



LARRY HOGAN
Governor

BOYD K. RUTHERFORD
Lieutenant Governor

DAVID R. BRINKLEY
Secretary

MARC L. NICOLE
Deputy Secretary

**Customer Service Training RFP
Solicitation No. 050B7400008
Questions and Answers #3
April 4, 2017**

Ladies/Gentlemen:

This List of Questions and Answers #3, questions #86 through #88, is being issued to clarify certain information contained in the above named RFP.

No provided answer to a question may in and of itself change any requirement of the RFP. If it is determined that any portion of the RFP should be changed based upon a submitted question, the actual change may only be implemented via a formal amendment to the RFP. In this situation the answer provided will reference the amendment containing the RFP change.

Questions and Answers

86. My partner referenced to a section within the RFP that suggested that all training materials are considered to be the intellectual property of Maryland. This is of concern since almost any business regards their property and services as proprietary. My partner is a known trainer that fits the above category.

Attachment M – Contract, Section 6 (Exclusive Use) states:

- 6.1 The State shall have the exclusive right to use, duplicate, and disclose any data, information, documents, records, or results, in whole or in part, in any manner for any purpose whatsoever, that may be created or generated by the Contractor in connection with this Contract. If any material, including software, is capable of being copyrighted, the State shall be the copyright owner and Contractor may copyright material connected with this project only with the express written approval of the State.
- 6.2 Except as may otherwise be set forth in this Contract, Contractor shall not use, sell, sub-lease, assign, give, or otherwise transfer to any third party any other information or material provided to Contractor by the Department or developed by Contractor relating to the Contract, except that Contractor may provide said information to any of its officers, employees and subcontractors who Contractor requires to have said information for fulfillment of Contractor's obligations hereunder. Each

officer, employee and/or subcontractor to whom any of the Department's confidential information is to be disclosed shall be advised by Contractor of and bound by confidentiality and intellectual property terms substantively equivalent to those of this Contract.

This section relates to materials created or generated by the Contractor in connection with the contract and gives the State exclusive rights to such materials. Such materials would include customized courseware. It does not give the State rights to the Contractor's off-the-shelf courseware that was not created under this contract or any task order that the Contractor uses to satisfy an agency's needs. The State has exclusive rights only to courseware created, customized, or tailored to satisfy an agency's needs under a particular task order for which the State has paid development costs.

- 87. I have a question regarding Maryland Living Wage Requirements for Service Contracts and Affidavit of Agreement. Pg. 52 states that Attachment F-1 is to be included in the Technical Proposal but on pg. 56 it states that the attachment "is to be submitted under the TORFP process, not with the Offeror's Technical Proposal to this RFP", please clarify. Do we include with the Technical Proposal and during the TORFP process?**

Amendment #2, Item 11, issued March 23, 2017, and available here:

<http://dbm.maryland.gov/proc-contracts/Pages/CustomServiceTraining.aspx> deleted Attachment F-1 from section 5.4.3. The form is not required with the technical proposal for the master contract, only during the TORFP process.

- 88. May two experienced training firms that meet the minimum qualifications collaborate in providing training and consulting as a Master Contractor?**

The State seeks to contract with one legal entity, either under a legally recognized formal partnership agreement or a prime contractor/subcontractor arrangement where the prime contractor meets the minimum qualifications on its own.