

**RFP NYSDOCCS 2013-004:
Subsequent Bidder Questions as of April 29, 2014**

#	Question Received	RFP Reference	DOCCS Response
38	Who will control product pricing at each facility? Will pricing be locally controlled or controlled from central office?		Each product available for sale will be the same price statewide. The available items is a universal buy sheet, absent any other restrictions due to housing location, disciplinary status, etc. The pricing of products will be controlled centrally. The process through which the pricing may change is found in the RFP section 5.4.3 Price Adjustments.
39	Will all items be sold for the same price at each facility or can pricing be adjusted for conditions at each facility?		Each product available for sale will be the same price statewide. The available items is a universal buy sheet, absent any other restrictions due to housing location, disciplinary status, etc. Pricing cannot be adjusted based on any other factors than what's set forth in the RFP section 5.4.3 Price Adjustments.
44	If all orders are bagged individually at the vendors warehouse and delivered to each facility, what function does the POS software perform? Is it for order placement only, with orders being transmitted at a later date To the vendor's central processing facility?		The utilization of the POS software is based on the vendor's solution. The vendor's solution should ensure compliance with the terms of the RFP.
1	It seems as though many vendors offer proprietary brands; how is the department of corrections going to handle the products that are offered only through one vendor? Does not the fact that this RFP's intentions are to purchase from one vendor and one vendor alone limit the very ability to purchase all the necessary products required by the RFP?	Proprietary Brands	The RFP speaks for itself

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17	Could you provide a brief description of how the current commissary operation works?		Inmates are assigned a buy letter when received into a facility. A schedule is posted on each dorm with those letters so the inmate knows what day is his buy day. He receives his buy sheet the day prior, with his Name, Din, Housing Location and spending amount on a label. The inmate will mark which products he wants up to his allowed amount. The sheet gets turned in to the Housing Unit Officer the night before his buy day. The sheets are given to the Commissary the next morning and the buys are put together based on what was marked on the sheet. The inmate goes to the commissary to pick up his buy when his dorm is called and/or when he is not in a program. If he goes over his allotted amount, items are taken off in order from the last item marked. Inmate verifies what he receives and signs an itemized receipt.
30	No delivery on State Holidays. Can you list these Holidays?		<ol style="list-style-type: none"> 1. New Year's Day 2. Martin Luther King Day 3. Lincoln's Birthday 4. Washington's Birthday 5. Memorial Day 6. Independence Day 7. Labor Day 8. Columbus Day 9. Election Day 10. Veterans Day 11. Thanksgiving Day 12. Christmas Day
31	Currently, do any NYSDOCCS operate on any of these Holidays? If so, could you please list them?		DOCCS does not accept deliveries on holidays
63	How many NYSDOCCS are currently assigned to work at commissary windows, manage delivery to inmates and supervise recycling?		Commissary recommended hub staffing is provided in a separate document
13	Can the DOCCS please provide 2013 commissary sales?	General	Approximately \$36 million

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28	Returnable Container Act. How are empty bottles being processed at this time?		Inmates currently return rinsed cans to their facility commissary for a 5 cent credit. Facility returns cans to vendor for a credit on invoices. (Same as #117 - Initial Bidder Questions)
29	If orders are to be delivered to the facility 48 hours prior to being delivered to the Offender, is the Commissary Provider to return at that time to pick up empty bins? Can empty bins be picked up at the next scheduled delivery?	Section 5.7 Page 55	RFP speaks for itself. Please refer to page 55.
35	Does the NYSDOCCA currently have a facility that uses an outside vendor for commissary services? If so, could you list them? Are they self-operation or pick, pack and deliver?		Yes. Edgecombe Correctional Facility. Pick, pack, and deliver.
62	Regarding Attachment I, bottle Deposits and Returns, what is the current system for collecting cans and other recyclables? How many pounds of recycling are produced at each facility each month (on average)?		Inmates currently return rinsed cans to their facility commissary for a 5 cent credit. Facility returns cans to vendor for a credit on invoices. There are no other recyclables. This information is unknown.
16	With technologies changing so frequently, MP3 players are becoming an outdated technology. Will MP4 technologies be acceptable for the bid?	Attachment E	Only MP3 technology will be accepted for this bid. DOCCS recognizes that technology changes. If necessary, DOCCS will work with the winning vendor regarding such changes, over the course of the contract. DOCCS prior approval will be required for ALL such changes.
18	Who is the current telephone provider for the facilities? Is there more than one provider?		The current provider of Inmate Telephone Service is Unisys. The current contract expires in January 2015.
41	Pricing under the terms of the RFP could be significantly different than inmates are currently being charged. How does the State plan to address this with inmates so that sales are not impacted?		DOCCS does not anticipate significant changes in pricing.

