

State of Minnesota

Department of Health



REQUEST FOR PROPOSAL

Minnesota Study of Telehealth Expansion and Payment Parity

SWIFT Event #2000013872

Date Posted: March 9, 2023

- Responses must be received no later than March 30, 2023 3:00 p.m. Central Time
- Late responses will not be considered

Minnesota's Commitment to Diversity and Inclusion

The State of Minnesota is committed to diversity and inclusion in its public procurement process. The goal is to ensure that those providing goods and services to the State are representative of our Minnesota communities and include businesses owned by minorities, women, veterans, and those with substantial physical disabilities. Creating broader opportunities for historically under-represented groups provides for additional options and greater competition in the marketplace, creates stronger relationships and engagement within our communities, and fosters economic development and equality.

To further this commitment, the Department of Administration operates a program for Minnesota-based small businesses owned by minorities, women, veterans, and those with substantial physical disabilities. For additional information on this program, or to determine eligibility, please call 651-296-2600 or go to [the Office of Equity in Procurement home page, at www.mn.gov/admin/oep](http://www.mn.gov/admin/oep).

SPECIAL NOTICE: This is a request for proposal. It does not obligate the State of Minnesota to award a contract or complete the proposed program, and the State reserves the right to cancel this solicitation if it is considered in its best interest.

This Solicitation requires proposals to be submitted through the SWIFT Supplier Portal. Please note the security changes below that may impact responders from submitting a timely response.

SWIFT SUPPLIER PORTAL SECURITY CHANGES

There are new security measures that the Minnesota Management and Budget implemented on October 16, 2022. It is a new multi-factor authentication (MFA) to enhance the security of the [State of Minnesota Supplier Portal](#). MFA is an authentication method that requires bidders and suppliers provide two verification factors to log into the SWIFT Supplier Portal. The goal of MFA is to create a layered defense that makes it more difficult for unauthorized system access to occur.

For information about these changes, please refer to the [SWIFT Supplier Portal Multi-Factor Authentication FAQ](#) document.

If you have not done so already, please make sure to log into the SWIFT Supplier Portal as soon as possible to get this authentication set up early so there are no issues when submitting a response to an RFP.

You are strongly encouraged to set your MFA during business hours of 8:00 A.M. to 4:00 P.M., Central Time, Monday through Friday. You may experience delay setting your MFA after hours.

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Solicitation Attachments

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- Attachment B: Exceptions to State's Terms and Conditions
- Attachment C: Cost Detail
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 - Veterans Preference Form
 - Workforce Certification
 - Equal Pay Certificate Form
- Attachment E: References Form

Sample Contract

- Exhibit A: Contract Terms
- Exhibit B: Insurance Requirements
- Exhibit C: Specifications, Duties, and Scope of Work
- Exhibit D: Pricing

SECTION 1 – INSTRUCTIONS TO RESPONDERS

Steps for Completing Your Response	<p>Follow the steps below to complete your response to this Solicitation:</p> <p style="padding-left: 40px;">Step 1: Read the solicitation documents and ask questions, if any</p> <p style="padding-left: 40px;">Step 2: Write your response</p> <p style="padding-left: 40px;">Step 3: Submit your response</p>
Incomplete Submittals	<p>A response must be submitted along with any required additional documents. Incomplete responses that materially deviate from the required format and content may be rejected.</p>
<p>STEP 1 – READ THE SOLICITATION DOCUMENT & ASK QUESTIONS, IF ANY</p>	
How to Ask Questions	<p>The contact person for questions is:</p> <p>Pamela Mink, Director of Health Services Research Minnesota Department of Health - Health Economics Program pam.mink@state.mn.us</p> <p>Questions should be emailed to the contact by Thursday, March 9, 2023. Answers will be uploaded to SWIFT and posted on the MDH telehealth study website (https://www.health.state.mn.us/data/economics/telehealth/index.html) on Thursday, March 16, 2023.</p> <p>Other personnel are not authorized to answer questions regarding this Solicitation.</p>
<p>STEP 2 – WRITE YOUR RESPONSE</p>	
	<p>The Proposal Content is in Section 4. Prepare a written response and supply all requested content. Responses should address the requested information and documents detailed in Section 4. <u>DO NOT INCLUDE</u> Non-Public/Trade Secret data (as defined by Minn. Stat. § 13.37).</p> <p>Review, sign, and include the Responder Declarations with your response.</p>
<p>STEP 3 –SUBMIT YOUR RESPONSE</p>	
Where to Send Your Response	<p>All responses to this solicitation (termed an “Event” within SWIFT) must be submitted through SWIFT using the Supplier portal (https://mn.gov/supplier). Training and documentation on how to submit your response is available through the Supplier portal link above. Fax, e-mail, and printed responses will not be accepted or considered. All costs incurred in responding to this solicitation will be borne by the responder.</p> <p>Late responses will not be considered. Responses received after End Date above will not be considered, even if errors or delays were caused by issues outside of responders’ control. If you</p>

