

RTK 09-568(T)



**REQUEST FOR PROPOSAL RFP 20080318**

**WINE KIOSKS**

**March 24, 2008**

**ISSUING OFFICE:**

**COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA LIQUOR CONTROL BOARD  
ROOM 413, NORTHWEST OFFICE BUILDING  
HARRISBURG, PA 17124-0001**

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## CALENDAR OF EVENTS

The PLCB will make every effort to adhere to the following schedule:

Activity	Responsibility	Date
Deadline to submit questions via email to <a href="mailto:dbrinser@state.pa.us">dbrinser@state.pa.us</a>	Potential Proposers	12:00 p.m. EDT April 8, 2008
Mandatory Pre-proposal Conference—Location:  Pennsylvania Liquor Control Board First Floor Conference Room Northwest Office Building 910 Capital Street Harrisburg, PA 17124-0001	Issuing Office/Potential Proposers	10:00 a.m. April 16, 2008
Answers to potential proposers' questions posted no later than this date to the PLCB website: <a href="http://www.lcb.state.pa.us/plcb/cwp/view.asp?a=1334&amp;q=559289">http://www.lcb.state.pa.us/plcb/cwp/view.asp?a=1334&amp;q=559289</a>	Issuing Office	April 22, 2008
Please monitor PLCB website for all communications regarding the RFP.	Potential Proposers	Ongoing
Sealed proposal must be received by the Issuing Office at: ATTN: Debra Brinser Pennsylvania Liquor Control Board Room 413 Northwest Office Building 910 Capital Street Harrisburg, PA 17124-0001	Proposers	1:00 p.m. EDT May 8, 2008

## **PART I**

### **GENERAL INFORMATION FOR PROPOSERS**

- I-1. **PURPOSE** - This Request for Proposal ("RFP") provides interested parties with sufficient information to enable them to prepare and submit proposals for consideration by the Commonwealth of Pennsylvania ("Commonwealth"), Pennsylvania Liquor Control Board ("PLCB"), to lease, provide, maintain and service fully functional wine kiosks for the PLCB to place in locations throughout the Commonwealth designated by the PLCB as satellite wine store locations, at no cost to the Commonwealth/PLCB. The kiosks will be monitored via a PLCB-staffed customer service support center.
- I-2. **ISSUING OFFICE** - This RFP is issued by the PLCB. The Issuing Officer for this RFP is Ms. Debra Brinser, Bureau of Support Services, Room 413, Northwest Office Building, 910 Capital Street, Harrisburg, Pennsylvania 17124-0001; telephone: (717) 787-9851; facsimile: (717) 783-8927; e-mail: dbrinser@state.pa.us. The Issuing Office is the sole point of contact in the Commonwealth for this RFP. Please refer all inquiries to the Issuing Officer.
- I-3. **SCOPE** - This RFP contains instructions governing the proposals to be submitted and the material to be included therein, a description of the services to be provided, requirements that must be met to be eligible for consideration, general evaluation criteria, a proposed contract and other requirements to be met by each proposal.

I-4. **PROBLEM STATEMENT** - The PLCB is an entity of the Commonwealth of Pennsylvania authorized by law to regulate the sale and distribution of alcoholic beverages in the Commonwealth. Included within this authority is the authority to establish, operate and maintain Pennsylvania wine and spirits stores for the sale of liquor, including wine and spirits.

Currently, the PLCB operates approximately six hundred twenty-one (621) Pennsylvania wine and spirits stores with gross annual earnings exceeding \$1.5 billion USD. These stores are supported by three (3) strategically-located distribution centers that supply product to the stores. All of the Pennsylvania wine and spirits stores currently operated by the PLCB are staffed by PLCB personnel who conduct face-to-face sales of liquor, including wine and spirits and other merchandise, PLCB gift certificates and gift cards, with customers on the premises.

The PLCB is interested in establishing, operating and maintaining a network of satellite Pennsylvania wine stores pursuant to its statutory authority to establish, operate and maintain Pennsylvania wine and spirits stores. These satellite wine stores would feature wine kiosks which would allow customers to make purchases of wine therefrom, with each transaction monitored by personnel authorized by the PLCB via remote video and audio.

It is anticipated that the PLCB will establish, operate and maintain as many as

one hundred (100) satellite stores during the term of the contract entered into as a result of this RFP. It is anticipated that each satellite Pennsylvania wine store will include one (1) wine kiosk.

There will be no cost to the Commonwealth/PLCB for services, hardware and/or software provided by the selected contractor. Costs incurred by the PLCB related to merchandise stocking and restocking (except PLCB personnel salaries), networking and customer service support center set-up are to be borne by the selected contractor.

**I-5. TYPE OF CONTRACT** - It is proposed that if a contract is entered into as a result of this RFP, it will be a no cost contract, and it will contain the specifications and provisions set forth in Appendix M. The PLCB may, in its sole discretion, undertake negotiations with proposers whose proposals show them to be qualified, responsible, and capable of performing the work. If negotiations have not concluded in an agreement within a reasonable time period as determined by the PLCB, the PLCB may terminate negotiations and negotiate with another responsive, responsible proposer(s) or negotiate separately with competing qualified proposers.

**I-6. REJECTION OF PROPOSALS** - The PLCB reserves the right, in its sole and complete discretion, to reject any and/or all proposals received as a result of this RFP.

I-7. **INCURRING COSTS** - The PLCB is not liable for any costs the proposer incurs in preparation and submission of its proposal, in participating in the RFP process or in anticipation of award of the contract.

