



**STATE OF ARKANSAS**  
**DEPARTMENT OF TRANSFORMATION AND SHARED SERVICES**  
**OFFICE OF STATE PROCUREMENT**  
 501 Woodlane St., Ste. 220  
 Little Rock, Arkansas 72201-1023

**REVISED REQUEST FOR QUALIFICATION**  
**SOLICITATION DOCUMENT**  
*All Revisions will be in Red*

SOLICITATION INFORMATION			
Solicitation Number:	S000000370	Solicitation Issued:	August 30, 2024
Description:	Professional Learning Communities Support		
Department:	Arkansas Department of Education - Division of Elementary and Secondary Education		

SUBMISSION DEADLINE AND DELIVERY OF RESPONSE DOCUMENTS			
Response Opening Date:	September 13, 2024	Response Opening Time:	10:00 am CST
Responses for this Request for Qualification <b>must</b> be submitted through ARBuy, the State's eProcurement system. It can be accessed at <a href="http://arbuy.arkansas.gov">arbuy.arkansas.gov</a> . Responses received after the submission deadline may be rejected as untimely.			

LIVE RESPONSE OPENING INFORMATION	
Teams Meeting Link:	<a href="#">Join the meeting now</a>
Meeting ID:	282 369 895 300
Passcode:	JcihP2
Call in (audio only):	+1 501-244-3310,,49831528# United States, Little Rock (501) 244-3310,,49831528# United States (Toll-free)
Phone conference ID:	498 315 28#

TSS OFFICE OF STATE PROCUREMENT CONTACT INFORMATION			
TSS OSP Procurement Specialist:	Austin McClane	Procurement Specialist's Direct Phone Number:	501-371-6156
Email Address:	Austin.McClane@arkansas.gov	TSS OSP's Main Number:	(501) 324-9316
TSS OSP Website:	transform.ar.gov/procurement/		

# SECTION 1 – INFORMATION AND INSTRUCTIONS

## 1.1 INTRODUCTION

This Request for Qualifications (RFQ) is issued by the TSS Office of State Procurement (TSS OSP) for the Arkansas Division of Elementary and Secondary Education (“DESE” or “Department”) to establish a list of qualified vendors for development and support of Professional Learning Communities in Arkansas.

## 1.2 TYPE OF CONTRACT

- A. As a result of this RFQ, TSS OSP intends to establish a Qualified Vendor’s List (QVL) consisting of multiple Contractors.
- B. The anticipated starting date for any resulting QVL is October 4, 2024 except that the actual QVL start date may be adjusted unilaterally by the State for up to three (3) calendar months. By submitting a signed response to the RFQ, the Prospective Contractor represents and warrants that it will honor its response as being held open as irrevocable for this period.
- C. The initial term of a resulting QVL will be for one (1) year. Upon mutual agreement by the Contractor and Department, the QVL may be renewed by TSS OSP for up to six (6) additional one-year terms or portions thereof, not to exceed a total aggregate term of seven (7) consecutive years.

## 1.3 DEFINITION OF TERMS

- A. Unless otherwise defined herein, all terms defined in Arkansas Procurement Law have the same meaning herein.
- B. “Prospective Contractor” means a responsive and responsible vendor who submits a response that meets the Requirements and criteria set forth in this Solicitation.
- C. The terms “Request for Qualifications,” “RFQ,” and “Solicitation” are used synonymously in this document.
- D. “Requirement” means a term, condition, provision, deliverable, Specification, or a combination thereof, that is obligated under the Solicitation, resulting contract, or both.
- E. “Shall” and “must” mean the imperative and are used to identify Requirements and Specifications.
- F. “Specification” means any technical or purchase description or other description of the physical or functional characteristics, or of the nature, of a commodity or service. “Specification” may include a description of any Requirement for inspecting, testing, or preparing a commodity or service for delivery.
- G. “State” means the State of Arkansas. When the term “State” is used herein to reference any obligation of the State under a contract that results from this Solicitation, that obligation is limited to the Department using such a contract.

## 1.4 SOLICITATION SCHEDULE

For informational purposes, TSS OSP is providing a Solicitation Schedule; however, dates listed and noted with an asterisk (\*) are anticipated dates only and are subject to change at the discretion of the State. All times are listed in Central Time.

