

## SECTION FIVE

### SCOPE OF WORK

#### 5.01 Task Orders

Work orders issued under contracts resulting from this RFP will be called "Task Orders." Task Orders (TO's) have many characteristics of a typical State information technology projects. They may be very limited in scope and duration, or they may be broad and long-lasting. They are anticipated to vary in size from \$5,000 to \$500,000, from a few days to many months in duration, and may include a variety of technology and management services. The state reserves the right to procure these same professional services in accordance with the state's procurement laws, regulations, and policies independent of the professional services contracts created as a result of this RFP. Task Orders for up to (and in rare cases, over) \$500,000 may be issued under the agreements resulting from this RFP. However, task orders exceeding \$500,000 must be approved in advance by the state's Chief Procurement Officer.

The specific scope and deliverables, as well as some of the specific terms of each, are subject to negotiation at the time of their assignment to a contractor. Once a task order is approved and underway, changes in scope, deliverables, and completion date may, in some cases be further modified with mutual consent and the documented approval of the Task Order Manager as long as the approved dollar amount is not exceeded and the changes are generally consistent with the original intent of the Task Order. However, the Agency or Task Order Manager are not required to approve changes in scope, deliverables and end date unilaterally proposed by the contractor.

Offerors will be evaluated to determine if they are qualified to do business in a **Category**, and then ranked for purposes of award. The ranking will be based on the evaluation criteria in this RFP. In Category 1 up to three (3) contractors will be ranked, in all other Categories up to two (2) contractors will be ranked.

After contract award, individual staff will be proposed by the Offeror in response to a given TO on an as-needed basis at the time the TO is assigned for quote. The Offeror must present a detailed resume(s) with references as evidence that the proposed staff is qualified to do the work. The TO Manager and/or the State Project Manager will determine if these staff are qualified. Either the Agency or the Task Order Manager may refuse to accept proposed staff and may, at their discretion, request the Offeror propose alternative staff for the TO.

Qualified full or part-time employees of the Offeror or its partners may be proposed or added to the list of approved human resources database at any time, subject to approval of the TO Manager and the State Project Manager for that TO. The Offeror's employees may be offered for service at any time, including the time of TO creation or during the TO execution, subject to approval of the TO Manager and Agency Project Manager.

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The Offeror may propose to augment their staff with subcontractors for the execution of a TO as long as the subcontractors were proposed and approved prior to task order assignment or, in rare cases, during or subsequent to the task order negotiation phase. Any new subcontractors will be approved at the sole discretion of the state and subcontractors will be required to provide a valid Alaska Business License and proof of insurance in accordance with Appendix B1 to the Task Order Manager before the award of a TO

When a subcontractor(s) is used, the Offeror shall:

- maintain primary responsibility and oversight of all work performed;
- be directly involved in delivering a quality product; and
- provide the expertise upon which the proposal was evaluated and contract awards were based and not simply act as a human resources locator (“head hunter” or “body shop”).

Task Order Categories are defined in **Section 5.02** below. Categories define the scope of one or more services to be performed within the broader definition of the Category. Offerors may offer any number of Categories for which they have qualifying experience and qualified employees or sub-contractors available.

“Technologies and Services of Interest” have been listed for some of the Categories. When such a list has been provided, Offerors must restrict their proposals to the Technologies and Services of Interest listed for that Category. Offerors need not be able to provide services in all of the services listed under a given Category to respond to the Category, but must offer at least one of the services. Contractors may not perform services in technologies and services of interest other than those that have been approved by the State in the Task Order(s).

### ***5.01.01 Procedure for Task Order Creation and Assignment***

The Agency creates a draft task order by completing the appropriate sections of the Task Order Submission Form and submitting it to the Task Order Manager. The Task Order Manager will review specifications in the draft Task Order to ensure that they include the basic information necessary for the Contractor to provide a realistic estimate of costs and staffing requirements for the Task Order, such as ~~required type(s) of services, expected deliverables, location of work, and anticipated time period of performance.~~

The Draft Task Order is then assigned to a contractor (called the Offeror) which will return a quoted task order. Nothing precludes the contractor from reducing their hourly rate fees, or the state from negotiating lower hourly rate fees. Contractors are selected according to the order of their ranking from the proposal evaluation, highest ranked eligible contractor first and then the second ranked contractor, etc.

