

REQUEST FOR PROPOSALS
TELECOMMUNICATIONS RELAY SERVICE (TRS)

ISSUING OFFICE

Pennsylvania Public Utility Commission
Bureau of Technical Utility Services

RFP-2014-2

Docket No. M-2014-2399871

DATE OF ISSUANCE

June 19, 2014

**REQUEST FOR PROPOSALS FOR
TELECOMMUNICATIONS RELAY SERVICE (TRS)**

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CALENDAR OF EVENTS

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

Activity	Responsibility	Date
Deadline to submit Questions via email to the Issuing Officer Janet Tuzinski at jtuzinski@pa.gov .	Potential Prospective vendors	Friday June 27, 2014
Non-mandatory Pre-Proposal Conference on July 2, 2014 at 1:30 p.m. in Executive Chambers, Commonwealth Keystone Building, 400 North St., Harrisburg PA 17120. The Issuing Officer will take questions. Call-in information will be provided in the days leading up to the conference upon email request to Issuing Officer.	Issuing Office Potential Prospective vendors	Wednesday July 2, 2014
Answers to all Potential Prospective vendor questions posted to the Commission website no later than July 9, 2014, at www.puc.pa.gov/contact_us/request_for_proposals.aspx	Issuing Office	Wednesday July 9, 2014
Please monitor website for all communications regarding the RFP on an ongoing basis. www.puc.pa.gov/contact_us/request_for_proposals.aspx	Potential Prospective vendors	Ongoing
Sealed proposal must be received by the Issuing Office at address indicated in Section I-11 on August 5, 2014 by <u>3 p.m.</u>	Prospective vendors	Tuesday August 5, 2014 <u>3 p.m.</u>

REQUEST FOR PROPOSALS
TELECOMMUNICATIONS RELAY SERVICE (TRS)

PART I

GENERAL INFORMATION FOR PROSPECTIVE VENDORS

I-1. PURPOSE AND BACKGROUND. This Request for Proposals (RFP) is intended to provide interested persons and entities with sufficient information to enable them, as prospective vendors,¹ to prepare and submit proposals for consideration by the Pennsylvania Public Utility Commission (Commission or PUC) for traditional and speech-to-speech (STS) intrastate telecommunications relay service (collectively TRS). The submitted proposals must include an operational date of no later than December 15, 2014, or an alternative date mutually agreed upon between the Commission and the selected vendor, for the stand-alone provision by vendor of intrastate TRS in Pennsylvania, including a period of transition from the current vendor that is transparent to the end-users of TRS services.²

No later than fifteen (15) days after receiving notification as the selected TRS vendor, the selected vendor shall submit an application to obtain PUC certification to provide TRS in Pennsylvania and will operate as a public utility as the term is defined in Pennsylvania's Public Utility Code for the provision of intrastate TRS services.³ *See generally* 66 Pa. C.S. §§ 102, 1101, 1102, 1301 and 1501. It is anticipated that the Commission will expeditiously issue an order disposing of the application, which may include granting provisional authority to operate.

Along with the application for a certificate of public convenience to provide TRS in Pennsylvania, the selected TRS vendor will also submit a TRS tariff setting forth, at a minimum, the rates and service standards of the provider. The tariff shall be effective upon Commission approval, which is anticipated to occur expeditiously.

In addition to ongoing compliance with any new or changed statutes, rules, regulations and procedures, all prospective vendors must agree to meet or exceed the following regulatory criteria for TRS:

- Relay elements pursuant to Title IV of the Americans with Disabilities Act of 1990 as amended (ADA).

¹ Prospective service vendors are also referred to herein as vendors, service providers, and prospective vendors.

² AT&T Communications (AT&T) is currently certificated as the TRS provider and Hamilton Telephone Company d/b/a Hamilton Telecommunications as its captioned telecommunications relay service (Hamilton) administrator/provider. AT&T operates as a certified public utility for the provision of intrastate TRS services.

³ Such certification will be applied for and obtained irrespective of whether the selected vendor is already certified by the Commission to operate as a telecommunications services provider of non-TRS-related services within Pennsylvania.

- Federal statutes, rules regulations and procedures including all operational, technical, and functional minimum standards contained in 47 U.S.C. § 225(f)(2).
- Commission orders, policies, regulations and rules related to TRS.

The Commission is seeking services on behalf of others subject to Section 225(c) and 47 U.S.C. § 225, to ensure that the service is functionally equivalent to regular telephone service. The nature of the service is up to the prospective vendor so long as the requisite speed, accuracy, and reliability are met or exceeded in accordance with all federal and state regulations, orders and directives.

The prospective vendor must agree to work in cooperation with other TRS programs such as the Telecommunications Device Distribution Program (TDDP), and cooperate with wireline and wireless telecommunications and communications carriers as needed. In addition, the selected vendor must agree to be a member of the Pennsylvania TRS Advisory Board (TRS Board) and attend quarterly Board meetings.

Prospective vendors may propose using an appropriate system or systems that provide the functional equivalent of regular telephone service. While the Commission will not be a party to any arrangements the vendor has made or may make with any other entity for the provision of the requested TRS, such arrangements must be disclosed in the proposal or prior to the time such an arrangement is entered into if undertaken after the proposal is submitted. Arrangements after the vendor selection shall be subject to Commission review and approval. Details of such arrangements may be designated “proprietary” if they meet the regulatory standards for proprietary treatment. *See* 52 Pa.Code § 5.423(a).

The RFP process is for the Commission’s benefit and is intended to provide the Commission with competitive information to assist in the selection process. It is not intended to be comprehensive. Each prospective vendor is responsible for determining all factors necessary for submission of a comprehensive proposal.

I-2. ISSUING OFFICE. The Issuing Office is the sole point of contact in the Commonwealth of Pennsylvania (Commonwealth) for this RFP, except for Disadvantaged Business matters. *See* Section I-11 and I-13 for contact information.

The Bureau of Technical Utility Services (TUS) – Telecommunications Division is tasked with overseeing and coordinating the Commission’s review process.

I-3. HISTORIC MINUTES. The annual session minutes of use for calendar year 2013, 2012, 2011, 2010 and 2009 are shown below which includes all intrastate billable minutes. The prospective vendors should, to the extent possible, take into account such prospective demand changes in formulating their corresponding cost and price proposals in response to this RFP.

YEAR	Traditional TRS	STS TRS	Total TRS	
2013	1,452,464	19,519	1,471,983	
2012	1,382,049	23,880	1,405,929	
2011	1,592,747	22,232	1,614,979	
2010	1,490,244	34,772	1,975,016	
2009	2,340,670	35,605	2,376,275	

I-4. PROBLEM STATEMENT. The Commission seeks a public utility applicant to provide TRS services that are functionally equivalent to telecommunications service by providing individuals and businesses in Pennsylvania access to technology that accomplishes the same goal. *See* Part IV, Work Statement, for a detailed description of the work to be done and the standards according to which the work must be done.

I-5. TYPE OF SERVICE ARRANGEMENT. The resulting service arrangement of this RFP will be governed by the Terms and Conditions in the selected vendor's approved tariff and shall be consistent with the vendor's rights, obligations, and duties as a certificated public utility and provider of TRS services.

Payments to the selected vendor will be made based upon the actual session minutes of use (MOUs). To the extent that any changes as a result of service arrangement negotiations affect the cost of performing such service arrangement, adjustments to the compensation described in the proposal will be negotiated with the selected vendor during final negotiations.

I-6. REJECTION OF PROPOSALS. The Commission reserves the right to reject any and all proposals or portions thereof received as a result of this RFP, when it is in the best interest of the Commission. The Issuing Office, in its sole discretion, may undertake negotiations with prospective vendors whose proposals, in the judgment of the Issuing Office, show them to be qualified, responsible and capable of performing the Project. Also, *see* III-5, Potential Conflicts of Interest.

I-7. INCURRING COSTS. The Commission is not liable for any costs incurred by prospective vendors as a result of participating in either the RFP or certification process. The selected vendor shall not begin compensable work until so notified by the Commission's Project Officer.

I-8. PRE-PROPOSAL CONFERENCE. The Issuing Office at the request of a bidder or bidders after issuance of this RFP may hold a Pre-proposal Conference as specified in the Calendar of Events. The purpose of this conference is to provide opportunity for prospective vendors to ask questions to clarify the RFP. Prospective vendors may also submit written questions prior to the Pre-proposal Conference in accordance with Part I, Section I-9. Prospective vendors may also ask questions at the Pre-proposal Conference. The Pre-proposal Conference is for information only. Any verbal responses furnished during the conference will not be binding unless and until verified, in writing, by the Issuing Office.

All questions and written answers will be posted on the PUC website at www.puc.pa.gov/contact_us/request_for_proposals.aspx by the date stated in the Calendar of Events and will become an addendum to, and shall become part of, this RFP. Please submit a

request for the teleconference information to the Issuing Officer in accordance with Part I, Section I-9. Attendance at the pre-proposal conference is not mandatory.

I-9. QUESTIONS & ANSWERS. Any questions regarding this RFP, may be submitted by email (with the subject line “RFP-2014-2 TRS RFP Question”) to the Issuing Officer no later than the date indicated in the Calendar of Events. Prospective vendors may also ask questions at the Pre-Proposal Conference. The prospective vendors shall not attempt to contact the Issuing Officer by any other means. The Issuing Officer shall post the answers to the questions on the PUC website by the date stated in the Calendar of Events.