I-8. **MANDATORY PRE-PROPOSAL CONFERENCE** - A mandatory pre-proposal conference will be held on April 16, 2008, at 10:00 a.m. EDT, as specified in the RFP cover letter and Calendar of Events. The purpose of this conference is to clarify any points in the RFP that may not have been clearly understood. **Questions should be forwarded to the Issuing Officer via e-mail prior to the conference to ensure that sufficient analysis can be made before an answer is supplied.** In view of the limited facility space available for the conference, it is requested that representation be limited to essential personnel. The pre-proposal conference is for information only. Proposers will be given the opportunity to submit additional questions, in writing, at the pre-proposal conference. **Answers furnished during the conference shall not be official until verified, in writing, by the Issuing Officer.** All questions and written answers will be issued as an addendum to and will become part of this RFP.

**NOTE: ATTENDANCE AT THE PRE-PROPOSAL CONFERENCE IS MANDATORY. FAILURE TO ATTEND THE PRE-PROPOSAL CONFERENCE SHALL DISQUALIFY A PROPOSER FROM CONSIDERATION FOR THE CONTRACT TO BE AWARDED FROM THIS RFP, AND ITS PROPOSAL WILL BE RETURNED UNOPENED.**

**I-9. QUESTIONS AND ANSWERS** – If a proposer has any questions regarding this RFP, the proposer must submit the questions by e-mail (with the subject line entitled “RFP 20080318 Questions”) to the Issuing Officer named in Part I, Section I-2 of the RFP. Do not contact the Issuing Officer by phone with any questions. If the proposer has questions, they must be submitted via e-mail no later than the date indicated in the RFP cover letter and Calendar of Events. The proposer shall not attempt to contact the Issuing Officer by any other means. The Issuing Officer shall post the answers to the questions on the PLCB website at <http://www.lcb.state.pa.us/plcb/cwp/view.asp?a=1334&q=559289> by the date stated in the RFP cover letter and Calendar of Events.

All questions and responses as posted on the PLCB website are considered an addendum to, and part of, this RFP in accordance with RFP Part I, Section I-10. Each proposer shall be responsible to monitor the PLCB website for new or revised RFP information. The PLCB shall not be bound by any verbal information; nor shall it be bound by any written information that is not either contained within the RFP or formally issued as an addendum by the Issuing Office. The Issuing Office does not consider questions to be a protest of the specifications or of the solicitation. The formal protest process is described on the PLCB website. (See Section I-29, RFP Protest Procedure).

**I-10. AMENDMENT TO THE RFP** - If the Issuing Office deems it necessary to revise any part of this RFP before the proposal response date, the Issuing Office will post an amendment to the PLCB website at <http://www.lcb.state.pa.us/plcb/cwp/view.asp?a=1334&q=559289>. It is the proposer's responsibility to periodically check the website for any new information or amendments to the RFP. Answers to the questions asked during the Pre-Proposal Conference also will be posted to the website as an addendum to the RFP. The PLCB shall not be bound by any verbal information; nor shall it be bound by any written information that is not either contained within the RFP or formally issued as an amendment or addendum by the Issuing Office.

**I-11. RESPONSE DATE** - To be considered, hard copies of proposals must arrive at the Issuing Office on or before the time and date specified in the RFP cover letter and Calendar of Events. Proposals will not be accepted via e-mail or facsimile transmission. Proposers who mail proposals should allow sufficient mail delivery time to ensure timely receipt of their proposals. All United States mail and express mail packages sent to the Northwest Office Building are first examined at a central location in Harrisburg prior to delivery to the Northwest Office Building. Therefore, proposers should allow appropriate time when submitting proposals, particularly those by U.S. mail. If, due to inclement weather, natural disaster or any other cause, the location to which proposals are to be returned is closed on the proposal response date, the deadline for submission shall be automatically extended until the next Commonwealth

(PLCB) business day on which the office is open, unless the proposers are otherwise notified by the Issuing Office. The time for submission of proposals shall remain the same. Proposals not received on time shall be rejected.

- I-12. PROPOSALS** - To be considered, proposers shall submit a complete response to this RFP using the format provided in Part II. Proposals are made up of three (3) separate and distinct portions: a Technical Submittal, a Disadvantaged Business Submittal and a Domestic Workforce Utilization Submittal, if proposers are seeking consideration of this criterion. The requirements for each submittal are slightly different, and these requirements are outlined in Part II.

Distribution of proposals to anyone other than the Issuing Office shall not be made by the proposer. Each proposal page should be numbered for ease of reference. Proposals shall be signed by an official authorized to bind the proposer to its provisions. If the official signs the Proposal Cover Sheet and the Proposal Cover Sheet is attached to the proposer's proposal, the requirement will be met. Proof of signatory authorization should be included with the proposal submission. For this RFP, the proposal shall remain valid for at least one hundred twenty (120) days. The contents of the proposal of the successful proposer will become, except to the extent the contents are changed through best and final offers or negotiations, contractual obligations if a contract is entered into. The finalized and approved contract language shall prevail over the proposer's proposal in the event of any inconsistency or

ambiguity. (See Appendix M, Paragraph 33, Integration).

Each proposer submitting a proposal specifically waives any right to withdraw or modify it, except as hereinafter provided. Proposals may be withdrawn by written or telefax notice received at the Issuing Office's address for proposal delivery prior to the exact hour and date specified for proposal receipt. However, if the proposer chooses to attempt to provide such written notice by telefax transmission, the PLCB shall not be responsible or liable for errors in telefax transmission. A proposal may also be withdrawn in person by a proposer or its authorized representative, provided its identity is made known and it signs a receipt for the proposal, but only if the withdrawal is made prior to the exact hour and date set for proposal receipt. A proposal may only be modified by the submission of a new sealed proposal or submission of a sealed modification that complies with the requirements of this RFP, but only if the modification is made prior to the exact hour and date set for the proposal receipt.

