



**CITY OF ALBANY
DEPARTMENT OF LAW**

**REQUEST FOR PROPOSALS
FOR THE PROVISION OF
WEB-BASED EMPLOYEE TRAINING SERVICES**

**PROPOSALS DUE:
MAY 16, 2019 AT 2:00 PM**

RFP 2019-19

APRIL 24, 2019

City of Albany, New York

**REQUEST FOR PROPOSALS
FOR THE PROVISION OF
EMPLOYEE TRAINING SERVICES**

Proposal Number 2019-19

April 24, 2019

IMPORTANT NOTICE

A restricted period is currently in effect for this Procurement and it will remain in effect from the publication of this proposal until approval of the Contract. Proposers are prohibited from contact related to this procurement with any City of Albany employee other than the designated contacts listed below:

Designated Contacts for this Procurement:

For Project Specific Clarifications: Peachie L. Jones, Esq.

For Public Procurement Process Clarifications: Peachie L. Jones, Esq.

SECTION 1: PURPOSE

- 1.1 The City of Albany (“City”) hereby requests proposals from qualified entities to provide Web-Based Sexual Harassment Prevention Training to the City employees. Minority Business Enterprises and Women's Business Enterprises are encouraged to submit proposals.

SECTION 2: RECEIPT OF PROPOSALS

- 2.1 Four (4) copies of the proposal must be received in a sealed envelope marked “Proposal Enclosed – Web-based Employee Training Services” no later than **May 16, 2019 at 2:00 pm** at the following address:

Peachie L. Jones, Esq.
Assistant Corporation Counsel
City Hall - Room 106
24 Eagle Street
Albany, New York 12207

(518) 434-5050
pjones@albanyny.gov

- 2.2 The City will evaluate and make its initial judgment regarding each entity’s qualifications, methodology, ability, and proposed services based on the proposal.

- 2.3 Individuals and entities submit proposals entirely at their own expense. There is no express or implied obligation by the City to reimburse any entity, firm, or individual for any costs incurred in preparing or submitting proposals, preparing or submitting additional information requested by the City, or participating in any selection interviews.
- 2.4 Submission of any proposal indicates an acceptance of the conditions contained in this Request for Proposals (“RFP”), unless the submitted proposal clearly and specifically states otherwise.
- 2.5 The City reserves the right to accept or reject any and all proposals in whole or in part, require supplemental statements or information from any responding entity, negotiate potential contract terms with any respondent to this RFP, have discussions with any respondent to this RFP to correct and/or clarify responses which do not conform to the instructions contained herein, and to disregard all non-conforming, non-responsive or conditional proposals.
- 2.6 The City reserves the right to award the services, in whole or in part, to one or more entities, firms and/or individuals.
- 2.7 Any award of the services shall be conditioned on the later execution of a formal written contract. The City reserves the right to revoke or rescind any award at any time prior to the full execution of a formal written contract.
- 2.8 Respondents shall avoid submission of marketing materials.
- 2.9 All information submitted in response to this RFP is subject to the Freedom of Information Law (FOIL), which generally mandates the disclosure of documents in the possession of the City upon the request of any person (unless the content of the document falls under a specific exemption to disclosure).

SECTION 3: SUBMISSION REQUIREMENTS

- 3.1 As outlined in this RFP, all proposals shall include the following:
 - Statement of Qualifications and Technical Capacity as outlined in Section 4
 - Description of Training as outlined in subsection 5.3
 - Cost Proposal as outlined in Section 7
 - Non-Collusive Proposal Certificate and Acknowledgment Form as outlined in Section 13
 - Acknowledgment of understanding the Iran Divestment Act statement as outlined in Section 14.2
- 3.2 Failure to include all of the above items may result in the proposal being considered nonresponsive.

SECTION 4: QUALIFICATIONS OF PROPOSER

- 4.1 Each entity shall describe its qualifications (in no more than 10 pages including resumes) by including:
1. A brief history and description of the entity/firm submitting the proposal.
 2. Identification of the entity/firm's professional staff members who will be assigned to provide these services if the proposal is selected. Summarize the professional staff members' qualifications, years of relevant experience, education, licensure, certifications, accomplishments, etc. Specify the extent of the availability and commitment of each such professional staff member who will contribute to performing these services if the proposal is selected. Identify a project manager/contact person to coordinate the services for the City of Albany.
 3. At least three business references, including addresses and telephone numbers.
 4. A signed cover letter from a person within the entity/firm who is authorized to make representations on behalf of the firm and to bind the entity/firm.
 5. A summary of the entity/firm's general experience in providing Web-based Employee Training services to 500+ employees of municipalities or businesses. If the entity has no prior experience providing training at this scale, please describe your believed capacity to do so.
 6. Any additional information which would serve to distinguish the entity/firm from other entities/firms submitting proposals.
- 4.2 The entity must also respond to the following regarding its technical capacity:
1. What system administration/technical training do you have available and provide?
 2. Will you provide 24/7 technical support? (If not, please describe the extent of your technical support.)
 3. Can users be imported into your system?
 4. Does your system have any specific integration with Outlook? Please explain.
 5. Is it possible to create or copy permissions within the application?
 6. Does the system provide the ability to restrict user settings by user through roles?
 7. Provide information of a demonstrated commitment to and process for protecting data security.