All questions and responses as posted on the PUC website are an addendum to, and part of, this RFP and are hereby incorporated herein by reference. Each prospective vendor shall be responsible to monitor the PUC website for new or revised RFP information. The Issuing Office 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. Questions do not constitute a protest of the RFP.

I-10. ADDENDA 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 addendum to the PUC website. It is the prospective vendors’ responsibility to periodically check the PUC website for any new information or addenda to the RFP. Answers to the questions asked during the Question & Answer period also will be posted to the website as an addendum to the RFP.

I-11. RESPONSE DATE. To be considered, the proposal or any addendum thereto must be received at the Issuing Office on or before the time and date specified in the Calendar of Events via the appropriate address listed below.

U.S. Mail First Class Delivery Address

Janet Tuzinski, Mgr. Telecommunications
Pennsylvania Public Utility Commission
Bureau of Technical Utility Services
P.O. Box 3265
Harrisburg, PA 17105-3265

Overnight Delivery Service Address

Janet Tuzinski, Mgr. Telecommunications
Pennsylvania Public Utility Commission
Bureau of Technical Utility Services
3rd Floor West, Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Inquiries may be directed to Ms. Tuzinski, or her designee, at phone (717) 783-6175, and email at jtuzinski@pa.gov.

Prospective vendors should allow for delivery time to insure timely receipt of their proposals. If, due to inclement weather, natural disaster, or any other cause, the Commonwealth office location to which proposals are to be sent is closed on the proposal response date, the deadline for submission will be automatically extended until the next Commonwealth business day on which the office is open, unless the Issuing Office otherwise notifies prospective vendors. The hour for submission of proposals shall remain the same. **Proposals received after the time and date specified in the Calendar of Events will be rejected, unopened, and not considered regardless of the reason for the late submission.**

I-12. PROPOSALS. To be considered, a prospective vendor must submit a complete response to this RFP, using the format provided in Part II. No other distribution of proposals will be made by the prospective vendor. A proposal must be signed by an official authorized to bind the prospective vendor to its provisions. For this RFP, the proposal must remain valid for at least one hundred and twenty (120) days. Except as otherwise noted herein, the contents of the proposal of the selected vendor and its PUC-approved tariff will become vendor's service obligations to provide TRS services within Pennsylvania. As a certificated public utility, the selected vendor will also be obligated, generally, to provide adequate, efficient, safe, and reasonable service and facilities under the Pennsylvania Public Utility Code and related Commission regulations. *See generally* 66 Pa. C.S. § 1501.

The contents of the selected proposal will become, except to the extent the contents are changed through Best and Final Offers or negotiations, the selected vendor's service obligations along with the selected vendor's PUC-approved TRS tariff. The information in the proposal will become a public record upon the selected vendor's certification as a public utility with a relevant approved tariff.

Each prospective vendor specifically waives any right to withdraw or modify its proposal, except that a prospective vendor may withdraw its proposal by written notice received at the Issuing Office's address for proposal delivery prior to the exact hour and date specified for proposal receipt. A prospective vendor or its authorized representative may withdraw its proposal in person prior to the exact hour and date set for proposal receipt, provided the withdrawing person provides appropriate identification and signs a receipt for the proposal. A prospective vendor may modify its submitted proposal prior to the exact hour and date set for proposal receipt only by submitting a new sealed proposal or sealed modification which complies with the RFP requirements.

The proposal should set forth broadly, but concisely, the work that will be undertaken in response to the requirements in Part IV of this RFP. It should be specifically tailored to the tasks indicated and should be in sufficient depth to afford the Commission a thorough understanding of the proposed work plan.

I-13. SMALL DIVERSE BUSINESS INFORMATION. The Issuing Office encourages a vendor to include participation by small diverse businesses as set out in Section II-7 which shall be evaluated as set out in Section III-4 consistent with the policy and reporting of the Commission aimed at encouraging all prospective vendors and public utilities within the Commission's jurisdiction to make a significant commitment to use small diverse businesses as subcontractors and suppliers.

A Small Diverse Business is a DGS-verified minority-owned business, woman-owned business, veteran-owned business or service-disabled veteran-owned business.

A small business is a business in the United States which is independently owned, not dominant in its field of operation, employs no more than 100 full-time or full-time equivalent employees, and earns less than \$7 million in gross annual revenues for building design, \$20 million in gross annual revenues for sales and services and \$25 million in gross annual revenues for those businesses in the information technology sales or service business.

Questions regarding this Program can be directed to:

Department of General Services
Bureau of Small Business Opportunities
Room 611, North Office Building
Harrisburg, PA 17125
Phone: (717) 783-3119
Fax: (717) 787-7052
Email: gs-bsbo@pa.gov
Website: www.dgs.state.pa.us

The Department's directory of BSBO-verified minority, women, veteran and service disabled veteran-owned businesses can be accessed from: [Searching for Small Diverse Businesses](#).

I-14. VENDOR RESPONSIBILITIES. The selected vendor will be required to assume responsibility for all services offered in its proposal including those of any subcontractors. Further, the Commission will consider the selected vendor to be the sole point of contact with regard to TRS.

I-15. ECONOMY OF PREPARATION. The proposal should be a straight-forward, concise description of the prospective vendor's ability to meet the requirements of the RFP.

I-16. ALTERNATE PROPOSALS. The Issuing Office has identified the basic approach to meeting its requirements, allowing prospective vendors to be creative and propose their best solution to meeting these requirements. However, in order to allow for evaluation of the proposals, the Issuing Office will not accept alternate proposals that do not satisfy the stated work requirements.

I-17. DISCUSSIONS FOR CLARIFICATION. Prospective vendors may be required to make an oral or written clarification of their proposal to the Commission's Evaluation Committee to ensure thorough mutual understanding and prospective vendor responsiveness to the solicitation requirements. Only the Issuing Office may initiate requests for clarification.

I-18. BEST AND FINAL OFFERS.

- A. While not required, the Issuing Office reserves the right to conduct discussions with prospective vendors for the purpose of obtaining "best and final offers." To obtain best

and final offers from prospective vendors, the Issuing Office may do one or more of the following, in any combination and order:

1. Schedule oral presentations;
2. Request revised proposals; and
3. Enter into pre-selection negotiations.

A prospective vendor, which the Issuing Office has determined to be not responsible or whose proposals the Issuing Office has determined to be not responsive will **not** be invited by the Issuing Office to submit a best and final offer.

B. The Evaluation Criteria found in **Part III, Section III-4**, shall also be used to evaluate the best and final offers.

I-19. EXAMPLES OF PREVIOUS WORK. Prospective vendors must, as necessary, provide copies of recent previous relevant work products for review. These work products should be submitted at the same time as the proposal and may be redacted, as necessary, to preserve confidentiality.

I-20. RESTRICTION OF CONTACT. From the issue date of this RFP until the Commission issues a certificate to provide service, the Issuing Officer is the sole point of contact within the Commission concerning this RFP. Any violation of this condition may be cause for the Issuing Office to reject the offending prospective vendor's proposal. If the Issuing Office later discovers that the Prospective vendor has engaged in any violations of this condition, the Issuing Office may reject the offending prospective vendor's proposal and rescind its award. Prospective vendors must agree not to distribute any part of their proposals beyond the Issuing Office within the Commission. Prospective vendors may also distribute their proposals and communicate with the Bureau of Small Business Opportunities (BSBO) as needed to comply with BSBO requirements. A prospective vendor who shares information contained in its proposal with other Commonwealth personnel and/or competing vendor personnel may be disqualified.

I-21. DISCLOSURE OF PROPOSAL CONTENTS.

- a. Confidential Information. The Commission is not requesting, and does not require, confidential proprietary information or trade secrets to be included as part of prospective vendors' submissions in order to evaluate proposals submitted in response to this RFP. Accordingly, except as provided herein, prospective vendors should not label proposal submissions as confidential or proprietary or trade secret protected. Any Prospective vendor who determines that it must divulge such information as part of its proposal must submit the signed written statement described in Subsection I-21.c. below and must additionally provide a redacted version of its proposal, which removes only the confidential proprietary information and trade secrets, for required public disclosure purposes.

- b. Commonwealth Use. All material submitted with the proposal shall be considered the property of the Commonwealth of Pennsylvania and may be returned only at the Issuing Office's option. The Commonwealth has the right to use any or all ideas not protected by intellectual property rights that are presented in any part of the proposal. Notwithstanding any prospective vendor copyright designations contained on proposals, the Commonwealth shall have the right to make copies and distribute proposals internally and to comply with public record or other disclosure requirements under the provisions of any Commonwealth or United States statute or regulation, or rule or order of any court of competent jurisdiction.

- c. Public Disclosure. Public records requests for proposals are governed by and shall be handled in the following manner:
 - (1) After the issuance of a certificate to provide TRS, all proposal submissions, including information in unsuccessful proposals, are subject to disclosure in response to a request for public records made under the Pennsylvania *Right-to-Know-Law*, 65 P.S. § 67.101, *et seq.* If a proposal submission contains confidential proprietary information or trade secrets, a signed written statement to this effect must be provided with the submission in accordance with 65 P.S. § 67.707(b) for the information to be considered exempt under 65 P.S. § 67.708(b)(11) from public records requests. Financial capability information submitted in response to Part II of this RFP is exempt from public records disclosure under 65 P.S. § 67.708(b)(26).

