



MONTGOMERY COUNTY PUBLIC SCHOOLS

www.montgomeryschoolsmd.org

MARYLAND

301-279-3555

July 29, 2019



RFP Number: 4889.1
Due Date: August 19, 2019
Open Time: 2:00 p.m.

To: Prospective Respondents:

The purpose of this Request for Proposal (RFP) is to solicit and engage an industrial/organizational psychologist, or others with relevant training and expertise, in developing valid job-related assessments, in particular fitness-for-duty tests, for school districts and/or law enforcement related jobs. The intent of this Request for Proposal (RFP) is to secure a review of selected position classifications to determine essential functions of the job, review the job description for alignment to the essential functions of the job, develop and validate a fitness-for-duty standard and evaluate the standard once implemented.


A pre-proposal conference will not be held for this RFP, however, questions regarding the RFP must be submitted by the close of business, 4:00 p.m., on August 6, 2019. Responses will be posted on eMaryland Marketplace and on MCPS' Procurement website on August 9, 2019.

Please respond according to the instructions provided in the attached. Proposals must be received on or before 2:00 p.m., on August 19, 2019, 2019. Proposals received after this date and time will not be considered. Proposals shall be delivered in a sealed opaque envelope with the RFP number, opening date and opening time indicated in the lower left corner of the envelope. Proposals shall be delivered to Montgomery County Public Schools Procurement Unit, 45 West Gude Drive, Suite 3100, Rockville, Maryland 20850.

The contractor must submit one (1) original, one (1) redacted copy, one (1) electronic version on CD or flash drive and three (3) separate copies of the proposal. The proposal must be signed by an official having authority to contract with MCPS. The firm and official's name shall be used. This solicitation does not commit the district to pay any costs incurred in the submission of proposals or guarantee that an award will be made.

In the event of emergency closing of the MCPS Board of Education offices, this RFP will open at the same time on the next regular working day.

Sincerely,


Angela McIntosh Davis, Team Leader
Procurement Unit

AMD
Enclosure

Procurement Unit

45 West Gude Drive, Suite 3100 ♦ Rockville, Maryland 20850-9999

MONTGOMERY COUNTY PUBLIC SCHOOLS
Procurement Unit
45 West Gude Drive, Suite 3100
Rockville, Maryland 20850

Request for Proposal No. 4889.1
Fitness for Duty

1.0 INTENT

In the spring of 2017, Montgomery County Public Schools (MCPS) launched a comprehensive review of its protocols, practices, and infrastructure related to the critical imperative of maintaining safe, orderly learning environments for all students. The report, published in the summer of 2017, included this comprehensive review and its recommendations for improvement, including, “Effective allocation, utilization, and management of school security personnel and other staff.” As part of its efforts to implement this recommendation, MCPS is requesting proposals from an industrial/organizational psychologist, or others with relevant training and expertise, in developing valid job-related assessments, in particular fitness-for-duty tests, for school districts and/or law enforcement related jobs. The intent of this Request for Proposal (RFP) is to secure a review of selected position classifications to determine essential functions of the job, review the job description for alignment to the essential functions of the job, develop and validate a fitness-for-duty standard and evaluate the standard once implemented.

2.0 INTRODUCTION

MCPS is the 14th largest school system in the United States, and the largest in the state of Maryland. MCPS has 25 high schools, 40 middle schools and 134 elementary schools, in addition to a career and technical center, five special schools and a program for alternative studies. During the 2018–2019 school year, MCPS served more than 162,680 students from 157 countries speaking 150 languages.

In the summer of 2017, MCPS released the results of the comprehensive security review in its Interim Report: School Safety & Security. The recommendations in the Interim Report were grouped into the following seven key priority areas.

- I. Data-driven accountability for school safety and positive school culture as a system priority across MCPS.
- II. Effective allocation, utilization, and management of school security personnel and other staff.
- III. Technology infrastructure, including security cameras, and their use.
- IV. Facility enhancements to restrict or limit access to more isolated areas of school buildings and grounds.
- V. Procedures and practices for supporting positive student behavior throughout the school day.
- VI. Systemwide prevention and early intervention programs.
- VII. Collaboration with law enforcement and other partner agencies.

