OKLAHOMA
Office of Management & Enterprise Services

Amendment of Solicitation

Date of Issuance: 12/22/2020　　　　　　**Solicitation No.** 0900000467

Requisition No. 090000014627　　　　　　**Amendment No.** 1

Hour and date specified for receipt of offers is changed: ☒ No ☐ Yes, to: _____ ____ ____ CST

Pursuant to OAC 260:115-7-30(d), this document shall serve as official notice of amendment to the solicitation identified above. Such notice is being provided to all suppliers to which the original solicitation was sent.

Suppliers submitting bids or quotations shall acknowledge receipt of this solicitation amendment <u>prior</u> to the hour and date specified in the solicitation as follows:

Sign and return a copy of this amendment with the solicitation response being submitted; or,

If the supplier has already submitted a response, this acknowledgement must be signed and returned prior to the solicitation deadline. All amendment acknowledgements submitted separately shall have the solicitation number and bid opening date in the subject line of the email.

ISSUED FROM:

Marc Brown　　　　　　　405-496-9148　　　　　　Marc.brown@omes.ok.gov
Contracting Officer　　　　Phone Number　　　　　　E-Mail Address

RETURN TO: OMESCPeBID@omes.ok.gov

Description of Amendment:

a. This is to incorporate the following:

Is the entire 4 petabytes stored in one location? Is it in multiple databases, sources, etc?

What type of data are we working with?

How many people will need access to the system?

Will we be forensically collecting data on a regular basis? If so, where is most of the data located that will need to be collected?

Can you provide an estimate of how many computers, cell phones, email accounts, cloud based data storage account where collected last year?

Will we need to have someone onsite full time for collection and support?

What type of data sources will need to be collected?

How often will we need to collect data?

Are you wanting to keep the data in Clearwell and office 365?

If so, will we need to take over managements of these platforms for discovery purposes?

Are you wanting a flat rate per month for everything or a per request /per device rate?

How many agencies are involved?

Are you wanting to load everything into a new platform?

Are you going to send us the search results that your IT group identified to put into our e-discovery platform?

Any idea on the volume of data we will need to process in our e-discovery platform per month and per year?

1. The data is stored in multiple locations/databases/sources, including but not limited to servers at OMES and other State agencies, as well as cloud applications.

2. Data of varying sensitivity levels from publicly available information up to data that is highly confidential or protected by law (for example, PII, PHI, data protected by 42 CFR Part 2, FTI, confidential court records, privileged legal communications, etc.)

3. This is unknown at this time. OMES serves 189 State agencies, any or all of which may use Supplier's solution. Each agency will determine the number of people within that agency that will need access to the system. Currently, nine agencies hold a total of 58 Clearwell licenses.

4. Yes. The data may be collected from any operating system or asset on the State network, including but not limited to client machines/workstations.

5. This information is not available. Bidders should provide for a scalable architecture so that the solution can grow as details are realized.

6. On site presence will be required. The required number of persons and work schedule are to be determined.

7. Any operating system or other asset on the State network. This includes but is not limited to servers, network file shares, email accounts, cloud applications, embedded application databases, mainframes, etc.

8. Daily

9. The supplier will provide the solution, which may be Clearwell or another solution. O365 data will remain in O365. Data is only stored in Clearwell temporarily before being moved to an OMES file server for long-term storage.

10. OMES will provide the least privilege necessary for Supplier to perform eDiscovery services. Supplier is responsible for maintenance and uptime on the solution offered by Supplier.

11. Bidders should offer best pricing model based on the Pricing exhibit spreadsheet issued as part of the RFP.

12.OMES serves 189 other agencies, any or all of which may require eDiscovery services.

13.OMES is open to using a new platform, but does not require it. If a new platform is selected, Supplier will coordinate with OMES IS and the existing platform vendor to move data into the new platform.

14. When OMES needs Supplier to perform a search, OMES will provide search parameters. When OMES performs a search itself and needs Supplier to provide additional services, OMES will provide Supplier with the search results. When another State agency needs Supplier to perform a search, that State agency will provide search parameters. If another State agency performs a search and needs Supplier to provide additional services, that agency will provide the search results. Supplier may be requested to provide assistance determining appropriate search parameters and accessing search results.

15. Requests are resourced from approximately four petabytes of stored data. Needs will vary over time and between agencies. OMES does not have an estimate of volume of data to be processed per month and per year. Bidders should provide for a scalable architecture so that the solution can grow as details are realized.

When can we expect responses to the questions we have submitted for this RFP?

Response posted.

1. What do you mean by the "solution include modular self-serve options"?
2. Is the agency looking to keep all of the data in Veritas Clearwell or are you looking for a different solution?
3. Is the agency looking to keep the present application and replace technical support?