 - (2) Prospective vendors must properly designate all materials submitted to the Commission that are confidential or proprietary, or contain a trade secret, including financial information submitted to demonstrate the prospective vendor's economic capability (confidential information). Confidential information should be submitted in a separate document which is clearly marked as "confidential information" at the top of each page. A public version of such a confidential document (i.e., a redacted version) should be submitted to the extent practicable and clearly marked as "public" at the top of each page. The Commission in its discretion may rely upon prospective vendors' designation of such confidential information when responding to public requests for disclosure of information pursuant to the Pennsylvania *Right-to-Know Law*, 65 P.S. § 67.101 *et seq.*

I-22. DEBRIEFING CONFERENCES. Prospective vendors whose proposals are not selected will be notified of the name of the selected vendor and given the opportunity to be debriefed if such request is made within seven days after the prospective vendor is notified of its award. A request for debriefing will not alter the deadline for filing a Protest. The Issuing Office will schedule the time and location of the debriefing. A prospective vendor's exercise of the opportunity to be debriefed does not constitute the filing of a protest.

I-23. TERM OF SERVICE.

- a. The selected vendor shall commence the provision of TRS services in Pennsylvania on a date that will be fixed by the Issuing Office and the selected service vendor only after the vendor has been certified by the Commission as a public utility (including provisional operating authority) and vendor's relevant tariff including the conditions of service has been approved by the PUC (Operational Date). The selected vendor and the current TRS vendor shall be advised in advance of such date.
- b. The Operational Date shall be no later than December 15, 2014 or an alternative date mutually agreed upon between the Commission and the selected vendor.
- c. The selected vendor shall provide intrastate TRS for five (5) years from the Operational Date. Thereafter, the selected service vendor's obligation to provide TRS shall automatically renew for additional successive two (2) year periods, unless, not less than one (1) year prior to the end of the original term or any renewal term, either party notifies the other party of its intent to terminate the service obligation. Once notice of intent to terminate has been provided, the termination shall become effective upon Commission's approval of the selected service vendor's abandonment of service.

I-24. COMMISSION PARTICIPATION. A Project Officer will be designated by the Commission to coordinate the activities of the selected service vendor with the Commission to insure satisfactory and timely provision of the specified services following the selected vendor's operational certification and approval of a relevant tariff. The Commission's Project Officer will initially be Janet Tuzinski, Manager of Telecommunications, Bureau of Technical Utility Services (TUS).

The Commission's Staff may take an active part in the selected vendor's work and the prospective vendor should be prepared to work with Commission Staff throughout the course of the Project, as circumstances may warrant. The Prospective vendor's willingness to work with the Commission's Staff as circumstances may warrant is a material obligation of the selected vendor's TRS service obligations and should be explicitly acknowledged in the proposal.

I-25. PROSPECTIVE VENDOR'S REPRESENTATIONS AND AUTHORIZATIONS.

Each Prospective vendor, by submitting its proposal, understands, represents, and acknowledges that:

- a. All information provided by, and representations made by, the prospective vendor in the proposal are material and important and will be relied upon by the Issuing Office in selecting the provider of TRS. Any misstatement shall be treated as fraudulent concealment from the Issuing Office of the true facts relating to the submission of this proposal. A misrepresentation shall be punishable under 18 Pa. C.S. § 4904, relating to unsworn falsifications to authorities.

- b. The price(s) and amount of this proposal have been arrived at independently and without consultation, communication or agreement with any other prospective vendor or potential prospective vendor.
- c. Neither the price(s) nor the amount of the proposal, and neither the approximate price(s) nor the approximate amount of this proposal, have been disclosed to any other firm or person who is a prospective vendor or potential prospective vendor, 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, 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. In this regard, the Prospective vendor must complete and execute the Noncollusion Affidavit, attached hereto as Appendix A, and submit it with the prospective vendor's proposal. **Failure to file a Noncollusion Affidavit with the prospective vendor's proposal may result in the proposal being disqualified.**
- f. To the best knowledge of the person signing the proposal for the prospective vendor, 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 conspiracy or collusion with respect to bidding, except as disclosed by the prospective vendor in its proposal.
- g. To the best of the knowledge of the person signing the proposal for the prospective vendor and except as otherwise disclosed by the prospective vendor in its proposal, the prospective vendor 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 prospective vendor that is owed to the Commonwealth.
- h. The prospective vendor is not currently under suspension or debarment by the Commonwealth, or any other state, or the federal government, and if the prospective vendor cannot certify, then it shall submit along with its proposal a written explanation of why such certification cannot be made.
- i. The prospective vendor has not made any recommendations to the Issuing Office concerning the need for the services described in the proposal or the specifications for the services described in the proposal.

- j. Each prospective vendor, by submitting its proposal, authorizes all Commonwealth agencies to release to the PUC information related to the prospective vendor's liabilities to the Commonwealth including, but not limited to, taxes, unemployment compensation, and workers' compensation liabilities.
- k. Until the selected vendor has received appropriate Commission certification as a public utility and PUC approval of vendor's TRS tariff, or, alternatively, has received appropriate provisional authority to operate, and an Operational Date has been mutually agreed upon between the Commission and the selected vendor for the vendor's commencement of operations and the provision of TRS, the selected vendor should not begin to perform.

I-26. NOTIFICATION OF SELECTION. The Issuing Office will notify the selected vendor of its selection for negotiation after the Commission has considered the Evaluation Committee's recommendation, taking into consideration all of the evaluation factors, the proposal that is the most advantageous to the Commission.

I-27. PROTEST PROCEDURE. A protest by a party who did not submit a proposal must be filed within seven (7) calendar days after the protesting party knew or should have known of the facts giving rise to the protest, but no later than seven (7) days after the proposal submission deadline specified in the Calendar of Events. Prospective providers who did submit a proposal may file a protest within seven (7) calendar days after the protesting vendor knew or should have known of the facts giving rise to the protest, but no later than seven (7) days after announcement of selection of a provider by the Commission. The date of filing is the date of receipt of the protest. A protest must be filed in writing with the Issuing Office.

I-28. USE OF ELECTRONIC VERSIONS OF THE RFP. This RFP may be made available by electronic means. If a prospective vendor electronically accepts the RFP, the Prospective vendor acknowledges and accepts full responsibility to ensure that no changes are made to the RFP. In the event of a conflict between a version of the RFP in the prospective vendor's possession and the Issuing Office's version of the RFP, the Issuing Office's version shall govern.

I-29. PAYMENT. Per the selected vendor's proposal and approved tariff.

PART II

INFORMATION REQUIRED FROM PROSPECTIVE VENDORS

Prospective vendors must submit their Proposals in the format, including heading descriptions, outlined below. Prepare consecutively numbered pages with index tabs for each section 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. **All (1) monetary amounts indicating costs relating to this Proposal should be kept separate from and not included in the Technical Submittal, as indicated below.** In addition to the signed Cover Sheet, each proposal shall consist of three (3) separately sealed submittals. The submittals are as follows:

- a) **Technical Submittal**, which includes the following: the technical portion of the proposal (10 copies), in response to Sections II-1 through II-6, the Noncollusion Affidavit (1 copy) in response to Section I-25 hereof, and prior work samples (1 copy) in response to Section I-19 hereof;
- b) **Small Business Opportunities Submittal** (2 copies), in response to Sections II-7 hereof (in a separately sealed envelope); and
- c) **Cost Submittal** (2 copies), in response to Section II-8 hereof (in a separately sealed envelope).

In addition to the paper copies of the technical portion of the proposal, prospective vendors shall submit one complete and exact copy of the technical proposal on CD-ROM or Flash drive in Adobe pdf or Microsoft Office or Microsoft Office-compatible format.

The Issuing Office reserves the right to request additional information which, in the Issuing Office's opinion, is necessary to assure that the prospective vendor's competence, number of qualified employees, business organization, and financial resources are adequate to perform the necessary service.

The Issuing Office may make such investigations as deemed necessary to determine the ability of the prospective vendor to perform the work, and the prospective vendor shall furnish to the Issuing Office all such information and data for this purpose as requested by the Issuing Office. The Issuing Office reserves the right to reject any Proposal if the evidence submitted by, or investigation of, such prospective vendor fails to satisfy the Issuing Office that such prospective vendor is properly qualified to carry out these obligations and to complete the work specified.

Technical Submittal

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

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

II-3. SECTION 3: WORK PLAN. Task descriptions are to be the guide in your technical plan for accomplishing the work. Provide your work plan in terms of the tasks indicated in the scope of work. Your work plan for each task should be in sufficient depth to afford the Commission a thorough understanding of your work plan for that task. You may group individual tasks into larger groups of tasks in each Phase as long as it is clear which tasks are being grouped together. A discussion of the transition from the existing TRS provided in Pennsylvania and that proposed by the prospective vendor should be thoroughly addressed. The work plan should list the employees and their anticipated work hours for each task or group of tasks, but not include their billable rate, as cost information is to be provided separately (*See II-8*). Please pay particular attention to indicating the leadership/project management staff, and ensure that adequate project management staff is provided.