Pertinent to the request for purchase is key priority area II: “Effective allocation, utilization, and management of school security personnel and other staff.” Within this key priority area, MCPS was charged with developing a fitness-for-duty test with outside expert consultation that focuses on job expectations, roles and responsibilities. MCPS has convened a steering committee to review current status and to direct this work. The committee has agreed to begin by focusing on community-based security positions. Additional job classifications, including paraeducators, will be included in later phases of the project and should be part of the RFP proposal, with a separate cost estimate.

MCPS security patrollers, security assistants, and security team leaders patrol campuses, interact with students and the community, and are essential to maintaining safety. In addition to security staff, MCPS employs a wide variety of other personnel that interact with students. Paraeducators, one of the largest of these groups, encompasses a number of different position codes and assist teachers with classroom instruction and/or provide one-on-one support for individual students with disabilities.

Community-based Security Position	Positions
<u>Security Assistant</u>	204
<u>Security Team Leader</u>	25
<u>Security Patroller Shift 3</u>	2
<u>Security Patroller Shift 2</u>	1

**Data from June 2019

Paraeducator Positions	Positions
<u>Paraeducator, ESOL</u>	71
<u>Paraeducator Head Start</u>	91
<u>Paraeducator, PreK</u>	99
<u>Paraeducator, Spec Pgrms</u>	194
<u>Paraeducator Spec Ed Iti</u>	245
<u>Paraeducator, Focus</u>	275
<u>Paraeducator</u>	701
<u>Paraeducator Spec Ed</u>	2180

**Data from September 2018

3.0 SCOPE OF SERVICES

The goal of the standard/test that is developed pursuant to this RFP is that the employee/prospective employee will need to review their fitness prior to initial employment, re-hiring, and possibly in some cases prior to transfers, demotions, lateral appointments, or position longevity. They must demonstrate that they are fit enough to complete the essential functions of the job without risking injury to themselves, other coworkers and/or students in their care. The final standard/test must be reflective of current MCPS policies, including MCPS Board of Education Policy ACA, Non-Discrimination, Equity, and Cultural Proficiency, as well as state and federal law, including Title 20 of the State Government Article of the Annotated Code of Maryland, Title VII of the Civil Rights Act of 1964, 42 U.S.C § 2000, Americans with Disabilities Act of 1990, 42 U.S.C. § 12101, and Age Discrimination in Employment Act of 1967, 29 U.S.C. § 621. To this end, the standard for fitness must be free from non-job related factors which might function as biases against any group based on gender, race, color, religion, sex, age, national origin, or any other classification protected by law. Work on the project should begin as soon as possible, with the final review expected to be completed before the end of the 2019 calendar year.

The Respondent will begin by developing a job analysis for selected categories of positions in MCPS. The analysis should entail a thorough assessment of individuals in the current position that captures both their typical duties and those for which they would be responsible in the event of an emergency. Based on this assessment, the essential functions of each job should be determined. Where possible, benchmarking of best practices in similar jobs should be included.

In alignment with the job analysis, the respondent will review and update the job descriptions for selected positions so they include the essential functions of the job and do not create artificial employment barriers.

The Respondent will develop a fitness-for-duty exam(s) that will effectively assess the skills and abilities necessary to perform the essential functions of the selected positions. As part of this process, the Respondent will review the Crisis Prevention Institutes' (CPI) Nonviolent Crisis Intervention (NCI) course and certification, which constitutes mandatory training for security positions and other MCPS jobs, as a possible standard for fitness-for-duty assessment. If appropriate, the Respondent should design alternative tests with reasonable accommodations for individuals with non-disqualifying disabilities. The resulting assessment should reflect the essential duties of the job and needs to operate cross-culturally to identify diverse talent in a fair manner.

The Respondent should provide recommendations as to whether the exam should be administered during the application process or after an offer is made, making the offer contingent upon passing the exam. The Respondent also should provide recommendations regarding how to align other aspects of the MCPS hiring practices for the relevant positions with the job description and fitness-for-duty exam.