4.   Does the supplier need to be in Oklahoma?
5.   How many support staff do you need at the agency?
6.   How many projects are in Clearwell?
7.   Any idea on the volume of data we will need to process in our e-discovery platform per month and per year?
8.   Can the forensic collection be performed remotely?
9.   How many people need access to the eDiscovery application at any one time to review and redact data?
10. How much data is produced on a weekly/monthly bases?
11. How much redaction are being performed?
12. In what format does the production need to be in?
13. How many agencies are access the eDiscovery application?
14. What solution are you presently using for LegalHold?
15. What type of solution are looking for regarding Voice & video files?
16. How much instant messages are you receiving?
17. With regards to instant messages, for what application are they coming from?
18. How much paper needs to be collected and scanned on a weekly/monthly basis?
19. How are you presently handling PII, HIPPA type data?
20. Are you looking for auto identify and redact PII, HIPPA type data?
21. Does the eDiscovery solution, PII and voice & video solution have to be the same solution?
22. What are you expecting with regards RTO/RPO?
23. Does your Redundancy system need to so many miles for master solution?
24. If a responding Supplier does not hold a license(s) for Clearwell (we are a Certified Relativity partner), is that a nonstarter for them when it comes to responding to this Solicitation? And if it isn't a nonstarter and OMES welcomes Suppliers who don't hold a license(s) for Clearwell, does it significantly reduce the probability of us being the successful Supplier(s)?
25. If a responding Supplier is not able to provide references that either reflect that they have done business with the State of Oklahoma or with any clients within the State of Oklahoma. Are either of these scenarios a nonstarter for them when it comes to responding to this Solicitation and if either scenario isn't a nonstarter does it significantly reduce the probability of us being the successful Supplier(s)?
26. It is not stipulated in the solicitation but will the successful Suppliers(s) be required at any time to have personnel working on the ground in the State of Oklahoma?

1.The exact phrase "solution include modular self-serve options" could not be located in the RFP documents that were posted. Regarding item C.1.4, which requires the bidder to discuss the capabilities for a self-service option, please describe the ability of a user to perform functions in the solution without direct assistance from Supplier personnel.

2.Either. The Supplier will provide the solution. Data is only stored in Clearwell temporarily before being moved to an OMES file server for long-term storage.

3.The Supplier will provide the solution, which may be Veritas Clearwell or another solution. The Supplier will provide technical support for the solution.

4.On site presence will be required.

5.The required number of persons and work schedule are to be determined.

6. 286

7. Requests are resourced from approximately four petabytes of stored data. Needs will vary over time and between agencies. OMES does not have an estimate of volume of data to be processed per month and per year. Bidders should provide for a scalable architecture so that the solution can grow as details are realized.

8. Generally, yes. However, this depends on the requirements of the specific agency being served and the capabilities of Supplier.

9. A.OMES is unable to provide an estimate because access requirements will vary between different state agencies. Bidders should provide for a scalable architecture so that the solution can grow as details are realized.

10. Requests are resourced from approximately four petabytes of stored data. Needs will vary over time and between agencies. OMES does not have an estimate of volume of data to be processed on a weekly/monthly basis. Bidders should provide for a scalable architecture so that the solution can grow as details are realized.

11. OMES is unable to determine this, but redaction will be needed regularly. Bidders should provide for a scalable architecture so that the solution can grow as details are realized.

12. Production will be needed in multiple formats. Format requirements are determined by the requesting agency. While not an exhaustive list, common format requests are .pst, .pdf, .txt, .gif, .doc, .xls, and .ost. If the bidder is unable to accommodate specific formats, the bidder should list the formats it is unable to accommodate in its response.

13. Currently, nine agencies (including OMES) have access. However, OMES serves 189 agencies, any or all of which may need access to the eDiscovery application. Bidders should provide for a scalable architecture so that the solution can grow as details are realized.

14. We use a combination of automated and manual processes depending on where the data is held.

15. This question is not specific enough for OMES to provide a response.

16. This information is not available. Bidders should provide for a scalable architecture so that the solution can grow as details are realized.

17. Microsoft instant messaging products, primarily TEAMS.

18. This information is not available. Bidders should provide for a scalable architecture so that the solution can grow as details are realized.

19. Sensitive data such as PII (including PHI) is confidential and is handled in accordance with State and federal requirements and industry standards.

20.That feature is desirable.

21. A single solution is strongly preferred.

22. 24 hours or less for each.

23. There is no specific requirement on number of miles. However, adequate facilities must be provided to ensure that all information can be recovered following a disaster or media failure. Remote back-up locations must be at a sufficient distance to escape any damage form a disaster at the main site.

