



**REQUEST FOR PROPOSAL**  
**RFP 2009-020**

**ADDENDUM NO. 2**

To: Prospective Bidders

From: Llew F. Perry   
Cooperative Educational Services

Date: September 7, 2009

Cooperative Educational Services (CES) has received the following questions regarding RFP 2009-020 by email and during its pre-proposal meeting. The following are the responses to the questions asked.

**Question Submitted by:** Shawn Frandsen  
[shawnfrandsen@comcast.net](mailto:shawnfrandsen@comcast.net)  
Received 8-31-09

**Item 1:**

What is the New Mexico Public Education Department (NMPED) mandate regarding security and background checks for individuals working and/or providing services within public school buildings? How should we answer the question on Form J, paragraph H as listed below hi-lighted in yellow? Should we be contacting individual school districts?

*'H. Describe your company's policies and procedures in regards to complying with the New Mexico Public Education Department (NMPED) mandate regarding security and background checks for individuals working and/or providing services within public school buildings. Please describe or provide a sample of the type of background check that you are willing and able to perform on your providers in order to comply with this requirement.*

I can describe our company policy on backgrounds checks and show what we can and are willing to do in order to comply – I would like to know what it is we need to be in compliance.

(CES edit for printability: Author highlighted the first sentence of Paragraph H, first sentence. CES removed highlight, replaced with bold font.)

**Background:**

Location of statutory references to PED required background checks required for contractors.

**State of New Mexico**

New Mexico Statutes and Court Rules

Statutory Chapters in New Mexico Statutes Annotated 1978

CHAPTER 32A Children's Code

ARTICLE 15 Children's and Juvenile Facility Criminal Records Screening

32A-15-1. Short title. (2005)

- 32A-15-2. Purpose. (2005)
- 32A-15-3. Criminal history records check: background checks. (2005)
- 32A-15-4. Procedures. (1993)

32A-15-3. Criminal history records check; background checks.

Nationwide criminal history record checks shall be conducted on all operators, staff and employees and prospective operators, staff and employees of child care facilities, including every facility or program that has primary custody of children for twenty hours or more per week, and juvenile detention, correction or treatment facilities

- A. Nationwide criminal history record checks shall also conducted on all prospective foster or adoptive parents and other adult relatives and non-relatives residing in the prospective foster or adoptive parent's household. The objective of conducting the record checks is to protect the children involved and promote the children's safety and welfare while received. Service from the facilities and programs.
- B. The department shall fingerprint all operators, staff and employees and prospective operators, staff and employees of child care facilities and all prospective foster or adoptive parents and other a relatives and non-relatives residing in the prospective foster or adoptive parent's household. The department shall conduct a background check of all operators, staff and employees and prospective operators, staff and employees of child care facilities and all prospective foster or adoptive parents and other adult relatives and non-relatives residing in the prospective foster or adoptive parent's household and shall submit a fingerprint card for those individuals to the department of public safety and the federal bureau of investigation for this purpose.
- C. Criminal history records obtained by the department pursuant to the provisions of this section are confidential. The department is authorized to use criminal history records obtained from the federal bureau of investigation to conduct background checks on prospective operators, staff and employees of child care facilities and foster parents.
- D. Criminal history records obtained pursuant to the provisions of this section shall not be used for any purpose other than conducting background checks. Criminal history records obtained pursuant to the provisions of this section and the information contained in those records shall not be released o disclosed to any other person or agency, except pursuant to a court order or with the written consent of the person who is the subject of the records.
- E. A person who releases or discloses criminal history records or information contained in those records in violation of the provisions of this section is guilty of a misdemeanor and shall be sentence pursuant to the provisions of Section [31-19-1 NMSA 1978](#).