8. Does the system provide group based security?
 9. Primary and backup data centers must be at a high security level. Please fully describe the security at your data centers.
 10. Can sensitive data be encrypted or masked in log files and database?
 11. Please explain your security administration setup.
 12. What are your backup processes and resources? What is your restore process and the resource to be used?
 13. At contract termination, how would City of Albany data would be extracted and provided to the City?
 14. Will you provide a demonstration account on your web-based platform/delivery system/application, so the City may preview it?
- 4.3 The City of Albany may make such inquiries it deems necessary to determine the ability of each proposer to perform the services contemplated by this RFP. Proposers shall promptly furnish all information and data for this purpose as may be subsequently requested by the City of Albany.

SECTION 5: SCOPE OF SERVICES

- 5.1 The selected entity must provide Sexual Harassment Prevention Training that complies with New York State Labor Law § 201-g, and corresponding New York State guidance, to 500-750 employees via a web-based platform/delivery system/application (“Web-based Platform”). The entity agrees to align its training with New York State guidance [published after the execution of a contract] at no additional cost to the City.
- 5.2 An entity may also provide, and include in its proposal, Workplace Violence Prevention Training and/or Diversity/Cultural Sensitivity Training.
- 5.3 Each entity must describe the training(s) offered with a reasonable amount of detail, including:
 - Duration/length;
 - Ideal class/audience size;
 - Proposed content;
 - Handouts or take-home materials (if any); and
 - Class Interaction Elements (if any).
- 5.4 The entity’s Web-based Platform must comply with the following technical requirements:
 1. Must not require software installation on local client (City of Albany) machines.

2. Must be browser independent and support current and recent-past versions of all major browsers (i.e., Internet Explorer, Firefox, Safari, and Google Chrome).
3. Ability to integrate with Active Directory for authentication and to facilitate single sign-on.
4. Microsoft Office365 Exchange Integration (The City of Albany's supported email system is Microsoft Office 365 Exchange with the primary client for email use being Microsoft Outlook.)
5. Must provide robust auditing capabilities including logs, status errors, warnings, etc.
6. No highly sensitive information (e.g., passwords, Social Security Numbers, etc.) should be contained in the error log files.
7. Backup procedures for the Web-based Platform and database (in case the entire system needs to be recovered) should allow recovery to a point and time no greater than 12 hours in the past.
8. Provide a process of protecting data security to include but not be limited to compliance with federal and state statutes.
9. Adequate storage capacity must exist and be readily expandable as product usage increases. No downtime should be required for expansion of necessary storage.
10. Network throughput to and from the proposer must be sufficient to handle the volume of usage described within this RFP.
11. Hosting services will be provided with minimal downtime. The scheduling of routine downtime and upgrades that requires downtime must be agreed upon by both parties in a written mutual agreement. Unscheduled downtime due to unforeseen circumstances will be communicated immediately to the City of Albany. During the unexpected downtime, the complete and accurate status of restoration efforts shall be provided to the City of Albany staff.

SECTION 6: TERM OF CONTRACT

- 6.1 The contract period contemplated by this RFP will be one (1) year. The City reserves the right to extend the agreement for two (2) additional one- (1) year terms upon budget approval.
- 6.2 The selected proposer(s) will be required to execute a contract with the City. A sample City Professional Services Agreement is available upon request. The City of Albany will have the right to terminate the contract at any time, with or without cause, upon thirty days written notice.

SECTION 7: COST PROPOSAL

- 7.1 Please provide a cost proposal for providing the services described above.

7.2 Clearly set forth in detail any and all additional expenses for which you expect to be compensated, and provide a written guarantee that no additional fees/costs will be charged to the City without prior written consent by the City.

SECTION 8: PROPOSAL EVALUATION

8.1 Proposals shall remain valid until the execution of a contract by the City.

8.2 Proposals will be examined by the Corporation Counsel's Office to determine whether each proposal meets the requirements of this RFP. A recommendation will then be made by the City's Human Resources Director, Chief Diversity Officer, and Corporation Counsel's Office to the Mayor for a contract award based on the following criteria:

- Proposer's demonstrated capabilities, professional qualifications, and experience in providing Employee Training services, and wherewithal to render the requested services to the City in a timely fashion;
- Proposed content and structure of the training;
- Total proposed cost; and
- Completeness of the proposal.