24. OMES is open to solutions other than Clearwell.

25. Responding Bidder does not need to have done business with the State previously.

26. On site presence will be required. The required number of persons and required time on site are to be determined.

A. OMES is unable to provide an estimate because access requirements will vary between different state agencies. Bidders should provide for a scalable

architecture so that the solution can grow as details are realized.

Fed Ramp required?

Yes **Correction:** while desirable, the FED RAMP is not required.

1. If the system is FedRAMP authorized do we still need to complete the Security Certification workbook?

2. Please clarify what is meant by C.1.10. Analysis services.

3. Please clarify what is meant by C.1.11. Analytics process.

4. Subsection 8.1.C.9 asks the Bidder to provide "three (3) references where your company has provided services with an entity of similar size and scale to the State of Oklahoma. References will include company name, address, and contact name, email and phone number." Is there a difference between Subsection 8.1.H Business References and Subsection 8.1.C.9 Customer References?

5. Please provide the "Certification for Competitive Bid and Contract" form. We could not find this in the solicitation documents.

1.Yes

2.Describe bidder's ability to help focus the customer's review to be more efficient, such as reveal trends, evaluate data for relevance, privilege, content and context, including patterns, topics, people & discussion, use of predictive coding, etc.

3.Describe the process used to provide analysis services.

4.No, but all requested information should be provided.

5. The Certification for Competitive Bid form is listed on the solicitation website as 0900000467OMESFormCP004.

What information do we need to provide if we are bidding with a subcontractor?

As referenced in subsection 8.2.N, if a third-party vendor is included as part of a submitted Bid, the following information is required to be included in the Bid for each such third-party vendor:
i Company history;
ii Relationship to Bidder;
iii Clients for which the two entities have worked together; and

iv Products and/or services proposed to be provided by the third-party vendor and how those products and/or services interface with the Bidder's solution.

 As referenced in subsection 8.2.N, if a third-party vendor is included as part of a submitted Bid, the following information is required to be included in the Bid for each such third-party vendor:

iCompany history;

iiRelationship to Bidder;

iiiClients for which the two entities have worked together; and

ivProducts and/or services proposed to be provided by the third-party vendor and how those products and/or services interface with the Bidder's solution.

We need the following questions answered and expanded upon.

What is the Agency # for OMES Form CP004

Question C.2.7 De-identified Data: please expand in more detail.

C.1.6 – Reliability - please expand in more detail.

C.5.1 Define the risks associated with using this solution. - please expand on this question.

1. That field can be left blank.

2. De-identified data is a record in which identifying information is removed. Describe your service's ability and process to de-identify, re-identify, and protect de-identified information from being re-identified. Address compliance with applicable laws, rules, or regulations regarding de-identified data (for example, the HIPAA Privacy Rule).

3. Tell us how reliable your product/services have been in respect to accuracy, service levels, technology, etc. Include available metrics.

4. Describe the specific security, privacy, business, and other risks associated with your service and what, if any, measures you take to eliminate or mitigate these risks.

Hi, can you point to where the Fed RAMP requirement is referenced in the bidding documentation? We're not seeing this. Thank you.

Please see updated answer to this question. While desirable, the FED RAMP is not required.

Thank you for answers regarding the following:

1. The solicitation indicates that services sought include, among other things, analysis and review of ESI, paper documents and other media. To verify, are you seeking, in part, managed reviews teams to perform review, analysis and redactions on the records themselves?

2. If so, is it permissible to bid on solely the provision of personnel and services for performing the managed review portion of the solicitation? To clarify, such a bid would not include providing the technology sought.   Section 15.1 of the Bidder Instructions states, in part, that the contract may be awarded by item, group of items, or on an all or none basis.

1. Whether, and to what extent, managed review teams may be needed is to be determined. If bidders offer this service, that information should be included in the proposal.

2. It is preferred that the bidder include provision of the technology in addition to other services. However, bidders should submit a proposal that includes the services they are willing and able to provide.

Can you provide additional clarity regarding onsite support? Is the onsite support requirement for onsite collections for a specific matter or is the expectation that the vendor will have resources onsite for longer durations(i.e full time)

to perform ad hoc collections? Are there other services that may require onsite support (i.e. project management, eDiscovery support)?

This is to be determined.

To clarify further on FedRAMP, is *compliance* mandatory? Or *certification?* Thank you.

Compliance.

Are you planning to award to multiple bidders or will this just be a single award?

Undetermined at this time.

How much data is currently being accessed via Clearwell (i.e. how many gigabytes of data)?

Currently there is approximately 2,608.6 GB of data in Clearwell (39 collections: 1,933.2 GB; and 292 processed: 675.4GB)

Can you please expand on this question below? We need more specifics on what is being requested.