**TABLE A: TENTATIVE SOLICITATION SCHEDULE** [Dates are provided for reference]

<b>ACTIVITY</b>	<b>DATE</b>
RFQ Release to Prospective Contractors	August 30, 2024
Deadline for Prospective Contractor Questions	September 4, 2024
Answers to Questions Posted to ARBuy*	September 6, 2024
Response Due Date	September 13, 2024 @ 10 am, Central Time
Initial Response Evaluation*	September 17, 2024
Post Anticipation to Award*	September 20, 2024
Award QVL*	October 4, 2024

**1.5 CLARIFICATION OF SOLICITATION**

- A. Submit questions requesting clarification of information contained in this Solicitation via the Solicitation posting in ARBuy by the date and time listed in Table A.
  - 1. For each question submitted, Prospective Contractor should reference the specific Solicitation item number to which the question refers, as applicable.
  - 2. Prospective Contractors' written questions will be consolidated and answered by the State as deemed appropriate. The State's consolidated written response is anticipated to be posted to the Solicitation posting in ARBuy by the date and time specified in Table A. If Prospective Contractor questions are unclear or non-substantive in nature, the State may request clarification of a question(s) or decline to answer.
- B. The Prospective Contractor should notify the TSS OSP Procurement Specialist of any Requirements that preclude the Prospective Contractor from submitting a response that meets the Requirements and criteria set forth in this Solicitation.
- C. Prospective Contractors may contact the TSS OSP Procurement Specialist with non-substantive questions at any time prior to the response opening.
- D. An oral statement by TSS OSP will not be part of any contract resulting from this Solicitation and may not reasonably be relied on by any Prospective Contractor as an aid to interpretation unless it is reduced to writing and expressly adopted by TSS OSP.
- E. Only an addendum written and authorized by the State will modify the Solicitation.

**1.6 QUALIFIED VENDOR LIST SELECTION**

All Prospective Contractors meeting the Requirements and Response Submission Requirements of this RFQ will be included on the QVL.

**1.7 RESPONSE DOCUMENTS**

- A. All responses **must** be submitted through ARBuy, the State's eProcurement system. The system can be accessed at [arbuy.arkansas.gov](http://arbuy.arkansas.gov).
  - 1. Prospective Contractors **must** be registered in ARBuy to submit responses.
- B. *Response Packet*
  - 1. Prospective Contractors **shall** utilize the *Response Packet* to submit their responses.
  - 2. The following items are response submission Requirements and **must** be submitted as part of a Prospective Contractor's response.
    - a. Signed *Response Signature Page*; signature may be ink or digital.

- b. Copy of Prospective Contractor's Equal Opportunity Policy
    - i. Pursuant to Arkansas Code Annotated § 19-11-104, OSP requires a Prospective Contractor responding to a Solicitation to submit a copy of the Prospective Contractor's Equal Opportunity (EO) Policy.
    - ii. Prospective Contractors not required by law to have an EO Policy **must** submit a written statement to that effect.
  - c. *Proposed Subcontractors Form* (see [SRV-1](#), section 14)
  - d. *Recommended Options Form*
    - i. The *Recommended Options* form included in the *Response Packet* allows Prospective Contractors to identify any recommended options or optional service ideas that may benefit the State that were not included in the Requirements and the proposed solution.
  - e. *S000000370 Serviceable Counties Form*
  - f. *S000000370 Response Worksheet*
    - i. *For each focus area for which the Contractor wishes to submit, the Services must be indicated, along with **answering** any **preceding** questions.*
3. The following items, which **must** be submitted prior to a **contract-award Contractor's listing on the QVL**, may also be included with the Prospective Contractor's response:
- a. *EO 98-04 Contract & Grant Disclosure Form* (see [SRV-1](#), section 11)
  - b. *Completed Professional Learning Solution*, not to be evaluated
    - i. If chosen for the QVL, this will be attached to the Contractor's name on the QVL as to assist School Districts in choosing the appropriate Professional Development solution.
  - c. *Completed Pricing Breakdowns*, not to be evaluated
    - i. If chosen for the QVL, this will be attached to the Contractor's name on the QVL as to assist School Districts in choosing the appropriate Professional Development solution.
  - d. *Additional Documentation, as referenced in Section 1.8 of this RFQ*
4. Prospective Contractors should include all additional documentation requested, to be used as choice criterion for districts if established on the QVL.