- I-13. **DISADVANTAGED BUSINESS INFORMATION** - The Issuing Office 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:

- a) Department of General Services Bureau of Minority and Women Business Opportunities (BMWBO)-certified Minority Business Enterprises (MBEs) and Women Business Enterprises (WBEs) that qualify as small businesses; and
- b) United States Small Business Administration (SBA)-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 one hundred (100) persons, and earn less than twenty million dollars (\$20,000,000.00) in gross annual revenues (twenty-five million dollars (\$25,000,000.00) 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 or 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 proposer must include in its proposal clear and convincing evidence establishing 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  
E-mail: [gs-bmwbo@state.pa.us](mailto:gs-bmwbo@state.pa.us)  
Phone: (717) 787-6708  
FAX: (717) 772-0021

A database of BMWBO-certified minority- and women-owned businesses can be accessed at [www.dgsweb.state.pa.us/mbewbe/VendorSearch.aspx](http://www.dgsweb.state.pa.us/mbewbe/VendorSearch.aspx). The federal vendor database can be accessed at [www.ccr.gov](http://www.ccr.gov) by clicking on *Dynamic Small Business Search* (mark “Required (Active Certifications Only)” for Small Disadvantaged Business).

**I-14. INFORMATION CONCERNING SMALL BUSINESSES IN ENTERPRISE**

**ZONES** - The Issuing Office encourages participation by small businesses, whose primary or headquarters facility is physically located in areas the Commonwealth has identified as Designated Enterprise Zones, as prime contractors, joint ventures and subcontractors/suppliers.

The definition of headquarters includes, but is not limited to, an office or location that is the administrative center of a business or enterprise where most of the important functions of the business are conducted or concentrated and location where employees are conducting the business of the company on a regular and routine basis so as to contribute to the economic development of the geographical area in which the office or business is geographically located.

Small Businesses are businesses in the United States that are independently owned, are not dominant in their field of operation, employ no more than one hundred (100) persons and earn less than twenty million dollars (\$20,000,000.00) in gross annual revenues (twenty-five million dollars (\$25,000,000.00) in gross annual revenues for those businesses in the information technology sales or service business).

There is no database or directory of small businesses 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, Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120-0225  
Phone: (717) 720-7409  
Fax: (717) 787-4088  
E-mail: [akartorie@state.pa.us](mailto:akartorie@state.pa.us)  
[www.newpa.com/programDetail.aspx?id=76](http://www.newpa.com/programDetail.aspx?id=76)

- I-15. **ECONOMY OF PREPARATION** - Proposals should provide a straightforward, concise description of the proposer's ability to meet the requirements of the RFP.
- I-16. **DISCUSSIONS FOR CLARIFICATION** - Proposers who submit proposals may be required to make an oral and/or written clarification of their proposal to the PLCB to ensure thorough mutual understanding and proposer responsiveness to the solicitation requirements. The Issuing Officer will initiate requests for clarification. The PLCB reserves the right to recall any proposers for additional discussion/presentations.
- I-17. **CONTINGENCIES** - The PLCB reserves the right to reject any proposal that includes any contingencies. Primary proposals shall stand alone and shall not be evaluated if they are contingent upon any deviation or alteration, as determined by the PLCB, from the RFP, the proposed contract and/or any appendices or amendment(s) thereto.
- I-18. **PRIME PROPOSER RESPONSIBILITIES** - The contract will require the selected proposer to assume responsibility for all services offered in its proposal, whether it produces or performs them itself or by subcontract. The PLCB shall consider the selected proposer to be the sole point of contact with regard to contractual matters.

**I-19. DISCLOSURE OF PROPOSAL CONTENTS** – Proposals shall not be labeled as confidential or proprietary. Nonetheless, the PLCB will hold all proposals in confidence and will not reveal or discuss the proposals with competitors for the contract, unless disclosure is required:

- 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.

After a contract is executed, however, the successful proposal is considered a public record under the *Right-to-Know Law*, 65 P.S. §§ 66.1-66.9, and, therefore, shall be subject to disclosure. The financial capability information submitted under Part II, Section II-8 shall not be disclosed in the final contract. All material submitted with the proposal becomes the property of the Commonwealth of Pennsylvania and may be returned only at the PLCB's option. The PLCB, in its sole discretion, may include any person, other than competing proposers, on its proposal evaluation committee. The PLCB has the right to use any or all ideas presented in any proposal regardless of whether the proposal becomes part of a contract. Selection or rejection of the proposal does not affect this right.

**I-20. BEST AND FINAL OFFERS** – The PLCB reserves the right to conduct discussions with proposers for the purpose of obtaining best and final offers. To obtain best and final offers from proposers, the PLCB may do one (1) or more of the following:

- i) Enter into pre-selection negotiations;
- ii) Schedule oral presentations or scripted demonstrations; and
- iii) Request revised proposals.

The Issuing Officer will limit any discussions to responsible proposers (those that have submitted responsive proposals and possess the capability to fully perform the contract requirements in all respects and the integrity and reliability to assure good faith performance) whose proposals the Issuing Officer has determined to be reasonably likely of being selected for award. The Criteria for Selection, found in Part III, Section III-3 shall also be used to evaluate the best and final offers.

Dollar commitments to Disadvantaged Businesses and Enterprise Zone Small Businesses can only be reduced in the same percentage as the percent reduction in the total price offered through negotiations. Proposers are encouraged to submit their best proposal, and not to assume there will be an opportunity to provide a best and final proposal at a later date.