If the first ranked contractor is not ready to perform the services, or if the expertise and resources are not available to complete the work, the Task Order will be assigned to the next ranked contractor, etc. Under some circumstances, the agency may request that a task order be assigned to other than the first

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ranked contractor due to unique technical qualifications of the lower ranked contractor (See Section 5.01.02 Assignment Exceptions).

An Offeror must have received award for the Category which encompasses the primary portion of the work performed under a given TO in order to be prime for that TO. However, if a particular TO requires services from more than one Category, the Offeror may augment its staff with internal employees or subcontractors (previously qualified under the conditions stated above) qualified to do the work, even though the Offeror did not receive award for that Category. However, the extra-Category work must be a minority portion of the work to be performed for the TO. Additionally, an Offeror may request services and augmentation from other Offerors who are available and have been awarded by the state within other TO Categories at any time and is encouraged to do so if necessary. Alternatively, the project may be broken down into multiple Task Orders at the discretion of the Task Order Manager or State Project Manager.

When a Draft Task order is assigned to a contractor for quote it enters the negotiation phase. During the Task Order negotiation phase, the contractor and agency may work together to further define the services and scope requirements of the draft task order, or negotiate lower hourly rate fees. Once the scope and services are defined with sufficient specificity, but not later than ten (10) working days after assignment of the Task Order, the Offeror will return the Task Order form to the Task Order Manager specifying the names of qualified personnel, including any agreed to subcontractors, who will perform the services, resumes for any individuals who have not previously performed services under the contract, and a fixed price or not-to-exceed maximum, including travel costs if required for work performed outside Juneau and Anchorage, for performing the services. The price for services must not exceed the proposed hourly rates, as may be adjusted based on the CPI.

The Task Order Manager and agency staff will review the Task Order estimates, descriptions and personnel and may request revisions or additional explanation prior to providing approval to proceed. During this review, the Offeror may be requested to submit additional resumes for review and selection. The Task Order Manager will review proposed personnel to determine if the individuals proposed by the Offeror to perform work under a Task Order have the appropriate skills to match the specific work to be performed and have a proven ability to deliver, and may reject candidates with verbal notification. Upon written request, Offerors may receive a written explanation of the reasons for rejecting proposed personnel.

If during this process, the State determines that: (1) the Offeror cannot complete a Task Order in the time required by the State, (2) the costs of the Task Order are not agreeable to the agency, (3) payment terms are not acceptable to the State or the Offeror, and/or (4) personnel proposed in the original response to the RFP are not available and the State determines that the personnel proposed for the Task Order do not have the expertise required, the State may, in its discretion, assign the Task Order to the next ranked Offeror.

If the quoted Task Order is acceptable to the State, the Offeror will be notified of approval of the Task Order and shall provide services as approved in the Task Order. Work will not commence until the Offeror receives an approved Task Order. Any work performed in advance of Task Order approval is at

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the Offeror's risk. The Procurement Officer will not approve any Task Order under which work is known to have started prior to approval.

Offeror's personnel will ordinarily perform services with minimum interaction with the Task Order Manager. Such interaction will normally be limited to ensuring that deliverables meet the requirements and time frames of Task Orders, and to coordinating the Offeror's access to needed State resources and information. Offerors are expected to provide their own work space, supplies, equipment, and clerical support unless arranged otherwise at the time of the Task Order's creation. Depending upon the nature of a particular Task Order, the State may supply access to state resources (including machine time, disk storage, printer facilities) and temporary on-site work space and/or access to facilities required for performing assigned tasks.

The Offeror shall provide to the Task Order Manager status reports for each active Task Order. The intervals and form for status reports will be determined by the Task Order Manager at the time a Task Order is negotiated and occasionally may be requested ad-hoc. Each Task Order status report shall consist of a brief description of the project, progress, any problems, concerns or other issues that need to be addressed, expected activities during the next reporting period, and any other information deemed appropriate and relevant by the Offeror or requested by the Task Order Manager.

Training services may be performed by the successful Offeror or their subcontractors under any contract resulting from this RFP, provided that the personnel proposed to perform the work are qualified to teach the relevant service and have proven training experience.

### **5.01.02 Assignment Exceptions**

Under some circumstances, the agency may request that a task order be assigned to other than the first ranked contractor. This is called a Request for Assignment Exception. Conditions that may constitute justification for an Assignment Exceptions are limited to:

#### (1) Unique Technical Qualifications

In some cases IT work uniquely requires certain mandatory specific qualifications, such as certain Formal Certifications or Formal unique training associated with a proprietary product. However, the fact that a particular contractor wrote the original software does not automatically qualify a TO for consideration under this paragraph.

