



**Solicitation Information**

**November 25, 2019**

**MPA- 368 CR-10  
Solicitation #7599840**

**TITLE: Arbitration / Mediation Services**

**INITIAL SUBMISSION DEADLINE: December 23, 2019 @ 11:00 AM.**

**CONTRACT TERM: Term ending December 31, 2023. Option for (1)  
One-year extension**

**SUBMISSION DEADLINE: Continuous Recruitment through June 30,  
2023**

**PRE-BID/ PROPOSAL CONFERENCE: NO**

Questions concerning this solicitation must be received by the Division of Purchases at [doa.purquestions3@purchasing.ri.gov](mailto:doa.purquestions3@purchasing.ri.gov) no later than 12/16/2019@ 3:00 pm.

Questions should be submitted in a *Microsoft Word attachment*. Please reference the RFP# 7599840 on all correspondence. Questions received, if any, will be posted on the Internet as an addendum to this solicitation. It is the responsibility of all interested parties to download this information.

**SURETY REQUIRED: No**

**BOND REQUIRED: No**

**Cheryl A. McGurn**

**Buyer II**

Applicants must register on-line at the State Purchasing Website at **WWW.RIDOP.RI.GOV** to produce the three-page generated vendor registration form, which should be attached to the bid solicitation.

**Note to Applicants:**

Offers received without the entire completed three-page RIVIP Generated Vendor certification cover form attached may result in disqualification.

**If a vendor's proposal is accepted, the vendor shall complete a full vendor registration in Ocean State Procures™ for State review and approval. Instructions and registration link are found at: <https://www.ridop.ri.gov/osp/osp-vendor-registration.php>. Full registration shall include an upload of your Internal Revenue Service Form W-9 (<https://www.irs.gov/pub/irs-pdf/fw9.pdf>) and any other documentation identified during the tentative selection process to your vendor account in Ocean State Procures™.**

## **MPA-368/CR-10**

### **Arbitration / Mediation Services**

**Solicitation Number - 7599840**

#### **ARBITRATION / MEDIATION SERVICES INTRODUCTION**

The Department of Administration, Division of Purchases is seeking to establish a list of qualified arbitrators/mediators to provide labor management services to State agencies in accordance with the terms of this solicitation and State's General conditions of Purchase, which are available on the internet at [www.ridop.ri.gov](http://www.ridop.ri.gov). The State's General Conditions of Purchase shall be the contractual terms and conditions between the parties upon issuance of a Purchase Order by the Division of Purchases. The State's General Conditions of Purchase can be found at <https://rules.sos.ri.gov/regulations/part/220-30-00-13> and addenda can be found at [https://ridop.ri.gov/rules-regulations/.](https://ridop.ri.gov/rules-regulations/))

This solicitation shall be used to create a qualified vendor list to Master Price Agreement (MPA) 368/Continuous Recruitment 10 (CR). The solicitation will expire 12/31/2023. The State, at its sole discretion shall have an option to extend the contract term for one (1) additional year. This is a continuous enrollment process through 6/30/2023.

#### **A. Notifications to Vendors:**

This Continuous Recruitment ("CR") solicitation will be used to establish a list of qualified vendors. This CR may be awarded to one (1) or more qualified vendors at the sole discretion of the Division of Purchases. There is no guarantee of any level of purchasing activity by the State to any vendors listed on this CR. In other words, inclusion on the qualified vendor(s) list resulting from this solicitation shall not to be construed as a guarantee of a vendor being selected by user agencies, nor a commitment by the Division of Purchases that a vendor will receive business from the State, or its subdivisions. Services are sought on an "as-needed" basis. Once need has been determined, utilization will be based on several factors, including, but not limited to price, expertise, and vendor availability. Selection of a vendor from the approved CR list is at the sole discretion of the user agency.