II-4. SECTION 4: PRIOR EXPERIENCE. Submit a statement of similar work conducted by the prospective vendor. Work completed in the previous five years will carry greater weight than older work. This would also apply to any subcontractors. Prior work experience should be similar work done by individuals who will be assigned to this project and/or similar projects completed by your firm. Projects referred to should be identified and the name of the client shown, including the name, address, email and phone number of the responsible official of the client, company or agency who may be contacted. Copies of prior work reports and deliverables may be also submitted.

II-5. SECTION 5: PERSONNEL. Include the names of all executive, professional, and management personnel that will be engaged in provision of TRS and the services they will perform. Please include a resume indicating their education and specific experience/role(s) in performing similar work (especially work relating to relay services).

II-6. SECTION 6: STATEMENT OF POTENTIAL CONFLICTS OF INTEREST. The Prospective vendor shall identify any relationships between itself or its employees and the Commission and its employees. This would include any work currently being performed by the Prospective vendor or any work performed by the Prospective vendor during the past five years related to the Commission. If there have been no such relationships, a statement to that effect is to be included in the proposal. (*See also III-5.*)

Small Business Opportunities Submittal

II-7. SMALL DIVERSE BUSINESS PARTICIPATION SUBMITTAL.

- A. To receive credit for being a Small Diverse Business or for subcontracting with a Small Diverse Business (including purchasing supplies and/or services through a purchase agreement), a prospective vendor must include proof of Small Diverse Business qualification in the Small Diverse Business participation submittal of the proposal, as indicated below:

A Small Diverse Business verified by BSBO as a Small Diverse Business must provide a photocopy of their verification letter.

- B. In addition to the above verification letter, the prospective vendor must include in the Small Diverse Business participation submittal of the proposal the following information:

1. **All** prospective vendors must include a numerical percentage which represents the total percentage of the work (as a percentage of the total cost in the Cost Submittal) to be performed by the prospective vendor and not by subcontractors and suppliers.
2. **All** prospective vendors must include a numerical percentage which represents the total percentage of the total cost in the Cost Submittal that the prospective vendor commits to paying to Small Diverse Businesses (SDBs) as subcontractors. To support its total percentage SDB subcontractor commitment, prospective vendor must also include:
 - a) The percentage and dollar amount of each subcontract commitment to a Small Diverse Business;
 - b) The name of each Small Diverse Business. The prospective vendor will not receive credit for stating that after the contract is awarded it will find a Small Diverse Business.
 - c) The services or supplies each Small Diverse Business will provide, including the timeframe for providing the services or supplies.
 - d) The location where each Small Diverse Business will perform services.
 - e) The timeframe for each Small Diverse Business to provide or deliver the goods or services.
 - f) A subcontract or letter of intent signed by the prospective vendor and the Small Diverse Business (SDB) for each SDB identified in the SDB Submittal. The subcontract or letter of intent must identify the specific work, goods or services the SDB will perform, how the work, goods or services relates to the project, and the specific timeframe during the term and any option/renewal periods when the work, goods or services will be performed or provided. In addition, the subcontract or letter of intent must identify the fixed percentage commitment and associated estimated dollar value that each SDB will receive based on the total value of the initial term of the contract as provided in the

prospective vendor's Cost Submittal. Attached is a letter of intent template which may be used to satisfy these requirements.

- g) The name, address and telephone number of the primary contact person for each Small Diverse Business.
 - 3. The total percentages and each SDB subcontractor commitment will become contractual obligations once the contract is fully executed.
 - 4. The name and telephone number of the prospective vendor's project (contact) person for the Small Diverse Business information.
- C. The prospective vendor is required to submit **two** copies of its Small Diverse Business participation submittal. The submittal shall be clearly identified as Small Diverse Business information and sealed in its own envelope, separate from the remainder of the proposal.
- D. A Small Diverse Business can be included as a subcontractor with as many prime contractors as it chooses in separate proposals.
- E. A prospective vendor that qualifies as a Small Diverse Business and submits a proposal as a prime contractor is not prohibited from being included as a subcontractor in separate proposals submitted by other prospective vendors.

Cost Submittal

II-8. COST AND PRICE ANALYSIS. Cost Summary. The overall annual cost for the provision of TRS must be provided. Potential vendors should also focus on providing "total dollar" costs for the broad cost categories delineated in the spreadsheet attached as Appendix C as well as anticipated TRS MOU demand levels over the anticipated term (original term plus any extension, *see* I-23). The potential vendors should then arrive at a final cost rate on a session minute of use basis. Attached Appendix C largely reflects broad cost categories and corresponding examples that have largely been observed in the provision of TRS.

This portion of the proposal shall be clearly identified as the Cost Proposal and two copies sealed in an envelope, separate from the remainder of the proposal. Please refer to Section I-21 regarding confidential information. Prospective vendors should direct in writing to the Issuing Office pursuant to Part I, Section I-9, of this RFP any questions about whether a cost or other component is included or applies. All Prospective vendors will then have the benefit of the Issuing Office's written answer so that all proposals are submitted on the same basis.

PART III

CRITERIA FOR SELECTION

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

- a) Timely received from a prospective vendor;
- b) Properly signed by the prospective vendor.

III-2. TECHNICAL NONCONFORMING PROPOSALS. The two (2) Mandatory Responsiveness Requirements set forth in **Section III-1** above (a-b) are the only RFP requirements that the Commission will consider to be *non-waivable*. The Issuing Office reserves the right, in its sole discretion, to (1) waive any other technical or immaterial nonconformities in an prospective vendor's proposal, (2) allow the prospective vendor to cure the nonconformity, or (3) consider the nonconformity in the scoring of the prospective vendor's proposal.

III-3. EVALUATION. The Issuing Office has selected a committee of qualified personnel to review and evaluate timely submitted proposals. The Issuing Office will notify in writing of its selection for negotiation the prospective vendor whose proposal is determined to be the most advantageous to the Commonwealth as determined by the Issuing Office after taking into consideration all of the evaluation factors.

III-4. CRITERIA FOR SELECTION. The following criteria will be used in evaluating each proposal. In order for a proposal to be considered for selection for best and final offers or selection for negotiations, the total score for the technical submittal of the proposal must be greater than or equal to 70% of the available technical points.

- a. **Technical:** The Issuing Office has established the weight for the Technical criterion for this RFP as **forty percent (40 %)** of the total points. Evaluation will be based upon the following in order of importance:
 - A. **WORK PLAN.** Emphasis here is on the soundness of approach and reasonableness of the time allowances proposed. Evaluated under this criterion will be the soundness of the prospective vendor's approach to providing TRS, the sequence and relationships of major work steps, and methods of managing the work, including the seamless transition for the provision of TRS in Pennsylvania from the existing provider. Also considered in this category will be the prospective vendor's compliance with specific RFP requirements as well as its understanding of the Commission's work involved, and the need for project management controls.

The prospective vendor's work plan will be of principal consideration. Within this category, the Commission will consider the prospective vendor's understanding of providing TRS, the prospective vendor's probable success in discharging the duties of providing TRS services, and the prospective vendor's prior experience providing TRS services (if any). The Commission will also consider the quality of each person expected to work, as well as the number of hours each person is expected to work, and on what specific tasks.

B. PROFESSIONAL PERSONNEL AND INFRASTRUCTURE.

This refers to the competence and appropriate assignment of the project management or lead personnel, professional support personnel, and technical support staff. Qualifications of personnel will be measured by education and experience, with particular reference to experience on projects similar to that described in the RFP. Infrastructure will be measured by the prospective vendor's organizational, financial, and physical assets and whether these will adequately support the work load and demands associated with the Project.

C. PRIOR WORK. The Commission believes that prior experience will be important to performing the work. Prior work will be evaluated to judge the ability of the prospective vendor to meet the terms of the RFP. Prior work submittals by the prospective vendor will be used to judge the quality and relevancy of prior projects completed by the prospective vendor.

b. **Cost:** The Issuing Office has established the weight for the Cost criterion for this RFP as **forty percent (40 %)** of the total points.

c. **Small Diverse Business Participation:** BSBO has established the weight for the Small Diverse Business (SDB) participation criterion for this RFP as **twenty percent (20 %)** of the total points. Each SDB participation submittal will be rated for its approach to enhancing the utilization of SDBs in accordance with the below-listed priority ranking and subject to the following requirements:

1. A business submitting a proposal as a prime contractor must perform 60% of the total contract value to receive points for this criterion under any priority ranking.
2. To receive credit for an SDB subcontracting commitment, the SDB subcontractor must perform at least fifty percent (50%) of the work subcontracted to it.
3. A significant subcontracting commitment is a minimum of five percent (5%) of the total contract value.

4. A subcontracting commitment less than five percent (5%) of the total contract value is considered nominal and will receive reduced or no additional SDB points depending on the priority ranking.

Priority Rank 1: Proposals submitted by SDBs as prime prospective vendors will receive 150 points. In addition, SDB prime prospective vendors that have significant subcontracting commitments to additional SDBs may receive up to an additional 50 points (200 points total available).

Subcontracting commitments to additional SDBs are evaluated based on the proposal offering the highest total percentage SDB subcontracting commitment. All other prospective vendors will be scored in proportion to the highest total percentage SDB subcontracting commitment within this ranking. *See formula below.*

Priority Rank 2: Proposals submitted by SDBs as prime contractors, with no or nominal subcontracting commitments to additional SDBs, will receive 150 points.