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2	<p>Considering the restriction on communication and the fact that this bid approach has been under consideration for several years, does not an unfair advantage remain for any <i>new</i> company coming into the marketplace? At the meeting we discussed the use of retired DOCCS personnel engaging in consulting situations. In essence, if an individual worked on this RFP, retired, and then was hired for consulting purposes, conceivably would not their knowledge of DOCCS preference could be conveyed under these circumstances? This restriction of information from the DOCCS seems as though it does lend itself to a fair, open market approach; where is the transparency in the current process? What encouragement exists in promoting an equal, balanced and fair playing field for all who wish to bid on any and all RFP's? Wouldn't it be more effective, if potential bidders have access to site visits before the submittal of their proposals take place? Once again, due to the restriction on contacting the agencies, would the restrictions give an unfair advantage to the process? Wouldn't any new company coming into the marketplace have an unfair advantage?</p>	Communication	<p>See the response to question # 151 (Initial Bidder Questions). All responsive bids will be evaluated.</p>
3	<p>Evaluation Process: Who and what are the qualifications of the review board of personnel that will grade the submittal? Would it be possible to conduct another meeting with those individuals present? Are any inmate organizations going to be involved in the process for product review?</p>	Evaluation	<p>The evaluation committee will be selected based upon their area of expertise within the agency. The committee members will have varied backgrounds to evaluate the proposals fairly. Meetings will not be held with bidders.</p>
4	<p>Questions: Who and what are the qualifications of the review board of personnel that will grade the submittal? Would it be possible to conduct another meeting with those individuals present? Are any inmate organizations going to be involved in the process for product review?</p>	Questions	<p>Same as Question #3</p>
7	<p>At the Pre-bid, it was stated that Appendix A 'Standard Clauses for NY State Contracts' was the 2012 version. Would the NYDOCCS please provide the 2014 version of this document?</p>		<p>Yes.</p>

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59	<p>In B. 1 in the preface; bidders are clearly instructed that: <i>Pursuant to State Finance Law §§139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between the New York State Department of Corrections and Community Supervision (NYSDOCCS) and an Offerer/Bidder during the procurement process. The Offerer/Bidder is restricted from making contacts from the earliest notice of intent to solicit offers/bids through final award and approval of the Procurement Contract by NYSDOCCS and, if applicable, the Office of General Services, and/or the Office of the State Comptroller (“restricted period”) to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law §139-j(3)(a).</i></p> <p>Will the state please clarify that the restrictions on contacting DOCCS employees apply to lobbyists, contractors and “consultants” as well as to direct employees of any bidder?</p>		Yes, it does.
60	If a bidder has already communicated with DOCCS staff through a paid intermediary since this RFP was issued, must those communications be disclosed under state lobbying laws?	Preface; p.8-9	Yes, see information regarding NY’s Lobbying Law.
61	It has come to our attention that one likely bidder for this contract has engaged a former DOCCS official as part of their pursuit of this contract. Please clarify that the non-communication instructions (quoted above and elsewhere in the RFP) apply to any former DOCCS staff who now work on behalf of a bidder as the rules would to a bidder’s direct employees.	Preface; p. 8 Section 10.1 Page 73	As noted, all vendors are subject to the rules of New York State Finance Law §§139-j and 139-k. Additionally, any former employees working for vendors should consult the New York State Joint Commission on Ethics. Bids must name the employees that will work with DOCCS on the project.
19	<p>Ice Cream and other refrigerated products are to be provided. How that currently being done.</p> <p>The RFP asked for orders to be delivered 48 hours prior to distribution to the offender?</p>		<p>Ice Cream is currently stored in freezers at the facility, some of which are state owned, some of which are provided by the vendor.</p> <p>Yes, that is correct.</p>

