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T. ELOISE FOSTER  
Secretary

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Deputy Secretary

**QUESTIONS AND RESPONSES # 3**  
**PROJECT NO. F10B4400003**  
**Department of Budget and Management, Central Collection Unit**  
**Account Verification Services**  
**Sept. 10, 2013**

Ladies/Gentlemen:

This List of Questions and Responses, questions #28 through #36, is issued to clarify certain information contained in the above named IFB.

In most instances the submitted questions and the Department's responses merely serve to clarify the existing requirements of the IFB. Sometimes, however, in submitting questions potential Offerors may make statements or express interpretations of contract requirements that may be inconsistent with the Department's intent. To the extent that the Department recognizes such an incorrect interpretation, the provided answer will note that the interpretation is erroneous and either state that the question is moot once the correct interpretation is explained or provide the answer based upon the correct interpretation.

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

The statements and interpretations of contract requirements which are stated in the following questions of potential Offerors are not binding on the State, unless the State expressly amends the IFB. Nothing in the State's responses to these questions is to be construed as agreement to or acceptance by the State of any statement or interpretation on the part of the vendor asking the question as to what the contract does or does not require.

*28. To ensure that offerors have sufficient time to evaluate the Department's responses to this final batch of questions/exceptions, would the Department please consider extending the submittal deadline to four business days after written answers to all questions/exceptions have been provided by the Department?*

~Effective Resource Management~

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**RESPONSE:** The Department has extended the bid due date to September 17, 2012. See Amendment #4 Items 1, 2, 3, and 4.

*29. We respectfully request that the State reconsider its position to allow a general disclaimer of warranty. Will the State allow for a general disclaimer? Alternatively, will the State allow for one such as the following: "All data is provided "as is," without warranty of any kind, express or implied, including, but not limited to, warranties of performance, merchantability, fitness for a particular purpose, accuracy, omissions, completeness, currentness, and delays."*

**RESPONSE:** Although the Department will not allow for a general disclaimer of warranty, it will allow for one that provides for data to be provided "'as is' without warranty of any kind, express or implied, including, but not limited to, warranties of performance, merchantability, fitness for a particular purpose, accuracy, omissions, completeness, currentness, and delays." Any such "As-Is" clause may be included as part of licensing and use terms a bidder submits during the credentialing process as per IFB Section 3.2.4. See Amendment #4 Item 8. However, the Department expects that the results provided by the 1,000 Test Accounts will be representative of the quality of work provided throughout the Contract. See Amendment #4 Item 6, 7, and 9.

*30. The Department's answer to Question 14 acknowledges an amendment to the Insurance Requirements in Section 3.4.6. Will the Department consider additional modification to Section 3.4?*

**RESPONSE:** The Department has further modified IFB Section 3.4. See Amendment #4 Item 5.

*31. Will the Department remove Paragraph C of Section 28 of the Contract, Attachment A?*

**RESPONSE:** Yes. The Department previously removed Section 28 Paragraph C of the Contract, Attachment A, in Amendment #1 Item 16. See Amendment #1 Item 16. A new Paragraph C has been incorporated to limit the Contractor's liability under the Contract.

*32. Will the Department allow bidders to place a cap on their liability that is reasonable to the services being provided?*

**RESPONSE:** The Department will cap the successful bidder's liability under the Contract to the value of the Contract in the manner described in Amendment #4 Item 10, except for those liabilities arising under Contract Sections 28.1 (a) and (b). See Amendment #4 Item 10.

*33. Will the State take responsibility for its misuse of regulated data, including any other party receiving such regulated data from or through the State?*

**RESPONSE:** Yes, in the manner indicated in Amendment #4 Item 10.

*34. In light that the Department is requesting heavily regulated data that is made up of many third party sources and requires commercial licensing terms to govern its usage, would the state reconsider procuring this type of data under an IFB solicitation, and instead consider re-releasing this solicitation as a more formal solicitation (such as an RFP) that would allow the*

*State to negotiate a final contract that would incorporate commercial licensing terms of the potential contracting party?*

**RESPONSE:** The Department will not reissue the solicitation as an RFP because, although minor changes may be negotiated after recommendation of an award, any substantive changes to a proposed Contract issued under an RFP must occur during the solicitation process and via the exception and formal amendment process. Reissuing the solicitation as an RFP would require enough time to allow potential vendors to respond to the RFP and to allow the Department to make any necessary adjustments. As the Department is seeking to have the project finished by a certain date, there would not be sufficient time to reissue the solicitation as an RFP.

*35. When should a Bidder submit all of its licensing terms for the Department's review? Should those be included in the bid? Or will the Department request terms from the successful bidder after bid closing and during the credentialing process?*

**RESPONSE:** The successful Bidder may submit its agreement addressing product licensing and proprietary rights to the Department for its review after Contract signing during any required credentialing process of the Bidder as per IFB Section 3.2.4. See Question and Answer #24 and Amendment #2 Items 1 and 2.

*36. Will the Department remove Section 29, Parent Company Guarantee, of the Contract, Attachment A?*

**RESPONSE:** The Department will not remove Section 29, Parent Company Guarantee, of the Contract, Attachment A. However, it should be noted that this section of the Contract applies only when the circumstances described in Section 1.22 of the IFB are implicated, (e.g., a subsidiary bidder is relying on its parent's credentials to meet the minimum qualifications).

**Remember bids are due on September 17, 2013, (per Amendment #4 Items 1, 3 and 4) no later than 12:00 p.m.** If there are questions concerning this solicitation, please contact me via e-mail at [rachel.hershey@maryland.gov](mailto:rachel.hershey@maryland.gov) or call me at (410) 260-7681 as soon as possible.

Date Issued: 09/10/2013

By:

Rachel Hershey  
Procurement Officer