	<p>need assistance please contact the SWIFT Vendor Assistance Helpline at 651-201-8100, Option 1, and then Option 1.</p> <p>By submitting a response, your company is making a binding legal offer for the period of time set forth below in Section 6, Conditions of Offer.</p>

SECTION 2 – SUMMARY OF SCOPE

1. Procurement Overview and Goals.

The Health Economics Program at the Minnesota Department of Health (MDH) requests proposals to conduct an analytic research study as part of a larger legislatively directed telehealth study.

In the 2021 session, the Minnesota Legislature directed the Minnesota Department of Health (MDH) to study telehealth expansion and payment parity (Laws of Minnesota 2021, First Special Session. chapter 7, article 6, section 27). The legislation directs MDH, in consultation with the Minnesota Department of Human Services (DHS) and the Minnesota Department of Commerce (Commerce), to “study the impact of telehealth expansion and payment parity under this article on the coverage and provision of health care services under private sector health insurance.” Within MDH, the Health Economics Program (HEP) is directing the research activities. Further information about this study may be found on the MDH telehealth study website: <https://www.health.state.mn.us/data/economics/telehealth/index.html>

This solicitation is for a research or data analytics vendor team to conduct quantitative analyses of available data in order to address the key telehealth questions as laid out in the Minnesota legislation. Findings from this project will be included in MDH’s report to the legislature and inform legislative deliberations about Minnesota telehealth policy.

While MDH does require the use of Minnesota specific data from the Minnesota All Payer Claims Database (MN APCD), we welcome proposals that include additional relevant data sources, including clinical data, available to the consulting team. Responses must include clear indications of how data not specific to Minnesota could be effective tools to conduct the study and meaningfully inform policy development in Minnesota related to telehealth provisions. Information about the MN APCD may be found on the MDH MN APCD website: <https://www.health.state.mn.us/data/apcd/>

The contract term will begin on April 28, 2023, or within 45 days from Supplier selection, and continue until completion of all tasks and no later than May 31, 2024. The final report summarizing data analyses must be completed and submitted to the state by September 29, 2023 in order to be included in the final report to the legislature due January 2024. The timeline for completing all the tasks listed below should bear these deadlines in mind, and allow for sufficient time for review, input, and approval by MDH.

The contractor will be required to complete analyses using the MN APCD while fulfilling MDH requirements for access to and protection of data in the MN APCD, which includes state access and data security training.

2. Required Tasks and Deliverables.

- a. Provide to MDH a project plan with a detailed schedule of milestones and deliverables that includes ample time for MDH to provide input over the project period and review draft deliverables.
- b. Schedule and lead regular meetings with MDH, including but not limited to the following:
 - i. A kick-off meeting to discuss and finalize the project plan and methodology.
 - ii. Progress update meetings at least twice a month.
 - iii. Meet with and present findings to the Telehealth Study Technical Advisory Group (TAG) (Maximum of two 90-minute meetings).
 - iv. Participate in up to three 60-minute meetings with other MDH research partners involved in the MDH Telehealth study, including actuaries and clinical researchers, to discuss research questions, study methods, and findings.
- c. Complete required security training for access and use of the MN APCD.
- d. Conduct quantitative analyses of the impact of telehealth expansion and payment parity under the Minnesota Telehealth Act (Laws of Minnesota 2021, First Special Session, chapter 7, article 6) on the coverage and provision of health care services under private sector health insurance. The questions from the legislation are listed below. Responders should describe how they will address the following areas of inquiry, including what data sources will be used. **Note:** We do **not** expect responders to be able to answer every single question below but would like to hear **which questions** you propose to answer and what data sources will be used (including the MN APCD), as well as how the proposed analyses will address the questions.
 - i. The impact of telehealth expansion and payment parity on access to health care services, quality of care, health outcomes, patient satisfaction, and value-based payments and innovation in health care delivery.
 - ii. The impact of telehealth expansion and payment parity on reducing health care disparities and providing equitable access to health care services for underserved communities.
 - iii. Whether audio-only communication as a permitted option for delivering services: (i) supports equitable access to health care services, including behavioral health services, for the elderly, rural communities, and communities of color; and (ii) eliminates barriers to care for vulnerable and underserved populations without reducing the quality of care, worsening health outcomes, or decreasing satisfaction with care.
 - iv. The services and populations, if any, for which increased access to telehealth improves or negatively impacts health outcomes.
 - v. The extent to which services provided through telehealth: (i) substitute for an in-person visit; (ii) are services that were previously not billed or reimbursed; or (iii) are in addition to or are duplicative of services that the patient has received or will receive as part of an in-person visit.
 - vi. The impact of telehealth expansion and payment parity, especially in rural areas, on patient access to, and the availability of, in-person care, including specialty care.
- e. Prepare and submit to MDH an interim written summary by July 31, 2023 of study progress and findings that includes:

- i. Key research questions being addressed by the study.
 - ii. Methodology and analytic approach.
 - iii. Preliminary results, including tables and/or figures.
 - iv. Any gaps, barriers, or other limitations.
 - v. Synthesis/interpretation of the initial findings.
 - vi. Suggestions of how findings from this study will inform potential policy recommendations.
- f. Prepare and submit to MDH a final report that summarizes the key study questions, background, methods, results, and discussion of findings from Task 2d. Final report should be written in plain language and include tables and figures as appropriate. Report should follow MDH style guide provided by MDH and found here: <https://www.health.state.mn.us/about/tools/branding.html>) and be in an accessible format per the State of Minnesota Standards found here: https://osp.admin.mn.gov/sites/osp/files/pdf/accessibility_standard.pdf.
- g. Prepare and submit to MDH a PowerPoint presentation with findings (including tables and charts) and takeaways for legislative testimony and other audiences.

Responders are encouraged to propose additional tasks or activities if they will improve the results of the project. These items should be separated from the required items on the Cost Proposal.

SECTION 3 – PROPOSAL INSTRUCTIONS AND ADDITIONAL INFORMATION

1. Anticipated Contract Term.

The term of this contract is anticipated to be from April 28, 2023, or within 45 days from Supplier selection, to May 31, 2024.

2. Question and Answer Instructions.

All questions should be submitted no later than the date and time listed in Section 1 (March 16, 2023), Instructions to Responders. Answers to questions will be uploaded to SWIFT and posted to the [MDH telehealth study website \(https://www.health.state.mn.us/data/economics/telehealth/index.html\)](https://www.health.state.mn.us/data/economics/telehealth/index.html) by Thursday, March 23, 2023. The State is not obligated to answer questions submitted after the questions due date and time.

Only personnel listed above are authorized to discuss this solicitation with Responders. Contact regarding this solicitation with any personnel not listed above could result in disqualification. This provision is not intended to prevent Responders from seeking guidance from state procurement assistance programs regarding general procurement questions.

A webinar for applicants will be held on Monday, March 20, 2023 at 11:00 a.m. Central Time. Webinar details and slides will be posted on the [MDH telehealth study website \(https://www.health.state.mn.us/data/economics/telehealth/index.html\)](https://www.health.state.mn.us/data/economics/telehealth/index.html).

If a responder discovers any significant ambiguity, error, conflict, discrepancy, omission, or other deficiency in the solicitation, please immediately notify the contact person detailed above in writing of such error and request modification or clarification of the document.

3. Additional Tasks or Activities.

Responders are encouraged to propose additional tasks, activities, or goods above and beyond the scope of what is requested in this solicitation if they will substantially improve the results of this procurement. Any costs associated with these additional tasks, activities, or goods should be clearly marked and separated from costs associated with the tasks, activities, or goods specifically required under this solicitation. Because cost is a factor in the evaluation of responses to this solicitation, failure to separate costs for additional tasks, activities, or goods may result in those costs being included in a Responder's cost proposal and result in a lower, thus less competitive, cost score for that proposal.