- I-21. CONTRACT** - The selected proposer shall be expected to enter into an agreement as contained in the proposed contract in Appendix M of this RFP. The amount of liquidated damages, as referenced in Appendix M, Paragraph 9, Liquidated Damages, and the Agreement Standards referenced in Appendix J, shall be agreed upon by the PLCB and the selected proposer prior to the

conclusion of contract negotiations.

- I-22. RESTRICTION OF CONTACT** - From the issue date of this RFP until the PLCB selects a proposal for award, the Issuing Officer is the sole point of contact concerning this RFP. Any violation of this condition may be cause for the PLCB to reject the offending proposer's proposal. If the PLCB later discovers that the proposer has engaged in any violations of this condition, the PLCB may reject the offending proposer's proposal or rescind its contract award. Proposers must agree not to distribute any part of their proposals beyond the Issuing Office. A proposer who shares information contained in its proposal with other Commonwealth/PLCB personnel and/or competing proposer personnel may be disqualified.
- I-23. DEBRIEFING CONFERENCE** - Proposers whose proposals are not selected will be notified of the name of the selected proposer and given the opportunity to be debriefed. The Issuing Office will schedule the time and location of the debriefing. The debriefing will not compare the proposer with other proposers, other than the position of the proposer's proposal in relation to all other proposer proposals. A proposer's exercise of the opportunity to be debriefed shall not constitute the filing of a protest.
- I-24. NEWS RELEASES** – Proposers shall not issue news releases, Internet postings, advertisements or any other public communications pertaining to this project without prior written approval of the PLCB, and then only in

coordination with the Issuing Office.

**I-25. COMMONWEALTH PARTICIPATION** - Persons from the following bureaus and offices of the Commonwealth of Pennsylvania and the PLCB shall participate in this project: Bureau of MIS, Bureau of Store Operations, Bureau of Logistics, Bureau of Support Services, Bureau of Product Management, Director of Administration's Office, Office of the Comptroller, Department of General Services and the Office of the Chief Counsel, as counsel to the committee.

**I-26. TERM OF CONTRACT** - The term of the contract shall commence on the Effective Date (as defined below) and shall end at the close of business five (5) years from the effective date. The Effective Date of the contract shall be fixed by the Contracting Officer, or his/her designee, after the PLCB receives written TTB approval of the selected proposer's business plan, and after the contract has been fully executed by the Contractor and by the PLCB/Commonwealth, and all approvals required by Commonwealth contracting procedures have been obtained. The selected proposer shall not start the performance of any work prior to the Effective Date of the contract, and the PLCB shall not be liable to pay the selected proposer for any service or work performed or expenses incurred before the Effective Date of the contract.

The PLCB reserves the right, upon ninety (90)-days written notice to the contractor for each option period, to extend this contract for five (5), one (1)-year option periods, subject to the terms and conditions set forth in the initial contract term. As specific projects are requested by the PLCB and agreed to by both parties, the contractor shall submit a detailed work plan, schedule of deliverables and cost for PLCB approval prior to the commencement of any work during the option year(s).

In addition, the PLCB shall have the right, following expiration of the contract, to extend the term of the contract, or any part of the contract, for up to three (3) months from the expiration of the contract, upon the same terms and conditions, in order to prevent a lapse in contract coverage and only for the time necessary, up to three (3) months, to enter into a new contract, if deemed necessary by the PLCB.

**I-27. PROPOSER'S REPRESENTATIONS AND AUTHORIZATIONS** - By submitting its proposal, each proposer understands, represents and acknowledges that:

- A. All information provided by, and representations made by, the proposer in the proposal are material and important and may be relied upon by the PLCB in awarding the contract(s). The Commonwealth shall treat any misstatement, omission or misrepresentation as fraudulent

concealment from the Issuing Office of the true facts relating to the proposal submission, punishable pursuant to 18 Pa. C.S. § 4904.

- B. The proposer has arrived at the price(s) and amounts in its proposal independently and without consultation, communication or agreement with any other proposer or potential contractor.
- C. The proposer has not disclosed the price(s), the amount of the proposal nor the approximate price(s) or amount(s) of its proposal to any other firm or person who is a proposer or potential proposer for this RFP, and the proposer shall not disclose any of these items on or before the proposal submission deadline specified in the cover letter to this RFP.
- D. The proposer has not attempted, nor will it attempt, 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 proposer makes its proposal 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 of the knowledge of the person signing the proposal for the proposer, its affiliates, subsidiaries, officers, directors, and employees are not currently under investigation by any governmental 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 bribery, conspiracy or collusion with respect to bidding or proposing on any public contract, except as the proposer has disclosed in its proposal.
  
- G. To the best of the knowledge of the person signing the proposal for the proposer, and except as the proposer has otherwise disclosed in its proposal, the proposer has no outstanding, delinquent obligations to the Commonwealth of Pennsylvania including, but not limited to, any state tax liability not being contested on appeal, or other obligation of the proposer that is owed to the Commonwealth of Pennsylvania.
  
- H. The proposer is not currently under suspension or debarment by the Commonwealth, any other state or the federal government, and if the proposer cannot so certify, then it shall submit along with the proposal, a written explanation of why it cannot make such certification.
  
- I. The proposer has not made, under separate contract with the PLCB, any recommendations to the PLCB concerning the need for the

services described in the proposal or the specifications for the services described in the proposal.

J. Each proposer, by submitting its proposal, authorizes Commonwealth of Pennsylvania agencies to release to the Commonwealth of Pennsylvania, information concerning the proposer's Pennsylvania taxes, unemployment compensation and workers' compensation liabilities.

