

NOTE: The meeting place for the pre-proposal conference is the 7<sup>th</sup> floor conference room of the E.O. Thompson Building, 920 Colorado Street, Austin, TX 78701 at 10:00 AM on October 25, 2011. The conference will also be broadcast through a conference phone whose number is 512-463-2727. The access code number is 147852.

Questions received from the public for Request for Proposals for Development of Course Material and Delivery of Inspection Training Services for the Licensed Dog and Cat Breeders Program

Q1. Sorting out this initiative's requirements and submitting a proposal requires significant amount of work. Given that vendors are suppose to utilize "state of the art" tools and the possible deliverables are far more than in outlined in the 3. Scope of Services, what is the approximate budget for this initiative?

A1. This is a competitive bid and releasing the budgeted amount will potentially result in bids hovering at or near that amount. Vendors are encouraged to set forth reasonable proposals with market based pricing.

Q2. Would TDLR want potential vendors to expend good faith efforts and many hours to come up with a proposal only to find out that definitions of "state of the art" were so varied that their proposals were 100% over TDLR's budget expectations? In other words, does TDLR view this project an economy car or a tractor trailer? This knowledge would help ethical vendors devise a reasonable response.

A2. State of the art is relative to the proposed media and depending on the approach could be as simple as an interactive pdf. The complexity of the media is totally within the discretion of the vendor in proposing a competitive bid.

Q3. Can you please clarify the difference between (per HB 1451) (4) "Commission" means the Texas Commission of Licensing and Regulation under Chapter 51. And the State of Texas Department of Licensing and Regulation.

A1. Under the Occupations Code the Commission consists of a seven member governing body appointed by the Governor. The Commission sets policy and provides overall direction to the department. On the other hand the Department carry of the day to day activity of the agency implementing the policy and direction of the Commission under the direction of the Executive Director.

Q4. By when is it anticipated that the Advisory Committee (Sec 802.066) be appointed. It would appear that no vendor could work on this initiative until the advisory committee has meet and deliberated long enough to "make recommendations on matters related to the administration and enforcement of this chapter, including...standards.

A4. The Commission announced that appointments to the committee will be made in November, 2011.

Q5. Within the Background info. "the minimum required standards form the basis for the development of course material, implementation of training, the creation of inspection checklists, and reporting requirements." Will the Advisory board develop the inspection checklists and reporting requirements or does this fall within the scope of this RFP?

A5. Checklists and reporting requirements will key off of rules recommended by the committee and adopted by the commission.

Q6. Does TDLR have an operating system (Windows, Android, etc.) in which this cross-platform electronic inspection guide would be written

A6. No. By cross platform, the RFP refers to the media such as interactive pdfs etc.

Q7. Must this electronic inspection and investigative guide interface and be compatible with any other TDLR system?

A7. No. See response to A6.

Q8. Will inspectors be providing their own electronic inspection tablets/laptops or will they be provided for the state?

A8. Yes.

Q9. Attachment 3 Page 4: With respect to RFP Section 3 – Scope of Services, provide identify each proposed deliverable and describe with specificity the methodology used to create the deliverable. Please clarify this sentence...provide, identify?

A9. A project like this is likely to be accomplished in stages. Deliverables represent the end product of each state of the project. Deliverables also serve as a basis of making progress payments.

Q10. It would appear that, per Sec. 802.005. [EXEMPTION FOR CERTAIN PERSONS WHO BREED DOGS. (a) This section applies only to a dog bred to be used exclusively for:

- (1) herding livestock, as defined by Section 1.003, Agriculture Code, or other agricultural uses;
- (2) hunting, including pointing, flushing, or retrieving game; or
- (3) competing in field trials.]

Any dog breeder could claim they are breeding for these purposes, thus exempting themselves from inspection. Has the commission considered how to avoid this possibility? It directly affects how many potential facilities could be inspected.

A10. This question is beyond the scope of the RFP.

Q11. Per Sec. 802.060. [REGULATION OF THIRD-PARTY INSPECTORS. The commission by rule shall establish:

- (1) training requirements for a third-party inspector;
- (2) registration procedures for a third-party inspector; and
- (3) policies governing the acts of a third-party inspector in conducting an inspection or investigation.]

By when can we anticipate that the commission make these rules? Vendors could not start work until the rules are created.

A11. As described in the RFP vendors should assume the federal standards and be prepared to modify the material to conform to changes recommended by the advisory committee and adopted by the commission.

Q12. Does the scope of work include advising the commission on these items, based on its expertise?

A 12. No.

Q13. Per "Identify training locations with access to actual breeder operations for hands on training; Carrying out training registration; Publicizing all scheduled presentations; and Developing the training schedule" How will the vendor know the locations that will be needed?

A13. Vendors are responsible for identifying and obtaining training facilities.

Q14. Is there a general location(s) that will help the breeders or will it have to be done by regions in TX?

A14. See response to A13.

Q 15. Does the Dept. have a training database?

A 15. For some programs, the department has databases tracking who has or has not received mandatory training.

Q 16. Is developing such a database part of the scope of work for the vendor?

A 16. No.

Q 17. "The Vendor should utilize state-of-the-art training methods and multiple hands on training modalities to train inspectors on a variety of topics." In the planning process for the project, should the vendor give various options for training, such as web-based, virtual training; in addition to instructor led training?