Priority Rank 3: Proposals submitted by non-small diverse businesses as prime contractors, with significant subcontracting commitments to SDBs, will receive up to 100 points. Proposals submitted with nominal subcontracting commitments to SDBs will receive points equal to the percentage level of their total SDB subcontracting commitment.

SDB subcontracting commitments are evaluated based on the proposal offering the highest total percentage SDB subcontracting commitment. All other prospective vendors will be scored in proportion to the highest total percentage SDB subcontracting commitment within this ranking. *See formula below.*

Priority Rank 4: Proposals by non-small diverse businesses as prime contractors with no SDB subcontracting commitments shall receive no points under this criterion.

To the extent that there are multiple SDB Participation submittals in Priority Rank 1 and/or Priority Rank 3 that offer significant subcontracting commitments to SDBs, the proposal offering the highest total percentage SDB subcontracting commitment shall receive the highest score (or additional points) available in that Priority Rank category and the other proposal(s) in that category shall be scored in proportion to the highest total percentage SDB subcontracting commitment. Proportional scoring is determined by applying the following formula:

$$\frac{\text{SDB \% Being Scored}}{\text{Highest \% SDB Commitment}} \times \frac{\text{Points/Additional Points Available}^*}{\text{Points Available}^*} = \frac{\text{Awarded/Additional SDB Points}}{\text{SDB Points}}$$

Priority Rank 1 = 50 Additional Points Available
Priority Rank 3 = 100 Total Points Available

Please refer to the following webpage for an illustrative chart which shows SDB scoring based on a hypothetical situation in which the Commonwealth receives proposals for each Priority Rank:

http://www.portal.state.pa.us/portal/server.pt/community/rfp_scoring_formulas_overview/20124

III-5. POTENTIAL CONFLICTS OF INTEREST. The Issuing Office will determine, on a case-by-case basis whether an actual or potential conflict of interest exists with the prospective vendor that bars the prospective vendor's proposal from consideration. (*See also* Section II-6.)

III-6. VENDOR RESPONSIBILITY. To be responsible, a prospective vendor must submit a responsive proposal and possess the capability to fully perform the requirements in all respects and the integrity and reliability to assure good faith performance of the RFP.

III-7. FINAL RANKING AND AWARD.

- A. After any best and final offer process conducted, the Issuing Office will rank responsible prospective vendor according to the total overall score assigned to each, in descending order and provide a recommendation to the Commission.
- B. The Commission will select a vendor.
- C. The Commission has the discretion to reject all proposals or cancel the request for proposals when it is in the best interests of the Commonwealth.

PART IV

WORK STATEMENT **OPERATIONAL, TECHNICAL, AND FUNCTIONAL STANDARDS**

IV-1. COMPLIANCE WITH STANDARDS. All minimum standards, regulations, orders, and policies adopted by the Federal Communications Commission (FCC) or the Commission are incorporated and required in this RFP whether or not specifically mentioned, named, or referred to in this RFP. Any future standards, regulations, orders, and policies that the FCC or the Commission may implement while this service arrangement is in force will apply and must be adhered to by the selected vendor. In particular, all TRS providers (selected vendor and its subcontractor(s)) will comply with or exceed the FCC guidelines and mandatory minimum standards at 47 C.F.R. § 64.604. Furthermore, the Commission expects that the selected vendor shall operate as a certified public utility and shall furnish and maintain adequate, efficient, safe, and reasonable service and facilities under the applicable provisions of Pennsylvania's Public Utility Code and related Commission regulations and directives. *See generally* 66 Pa. C.S. § 1501.

IV-2. TRS SPECIFICATIONS AND AVAILABILITY. The proposal should provide details as to the methods of meeting the following minimum TRS standards:

- a. Provide service 24 hours a day, 7 days a week, and 365 days a year. Explain how service will be maintained during scheduled and unscheduled maintenance periods, network and commercial power outages, and service outages otherwise attributed to other abnormal operational circumstances.
- b. Develop and describe contingency plans for maintaining 24/7/365 operational status. The requirement of 24/7/365 operations applies at all times, and specifically during impairment of the selected vendor's service or of underlying supplier's service regardless of whether the subcontractor is intrinsically involved in the TRS service (e.g., third-party call center, trunk lines, etc.) or is providing other goods or services (e.g., power, manpower, etc.), including but not limited to:
 - i. Adequate and immediate auxiliary or back-up power for call center operations during commercial power supply failures.
 - ii. Adequate and immediate back-up or network/circuit diversity for service-affecting outages and disruptions, regardless of whether such outages or disruptions are scheduled, routine, maintenance-driven, otherwise unforeseen or unplanned, or attributed to other abnormal operational circumstances.
- c. Comply with a P.01 grade of service. Traffic Reports indicating CCS (hundred call seconds) loads and grade of service on all TRS trunks are due to the Commission by the 15th day of each month for the previous month's traffic.
- d. Allow TRS users to place all network call types and protocols commonly supported by TRS.

- e. Make available to users the opportunity to speak with a CA's supervisor in the event of an issue with service. Supervisors should be available 24 hours a day, 7 days a week, and 365 days a year for such matters. The CA should not place parties on hold while the CA converses with the supervisor. Minutes spent talking with supervisors are not billable or compensable as TRS call session minutes even if services are required to handle the communication. However, calls made directly to the supervisor to discuss issues such as a complaint are billable and compensable.
- f. Provide a single toll-free access phone number for TRS users. All calling party calls to the call center must be toll-free.
- g. Allow access to the TRS call centers via "711" abbreviated dialing.
- h. Relay local, intrastate, interstate, and international calls that originate or terminate in Pennsylvania.
- i. Impose no restrictions on a user for the length or number of calls placed through the TRS centers except as described in Section IV-3.g.
- j. Provide 911/E-911 access to all users. Establish and maintain appropriate contacts and connectivity with Pennsylvania Public Safety Answering Points (PSAPs).
- k. Provide TRS in English and Spanish for users who use either English or Spanish as the language of preference for the relay call. Translation from one language to the other is not required.
- l. Provide 3-way calling, speed dialing, and interrupt.
- m. Provide appropriate billing information for toll/IXC (interexchange) calls to appropriate billing entities. Route toll/IXC calls to and from users via the originating party's preferred carrier of choice. Prospective vendors must detail how calls will be routed and billed if the originating caller does not have a specified preferred carrier of choice.
- n. Respond to complaints and service, network, or equipment inquiries from users and/or the Commission in a timely and professional, responsive manner. Provide and maintain contact information for handling and escalating complaints and service, network, or equipment inquiries. Any situation that has caused or will cause complaints from more than five (5) users or that has or will last more than five (5) hours in duration must be brought to the Commission's attention and to all users' attention as soon as it is realized that the situation has met or will meet these parameters. Periodic status reports, an all-clear report, and a subsequent root-cause analysis will be required as specified by the Commission in accordance with the nature of the situations as they arise. Each failure to provide any of the requisite notices or reports will be a separate breach of the service arrangement.

- o. Seven (7) days advance notice to the Commission and registered users is required for any changes affecting more than 5% of the registered users. A forty-eight hours' notice is required for any service change affecting 5% or less of the registered users. For any after-the-fact service change, notice must be provided to the Commission within five (5) hours if equivalent alternate service has been activated with no break or degradation in the overall level of provided service. Breaks in service require immediate notice to the Commission and notice to registered users as to how to obtain equivalent alternate service in the interim.
- p. Maintain and publicize a point of contact or account representative within the vendor's organization for the purpose of representing the relay services for user and Commission questions and complaints if the vendor does not plan to actively operate the TRS system(s) in-house and on-premises.
- q. Maintain and publicize a website and toll-free service with user and potential user information and vendor contact information. Minutes spent talking with a TRS service communications assistant or supervisor in accessing such information are not billable or compensable services and are required to handle such communications.
- r. Maintain and publicize informational materials for users of the selected vendor's TRS services, Commission, and FCC complaint and complaint escalation procedures sufficient for users to know the proper procedures for filing and/or escalating informal or formal complaints.
- s. Maintain open during operations 24 hour per day, 7 days a week including all holidays, a customer service contact phone line for customer complaints and inquiries.
- t. The selected vendor shall furnish all personnel, telecommunications equipment and facilities necessary to comply with the provisions enumerated in this RFP and subsequent service arrangement and any and all other state or federal requirements that affect the provision of its service(s) in Pennsylvania.
- u. The selected vendor will provide an ergonomically sound workplace. The vendor will comply, within a reasonable amount of time, with any state and federal Occupational Safety and Health Administration (OSHA) mandated requirements for the type of work being completed.
- v. The selected vendor will certify that the proposed workplace equipment and design meets current State and federal OSHA standards and will be modified consistent with any future State and federal OSHA standards at the expense of the vendor.