SECTION 9: ALTERNATIVES

9.1 Proposals may include alternative matters or items not specified or requested in this RFP. However, all such alternatives matters or items must be listed separately from the proposal and the cost(s) thereof must be separate and itemized.

SECTION 10: INDEMNIFICATION

10.1 The selected proposer will be required to defend, indemnify, and save harmless the City of Albany, its employees and agents, from and against all claims, damages, losses and expenses (including, without limitations, reasonable attorney's fees) arising out of, or in consequence of, any negligent or intentional act or omission of the selected proposer, its employees or agents, to the extent of its or their responsibility for such claims, damages, losses, and expenses.

SECTION 11: RFP CLARIFICATION

11.1 All inquiries with respect to this Request for Proposals shall be **in writing** directed to the following address:

For both project specific and public procurement process clarifications:

Peachie L. Jones, Esq.
Assistant Corporation Counsel
City Hall, Room 106
24 Eagle Street
Albany, New York 12207

(518) 434-5050
pjones@albanyny.gov

Other than the contact identified above, individuals may not contact or approach the City's employees during the restricted period of this RFP process about any matters related to this RFP.

- 11.2 All questions about the meaning or intent of any part of this RFP must be submitted in writing. Replies will be posted on the City's website: <http://www.albanyny.gov/NewsandEvents/RFPs.aspx>, along with the electronic version of this RFP. Questions received less than four (4) business days prior to the date of submission of proposals will not be answered. Only questions answered by this formal process will be binding. Oral or other interpretations or clarifications will be without legal effect.
- 11.3 In addition, any changes, additions or deletions to this RFP will also be posted on the City's website: <http://www.albanyny.gov/NewsandEvents/RFPs.aspx>, along with the electronic version of this RFP. Respondents are urged to check the City's website frequently for notices of any clarification of or changes, additions, or deletions to this RFP.

SECTION 12: MODIFICATION AND WITHDRAWAL OF PROPOSALS

- 12.1 Proposals may be modified or withdrawn by an appropriate and duly executed document, and delivered to the place where proposals are to be submitted, at any time prior to the opening of proposals.
- 12.2 An entity may withdraw its proposal by filing a duly signed written notice with the City within seventy-two hours after the proposals are submitted, and promptly demonstrating to the reasonable satisfaction of the City, that there was a material and substantial mistake in the preparation of its proposal.

SECTION 13: INSURANCE AND SECURITY REQUIREMENTS

- 13.1 The selected entity will be required to procure and maintain, at its own expense, the following insurance coverage:
1. Workers' Compensation and Employer's Liability Insurance at New York State statutory limits, or other policy or policies providing protection for employees in the event of job-related injuries;

2. Commercial General Liability (CGL): a policy or policies of comprehensive general liability insurance with general liability limits of \$1,000,000 per occurrence/\$2,000,000 aggregate; and
3. Errors and Omissions/ Professional Liability Insurance: a policy or policies of errors and omissions insurance with limits of not less than one million dollars, issued by an insurer licensed to do business in the State of New York with an A.M. Best Company rating of no less than “A”.

13.2 Each required insurance policy shall be in form and content satisfactory to the Corporation Counsel, and shall provide that:

1. The City of Albany is named as an additional named insured on a primary and non-contributing basis;
2. The insurance policies shall not be changed or cancelled until thirty days after written notice to the City of Albany Corporation Counsel's Office of such change or cancellation; and
3. The insurance policies shall be automatically renewed upon expiration and continued in force unless the City of Albany Corporation Counsel's Office is given sixty days written notice of termination of insurance coverage.

13.3 No work shall be commenced under the contract until the selected proposer has delivered to the Corporation Counsel (or his designee) proof of issuance of all policies of insurance required by the Contract to be procured by the selected proposer. If at any time, any of said policies shall be or become unsatisfactory to the City, the selected proposer shall promptly obtain a new policy and submit proof of insurance of the same to the City for approval. Upon failure of the selected proposer to furnish, deliver and maintain such insurance as above provided, this Contract may, at the election of the City, be forthwith declared suspended, discontinued or terminated. Failure of the selected proposer to procure and maintain any required insurance shall not relieve the selected proposer from any liability under the Contract, nor shall the insurance requirements be construed to conflict with the obligations of the selected proposer concerning indemnification.

SECTION 14: ADDITIONAL PROCUREMENT FORMS AND REQUIREMENTS:

14.1 Each proposer shall complete and submit with its, his, or her proposal the “Non-Collusive Proposal Certificate” and the “Acknowledgment” found on pages 12 and 13 of the RFP.

14.2 Each entity that submits a proposal agrees to the following:

1. Iran Divestment Act:

“[E]ach [entity] and each person signing on behalf of any [entity] certifies (and in the case of a joint [proposal] each party thereto certifies as to its own organization), under penalty of perjury, that to the best of its knowledge and

belief, that each [entity] is not on the list created pursuant to paragraph (b) of subdivision 3 of section 165-a of the State Finance Law.”