C. Redacted Copy of the *Response Packet*

- 1. One (1) redacted (marked *Redacted*) copy of the Prospective Contractor's response (see *Proprietary Information*), if applicable.

D. Prospective Contractors should not alter any language in Solicitation document(s) provided by the State.

E. As requested, Prospective Contractors **shall** provide clarification regarding Prospective Contractor's response.

F. Prospective Contractors may submit multiple responses.

## 1.8 ADDITIONAL DOCUMENTATION

A. The Contractor **shall** submit a breakdown of all costs and pricing associated with each submission prior to award. This information will be provided on the QVL for District purposes if successful.

- B. The Contractor **shall** submit the scope and sequence of professional learning offerings (syllabus, overview) prior to award. This should include the number of trainings, length of each training, and the ongoing coaching/support provided between trainings for each focus area of professional learning selected.
- C. The Contractor **shall** provide a detailed description of the expected outcomes and measurable goals for your services, as well as how progress toward these goals will be measured.
- D. The Contractor **shall** submit the following materials prior to award that demonstrate their ability to provide each focus area of professional learning selected:
  - 1. Sample Training decks with facilitator notes \*including materials provided to address English Learners and Students with Disabilities and/or Coaching Support (if selecting those topics or focus areas)
  - 2. Sample Participant handouts
- E. The Contractor **shall** provide evidence of impact of previous PD offerings prior to award, which may include but is not limited to:
  - 1. Student outcomes
  - 2. Change in teacher or leader practice
  - 3. Observation data
  - 4. Survey data

## SECTION 2 –REQUIREMENTS

### 2.1 BACKGROUND AND CURRENT ENVIRONMENT

DESE will award funds to districts to support professional learning communities. District plans may include services provided from a vendor. Vendors approved through this process will be eligible to partner with the school district. Selection of vendors, execution of contracts, and all payments for vendors will be executed through the local district.

To meet the requirements of Act 427 of 2017, codified at 6-20-2305(b)(5)(C), in the 2018 school year, DESE began providing professional development resources, training, and support to K-12 educators utilizing the Professional Learning Communities (PLC) at Work model as a pilot program. This model has consisted of an ongoing process in which educators work collaboratively in recurring cycles of data collection, review, and analysis, to achieve better results for the students they serve. The purpose of this model is to improve learning outcomes for students by continuous job-embedded learning for educators that enhances their teaching practice and creates a learning environment where all students can reach their full potential, as well as to improve the skills and knowledge of educators through collaborative study, expertise exchange, and professional dialogue.

### 2.2 OBJECTIVES AND GOALS

The Department seeks to provide educational professional development services to assist districts in Arkansas. The goal of this initiative is to establish professional learning communities focused on the implementation of LEARNS, specifically in the following topic areas:

1. Foundational Literacy/Science of Reading
2. Strengthening Career Pathways
3. Strengthening Instructional Quality
4. Multi-tiered Systems of Support for Behavioral and Mental Health Services

### 2.3 PROSPECTIVE CONTRACTOR MINIMUM QUALIFICATIONS

- A. The Prospective Contractor **shall** have provided professional development as described in this RFQ to at least 2 entities of similar size and scope in the previous 5 years.
- B. The Prospective Contractor **shall** have experience with literacy or math, preferably both.
- C. The Prospective Contractor **shall** have experience with partnership development.

### 2.4 GENERAL REQUIREMENTS

- A. The Contractor **shall** provide a researched based Professional Learning System that cultivates and maintains a dynamic system of professional learning, that continually assesses the progress of both students and educators.
- B. The proposed system **shall** be measured by Expected Outcomes for each focus area.
- C. The Contractor **shall** offer timely and targeted support to boost student achievement and foster ongoing professional growth.
- D. The proposed system **must** have documented success of improved outcomes for students in literacy or math, as well as evidence of using successful strategies for professional learning.
- E. The proposed system **must** be available for implementation within the State of Arkansas.
- F. The Contractor **shall** work with ADE to establish their presence on an online catalogue that will be available for school districts to review all QVL participants.
- G. The Contractor **shall** maintain a satisfactory rating on a Customer Satisfaction Survey administered to the District by the Department annually.

