



State of New Jersey

DEPARTMENT OF THE TREASURY
DIVISION OF PURCHASE AND PROPERTY
PROCUREMENT BUREAU
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AMY F. DAVIS, ESQ.
Acting Director

December 19, 2024

To: All Interested Bidders

**Re: Bid Solicitation # 25DPP01060
T2590 – Fiscal Agent for the Division of Mental Health and Addiction Services (DMHAS)**

Quote Submission Due Date: January 16, 2025 (2:00 p.m. Eastern Time)

Bid Amendment #1

The following constitutes Bid Amendment #1 to the above referenced Bid Solicitation:

- This Bid Amendment includes answers to questions;
- A list of attendees who attended the optional Pre-Quote Conference that was held on November 18, 2024; and,
- Please note that the recording for the optional Pre-Quote Conference becomes available upon request with the award file after the Notice of Intent to Award has been announced.
- Please note that for all additions, deletions, clarifications and modifications to the Bid Solicitation, refer to the Revised Bid Solicitation entitled "REVISED T2590 Bid Solicitation 12.19.2024". The following revisions are included in the Revised Bid Solicitation:
 - Section 3.14, *RESERVED*, added.

It is the sole responsibility of the Bidder to be knowledgeable of all of the additions, deletions, clarifications, and modifications to the Bid Solicitation and/or the New Jersey Standard Terms and Conditions relative to this Bid Solicitation as set forth in all Bid Amendments.

All other instructions, terms, and conditions of the Bid Solicitation shall remain the same.

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Answers to Questions

Where applicable, each question references the appropriate Bid Solicitation section.

#	Bid Solicitation Section Reference	Question (Bolded) and Answer
1	Quote Submission	Q: Please confirm a Bidder may deliver a hardcopy quote instead of submitting a response electronically. A: Please be advised that all Quotes shall be submitted electronically through NJSTART.
2	Quote Submission	Q: Should I check that I have properly completed and attached all of the required documents with my submitted Quote? A: Yes. Prior to the Quote Opening Deadline, a Bidder should review the documents comprising the submitted Quote to ensure that all of the required documents have been completed and attached. Oftentimes a Quote is deemed non-responsive because a Bidder fails to attach a required form or attaches a blank form. To review a submitted Quote, a Bidder should log into NJSTART and review each document attached to the Quote submission. Instructions on how to review a submitted Quote can be found in the Quick Reference Guide entitled How to Review a Submitted Quote, which is available on the NJSTART Vendor Support Page under Vendor Reference Guides.
3	PDF Documents	Q: When trying to open a Portable Document Format (PDF), I am receiving an error message and am unable to access the PDF. How should I proceed? A: It is recommended that users utilize Microsoft Edge to view PDFs. Certain PDF forms cannot be opened in the Chrome or Firefox built in PDF viewers that are enabled by default. If using Chrome or Firefox it is recommended that the file is downloaded instead by clicking the download button in the upper right-hand corner of the browser after an error message is received. An alternative option is to disable the built in PDF viewers in Chrome or Firefox.
4	Exceptions	Q: Will the State allow Bidders to take exception to any of the Standard Terms and Conditions? A: As stated in Bid Solicitation Section 2.2, Exceptions to the State of NJ Standard Terms and Conditions (SSTC): "Questions regarding the State of New Jersey Standard Terms and Conditions and exceptions to mandatory requirements MUST be posed during the Electronic Question and Answer period and shall contain the Bidder's suggested changes and the reason(s) for the suggested change(s)." Moreover, as stated in Bid Solicitation Section 3.11, Bidder proposed terms or conditions that conflict with those contained in the State of New Jersey Standard Terms and Conditions may render a Quote non-responsive.

