



New Hampshire

# Department of Education

**STATE OF NEW HAMPSHIRE  
DEPARTMENT OF EDUCATION**

**RFP #BSW-2021-01**

**Children's Mental Health Awareness May Programming & Training  
RFP 2021**

The New Hampshire Department of Education does not discriminate on the basis of race, color, religion, marital status, national/ethnic origin, age, sex, sexual orientation, or disability in its programs, activities and employment practices. This statement is a reflection of the Department of Education and refers to, but is not limited to, the provisions of the following laws: Title IV, VI and VII of the Civil Rights Act of 1964-race color, national origin, The Age Discrimination in Employment Act of 1967, The Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972 (Title IX)-sex, Section 504 of the Rehabilitation Act of 1973 (Section 504)-disability, The Americans with Disabilities Act of 1990 (ADA)-disability, and NH Law against discrimination (RSA 354-A).

Auxiliary aids and services are available upon request to individuals with disabilities

## Section 1 – Overview and Schedule

### A. Purpose

The purpose of this RFP is to seek proposals from individuals, agencies, or organizations (hereafter referred to as “applicant(s)”) to work in conjunction with the NH Department of Education, Bureau of Student Wellness to provide programming and promotion activities in support of children’s mental health, free of charge to NH education entities and communities, during the month of May, which is Mental Health Awareness Month. The goals of this effort include:

- 1) Coordination and execution of programs, events, and/or activities during the month of May that measurably improve youth mental health knowledge acquisition and attitudinal change (stigma-busting) among NH residents
- 2) Coordination and execution of evidence-based mental health trainings statewide during the month of May, with attention paid to the unique strengths, needs, and cultural considerations of the Department’s five regions (North Country, Lakes Region, Southwest, Southcentral, and Southeast), that measurably improve youth mental health knowledge acquisition and attitudinal change (stigma-busting) among NH residents

In order to leverage resources and to maximize the implementation of a training program with fidelity in a short span of time, the successful applicant will discuss how it will expand at least one evidence-based program (EBP) currently being implemented in NH during the month of May. Possible trainings to propose could be: Youth Mental Health First Aid, NAMI CONNECT, Signs of Suicide, More Than Sad, etc. EBPs need not focus exclusively on suicide prevention, but the successful application will explain how the training(s) proposed will support school, districts, and public chartered schools to meaningfully comply with RSA:193-J, the Suicide Prevention Education law.

The successful applicant will demonstrate its alignment with system of care values by addressing youth, family, and community involvement; trauma-informed practices; and cultural and linguistic competency in its proposed implementation plan.

### B. Schedule

EVENT	DATE	LOCAL TIME
RFP Released to Proposers	January 11,2021	4:00 PM
Proposer Inquiry Period Ends	January 29,2021	4:00 PM
Final Agency Responses to Proposer Inquiries	January 18,2021	4:00 PM
Questions and Answers posted to website	January 22,2021	4:00 PM
Proposers Submit Proposals	January 29,2021	4:00 PM
Estimated Notification of Selection	February 5,2021	4:00 PM

## **Section 2 - Description of Agency/Program Issuing the Request for Proposals**

The work of the Office of Social & Emotional Wellness (OSEW) is focused on health and wellness-with an emphasis on behavioral health of all students, youth, and families. The OSEW has had significant experience leading and managing large, transformative projects, including both state and federal grants. The OSEW uses, as the foundation of all of its work, NH's Multi-Tiered Systems of Support for Behavioral Health and Wellness (MTSS-B) model. The partnerships created as a result of this work have created an environment of mutual learning and a common approach to scale-up and sustainability that focuses on activities reflective of NH's cultural norms, including that of "local control" in education.

### **Section 3 – Proposed Scope of Work**

#### **SERVICES TO BE PROVIDED:**

The applicant will provide the following services relative to this Request for Proposal and consistent with the Minimum Requirements.