K. Until the selected proposer receives a fully-executed and approved written contract from the Issuing Office, there is no legal and valid contract, in law or in equity, and the proposer shall not begin to perform. The selected proposer shall not begin performance under the contract until it receives the Notice to Proceed letter from the Issuing Officer.

**I-28. NOTIFICATION OF SELECTION** - The responsible proposer whose proposal is determined to be the most advantageous to the Commonwealth/PLCB, as determined by the PLCB, after taking into consideration all of the evaluation factors, shall be notified in writing of its selection for contract negotiation.

**I-29. RFP PROTEST PROCEDURE** - The RFP protest procedure can be found on the PLCB website at [http://www.lcb.state.pa.us/plcb/lib/plcb/RFP\\_Protest\\_Procedures.doc](http://www.lcb.state.pa.us/plcb/lib/plcb/RFP_Protest_Procedures.doc). A protest by a party not submitting a proposal must be filed within seven (7) days

after the protesting party knew or should have known of the facts giving rise to the protest, but no later than the proposal submission deadline specified in the RFP cover letter and Calendar of Events. Proposers who submit a proposal may file a protest within seven (7) days after the protesting proposer knew or should have known of the facts giving rise to the protest, but in no event may a protest be filed later than seven (7) days after the date of the written notification of award of the contract by the Issuing Office. The date of filing is the date of receipt of the protest. A protest must be in writing and filed with the Issuing Office.

- I-30. USE OF ELECTRONIC VERSIONS OF THIS RFP** - This RFP is being made available by electronic means. If a proposer electronically accepts the RFP, the proposer acknowledges and accepts full responsibility to insure that no changes are made to the RFP. In the event of a conflict between a version of the RFP in the proposer's possession and the Issuing Office's version of the RFP, the Issuing Office's version shall govern.

## PART II

### INFORMATION REQUIRED FROM THE PROPOSER

Proposals must be submitted in the format, including heading descriptions, outlined below. To be considered, the proposal must respond to all requirements in this part of the RFP. Any other information thought to be relevant, but not applicable to the enumerated categories, should be provided as an appendix to the proposal. Disadvantaged Business cost data should be kept separate from and not included in the Technical Submittal. **Each proposal shall consist of three (3) separately-sealed submittals.** The submittals are as follows:

1. Technical Submittal, in response to Sections II-1 through II-10 hereof, submitted in twelve (12) hard copies and two (2) CD-ROM copies.
2. Disadvantaged Businesses Submittal, in response to Section II-11 hereof, submitted in two (2) original hard copies.
3. Domestic Workforce Utilization Certification (Appendix K), in response to Section II-12 hereof, submitted in one (1) original.

The copies on the CD-ROMs must be complete and exact duplicates of the hard copy document responses submitted. The proposal's pages shall be sequentially numbered. In the proposal, the proposer must reproduce the question, statement or requirements, including the number (if applicable) in its entirety, and then follow it

with its response. Pages of the proposal shall be printed single-sided. The first page of each proposal shall be the signed proposal cover sheet submitting the proposal.

The PLCB reserves the right to request additional information which, in the PLCB's opinion, is necessary to assure that the proposer's competence, number of qualified employees, business organization and financial resources are adequate to perform according to the RFP.

The PLCB may make such investigations as it shall deem necessary in order to determine the ability of the proposer to perform the work, and the proposer shall furnish to the PLCB all such information and data for this purpose as requested by the PLCB. The PLCB reserves the right to reject any proposal if the evidence submitted by, or investigation of, such proposer fails to satisfy the PLCB that such proposer is properly qualified to carry out the obligations of the contract and to complete the work specified.

**II-1. STATEMENT OF THE PROBLEM** - State in succinct terms your understanding of the problem presented and/or the services required by this RFP.

**II-2. MANAGEMENT SUMMARY** - Include a narrative description of the proposal effort and a list of the items to be delivered or services to be provided.

**II-3. WORK PLAN**

- A. Describe in narrative form your technical plan for accomplishing the work. Be sure to include a detailed timeline, a detailed business plan, and written approval from the Alcohol and Tobacco Tax and Trade Bureau (“TTB”) or evidence that such approval has been requested from the TTB. Use the task descriptions in Part IV of this RFP as your reference point. Indicate the number of person hours allocated to each task. Define what percentage of PLCB staff time and/or resources, if necessary, will be required to assist the contractor with performing the RFP tasks. If more than one (1) approach is apparent, comment on why you chose this approach.
- B. Agreement Standards – The purpose of Agreement Standards, Appendix J, would be to ensure that the successful contractor provides efficient and effective services. A complete list of standards will be agreed upon by the parties during contract negotiations

- II-4. PRIOR EXPERIENCE** - Include a detailed summary of your company’s experience with emphasis on: (1) providing devices suitable to meet the needs expressed in this RFP; (2) maintaining and servicing devices such as those contemplated by this RFP; and (3) integrating such devices into a network operated by a retailer of comparable size and complexity to the PLCB. Experience referred to should be identified by customer, including the name, current address and telephone number of the responsible official who may be

contacted. The PLCB reserves the right to contact any and all persons listed by the proposer concerning past work experience.

**II-5. PERSONNEL DATA** - Identify the Project Manager and provide information about his/her project management experience. Include the number, and names of all executive, professional and managerial personnel, analysts, auditors, researchers, programmers, consultants, etc. who will be engaged in performing the work under this contract. Indicate what position each will hold, his/her length of service with your company, and where he/she will be physically located during the time he/she is engaged in this contract. Indicate the responsibilities each individual will have in performing this contract and the time each will dedicate to this contract. Submit personal resumes for each person designated which detail relevant education, professional organizations and experience in a comparable retail environment.