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20	How is Ice Cream currently being stored and distributed? Does each facility have a freezer at the facility? If now, will the successful vendor have to provide a freezer to each facility? Who will be responsible for the maintenance of this freezer?	Section 5.4.1	Ice Cream is currently stored in freezers at the facility, some of which are state owned, some of which are provided by the vendor. The product is distributed to the inmate at the commissary window. The RFP does not specify a particular solution for dealing with Ice Cream but requests the bidder to provide a solution which will be evaluated as part of the submission. Equipment and maintenance will be the responsibility of the bidder.
24	If Bidder is to offer Kiosks for Offenders to place orders check balances and review order history, how many Kiosks will be required?		DOCCS recommends at minimum, 1 kiosk per 60 inmates.
25	Should Kiosks be selected by the DOCCS for use in the facilities, who is responsible for the wiring in each facility? (CAT 5 & 110 V)	Section 2.1 Page 26, 28 Section 5.5 Page 50	DOCCS.
26	Any damage to equipment is the sole responsibility of the Vendor. The DOCCS is to take no responsibility for damages by any Offender for equipment supplied by the Vendor?	Section 2.5.2 Page 30	Correct.
27	DOCCS staff will be responsible for the delivery of products to the Offender. Correct?		Correct.
34	Is the NYSDOCCS open to an onsite operation vs. a pick, pack and deliver?		No.
37	Can we get current prices being charged to detainees for all products at all facilities?		This information is not currently available and changes frequently.
42	Will the current spend limit be raised since pricing should increase significantly?		No.
45	Will there be any exceptions at any facility to the bag and deliver system outlined in the RFP?		No. Per the RFP, only ice cream depending on the solution submitted.
46	Other than the 6 facilities defined at the pre-bid meeting, does the State anticipate or know of any additional closures or openings that may occur during the period of the contract?		No.

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47	Will the closing of the six facilities result in a decrease in population or will inmates be sent to other State- run facilities?		Other facilities.
48	Does the State have any analysis explaining why detainee populations decreased but overall spending increased. Were there significant policy or pricing procedures that would account for this?		No
49	How soon after award would the State consider starting a friends and family ordering system, as outlined in the RFP?		Unknown.
50	Would the NYS DOCCS consider doing a "Pilot" program in several of the facilities prior to issuing a contract for the entire state? Perhaps one facility in each Region?		No.
53	Can a single bidder make two proposals in response to this RFP?		No.
54	Will you please confirm that the awarded vendor will be the only route through deposits can be made to inmate accounts? (re: 6.4.4.6)	Section 6.4.4.6	No.

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56	<p>Regarding Section 1.4 in the RFP Main Document which describes the current sales program offering MP3 players to inmates and 5.4.2 on MP3 Technology:</p> <ul style="list-style-type: none"> • How many MP3 players are in the possession of NYSDOCCS inmates at present? • How long have MP3 players been on sale to NYSDOCCS inmates? <ul style="list-style-type: none"> I. Was this service put out to bid or did the DOCCS select a player without bids? II. May we see copies of any evaluations or security reviews of MP3 players that the DOCCS issued during that process? • How many songs were sold in the last twelve months? • Will the current vendor transfer licenses for that content to the provider of the new MP3 players? • If not, must the new vendor supply MP3s to the old devices? Must the new vendor continue to sell MP3s compatible with these devices? • By what protocol are these files encrypted? • What are the selling prices for MP3s and MP3 players under the contract for the current sales program? <p>Please provide the approved digital content list for the current MP3 players and MP3 sales program?</p>		DOCCS does not currently offer MP3 players to the inmate population.

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57	<p>Regarding 2.1 Equipment and Wiring, will you please describe the digital content distribution method for the current MP3 sales program?</p> <ul style="list-style-type: none"> • Are there currently kiosks installed to distribute MP3s? • Who owns the wiring to those kiosks? When was it installed? • Who owns the current inmate-side kiosks (if any)? • Will the DOCCS take ownership of this wiring and kiosks at the end of the current contract? When does the current contract expire? <p>Will the DOCCS provide a network diagram of the network over which digital content is currently distributed? Is the cabling CAT-6?</p>		DOCCS does not currently offer MP3 players to the inmate population.
10	<p>At the Pre-bid, it was stated that 2 facilities have closed since the map of facilities was created in Attachment B and the facility addresses were provided in Attachment C. It was said that 4 more would be closed by the summer of 2014. Would the NYDOCCS please provide an updated Attachment B and Attachment C?</p>		<p>Current Attachment B is can be accessed at: http://www.doccs.ny.gov/mapselec.html</p> <p>See Attachment C – Daily population chart has been updated to 2013.</p>
11	<p>Attachment C provides the Average Daily Population (ADP) for each facility from 2010. ADPs can fluctuate a great deal in 4 years time, especially with facilities closing and inmates being absorbed by other facilities, coupled with the overall downward trend of the inmate population of the NYDOC. Would the NYDOCCS please provide updated ADPs for each facility?</p>		Attached separately
12	<p>Can the DOCCS please provide updated inmate populations by facility?</p>	Attachment C	Attached separately
21	<p>What is the current Offender Management System, and how is it supported?</p>		Current systems written by DOCCS. Now maintained by Office of Information Technology staff supporting DOCCS.
43	<p>Can we receive populations and annual sales for e ach facility for 2013?</p>		<p>Population: Same as original #48</p> <p>Annual Sales: Refer to question 13- page 2 regarding total estimated sales, statewide.</p>
22	<p>How are tobacco products being brought into the facilities and distributed?</p>		Through the commissary, purchased by inmates through vendors or through packages