- In cooperation with the Bureau of Student Wellness, coordinate an array of youth mental and behavioral health programs, events, and/or campaigns and evidence-based trainings in accordance with goals stated above under “Purpose.”
- Align this work with other initiatives, committees and agencies/organizations to enhance outcomes and avoid duplicative efforts. Potential partners include the Bureau of Student Wellness; the New Hampshire Family and School Partnerships; the Bureau of Drug and Alcohol Services; Partnership for a Drug Free NH; the Governor’s Prevention Task Force; the Regional Public Health System; the Governor’s Youth Council; the NH National Guard Counter Drug Task Force; New Futures
- Provide a timeline for the project that includes major milestones. This timeline must include the activities that will be implemented, the resources that will be used to implement them, and the expected outcome(s) of each activity.
- An evaluation plan that includes the data collection tool(s) to be used to evaluate: a) indicators as required by Federal funding and Bureau practices (see Reporting) and b) measurable improvements in mental health knowledge acquisition and attitudinal change across stakeholders

## **Section 4 – Process for Submitting a Proposal**

### **A. Proposal Submission, Deadline, and Location Instructions**

Proposals submitted in response to this RFP must be received by the Bureau of Student Wellness, Office of Social Emotional Wellness, no later than the time and date specified in the Schedule section, herein. Proposals may be electronically.

Proposals must be addressed to: Jennifer Doris [Jennifer.f.doris@doe.nh.gov](mailto:Jennifer.f.doris@doe.nh.gov)

Proposals must be clearly marked as follows in the subject line:

**RFP #BSW-2021-01  
Children’s Mental Health Awareness May Programming & Training**

Unless waived as a non-material deviation in accordance with Section 6B, late submissions will not be accepted and will be returned to the proposers unopened. Delivery of the Proposals shall be at the Proposer’s expense. The time of receipt shall be considered when a Proposal has been officially documented by the Agency, in accordance with its established policies, as having been received at the location designated above. The Agency accepts no responsibility for mislabeled mail or mail that is not delivered or undeliverable for whatever reason. Any damage that may occur due to shipping shall be the Proposer’s responsibility.

All Proposals submitted in response to this RFP must consist of at least:

- a) One clearly identified electronic copies of the Proposal, including all required attachments contained as either a word document or a pdf.

Proposers who are ineligible to bid on proposals, bids or quotes issued by the Department of Administrative Services, Division of Procurement and Support Services pursuant to the provisions of RSA 21-I:11-c shall not be considered eligible for an award under this proposal.

### **B. Proposal Inquiries**

All inquiries concerning this RFP, including but not limited to, requests for clarifications, questions, and any changes to the RFP, shall be submitted via email to the following RFP designated Points of Contact:

Jennifer Doris [Jennifer.f.doris@doe.nh.gov](mailto:Jennifer.f.doris@doe.nh.gov)

Inquiries must be received by the Agency's RFP Points of Contact no later than the conclusion of the Proposer Inquiry Period (see Schedule of Events section, herein). Inquiries received later than the conclusion of the Proposer Inquiry Period shall not be considered properly submitted and may not be considered.

The Agency intends to issue official responses to properly submitted inquiries on or before the date specified in the Schedule section, herein; however, this date is subject to change at the Agency's discretion. The Agency may consolidate and/or paraphrase questions for sufficiency and clarity. The Agency may, at its discretion, amend this RFP on its own initiative or in response to issues raised by inquiries, as it deems appropriate. Oral statements, representations, clarifications, or modifications concerning the RFP shall not be binding upon the Agency.

Official responses by the Agency will be made only in writing by the process described above. Vendors shall be responsible for reviewing the most updated information related to this RFP before submitting a proposal.

### **C. Restriction of Contact with Agency Employees.**

From the date of release of this RFP until an award is made and announced regarding the selection of a Proposer, all communication with personnel employed by or under contract with the Agency regarding this RFP is forbidden unless first approved by the RFP Points of Contact listed in the Proposal Inquiries section, herein. Agency employees have been directed not to hold conferences and/or discussions concerning this RFP with any potential contractor during the selection process, unless otherwise authorized by the RFP Points of Contact. Proposers may be disqualified for violating this restriction on communications.

### **D. Validity of Proposal**

Proposals must be valid for one hundred and eighty (180) days following the deadline for submission of Proposals in Schedule of Events, or until the Effective Date of any resulting Contract, whichever is later.

## **Section 5 - Content and Requirements for a Proposal**

### **MINIMUM REQUIREMENTS:**

In order to be considered for funding, the applicant must include evidence of the following minimum requirements. This may include both a written narrative as well as up to three (3) letters of recommendation.