An administrative process will be provided by the TO Manager to handle these exceptions and the requesting agency will be required to justify, in writing and to the satisfaction of the Task Order Manager, why the highest ranked contractor cannot reasonably meet the agency's needs.

If the agency's request is approved by the Task Order Manager, the higher ranked contractor will be allowed a minimum of 5 working days to determine if the unique technical qualifications can be reached in their organization or via a subcontractor, and if so, they will be permitted to quote the Task Order. Determination will be made by the Task Order Manager. Once assigned, the task order will be subject to all ordinary requirements and processes such as the Informal Dispute Resolution process.

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Project Continuity - in some cases an Agency may believe it is essential that work be performed by a lower ranked contractor due to continuity reasons. However, no assignment exception will be granted under this condition and the Agency will be required to procure the services in accordance with the state's procurement laws, regulations, and policies.

### **5.01.03 Mini-Proposal**

For any that draft task order is expected to exceed \$50,000 the agency may request that the Task Order Manager offer the task order as a Mini-Proposal to all qualified contractors in the Category. Guidelines for the administrative process for this method will be provided by the Task Order Manager, and although the format and certain processes will be simplified, the process will qualitatively reflect an ordinary RFP in formal definition of the scope, evaluation criteria and proposal evaluation process and will be conducted by the agency with the oversight of the Agency Procurement Officer, who will recommend the results of the evaluation to the ETS Contracting Officer. The Agency Procurement Officer must possess DGS Level III certification. Only the specific bidder preferences possessed by the contractor at the time of initial contract award will be considered during the evaluation of offers under this TO mini-proposal process, provided the contractor still qualifies for such preferences.

## **5.02 Categories**

The State is interested in obtaining ready access to qualified expertise in the professional services Categories listed below. Specific products, technologies and services of interest to the State have been identified within Categories as applicable. In Category 1 up to three (3) contractors will be ranked, in all other Categories up to two (2) contractors will be ranked.

As the products, technologies or related services of a Category are expanded and modified through the normal process of ever new and expanding offerings, the need may be created for contractors to add their ability to respond to these new but closely related products, technologies or services of interest within the scope and intent of a Category. All contractors within that Category will be given the opportunity to provide resumes for the newer technology/service. Additionally, contractors may at any time after award augment their ability to respond to the original technology and services of interest. However, a Contractor's ranking within the Category will not be changed as a result of either of these processes.

A description of each Category is included below, as well as a list of technologies and services of interest to the State within each Category. Offerors may include an offering for one or more Categories in their proposals. For each Category proposed, Offerors **MUST** offer at least one of the technologies and services of interest specified in that list to be considered responsive in that Category. Offerors are not required to offer all services listed in a Category.

Some of the Category descriptions include minimum 'Additional Offeror Qualifications' and/or 'Additional Staff Qualifications'. Evidence of compliance with these sections must be submitted with the proposal (see Sections 6.02.02 and 6.02.03).

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### **Category 1: IBM Host Systems Support**

Services shall include configuration design, installation, maintenance, modification, monitoring and/or evaluation of operating systems and secondary support software for the State's IBM host computers and associated utility software. Contractors will provide consulting in license evaluation, software selection, configuration, installation for, software interaction issues, and/or assessments of the State's IBM mainframe environment.

#### **Technologies and Services of Interest:**

- \*IBM Operating System and components
- \*CICS Systems Support
- Adabas, Natural, Broker and associated Software AG products
- \*CA Product Support
- \*ASG Product Support

Additional Offeror Qualifications: Not applicable.

Additional Staff Qualifications: \*All staff (except for the staff proposed for Adabas, Natural, Broker and associated Software AG products) must demonstrate proficiency in IBM Assembler language programming and use of SMP.

### **Category 2: Windows Servers Systems Support**

Services shall include configuration design, installation, maintenance, modification, and evaluation and administration of operating systems and application server software for the technologies listed below for the State's Mid-Range server computers, associated utility software and application server software. Primary responsibilities are to perform pre-installation planning activities, install, monitor, and perform problem determination and resolution, system level management and software maintenance. Experience with other LAN operating systems is desirable and experience with multiple protocols, topologies and architectures is preferred.

