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| J:\Function\Branding\- New OMES logo\Horizontal\OMES-logo-horiz-RGB.jpg |  | Amendment of Solicitation |

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| **Date of Issuance:** | 11/19/2021 | **Solicitation No.** |  1310004349 |
| **Requisition No.** | 1310020764 | **Amendment No.** |  4 |
| Hour and date specified for receipt of offers is changed: | [ ]  No  | [x]  Yes, to: | **12/03/2021** | 3:00 PM 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 prior to the hour and date specified in the solicitation as follows:(1) Sign and return a copy of this amendment with the solicitation response being submitted; or,(2) 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 printed clearly on the front of the envelope. |
| **ISSUED BY and RETURN TO:** |
| **U.S. Postal Delivery or Personal or Common Carrier Delivery:**OMES Central PurchasingWill Rogers BuildingATTN: Darlene Saltzman2401 N. Lincoln Blvd., Ste. 116Oklahoma City, OK 73105 | Darlene Saltzman |  |
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| Darlene.saltzman@omes.ok.gov |  |
| E-Mail Address |  |
| **Description of Amendment:** |
| a. This is to incorporate the following: |
| On behalf of the State of Oklahoma, the Office of Management and Enterprise Services (OMES) gives notice of the following questions concerning this solicitation, received during the Wiki QA period, which closed on 11/12/2021. All questions and procurement/agency responses are detailed below:\*\*Also attached are Exhibits 7 & 8 resulting from questions asked on Set 1.1) What are the sales broken down for each jail? See attached Excel spreadsheet.2) What are the number of orders broken down for each jail? See attached Excel spreadsheet. Set 1 Questions:1. The RFP states that there could be a possible addition of 6,500 inmates in other facilities that the specialty package program will be made available to. We assume that is the three private facilities with OK DOC inmates. If yes, please confirm this is for the specialty package program only and not for full commissary services.

**ANSWER:** Specialty package program only.1. Section 2.3.3 - Please provide a dollar estimate of the total inventory that is currently on hand that will need to be purchased by the awarded supplier.

**ANSWER:** At the month-end close of October 31, 2021, ODOC’s total inventory cost was $835,779.83. The supplier’s proposal will have an impact of how much inventory remains to be purchased. 1. Please confirm what the facility fee would be for the Granite, OK location.

**ANSWER:** $150,000.00 per year.1. Can you provide a drawing of the Granite, OK location that includes support columns, power and data drops, office space, restrooms, and break rooms.

ANSWER: Will be posted when available.1. What is the clear height of the Granite, OK location?

ANSWER: Will be posted when available.1. Is the fire suppression system operational at the Granite, OK location?

**ANSWER:** Yes.1. Is the ODOC interested in this being a PIE program?

**ANSWER:** No.1. Will a supplier be allowed to ship product pulled at the Oklahoma warehouse across state lines?

**ANSWER:** Not at this time. 1. Can you provide names of the individuals on the evaluation committee?

**ANSWER:** No.1. Section 2.5.1 of the RFP requires a climate controlled warehouse. Is the requirement to climate control the entire warehouse or just the applicable areas of cold and freezer storage?

**ANSWER:** ODOC OP-070201 states that the dry goods storage for food products must be maintained between 45 and 80 degrees. This is based on an American Correctional Association standard which can be found at: <https://www.aca.org/ACA_Member/Standards___Accreditation/Standards/ACA/ACA_Member/Standards_and_Accreditation/StandardsInfo_Home.aspx>. Given the normal summer and winter temperatures in Oklahoma, a climate-controlled warehouse is required.1. Can you please provide the following information about the inmates OK DOC will provide to the awarded supplier’s warehouse:

**ANSWER:** * Source Location Address: Facility that warehouse is located at or the closest facility with eligible security level appropriate inmates.
* Number of inmates available: This depends on the warehouse facility and operational requirements.
* Custody level of inmates available: On-site facility: Medium or minimum, Off-site facility: Community
* Transportation of inmates: This will need to be included in the supplier’s proposal.
* Expected working hours: Monday-Friday 8:00 AM – 5:00PM, not to include Oklahoma Official State Holidays. The hours of operation may be adjusted to meet needs and security requirements.
* Any special skills available in the inmate population (fork lift certified, PC Skills, warehouse experience, etc.): One of the objectives of this contract is to employ inmates without special skills and train them to acquire expertise in these areas.
1. In Attachment A – Question 2.5.13, there is a typo. Please see below. Can you please correct the sub-numbering to 2.5.13.1 and 2.5.13.2?