Through this CR solicitation vendors are permitted to submit a proposal to be considered for inclusion on the list at any time. All vendor proposals shall be evaluated under terms and conditions set forth in this solicitation. Proposals shall be reviewed by a technical evaluation committee ("TEC") comprised of staff from State agencies. Proposals submitted after the initial submission date will be reviewed at the convenience of the State. If a vendor's proposal is accepted, the vendor shall be placed on the qualified vendors list. If a vendor is further selected for a specific project pursuant to this CR, a purchase agreement will be issued subject to the terms and conditions stated herein. The Division of Purchases may renew the CR on an annual basis or may cancel it at any time at Division of Purchase's convenience.

The Division of Purchases has the authority in its sole discretion to remove a vendor from the CR list if it is non-responsive to agency requests. The Division of Purchases reserves the right to review vendor qualifications on an ongoing basis and remove any vendor from the CR in its sole discretion.

Vendors on the approved CR list can be utilized by any State agency, and as a requirement of this solicitation, may also be utilized by quasi-governmental organizations, Rhode Island municipalities, and the Legislative and Judicial branches of Rhode Island government.

Vendor responses to this CR solicitation shall be evaluated based on the relative merits of the proposal; there will be no public opening and reading of responses received by the Division of Purchases pursuant to this solicitation other than to announce the names of vendors who have submitted proposals.

Vendors are advised to review all sections of this solicitation carefully and to follow instructions completely, as failure to make a complete submission as described elsewhere herein may result in rejection of the proposal.

Proposals which depart from or materially alter the terms, requirements, or scope of work defined by this solicitation may be rejected as being non-responsive.

## **B. Vendor Qualifications**

1. Vendor must have a minimum of a bachelor's degree from an accredited college or university.
2. Vendor must have a minimum of five (5) years arbitration and/or mediation experience of labor management matters, as evidenced by the submission of the following:
  - a. A resume and
  - b. Three (3) references from arbitration and/or mediation party representative.
3. In lieu of the five years arbitration and/or mediation experience for labor management matters, the vendor may have at least one-year arbitration and/or mediation experience for labor management matters and hold a juris doctorate from an accredited law school.
4. Applicants must designate whether they desire to be on the **Arbitrator list, Mediator list or both.**

## **C. Fees**

1. Vendors are asked to submit all-inclusive hourly and daily rates for each of the two periods (identified as Years 1 & 2 / Years 3 & 4). A day consists of eight hours. The two price schedules are:
  - a. Years 1 & 2 – pricing through 1/31/2021 and
  - b. Pricing through 1/31/2023.
2. If any vendor provides only one rate schedule, those rates will apply for the four-year contract term.
3. The State reserves the right to negotiate lower fees with any selected provider.
4. Separate billing will not be allowed for travel and/or office overhead.

#### **D. Submission**

Interested vendors must submit proposals to provide the services covered by this solicitation on or before the date and time listed on the cover page of this solicitation. Responses received after this date and time, as registered by the official time clock in the reception area of the Division of Purchases, shall not be accepted.

Responses (**an original plus one (1) copy**) should be mailed or hand-delivered in a sealed envelope marked “**RFQ# 7599840 MPA-368/CR-10 Arbitration / Mediation Services**” to:

**RI Dept. of Administration  
Division of Purchases  
One Capitol Hill  
Providence, RI 02908-5855**

Note: Proposals faxed or emailed to the Division of Purchases will not be considered.

#### **E. Questions**

Questions concerning this solicitation must be emailed to the Division of Purchases, [questions@purchasing.ri.gov](mailto:questions@purchasing.ri.gov), no later than 12/16/2019 @ 3:00 pm. Please reference RFQ# 7599840 on all correspondence. Questions should be submitted in writing in a Microsoft Word attachment in a narrative format with no tables. Answers to questions received, if any, shall be posted on the Division of Purchases’ website as an addendum to this solicitation. It is the responsibility of all interested parties to monitor the Division of Purchases website for any procurement related postings such as addenda. If technical assistance is required, call the Help Desk at (401) 574-8100.

#### **F. Response Contents**

Responses must include **an original plus one (1) copy** and must be mailed or hand-delivered in a sealed envelope as instructed in Section D. Responses must include the following:

1. A completed and signed Vendor Certification Cover Form downloaded from the RI Division of Purchases website at <http://www.ridop.ri.gov>.
2. “Vendor Qualifications” documentation as listed above in Section B.
3. “Fees” schedule documentation as outlined above in Section C.