**22-10A-5. Background checks; known convictions; reporting required; limited immunity; penalty for failure to report.**

An applicant for initial licensure shall be fingerprinted and shall provide two fingerprint cards or the equivalent electronic fingerprints to the department to obtain the applicant's federal bureau of investigation record. Convictions of felonies or misdemeanors contained in the federal bureau of investigation record shall be used in accordance with the Criminal Offender Employment Act [28-2-1 NMSA 1978]. Other information contained in the federal bureau of investigation record, if supported by independent evidence,

may form the basis for the denial, suspension or revocation of a license for good and just cause. Records and related information shall be privileged and shall not be disclosed to a person not directly involved in the licensure or employment decisions affecting the specific applicant. The applicant for initial

- A. licensure shall pay for the cost of obtaining the federal bureau of investigation record
- B. Local school boards and regional education cooperatives shall develop policies and procedures to require background checks on an applicant who has been offered employment, a contractor or a contractor's employee with unsupervised access to students at a public school.
- C. An applicant for employment who has been initially licensed within twenty-four months of applying for employment with a local school board, regional education cooperative or a charter school shall not be required to submit to another background check if the department has copies of his federal bureau of investigation records on file. An applicant who has been offered employment, a contractor or a contractor's employee with unsupervised access to students at a public school shall provide two fingerprint cards or the equivalent electronic fingerprints to the local school board, regional education cooperative or charter school to obtain his federal bureau of investigation record. The applicant, contractor or contractor's employee who has been offered employment by a regional education cooperative or at a public school may be required to pay for the cost of obtaining a background check. At the request of a local school board, regional education cooperative or charter school, the department is authorized to release copies of federal bureau of investigation records that are on file with the department and that are not more than twenty-four months old. Convictions of felonies or misdemeanors contained in the federal bureau of investigation record shall be used in accordance with the Criminal Offender Employment Act; provided that other information contained in the federal bureau of investigation record, if supported by independent evidence, may form the basis for the employment decisions for good and just cause. Records and related information shall be privileged and shall not be disclosed to a person not directly involved in the employment decision affecting the specific applicant who has been offered employment, contractor or contractor's employee with unsupervised access to students at a public school.
- D. A local superintendent shall report to the department any known conviction of a felony or misdemeanor involving moral turpitude of a licensed school employee that results in any type of action against the licensed school employee.
- E. The state board [department] may suspend or revoke the license of a local superintendent who fails to report a criminal conviction involving moral turpitude of a licensed school employee.

A person who in good faith reports any known conviction of a felony or misdemeanor involving moral turpitude of a licensed school employee shall not be held liable for civil damages as a result of the report; provided that the person being\_ accused shall have the right to sue for any damages sustained as a result of negligent or intentional reporting of inaccurate information or the disclosure of any information to an unauthorized person.

**CES Response:**

In response to the question, CES is requesting the respondents, to:

- A. Acknowledge they are aware of the background check requirement;
- B. describe and acknowledge they have in place, company policies and procedures acquire and maintain such background records;
- C. Agree to adhere to, comply with and make available these records if requested by K-12 educational institutions if requested.

CES also understands that depending on the type of products and services proposed under this solicitation are delivered and where, will dictate if background checks are required. Based on the above information the respondent may note in their response that this item is not applicable. It is CES' determination that Category

1, Lot 2, Category 2 and Category 3 require background checks. Categories 4 through 7 do not require background checks.

**Item 2:**

Question for clarification, is it possible to supply all manufacturers price lists and catalogs in digital form only?

**Background:**

RFP 2009-020, Section I: Instructions to Offerors, E: Proposal Submittal, Item 2: Format of the Proposal.  
Page 9.