## 2.5 FOUNDATIONAL LITERACY/SCIENCE OF READING

- A. Professional development services **must** include one or more of the focus areas below:
1. Foundational skills instruction and support
  2. Access to foundational skills for all learners (SWD, EL, etc.)
  3. High-quality intervention practices aligned to core instruction
  4. Using assessment data (e.g., screener) to drive instruction
  5. Building leadership capacity to support implementation of High-Quality Instructional Materials (HQIM)
  6. The Contractor **shall** be identified as a High-Quality Professional Learning Partner (HQPL) supporting HQIM in the AR Professional Learning Partner Guide (Attachment A) prior to providing services under the RFQ.
- B. The Contractor **shall** have demonstrated expertise in the science of reading, including familiarity with evidence-based practices and current research.
- C. The Contractor **shall** have experience supporting implementation of one or more HQIM from Arkansas's approved list for literacy. (Attachment B)
- D. Professional learning **must**, at minimum:
1. Align to the science of reading and support Arkansas' vision for literacy.
  2. Be grounded in one or more HQIM from Arkansas's approved list.
  3. Include classroom observation and data collection.
  4. Include continuous, job-embedded, on-site support.

## 2.6 STRENGTHENING CAREER PATHWAYS

- A. Professional development services **must** include one or more of the focus areas below:
1. Establishing high-wage high-growth pathways in a district
  2. Training for school counselors and staff regarding career pathways and acceleration
  3. Analysis of district pathways
  4. Facilitating building coalitions between employers, higher education, and workforce in local communities
- B. Professional learning **must**, at minimum:
1. Align with career readiness standards and Arkansas's vision for career pathways
  2. Be grounded in evidence-based practices
- C. The Contractor **shall** have experience providing PD on career pathways and counseling

## 2.7 STRENGTHENING INSTRUCTIONAL QUALITY

- A. Professional development services **must** include one or more of the focus areas below:
1. PLCs focused on collaborative planning (unit and lesson preparation practices & student work analysis)
  2. High-quality intervention practices aligned to core instruction
  3. Using assessment data (e.g., screener) to drive instruction

4. Building leadership capacity to support implementation of HQIM.
5. Increasing acceleration opportunities and student outcomes
6. Access to core HQIM for all learners (students with disabilities, English learners, etc.) Effective IEP development and implementation
7. Specialized support for quality access (communication, assistive technology, functional skills, executive functions, and self-regulation, etc.)

B. The Contractor **shall** have expertise in the content area and HQIM.

C. The Contractor **shall** demonstrate understanding of the principles of high-quality professional learning

D. Professional learning **must**, at minimum:

1. Include classroom observation and data collection using the state's observation tool
2. Include job-embedded, on-site support
3. Be aligned to science of reading (literacy proposals)
4. Include a focus on all three aspects of rigor in the curriculum (conceptual, procedural skill & fluency, and application) (math proposals)
5. Ensure educators are equipped to deliver instruction that increases access to the full rigor of the grade-level learning within HQIM
6. Build educator capacity to leverage information from student specific learning plans (i.e. IEP's, 504 Plans, LEP plans, etc.) to strategically plan for and deliver accommodations and supports that increase access to grade-level learning

## 2.8 MULTI-TIERED SYSTEMS OF SUPPORT (MTSS) FOR BEHAVIORAL AND MENTAL HEALTH SERVICES

A. Professional development services **must** include one or more of the focus areas below:

1. Training for school staff on MTSS
2. Training for school staff on behavioral systems and interventions
3. Training for school staff on mental health supports
4. Development of support systems for students
5. Youth Mental Health Assessment training
6. Behavioral Threat Assessment Teams

B. The Contractor **shall** have experience providing PD on behavioral and mental health support systems

C. Professional learning **must**, at minimum:

1. Be based in evidence-based practices for behavioral and mental health
2. Include strategies for effective interventions and support

## 2.9 PERFORMANCE STANDARDS

A. State law requires that contracts for services include Performance Standards for measuring the overall quality of services that a Contractor **shall** provide.