SECTION 4 – PROPOSAL CONTENT

Please submit the following information:

1. **Project Overview (2-page limit).** Responder should provide a clear and concise summary of the responder's understanding of MDH's needs and intended results, including a description of the value that the responder brings to the project. Responders are advised here and elsewhere that simply restating language from this solicitation is not an adequate response.
2. **Work Plan (10-page limit).** Responder should provide a description of the deliverables to be provided by the Responder along with a detailed work plan that identifies the major tasks to be accomplished and be used as a scheduling and managing tool, as well as the basis for invoicing. This document should NOT list cost detail. If cost detail is included in this document, the State may disqualify the proposal as non-responsive. Responder should provide a statement of the objectives, goals, and tasks to show or demonstrate the responder's view and understanding of the nature of the contract. Responders should address each task and deliverable one by one and may also propose additional tasks or activities if they will improve the results of the project.
3. **Draft Methodology and Analysis Approach (10-page limit).** Responder should provide detailed information about the data sources that will be used (including the Minnesota All Payer Claims Database), proposed measures, units of analysis, stratifications, focus areas (for example, types of visits, specialties, service lines, etc.), and timeline that will be used to answer research questions listed below from the Minnesota Telehealth Act (Laws of Minnesota 2021, First Special Session. chapter 7, article 6). These questions are also listed above in Section 2d i-vii. Responders should clearly indicate which questions from this list they propose to address. **Note:** We do **not** expect responders to be able to answer every single question below but would like to hear which questions you propose to address and what data sources will be used (including the MN APCD), as well as how the analyses will answer the question(s). We are **not** asking for analysis on the impact of telehealth policies on health insurance premiums in this solicitation.
 - 3.1 The impact of telehealth expansion and payment parity on access to health care services, quality of care, health outcomes, patient satisfaction, and value-based payments and innovation in health care delivery.
 - 3.2 The impact of telehealth expansion and payment parity on reducing health care disparities and providing equitable access to health care services for underserved communities.
 - 3.3 Whether audio-only communication as a permitted option for delivering services (i) supports equitable access to health care services, including behavioral health services, for the elderly, rural communities, and communities of color, and (ii) eliminates barriers to care for vulnerable and underserved populations without reducing the quality of care, worsening health outcomes, or decreasing satisfaction with care.
 - 3.4 The services and populations, if any, for which increased access to telehealth improves or negatively impacts health outcomes.
 - 3.5 The extent to which services provided through telehealth: (i) substitute for an in-person visit; (ii) are services that were previously not billed or reimbursed; or (iii) are in addition to or are duplicative of services that the patient has received or will receive as part of an in-person visit.
 - 3.6 The impact of telehealth expansion and payment parity, especially in rural areas, on patient access to, and the availability of, in-person care, including specialty care.
4. **Qualifications and Experience (3 pages plus resumes).** Responder should provide an outline of background and experience with examples of similar work done by the responder and a list of personnel who will conduct the project, detailing their training, and work experience. If applicable, please note how you meet the desired

qualifications listed below. Resumes or other information about project personnel should not, if possible, contain personal telephone numbers, home addresses, or home email addresses. If it is necessary to include personal contact information, please clearly indicate in the response that personal contact information is being provided. Responders should specifically indicate the experiences that satisfy the Mandatory Requirements (listed below and on page 12) for this RFP.

4a. Mandatory qualifications:

- I. At least five (5) years of experience in data analytics.
- II. At least five (5) years of experience in health services research.
- III. Experience from two (2) or more projects that used appropriate International Classification of Diseases (ICD) and Current Procedural Terminology (CPT) codes to distinguish telehealth encounters from in-person encounters in either claims data or clinical data.
- IV. Experience from two (2) or more projects conducting research for or in partnership with states for policy development.

4b. Desired qualifications:

- I. At least three (3) years of experience in medical claims data analytics. Responders should describe this experience briefly and document it by attaching or linking to an example, such as a report or other summary of the research and its findings. [Examples do not count towards the page limit.]
- II. Experience conducting one (1) or more telehealth studies. Responders should describe this experience briefly and document it by attaching or linking to an example, such as a report or other summary of the research and its findings. [Examples do not count towards the page limit.]

5. **References.** Responder should complete and submit "Attachment E: Reference Form" with their response. Responder should submit three (3) completed reference forms with each reference's company name and contact information with their response. Once responder's response is received, the Solicitation Administrator will send the same form to responder's reference(s) for each reference to fill out and return to the Solicitation Administrator.

The State reserves the right to verify the information submitted on Attachment E before an award is made. The State reserves the right to contact the references listed in Attachment E. The solicitation response will be rejected if the State, in its sole discretion, receives information that indicates the Responder is non-responsible or non-responsive.