 2.5.13.1 Supplier will provide the scope of services at no expense to the ODOC and will charge the inmates/offenders the negotiated retail amounts.2.5.12.1 Pricing for all items must be agreed upon by the supplier, ODOC, and OCI. 2.5.12.2 Established prices shall remain constant for a period of one year, excluding postage. Future price increases will be negotiated with selected supplier and approved by OCI and/or ODOC. Supplier will have the ability to present a recommendation during the contract year based on manufacturer’s change in wholesale pricing. In the proposal, the supplier must propose which cost indices shall be used to justify annual increase. Supplier shall furnish figures at least ninety (90) days prior to expiration date of the contract. Adjustments in pricing must be in line with increases in the market and agreed upon by OCI and ODOC. If parties to the contract cannot agree on renewal terms, it is hereby understood that the contract may be terminated by ODOC.**ANSWER:** Section 2.5.13 should read: 2.5.13 Supplier will provide the scope of services at no expense to the ODOC and will charge the inmates/offenders the negotiated retail amounts.2.5.13.1 Pricing for all items must be agreed upon by the supplier, ODOC, and OCI. 2.5.13.2 Established prices shall remain constant for a period of one year, excluding postage. Future price increases will be negotiated with selected supplier and approved by OCI and/or ODOC. Supplier will have the ability to present a recommendation during the contract year based on manufacturer’s change in wholesale pricing. In the proposal, the supplier must propose which cost indices shall be used to justify annual increase. Supplier shall furnish figures at least ninety (90) days prior to expiration date of the contract. Adjustments in pricing must be in line with increases in the market and agreed upon by OCI and ODOC. If parties to the contract cannot agree on renewal terms, it is hereby understood that the contract may be terminated by ODOC.2.5.13.3 Percentage Commission: Supplier shall issue a monthly payment to ODOC equal to 25% of the pre-taxed amount of gross monthly sales.**13**. In the Instructions to Bidders – Section Three, there is a typo. Please see below. Can you please correct the sub-numbering to i, ii, iii, iv?1. **Section** **Three: Bid Portions Requested to be Held Confidential**

i Any portion of the Bid that the Bidder requests be held confidential shall be listed in this section for independent review regarding confidentiality. For example: “the portion of Section 8 titled Member Satisfaction Survey”. However, the Bid should not be broken apart such that the information requested to be held confidential is only found in this section; rather, such content should be included in the Bid in applicable sections, for efficient evaluation. If none, clearly mark “N/A”iii For each portion of the Bid listed as considered confidential, the Bidder must identify the specific information considered confidential and fully comply with OAC 260:115-3-9[[1]](#footnote-1) which additionally requires a Bidder to enumerate the…**ANSWER:** Section Three Bid Portions Requested to be Held Confidential should read i, ii, iii, and iv.1. Per amendment 2, the following documents were added to the bid posting, Exhibit 5 – Currently Stocked Items and Exhibit 6 – ODOC’s Top 100 items. When you open Exhibit 5, the excel file states that it is Exhibit 2 and when you open Exhibit 6, the file states that it is Exhibit 3. Can you please clarify if the exhibits are labeled correctly?

**ANSWER:** Exhibits with area provided for pricing should be labeled 5 & 6 respectively.1. When it comes to inmates placing commissary orders via tablets, is it ODOC/OCI vision to have a “real-time” inventory feed so inmates will only be able to see and order items currently in stock? If items are currently out of stock then those items can’t even be ordered?

**ANSWER:** Yes. Alternatively, inmates could be permitted to order items in stock and scheduled to be delivered prior to the fill date of the order.1. If the answer to Question #15 is yes, is there a limit to the number of inmate workers that ODOC and or OCI would make available? Is there a geographical distant limit as to how far ODOC and or OCI would be willing to transport inmate workers to the proposed supplier offsite location? What would be the cost to the supplier, if any, for ODOC and or OCI to transport inmate workers to the proposed supplier offsite location?

