



MARTIN O'MALLEY  
Governor

ANTHONY BROWN  
Lieutenant Governor

T. ELOISE FOSTER  
Secretary

DAVID C. ROMANS  
Deputy Secretary

**Amendment #1  
to  
Request for Proposals (RFP)**

**BEHAVIORAL HEALTH & EMPLOYEE ASSISTANCE PROGRAM (EAP) BENEFIT ADMINISTRATION  
SERVICES**

**SOLICITATION NUMBER F10B0400011**

**June 1 2010**

Ladies and Gentlemen:

This Addendum is being issued to amend and clarify certain information contained in the above named RFP. All information contained herein is binding on all Offerors who respond to this RFP. Specific parts of the RFP have been amended. The following changes/additions are listed below; new language has been double underlined and marked in bold (ex. **new language**) and language deleted has been marked with a strikethrough (ex. ~~language deleted~~).

1. Revise Section 1.31 (Payments by Electronic Funds Transfer) on pages 10 and 11, as follows:

By submitting a response to this solicitation, the Offeror agrees to accept payments by electronic funds transfer unless the State Comptroller's Office grants an exemption. The selected Offeror shall register using ~~Attachment F~~ **Attachment I: Electronic Funds Transfer (EFT) Registration Request Form**. Any request for exemption shall be submitted to the State Comptroller's Office for approval at the address specified on the form and shall include the business identification information as stated on the form and include the reason for the exemption. The form can be downloaded at: [http://compnet.comp.state.md.us/General\\_Accounting\\_Division/Static\\_Files/gadx-10.pdf](http://compnet.comp.state.md.us/General_Accounting_Division/Static_Files/gadx-10.pdf).

2. Revise Section 1.33 (Living Wage) on pages 11 and 12, as follows:

A solicitation for services under a State contract valued at \$100,000 or more may be subject to Title 18, State Finance and Procurement (SFP) Article, Annotated Code of Maryland. Additional information regarding the State's Living Wage requirement is contained in this solicitation (see **Attachment L: Living Wage Requirements for Service Contracts**). If an Offeror fails to submit

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and complete the Living Wage Affidavit of Agreement (see **Attachment L-1: Affidavit of Agreement**), the State may determine that Offeror to be not responsible.

Contractors and Subcontractors subject to the Living Wage Law shall pay each covered employee at least the minimum amount set by law for the applicable Tier Area; currently \$12.25 per hour in the Tier 1 Area and \$9.21 per hour in the Tier 2 Area. The specific Living Wage rate is determined by whether a majority of services take place in a Tier 1 Area or Tier 2 Area of the State. The Tier 1 Area includes Montgomery, Prince George’s, Howard, Anne Arundel, and Baltimore Counties, and Baltimore City. The Tier 2 Area includes any county in the State not included in the Tier 1 Area. In the event that the employees who perform the services are not located in the State, the head of the unit responsible for a State pursuant to §18-102 (d) shall assign the tier based upon where the recipients of the services are located.

The Contract resulting from this solicitation will be deemed to be a Tier 1 Contract or a Tier 2 contract depending on the location(s) from which the Contractor provides 50% or more of the services. If the Contractor provides 50% or more of the services from a location(s) in a Tier 1 jurisdiction(s) the Contract will be a Tier 1 Contract. If the Contractor provides 50% or more of the services from a location(s) in a Tier 2 jurisdiction(s), the Contract will be a Tier 2 Contract. If the Contractor provides more than 50% of the services from an out-of-State location, then the Contract will be deemed to be a Tier 1 Contract. The Offeror must identify in **the Transmittal Letter accompanying their Technical Proposal/Offer** the location(s) from which services will be provided **(See RFP Section 4.4.1)**.

Information pertaining to reporting obligations may be found by going to the DLLR Website <http://www.dllr.state.md.us/> and clicking on Living Wage.

***\*Note: The Living Wage rates are subject to annual adjustment (increase or decrease) by DLLR. For additional information, see Attachment L: Living Wage Requirements for Service Contracts.***

3. Revise Section 1.36 (Electronic Procurements Authorized) on pages 13 and 14, as follows:

**1.36.1** Under COMAR 21.03.05, unless otherwise prohibited by law, the Department of Budget & Management (DBM) may conduct procurement transactions by electronic means, including the solicitation, bidding, award, execution, and administration of a contract, as provided in the Maryland Uniform Electronic Transactions Act, Commercial Law Article, Title 21, Annotated Code of Maryland.

**1.36.2** Participation in the solicitation process on a procurement contract for which electronic means has been authorized shall constitute consent by the Offeror to conduct by electronic means all elements of the procurement of the Contract which are specifically authorized under the RFP or the Contract.

**1.36.3** “Electronic means” refers to exchanges or communications using electronic, digital, magnetic, wireless, optical, electromagnetic, or other means of electronically conducting transactions. Electronic means includes facsimile, electronic mail, internet-based communications, electronic funds transfer, specific electronic bidding platforms (e.g. eMarylandMarketplace.com), and electronic data interchange.