Indicate the number of non-managerial employees you expect to be engaged in this contract. Indicate whether non-management employees will be affiliated with any labor organization(s), identify the organization(s), indicate the status of your relationship with the organization(s) and provide copies of any pertinent agreements.

Provide the total number of employees of your company and give the average turnover rate for both headquarters and any field offices.

- II-6. SUBCONTRACTOR(S)** - Identify subcontractors you intend to use and the services they will perform under this contract. Provide a summary of each subcontractor's relevant experience and size of projects and a list of executive and professional personnel who will be involved in performing required tasks for this contract. Submit personal resumes for each person designated which detail relevant education, professional organizations and experience. Provide the Federal Identification Number (FID) for each proposed subcontractor.
- II-7. TRAINING** - If appropriate, indicate recommended training of PLCB personnel. Include PLCB personnel to be trained, type of training instruction (i.e., hands-on, web-based, train-the-trainer), identity of trainer(s), duration of training program(s), purpose of training program(s), and number and levels of instructors.
- II-8. FINANCIAL CAPABILITY** – Describe your company's financial stability and economic capability to perform the contract requirements. Include a copy of your company's three (3) most recent audited annual financial statements. If audited statements are not available, please provide un-audited statements along with a statement explaining why audited statements are not available.
- II-9. OBJECTIONS AND ADDITIONS TO STANDARD CONTRACT TERMS AND CONDITIONS** – The proposer will identify which, if any, of the terms and

conditions contained in Appendix M of this RFP it would like to negotiate, and what additional terms and conditions the proposer would like to add to the standard contract terms and conditions. The proposer's failure to make a submission under this paragraph will result in its waiving its right to do so later, but the PLCB may consider late objections and additional requests, if it is in the best interests of the PLCB. The PLCB may, in its sole discretion, accept or reject any requested changes to the standard contract terms and conditions. The proposer shall not request changes to other provisions of the RFP; nor shall the proposer request to completely substitute its own terms and conditions for Appendix M. All terms and conditions must appear in one (1) integrated contract. The PLCB will not accept references to the proposer's, or any other, online guides or online terms or conditions contained in any proposal.

Regardless of any objections set out in its proposal, the proposer must submit its proposal on the basis of the terms and conditions set forth in Appendix M. The PLCB may reject any proposal that is conditioned on the negotiation of terms and conditions other than those set forth in Appendix M.

**II-10. QUALIFICATIONS** - The following qualifications shall be met and included with your proposal. All statements submitted shall contain authorized signatures.

A. A statement prepared on the proposer's official letterhead agreeing to

comply with all federal and state laws regarding fair employment practices and nondiscrimination shall be submitted. Further, upon award of the contract, the selected proposer agrees to abide by the "Nondiscrimination/Sexual Harassment Clause" attached as Appendix A. The proposer shall also furnish a statement that it shall fully comply with all applicable laws and regulations including, but not limited to, those set forth in Appendices B, C, D, E, G and H.

- B. A written statement from the TTB or evidence that such statement has been requested from the TTB that the proposer's proposal and business plan complies with the Federal Alcohol Administration Act.
- C. Payment Card Industry ("PCI") security standards compliance certification.
- D. A description of the background of the proposer shall be provided indicating the date the proposer was established, principal ownership, scope of operations and general data regarding experience. Also, note any special expertise that would enhance its qualifications, such as membership in professional organizations and/or certifications, etc.
- E. A statement shall be submitted identifying any contracts the proposer currently has with the PLCB and/or any other parties that may present a conflict of interest. If there are none, please provide a statement to that effect.

- F. A statement shall be submitted indicating that the proposer agrees not to divulge or release any information provided to it by the PLCB prior to the official release date of the contract.
  
- G. Include references from three (3) customers for whom the proposer has performed services, or provided hardware and/or software, similar to those requested in this RFP, listing names, addresses, telephone numbers and contact persons.
  
- H. The successful proposer shall be required to submit a performance bond or other performance guarantee acceptable to the PLCB in the amount of three million dollars (\$3,000,000.00) within ten (10) calendar days after written notice from the PLCB to furnish such surety is issued. The performance bond or other performance guarantee may be assessed all liquidated damages payments due the PLCB which have not been received within thirty (30) calendar days after written notice of the assessment of liquidated damages has been given to the successful proposer.

Documented evidence that surety can be furnished shall accompany the proposal. The bond shall remain in full force and effect for the term of the contract.

- I. The successful proposer shall be required to submit evidence of insurability as provided for in the proposed contract included in Appendix M of the RFP. Documented evidence, such as a Certificate of Insurance or other proof acceptable to the PLCB that insurance shall be extended to the proposer, shall accompany the proposal. All required insurance shall name the PLCB as an additional insured on all certificates.
  
- J. A statement shall be included that the proposal shall remain valid for at least one hundred twenty (120) days.
  
- K. The proposer shall certify, by submitting a statement, that neither it nor its subcontractors, nor any of their suppliers, are currently under suspension or debarment by the Commonwealth, any government entity, instrumentality or authority and if so, must provide an explanation regarding the reasons for the suspension(s) or debarment(s). The proposer also acknowledges that, if it is currently under suspension or debarment, its proposal, in most instances, shall not be accepted or considered, in accordance with Management Directive 215.9, Contractor Responsibility Program, and any amendment or supplement thereto (see Appendix G).
  
- L. Include a completed IRS Form W-9 Request for Taxpayer Identification Number and Certification for your company and any identified

subcontractors.

- M. A statement shall be submitted indicating that the proposer agrees that the Commonwealth may set off the amount of any state tax liability or other debt of the proposer or its subsidiaries that is owed to the Commonwealth and not being contested on appeal against any payments due to the proposer under this or any other contract with the Commonwealth (Management Directive 215.9, dated April 16, 1999).