- Comprehensive knowledge of best practices in youth mental health promotion, and mental illness and substance misuse prevention
- Experience promoting and delivering training experiences for diverse audiences
- Experience creating, marketing, and assessing programs, events, and/or campaigns that reach diverse audiences
- Alignment with and ability to leverage other initiatives, committees and agencies / organizations to enhance the project.
- Ability to work with representatives from State agencies, partner organizations, school districts, families, and other stakeholders
- Effective communication skills (oral and written)
- Demonstrate fiscal management capacity, including the requesting of funds from the Department as well as oversight and dissemination of resources (fiscal and other) to project participants (to include staff)

### **REPORTING:**

The successful applicant shall provide the Bureau of Student Wellness with the following:

- **Monthly Reporting:** Reports to be submitted with each invoice requesting payment will outline
  - a) activities conducted;
  - b) how the project met Services to be Provided;
  - c) data required by Federal funding and/or the Bureau:
- Program/training details (i.e. host or partner organization, if applicable; date, time; location/region; training method; number of participants, etc.)
- Attendee demographics (i.e. participant title/role, mental health or related workforce designation, etc.)

**Project Completion Report:**

Report due 30 days after the completion of the project. This report will include a comprehensive overview of the entire project and will be used to determine a contract amendment for continuing services, if applicable.

- Report must include, at minimum:
  - a) The accomplishments and challenges of the project
  - b) Detailed evaluation data capturing project goals (e.g. measureable improvements in mental health knowledge acquisition and attitudinal change across stakeholders)

**CONFLICTS OF INTEREST:**

The successful applicant will inform the Department of any conflicts of interest (appearance of, or actual) prior to accepting the contract or while engaged in the contract

**TERMS & CONDITIONS:**

- The State shall not be responsible for or pay any costs incurred by the bidder in the preparation of the proposal submitted in response to this RFP.
- The NHDOE reserves the right to seek clarification of any information contained in a proposal submitted in response to this RFP.
- The NHDOE reserves the right to reject any and all proposals submitted in response to this RFP. In addition, the distribution of this RFP shall not commit the State to issue a contract.
- If the NHDOE chooses to award a contract in response to this RFP, the successful bidder shall be notified by letter. The NHDOE shall then develop a contract for Governor and Council approval. The contract shall incorporate, by reference, all provisions of this RFP and the successful bidder's proposal. In preparing a contract with the successful bidder, the NHDOE reserves the right to clarify any terms and conditions contained in the proposal.
- Public announcements or news releases pertaining to the award of a contract shall not be made until approved by the Governor and Council.
- The State shall not be responsible for any work performed by the successful bidder prior to the effective date of a contract approved by Governor and Council.
- All obligations of the State, including the continuance of payments under an approved contract shall be contingent upon the availability and continued appropriation of State, federal or other funds and in no event shall the State be liable for any payments in excess of such available appropriated funds. In the event of a reduction or termination of those funds, the State shall have the right to withhold payment until such funds become available, if ever, and shall have the



right to terminate or amend the contract immediately upon giving the contractor notice of such termination or amendment.

- When delivering services under an approved contract, the contractor shall work under the broad supervision of the NHDOE Contracting Officer for this project.
- Unless otherwise deleted or modified by mutual agreement between the State and the contractor, all general provisions contained within the Form P-37 (see Attachment A) shall be incorporated into the contract.
- The NHDOE expects to award a contract to the successful bidder. Unless there is a change in the program requirements and/or services to be delivered, the cost for this contract shall not exceed the amount bid in response to the Services to be Provided section of this RFP. The maximum contracted cost that will occur shall not exceed the amount bid in response to the Services to be Provided section of this RFP.
- The successful bidder will be required to provide the Department with the following information:
  - A recent financial statement, and
  - A Certificate of Existence from the Secretary of State's Office

In addition, the successful bidder will need to submit a Certificate of Authority authorizing the company to do business with the State of New Hampshire, Department of Education at the time the contract is signed.

- “Any information submitted as part of a bid in response to this request for proposal (RFP) (or request for bid (RFB) or request for information (RFI) may be subject to public disclosure under RSA 91-A. In addition, in accordance with RSA 9-F:1, any contract entered into as a result of this RFP (RFI, or RFB) will be made accessible to the public online via the website Transparent NH (<http://www.nh.gov/transparentnh/>). Accordingly, business financial information and proprietary information such as trade secrets, business and financials models and forecasts, and proprietary formulas may be exempt from public disclosure under RSA 91-A:5, IV. If you believe any information being submitted in response to a request for proposal, bid or information, should be kept confidential as financial or proprietary information, you must specifically identify that information in a letter to the agency.”