- a. One (1) original of the proposal will be submitted on the forms and in the format contained in the RFP and must have original signatures. The proposal will contain all Microsoft Excel pricing information, support documentation, descriptive literature, specifications, samples, etc. The proposal will be submitted in a three-ring binder.
- b. The forms as contained in and format as requested in the RFP will be used. Offerors can reproduce the forms and retype the information, but all of the required information must be presented in the order requested. All proposals must be completed in ink, on a computer or typewritten. Forms can be filled in by hand, but must be printed.
- f. In addition to preparing and submitting electronic pricing, the Offeror must provide both a paper copy organized in the format requested and an electronic copy with each tab's information as a separate file on a CD-R or CD-RW in either or combination of the following file formats: Adobe PDF (pdf), Rich Text Format (rft), Microsoft Word (doc) or Microsoft Excel (xls). The CD is to be laid out in the same format as Content of the Proposal (see below).

RFP 2009-020, Section IV: Proposal Forms, Form D: Offeror's Indefinite Quantity Unit Price Declaration  
From. Page 139.

All pricing submitted must utilize one of the pricing methodologies/format options allowed by CES.

1. If utilizing the Line-Item pricing methodology/format, please use one Excel book per manufacturer/brand and an individual sheet per category of product (See Exhibit 3 and item [4] below).
2. If utilizing your own e-commerce solution (Punch-Out methodology/format), it must be able and have the capacity to integrate with CES' e-commerce web-based CPP (Cooperative Purchasing Program) application (See Exhibit 5) above.
3. If utilizing the Open Item methodology/format, the nationally-published price book or custom price book has been identified and the additional pricing information (Factors, Multipliers and/or Discounts) you need to provide is defined by CES depending on the individual solicitation/category being responded to. (See Exhibit 4)
4. All pricing information must be organized, categorized and indexed in a way that the following information is clearly identified (See Exhibit 3).
  - a. Offeror's Name - alpha/numeric fifty (50) characters maximum (Required)
  - b. Product Number - unique product number/identifier (Manufacturer/Vendor) assigned, alpha/numeric twenty-one (21) characters maximum (Required).
  - c. Product Name – short name/description alpha/numeric fifty (50) characters maximum (Required). This field will probably be the most searched field.
  - d. Product Description - product description/specifications alpha/numeric two hundred-fifty (250) characters maximum (Required).
  - e. Unit - unit of measure alpha/numeric 25 characters maximum (Required). Example: each, per dozen, 12 oz. bottle, etc.

- f. Price - unit price numeric 15 characters two decimals (Required).
  - g. Category - NIGP five (5) digit Code and description 50 characters (Do Not Complete).
  - h. Brand - alpha/numeric 25 characters maximum (Required).
  - i. Manufacturer's Name – alpha/numeric 50 characters maximum (Not Required).
  - j. Image Name - Product Image file name, must be correct with (jpg) extension, example (5236421.jpg). (Not Required) Do not place images in Excel Spreadsheet, provide separately.
  - k. Product Thumb Image – Provide an image/picture of the product, must be in (jpg) file format (Not Required).
5. Other pricing-related terms, conditions, stipulations and requirements that cannot be indicated and/or communicated using the established Excel pricing books must be attached as a separate document (Place behind Tab 6). Such areas may include, but is not limited to:
    - a. Shipping, freight, and/or delivery costs;
    - b. Minimum order requirements;
    - c. Volume discounts and pricing points;
    - d. Special pricing bundles, time-limit sales and pricing options;
    - e. Maintenance agreements, if applicable;
    - f. Warranties and extended warranty options;
    - g. Product returns and allowances; and
    - h. Catalogs and price lists.
  6. Pricing information provided using Exhibit 3 or Exhibit 5 does not need to be provided as paper documents.
  7. Once your offer is accepted, any future price adjustments must be made in the same manner and in accordance with the General Terms and Conditions.
  8. It is your responsibility to keep your contract current in every way. Auditors review our contracts, and we want to keep everything legal.
  9. If, for any reason, you need to lower a price to remain competitive, or to pass on a special price offered by a manufacturer or supplier, you must first send notice (fax, email, or letter) to CES, officially lowering the items/products price. Once CES has received the information and acknowledged the price change, then you may offer the new prices to your customers. It is against the terms and conditions of this RFP to agree to a lower price with a customer, and then later notify CES or not offer it to all CES Members/Participating Entities wanting to procure the same item and the same quantity. CES and its Members/Participating Entities understand that there are times that Offerors want to reward a customer or is in a very competitive situation and wants to provide an additional cost incentive. If this situation arises, the Offeror may donate (provide at no cost) any product or service as a cost enhancement. However, on its price quote/proposal, the item is listed at its CES contract price and then indicates “(no cost) donated” in the extension column.