6. Cost Detail. Complete and submit Attachment C, "Cost Detail," attached to this solicitation.
7. Sample Transaction Documents. [Sample transaction documents will not be scored as part of the evaluation process] Prior to award, a potential successful Responder must submit samples of any transaction documents proposed for use under the resulting contract. The State will review the transaction documents to ensure they contain sufficient detail and to review additional terms and conditions contained therein, if any. The State reserves the right to request additional detail in the transaction documents or to reject additional terms and conditions within transaction documents. Once approved by the State, Contractor may not materially change transaction documents unless a change has been approved in writing by the Commissioner of Administration, as delegated to the Office of State Procurement. Any terms and conditions included in transaction documents but not approved by the State are voidable by the State. Any terms and conditions that are in conflict with Minnesota law or in conflict with the terms of the State Contract are void. Failure to void a non-approved term or condition included in a transaction document does not waive the State's right to void any non-approved term or condition.

Submit all requested documentation, including, but not limited to, the following documents:

1. Attachment A: Responder Declarations
2. Attachment B: Exceptions to State's Standard Terms and Conditions
3. Attachment C: Cost Proposal
4. Attachment D: Responder Forms
 - a. Veterans Preference Form
 - b. Workforce Certification
 - c. Equal Pay Certificate Form
5. Attachment E: Reference Form

DO NOT INCLUDE Non-Public/Trade Secret data (as defined by Minn. Stat. § 13.37).

SECTION 5 – EVALUATION PROCEDURE AND CRITERIA

The State will conduct an evaluation of responses to this Solicitation. The evaluations will be conducted in three phases:

- Phase 1 - Review responses for responsiveness and pass/fail requirements
- Phase 2 - Evaluate responses
- Phase 3 - Select finalist(s)

1. Phase 1 – Review for Responsiveness and Pass/Fail Requirements

The purpose of this phase is to determine if each response complies with mandatory requirements. The State will first review each proposal for responsiveness to determine if the Responder satisfies all mandatory requirements. The State will evaluate these requirements on a pass/fail basis.

Mandatory Requirements. The following will be considered on a pass/fail basis:

- The State (MDH) must receive proposals by the due date and time specified in this RFP.
- Respondents should specifically indicate the experiences that satisfy the qualifications listed here and in Section 4 – Proposal Content, Number 4a Mandatory Qualifications (on page 10) for this RFP:
 - At least five (5) years of experience in data analytics.
 - At least five (5) years of experience in health services research.
 - Experience from two (2) or more projects that used appropriate International Classification of Diseases (ICD) and Current Procedural Terminology (CPT) codes to distinguish telehealth encounters from in-person encounters in either claims data or clinical data.
 - Experience from two (2) or more projects conducting research for or in partnership with states for policy development.

2. Phase 2 - Evaluate Responses

Only those responses found to have met Phase 1 criteria will be considered in Phase 2.

The factors and weighting on which responses will be evaluated are:

1. Project Overview	50 points
2. Work Plan for Deliverables	50 points
3. Draft Methodology and Analysis Approach	300 points
4. Qualifications and Experience	250 points
5. References	50 points
6. Cost Detail	<u>300 points</u> 1000 points
7. Preference Points (if applicable)	60 points (in addition to 1,000 available)

Preference points are described under Solicitation Terms (Section 6 item 13 and in Attachment D) and will be applied to the total score after points have been awarded.

3. Phase 3 - Select Finalist(s)

Only those responses that have been evaluated under Phase 2 shall be eligible for Phase 3.

The State will make its selection based on best value, as determined by this evaluation process. The State reserves the right to pursue negotiations on any exception taken to the State's standard terms and conditions. In the event that negotiated terms cannot be reached, the State reserves the right to terminate negotiations and begin negotiating with

the next highest scoring responder or take other actions as the State deems appropriate. If the State anticipates multiple awards, the State reserves the right to negotiate with more than one Responder.

It is anticipated that the evaluation and selection will be completed by April 17, 2023.

SECTION 6 – SOLICITATION TERMS

1. Competition in Responding

The State desires open and fair competition. Questions from responders regarding any of the requirements of the Solicitation must be submitted in writing to the Solicitation Administrator listed in the Solicitation before the due date and time. If changes are made the State will issue an addendum.