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32	How are funds currently being received by the facility for the Offender?		Through the mail, packages or visitors
55	Regarding Section 1.3.2 which refers to the selected contractor being responsible for \$15 Million. Can you clarify if this is the average daily cash balance or the cumulative annual deposits to trust accounts or something else?		Annual Average Balance of Trust Fund Accounts
5	Given the fact that there are numerous organizations involved in the correctional industries will there be a financial disclosure of contributions required for the last 3 years or more?		DOCCS does not understand this question.
6	Would the NYDOCCS please confirm that an additional round of questions will be permitted after the vendors receive the answers to the current 152 questions and however many more are submitted by 3 pm EST on Tuesday, April 29 th ? Often times the answers will spawn additional follow up questions that would be beneficial to the entire group of responding vendors and assure that the State receives proposals that are exactly what the NYDOCCS is looking for.		Upon release of this response document, vendors will have until 4 p.m., Monday, June 16, 2014 to submit a request for further clarification of any question answered in this document or regarding the addendum.
8	At the Pre-bid, a question was posed as to whether all subcontracts/parties involved in this contract need to be officially registered with the State of New York or if just the Prime needed to be registered. I believe the conclusion was that only the Prime needed to be officially registered with the State but would the NYDOCCS please confirm this statement?		The entity receiving payment from New York State (the prime vendor) must be registered with NYS and receive a Vendor ID number.
9	At the Pre-bid, Carol Turo was speaking about Appendix G 'Encouraging Use of NYS Businesses in Contract Performance.' It was stated that using NY State businesses as partners, suppliers, subcontractors, etc was 'strongly encouraged.' Will points be awarded for the use or non-use of NYS businesses? Will there be any other form of preferential treatment if a Prime uses NYS businesses to complete this contract?	Section 5.7 Section 10.3.2 Appendix G	The 28 points to be awarded for the Commissary System Solution, section 10.3.2, will include economic benefits to NYS as mentioned in section 5.7 as well as Appendix G.
14	Will there be a cutoff for questions and answers sent by vendors to the DOCCS?	Section 11.1	Upon release of this response document, vendors will have until 4 p.m., Monday, June 16, 2014 to submit a request for further clarification of any question answered in this document or regarding the addendum.

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15	Will the DOCCS allow clarification questions on the vendor questions that were distributed at the pre-bid?	Section 11.1	Upon release of this response document, vendors will have until 4 p.m., Monday, June 16, 2014 to submit a request for further clarification of any question answered in this document or regarding the addendum.
23	Will site visits be required to each of the 54 facilities in NY?	Section 2.6.3	Site visits are to be performed as part to the implementation phase. Once the bidder is selected, DOCCS will coordinate the site visit schedule centrally. See Initial Questions - #31
33	Could you please provide your definition of National Brand Products vs. Generic Brand Products?		Definition is provided in Attachment H-3.
36	The NYSDOCCS will enter into a ten (10) year contract with the successful vendor, yet there is a background check of only three (3) years with that vendor. Why is that?		RFP stands as written.
40	Sale price of products is not specifically addressed in the RFP. What is the State's expectation for pricing given that the awarded vendor will be covering all costs for managing orders, bagging and delivering bags as well as paying for technology?		See RFP section 11.2 and 11.3 (pg.83-84) and other sections of the RFP.
51	Is the MBE/WBE participation pass/fail, or will points be assigned o this in the evaluation. How many points? If a vendor is a few percent short, how many points will bidders be penalized?		RFP stands as written. See section preface, (D);7,Page 15-17 and section 10.2.1 – 10.3.6, Page 77-81
52	In the RFP Main document Section 5.7, the state refers to, "Additional points," for the economic impact in New York; but I do not see these points described in Section 10.3 which gives the scoring rubric. How many points are available for economic impact in New York? Are these a portion of the points for 'Commissary System solution' (Section 10.3.2), or are these indeed additional points above and beyond those listed in the 10.3 rubric.	Section 5.7 Page 52-53 Section 10.3.2 Page 80	The 28 points to be awarded for the Commissary System Solution, section 10.3.2, will include economic benefits to NYS as mentioned in section 5.7 as well as Appendix G.
58	Regarding 2.9.7 and 2.9.8, please clarify that if a company detected or reported a security breach within the last three years that they must disclose it, even if the original breach is now more than three years old.	Section 2.9.7 Section 2.9.8 Page 36	Yes. Security breaches occurring or discovered within the last three years prior to bid submission must be disclosed.

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64	Will the state please provide a copy of the sign-in sheet from the pre-bid meeting?		The names of all attendees will be available on the transcript recorded which will be posted on the Community Supervision website.