**ANSWER:** ODOC has no specific requirements for these items. The supplier will need to include objectives to these as part of their proposal.1. **Attachment A** 2. Scope of Work - What is the objective of this solicitation? Is it to employ as many ODOC/OCI inmates as possible? Is it to achieve financial benefits for ODOC and or OCI?

**ANSWER:** The objective of this contract is to achieve maximum financial benefits for ODOC through employment of inmates and inmates to obtain special skills needed in the workforce.1. **Attachment A** 2.1 Solicitation states inmates will be allowed to order commissary on weekly basis, what is the proposed frequency for how often an inmate may receive a Specialty Package Program order? Will it remain two (2) times per year or should a supplier expect it to move to four (4) times or more per year?

**ANSWER:** The expectation is four (4) times per year once the procedures have been established and supplier is equipped to handle these requests.1. **Attachment A 2.4.9** Please explain this sentence “Also include supplier’s capability to have a bar code on ticket to incorporate automated quality assurance”? What automated quality assurance processes is this Solicitation requiring?

**ANSWER:** The intent of this contract is to have the capability to physically compare the Universal Product Code (UPC) between the product(s) and the pick ticket when the system indicates a product scanned was not ordered.1. **Attachment A 2.5.7.6.1** Is electronic signature capture and storage only required for commissary orders?

**ANSWER:** Electronic signature capture and storage is required for canteen sales and expected for package sale orders.1. **Attachment A 2.5.8** Once a commissary order or Specialty Package Program order is shipped to a facility who will perform the following tasks?
	1. Whose staff will be responsible for receiving the shipment at a facility?
	2. Whose staff will be responsible for handing out the order to an inmate?
	3. Whose staff will be responsible for reporting any damage or other discrepancy with the order noted at time of delivery of the package to the inmate?
	4. Whose staff will be responsible for handling any packages that are undeliverable because inmate moved or is now ineligible to receive a package?

**ANSWER:** Facility canteen staff member employed by ODOC will be responsible for all of these items.1. **Attachment A 4.3.** Does this Solicitation allow for a supplier to propose a solution that does not include any involvement of OCI staff or inmates in any manner regarding the performance of services proposed?

**ANSWER:** It is required for this contract to employee inmates. There is no such requirement for ODOC or OCI staff. Attachment A 4.3 is amended to the following:The alternate scope of services shall provide solutions not including OCI staff.1. Suppliers are required to submit their proposed rate of pay for both OCI staff and inmate workers involvement in the services of this solicitation? Is there a maximum rate of pay per hour that a supplier may propose for the inmate worker? Is there a dollar range for current OCI staff annual compensation?

**ANSWER:** Specifics on current pay rates and percentages for inmates are found at: <https://oklahoma.gov/content/dam/ok/en/doc/documents/policy/section-08/op080501.pdf>. Current OCI staff annual compensation, which include salary and benefit expense, range from $48,226 to $97,000 per year. 1. **2.5.5** Can you further explain ODOC/OCI’s intent for consignment? Specifically, when does ownership of the inventory transfer from supplier to ODOC/OCI or is the inventory sold directly to the inmate and owned by the supplier until that sale?

**ANSWER:** All inventory is owned by the supplier until delivered and accepted by the current canteen areas at each of the facilities. 1. How many ODOC employees work in the commissary at each facility? Are they FT or PT?

**ANSWER:** All ODOC staff are employed full time. The count is provided on “1310004349 Facility Information – Questions Set 1**”** spreadsheet.1. How many inmate workers work in the commissary at each facility? Will they be available to assist with general labor?

**ANSWER:** Each facility will employ one (1) full time staff member and the number of inmates required to accept and distribute canteen orders.1. Will the orders still be delivered to the inmates through the facility commissary building windows, or do you want the orders delivered to the inmate housing area?

**ANSWER:** The canteen orders will be delivered to the current canteen area at each of the facilities. 1. Can the orders be delivered over the course of a week (example: Wednesday through the following Tuesday), or do they need to be delivered in the calendar week the orders arrive to the facility?