IV-3. COMMUNICATION ASSISTANT (CA) STANDARDS. The proposal should provide details as to the methods of meeting the following minimum CA standards:

- a. CAs shall have the requisite experience, expertise, skills, knowledge, and education and be adequately trained to accurately communicate by telephone or TTY in a professional manner the words spoken by the hearing party without intervening in the communication between the called and calling parties.
- b. CAs shall keep the existence and content of all calls confidential and must not maintain any records of conversation content in any form. Paper and/or electronic storage of any communications conducted over the relay shall not be permitted in order to safeguard confidentiality, except if otherwise required through lawful requests connected with a criminal or fraudulent use of service investigation by a law enforcement agency. Confidentiality of communications obligations survives the termination of this RFP. Prospective vendors must provide a copy of the confidentiality agreement that CAs will be asked to sign.
- c. CAs shall meet or exceed the current FCC standards for TRS minimum transcription speed.
- d. CAs shall not limit the length of a call or limit the number of calls and shall stay with the call for a minimum of ten (10) minutes when answering and placing a call with the exception of IV-3.g below.
- e. CAs shall not disconnect a call against the wishes of the originating and terminating parties but shall have a supervisor take over the call if necessary.
- f. CAs shall transfer any emergency call to the appropriate PSAP. In addition, the CA shall pass along the caller's telephone number to the PSAP operator when a caller disconnects before being connected to emergency services.
- g. CAs is not required to tolerate obscenity or threats directed to the CA. The proposal should specify how the vendor will handle such situations, including internal escalation, referral to local service providers, and law enforcement agency involvement. Vendor will not submit more than 100 billable or compensable minutes per month for calls of this type absent special permission of the Commission.

IV-4. USER EQUIPMENT. The proposal should provide details as to the methods of meeting the following minimum equipment standards:

- a. TRS shall be compatible with TTY telephones in general use.
- b. Vendor may not impose any unreasonable barriers to customer-provided user equipment that is equipped with appropriate and compatible application software facilitating the sending and receiving of calls.

IV-5. GENERAL REQUIREMENTS. The proposal should provide details as to the methods of permitting the users to select the carrier of their choice in accordance with federal and state laws as well as Commission rules and regulations.

IV-6. SESSION MINUTES OF USE. Billing shall be on a session minute of use (MOU) basis, defined as the measured time period (minutes and seconds) of a relay call from the point when a CA connects to an incoming relay call until the moment the CA disconnects the last party. This period includes the set-up and wrap-up time of completed calls and incomplete calls (busy, no answer, or wrong number) that do not reach the intended called party. It does not include holding time waiting for initial contact with a CA.

Each TRS call is to be measured in minutes and seconds for billing purposes. Individual calls are not to be rounded up to the next full minute. For example, a call lasting 70 seconds is not billed as two minutes. A monthly billing cycle and the total call minutes and seconds (summed over the billing cycle) are to be used for billing purposes. For example, if 100 calls are made during a billing cycle and each call is 70 second (in session minutes), the total billed minutes of use (MOU) for the cycle is 116 minutes; the remaining 40 seconds are truncated as illustrated:

$$\begin{aligned} 70 \text{ seconds/call} \times 100 \text{ calls} &= 7,000 \text{ seconds} \\ 7,000 \text{ seconds} \div 60 \text{ seconds/minute} &= 116 \text{ minutes, 40 seconds} \\ &\text{truncated to 116 minutes for the month} \end{aligned}$$

IV-7. PAYMENT RESPONSIBILITIES.

- a. The selected TRS vendor shall have the sole responsibility for the complete effort in providing the requested and required TRS services and payments will only be made to the vendor. The vendor has the sole responsibility for all payments to any/all sub-contractors under the TRS service provision arrangement with the Commission.
- b. The selected TRS vendor will invoice the Pennsylvania TRS fund administrator, currently US Bank Institutional Trust & Custody, on a monthly basis for the billable and compensable intrastate TRS services provided for the previous month, with a copy of that invoice sent through the Commission's Secretary to the Bureau of Technical Utility Services, Telecommunications - TRS.
- c. The selected TRS vendor will invoice the administrator of interstate TRS fund on a monthly basis for the interstate and international billable and compensable TRS services provided for the previous month, with a copy to the Commission's Bureau of Technical Utility Services Telecommunications - TRS.
- d. Any TRS outage exceeding four (4) hours in length within a twenty-four hour period will subject the selected TRS vendor to a penalty equivalent to an average of one (1) days billing in the prior calendar month, provided that the vendor shall not be responsible for any delay or failure in performance hereunder caused by Acts of God (including fire not due to Contractor's negligence, flood, earthquake,

storm, or other natural disaster), war, invasion act of foreign enemies, hostilities (regardless of whether war is declared), civil war, rebellion, revolution, insurrection, military or usurped power or confiscation, non-preventable effects of terrorist activities, nationalization, government sanction, requirements imposed by government regulations and/or civilian or military authorities, blockage, embargo, labor dispute, strike, or lockout.

IV-8. RATE. The initial TRS rate (\$/MOU) charged to the Pennsylvania TRS Fund shall be the one specified in the proposal of the selected TRS vendor. The initial TRS rate shall remain in effect for no less than three years from the commencement date of the initial term of the service arrangement. Following the initial three-year period, the vendor can request a rate change in accordance with applicable provisions of Pennsylvania's Public Utility Code involving changes in rates (*see generally* 66 Pa. C.S. § 1308) and applicable Commission regulations. **The rate portion of the proposal must be bound and sealed separately from the remainder of the proposal.**

IV-9. SEAMLESS SERVICE TRANSITION FROM ONE VENDOR TO ANOTHER, IF APPLICABLE.

- a. Any transition from the current TRS service provider in Pennsylvania to a new TRS vendor must take place without interrupting service for the existing users. Prospective TRS vendors must explain how they will handle change-over/cut-over issues to ensure a seamless transition.
- b. Prospective TRS vendors must provide a timeline depicting the transition from the current TRS provider.

IV-10. OUTREACH. Prospective TRS vendors must present a plan for a comprehensive, effective, and measurable outreach campaign to develop public awareness of the service and provide information about the service to communities statewide. The campaign should include grassroots education to Pennsylvania seniors, educational workshops, a brochure, media advertising, an accessible website, and media relations. All materials must be understandable and accessible by a majority of the communities of persons with disabilities. The plan must provide a statistical method of measuring the effectiveness of the outreach and a methodology for making adjustments to the plan based on performance. The Commission shall retain the right to continue the theme of any outreach if it so chooses after the expiration of any certification granted pursuant to this RFP.

The prospective vendor must establish and maintain a website/webpage specific to Pennsylvania TRS.

IV-11. SELECTED VENDOR RESPONSIBILITIES TO THE PENNSYLVANIA TELECOMMUNICATIONS RELAY SERVICE ADVISORY BOARD, THE PENNSYLVANIA DEPARTMENT OF LABOR AND INDUSTRY, AND OTHER GROUPS.

- a. The selected vendor must cooperate with the Pennsylvania Telecommunication Relay Service Advisory Board (TRS Board) in matters concerning the program. A vendor representative must attend the TRS Board quarterly meetings and report to the TRS Board the condition and status of the TRS services. The report must include but is not limited to TRS call session MOUs, customer complaints, any operational issues and new technologies that impact the services.
- b. The selected vendor must cooperate with the Pennsylvania Department of Labor and Industry or its designee in matters concerning the Telecommunications Device Distribution Program.
- c. The selected TRS vendor must participate in meetings with the Commission, Commission staff, other agencies, consumers, and consumer groups as may be required.

IV-12. VENDOR REPORTING REQUIREMENTS.

- a. All selected vendor reports shall be submitted to the Commission's Secretary's Bureau with a copy to the Bureau of Technical Utility Services, Telecommunications - TRS.
- b. The selected vendor shall submit monthly reports as follows:
 - i. Monthly invoice showing for the TRS:
 - Total session minutes, intrastate and interstate minutes, net session minutes, applicable rate, total monthly usage billing, outreach services cost, and total billing.
 - ii. Jurisdictional summary spreadsheet which includes, at a minimum, the following:
 - Columns = session minutes, number of calls, percent of total calls
 - Rows = general assistance minutes, outbound calls sub grouped by intrastate, interstate, international, two line, toll free, 900 info service, total outbound and general assistance.
 - iii. Completed calls sub grouped by intrastate, interstate, international, two line, toll free, 900 info service, total completed.

- iv. The report must also have a weekly summary of the call count and session minutes by day and date.
 - v. A separate spreadsheet section must show the Originating NPA in the row and column showing; answered, outbound, completed, and busy.
 - vi. A separate section will show the month's summary of consumer service complaint logs regarding TRS in the Commonwealth, regardless of the entity fielding or resolving the complaint call, and must retain the log for the duration of the service arrangement. The log must include, at a minimum, the filed date of the complaint, the nature of the complaint, the date of resolution, and an explanation of the resolution.
 - vii. The reports are due the 15th day of the month following the month being reported.
- c. The selected vendor must timely submit to the Commission, so that the Commission may report to the FCC, an annual complaint log summary indicating the number and type of complaints received for the 12-month period ending each May 31st. The report must be submitted to the Commission on or before June 15th of each year.
 - d. The selected vendor shall be responsible for maintaining all records and reports relating to TRS that may be required by the FCC and the Commission. Such reports must include, but not be limited to, traffic detailing:
 - i. Blockage rates, defined as the number of calls reaching a busy signal when calling the relay service.
 - ii. Average number of calls waiting for system or operator answer.
 - iii. Average length of time waiting for system or operator answer.
 - iv. Area codes and state from which the calls originate.
 - e. The selected vendor shall be responsible for maintaining the accounting and financial records, in accordance with accounting procedures and generally accepted accounting principles, of expenses that are incurred in providing intrastate TRS services as stand-alone entity/entities.
 - f. The selected vendor is responsible for the professional quality, technical accuracy, and timely completion and submission of all services required under this RFP, applicable regulations and the selected vendor's tariff. The vendor, without additional compensation or cost to the TRS relay fund, shall correct or revise any errors, omissions, or other deficiencies in its deliverables and other services.