The Respondent should suggest an approach for introducing the fitness-for-duty exam for new hires and current employees, which allows current employees an appropriate opportunity to prepare for the exam.

The Respondent should validate the testing standard to ensure it is job-related and consistent with business necessity. Empirical evidence should be gathered to support that the test is measuring what it is intended to assess.

The Respondent should include a recommended schedule to review the fitness-for-duty assessment to maintain alignment between any new job duties and the exam. The first review should be included within the scope of the original proposal, and additional reviews be an ad hoc option.

The Respondent should provide professional and technical services to produce materials, procedures, and reports that will satisfy the certification that staff are fit to perform essential job functions for the selected positions and make transition recommendations for incumbent staff who must now meet this standard.

4.0 CONTRACT TERM

The initial term of contract shall be for one year as stipulated on the RFP. However, the contract may not begin until one day after approval by the Montgomery County Board of Education and will conclude as stated under the contract term. MCPS reserves the right to extend this contract at existing prices, terms, and conditions for up to three (3) additional terms for one (1) year each. Written notice indicating MCPS' intention to pursue the extension of the contract will be issued to the successful Respondent(s) 90 days prior to the expiration of the original contract. The contractor shall have ten (10) days from the date of notification to return the notice acknowledging its intent to accept or reject the extension.

Once all responses are evaluated, MCPS staff may make a recommendation to the Board to extend the contract or decide to rebid. If the contract is extended by the Board, a contract amendment will be issued.

5.0 PRICING

Our intention is to review and implement a fitness-for-duty standard for community-based security staff first. The proposal's pricing should reflect the entire life-cycle for this cluster of job positions, beginning with a position review, up to and including the first review that the exam is accurately measuring essential functions of the job and does not have a disparate or discriminatory effect. Continued review of the test validity should be included as a separate pricing option. Within the proposal, costs for each of the steps in the process should be individually estimated and include a timeframe for completion. MCPS should have an option to, should it wish to continue with the vendors services, extend the contract to review additional job positions.

The positions under review in the first phase of the project include security team leaders, security assistant and security patrollers. Existing job descriptions for each of these positions are hyperlinked. The next phase will include a subset of paraeducator positions. Ad hoc pricing for elements such as ongoing review of the program, should be included as separate line items.

6.0 CONTRACT TERMINATION

MCPS reserves the right to cancel the contract in whole or in part at any time in accordance with Article 12 of the MCPS General Contract Articles. MCPS also reserves the right to cancel the contract with a Respondent for failure to comply or failure to fulfill the terms of this contract in accordance with Article 13 of the MCPS General Contract Articles.

7.0 REFERENCES

All Respondents shall include a list of a minimum of three references who use the Respondent's services who can attest to their quality of work and, if possible, shall include school districts of comparable size to MCPS that have utilized the Respondents' services. Respondents shall include names of client, contact person, email address and phone number of all references. Also, as an attachment, Respondents shall include a list of all current school district clients. Respondents should also provide a summary of similar work they have undertaken and any legal or other challenges to fitness-for-duty or other tests that they have developed.

References may or may not be reviewed or contacted at the discretion of MCPS. Typically, only references of the top ranked shortlisted Respondents are contacted. MCPS reserves the right to contact references other than, and/or in addition to, those furnished by a Respondent.

<u>Company Name & Address</u>	<u>Contact Person</u>	<u>Phone Number</u>
1. _____		
Email _____		
2. _____		
Email _____		
3. _____		
Email _____		

8.0 FORMAT OF RESPONSE

- 8.1 Response to this RFP shall be submitted in the same order as the RFP and provide an individual response to each RFP specification.
- 8.2 Respondents shall include any and all statements and representations made within its proposal in the contract for services with the MCPS. This includes, but is not limited to, the Respondents' point-by-point response to this RFP. If the Respondent responds only "Understand and comply," it is assumed that the Respondent complies with MCPS' understanding of the requirement.
- 8.3 MCPS shall not be responsible nor be liable for any costs incurred by the Respondent in the preparation and submission of their proposals and pricing.
- 8.4 A pricing proposal shall be submitted as a separate document.