**ANSWER:** Each facility employed canteen employee will distribute the bags over the next week, having any returns ready for pickup when the next delivery is made.1. Do any credits need to be done within 24 hours of delivery to the inmate?

**ANSWER:** Yes. 1. Is there existing shelving, freezers, and office furniture that can be utilized by the supplier at all of the facilities?

**ANSWER:** Each facility canteen has shelving and office furniture. Freezers and refrigerators owned by the facility or by the current supplier are on “1310004349 Questions 1 Spreadsheet”.1. What are the receiving hours of each facility to accept trucks?

**ANSWER:** Provided on “1310004349 Facility Information – Questions Set 1**”** spreadsheet**.**1. Does each facility commissary building have a loading dock?

**ANSWER:** Provided on “1310004349 Facility Information – Questions Set 1**”** spreadsheet.1. How long does the typical background check take for hiring new employees?

**ANSWER:** 30 days.1. Are there any mandatory training classes needed before employees can start? Any ongoing training needed?

**ANSWER:** Yes. Specifics on training for ODOC employees can be found at: <https://oklahoma.gov/doc/organization/chief-of-operations/auditing-and-compliance/policies-and-procedures/training-10.html>1. Will the commissary staff at each location be responsible for ordering any product that does not come in the commissary bags from the main warehouse (i.e.: ice cream, frozen goods, bread)?

**ANSWER:** No. Set 2 Questions:1. Attachment A, 2.2 Who is responsible for the onsite distribution of bags to inmates?

**ANSWER:** The facility will be responsible.1. Attachment A, 2.4.1 "This section requires suppliers to interface with ATG, and that any related costs be negotiated between ATG and the supplier. ATG, however, is owned by Keefe (ODOC's current supplier) and the ATG software is proprietary to Keefe which prevents other suppliers from integrating or interfacing with the software without the supplier having to pay significant licensing, integration and/or other fees to Keefe. Questions:

 (a) Has Keefe agreed to cooperate with suppliers for this contract and permit the awarded supplier to integrate with the ATG software? **ANSWER**: Our software contract requires ATG to facilitate interfaces the software with other suppliers.(b) Has Keefe agreed to provide the awarded supplier with all the technical specifications necessary to interface or integrate with the ATG software?**ANSWER:** ATG will and has previously set up integrations with their software with other suppliers. Keefe will not be able to provide assistance with this project as they are not our software provider and would have the same integration requirements with ATG.(c) Based on the expensive fees Keefe has historically demanded from suppliers to integrate with the ATG software, Keefe has a substantial financial advantage over all other suppliers. What will ODOC do to neutralize Keefe's inherent advantage and level the playing field?" **ANSWER:** ATG has stated that they will provide one set cost for the integration for all suppliers of this contract, to include Keefe.1. Attachment C, 8.1 Who should be named as the bond beneficiary?

**ANSWER:** Will be posted when available.1. Bidder Instructions 13.4 Will the oral presentation be scored? If so, how many points are allocated?

**ANSWER:** Oral presentations are not under consideration as part of this solicitation at this time. 1. Section J. Are there any assigned points for offering value added products or services?

**ANSWER:** A supplier may be awarded points for value added products or services if they are deemed to be a benefit to the State.1. Attachment B, Section 7.1 Are the fees/reimbursements in 7.1.A-E to be negotiated after award or be estimated and placed in the proposal response? If they are to be put in the proposal what section are they to be placed?

**ANSWER:** Section 7.1.E refers to the State and not the supplier.  1. Section 8, Is an information technology VPAT required to be submitted with a bidder’s response?

**ANSWER:** If the supplier’s software is considered a self-contained, closed product, then no, a VPAT is not required. 1. Section 8, Is an information technology Security Certification and Accreditation Assessment required to be submitted with a bidder’s response? Our understanding is that it is only required if the bidder is offering a hosted solution. Please confirm.