## **Audit:**

### §200.501 Audit Requirements

- (a) Audit required. A non-Federal entity that expends \$750,000 or more during the non-Federal entity's fiscal year in Federal awards must have a single or program-specific audit conducted for that year in accordance with the provisions of this part.

- (b) Single audit. A non-Federal entity that expends \$750,000 or more during the non-Federal entity's fiscal year in Federal awards must have a single audit conducted in accordance with §200.514 Scope of audit except when it elects to have a program-specific audit conducted in accordance with paragraph (c) of this section.
- (c) Program-specific audit election. When an auditee expends Federal awards under only one Federal program (excluding R&D) and the Federal program's statutes, regulations, or the terms and conditions of the Federal award do not require a financial statement audit of the auditee, the auditee may elect to have a program-specific audit conducted in accordance with §200.507 Program-specific audits. A program-specific audit may not be elected for R&D unless all of the Federal awards expended were received from the same Federal agency, or the same Federal agency and the same pass-through entity, and that Federal agency, or pass-through entity in the case of a sub recipient, approves in advance a program-specific audit.
- (d) Exemption when Federal awards expended are less than \$750,000. A non-Federal entity that expends less than \$750,000 during the non-Federal entity's fiscal year in Federal awards is exempt from Federal audit requirements for that year, except as noted in §200.503 Relation to other audit requirements, but records must be available for review or audit by appropriate officials of the Federal agency, pass-through entity, and Government Accountability Office (GAO).
- (e) Federally Funded Research and Development Centers (FFRDC). Management of an auditee that owns or operates a FFRDC may elect to treat the FFRDC as a separate entity for purposes of this part.
- (f) Sub-recipients and Contractors. An auditee may simultaneously be a recipient, a sub-recipient, and a contractor. Federal awards expended as a recipient or a sub-recipient are subject to audit under this part. The payments received for goods or services provided as a contractor are not Federal awards. Section §200.330 Sub-recipient and contractor determinations sets forth the considerations in determining whether payments constitute a Federal award or a payment for goods or services provided as a contractor
- (g) Compliance responsibility for contractors. In most cases, the auditee's compliance responsibility for contractors is only to ensure that the procurement, receipt, and payment for goods and services comply with Federal statutes, regulations, and the terms and conditions of Federal awards. Federal award compliance requirements normally do not pass through to contractors. However, the auditee is responsible for ensuring compliance for procurement transactions which are structured such that the contractor is responsible for program compliance or the contractor's records must be

reviewed to determine program compliance. Also, when these procurement transactions relate to a major program, the scope of the audit must include determining whether these transactions are in compliance with Federal statutes, regulations, and the terms and conditions of Federal awards.

(h) For-profit sub-recipient. Since this part does not apply to for-profit sub-recipients, the pass-through entity is responsible for establishing requirements, as necessary, to ensure compliance by for-profit sub-recipients. The agreement with the for-profit sub-recipient must describe applicable compliance requirements and the for-profit sub-recipient's compliance responsibility. Methods to ensure compliance for Federal awards made to for-profit sub-recipients may include pre-award audits, monitoring during the agreement, and post-award audits. See also §200.331 Requirements for pass-through entities.  
[78 FR 78608, Dec. 26, 2013, as amended at 79 FR 75887, Dec. 19, 2014]

- **Debarment and Suspension**

Organization/Individual submitting a proposal will comply with the provision of the US Code of Federal Regulations 34 CFR 364 and the following US Circular if applicable: Office of Management and Budget (OMB) Circular A-110 "Uniform Administrative Non-Profit Organizations.

The bidder/offer or certifies, by submission of this proposal or acceptance of this contract, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency. It further agrees by submitting this proposal that it will include this clause without modification in all lower tier transactions, solicitations, proposals, contracts, and subcontracts. Where the bidder/offer or/contractor or any lower their participant is unable to certify to this statement, it shall attach an explanation to this solicitation/proposal.

- **Copyrights**

The Department reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use, for Department of Education purposes:

- (a) The copyright in any work developed under a grant, sub grant, or contract under a grant or contract under a grant or sub grant; and
- (b) Any rights of copyright to which a grantee, sub grantee or a contractor purchases ownership with grant support.