- B. The State may be open to negotiations of Performance Standards prior to contract award, prior to the commencement of services, or at times throughout the contract duration. [Table B: Performance Standards](#) identifies expected deliverables, performance measures, or outcomes; and defines the acceptable standards.
- C. Performance Standards **shall not** be amended unless they are agreed to in writing and signed by the parties.
- D. Failure to meet the minimum Performance Standards as specified will result in the assessment of damages.
- E. In the event a Performance Standard is not met, the Contractor will have the opportunity to defend or respond to the insufficiency. The State has the right to waive damages if it determines there were extenuating factors beyond the control of the Contractor that hindered the performance of services. In these instances, the State has final determination of the performance acceptability.
- F. Should any compensation be owed to the Department due to the assessment of damages, the Contractor **shall** follow the direction of the Department regarding the required compensation process.

**TABLE B: PERFORMANCE STANDARDS**

Criteria	Standard	Damages
<b>Section 2.4.B</b>	The proposed system <b>shall</b> be measured by Expected Outcomes for each focus area.	3 or more “Not Meeting” expected outcomes from a district or school may result in the Contractor’s removal from the QVL
<b>Section 2.4.G</b>	The Contractor <b>shall</b> maintain a satisfactory rating on the Vendor Satisfaction Survey provided by ADE.	3 or more district or school overall unsatisfactory ratings may result in the Contractor’s removal from the QVL
<b>Section 1.7.3.C</b>	<i>Completed Pricing Breakdowns</i>	Failure to follow the submitted Pricing Breakdowns may result in the Contractor’s removal from the QVL

## SECTION 3 – SELECTION

### 3.1 RESPONSE PACKET EVALUATION

- A. On a pass/fail basis, OSP will review each Response Packet submitted by the response deadline as listed on page one (1) of the RFQ to verify all Requirements have been met.
- B. The resulting QVL will be comprised only of those Prospective Contractors meeting the Requirements and providing the Response Submission Requirement documents specified in this RFQ. Prospective Contractors who do not provide any one or more of the Response Submission Requirement Documents, will fail the Response Packet evaluation.
- C. Prospective Contractors whose responses meet (pass) all Requirements and Response Submission Requirements of this RFQ will be included on the initial QVL.
- D. Prospective Contractors whose responses do not meet (fail) any of the Requirements and Response Submission Requirements of this RFQ will not be included on the initial QVL.
- E. The State Procurement Official reserves the right to reject a response if it does not meet Requirements, if any of the Response Submission Requirement documents are omitted, or if is in the best interest of the State to do so.

### 3.2 FUTURE LISTING ON THE QVL

- A. Prospective Contractors seeking to be included on the QVL after the initial term may submit responses to this RFQ to OSP at any time during the year.
- B. Prospective Contractors seeking to update their offerings on the QVL may submit the request to OSP Quarterly. (July 1, October 1, January 1, April 1)
- C. OSP will provide the *Response Packet* to a Prospective Contractor upon request to the Contract Administrator listed on page 1 of this RFQ or another Contract Administrator as may be determined by OSP.
- D. After the initial award of the QVL, information pertaining to the submission of a Response Packet can be found on OSP's website at <https://www.transform.ar.gov/procurement/vendor-resources/miscellaneous-bid-opportunities/> under *Open-Ended Request for Qualifications*.
- E. The Prospective Contractor **shall** complete the *Response Packet* and **shall** submit all the information and documents to OSP as specified in the *Response Packet* in order to be evaluated for possible inclusion on the QVL.
- F. OSP and ADE will evaluate any subsequent responses submitted by Prospective Contractors twice yearly, preceding the Fall and Spring semesters, using the same Response Packet Evaluation technique as described herein.
- G. OSP reserves the right to reject a *Response Packet* if it does not meet Requirements, if any of the Response Submission Requirement documents have been omitted, or if is in the best interest of the State to do so.

### 3.2 PROSPECTIVE CONTRACTOR ACCEPTANCE OF EVALUATION TECHNIQUE

- A. Prospective Contractor shall agree to all evaluation processes and procedures as defined in this solicitation.
- B. The submission of a Response Packet signifies the Prospective Contractor's understanding and agreement that subjective judgments will be made during the Response Packet Evaluation.