A 17. Yes.

Q 18. If so, how would cost and cost/benefit equations be described in the proposal?

A 18. As required by the RFP vendors should include enough information to allow a reasonable assessment of the viability of the proposal.

Q 19. "The Vendor is responsible for providing all training materials and training facilities related to each training session." Will the materials then be billed back to the Dept.?

A 19. N. As described in the cost estimate, proposals must be fully loaded, no other amounts will be authorized.

Q 20. Will the training facilities also be included in the bid information?

A 20. See response to A13.

Q 21. Will the contractor be given examples of the materials needed?

A 21. No.

Q 22. Will there be expectation of electronic format, instead of printed versions?

A 22. Yes, but see response to A6.

Q 22. Will there be a need for laptop, Blackberry, or other software formats for the required forms and reports?

A 22. See response to A6.

Q 23. "Contractor must provide course materials including but not limited to instructor manuals, student materials, checklists (including cross platform electronic inspection and investigative guide), protocols, inspection and investigative techniques, and evidentiary documentation. Training must include instruction on evidence gathering, collection and storage, and report writing." "TDLR Project Manager may instruct the Contractor to make curriculum updates or revisions, including all related training materials (e.g., training agendas, curricula, slides, handouts, etc.). The Contractor must meet all training requests of TDLR." If changes occur during development and prior to deployment, will the TDLR give extra time and expense towards updating the materials?

A23. With respect to additional time, yes the schedule may be adjusted. With respect to additional compensation, see response to A19.

Q 24 Will the follow-on work be compensated or must we include these effort hours broken out as part of our cost proposal?

Q 24. See response to A19.

Q 25. "The Contractor will be responsible for development, coordination, reproduction, and distribution of all training materials including, but not limited to: posters, tri-fold brochures, curricula, educational message cards, handouts, PowerPoint presentations, and workbooks."

a) For the development and costs related to printing and reproducing the training materials, should vendors build these costs into their proposals or will those costs be borne the TDLR?

Q 25. See response to A19.

Q 26. Does the TDLR have a preferred vendor for the publications?

A 26. No.

Q 27. "Contractor must develop and implement inspector testing to ensure each trainee demonstrates competency to perform inspections and investigations in each of the four modules described in this RFP." What are the assessment requirements for mastery level?

A27. Standard metrics for measuring competency in a subject area.

Q 28. Are there any constraints on how the testing can be conducted--via on-line or printed formats?

A 28. No.

Q 29 Should the test be available in other formats for ADA accommodation? (I.e. visual or physical concerns)

A 30. If required, yes.

Q 31. Will vendors be permitted to ask additional questions to these at the bidder's conference?

A 31. Yes. Questions must be in writing.

Q 32 Will vendors be allowed to connect to the bidder's conference telephonically?

A 32. Yes, a limited number of connections will be available.

Q 33. Will the bulk of these questions be answered before the bidder's conference? Answer to these questions might dictate whether or not we would take time and energy to attend the conference.

A 33. Yes.

**Q 34. Question re Funding.**

The cost to the Department (and taxpayers) of the initial term contract referenced in the RFP will be high, given the extensive scope and nature of this project.

HB 1451 expressly provides, as a prerequisite to implementation of the statute, that the Commission, **by Rule**, shall establish “reasonable and necessary fees” in amounts sufficient to “cover the costs of administering and enforcing this chapter.” (HB 1451, Subchapter B, Sec. 802.052(a); emphasis added). Per legislative history, this was to be a “zero cost,” self-funding statute for the State. To that end, the “breeder training account” referenced in the RFP, by statute, is to be funded by deposits from administrative penalties collected under Subchapter F. (HB 1451, Sec. 802.059(a)).

If the training contract is executed and its work commences on December 1, 2011, per the proposed RFP schedule, what will be the source of funding for the initial contract cost, given that the Commission’s Rules establishing the fee structure for such fines will not yet be in place?

- What is the estimated cost of the initial term training contract described in the RFP?

A34. This question is beyond the scope of the RFP.

**Q35. Question re Timing of Decision to Utilize Third-Party Inspectors.**

Under the statute, TDLR’s use of third-party inspectors for enforcement of HB 1451 is **not mandatory**. The statute states that the Department “may” (but need not) utilize third-party contractors “to enforce or assist in enforcement of this chapter and rules adopted under this chapter.” (HB 1451, Sec. 802.061). Nevertheless, the RFP’s time schedule calls for execution and commencement of work under the contract on or about December 1, 2011.

- Please explain the premature timing of and basis for the Department’s costly decision to contract with a third-party inspector, given that the Breeders’ Advisory Committee appointments will not be finalized until January 1, 2012; the Commission’s Rules governing implementation/enforcement will in place until March 31, 2012; and the very breeder licensing requirement the inspectors would seek to enforce does not take effect until September 1, 2012?

- Wouldn't the interests of the State and its taxpayers—fiscal and otherwise-- be better served by deferring the Department's decision as to whether use of third-party inspectors is necessary until guidance is sought from the Breeders' Advisory Committee on this issue, the enforcement Rules governing standards and fee structure are in place, and the licensing requirement itself takes effect?

A34. This question is beyond the scope of the RFP.

Original signed  
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