## **LIMITATIONS ON AMOUNT AND CONTRACT PERIOD**

- The Department expects to award one (1) contract effective upon Governor & Council approval to the successful applicant. Unless there is a change in the plan requirements and/or services to be delivered, the cost for the contract shall not exceed \$25,000.00.

### **Section 6 – Evaluation of Proposals**

#### **A. Criteria for Evaluation and Scoring**

##### **Post Submission Deadline**

After the submission deadline, the Department will post on its website the number of proposals that it received from vendors.

After the Department's review and selection of a vendor, it will post all vendor names and their rank or score five days prior to submission of the Governor and Council contract packet to the Department of Administrative Services.

A vendor questioning the Department's identification of the selected vendor may request that the Department review its selection process. The request shall be in writing and be submitted to the Department within five (5) business days of the posting of the bid results, rank or score.

The Department has five (5) business days to review the request and issue a written response either affirming its initial selection of a vendor or cancelling the RFP. No hearing shall be held as part of the review. The outcome of the Department's review is not subject to appeal.

Each responsive Proposal will be evaluated and considered with regard to the following criteria:

- Minimum Requirements,
- Quality of Services

If the Agency, determines to make an award based on these evaluations, the Agency will notify the selected Proposer(s). Should the Agency be unable to reach agreement with the selected Proposer(s) during Contract discussions, the Agency may then undertake Contract discussions with the next preferred Proposer and so on, or the Agency may reject all proposals, cancel this RFP, or solicit new Proposals under a new acquisition process.

The Agency will use a scoring scale of 100 points, a maximum of 15 points awarded based on the Technical Proposal, a maximum of 85 points awarded for the Quality of Services, which will be distributed as set forth in the table below.

CATEGORIES	POINTS
<b>Minimum Requirements:</b> description of the criteria outlined in Section 5 - Content and Requirements for a Proposal	
Description of applicant’s capabilities to deliver the services, including a brief description of their personal experience and/or company’s experience in developing and implementing a project of this type, to include references as applicable. Please identify the specific subsections(see Minimum Requirements) as they are addressed	15
<b>Quality of Services:</b> Describe how you will accomplish the Services to be Provided, including activities and strategies that will achieve the purpose of this Request for Proposals. Please identify the subsection(s) of the Services to be Provided as you address them in your narrative.	
Provide a detailed explanation of how you will address the <i>core services</i> of the proposal to coordinate an array of youth mental and behavioral health programs, events, and/or campaigns and evidence-based trainings in accordance with goals stated above under “Purpose.”	20
<i>Resource Leveraging &amp; Partners:</i> Provide a detailed explanation of how existing local, regional, and/or statewide initiatives with which the applicant is familiar and/or involved could be leveraged to support project goals. Identify key partners, describe their anticipated participation and provide documentation of their commitment	10
<i>Management Plan</i> Provide a work plan that includes a timeline, milestones or benchmarks in accordance with the activities to carry out Services to be Provided, and a listing of the individuals and/or positions who will have responsibilities within this proposed project, their titles, qualifications and duties, and the amount of time each will devote to the project.	15
<i>Evaluation Plan</i> Describe your comprehensive plan for the evaluation of the proposed project’s activities, effectiveness and impact	20
<i>Adequacy of Resources:</i> Provide a detailed budget, including budget notes/justification, which clearly explains the relationship between proposed activities and expenditures.  See Attachment D for a sample budget template that may be used.	20
<b>TOTAL POTENTIAL MAXIMUM POINTS AWARDED</b>	100

The Agency will select a Proposer based upon the criteria and standards contained in this RFP and from applying the weighting in this section. Oral interviews and reference checks, to the extent they are utilized by the Agency, will be used to refine and finalize scores.

## **B. Evaluation Process**

PDF of a formal proposal must be received by the Department of Education no later than Friday, January 29, 2021. Proposals received after this deadline will not be considered for review. Each application shall include a narrative or other directly relevant material as needed to address the areas described in throughout this RFP.

The original documents must be submitted as a single PDF file via email to the contact listed in the RFP in such a manner as to facilitate distribution to the evaluation team.

Proposals will be evaluated to determine if the applicant meets or exceeds the Minimum Requirements and has the ability to accomplish the Services to be provided.

In order to provide bidders with the opportunity to present a comprehensive response to this RFP, no page limit has been established. Applicants are reminded that successful applications are typically clear, concise, and well organized. It is strongly recommended that applications be organized around the elements listed in scope of services to be provided and further addressed in the information packet.