Any evidence of collusion among responders in any form designed to defeat competitive responses will be reported to the Minnesota Attorney General for investigation and appropriate action.

2. Addenda to the Solicitation

Changes to the Solicitation will be made by addendum with notification and posted in the same manner as the original Solicitation. Any addenda issued will become part of the Solicitation.

3. Data Security - Foreign Outsourcing of Work is Prohibited

All storage and processing of information shall be performed within the borders of the United States. This provision also applies to work performed by subcontractors at all levels.

4. Joint Ventures

The State allows joint ventures among groups of responders when responding to the solicitation. However, one responder must submit a response on behalf of all the others in the group. The responder that submits the response will be considered legally responsible for the response (and the contract, if awarded).

5. Withdrawing Response

A responder may withdraw its response prior to the due date and time of the Solicitation. For solicitations in the SWIFT Supplier Portal, a responder may withdraw its response from the SWIFT Supplier Portal. For solicitations done any other way, a responder may withdraw its response by notifying the Solicitation Administrator in writing of the desire to withdraw.

After the due date and time of this Solicitation, a responder may withdraw a response only upon showing that an obvious error exists in the response. The showing and request for withdrawal must be made in writing to Solicitation Administrator within a reasonable time and prior to the State's detrimental reliance on the response.

6. Rights Reserved

The State reserves the right to:

- Reject any and all responses received;
- Waive or modify any informalities, irregularities, or inconsistencies in the responses received;
- Negotiate with the highest scoring Responder[s];
- Terminate negotiations and select the next response providing the best value for the State;
- Consider documented past performance resulting from a State contract may be considered in the evaluation process;
- Short list the highest scoring Responders;
- Require Responders to conduct presentations, demonstrations, or submit samples;
- Interview key personnel or references;
- Request a best and final offer from one or more Responders;

- The State reserves the right to request additional information ; and
- The State reserves the right to use estimated usage or scenarios for the purpose of conducting pricing evaluations. The State reserves the right to modify scenarios, and to request or add additional scenarios for the evaluation.

7. Samples and Demonstrations

Upon request, Responders are to provide samples to the State at no charge. Except for those destroyed or mutilated in testing, the State will return samples if requested and at the Responder's expense. All costs to conduct and associated with a demonstration will be the sole responsibility of the Responder.

8. Responses are Nonpublic during Evaluation Process

All materials submitted in response to this Solicitation will become property of the State. During the evaluation process, all information concerning the responses submitted will remain private or nonpublic and will not be disclosed to anyone whose official duties do not require such knowledge. Responses are private or nonpublic data until the completion of the evaluation process as defined by Minn. Stat. § 13.591. The completion of the evaluation process is defined as the State having completed negotiating a contract with the selected responder. The State will notify all responders in writing of the evaluation results.

9. Trade Secret Information

9.1 Responders must not submit as part of their response trade secret material, as defined by Minn. Stat. § 13.37.

9.2 In the event trade secret data are submitted, Responder must defend any action seeking release of data it believes to be trade secret, and indemnify and hold harmless the State, its agents and employees, from any judgments awarded against the State in favor of the party requesting the data, and any and all costs connected with that defense.

9.3 The State does not consider cost or prices to be trade secret material, as defined by Minn. Stat. § 13.37.

9.4 A responder may present and discuss trade secret information during an interview or demonstration with the State, if applicable.

10. Conditions of Offer

Unless otherwise approved in writing by the State, Responder's cost proposal and all terms offered in its response that pertain to the completion of professional and technical services and general services will remain firm for 180 days, until they are accepted or rejected by the State, or they are changed by further negotiations with the State prior to contract execution.

11. Award

Any award that may result from this solicitation will be based upon the total accumulated points as established in the solicitation. The State reserves the right to award this solicitation to a single Responder, or to multiple Responders, whichever is in the best interest of the State, providing each Responder is in compliance with all terms and conditions of the solicitation. The State reserves the right to accept all or part of an offer, to reject all offers, to cancel the solicitation, or to re-issue the solicitation, whichever is in the best interest of the State.

12. Requirements Prior to Contract Execution

Prior to contract execution, a responder receiving a contract award must comply with any submittal requests. A submittal request may include, but is not limited to, a Certificate of Insurance.