9.0 MANDATORY SUBMISSIONS

Each Respondent must submit a complete proposal including all required information and attachments. The response shall address each paragraph in the same order as the RFP and provide an individual response to each RFP specification. All proposals must be presented using the same numbering sequence and order used in this RFP document or as otherwise specified by MCPS. Contractors may request via e-mail to Angela McIntosh-Davis, Team Leader, MCPS Procurement Unit, at angela_s_mcintosh-davis@mcpsmd.org a Microsoft Word version to help them in preparing the response.

One (1) original and three (3) copies, as well as one (1) electronic version on CD or flash drive of the response, and one (1) redacted copy, as well as one (1) electronic version on CD or flash drive of the redacted response must be sent by mail, courier, or hand-delivery to the address below. Responses shall be in binders with tabs identifying each section. A table of contents should be included and all pages numbered as referenced in the Table of Contents. No faxes or electronic submission of proposals will be accepted. Proposals are to be received no later than 2:00 p.m. on August 19, 2019. Submit responses of the entire RFP proposal to:

Montgomery County Public Schools
Procurement Unit
45 West Gude Drive, Suite 3100
Rockville, MD 20850

Submissions will become the property of MCPS.

The proposal must be signed by an official having authority to contract with MCPS. The firm and the official's name shall be used in the contract process. MCPS reserves the right to make an award without further discussion of the proposals received. MCPS also may negotiate with the one Contractor who submits the best proposal or with two or more Contractors who are in the competitive range. Therefore, it is important that the Contractor's proposal be submitted initially on the most favorable terms from both the technical and cost standpoints. After the submission and closure of proposals, no information will be released until after the award. It is understood that the Contractor's proposal will become a part of the official file on this matter without obligation to MCPS.

The proposal must be complete and comply with all aspects of these specifications. Marketing or promotional verbiage will likely overshadow the Contractor's qualifications and expertise. MCPS urges the Contractor to be specific and brief in their responses.

MCPS shall not be responsible or liable for any costs incurred by the contractor in the preparation and submission of their proposals and pricing.

Complete Response must include:

Failure to include the following required submissions may render the proposal non-responsive as determined by the director of the Department of Materials Management.

- Point-by-point response to each section of the RFP
- The Respondent must include complete resumes of qualifications and experience of all staff who will be assigned to this project.
- A list of at least three (3) references for the contracting agency including contact persons and telephone numbers must be submitted, See 7.0 References.
- Respondent's annual fiscal report in order to demonstrate the Respondent's financial stability (If desired, the Respondent also may include any other financial documents that the Respondent wishes to include regarding Respondent's financial condition).
- Equal Opportunities Certification ([Attachment A](#))
- Certification of Non-segregated Facilities ([Attachment B](#))
- Minority Business Enterprise ([Attachment C](#))
- Non-Debarment Acknowledgement ([Attachment D](#))
- Mid-Atlantic Purchasing Team Rider Clause ([Attachment E](#))
- Current Form W-9
- A redacted copy of the Respondent's proposal as specified in Sections 10.0 and 11.0.

All of these written deliverables described above shall be submitted in electronic format (MS Word) with at least three (3) hard copies. Absent good cause, payment for the services provided by the External Consultant(s) shall be contingent upon meeting the mutually agreed-upon deadlines.

It is the intention to award to the most favorable Respondent(s) based on the evaluation criteria in Section 12.0. However, the Board reserves the right to make awards according to the best interest of MCPS. This request for proposals may result in multiple awards for different components of the scope of services.

In determining the qualifications of a contractor, MCPS will consider the contractor's record and performance of any prior contracts with MCPS, federal departments or agencies, or other public bodies, including but not limited to the contractor's record providing such detailed programs/services as described in Section 3.0 to MCPS or other schools or school districts. MCPS expressly reserves the right to reject the proposal of any contractor if the investigation discloses that the contractor, in the opinion of MCPS, has not properly performed such prior contracts or has habitually and without just cause neglected the payment of bills or has otherwise disregarded its obligations to subcontractors or employees.