- g. The prospective selected vendor must provide documentation detailing methods and procedures, training guidelines, and code(s) of confidentiality to enforce the CA standards as presented in section IV-3.
- h. By March 10th each year, the selected vendor must supply the Commission's Bureau of Technical Utility Services, Telecommunications - TRS with a statement of the estimated session minutes of TRS use and the annual charges for the ensuing 12-month period from July 1st through June 30th. The estimated costs must be detailed in schedule form showing the breakdown of costs to arrive at a per-MOU cost.

IV-13. ONGOING OBLIGATIONS. Data, records, and other materials collected or created by the selected vendor for this Project is property of the Commission. Information must be maintained in a manner to enable access for at least seven years from date of creation of the data, record or other materials. Prior to destruction of such materials, the selected vendor must notify the Commission to allow the Commission to take custody of such materials, if it so chooses.

IV-14. SMALL DIVERSE BUSINESS PARTICIPATION.

All service arrangements containing Small Diverse Business participation must also include a provision requiring the selected TRS vendor to meet and maintain those commitments made to Small Diverse Businesses at the time of proposal submittal or service arrangement negotiation, unless a change in the commitment is approved by the BSBO. All service arrangements containing Small Diverse Business participation must include a provision requiring Small Diverse Business subcontractors to perform at least **50%** of the subcontracted work.

The selected TRS vendor's commitments to Small Diverse Businesses made at the time of proposal submittal or service arrangement negotiation shall, to the extent so provided in the commitment, be maintained throughout the term of the service arrangement and through any renewal or extension of such service arrangement. Any proposed change must be submitted to BSBO, which will make a recommendation to the Commission regarding a course of action.

If a contract is assigned to another contractor, the new contractor must maintain the Small Diverse Business participation of the original contract. If the service arrangement for the provision of TRS services is to be reassigned or transferred by the selected TRS vendor during the initial or option term of such arrangement, such assignment or transfer must be approved by the Commission, and such assignment or transfer must appropriately deal with any Small Diverse Business participation that may exist in the initial service arrangement between the selected TRS vendor and the Commission.

The selected contractor shall complete the Prime Contractor's Quarterly Utilization Report (or similar type document containing the same information) and submit it to the contracting officer of the Issuing Office and BSBO within ten (10) workdays at the end of each quarter the contract is in force. This information will be used to determine the actual dollar amount paid to Small Diverse Business subcontractors and suppliers. Also, this information will serve as a record of fulfillment of the commitment the selected contractor made and for which it received Small

Diverse Business participation points. If there was no activity during the quarter then the form must be completed by stating “No activity in this quarter.”

NOTE: EQUAL EMPLOYMENT OPPORTUNITY AND CONTRACT COMPLIANCE STATEMENTS REFERRING TO COMPANY EQUAL EMPLOYMENT OPPORTUNITY POLICIES OR PAST CONTRACT COMPLIANCE PRACTICES DO NOT CONSTITUTE PROOF OF SMALL DIVERSE BUSINESS STATUS OR ENTITLE A PROSPECTIVE VENDOR TO RECEIVE CREDIT FOR SMALL DIVERSE BUSINESS UTILIZATION.

PART V

GLOSSARY

711 – Abbreviated dialing code for accessing all types of relay services anywhere in the United States.

911/E-911/Enhanced 911 Emergency Service – Abbreviated dialing of 911 on the telephone to connect to the proper PSAP for emergency response and provide Automatic Location Identification and Automatic Numbering Information (ALI/ANI).

Access Line – Facility that allows the customer of a local exchange company or radio communications service to access the local or toll network, with the exception of dedicated facilities such as private lines.

ASL/American Sign Language – Visual language based on position, movement, shape, and orientation of the hands in relation to each other and the body.

CA/Communications Assistant – Relay provider employee who transliterates or interprets conversation between two or more end users of traditional TRS calls.

Call Release – Feature that allows a CA to sign-off or be released from the telephone line after the CA has set up the call.

Commission – Pennsylvania Public Utility Commission.

Common Carrier or Carrier – An entity that provides communications services to the general public. It is typically licensed or certificated by a state or federal government agency.

Hearing Carry-Over (HCO) – Form of TRS where the person with the speech disability is able to listen to the other end user and, in reply, the CA speaks the text as typed by the person with the speech disability. The CA does not type any conversation. Two-line HCO allows TRS users to use one telephone line for hearing and the other for sending TTY messages. HCO-to-TTY allows a relay conversation to take place between an HCO user and a TTY user. HCO-to-HCO allows a relay conversation to take place between two HCO users.

Interrupt – Allows the parties to the conversation to interrupt each other and not have to wait until the CA finishes a translation.

Mandatory – “Must,” “shall,” “will,” “is required,” or “are required” identify a mandatory action, factor, or item.

May – Denotes something that has possible alternatives or that is not mandatory.

Non-English Language Relay Service – Relay service that allows persons with hearing or speech disabilities who use a language other than English to communicate with voice telephone users in the shared language other than English, through a CA who is fluent in that language.

Project Officer – Person or designee authorized by the Commission to manage or administer a procurement requiring the evaluation of competitive sealed proposals.

PSAP/Public Safety Answering Point – Facility that has been designated to receive 911/E911 calls and route them to emergency services personnel as provided in 47 C.F.R. § 64.3000(c).

PUC – Pennsylvania Public Utility Commission.

RFP/Request for Proposal – The document that sets forth minimum essential performance requirements, and solicits proposals to meet the needs of the Commission, including all documents and amendments (attached, incorporated by reference, or issued subsequently) used for soliciting proposals.

Session Minutes – The measured time period (minutes and seconds) of a relay call from the point when a CA connects to an incoming relay call until the moment the CA disconnects the last party. This period includes the set-up and wrap-up time of the call.

State – Commonwealth of Pennsylvania.

STS/Speech-to-Speech Relay Service – A relay service that allows individuals with speech disabilities to communicate with voice telephone users through the use of specially trained CAs who understand the speech patterns of persons with speech disabilities and can repeat the words spoken by that person.

TDDP/TDD Program/Telecommunications Device Distribution Program – Program currently implemented by Pennsylvania Initiative on Assistive Technology (PIAT), a function of the Institute on Disabilities at Temple University, in conjunction with the Pennsylvania Department of Labor and Industry, Office of Vocational Rehabilitation (OVR) and the Commission whereby qualifying individuals may obtain specific adaptive telecommunication equipment without cost pursuant to 35 P.S. § 6701.3.

Three-way Calling – A TRS feature that allows more than two parties to be on the telephone line at the same time with the CA.

TRS or Telecommunications Relay Service – Telephone transmission services that provide the ability for an individual who has a hearing or speech disability to engage in communication by wire or radio with a hearing individual in a manner that is functionally equivalent to the ability of an individual who does not have a hearing or speech disability to communicate using voice communication services by wire or radio. Such term includes services that enable 2-way communication between an individual who uses a text telephone or other non-voice terminal device and an individual who does not use such a device, speech-to-speech services, video relay services and non-English relay services. TRS supersedes the terms dual party relay system, message relay services, and TDD Relay.

TTY or Text Telephone – A machine that employs graphic communication in the transmission of coded signals through a wire or radio communication system. TTY supersedes the term TDD or telecommunications device for the deaf, and TT. For many users, a computer functions as their TTY.

User Profile – A list of a user’s preferences, frequently called numbers, and other information maintained by the contractor, at the user’s request, to facilitate and expedite the completion of calls using TRS.

VCO/Voice Carry-Over – A form of relay service whereby the person with the hearing disability is able to speak directly to the other end user. The CA types the response back to the person with the hearing disability. The CA does not voice the conversation. Two-line VCO is a VCO service that allows relay service users to use one telephone line for voicing and the other for receiving TTY messages. A VCO-to-TTY relay service call allows a relay conversation to take place between a VCO user and a TTY user. VCO-to-VCO allows a relay conversation to take place between two VCO users. This service allows a person with partial hearing ability to hear the other party and see an electronic transmission of the incoming words in almost real time; it further allows the person to voice his or her own conversation back to the other party.

Vendor – Person or entity selected by the Commission to provide (selected vendor) or proposing (prospective vendor) to provide TRS under this RFP.