## SECTION 4 – SOLICITATION TERMS AND CONDITIONS

### 4.1 ACCEPTANCE OF REQUIREMENTS

- A. A Prospective Contractor's past performance with the State may be used to determine if the Prospective Contractor is responsible (OSP Rule R1:19-11-235).
  - 1. Responses submitted by Prospective Contractors determined to be non-responsible will be rejected.
- B. A single Prospective Contractor **must** be identified as the prime contractor.
  - 1. The prime Contractor **shall** be responsible for the resulting contract and jointly and severally liable with any of its subcontractors, affiliates, or agents to the State for the performance thereof.
- C. By submission of a response, the Prospective Contractor represents and warrants:
  - 1. That any prices in the response have been arrived at independently, without any collusion with another competing Prospective Contractor.
    - a. Collusion violates Arkansas Procurement Law and can lead to suspension, debarment, and can be referred to the Attorney General's officer for investigation and appropriate legal action (Arkansas Code Annotated § 19-11-240 and 19-11-245).
  - 2. That the Prospective Contractor has not retained a person to solicit or secure the resulting contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, except for retention of bona fide employees or bona fide established commercial selling agencies maintained by the Prospective Contractor for the purpose of securing business.
- D. Prospective Contractor should not discuss the Solicitation or proposal response, issue statements or comments, or provide interviews to public media during the Solicitation and award process.
- E. Qualifications, services, and commodities **must** meet or exceed the required Specifications as set forth in the Solicitation.
- F. The State will not pay costs incurred in the preparation of a response.

### 4.2 GENERAL TERMS AND CONDITIONS

- A. The Contractor **must** be registered as a vendor to receive payment and may register online by visiting [ark.org/vendor/index](http://ark.org/vendor/index) and clicking the *Start Here* button.
- B. The Prospective Contractor represents and warrants that, prior to being awarded any executed contract resulting from this solicitation, the Prospective Contractor has taken or **shall** take all actions necessary to receive payment from the State through Electronic Funds Transfer (EFT) for the services and/or commodities to be provided under any such contract. This includes, without limitation, the following actions:
  - 1. Signing documents authorizing the State to make EFT payments into a bank account designated by the Prospective Contractor.
  - 2. Providing all information requested by the State to set up EFT payments, including either a voided check or a letter from their financial institution that contains the following information:
    - a. Account holder's name
    - b. Account number
    - c. Routing number
    - d. Financial institution official's contact information and signature

- C. In the event the EFT information changes, the Contractor **shall** be responsible for providing the updated information to the State. No interest or late payment penalty will apply if payment is delayed because of the Contractor's failure to initially provide or update information necessary for the State to make EFT payment.
- D. Pursuant to Arkansas State Procurement Law, the Contractor **shall** certify that, unless they offer to provide the goods or services for at least twenty percent (20%) less than the lowest certifying Prospective Contractor:
1. They are not engaged in and **shall not**, during the aggregate term of the resulting contract, engage in a boycott of Israel (Arkansas Code Annotated § 25-1-503),
  2. They are not engaged in and **shall not**, during the aggregate term of the resulting contract, engage in a boycott of an Energy, Fossil Fuel, Firearms, or Ammunition Industry (Arkansas Code Annotated § 25-1-1102).
- E. Pursuant to Arkansas Procurement Law, the Contractor **shall** certify that the Contractor does not knowingly employ or contract with illegal immigrants and that the Contractor **shall not** knowingly employ or contract with illegal immigrants during the aggregate term of any contract with the State or any of its departments, institutions, or political subdivisions (Arkansas Code Annotated § 19-11-105).
- F. Specifications, drawings, technical information, dies, cuts, negatives, positives, data, other such item furnished by the State to the Contractor, or a combination thereof hereunder or in contemplation hereof or developed by the Contractor for use hereunder **shall**:
1. Remain property of the State.
  2. Be kept confidential as permitted or required by law.
  3. Be used only as expressly authorized.
  4. Be returned at the Contractor's expense to the F.O.B. destination point provided by the State, as requested by the State.
  5. The Contractor **shall** properly identify items being returned.
- G. The Contractor **shall** invoice the State as required by the Department and should not invoice the State in advance of delivery and acceptance of any commodities or services (Arkansas Code Annotated § 19-4-1206).
1. The Contractor should invoice the agency by an itemized list of charges. The Department's purchase order number and/or the contract number should be referenced on each invoice.
  2. Payment will be made in accordance with applicable State of Arkansas accounting procedures upon acceptance of commodities and services by the Department.
  3. Payment will be made only after the Contractor has successfully satisfied the Department as to the reliability and effectiveness of the commodities or services purchased as a whole.
- H. The Contractor should be able to accept the State's authorized VISA Procurement Card (p-card) as a method of payment. Price changes or additional fee(s) **must not** be levied against the State when accepting the p-card as a form of payment.
- I. The Prospective Contractor **shall** certify that they are not a company owned in whole or with a majority ownership by the government of the People's Republic of China (a "Scrutinized Company") and that they do not and **shall not** during the aggregate term of the resulting contract employ a Scrutinized Company as a contractor (Arkansas Code Annotated § 25-1-1203).
- J. This RFQ incorporates all terms of the *Services Contract (SRV-1) Fillable Form* (found [here](#))

