, installed, and maintained in accordance with all requirements of this RFP.

Using Agency (ies): The governmental using agency (ies), which will be the recipient and eventual user of the equipment and services identified in this RFP.