#### **G. Concluding Statements**

\*Potential vendors are advised to review all sections of this solicitation carefully and to follow instructions completely, as failure to make a complete submission as described elsewhere herein may result in rejection.

\*In accordance with R.I Gen Laws 7-1.2-1401 no foreign corporation has the right to transact business in Rhode Island until it has procured a certificate of authority so to do from the Secretary of State

\* If a Vendor is selected for an award, no work is to commence until a purchase order is issued by the Division of Purchases.

\* Notwithstanding the above, the Division of Purchases reserves the right to award, to accept or reject any or all proposals, and to award in the State's best interest. Proposals found to be non-responsive at any point in the evaluation process will be rejected and not considered further.

\* If a vendor's proposal is accepted, the vendor shall complete a full vendor registration in Ocean State Procures™ for State review and approval. Instructions and registration link are found at: <https://www.ridop.ri.gov/osp/osp-vendor-registration.php>). Full registration shall include an upload of your Internal Revenue Service Form W-9 (<https://www.irs.gov/pub/irs-pdf/fw9.pdf>) and any other documentation identified during the tentative selection process to your vendor account in Ocean State Procures™.

**Contract Terms and Conditions**

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## **Terms and Conditions**

### **PURCHASE ORDER STANDARD TERMS AND CONDITIONS**

#### **TERMS AND CONDITIONS FOR THIS BID**

#### **INSURANCE REQUIREMENTS (ADDITIONAL)**

ANNUAL RENEWAL INSURANCE CERTIFICATES FOR WORKERS' COMPENSATION, PUBLIC LIABILITY, PROPERTY DAMAGE INSURANCE, AUTO INSURANCE, PROFESSIONAL LIABILITY INSURANCE (AKA ERRORS & OMISSIONS), BUILDER'S RISK INSURANCE, SCHOOL BUSING AUTO LIABILITY, ENVIRONMENTAL IMPAIRMENT (AKA POLLUTION CONTROL), VESSEL OPERATION (MARINE OR AIRCRAFT) PROTECTION & INDEMNITY, ETC., MUST BE SUBMITTED TO THE SPECIFIC AGENCY IDENTIFIED IN THE "SHIP TO" SECTION OF THE PURCHASE ORDER. CERTIFICATES ARE ANNUALLY DUE PRIOR TO THE BEGINNING OF ANY CONTRACT PERIOD BEYOND THE INITIAL TWELVE-MONTH PERIOD OF A CONTRACT. FAILURE TO PROVIDE ANNUAL INSURANCE CERTIFICATION MAY BE GROUNDS FOR CANCELLATION.

#### **MPA 1% ADMINISTRATIVE FEE**

##### **MASTER PRICE AGREEMENT CONTRACT ADMINISTRATIVE FEE**

In 2017 the General Assembly amended the "State Purchases Act", R. I. Gen. Laws § 37-2-12 (b) to authorize the Chief Purchasing Officer to establish, charge and collect from vendors listed on master price agreements ("MPA") a contract administrative fee not to exceed one percent (1%) of the total value of the annual spend against their MPA contracts. All contract administrative fees collected from MPA vendors shall be deposited into a restricted receipt account which shall be used for the purposes of implementing and maintaining an online eProcurement system and other costs related to State procurement. In accordance with this legislative initiative the Division of Purchases is upgrading the State procurement system through the purchase and installation of an eProcurement system.

The contract administrative fee shall be applicable to all purchase orders issued relative to State MPA contracts. Therefore, effective January 1, 2020 all MPA contracts shall be assessed the 1% contract administrative fee.

#### **MPA BID AWARD (STATEWIDE APPLICABILITY)**

STATEWIDE APPLICABILITY - Political Subdivisions (cities, towns, schools, quasi-public agencies), as authorized by law, may participate in this Agreement. All ordering and billing shall be between the vendor and the political subdivision (only).