MCPS may conduct any necessary investigation to determine the ability of the contractor to perform the work, and the contractor shall furnish to MCPS all such information and data requested, such as information about its reputation, past performance, business and financial capability and other factors that demonstrate that the provider is capable of satisfying MCPS' needs and requirements for a specific contract. MCPS reserves the right to reject any proposal if the evidence submitted by the contractor or investigation of such contractor fails to satisfy MCPS that such contractor is properly

qualified to carry out the obligations of the contract and to complete all requirements contemplated therein. Consideration will be given to any previous performance with MCPS as to the quality and the acceptability of bidder's services.

All Contractor's submitting a proposal shall include evidence that they maintain a permanent place of business. Copies of any appropriate licenses necessary to perform this work shall be submitted with each proposal. Contractors also shall demonstrate that they have adequate staff to perform the required services. Use of subcontractor(s) and/or third party providers, if any, must be specifically identified within the proposal. Subcontractor and/or third party provider roles shall be clearly expressed. MCPS reserves the right to accept or reject use of proposed subcontractor(s) and/or third party provider(s).

MCPS reserves the right to add or delete contractors, as needed, should our requirements change during the contract term.

10.0 TREATMENT OF TECHNICAL DATA IN PROPOSAL

The proposal submitted in response to this request may contain technical data which the contractor does not want used or disclosed for any purpose other than evaluation of the proposal. The use and disclosure of any such technical data, subject to the provisions of the Maryland Public Information Act, may be so restricted:

Provided, that contractor marks the cover sheet of the proposal with the following legend, specifying the pages of the proposal which are to be restricted in accordance with the conditions of the legend: "Technical data contained in pages ___ of this proposal shall not be used or disclosed, except for evaluation purposes."

Provided, that if a contract is awarded to this contractor as a result of or in connection with the submission of this proposal, MCPS shall have the right to use or disclose these technical data to the extent provided in the contract.

This restriction does not limit the right of MCPS to use or disclose technical data obtained from another source without restriction.

MCPS assumes no liability for disclosure or use of unmarked technical data or products and may use or disclose the data for any purpose and may consider that the proposal was not submitted in confidence and therefore is releasable. Price and cost data concerning salaries, overhead, and general and administrative expenses are considered proprietary information and will not be disclosed, if marked in accordance with the instructions in Section 11.0.

11.0 PROPRIETARY AND CONFIDENTIAL INFORMATION

Contractors are notified that MCPS has unlimited data rights regarding proposals submitted in response to this solicitation. Unlimited data rights means that MCPS has the right to use, disclose, reproduce, prepare derivative works, distribute copies to the public, or perform publicly and display publicly any information submitted by the contractor in response to this or any solicitation issued by MCPS. However, MCPS will exempt information that is confidential commercial or financial information of a contractor, as defined by the Maryland Public Information Act, State Government Article, Section 10-617, from disclosure. It is the responsibility of the contractor to clearly identify each part of its proposal that is confidential commercial or financial information by stamping the **bottom right-hand corner** of each pertinent page with one-inch bold face letters stating the words "**confidential**" or "**proprietary**." The contractor agrees that any portion of the proposal that is not stamped as proprietary or confidential is not proprietary or confidential. As a condition for MCPS

keeping the information confidential, the contractor must agree to defend and hold MCPS harmless if any information is inadvertently released. Each contractor must submit a proprietary and confidential redacted copy of its proposal to be used in responding to MPIA requests.

12.0 EVALUATION CRITERIA

MCPS reserves the right to ask clarifying questions about submitted proposals. Contractors also may ask questions that they may have related to this RFP prior to submitting their responses. See Section 13.0, Schedule of Events. Only proposals received by the deadline will be considered. Proposals will be screened down to a number of finalists.

MCPS reserves the right to convene a meeting with the top qualified Contractor(s) prior to awarding a contract. The purpose of the meeting will be to afford both parties an opportunity to discuss any aspects of the requirements and services that will be performed and clarify any issues. Issues raised during the meeting, which cannot be resolved to the satisfaction of MCPS, shall be cause to reject the proposal.