#### **Technologies and Services of Interest:**

- Microsoft Windows Server OS
- AD – Active Directory
- Exchange
- IIS – Internet Information Server
- ISA – Internet Security Appliance
- MIIS – Microsoft Identity Integration Server
- Database Administration
- ADFS – Active Directory Federation Services
- ADAM – Active Directory Application Mode
- WSUS – Windows Software Update Services
- BizTalk Server
- DNS
- Domain Migration and Configuration (MS Active Directory)

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- File and print services
- Network Security design and implementation
- Mid-Tier Network Capacity Planning
- LANDesk
- Storage Management
- Microsoft SharePoint

Additional Offeror Qualifications: Not applicable.

Additional Staff Qualifications: Not applicable.

### **Category 3: Non- Windows Servers Systems Support**

Services shall include configuration design, installation, maintenance, modification, and evaluation and administration of operating systems and application server software for the technologies listed below for the State's Mid-Range server computers, associated utility software and application server software. Primary responsibilities are to perform pre-installation planning activities, install, monitor, and perform problem determination and resolution, system level management and software maintenance. Experience with other LAN operating systems is desirable and experience with multiple protocols, topologies and architectures is preferred. These server OS's include, but are not limited to, Solaris, Unix, Linux, and Netware.

#### **Technologies and Services of Interest:**

- Solaris
- Linux
- Netware
- UNIX
- Apache Web Server
- UNIX Web Servers
- SUN Microsystems (iPlanet Messaging, Directory, Web Servers)
- IBM Websphere
- Database Administration
- Cold Fusion
- DNS
- Domain Migration and Configuration (MS Active Directory)
- File and print services
- Network Security design and implementation
- Mid-Tier Network Capacity Planning
- UNIX Shell Programming
- Storage Management
- Microsoft SharePoint

Additional Offeror Qualifications: Not applicable.

Additional Staff Qualifications: Not applicable.

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### **Category 4: Data Center Consulting**

Provide consulting services related to data center assessments, capacity and acquisition planning, performance tuning, data center production efficiency, disaster recovery planning, physical data center security, benchmarking, and software licensing/product review.

#### **Technologies and Services of Interest:**

- Capacity Planning
- Facilities Planning
- Site Assessment
- Disaster Recovery & Business Continuity Resumption

Additional Offeror Qualifications: Experience with enterprise facilities comparable to the State of Alaska's Juneau Data center (Tier 4 as defined by the Uptime Institute).

Additional Staff Qualifications: Not applicable.

### **Category 5: Security Consulting**

Provide consulting services related to telecommunications, network, encryption, servers, applications, and system security. Security related tasks such as assessment, design, perform site assessments, probes and audits, provide hands-on technology assistance with network and system security.

#### **Technologies and Services of Interest:**

- Network
- System
- Application

Additional Offeror Qualifications: At least one person with a Cisco Certified Internetworking Expert (CCIE) within the network, or security or voice principals. Must clearly understand how the National Institute of Standards and Technology are applied to government and be versed in the practical application of ISO 17799 security standards. Understanding of Cisco Security Solutions preferred.

Additional Staff Qualifications: Practical experience in the application of solutions that meet or exceed Federal and industry requirement.

Individuals must demonstrate systems administration skills such as Microsoft OS, Sun Solaris, and/or LINUX, Cisco IOS, multiple enterprise class firewall technologies, security event logging, security event correlation, heuristic based security solutions, proxy and wireless security services, or other specialized security solutions.

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### **Category 6: IT Management Consulting**

Offerer will provide guidance for senior managers in strategic analysis, process management, and financial planning.

#### **Technologies and Services of Interest:**

- ITIL framework and methodology
- IT Strategic Planning (review of the organizations environment, setting strategic goals and their related objectives and defining an operational, management or annual plan)
- IT Financial Management (based cost management, asset management, benchmarking, capital budgeting, chargeback, contract management, cost accounting, cost allocation, expense management and financial planning & reporting)

Additional Offeror Qualifications: Not applicable.

Additional Staff Qualifications: Not applicable.

### **Category 7: IT Procurement and Grant Services**

Contractors will provide services to assist state agencies in defining, identifying, procuring, analyzing, selecting and negotiating, creating, and managing contracts for IT services, software and hardware. [Note: under this Category contractors will not be allowed to serve as the procurement authority and actually conduct procurements on behalf of the state.]