13. Targeted Group, Economically Disadvantaged Business, Veteran-Owned and Individual Preference

Unless a greater preference is applicable and allowed by law, in accordance with Minn. Stat. § 16C.16, businesses that are eligible and certified by the State as targeted group (TG) businesses, economically disadvantaged (ED) businesses, and veteran-owned businesses will receive points equal to 6% percent of the total points available as preference.

For TG/ED/VO certification and eligibility information visit [the Office of Equity in Procurement website at https://mn.gov/admin/business/vendor-info/oep/](https://mn.gov/admin/business/vendor-info/oep/) or call the Division's Helpline at 651.296.2600.

14. Reciprocity

State shall comply with Minn. Stat. § 16C.06, subd. 7, as that applies to a non-resident vendor. This paragraph does not apply for any project in which federal funds are expended.

ATTACHMENT A: RESPONDER DECLARATIONS

The undersigned certifies, to the best of his or her knowledge and belief, that:

- A. **Response Contents.** The information provided is true, correct, and reliable for purposes of evaluation for potential contract award. The submission of inaccurate or misleading information may be grounds for disqualification from the award as well as subject the Responder to suspension or debarment proceedings as well as other remedies available by law
- B. **Authorized Signature.** This Declaration is signed by the appropriate person(s), with the authority to contractually bind the Responder, as required by applicable articles, bylaws, resolutions, minutes, and ordinances.
- C. **Non-Collusion Certification.**
2. The Proposal has been arrived at by the Responder independently and has been submitted without collusion and without any agreement, understanding or planned common course of action with any other vendor designed to limit fair or open competition; and
 3. The contents of the Response have not been communicated by the Responder or its employees or agents to any person not an employee or agent of the Responder and will not be communicated to any other individual prior to the due date and time of this Solicitation. Any evidence of collusion among Responders in any form designed to defeat competitive responses will be reported to the Minnesota Attorney General for investigation and appropriate action.
- D. **Organizational Conflicts of Interest.** To the best of Responder's knowledge and belief, and except as otherwise disclosed, there are no relevant facts or circumstances which could give rise to an organizational conflict of interest. An organizational conflict of interest exists when, because of existing or planned activities or because of relationships with other persons,
1. a vendor is unable or potentially unable to render impartial assistance or advice to the State;
 2. the vendor's objectivity in performing the contract work is or might be otherwise impaired; or
 3. the vendor has an unfair competitive advantage.
- If after award, an organizational conflict of interest is discovered, an immediate and full disclosure in writing must be made to the State's Chief Procurement Officer which must include a description of the action which the contractor has taken or proposes to take to avoid or mitigate such conflicts. If an organizational conflict of interest is determined to exist, the State may, at its discretion, cancel the contract. In the event the Contractor was aware of an organizational conflict of interest prior to the award of the contract and did not disclose the conflict to OSP, the State may terminate the contract for default. Organizational conflicts of interest terms apply to any subcontractors for this work.
- E. **Copyrighted Material Waiver.** By signing its Response, the Responder certifies that it has obtained all necessary approvals for the reproduction and distribution of the contents of its response.
- F. **Diverse Spend Reporting.** The Sample Contract contains a clause for Diverse Spend Reporting. When this clause applies, Contractor will be required to register in a free portal to report diverse spend.

Please see [Diverse Spend Reporting Frequently Asked Questions](#) for additional information.

By signing this form, Responder acknowledges and certifies compliance with all applicable requirements indicated above.

Company Name: _____

Signature: _____

Printed Name: _____

Title: _____

Date: _____

Phone Number: _____

Email Address: _____

ATTACHMENT B: EXCEPTIONS TO STATE'S TERMS AND CONDITIONS

The State presumes a responder agrees to the terms and conditions of this solicitation unless a responder takes specific exception to one or more of the conditions on this form.

The State reserves the right to reject, negotiate, or accept any exception listed to the State's terms and conditions (including those found in the attached Sample Contract).

INSTRUCTIONS: A responder must explicitly list all exceptions to State's terms and conditions, if any (including those found in the attached Sample Contract). Reference the clause number and page number of the State's term and condition for each of a responder's exceptions. If no exceptions exist, state "NONE" specifically on the form below. Whether or not exceptions are taken, the Responder must sign and date this form and submit it as part of their response. *(Add additional pages if necessary.)*

Clause and Page Number	Suggested Change to Clause	Explanation or Justification

By signing this form, I acknowledge that the above-named responder accepts, without qualification, all terms and conditions stated in this solicitation (including the sample contract) except those clearly outlined as exceptions above.