**CES Response:**

A respondent may provide manufacturer's product catalogs and/or price list in electronic format only as long as it contains all of the necessary information that will allow CES staff, Members and Participating entities staff to identify each product/services with its associated cost that the proposed CES discount can be applied to obtain the CES price.

**Question Submitted by:** Sarah Dent  
sarah.dent@timelink.com  
Received 9/1/09

TimeLink was reviewing the requirements for Category 4: Employee Time and Attendance System, Hardware and Maintenance and has come across a few questions. Could you please answer the following?

**Item #**

1. Req 19: Is it expected that the employer portion of benefits (including medical, dental, vision, disability, etc.) is maintained in the time and attendance system in order to provide total compensation planning? This is not a typical function of a time and attendance system and is usually something produced by an HRIS. Please clarify.

Response: CES and its members are seeking solutions that possess the capability and/or functionality to house and report this information or the ability to interface, integrate and interact with other financial/payroll/HR management systems. It should be noted that there are 200 + potential agencies, who have varied and different needs and/or requirements and therefore, it is understood, that various providers' solutions may and/or may not possess the various options and capabilities described within the CES solicitation and respondents are encouraged to clearly indicate, identify and communicate within their response their proposed solution's features, options, functionalities and capabilities.

2. What are the employee/user counts for each member?

Response: Due to the potential 200+ agencies covered by CES' solicitations and the fact that the number of employees/staff members varies from 15 to 3,000 and their individual needs and requirements will differ. Respondents are encouraged to propose and offer solutions that can be scaled to cover all of the possibilities. However, it should be noted that CES understands and will accept solutions that are developed for a particular market segment or organization size or technology/system configuration.

3. How many members have expressed an interest in a new time and attendance solution?

Response: CES would not be soliciting for these products and services if it did not feel there was not a need and if it had not been asked by a number of agencies to acquire such products and services. CES does not possess and/or maintain a list of agencies that are looking for various products and services because of the number of products and services it offers through CES contracts.

4. Does the member have to use a vendor selected by CES?

Response: No CES member or participating entity is required to utilize CES contracts. The CES procurement vehicle is one of the many procurement vehicles or options that an agency has in its procurement tool box. The CES procurement vehicle is used by agencies because the products and services offered are of a high quality and fulfill a need. The products and services offered are cost effective. And CES and its vendors add value that may not be offered or available through members or another procurement vehicle.

5. What payroll, student management, and financial accounting packages are being used by the members?

Response: In regards to the k-12 market sixty percent or more are utilizing Winsor Management's financial management system. The others are utilizing PC based or mainframe based systems in regards to student management systems NCS Pearson Power School and J-Mac are the two most common systems and the systems out there are both PC and mainframe based.

6. Would each member require their own unique database or would they become an entity in a shared database?

Response: Because of the number of potential agencies and the difference in their size. Respondents should look at offering both options.

7. Are you looking for a vendor hosted solution or a premise-based solution?

Response: Both, due to the number and size of potential agencies

8. Is it expected for the time and attendance system to calculate employee wages or are we expected to only calculate the number of hours applied to each pay code?

Response: No, because it will depend on the individual agency and its existing systems, needs and requirements, respondents. Therefore, respondents are encouraged to offer solutions and clearly indicate their solution's features, options and capabilities.