**II-11. DISADVANTAGED BUSINESS SUBMITTAL –**

**a. Disadvantaged Business Information**

- i) To receive credit for being a Small Disadvantaged Business or a Socially Disadvantaged Business or for entering into a joint venture agreement with a Small Disadvantaged Business or for subcontracting with a Small Disadvantaged Business (including purchasing supplies and/or services through a purchase agreement), a proposer must include proof of Disadvantaged Business qualification in the Disadvantaged Business submittal of the proposal, as indicated below:
- 1) Small Disadvantaged Businesses certified by BMWBO as an MBE/WBE must provide a photocopy of their BMWBO certificate.

- 2) Small Disadvantaged Businesses certified by the United States (U.S.) Small Business Administration pursuant to Section 8(a) of the *Small Business Act* (15 U.S.C. § 636(a)) as an 8(a) or small disadvantaged business must submit proof of U.S. Small Business Administration certification. The owners of such businesses must also submit proof of United States citizenship.
- 3) All businesses claiming Small Disadvantaged Business status, whether as a result of BMWBO certification or U.S. Small Business Administration certification as an 8(a) or Small Disadvantaged Business, must attest to the fact that the business has one hundred (100) or fewer employees.
- 4) All businesses claiming Small Disadvantaged Business status, whether as a result of BMWBO certification or U.S. Small Business Administration certification as an 8(a) or Small Disadvantaged Business, must submit proof that their gross annual revenues are less than twenty million dollars (\$20,000,000.00) (twenty-five million dollars (\$25,000,000.00) for those businesses in the information technology sales or service business). This can be

accomplished by including a recent tax return or audited financial statement.

- ii) All companies claiming status as a Socially Disadvantaged Business must include in the Disadvantaged Business submittal of the 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. The submitted evidence of prejudice or bias must:
  - 1) Be rooted in treatment which the business person has experienced in American society, not in other countries.
  - 2) Show prejudice or bias that is chronic and substantial, not fleeting or insignificant.
  - 3) Indicate that the business person's experience with the racial or ethnic prejudice or cultural bias has negatively impacted on his or her entry into and/or advancement in the business world.

BMWBO shall determine whether the proposer has established that a business is socially disadvantaged by clear and convincing evidence.

iii) In addition to the above verifications, the proposer must include in the Disadvantaged Business submittal of the proposal the following information:

- 1) The name and telephone number of the proposer's project (contact) person for the Small Disadvantaged Business.
- 2) The business name, address, name and telephone number of the primary contact person for each Small Disadvantaged Business included in the proposal. The proposer must specify each Small Disadvantaged Business to which it is making commitments. The proposer will not receive credit for stating that it will find a Small Disadvantaged Business after the contract is awarded or for listing several businesses and stating that one (1) will be selected later.
- 3) The specific work, goods or services each Small Disadvantaged Business will perform or provide.

- 4) The estimated dollar value of the contract to each Small Disadvantaged Business.
- 5) Of the estimated dollar value of the contract to each Small Disadvantaged Business, the percent of the total value of services or products purchased or subcontracted that will be provided by the Small Disadvantaged Business directly.
- 6) The location where each Small Disadvantaged Business will perform these services.
- 7) The timeframe for each Small Disadvantaged Business to provide or deliver the goods or services.
- 8) The amount of capital, if any, each Small Disadvantaged Business will be expected to provide.
- 9) The form and amount of compensation each Small Disadvantaged Business will receive.
- 10) For a joint venture agreement, a copy of the agreement, signed by all parties.

- 11) For a subcontract, a signed subcontract or letter of intent.
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- iv) **The proposer is required to submit two (2) copies of its Disadvantaged Business Submittal.** The submittal shall be clearly identified as Disadvantaged Business information and sealed in its own envelope, separate from the remainder of the proposal.
  - v) The proposer must include the dollar value of the commitment to each Small Disadvantaged Business in the same sealed envelope with its Disadvantaged Business Submittal. The following will become a contractual obligation once the contract is fully executed:
    - 1) The amount of the selected proposer's Disadvantaged Business commitment;
    - 2) The name of each Small Disadvantaged Business; and
    - 3) The services each Small Disadvantaged Business will provide, including the timeframe for performing the services.

- vi) A Small Disadvantaged Business can be included as a subcontractor with as many prime contractors as it chooses in separate proposals.
  
- vii) A proposer that qualifies as a Small Disadvantaged Business and submits a proposal as a prime contractor is not prohibited from being included as a subcontractor in separate proposals submitted by other proposers.

**b. Enterprise Zone Small Business Participation.**

- i) To receive credit for being an Enterprise Zone Small Business or entering into a joint venture agreement with an Enterprise Zone Small Business or subcontracting with an Enterprise Zone Small Business, a proposer must include the following information in the Disadvantaged Business Submittal of the proposal:
  - 1) Proof of the location of the business' headquarters (such as a lease or deed or Department of State corporate registration), including a description of those activities that occur at the site to support the other businesses in the enterprise zone.
  
  - 2) Confirmation of the enterprise zone in which it is located (obtained from the local enterprise zone office).

- 3) Proof of United States citizenship of the owners of the business.
  - 4) Certification that the business employs one hundred (100) or fewer employees.
  - 5) Proof that the business' gross annual revenues are less than \$20,000,000 (\$25,000,000 for those businesses in the information technology sales or service business). This can be accomplished by including a recent tax return or audited financial statement.
  - 6) Documentation of business organization, if applicable, such as articles of incorporation, partnership agreement or other documents of organization.
- ii) In addition to the above verifications, the proposer must include in the Disadvantaged Business Submittal of the proposal the following information:
- 1) The name and telephone number of the proposers project (contact) person for the Enterprise Zone Small Business included in the proposal.