All Contractors are advised that in the event of receipt of an adequate number of proposals, which, in the opinion of MCPS require no clarification and/or supplementary information, such proposals may be evaluated without further discussions. Therefore, proposals should be submitted initially on the most complete and favorable terms and conditions. Should proposals submitted require additional clarification and/or supplementary information, Contractors should be prepared to submit such additional clarification and/or supplementary information, in a timely manner, when requested.

Proposals meeting all requisite criteria will be evaluated. Those who do not meet requisite criteria will not be evaluated further.

The determination of those that are qualified, interested, and available, and MCPS' choice of the best qualified will be based on the following criteria:

- 12.1 Completeness of Response
- 12.2 Related past experience and qualifications
- 12.3 References
- 12.4 Contract's understanding of the scope of services as demonstrated by the response to the RFP
- 12.5 Availability of contract professional staff.

A selection committee comprised of MCPS staff and potentially outside stakeholders will evaluate proposals based on these criteria.

13.0 SCHEDULE OF EVENTS

The anticipated schedule of activities related to this RFP is as follows:

RFP issued: July 29, 2019
Questions Due: August 6, 2019 by 4:00pm
Proposals Due: August 19, 2019 at 2:00pm
Anticipated award date: September 2019

All dates are subject to change at the discretion of MCPS.

14.0 PRE- PROPOSAL CONFERENCE

Not applicable for this RFP

15.0 ADDENDA/ERRATA

Changes and addenda to a solicitation may occur prior to the solicitation opening date and time. It is the contractor's responsibility to check the MCPS website under "Event Calendar" <https://www.montgomeryschoolsmd.org/calendar/mcpsbids.aspx> or contact the Procurement Unit at 301-279-3555 to verify whether addenda/errata have been issued.

In the event that MCPS issues addenda/errata, all terms and conditions will remain in effect unless they are specifically and explicitly changed by the addenda/errata. Contractors must acknowledge receipt of such addenda/errata by returning one signed copy of each of the addenda/errata with its proposal. Failure to provide the signed acknowledgement of the addenda/errata may result in a bid being deemed non-responsive.

16.0 eMARYLAND MARKETPLACE

Maryland law requires local and state agencies to post solicitations on eMaryland Marketplace. Registration with eMaryland Marketplace is free. It is recommended that any interested supplier register at www.eMarylandmarketplac.com, regardless of the award outcome for this procurement as it is a valuable resource for upcoming bid notifications for municipalities throughout Maryland.

17.0 MULTIAGENCY PARTICIPATION

MCPS reserves the right to extend the terms and conditions of this solicitation to any and all other agencies within the state of Maryland as well as any other federal, state, municipal, county, or local governmental agency under the jurisdiction of the United States and its territories. This shall include but not be limited to private schools, parochial schools, nonpublic schools such as charter schools, special districts, intermediate units, nonprofit agencies providing services on behalf of government, and/or state, community and/or private colleges/universities that require these goods, commodities and/or services. Use of this solicitation by other agencies may be dependent on special local/state requirements attached to and made a part of the solicitation at the time of contracting. The supplier/contractor agrees to notify the issuing agency of those entities that wish to use any contract resulting from this bid and will also provide usage information, which may be requested. A copy of the contract pricing and the bid requirements incorporated in this contract will be supplied to requesting agencies. Each participating jurisdiction or agency shall enter into its own contract with the Award contractor(s) and this contract shall be binding only upon the **principal's signing** such an agreement. Invoices shall be submitted "directly" to the ordering jurisdiction for each unit purchased. Disputes over the execution of any contract shall be the responsibility of the participating jurisdiction or agency that entered into that contract. Disputes must be resolved solely between the participating agency and the Award contractor. MCPS assumes no authority, liability, or obligation on behalf of any other public or nonpublic entity that may use any contract resulting from this bid. MCPS pricing is based on the specifications provided in this solicitation.