Signature: _____

Printed Name: _____

Title: _____

Date: _____

ATTACHMENT C: COST DETAIL

Responders must submit Attachment C “Cost Detail” form to submit their Cost Proposal. The rate(s) identified in the Cost Proposal must include all costs, including but not limited to: travel expenses, mass mailings, fees, commissions, compensation, equipment and other charges. Responders must also include line items for each major task and deliverable.

Identify the level of the State’s participation in the contract and details of cost allowances for this participation. The State does not make regular payments based solely upon the passage of time; it only pays for services performed or work delivered after it is accomplished.

Submit the Attachment C: Cost Proposal as a separate document(s) from your technical response for all copies of the Proposal. Do not include any cost information in the Technical Proposal part of the response. The Proposal must be open for acceptance until a contract is executed, the Solicitation is cancelled, or 180 days after the due date and time of the Solicitation, whichever comes first.

ATTACHMENT D: RESPONDER FORMS

**STATE OF MINNESOTA
VETERAN-OWNED PREFERENCE FORM**

Unless a greater preference is applicable and allowed by law, in accordance with Minn. Stat. §16C.16, subd. 6a, the State will award a 6% preference on State procurement to certified small businesses that are majority owned and operated by veterans.

Veteran-Owned Preference Requirements - See Minn. Stat. § 16C.19(d):

- 1) The business has been certified by the Office of Equity in Procurement as being a veteran-owned or service-disabled veteran-owned small business.

or

- 2) The principal place of business is in Minnesota AND the United States Department of Veterans Affairs verifies the business as being a veteran-owned or service-disabled veteran-owned small business under Public Law 109-461 and Code of Federal Regulations, title 38, part 74 (Supported By Documentation).

Statutory requirements and appropriate documentation must be met **by the solicitation response due date and time** to be awarded the veteran-owned preference.

Claim the Preference

By signing below, I confirm that:

My company is claiming the veteran-owned preference afforded by Minn. Stat. § 16C.16, subd. 6a. By making this claim, I verify that:

- The business has been certified by the Office of Equity in Procurement as being a veteran-owned or service-disabled veteran-owned small business.

or

- My company's principal place of business is in Minnesota **and** the United States Department of Veteran's Affairs verifies my company as being a veteran-owned or service-disabled veteran-owned small business (Supported By Attached Documentation)

Name of Company: _____ Date: _____

Authorized Signature: _____ Telephone: _____

Printed Name: _____ Title: _____

Attach documentation, sign, and return this form with your solicitation response to claim the veteran-owned preference.

Workforce and Equal Pay Declaration Page

This form is **required for all businesses** executing government contracts under the following:

15. Select one:

- Businesses executing a contract with **State or Metropolitan agencies** in excess of \$100,000 ([Workforce Certificate](#)) and if applicable \$500,000 ([Equal Pay Certificate](#))
- Businesses executing a contract with **University of Minnesota** for general obligation bond funded capital projects in excess of \$100,000 ([Workforce Certificate](#)) and if applicable \$500,000 ([Equal Pay Certificate](#))
- Businesses executing a contract with **Political Subdivisions** for general obligation bond funded capital projects in excess of \$250,000 ([Workforce Certificate](#)) and if applicable \$1,000,000 ([Equal Pay Certificate](#))

Select all that apply:

16. We are a Certificate holder:

- Workforce Certificate under the name: _____
- Equal Pay Certificate under the name: _____

17. We are applying/have applied for the following certificate(s):

- Workforce Certificate Application date (MM/DD/YYYY): _____
- Equal Pay Certificate Application date (MM/DD/YYYY): _____

18. We have not applied for one or both certificates:

- Our Company does not yet have a Workforce Certificate or Equal Pay Certificate. We acknowledge that a Workforce and, if applicable, Equal Pay Certificate, or approved exemption by MDHR is required before a contract can be executed.

19. We are Exempt:

- We attest to MDHR that we have not employed 40 or more employees on a single day during the prior 12 months in Minnesota or the state in where we have our primary place of business. MDHR may request the names of our employees during the previous 12 months, the date of separation, if applicable, and the current employment status and count.

20. Business Information

Vendor/Supplier ID	Business Name	Name of Contracting Agency
Authorized Signatory Name	Title	Date
Signature	Email	Phone

For assistance with this form, email the Minnesota Department of Human Rights Compliance.MDHR@state.mn.us