Supplementary materials may be submitted as part of the application; however, these should be limited to items that substantively explain or expand upon information presented in the basic application. All supplementary materials should be referenced and submitted within the basic application.

Qualified applicants may be asked to provide the Department with additional written materials or documentation of qualifications, and may be asked to meet with Department Administrators or their designee to discuss their proposal.

Each bidder shall submit, along with the formal proposal, a completed/signed “Alternate W-9 Form” (see Attachment B).

Each bidder shall submit, along with the formal proposal, a completed/signed “Cover Page” (see Attachment C).

A PDF of a formal proposal and any supplemental materials shall be submitted by 4:00pm, Friday, January 29, 2021 to:

Jennifer Doris  
New Hampshire Department of Education  
Bureau of Student Wellness  
101 Pleasant Street  
Concord, New Hampshire 03301  
Fax: (603) 271-3213  
E-mail: [Jennifer.f.doris@doe.nh.gov](mailto:Jennifer.f.doris@doe.nh.gov)

All proposals will be reviewed and rated by an evaluation team appointed by the Commissioner of Education.

The Department shall be under no obligation to contact bidders for clarification of their proposals, but it shall reserve the right to do so at any time prior to the award of the contract(s). All proposals received by the deadline will be evaluated based on the Bid Procedures outlined in this RFP.

The Department reserves the right to interview applicants with the highest average scores for their proposal, but the Department shall be under no obligation to interview applicants. If the Department conducts an interview, it will be done so by a team who will develop structured questions and scoring criteria that will clarify the applicant's ability to fulfill this RFP.

If the Department chooses to award a contract relative to this RFP, it shall be to the responsive and responsible bidder that receives the highest total rating as a result of the proposal evaluation and/or interview process.

Upon conclusion of final negotiations with the successful bidder, all bidders will be notified, in writing, of their status, upon final approval of a contract by Governor & Council.

### **C. Preliminary Technical Scoring of Proposals**

The Agency will establish an evaluation team to initially score the Technical Proposals. This evaluation team will review the technical proposals and give a preliminary score to the technical proposals under the guidelines set forth in Section 6. Should a Proposer fail to achieve 60 Points in the preliminary scoring, it will receive no further consideration from the evaluation team and the Proposer's Price Proposal will be returned unopened. Price Proposals will remain sealed during the preliminary technical review.

The Agency reserves the right to:

- Make independent investigations in evaluating Proposals;
- Request additional information to clarify elements of a Proposal;
- Waive minor or immaterial deviations from the RFP requirements, if determined to be in the best interest of the State;
- Omit any planned evaluation step if, in the Agency's view, the step is not needed;
- At its sole discretion, reject any and all Proposals at any time; and
- Open contract discussions with the second highest scoring Proposer and so on, if the Agency is unable to reach an agreement on Contract terms with the higher scoring Proposer(s).

## **Section 7 – Terms and Conditions Related To The RFP Process**

### **A. RFP Addendum**

The Agency reserves the right to amend this RFP at its discretion, prior to the Proposal submission deadline. In the event of an addendum to this RFP, the Agency, at its sole discretion, may extend the Proposal submission deadline, as it deems appropriate.

### **B. Non-Collusion**

The Proposer's signature on a Proposal submitted in response to this RFP guarantees that the prices, terms and conditions, and Work quoted have been established without collusion with other Proposers and without effort to preclude the Agency from obtaining the best possible competitive Proposal.

### **C. Property of the Agency**

All material received in response to this RFP shall become the property of the State and will not be returned to the proposer. Upon Contract award, the State reserves the right to use any information presented in any Proposal.

### **D. Confidentiality of a Proposal**

Unless necessary for the approval of a contract, the substance of a proposal must remain confidential until the Effective Date of any Contract resulting from this RFP. A Proposer's disclosure or distribution of Proposals other than to the Agency will be grounds for disqualification.

### **E. Public Disclosure**

Pursuant to RSA 21-G:37, all responses to this RFP shall be considered confidential until the award of a contract. At the time of receipt of proposals, the Agency will post the number of responses received with no further information. No later than five (5) business days prior to submission of a contract to the Department of Administrative Services pursuant to this RFP, the Agency will post the name, rank or score of each proposer. In the event that the contract does not require Governor & Executive Council approval, the Agency shall disclose the rank or score of the Proposals at least 5 business days before final approval of the contract.