#### **Technologies and Services of Interest:**

- Grant writing
- Scope definition
- Technology RFP development
- Business application procurement
- Industry and products research
- Contract negotiation assistance
- Contract administration assistance
- Contract development

Additional Offeror Qualifications: Offerors must demonstrate experience providing this type of procurement assistance from the government side of the process in excess of the State's limit on small procurements (\$50,000). Familiarity with Alaska's Procurement Code, regulations, and policies is preferred.

Additional Staff Qualifications: Not applicable.

**Category 8: OS390 and Z/OS Mainframe Application Analysis, Design, and Programming**

Analysis and programming for mainframe applications programming covers the majority of language constructs currently in use at the State of Alaska. Services include requirements analysis, detailed specifications, programming, deployment, and maintenance of computer applications. Application development includes the complete life cycle involved in producing a computer application.

**Technologies and Services of Interest:**

- Software AG Products and associated tools and features
- ADABAS Performance Analysis System (APAS)
- IBM's CICS Transaction Server & associated tools and features
- IBM's C & C++
- IBM's COBOL for z/OS
- IBM's DB2 Universal Database for z/OS & associated tools and features
- IBM's Debug tool
- IBM's Fault Analyzer
- IBM's High Level Assembler & Toolkit feature
- IBM's ISPF Productivity Tool
- IBM's Migration Utility for z/OS
- IBM's Tivoli and associated tools and features
- IBM's Websphere Application Server & associated products
- IBM's z/OS & associated products
- IBM's z/OS communication server
- IBM's z/VM & associated products
- SAS

Additional Offeror Qualifications: Not applicable.

Additional Staff Qualifications: Not applicable.

**Category 9: Distributed Application Analysis, Design, and Programming**

Analysis and programming for distributed systems application development for the State of Alaska. Services include requirements analysis, detailed specifications, programming, deployment, and maintenance of computer applications. Application development includes the complete life cycle involved in producing a computer application.

**Technologies and Services of Interest:**

- Requirements analysis and detailed specifications
- Data modeling
- Logical and physical database design
- Data warehouse analysis
- Web application programming
- Web application user interface programming (thin or thick clients with dynamic HTML and interaction with server side code and data)
- Multimedia Development

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- Client-server application analysis and programming
- Object oriented language analysis and programming
- SQL programming (SQL Server or Oracle)
- LDAP interfaces
- XML(SOAP, XSLT, SAML, DOM) expertise
- Documentation

Additional Offeror Qualifications: Not applicable.

Additional Staff Qualifications: Not applicable.

### **Category 10 Document Management, Image Management, & Content Management**

Provide consulting support for the full spectrum of services for document, records, imaging, and content management solutions. This may include, but is not limited to, requirements definition, architecture determination, product evaluation, systems and workflow analysis, detail design, installation, configuration, applications implementation, programming, training, and ongoing operational support for maintenance, capacity planning, administration, and troubleshooting.

#### **Technologies and Services of Interest:**

- Stellent products
- Document and Data capture services
- Imaging Management
- Content management
- Records Management
- Kofax Ascent Capture

Additional Offeror Qualifications: Offerors may add Kofax to their list of services provided they can demonstrate substantial prior experience in this area. Substantial experience means at least 1 mid-sized content management project of duration greater than three (3) months that for which the Firm had Kofax implementation responsibility within the last two (2) years.

Additional Staff Qualifications: Not applicable.

**Category 11: Geographic and Spatial Information Systems**

NOTE: In the description under Technologies and Services of Interest, delete the “Acquisition (data collection, aerial photography, satellite imaging)” bullet and replace with:

- Analysis of data, aerial photography, and satellite imaging.

The following serves to clarify the difference between the following bullets in Category 11:

- Commercial product training: a structured, usually classroom, setting.
- Commercial product mentoring: a one-on-one type of training, with the contractor teaching and training state employees while doing the work.

Note: All contracts resulting from this RFP are for professional services only.

Services in this category generally fall into two areas:

Services related to data genesis, manipulation, and hardcopy representation and services related to Systems, Database, Application design and development. These may include effectively handling a variety of data (topographic, hydrologic, geologic, environmental, population, land ownership, etc.) to meet needs specified by Task Order. Offerors must be able to interpret statistical geographical data on environmental resources in ways relevant to borough, municipal and regional planning.