9. Req 19: Is it expected that the employer portion of benefits (including medical, dental, vision, disability, etc.) is maintained in the time and attendance system in order to provide total compensation planning? This is not a typical function of a time and attendance system and is usually something produced by an HRIS. Please clarify.

Response: No it is not expected, but if it part of a solution that great.

10. Req 20: In regards to benefit eligibility, please clarify the types of benefits the time and attendance system will be managing (e.g., vacation, sick, holiday time or medical, dental coverage)?

Response: As indicated in responses to items 1 through 10 above CES is looking for all possible versions of solutions.

11. Req 22: Is it expected that the time and attendance system be able to track job applicants? This is typically a function of a Recruiting solution and not a time and attendance solution. Please clarify.

Response: No, it is not expected, but desirable to meet various members' needs

12. Req 23: Is it expected that the time and attendance system be able determine budget dollars? This is typically a function of an Accounting or Financial solution and not a time and attendance solution. Please clarify.

Response: No, it is not expected, but desirable to meet various members' needs

13. Req 24: Is it expected that the time and attendance system be able to calculate payroll taxes? This is typically a function of a Payroll solution and not a time and attendance solution. Please clarify.

Response: No, it is not expected, but desirable to meet various members' needs

14. Req 25: Although time and attendance system do typically have an Employee Self Service feature, functions such as view pay stubs, request changes to benefits selections, review W-4, view earning history, etc. is typically provided in an HRIS ESS solution. Is this a requirement of the time and attendance solution?

Response: For those agencies that may have a need for and would like for their employees to be able to access to their time and attendance in order to view, submit and receive approval for leave request etc. Yes, CES desires solutions that offer Employee Self Service features.

15. Req 29 and 30: Both of these requirements are typically addressed through an Access Control solution and not something a time and attendance system would handle. Is this a requirement of the selected time and attendance system?

Response: There are solutions in the market place that will interface, integrate and allow other components within the solutions and/or allow other solutions to utilize data contained within a time and attendance system to facilitate and govern how that system controls and limits access by employees to areas or applications. This is not a requirement but is given as a desired feature.

16. Req E - Digital Imaging Systems – As a time and attendance vendor, if we do not offer a Digital Imaging System, will we be disqualified from the procurement?

Response: No.

17. Will our bid be impacted negatively if we do not have any New Mexico school districts, colleges, or other governmental agencies using our solution?

Response: As indicated within the solicitation document the respondents must provide evidence, documentation and information that demonstrates their knowledge of, experience with and understanding of CES members' and participating entities' needs and requirements in the areas covered by this category. Likewise, the respondent must demonstrate that it possess the background, experience, resources and capacity to offer, provide, support, assist and respond to agencies requests and needs before, during and after the sale of the products and services they are proposing to offer under this solicitation.

In response to your question "Will our bid be impacted negatively", if in your response you provide appropriate and adequate evidence, documentation and information to address the item noted above and in the solicitation to the satisfaction of the evaluators, then the answer would be No. If the opposite was the case then the answer would Yes. The respondent would also be encouraged to explain why they have not penetration the New Mexico market and how they intend overcome that situation.

18. In order to provide financial information, we require a signed NDA. Are you willing to sign an NDA to receive this information. If not, will we be disqualified for not providing financial information at this time?

Background:

RFP 2009-020, Section I: Instructions to Offerors, F: Listing of General Terms and Conditions, Page 25.

**Confidential Information:** For the purposes of this procurement, the provisions of the "New Mexico Inspection of Public Records Act NMSA 1978, Chapter 14, Article 2" will be in effect. Pursuant to this Act, all proceedings, records, contracts, and other public documents relating to this procurement shall be open to public inspection. Proposers are reminded that while trade secrets and other proprietary information they submit in conjunction with this procurement may not be subject to public disclosure,

protections must be claimed by the proposer at the time of submission of its Technical Proposal. Proposers should refer to the New Mexico Inspection of Public Records Act for further clarification.