**1.36.4** In addition to specific electronic transactions specifically authorized in other sections of this RFP (e.g. §1.31 related to payments by electronic file transfer) and subject to the exclusions noted in subsection 5 of this section, the following transactions are authorized to be conducted by electronic means on the terms described:

- A. The Procurement Officer may conduct the procurement using eMarylandMarketplace, e-mail or facsimile to issue:
  - (i) the solicitation (e.g. the RFP);
  - (ii) any amendments;
  - (iii) pre-proposal conference documents;
  - (iv) questions and responses;
  - (v) communications regarding the solicitation or proposal to any Offeror or potential Offeror including requests for clarification, explanation, or removal of elements of an Offeror's proposal deemed not acceptable;
  - (vi) **notice that a proposal is not reasonably susceptible for award or does not meet minimum qualifications and** notices of award selection or non-selection;  
*and*
  - (vii) the Procurement Officer's decision on any protest or Contract claim.
  
- B. An Offeror or potential Offeror may use e-mail or facsimile to:
  - (i) ask questions regarding the solicitation;
  - (ii) reply to any material received from the Procurement Officer by electronic means that includes a Procurement Officer's request or direction to reply by e-mail or facsimile, but only on the terms specifically approved and directed by the Procurement Officer;
  - (iii) request a debriefing; or,
  - (iv) submit a "No Bid Response" to the solicitation.
  
- C. The Procurement Officer, the State's Contract Manager and the Contractor may conduct day-to-day Contract administration, in accordance with the limitations of section 5 of this subsection, utilizing e-mail, facsimile or other electronic means if authorized by the Procurement Officer or Contract Manager.

**1.36.5** The following transactions related to this procurement and any Contract awarded pursuant to it are not authorized to be conducted by electronic means:

- A. submission of initial bids or proposals;
- B. filing of protests;
- C. filing of contract claims;
- D. submission of documents determined by DBM to require original signatures (e.g. Contract execution, Contract modifications, etc); or
- E. any transaction, submission, or communication where the Procurement Officer has specifically directed that a response from the Contractor, Bidder or Offeror be provided in writing or hard copy.

**1.36.6** Any facsimile or electronic mail transmission is only authorized to the facsimile numbers or electronic mail addresses for the identified person as provided in the RFP, the Contract, or in the direction from the Procurement Officer or Contract Manager.

4. Revise Section 4.3 (Submission) on page 25, as follows:

Each Offeror is required to submit a separate sealed package for each Volume, to be labeled “Volume I-Technical Proposal” and “Volume II-Financial Proposal” respectively. Each sealed package must bear the RFP title and number, name and address of the Offeror, the volume number (I or II), and the closing date and time for receipt of the proposals on the outside of the package. Please label the electronic media with Volume I-Technical Proposal and Volume II-Financial Proposal, as appropriate.

~~All pages of both proposal volumes must be consecutively numbered from beginning (Page 1) to end (Page “x”).~~

**When responding to the RFP, all sections (excluding Attachments J and K) should be consecutively numbered from beginning (Page 1) to end (Page “x”). Attachments J and K have been preformatted and will automatically begin at page 1. There is no need to alter the numbering for these attachments. Please separately label Attachments J and K as part of your submission, in compliance with RFP Section 4.**

5. Revise Section 4.4.1 (Transmittal Letter) on page 25, as follows:

A transmittal letter must accompany the technical proposal. The purpose of this letter is to transmit the proposal and acknowledge the receipt of any addenda. The transmittal letter should be brief and signed by an individual who is authorized to commit the Offeror to the services and requirements as stated in this RFP. **The Offeror must identify in the Transmittal Letter accompanying their Technical Proposal/Offer the location(s) from which services will be provided.**

6. Revise Letter ‘O’ of Section 4.4.5 (Technical Proposal) on page 31, as follows:

**O. Attachment J-15: ~~Alternative Cost Management Programs~~ Optional Programs and Services**

The Offeror shall complete each exhibit of Attachment J-15 as instructed. Do not include fees or financial information.

7. Revise Attachment J-5a: Questionnaire, Section XIV, Question 129 on page 11 (of Attachment J-5a), as follows:

Q-129 In responding to the requirements outlined in Section 3 and Attachment J of this RFP, the Offeror shall address each section in the Technical Proposal and describe how its proposed services will meet the requirements as described in Section ~~3.4~~ 3.5 (Description of Scope of Work) and Attachment J of the RFP. Do NOT duplicate information. If a response is fully addressed as part of the completed response to part of Attachment J and the Offeror has no additional information to provide in responding to a specific requirement of Section 3, an Offeror should state that and cross-reference to the appropriate part of its submission of Attachment J.

In MS Word format (or provided as a PDF), the Offeror shall respond to each requirement outlined in Sections ~~3.4~~ 3.5 (Description of Scope of Work) of this RFP. Each subsection and requirement outlined in section ~~3.4~~ 3.5 (Description of Scope of Work) must be addressed, even if only to confirm compliance and note that the Offeror's proposal is fully addressed in Attachment J. If the State is seeking Offeror agreement to a requirement, the Offeror shall state agreement or disagreement.

As stated above, any exception to a term or condition may result in having the proposal deemed unacceptable or classified as not reasonably susceptible of being selected for award. **Any paragraph that responds to a work requirement shall include an explanation of how the work will be done.**

Date Issued: **June 1, 2010**

By: <signed>  
Andrea R. Lockett  
Procurement Officer

List of Attachments

1. Attachment J – Technical Proposal  
[BH\_EAP\_Attachment\_J\_Technical\_AMENDMENT #1\_6 1 10.xls]