#### **MULTI YEAR AWARD**

THIS IS A MULTI-YEAR BID/CONTRACT. PER RHODE ISLAND STATE LAW 37-2-33, CONTRACT OBLIGATIONS BEYOND THE CURRENT FISCAL YEAR ARE SUBJECT TO AVAILABILITY OF FUNDS. CONTINUATION OF THE CONTRACT BEYOND THE INITIAL FISCAL YEAR WILL BE AT THE DISCRETION OF THE STATE. TERMINATION MAY BE EFFECTED BY THE STATE BASED UPON DETERMINING FACTORS SUCH AS UNSATISFACTORY PERFORMANCE OR THE DETERMINATION BY THE STATE TO DISCONTINUE THE GOODS/SERVICES, OR TO REVISE THE SCOPE AND NEED FOR THE TYPE OF GOODS/SERVICES; ALSO MANAGEMENT OWNER DETERMINATIONS THAT MAY PRECLUDE THE NEED FOR GOODS/SERVICES.



## **PURCHASE AGREEMENT BID**

**BIDDING** (a) A single price shall be quoted for each item against which a proposal is submitted. This price will be the maximum in effect during the agreement period. Any price decline at the manufacturer's level shall be reflected in a reduction of the agreement price to the State. (b) Quantities, if any, are estimated only. The agreement shall cover the actual quantities ordered during the period. Deliveries will be billed at the single, firm, awarded unit price quoted regardless of the quantities ordered. (c) Bid price is net F.O.B. destination and shall include inside delivery at no extra cost. (d) Bids for single items and/or a small percentage of total items listed, may, at the State's sole option, be rejected as being non-responsive to the intent of this request. **ORDERING** (a) The User Agency(s) will submit individual orders for the various items and various quantities as may be required during the agreement period. (b) Exception - Regardless of any agreement resulting from this bid, the State reserves the right to solicit prices separately for any extra large requirements for delivery to specific destinations.

Mailing Address for Bid Proposals issued by the State of Rhode Island, Division of Purchases:

All Bid Proposals must be submitted to the following address:

State of Rhode Island  
Department of Administration  
Division of Purchases, 2nd Floor  
One Capitol Hill  
Providence, RI 02908

## **RIVIP INFO - BID SUBMISSION REQUIREMENTS**

It is the vendor's responsibility to check and download any and all addenda from the RIVIP. This offer may not be considered unless a signed RIVIP generated Bidder Certification Cover Form is attached and the Unit Price column is completed. The signed Certification Cover Form should be attached to the front of the offer. Each bid proposal must be submitted in a separate sealed envelope with the bidder's name and address and the specific "Solicitation Number," "Solicitation Title," and the "Bid Proposal Submission Deadline" marked in the upper left-hand corner of the envelope.

The bid proposal must be delivered (via mail, messenger service, or personal delivery) to the Division of Purchases and date-stamped/receipted by the date and time specified for the bid proposal submission deadline. Bidders should mail bid proposals sufficiently in advance of the bid proposal submission deadline to ensure timely delivery to the Division of Purchases or, when delivering a bid proposal in person or by messenger, should allow additional time for parking and clearance through security checkpoints. Bid proposals must be addressed to:

Rhode Island Department of Administration  
Division of Purchases, 2nd Floor  
One Capitol Hill, Providence, RI 02908-5855

Bid proposals that are not received by the Division of Purchases by the bid proposal submission deadline for whatever reason will be deemed late and will not be considered. The submission time will be determined by the time clock in the Division of Purchases. Postmarks will not be considered proof of timely submission.

Bid proposals in electronic format are not accepted at this time.

At the bid proposal submission deadline, bid proposals will be opened and read aloud in public.

### **DIVESTITURE OF INVESTMENTS IN IRAN REQUIREMENT:**

**No vendor engaged in investment activities in Iran as described in R.I. Gen. Laws §37-2.5-2(b) may submit a bid proposal to, or renew a contract with, the Division of Purchases. Each vendor submitting a bid proposal or entering into a renewal of a contract is required to certify that the vendor does not appear on the list maintained by the General Treasurer pursuant to R.I. Gen. Laws §37-2.5-3.**