**Technologies and Services of Interest:**

- Spatial data migration, transformation and integration
- Acquisition ( data collection, aerial photography, satellite imaging)
- ~~Map production~~
- Analytical spatial services
- ~~Commercial product training~~
- Problem analysis & solution recommendation
- ~~Systems, database, and application design & development~~
- Commercial product mentoring
- GIS database and application design & development
- ESRI
- Oracle Spatial

**Category 12: Project Management**

Project Managers will provide management of integration, scope, time, cost, quality, human resources, communication and risks for IT related projects.

**Technologies and Services of Interest:**

- PMI

Additional Offeror Qualifications: Must show familiarity with Project Management methodologies such as IEEE 1058.1-1998, PMI, PRINCE2, or APM. At least one certified Project Manager with a level of certification comparable to the Project Management Institute PMP certification is preferred.

Additional Staff Qualifications: Not applicable.

**Category 13: Quality Assurance**

This category includes QA planning, the writing of test plans, personnel to manually test systems, software to remotely test networks or exposed web sites, design and programming resources to write automated test scripts, or training in testing modalities. Types of quality assurance testing include functional, security, and performance testing

**Technologies and Services of Interest:**

- Creation of test scenarios
- Creation of processes
- Organizational planning
- System testing

**Additional Offeror Qualifications:**

**Additional Staff Qualifications:** Certified Software Test Engineer (CTSE) or other QA certification is desired.

**5.03 Responsibilities of the Contractor**

**5.03.01 Internal Quality Assurance and Progress Monitoring**

The Offeror shall establish and administer controls and quality assurance processes to insure that the quality of deliverables are acceptable to the State, provide routine status reports on a basis determined in the Task Order, or as requested by the Project Manager or Task Order Manager. The State considers these to be standard administrative activities for a professional services provider. The costs for these services should be included in the proposal pricing as part of the basic service rate. Extraordinary project management services may be negotiated at Task Order creation time on an hourly basis for certain types of projects.

**5.03.02 Preparation of Deliverables**

Specific deliverables will be identified on each Task Order and may consist of written reports, source code, application documentation, etc. The Contractor is responsible for all aspects of deliverable preparation. If a written report is required, the Contractor is responsible for writing, printing, and delivery of draft and final reports in the minimum number required by the Task Order. The Offeror must provide draft copies of each written deliverable to the Task Order Manager prior to publishing a final. The State will review the draft material as expeditiously as possible and return comments within 15 days. A final project deliverable shall not be published until the State approves a draft version as ready for final publication.

**5.03.03 Task Order Issues**

State law provides for a formal process to resolve Contractor claims under AS 36.30.620-630. However, to expedite resolution of issues and avoid a potentially long process, Contractors may choose to request review of perceived failure on the State's part to provide agreed upon resources, comply with contractual agreements made under a Task Order, or client's refusal to accept deliverables. Such requests for review must be made in writing within 30 days of perceived failure, to the State Task Order Manager.

Objections related to assignment of Task Orders may be made to the State Task Order Manager by Contractors ranked higher in the Category. Such objection must be received in writing within three (3) working days of notice of pending Task Order assignment.

If review and mediation by the Task Order Manager fails to reach an outcome acceptable to the parties, the Contractor may request further informal dispute resolution by the Project Manager. (**Section 5.04.04**). Such requests for review must be made in writing.

The Task Order Manager may recuse himself from the process and refer disputes to the Project Manager at any point in the resolution process as he deems it appropriate to do so.

**5.04 Responsibilities of the State**

**5.04.01 Vendor Selection and Negotiation**

Agencies issuing a Task Order request will work with the Task Order Manager to determine to which Contractor the Task Order will be assigned as described in **Section 5.01**. Under some circumstances the Agency will be directed to proceed with agency-level procurement in accordance with the state's procurement laws, regulations and policies.

**5.04.02 Task Order Clarification and Facilitation**

The Task Order Manager will ensure that both parties (Contractor and agency) are in agreement on Task Order scope, schedules, staffing and deliverables before work begins; that responsibilities of the Contractor and the State agency requesting the Task Order are clear, and that Task Order performance is measurable. The Task Order Manager will assure that primary Contractor and State roles and staff are identified (State Project Manager, contractual Project Manager (if any), Contractor primary contact, state employee responsible for sign-off and acceptance of deliverables, etc.).