The aforementioned list is maintained by the New York State Office of General Services. To view this list please go to: <https://ogs.ny.gov/system/files/documents/2019/03/listofentities.pdf>. If an entity cannot make the foregoing certification, the entity shall so state in its proposal and include a signed statement that sets forth in detail the reasons for not making the certification. (A political subdivision may award a contract to an entity that cannot make the certification pursuant to paragraph a of General Municipal Law § 103-g on a case-by-case basis.)

2. Non-Discrimination and Diversity Requirements: Pursuant to Federal laws and regulations, the New York State Executive Law Article 15-A, and the City General Code Chapter 48, Article III Omnibus Human Rights Law, the City recognizes its obligation under the law to prevent discrimination on the grounds of race, sex, creed, color, religion, national origin, sexual orientation, gender, age, disability, marital or familial status, or veteran status and to promote opportunities for maximum feasible participation of certified minority- and women-owned business enterprises and the employment of minority group members and women in the performance of City contracts.

In furtherance of these rules and principles, the City highly encourages the participation of certified minority- and women-owned business enterprises (“MWBE”) and the employment of minority group members and women in the performance of its contracts. The City ensures that in any contract entered into pursuant to request for proposals, MWBEs will be afforded full opportunity to submit proposals in response and will not be discriminated against on the grounds of race, sex, creed, color, religion, national origin, sexual orientation, gender, age, disability, marital or familial status, or veteran status in consideration for award.

Further, by submission of a proposal in response to this Request for Proposals, each entity, person signing on behalf of any entity, and party thereto certifies, under penalty of perjury, that to the best of its knowledge and belief that:

The RFP respondent and its contractor(s), with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, national origin, religion, creed, sex, sexual orientation, gender, age, disability, marital or familial status, or veteran status in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The respondent/contractor will not participate directly or indirectly in the discrimination prohibited by the federal, state, and local laws and regulations, including in its employment practices. In all solicitations, either by competitive bidding or negotiation made by the respondent/contractor for work to be performed under a subcontract (including procurements of materials or leases of equipment), each potential subcontractor or supplier will be notified by the respondent/contractor of the respondent/contractor’s obligations under this Statement and the federal, state, and local laws and regulations relative to non-discrimination on the grounds of race, color, national origin, religion, creed, sex,

sexual orientation, gender, age, disability, marital or familial status, or veteran status.

3. When providing the services contemplated by this RFP, the entity must comply with section 42-161 of the City of Albany Code, which requires payment of a living wage to all its employees working on the service contract.

NON-COLLUSIVE PROPOSAL CERTIFICATE
PURSUANT TO NEW YORK STATE GENERAL MUNICIPAL LAW SECTION 103-D

By submission of this proposal, each proposer, each person signing on behalf of any proposer, and each party to a joint proposal certifies, under penalty of perjury, that to the best of knowledge and belief:

1. The prices in the proposal have been arrived at independently, without collusion, consultation, communication or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other proposer or with any competitor;
2. Unless otherwise required by law, the prices which have been quoted in this proposal have not been knowingly disclosed by the proposer and will not knowingly be directly or indirectly disclosed by the proposer prior to the opening, to any other proposer or to any competitor; and
3. No attempt has been made or will be made by the proposer to induce any other person, partnership or corporation to submit or not to submit a proposal for the purpose of restricting competition.

(Date)

(Signature)

(Name and Title)

(Name of Firm)

ACKNOWLEDGMENT BY PROPOSER

If Individual or Individuals:

STATE OF _____)
COUNTY OF _____) **ss.:**

On this _____ day of _____, 2019, before me personally appeared _____ to me known and known to me to be the same person(s) described in and who executed the within instrument, and he/she (or they severally) acknowledged to me that he/she (or they) executed the same.

Notary Public, State of _____

If Corporation:

STATE OF _____)
COUNTY OF _____) **ss.:**

On this _____ day of _____, 2019, before me personally appeared _____ to me known, who, being by me sworn, did say that he/she resides at (give address) _____; that he/she is the (give title) _____ of the (name of corporation) _____, the corporation described in and which executed the above instrument; that he/she knows the seal of the corporation, and that the seal affixed to the instrument is such corporate seal; that it was so affixed by order of the board of directors of the corporation, and that he/she signed his/her name thereto by like order.

Notary Public, State of _____

If Partnership:

STATE OF _____)
COUNTY OF _____) **ss.:**

On this _____ day of _____, 2019, before me personally came _____, to me known to be the individual who executed the foregoing, and who, being duly sworn, did depose and say that he/she is a partner of the firm of _____ and that he/she has the authority to sign the same, and acknowledged that he/she executed the same as the act and deed of said partnership.

Notary Public, State of _____