**ANSWER:** Correct.1. Section 8, Are bidders expected to propose service level agreements in their response?

**ANSWER:** Yes, if a service level agreement is part of the supplier’s proposal.1. RFP Amendment 2 Is the new revised due date, 12/3/21? (Unchanged in Amendment)

**ANSWER:** The revised bid close date is listed as 12/03/2021 in amendments 1, 2, and 3. 1. Attachment A 2.1 and Bidder instructions 15.1 Attachment A states: "One contract will be awarded to one supplier…" Bidder Instructions state: "The State may award the contract to more than one Bidder by awarding the contract(s) by item or groups of items or may award the contract on an all or none basis, whichever is deemed to be in the best interest of the state." Which one is accurate?

**ANSWER:** This contract shall be awarded to one supplier.1. Attachment A: Which facilities may be added to the Specialty Package Program adding on 6500 inmates?

**ANSWER:** Private prisons and county jails.1. General Specialty Package Question. What are the spending limits on the Specialty Package Program?

**ANSWER:** These mirror the current canteen draw limits, which are Systems of Incarceration: Level L4 $80.00, Level L3 $60.00, Level L2 $40.00 and Level L1 $20.00.1. General Specialty Package Question. Are inmates allowed to purchase a Specialty Package for themselves?

**ANSWER:** Yes, the expectation is that will be completed through the inmate tablet interface.1. General Specialty Package Question. If so, how do inmates order a Specialty Package for themselves now with the current supplier?

**ANSWER:** Currently, the inmate fills out an order form and disbursement. A check is then mailed with each order. It is the intent of this contract that orders will be made through the inmate tablet interface.1. General Specialty Package Question. Are all inmates eligible to receive a Specialty Package?

**ANSWER:** Inmates in a restricted housing unit or segregated housing unit are not eligible. ODOC will provide the information of who is eligible or ineligible electronically. 1. General Specialty Package Question. If an inmate is ineligible from receiving a Specialty Package, how long are they ineligible?

**ANSWER:** Inmates will be ineligible to receive a Specialty Package as long as they reside in a housing unit that restricts these orders.1. General Specialty Package Question. Please provide order count, sales by item and usages by facility from the 2020 Winter and 2021 Summer Package Program from the current supplier.

**ANSWER:** This information is provided on “1310004349 2020-2021 Winter-Summer Package Program - Questions Set 1” spreadsheet.1. General Specialty Package Question. Where does the current supplier deliver the Specialty Packages to the facility in the current program?

**ANSWER:** These orders are currently delivered to each facility warehouse.1. General Specialty Package Question. Who distributes the Specialty Packages to the inmates in the current program?

**ANSWER:** Facility staff distributes these packages.1. General Specialty Package Question. Where are the Specialty Packages distributed from at the facility to the inmates in the current program?

**ANSWER:** Each facility varies. Generally, it is delivered to the inmate housing units, but there may be facilities that deliver to the visiting room.1. General Specialty Package Question. How do the inmates retrieve their Specialty Packages in the current program?

**ANSWER:** Currently, the package supplier ships the palletized specialty packages to the facility’s warehouse. Once received and accepted, the shipments are divided by housing unit. The warehouse then distributes the pallets to the housing units, who make final delivery to the inmate. 1. General Specialty Package Question. What Specialty Package Program reports are provided from the current supplier to the state in the current program?

**ANSWER:** The item count sold for all items, the number of packages and amount of the sales per facility. 1. Exhibit 3 Will pricing in exhibit 3 be evaluated on price per item or price per unit (e.g., price per ounce, price per each, etc.). Prices should be evaluated based on the smallest unit of measurement, such as price per ounce, in order to compare prices based on an apples-to-apples bases. Otherwise, a supplier who offers a smaller sized item at a lower price may gain an advantage over a supplier who offers a larger size at a slightly higher unit price, even if the second supplier's price per ounce is lower and provides a better overall value.

**ANSWER:** Price per ounce where applicable. Price by each otherwise. 1. Exhibit 3 Is the pricing listed in Exhibit 3 the bulk price currently be charged to ODOC or the inmate retail price?

**ANSWER:** The bulk price is currently price charged to the inmate.  |

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| b. All other terms and conditions remain unchanged. |
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| Supplier Company Name (**PRINT**) |  | Date |
|       |  |       |  |  |
| Authorized Representative Name (**PRINT**) |  | Title |  | Authorized Representative Signature |

1. [↑](#footnote-ref-1)