

REQUEST FOR PROPOSAL

Conflict of Interest Training

ISSUE DATE: January 11, 2019

QUESTIONS DUE BY: January 18, 2019

RFP RESPONSES DUE BY: February 4, 2019, 4:00 p.m.

PUBLIC BID OPENING: February 4, 2019, 4:15 p.m., Office of the Attorney General, 109 State St., Montpelier, Vermont

PLEASE BE ADVISED THAT ALL NOTIFICATIONS, RELEASES, AND AMENDMENTS ASSOCIATED WITH THIS RFP WILL BE POSTED AT: <http://www.bgs.state.vt.us/pca/bids/bids.php>

THE STATE WILL MAKE NO ATTEMPT TO CONTACT INTERESTED PARTIES WITH UPDATED INFORMATION. IT IS THE RESPONSIBILITY OF EACH BIDDER TO PERIODICALLY CHECK THE ABOVE WEB PAGE FOR ANY AND ALL NOTIFICATIONS, RELEASES AND AMENDMENTS ASSOCIATED WITH THIS RFP.

STATE CONTACT: Willa Farrell, Court Diversion and Pretrial Services Director

TELEPHONE: (802) 828-1360

E-MAIL: willa.farrell@vermont.gov

REQUEST FOR PROPOSALS

Office of the Attorney General

Conflict of Interest Training

Section 1: OVERVIEW

Through this Request for Proposal (RFP) the Attorney General's Office (hereinafter, AGO or the "State") is seeking to establish a contract for the provision of a training on the subject of conflicts of interest to staff of Court Diversion programs.

A. SCOPE AND BACKGROUND: The AGO provides grants to 12 organizations to support Court Diversion programs in all counties. Court Diversion (3 V.S.A §§ 163 and 164) includes restorative justice programs for youth and adults diverted out of the court by the State's Attorney; the Youth Substance Abuse (YSASP; 7 V.S.A. § 656; 18 V.S.A. § 4230b), an alternative to the civil court process for youth who violate Vermont's underage alcohol or marijuana laws; and the Civil DLS Diversion program (Act 147, 2011, Adjourned Session and Act 128, 2014 Session), which works to restore people's privilege to drive by helping people to determine requirements for driver re-licensing and by providing alternative affordable means to satisfy those requirements whenever possible. More information about these services may be found at <http://vtcourtdiversion.org/>.

The AGO seeks to provide a three-hour training in central location for approximately 25 representatives of court diversion programs. The training shall encompass these topics within the context of community-based organizations: defining actual and perceived conflicts of interest, exploring nuances of conflicts, identifying and managing conflicts, and developing policies and procedures. Training participants shall examine how best to prevent real or reasonably perceived divided loyalties of those in a decision-making role related to court diversion, including identification of personal or private interests or other factors that may interfere with impartiality or the reasonable perception of impartiality; identify how to best to disclose conflicts and to whom; and how to structure court diversion work if and when an individual involved has a conflict.

Court Diversion programs are housed in agencies with their own conflict of interest policies. Attachment A of this RFP is a sample conflict of interest policy. The selected vendor shall receive copies of all agencies' conflict of interest policies.

B. SINGLE POINT OF CONTACT: All communications concerning this RFP are to be addressed in writing to the State Contact listed on the front page of this RFP. Actual or attempted contact with any other individual from the State concerning this RFP is strictly prohibited and may result in disqualification.

C. QUESTION AND ANSWER PERIOD: Any vendor requiring clarification of any section of this RFP or wishing to comment on any requirement of the RFP must submit specific questions in writing no later than the deadline for questions indicated on the first page of this RFP. Questions may be e-mailed to the point of contact on the front page of this RFP. Questions or comments not raised in writing on or before the last day of the question period are thereafter waived. At the close of the question period a copy of all questions or comments and the State's responses will be posted on the State's web site <http://www.bgs.state.vt.us/pca/bids/bids.php>. Every effort will be made to post this information as

soon as possible after the question period ends, contingent on the number and complexity of the questions.

Section 2: GENERAL REQUIREMENTS

A. CONTRACT TERMS: The selected bidders will be expected to sign a contract with the State, including the Standard Contract Form and Attachment C as linked in this RFP for reference.

B. SUBCONTRACTORS: If a Bidder intends to use subcontractors, the Bidder must identify in the proposal the names of the subcontractors, the portions of the work the subcontractors will perform, and address the background and experience of the subcontractor(s).