1. The contract template is attached to the Solicitation in ARBuy as a sample for your information only.
  2. A Prospective Contractor's response may be rejected if a Prospective Contractor takes exception to any terms, conditions, or Requirements in this RFQ.
- K. Prospective Contractor agrees and **shall** adhere to all terms, conditions, and Requirements if selected as the Contractor.
1. Items may only be modified if the legal requirement is satisfied and approved by the State during negotiations.

#### 4.3 MINORITY AND WOMEN-OWNED BUSINESS

- A. A minority-owned business is defined by Arkansas Code Annotated § 15-4-303 as a business owned by a lawful permanent resident of this State who is:
- African American
  - American Indian
  - Asian American
  - Hispanic American
  - Pacific Islander American
  - A Service-Disabled Veteran as designated by the United States Department of Veteran Affairs
- B. A women-owned business is defined by Act 1080 of the 91<sup>st</sup> General Assembly Regular Session 2017 as a business that is at least fifty-one percent (51%) owned by one (1) or more women who are lawful permanent residents of this State.
- C. The Arkansas Economic Development Commission conducts a certification process for minority-owned and women-owned businesses. If certified, the Prospective Contractor's Certification Number should be included on the *Response Signature Page*.

#### 4.4 PROPRIETARY INFORMATION

- A. The release of public records is governed by the Arkansas Freedom of Information Act (Arkansas Code Annotated § 25-19-101 et. seq.).
- B. Submission documents pertaining to the Solicitation become the property of the State and may be subject to the Arkansas Freedom of Information Act (FOIA).
- C. In accordance with FOIA, and to promote maximum competition in the State competitive sealed bidding, the State may maintain the confidentiality of certain types of information described in FOIA. Such information may include trade secrets and other information exempted from public disclosure pursuant to FOIA.
- D. Under no circumstances will pricing information submitted in response to an invitation for sealed bids be designated as confidential after the sealed bids have been opened.
- E. Consistent with and to the extent permitted under FOIA, any Prospective Contractor may designate appropriate portions of a response as confidential by submitting a redacted copy of the bid. By so redacting any information contained in the bid, the Prospective Contractor warrants that, after having received such necessary or proper review by counsel or other knowledgeable advisors, it has formed a good faith opinion that the portions redacted are not considered public records under FOIA.
- F. If a Prospective Contractor deems part of the information contained in a response not to be a public record, the Prospective Contractor should submit one (1) complete copy of the submission documents from which any proprietary or confidential information has been redacted in their response. Except for the redacted information, the redacted copy **must** be identical to the original copy, reflecting the same pagination as the original and showing the space from which information was redacted.

- G. The Prospective Contractor is responsible for identifying all proprietary information and for ensuring the electronic copy is protected against restoration of redacted data.
- H. The redacted copy will be open to public inspection under the FOIA without further notice to the Prospective Contractor. If the State deems redacted information to be subject to a public record request under FOIA, the State will endeavor to notify the Prospective Contractor prior to release of the redacted record.
- I. The State has no liability to a Prospective Contractor with respect to the disclosure of Prospective Contractor's confidential or proprietary information ordered by a court of competent jurisdiction pursuant to FOIA or other applicable law.