- 2) The business name, address, name and telephone number of the primary contact person for each Enterprise Zone Small Business included in the proposal. The proposer must specify each Enterprise Zone Small Business to which it is making commitments. The proposer will not receive credit for stating that it will find an Enterprise Zone Small Business after the contract is awarded or for listing several businesses and stating that one will be selected later.
- 3) The specific work, goods or services each Enterprise Zone Small Business will perform or provide.
- 4) The estimated dollar value of the contract to each Enterprise Zone Small Business.
- 5) Of the estimated dollar value of the contract to each Enterprise Zone Small Business, the percent of the total value of services or products purchased or subcontracted that each Enterprise Zone Small Business will provide.
- 6) The location where each Enterprise Zone Small Business will perform these services.

- 7) The timeframe for each Enterprise Zone Small Business to provide or deliver the goods or services.
  - 8) The amount of capital, if any, each Enterprise Zone Small Business will be expected to provide.
  - 9) The form and amount of compensation each Enterprise Zone Small Business will receive.
  - 10) For a joint venture agreement, a copy of the agreement, signed by all parties.
  - 11) For a subcontract, a signed subcontract or letter of intent.
- iii) The dollar value of the commitment to each Enterprise Zone Small Business must be included in the same sealed envelope with the Disadvantaged Business Submittal of the proposal. The following will become a contractual obligation once the contract is fully executed:
- 1) The amount of the selected proposer's Enterprise Zone Small Business commitment;
  - 2) The name of each Enterprise Zone Small Business; and

- 3) The services each Enterprise Zone Small Business will provide, including the timeframe for performing the services.

**II-12. DOMESTIC WORKFORCE UTILIZATION CERTIFICATION** – Complete and sign the Domestic Workforce Utilization Certification contained in Appendix K of this RFP. **Proposers who seek consideration of this criterion must submit in hard copy the signed Domestic Workforce Utilization Certification Form in a sealed envelope.**

**PART III**  
**CRITERIA FOR SELECTION**

**III-1. MANDATORY RESPONSIVENESS REQUIREMENTS** - To be eligible for selection, a proposal must be:

1. Timely received from a proposer;
2. Properly signed by the proposer; and,
3. Compliant with all applicable federal and state laws, including the Federal Alcohol Administration Act.

The PLCB reserves the right, in its sole discretion, to waive technical or immaterial nonconformities in a proposer's proposal.

**III-2. REVIEW AND EVALUATION** – The Issuing Officer has selected a committee of qualified personnel to review and evaluate timely submitted proposals. Independent of the committee, BMWBO will evaluate the Disadvantaged Business Submittal and provide the PLCB with a rating for this component of each proposal. The Issuing Officer will notify in writing of its selection for negotiation the responsible proposer whose proposal is determined to be the most advantageous to the Commonwealth / PLCB as determined by the PLCB after taking into consideration all of the evaluation factors. Award will only be made to a proposer determined to be responsible in accordance with the most

current version of Commonwealth Management Directive 215.9, Contractor Responsibility Program, which can be accessed at [www.oa.state.pa.us](http://www.oa.state.pa.us).

**III-3. CRITERIA FOR SELECTION** - The following criteria shall be used by the evaluation committee in making the selection:

**A. Technical**

**1. Management**

- a. **Understanding the Problem** - This refers to the proposer's understanding of:
  - i) the PLCB's needs that generated the RFP;
  - ii) the PLCB's objectives in seeking the services;
  - iii) the nature and scope of the work involved;
  - iv) the services, hardware and software required as stated in the RFP; and,
  - v) the legalities of the proposer's business plan.
  
- b. **Proposer Qualifications** - This refers to the ability of the proposer to meet the terms of the RFP with regard to (1) providing devices suitable to meet the needs expressed in this RFP; (2) maintaining and servicing devices such as those contemplated by this RFP; (3) integrating such devices into a network operated by a retailer of comparable size and complexity to the PLCB; (4) the

proposer's financial ability to undertake a project of this size; and, (5) obtaining written approval of its business plan from the TTB or evidence that such approval has been requested from the TTB.

- c. **Professional Personnel** - This refers to the competence of personnel who would be assigned to the contract by the proposer. Qualifications of personnel will be measured by experience, education and training, with particular reference to experience in services similar to that described in the RFP.
  
- d. **Soundness of Approach** - Emphasis here is on the proposer's grasp of the most critical steps detailed in the Work Statement, Part IV of this RFP, in providing the requested services, hardware and software, and how the proposer intends to mobilize its resources to efficiently manage and perform the services, and provide the hardware and software. Also important is whether the technical approach is completely responsive to all written specifications and requirements contained in the RFP and if it meets the PLCB's objectives.

**B. Disadvantaged Business Participation**

Evaluation will be based upon the following in order of priority:

**Priority Rank 1.** Proposals submitted by Small Disadvantaged Businesses.

**Priority Rank 2.** Proposals submitted from a joint venture with a Small Disadvantaged Business as a joint venture partner.

**Priority Rank 3.** Proposals submitted with subcontracting commitments to Small Disadvantaged Businesses.

**Priority Rank 4.** Proposals submitted by Socially Disadvantaged Businesses.

Each proposal will be rated for its approach to enhancing the utilization of Small Disadvantaged Businesses and/or Socially Disadvantaged Businesses. Each approach will be evaluated, with Priority Rank 1 receiving the highest score and the succeeding options receiving scores in accordance with the above-listed priority ranking.