D.1.3: *Documentation outlines how detailed documents of services that are provided to entities on an on-going basis to include services by location and account information can be obtained.*

This would exemplify how reports that are requested by an agency or department will distinguish what segment or branch of the agency is utilizing the service and how those reports can be accessed.

How much data is currently being hosted for the 286 projects in Clearwell?

 What is the potential amount of data that will need to be live hosted?

What types of files comprise the makeup of the data?

What is the timeline within which you expect to be live with the selected bidder?

Who is the incumbent with which the data is currently hosted?

Will data conversion be required? If yes, where are those systems located and who are the vendors?

 Will the incumbent vendor provide load files with metadata that is compatible with the successful bidder's solution?

1. Currently there is approximately 2,608.6 GB of data in Clearwell (39 collections: 1,933.2 GB and 292 processed: 675.4GB)

2.Requests are resourced from approximately four petabytes of stored data. Needs will vary over time and between agencies. OMES does not have an estimate of how much data will need to be live hosted. Bidders should provide for a scalable architecture so that the solution can grow as details are realized.

3.Data is comprised of multiple file types. While not an exhaustive list, common format requests are .pst, .pdf, .txt, .gif, .doc, .xls, and .ost as well as audio and visual files.

4.This depends on an agreed upon SOW/contract.

5.The data is stored in multiple locations/databases/sources, including but not limited to servers at OMES and other State agencies, as well as cloud applications. Clearwell and O365 are the primary tools currently used for data collection.

6.Possibly. The data is stored in multiple locations/databases/sources, including but not limited to servers at OMES and other State agencies, as well as cloud applications. Clearwell and O365 are the primary tools currently used for data collection.

7.This depends on the capabilities of both vendors.

1. Located in form **OMESCP076**, **Question 4**, can the sales tax permit be obtained after OMES chooses the successful bidder?

2. How much data is currently being hosted in the Clearwell platform?

3. How much data does OMES process every month?

1.Yes

2.Currently there is approximately 2,608.6 GB of data in Clearwell (39 collections: 1,933.2 GB; and 292 processed: 675.4GB)

3.Requests are resourced from approximately four petabytes of stored data. Needs will vary over time and between agencies. OMES does not have an estimate of how much data is processed every month. Bidders should provide for a scalable architecture so that the solution can grow as details are realized.

1. With the upcoming holidays and questions/answers still being submitted, will the government consider an extension of one week to 1/13/21 for proposal submissions?

2. As referenced in Attachment A, Exhibit 1, Section I (2), IRS Publication 1075 recommends enforcement of a higher-level security clearance if available. Does OMES enforce the higher-level security clearance or require a separate background check? If a separate background check is required, are those checks conducted through OMES or another Oklahoma state entity?

3. The government checked the Information Technology bidder instructions are applicable and then Information Technology Terms are given by way of example on the last page of the Bid Instructions. However, we are not clear which Information Technology terms the government is intending to apply. Do you mean Exhibit 7a (Safeguarding Contract Language for General Services) and/or Exhibit 7b (Safeguarding Contract Language for Technology Services) or some other Information Technology Terms?

4. As described in Bidder Instructions 8.1.C.2.5, how does OMES define "Consents and Tracking processes" in the context of Compliance? Is this defined differently from "Tracking/Chain of Custody Process" as described in Bidder   Instructions 8.1.C.2.8?

5. As described in Bidder Instructions 8.1.D, the section states that Bidder "shall" show ability to meet or exceed "non-mandatory" specifications. Please confirm whether the items listed in section 8.1.D are mandatory or optional.

6. Please clarify whether a form is available to provide the Certificate of Insurance and Workers' Compensation.

1.No extension will be granted at this time.

2. Higher-level security clearance and/or separate background checks may be required. Information on process is to be determined.

3. Typically, we require a hosting agreement if a vendor accesses, stores, or processes State data. Additionally, all IT contracts will include State IT Terms and Conditions, and all contracts (regardless of whether they are IT contracts) will include statewide terms and conditions.

4 .For 8.1.C.2.5 (Consents and Tracking processes), we are referring to the processes for obtaining and tracking consent for data to be collected and distributed as well as tracking the requests and associated metrics and metadata. For 8.1.C.2.8 (Tracking/Chain of Custody) we are referring to the ability to prove the integrity of the data has been maintained from collection through production - how the data was gathered, analyzed and preserved for production. For example, the ability to produce detailed chain of custody logs that demonstrate the data has been properly copied, transported, stored, accessed, protected from alteration, and secured throughout the process.

5. Mandatory, as applicable to the scope of the bid.

6. OMES does not provide the form. Bidders should obtain the COI/Declarations from the insurance carrier(s).

b. All other terms and conditions remain unchanged.

Supplier Company Name (**PRINT**)

Date

Authorized Representative Name (**PRINT**)   Title

Authorized Representative Signature