INSTRUCTIONS FOR NONCOLLUSION AFFIDAVIT

1. This Noncollusion Affidavit is material to the RFP process. According to section 4507 of Act 57 of May 15, 1998, 62 Pa. C.S. § 4507, governmental agencies may require Noncollusion Affidavits to be submitted with bids.
2. This Noncollusion Affidavit must be executed by the member, officer or employee of the prospective vendor who makes the final decision on prices and the amount quoted in the Proposal.
3. Bid rigging and other efforts to restrain competition, and the making of false sworn statements in connection with the submission of bids are unlawful and may be subject to criminal prosecution. The person who signs the affidavit should examine it carefully before signing and assure himself or herself that each statement is true and accurate, making diligent inquiry, as necessary, of all other persons employed by or associated with the prospective vendor with responsibilities for the preparation, approval or submission of the bid.
4. In the case of a bid submitted by a joint venture, each party to the venture must be identified in the bid documents, and an affidavit must be submitted separately on behalf of each party.
5. The term “complementary bid” as used in the affidavit has the meaning commonly associated with that term in the bidding process, and includes the knowing submission of bids higher than the bid of another firm, any intentionally high or noncompetitive bid, and any other form of bid submitted for the purpose of giving a false appearance of competition.
6. Failure to submit an affidavit with the bid proposal in compliance with these instructions may result in disqualification.

NONCOLLUSION AFFIDAVIT

State of _____:

County of _____: S.S.

I state that I am _____ (TITLE) of _____ (Name of Firm) and that I am authorized to make this affidavit on behalf of my firm, and its owners, directors, and officers. I am the person responsible in my firm for the price(s) and the amount of this bid.

I state that:

(1) The price(s) and amount of this bid have been arrived at independently and without consultation, communication or agreement with any other contractor, prospective vendor or potential prospective vendor.

(2) Neither the price(s) nor the amount of this bid, and neither the approximate price(s) nor approximate amount of this bid, have been disclosed to any other firm or person who is a prospective vendor or potential prospective vendor, and they will not be disclosed before bid opening.

(3) No attempt has been made or will be made to induce any firm or person to refrain from bidding on this contract, or to submit a bid higher than this bid, or to submit any intentionally high or noncompetitive bid or other form of complementary bid.

(4) The bid of my firm 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 bid.

(5) _____ (Name of Firm), its affiliates, subsidiaries, officers, directors, and employees are not currently under investigation by any governmental agency and have not in the last four 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 on any public contract, except as follows:

I state that _____ (Name of Firm) understands and acknowledges that the above representations are material and important, and will be relied on by the Pennsylvania Public Utility Commission in awarding the services rights for which this bid is submitted. I understand and my firm understands that any misstatement in this affidavit is and shall be treated as fraudulent concealment from the Commission of the true facts relating to the submission of this bid.

(Signature)

(Signatory's Name)

(Signatory's Title)

SWORN TO AND SUBSCRIBED
BEFORE ME THIS _____ DAY
OF _____ 20____

Notary Public _____
Commission Expires _____

**PROPOSAL COVER SHEET
TELECOMMUNICATIONS RELAY SERVICE (TRS)**

**COMMONWEALTH OF PENNSYLVANIA
Pennsylvania Public Utility Commission
Bureau of Technical Utility Services
RFP-2014-2**

Docket No. M-2014-2399871

Enclosed in one package are three separately sealed submittals that constitute the proposal of the Prospective vendor identified below for the above-referenced RFP:

Prospective Vendor Information:	
Prospective Vendor Name	
Prospective Vendor Mailing Address	
Prospective Vendor Website	
Prospective Vendor Contact Person	
Contact Person's Phone	
Contact Person's Fax	
Contact Person's E-Mail	
Prospective Vendor Federal ID Number	

Submittals Enclosed and Separately Sealed:	
<input type="checkbox"/>	Technical Submittal
<input type="checkbox"/>	Disadvantaged Business Submittal
<input type="checkbox"/>	Cost Submittal

Signature	
Signature of an official authorized to bind the prospective vendor to the provisions contained in the prospective vendor's proposal:	
Printed Name	
Title	
Date	

FAILURE TO COMPLETE, SIGN AND RETURN THIS FORM WITH THE PROSPECTIVE VENDOR'S PROPOSAL MAY RESULT IN THE REJECTION OF THE PROSPECTIVE VENDOR'S PROPOSAL

COST CATEGORY		
Total Costs Directly Attributed or Properly Allocated to Proposed Intrastate PA TRS Operations	Session MOU Cost attributed to the asking rate (Total \$ Except \$/MOU Where Indicated)	
Wages & Salaries – Personnel		
Management		
Wages	\$ -	
Benefits	\$ -	
Non-Management		
Wages	\$ -	
Benefits	\$ -	
Administrative	\$ -	The Administrative Costs category may include such items as:
		Conference & Travel
		Airfare & Public Transportation
		Awards & Recognition
		Tuition Aid
		Stationary & Forms
		Postage
		Contract Labor
		Contract Delivery & Shipping
		Office Rentals (Non-Computer)
		Contracted Labor – Temporary
		Audit Services & Fees
		Outsourcing – e.g., Spanish language translation.
		Other categories not listed above
Building	\$ -	The Building Costs category may include such items as:
		Repairs & Maintenance
		Utilities
		Materials Purchases
		Amortization & Depreciation

Furniture & Office Equipment	\$ -	The Furniture & Equipment Costs may include such items as:
		Other Computers & Peripheral Devices
		Other Non-Computer Rentals & Leases
		Computer Maintenance & Repair
		Software Expenses - Personal Computers (PCs)
Network	\$ -	The Network Costs may include such items as:
		Internal - Official Communications Services
		External - Official Communications Services
Land & Building Rentals & Building Operations, Data Processing, Connectivity, Voice Services	\$ -	These are costs that will be associated with the vendor's corporate "outside support" to the specific PA TRS intrastate operations. These would usually be "allocated costs."
Engineering	\$ -	Engineering may include internal telecommunications switching equipment costs (allocated cost).
Corporate Support	\$ -	The Corporate Support Costs (allocated costs) may include such items as:
		Scheduling manpower
		Product management
		Financial / payroll
		PA TRS Advisory Board Quarterly meetings
Telecommunications Network Costs	\$ -	
Inbound "800" Service Costs	\$ -	
"711" Call Switch Translation Costs If Any	\$ -	
Wholesale Intrastate Switched and Special Access Costs (e.g., Special Access Transport Circuits Either Owned or Leased)	\$ -	

Internal Network Switching Costs If Applicable And If Not Included In Any Other Preceding Cost Categories	\$ -	
Miscellaneous Costs Not Otherwise Identified		
Miscellaneous Costs	\$ -	
OUTREACH AND EDUCATION (if applicable)	\$ -	
TOTAL ESTIMATED COSTS	\$ -	
Total Estimated MOUs		
Proposed TRS Rate - per MOU (\$/MOU)		

**RFP TRANSMITTAL LETTER
TELECOMMUNICATIONS RELAY SERVICE (TRS)**

**COMMONWEALTH OF PENNSYLVANIA
Pennsylvania Public Utility Commission
Bureau of Technical Utility Services
RFP-2014-2
Docket No. M-2014-2399871
June 19, 2014**

**[Company Name]
[Address]
[City, State Postal Code]**

Dear Mr./Ms. **[Contact]**:

You are invited to submit a proposal for telecommunications relay service (TRS), in accordance with the enclosed request for proposal (RFP).

All proposals must be submitted to the address stated in Section I-11 of the RFP no later than 3 p.m., August 5, 2014, as stated in the Calendar of Events. Late proposals will not be considered regardless of the reason.

All questions should be submitted by email (with subject line "RFP-2014-2 TRS RFP Question") to Janet Tuzinski at jtuzinski@pa.gov no later than June 27, 2014, as stated in the Calendar of Events. All prospective vendors will be provided with written answers to questions asked by any prospective vendor by July 9, 2014, as stated in the Calendar of Events.

In addition, a pre-proposal conference will be held on July 2, 2014 at 1:30 p.m. in Executive Chambers, Commonwealth Keystone Building, 400 North St., Harrisburg PA 17120. Questions may also be submitted at the pre-proposal conference, which will also be answered by July 9, 2014. Attendance at the pre-proposal conference is not mandatory.

Sincerely,

Janet Tuzinski, Mgr. of Telecommunications
Issuing Officer/Project Officer

Enclosure: Request for Proposal

EXHIBIT 1

**SMALL DIVERSE BUSINESS
LETTER OF INTENT**

[DATE]

[SDB Contact Name]
Title
SDB Company Name
Address
City, State, Zip]

Dear [SDB Contact Name]:

This letter serves as confirmation of the intent of [Offeror] to utilize [Small Diverse Business (SDB)] on RFP [RFP number and Title] issued by the [Commonwealth agency name].

If [Offeror] is the successful vendor, [SDB] shall provide [identify the specific work, goods or services the SDB will perform, and the specific timeframe during the term of the contract and any option/renewal periods when the work, goods or services will be performed or provided].

These services represent [identify fixed numerical percentage commitment] of the total cost in the [Offeror's] cost submittal for the initial term of the contract. Dependent on final negotiated contract pricing and actual contract usage or volume, it is expected that [SDB] will receive an estimated [identify associated estimated dollar value that the fixed percentage commitment represents] during the initial contract term.

[SDB] represents that it meets the small diverse business requirements set forth in the RFP and all required documentation has been provided to [Offeror] for its SDB submission.

We look forward to the opportunity to serve the [Commonwealth agency name] on this project. If you have any questions concerning our small diverse business commitment, please feel free to contact me at the number below.

Sincerely,

Acknowledged,

Offeror Name
Title
Company
Phone number

SDB Name
Title
Company
Phone number