C. PRICING: Bidders must price the terms of this solicitation at their best pricing. Any and all costs that a Bidder wishes the State to consider must be submitted for consideration.

D. BEST AND FINAL OFFER (BAFO): At any time after submission of Responses and prior to the final selection of Bidder(s) for Contract negotiation or execution, the State may invite Bidder(s) to provide a BAFO.

The state reserves the right to request BAFOs from only those Bidders that meet the minimum qualification requirements and/or have not been eliminated from consideration during the evaluation process.

E. METHOD OF AWARD: Awards will be made in the best interest of the State. The State may award one or more contracts and reserves the right to make additional awards to other compliant bidders at any time if such award is deemed to be in the best interest of the State. All other considerations being equal, preference will be given first to resident bidders of the state.

The State shall have the authority to evaluate responses and select the Bidder(s) as may be determined to be in the best interest of the State and consistent with the goals and performance requirements outlined in this RFP.

Consideration shall be given to the Bidder's proposal as specified here

	Total Possible Points
Qualifications and experience	25
Training proposal	25
References	25
Cost proposal	25

F. STATEMENT OF RIGHTS: The State of Vermont reserves the right to obtain clarification or additional information necessary to properly evaluate a proposal. Vendors may be asked to give a verbal presentation of their proposal after submission. Failure of vendor to respond to a request for additional information or clarification could result in rejection of that vendor's proposal. To secure a project that is deemed to be in the best interest of the State, the State reserves the right to accept or reject any and all bids, in whole or in part, with or without cause, and to waive technicalities in submissions. The State also

reserves the right to make purchases outside of the awarded contracts where it is deemed in the best interest of the State.

Section 3: CONTENT AND FORMAT OF RESPONSES

The content and format requirements listed below are the minimum requirements for State evaluation. These requirements are not intended to limit the content of a Bidder's proposal. Bidders may include additional information or offer alternative solutions for the State's consideration. However, the State discourages overly lengthy and costly proposals, and Bidders are advised to include only such information in their response as may be relevant to the requirements of this RFP.

A. COVER LETTER:

1. Confidentiality: To the extent your bid contains information you consider to be proprietary and confidential, you must comply with the following requirements concerning the contents of your cover letter and the submission of a redacted copy of your bid (or affected portions thereof).

The successful response will become part of the contract file and will become a matter of public record, as will all other responses received. If the response includes material that is considered by the bidder to be proprietary and confidential under the State's Public Records Act, 1 V.S.A. § 315 et seq., the bidder shall submit a cover letter that clearly identifies each page or section of the response that it believes is proprietary and confidential. The bidder shall also provide in their cover letter a written explanation for each marked section explaining why such material should be considered exempt from public disclosure in the event of a public records request, pursuant to 1 V.S.A. § 317(c), including the prospective harm to the competitive position of the bidder if the identified material were to be released. Additionally, the bidder must include a redacted copy of its response for portions that are considered proprietary and confidential. Redactions must be limited so that the reviewer may understand the nature of the information being withheld. It is typically inappropriate to redact entire pages, or to redact the titles/captions of tables and figures. Under no circumstances can the entire response be marked confidential, and the State reserves the right to disqualify responses so marked.

2. Exceptions to Contract Terms and Conditions: If the bidder wishes to propose an exception to any terms and conditions set forth in the Standard Contract Form and its attachments, such exceptions must be included in the cover letter to the RFP response. Failure to note exceptions when responding to the RFP will be deemed to be acceptance of the State contract terms and conditions. If exceptions are not noted in the response to this RFP but raised during contract negotiations, the State reserves the right to cancel the negotiation if deemed to be in the best interests of the State. Note that exceptions to contract terms may cause rejection of the proposal.

B. PROPOSAL: Provide a narrative proposal responsive to the RFP and prepared in this format: single-spaced, 11-point font, and one-inch margins. The proposal should not exceed 3 pages and include a description of the following:

- a. the bidder's qualifications and experience providing training, including training on the subject of conflicts of interest
- b. the principles and approach used by the bidder to ensure effective training
- c. information the bidder would need to know to design this training
- d. a cost proposal including hourly rate, any anticipated expenses, and an explanation of how each line item was calculated.

C. REFERENCES: Provide names and contact information of three references who can speak to the bidder's experience and qualifications to provide this training.