The State Project Manager will be responsible for delivery of state resources and state personnel needed to fulfill Task Order requirements. The State Project Manager will receive all project deliverables and coordinate their review and final acceptance by the State.

The Task Order Manager will review Task Orders to ensure that they are on schedule and within cost. In the event that a Task Order is off track, or in the event that a complaint is received from either the State Project Manager or the Contractor that either party is failing to meet its contracted responsibilities, the Task Order Manager will act to facilitate the resumption of the Task Order, or

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cancel the Task Order if he deems such action necessary. Either Party may appeal the cancellation of a Task Order to the Project Director for review and final decision.

### 5.04.03 Monitoring

The Task Order Manager will monitor and maintain information regarding Contractor and agency performance on Task Orders. Performance will be measured by such things as adherence to schedule and budget, Contractor and agency responsiveness to communications, customer satisfaction with deliverables, Contractor reports on agency issues, and numbers and types of disputes.

The Task Order Manager will note changes in Contractor staff, subcontractor or partnership agreements, licensing, corporate financial stability, or other matters relevant to the Contractor's capability to fulfill its obligations for the Category(s) for which it has been awarded. If such changes substantially reduce the Contractor's ability to qualify for the Category for which they have received award under this RFP, the Contract may be terminated in whole or in part. This decision will in no way affect the Contractor's right to respond to other state procurements.

### 5.04.04 Informal Dispute Resolution

The Task Order Manager will serve as mediator for non-judicial complaints related to Task Orders, such as disputes related to assignment, performance, cost, delays, staffing, or definition and acceptance of deliverables on Task Orders (5.03.04). The Task Order Manager will attempt to mediate a mutually agreeable resolution. If mediation is unsuccessful, the Task Order may be cancelled or the decision may be appealed, in writing, to the Project Director. Subsequently the Project Director will provide a written decision to all concerned parties. After completion of this process, if the Contractor is not satisfied with the decision, the Contractor may submit a claim in accordance with AS 36.30.620-632.

### 5.04.05 Termination for Cause

The State may, by providing written notice to the Contractor, terminate the Contractor's right to proceed with part or all of the remaining work on a Task Order for cause, or cancel the Contractor's contract for one or all Categories.

The Task Order Manager will initially make a determination that termination action may be warranted. The Task Order Manager will prepare written documentation to support this determination. Contractors subject to such action will be notified and provided with a copy of the documentation. Contractors will be granted 10 working days from receipt of the documentation to provide written statements describing their position on the issues. ETS' Contracting will review the documentation and the Task Order Manager's recommendation. Further clarification may be requested by ETS' Contracting Officer before a final decision is made. The Task Order Manager will notify all parties in writing of the decision. The Contracting Officer's decision is final.

There are various possible causes for Task Order cancellation for cause, removal from the list of qualified Contractors in a Category, or removal from eligibility to receive Task Orders in all Categories. The following is a list intended to provide some of the possible causes, but is not

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exhaustive and the State reserves the right to remove Contractors for cause for other issues it deems sufficient:

- refusal to complete the work for which the Contractor has signed a Task Order
- failure to perform work with such diligence as to ensure its timely and accurate completion demonstrating a pattern of Contractor behavior
- substitution of key Task Order staff without written permission of the Task Order Manager
- substitution of key Task Order staff on multiple or large Task Orders demonstrating a pattern of Contractor behavior
- substitution of staff or subcontractors used to qualify for a Category or Service without written permission of the Task Order Manager
- failure to maintain company qualifications, qualified staff or subcontractor/joint venture agreements
- bankruptcy filings, pending legal action, or other verifiable evidence of financial distress
- loss of rights such as licenses required to provide the service
- repeated refusal to accept Task Orders within the Category and service for which the Contractor has received award
- consistent under-performance on multiple or large Task Orders
- consistent dispute or conflict with agencies or the Task Order Manager arising from multiple Task Orders or a single large Task Order
- lack of responsiveness to communications from the Task Order Manager or the State Project Manager with whom the Contractor has outstanding Task Orders in place
- egregious deliberate actions in violation of state policy
- deliberate breach of state security or information privacy policies
- misuse or abuse of state equipment, property, data or staff
- felonious criminal activity or malicious actions against the state

This clause does not restrict the State's termination rights under the contract provisions of Appendix A (attached) and in no way supersedes other legal remedies for contract breach. Additionally, removal from the list does not in itself preclude the Contractor from bidding or proposing other State work under separate procurements.