#	Bid Solicitation Section Reference	Question (Bolded) and Answer
5	Section 3 – Quote Submission Requirements	Q: In the main RFP document, we have section 3.15 following 3.13.14. There is no section 3.14, is this intentional? Please confirm. A: This was a typographical error which has been corrected. Please refer to “REVISED T2590 Bid Solicitation 12.19.2024”.
6	Section 4.11 – Maintenance and Operation Support	Q: Would the State consider a more cost effective solution and retention schedule based on Industry Standards such as: 3) Image level backup including file system indexes is performed for all servers and hold sixty (60) daily backup copies on-site at the primary data center and sixty (60) daily backups offsite at the Secondary data center. Database backups are performed separately and stored on encrypted disk based storage volume. Daily database backups are held for forty (40) days at both primary and secondary datacenters. Month end (last day of the month) database backup is held for twelve (12) months at both primary and secondary datacenters. Year-end (last day of the year) database backup is held for 7 years. A: The State does not wish to change the retention schedule.
7	Section 7 – Modifications to the State of New Jersey Standard Terms and Conditions	Q: Will the State please revise the supplemental insurance requirement language for clarity of obligation and to change from “occurrence” to “claim” as follows: 7.2.1 PROFESSIONAL LIABILITY INSURANCE Professional Liability Insurance: The Contractor shall carry Errors and Omissions, Professional Liability Insurance, and/or Professional Liability Malpractice Insurance. The insurance shall be in the amount of not less than \$2,000,000 per claim, and in such policy forms as shall be approved by the State. If the Contractor has claims-made coverage and subsequently changes carriers during the term of this Contract, it shall obtain from its new Errors and Omissions, Professional Liability Insurance, and/or Professional Malpractice Insurance carrier an endorsement for retroactive coverage. 7.2.2 CYBER BREACH INSURANCE Section 4.2 of the SSTC supplemented with the following: Cyber Breach Insurance: The Contractor shall carry Cyber Breach Insurance. The insurance shall be in an amount of not less than \$5,000,000 per claim and in the annual aggregate and in such policy forms as shall be approved by the State. A: The State does not accept the proposed modification. This terminology is a standard part of every New Jersey contract.
8	Section 7 – Modifications to the State of New Jersey Standard Terms and Conditions	Q: Would the State consider removing the following language from 7.2.4.A: "for any and all third party claims"? A: The State does not accept the proposed modification. This terminology is a standard part of every New Jersey contract.

#	Bid Solicitation Section Reference	Question (Bolded) and Answer
9	Section 9 – Glossary	Q: Will the State revise the definition of a Subcontractor to exclude suppliers of back-office processing services to the Bidder across some or all clients and who do not perform services specifically for any one client and the like? Proposed addition to the definition is as follows: Notwithstanding the foregoing, a Subcontractor is not: (1) an individual or entity that is engaged by Contractor to provide (a) services on a leveraged basis either globally or regionally for multiple Contractor customers; (b) IT Infrastructure, network, storage, hosting, or telecommunications services; (c) software or software support services; (d) contingent or supplemental staff; (e) professional services; or (f) back office services; (2) an ordinary course of business vendor; or (3) IT infrastructure, network, storage, hosting, professional services, and/or software providers. A: The State does not accept the proposed modification to this definition.
10	Attachment 1 – State of New Jersey Standard Terms and Conditions (2/8/2024) – Section 4.1	Q: Request for new subsection 4.1.D - Will the State please consider a provision that separately limits indemnification liability to direct damages and that adds a limitation of liability in an amount to be negotiated in order to apportion risk appropriately between the parties? A: The State does not accept the proposed modification. The State declines to waive any potential legal rights or to limit its potential risks beyond those outlined in the Bid Solicitation.
11	Attachment 1 – State of New Jersey Standard Terms and Conditions (2/8/2024) – Section 4.2	Q: Will the State please consider replacing “name” with “list” in the phrase: shall name the State, its officers, and employees as “Additional Insureds” in paragraph A.? Will the State please consider replacing “name” with “list” in the phrase: the State must be named as an “Additional Insured” in paragraph B.? A: The State does not accept the proposed modification. This terminology is a standard part of every New Jersey contract.
12	Attachment 1 – State of New Jersey Standard Terms and Conditions (2/8/2024) – Section 5.7	Q: Will the State please provide not less than 30 days’ notice for the Contractor to cure an alleged deficiency giving rise to a notice to terminate for cause? Will the State please provide 30 days’ notice for the Contractor to cure an alleged deficiency giving rise to a notice to terminate for cause? A: The State does not accept the proposed modification. This terminology is a standard part of every New Jersey contract.
13	Attachment 1 – State of New Jersey Standard Terms and Conditions (2/8/2024) – Section 5.15	Q: Will the State please add language to provide adequate notice and to specify what records will not be made available due to the confidential and proprietary nature of the documents? We propose the following: State will provide Contractor with at least five (5) business days prior written notice regarding any inspection or audit of Contractor’s records. In no event will the State or its regulating federal partner have the right to audit any information relating to Contractor’s costs or profits in providing Services, records or minutes of internal management meetings of Contractor, confidential information relating to Contractor’s employees, suppliers, or

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		customers, information that is subject to legal professional privilege, or information not directly related to the performance of the relevant Services. A: The State does not accept the proposed modification. This terminology is a standard part of every New Jersey contract.
14	Attachment 3 – State-Supplied Price Sheet	Q: Sheet 2- Sheet 5 are Blank are they Intentional left Blank? Also, usually we see an Instruction Tab in Pricing sheet. A: Sheets 2 -5 on the State-Supplied Price Sheet are intentionally left blank. There is only one (1) tab for the associated State-Supplied Price Sheet. State-Supplied Price Sheet instructions can be found in Section 3.27 of this Bid Solicitation.

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Pre Quote Conference Attendee List

Representative	Firm
Maurice Fanty	Gainwell Technologies
Giovanni Ferreri	
Mikki Middleton	
Sudip Roy	
John Thomson	
Nadine Tyler	