The content of each Proposer's Proposal shall become public information upon the award of any resulting Contract. Any information submitted as part of a response to this request for proposal (RFP) may be subject to public disclosure under RSA 91-A. In addition, in accordance with RSA 9-F:1, any contract entered into as a result of this RFP will be made



accessible to the public online via the website Transparent NH (<http://www.nh.gov/transparentnh/>). However, business financial information and proprietary information such as trade secrets, business and financials models and forecasts, and proprietary formulas may be exempt from public disclosure under RSA 91-A:5, IV. If you believe any information being submitted in response to this request for proposal, bid or information should be kept confidential as financial or proprietary information; you must specifically identify that information in a letter to the agency, and must mark/stamp each page of the materials that you claim must be exempt from disclosure as “CONFIDENTIAL”. A designation by the Proposer of information it believes exempt does not have the effect of making such information exempt. The Agency will determine the information it believes is properly exempted from disclosure. Marking of the entire Proposal or entire sections of the Proposal (e.g. pricing) as confidential will neither be accepted nor honored. Notwithstanding any provision of this RFP to the contrary, Proposer pricing will be subject to disclosure upon approval of the contract. The Agency will endeavor to maintain the confidentiality of portions of the Proposal that are clearly and properly marked confidential.

If a request is made to the Agency to view portions of a Proposal that the Proposer has properly and clearly marked confidential, the Agency will notify the Proposer of the request and of the date the Agency plans to release the records. By submitting a Proposal, Proposers agree that unless the Proposer obtains a court order, at its sole expense, enjoining the release of the requested information, the Agency may release the requested information on the date specified in the Agency’s notice without any liability to the Proposers.

#### **F. Non-Commitment**

Notwithstanding any other provision of this RFP, this RFP does not commit the Agency to award a Contract. The Agency reserves the right, at its sole discretion, to reject any and all Proposals, or any portions thereof, at any time; to cancel this RFP; and to solicit new Proposals under a new acquisition process.

#### **G. Proposal Preparation Cost**

By submitting a Proposal, a Proposer agrees that in no event shall the Agency be either responsible for or held liable for any costs incurred by a Proposer in the preparation of or in connection with the Proposal, or for Work performed prior to the Effective Date of a resulting Contract.

#### **H. Ethical Requirements**

From the time this RFP is published until a contract is awarded, no bidder shall offer or give,

directly or indirectly, any gift, expense reimbursement, or honorarium, as defined by RSA 15-B, to any elected official, public official, public employee, constitutional official, or family member of any such official or employee who will or has selected, evaluated, or awarded an RFP, or similar submission. Any bidder that violates RSA 21-G:38 shall be subject to prosecution for an offense under RSA 640:2. Any bidder who has been convicted of an offense based on conduct in violation of this section, which has not been annulled, or who is subject to a pending criminal charge for such an offense, shall be disqualified from bidding on the RFP, or similar request for submission and every such bidder shall be disqualified from bidding on any RFP or similar request for submission issued by any state agency. A bidder that was disqualified under this section because of a pending criminal charge which is subsequently dismissed, results in an acquittal, or is annulled, may notify the department of administrative services, which shall note that information on the list maintained on the state's internal intranet system, except in the case of annulment, the information, shall be deleted from the list.

#### **I. Challenges on Form or Process of the RFP**

Any challenges regarding the validity or legality of the form and procedures of this RFP, including but not limited to the evaluation and scoring of Proposals, shall be brought to the attention of the Agency at least ten (10) business days prior to the Proposal Submission Deadline. By submitting a proposal, the Proposer is deemed to have waived any challenges to the agency's authority to conduct this procurement and the form and procedures of this RFP.

## **Section 8 – Contract Terms and Award**

### **A. Non-Exclusive Contract**

Any resulting Contract from this RFP will be a non-exclusive Contract. The State reserves the right, at its discretion, to retain other Contractors to provide any of the Services or Deliverables identified under this procurement or make an award by item, part or portion of an item, group of items, or total Proposal.

### **B. Award**

If the State decides to award a contract as a result of this RFP process, any award is contingent upon approval of the Contract by Governor and Executive Council of the State of New Hampshire and upon continued appropriation of funding for the contract.

#### Enclosures:

Attachment A: P-37 Contract Form

Attachment B: ALT W-9 Form

Attachment C: Cover Page

Attachment D: Bureau of Student Wellness Sample Budget Template