The designation of certain information as trade secrets and/or privileged or confidential proprietary information shall only apply to the technical portion of your proposal. Your cost proposal will not be considered confidential under any circumstance. Any proposal copyrighted or marked as confidential or proprietary in its entirety may be rejected without further consideration or recourse.

The proposer must clearly designate the part of the proposal that contains a trade secret and/or privileged or confidential proprietary information as “confidential” in order to claim protection, if any, from disclosure. The proposer shall provide a sheet with the following legend, specifying the specific section(s) of his proposal sought to be restricted in accordance with the conditions of the legend:

*“The data contained in pages \_\_\_\_\_ of the proposal have been submitted in confidence and contain trade secrets and/or privileged or confidential information and such data shall only be disclosed for evaluation purposes, provided that if a contract is awarded to this Proposer as a result of or in connection with the submission of this proposal, CES and its Members and Participating Entities shall have the right to use or disclose the data therein to the extent provided in the contract. This restriction does not limit CES and its Members and Participating Entities the right to use or disclose data obtained from any source, including the proposer, without restrictions.”*

Further, to protect such data, each page containing such data shall be specifically identified and marked “CONFIDENTIAL”. Within the required electronic submission, any item marked as confidential will need to be submitted in a separate folder marked “Confidential Information.”

The CES Executive Director will review the statement, and will determine in writing whether the information will be withheld. If the Executive Director determines that the information should be disclosed, the Offeror will be informed in writing of such determination and, should the Offeror object in writing within five (5) days after notification thereof, no disclosure will be made and the bid or RFP may be rejected.

Response: First, if there is any information you do not want to be made public you can indicate as confidential as noted above. In response to you question “will we be disqualified for not providing financial information” No. Please note that this solicitation is a Request for Proposal (RFP) and not a Request for Bid (RFB) and because the Offeror’s qualifications are a part of the evaluation and the score a respondent receives. If a respondent fails to demonstrate its financial resources and ability/capacity to meet it financial obligations to the satisfaction of the evaluators, it score may reflect such deficiencies.

**Question Submitted by:** Chris Cherry  
[csherry@globalscholar.com](mailto:csherry@globalscholar.com)  
Received 9/3/09

**Item I:**

One question regarding the proposal for Professional Development (PD). Our PD is based on a per teacher count than a per student count. The scenarios listed in the proposal are per student based (listed below). Is there a way to convert those to a per teacher count that will meet your criteria? Or can you provide approximate teacher counts that we can use for consistent pricing?

- a. School or District with 200 students
- b. School or District with 500 students
- c. School or District with 2,000 students
- d. School or District with 5,000 students
- e. School or District with 25,000 students

**Background:** None Provided

**CES Response:**

Respondents may offer alternative pricing options however, such alternatives must allow CES and its members and participating entities to be aware of the normal and customary (retail) price the amount of discount offered through CES and the CES price. As well as any associated and/or additional cost/fees that may be applicable.

**Question Submitted by:** Karen Moyle  
 akmoyle@yahoo.com  
 Received 9/2/09

**Item 1:**

Under Category 1 Lot 2 would you entertain a bid for Equipment Storage only or must it include seating also to have a bid awarded?

**Background:** None Provided

**CES Response:**

Yes, a respondent may offer one product line (equipment storage) however, it should be noted that based on the type kind and level of the equipment being proposed and its ability to meet the needs and requirements of CES members and participating entities. As well as what other respondents have to offer in the same area and their ability to meet the needs and requirements of CES members and participating entities will determine if an award is mad or offer rejected.

If you have any questions regarding this Addendum, please contact my office.

By dating, signing and returning this page, the Offeror acknowledges receipt of Addendum No. 2 (Please place behind Tab 1 of your response).

Date: \_\_\_\_\_

Company Name (Print): \_\_\_\_\_

Printed Name: \_\_\_\_\_

Signature: \_\_\_\_\_