Section 4: SUBMISSION INSTRUCTIONS

A. CLOSING DATE: Bids must be received by the due date specified on the front page of this RFP.

Bids must be submitted electronically via email to: willa.farrell@vermont.gov and in accordance with the following requirements:

- The subject line of the email submission must read "Diversion Conflict of Interest Training Proposal".
- Bids must consist of a single email with a digitally searchable PDF attachment containing all components of the bid. Multiple emails and/or excessive attachments will not be accepted.
- There is an attachment size limit of 25 MB. It is the Bidder's responsibility to compress the PDF file containing its bid, if necessary, in order to meet this size limitation.

ATTACHMENTS:

- I. [Standard Contract for Services \(12/15/2017 Revised\)](#)
 - a. <https://bgs.vermont.gov/purchasing-contracting/forms> - under Standard Contract for Services
- II. [Attachment C: Standard State Contract Provisions \(December 15, 2017\)](#)
 - a. <https://bgs.vermont.gov/purchasing-contracting/forms> - under Standard RFP Attachments
- III. Sample agency conflict of interest policy – see next page

ATTACHMENT III

CONFLICT OF INTEREST – SAMPLE POLICY

The agency conducts business ethically and avoids conflicts of interest including the appearance of such conflicts. All persons involved in the agency operations have an equal obligation to avoid conflicts of interest. The agency expects its employees will perform their duties conscientiously, honestly, and in accordance with the best interests of the agency. Regardless of the circumstances, if an employee has reason to believe that a course of action they or another individual with whom they share a family or financial relationship have pursued, are presently pursuing, or are contemplating pursuing may involve a conflict of interest, the employee shall immediately communicate all the facts to their supervisor, Director of Finance, the Human Resource Administrator or the Executive Director.

Examples of conflicts of interest are listed below (but are not limited only to these items):

- The employee has outside employment that competes with the activities or services offered by the agency.
- The employee has an outside business interest that competes with the activities of the agency.
- The employee has an outside business interest that is a purchaser or supplier of goods or services to the agency. (Investments in securities with bank, public utilities, and transportation companies regulated by a government authority are excluded from this prohibition. In addition investments in securities listed on a national exchange or mutual funds with similar holdings are also excluded).
- The employee has an outside business involvement or employment that interferes with the ability to devote necessary attention to the responsibilities at the agency (moonlighting).
- The employee has a relative or a person with a significant relationship employed by, or has a business interest in companies that compete with, sell to, or buy from the agency.
- The employee receives or is offered inducements (gifts, premiums, money, goods, or services) from vendors or clients that benefit the employee personally (directly or indirectly) and which are designed to influence the employee's decision making in matters related to agency business. An employee may accept a gift of *de minimis* value (i.e., \$20 or less) which is not designed to influence the employee's decision making in matters related to agency business (examples: a vendor picks up the tab at a working lunch meeting; a student or parent provides a Head Start teacher with a small gift in appreciation for services provided).
- Sexual or romantic relations with a client or supervisee.
- No money, reward, favor, emolument, gift, gratuity, free services, or other form of remuneration in addition to regular compensation and benefits will be accepted by any employee for the performance or nonperformance of certain actions in the course of their employment from any vendor, contractor, individual, firm, or other source having or proposed to have a relationship with the agency. Personal gifts and favors from people with whom the agency has a business relationship are prohibited.

Members of the Board of Directors, Governing Board, or Administering Board of any public, private, or nonprofit organization funded by the agency, or members of any major policy advisory bodies are not eligible for employment with the agency. Former members of these Boards and advisory bodies are eligible for employment following their resignation.

The agency prohibits personal relationships (e.g., romantic, or dating relationships, cohabitation, marriage, or otherwise becoming related) between employees in a reporting relationship. If a personal relationship develops between employees in a reporting relationship, the employees must immediately report to the Human Resources department. The Human Resources department will work with the employees to devise a working solution. All steps will be taken to eliminate any real or perceived appearance of authority one employee has over the other employee. In situations where it is not possible to eliminate a real or perceived conflict of interest, transfer or termination of employment may be required. Any failure to disclose such personal relationships between employees in a reporting relationship to Human Resources will result in discipline, up to and including termination.

At any time an employee believes he/she may have an actual or perceived conflict of interest, that employee shall disclosure such conflict to his/her supervisor, Director of Finance, Director of Human Resources or Executive Director. Without limitation to this notice obligation, employees will be required to complete an Agreement concerning ethical standards of conduct and conflicts of interest at the time of hire and periodically thereafter as requested. Periodic checks may be conducted by the Human Resources to insure compliance with this policy.

Disregarding or failing to comply with this conflict of interest policy could lead to disciplinary action, up to and including possible termination of employment.