18.0 INQUIRIES

Inquiries regarding this solicitation must be submitted in writing to Angela McIntosh-Davis, Team Leader, MCPS Procurement Unit, 45 W. Gude Drive, Suite 3100, Rockville, MD 20850, via fax at

301-279-3173 or email to angela_s_mcintosh-davis@mcpsmd.org. Questions are due 4:00 p.m. on August 6, 2019. Responses will be posted on eMaryland Marketplace and on MCPS' Procurement website on August 9, 2019. The Board will not be responsible for any oral or telephone explanation or interpretation by any agent or employee of MCPS. Any binding information given to a contractor in response to a request will be furnished to all contractors as addenda/errata, if such information is deemed necessary for the preparation of proposals, or if the lack of such information would be detrimental to the uninformed contractors. Only such addenda/errata, when issued by MCPS, will be considered binding on MCPS.

Contact by contractors' with any other MCPS employee regarding this solicitation until the contract is awarded by MCPS will be considered by MCPS as an attempt to obtain an unfair advantage and result in non-consideration of its RFP response. The MCPS Procurement website address is www.montgomeryschoolsmd.org/departments/procurement.

19.0 UNNECESSARILY ELABORATE BROCHURES

Unnecessarily elaborate brochures or other presentations beyond those sufficient to present a complete and effective proposal are not desired and may be construed as an indication of the contractor's lack of cost consciousness. Elaborate art work and expensive visual and other presentation aids are neither necessary nor wanted.

20.0 BID PROTESTS

Any bid protests, including appeals, will be governed by the applicable MCPS Procurement Unit Regulations, as stated in the MCPS Procurement Manual. The burden of production of all relevant evidence, data and documents and the burden of persuasion to support the protest is on the Contractor making the protest.

21.0 CONTRACT

MCPS plans to enter a contractual agreement with Respondent(s) to whom the award is made and intends to make MCPS General Contract Articles, attached hereto and incorporated herein as Appendix A, part of the contractual agreement, except and unless modified by MCPS. In addition, the Contractor will ensure that all private duty nurses abide by the provisions of the MCPS General Contract Articles. Proposals must clearly identify any variances from or objections to the specifications in this RFP and the terms and conditions of the MCPS General Contract Articles. Lacking any response to the contrary, MCPS will infer that the Respondent agrees to the specifications of this RFP and each term and condition of the MCPS General Contract Articles. Respondents should note that any variance may provide a basis for MCPS to reject the proposal. **In particular, the provisions set forth in Articles 5-6, 12-18, 21-22, and 26 of the MCPS General Contract Articles are non-negotiable.**

22.0 NOTICE TO BIDDERS

The appropriate items below must be completed as part of the RFP. Failure to comply may disqualify your bid. Please type or print legibly in ink.

(See Next Page)

I. BIDDER INFORMATION:

As appropriate, check and/or complete one of the items below.

1. Legal name (as shown on your income tax return) _____
2. Business Name (if different from above) _____
3. Tax Identification Number _____

A copy of your W-9 must be submitted with this bid response.

II. BIDDER'S CONTACT INFORMATION: This will be filed as your permanent contact information.

1. Company Name _____
2. Address _____
3. Bid Representative's Name _____
4. Phone Number/Extension _____
5. Fax Number _____
6. Toll Free Number _____
7. Email Address _____
8. Website _____

III. CONTRACTOR'S CERTIFICATION:

Upon notification of award, this document in its entirety is the awarded contractor's contract with MCPS. By signing below, the undersigned acknowledges that he/she is entering into a contract with MCPS.

- A. The undersigned proposes to furnish and deliver supplies, equipment, or services, in accordance with specifications and stipulations contained herein, and at the prices quoted. This certifies that this bid is made without any previous understanding, agreement or connection with any person, firm, or corporation making a bid for the same supplies, materials, or equipment, and is in all respects fair and without collusion or fraud.
- B. I hereby certify that I am authorized to sign for the bidder and that all statements, representations, and information provided in this response to the Request for Proposals, including but not limited to the Non-Debarment Acknowledgement, are accurate.

By (Signature) _____

Name and Title _____

Witness Name and Title _____