

Alabama Department of Corrections
Response to Questions RFP 2018-03

1. Is it possible for [a state sanctioned higher education Vendor] to receive an exception to the terms and conditions that compel us to agree to Alabama law and to the items contained below?
 - As a constitutional entity of [a] State, we cannot agree to Alabama law, but can agree to remain silent in choice of law. Any legal claims against the University are limited by [another state's] law.
 - We cannot certify any of the statement in 2.2.(g), 4.9(j) and (p), and in the Disclosure Statements regarding compliance with Alabama law because we are not familiar with Alabama law, we are not licensed in Alabama, and we do not have a legal opinion from Alabama counsel.
 - For the entire indemnification section (4.1), and also for Sections 4.7 and 5.2(c)(4), [Vendor] can only agree to indemnification as limited by [state] law (i.e. the tort cap). It cannot be unlimited, as stated, and we cannot agree to indemnify for violations of Alabama law (4.1.(1)(5)).

RESPONSE: As stated in Section 2.1(a) of the RFP, “[a]ny exceptions to the specified terms and conditions must be clearly set forth within Vendor’s proposal and are subject to the acceptance of the ADOC.” See also Attachment A to the RFP Sections (I)(k-l). It should be noted, however, that **“[a]ll documents referenced in Attachment A must also be included with Vendor’s proposal. . . . All information requested must be submitted. Failure to submit all information requested may result in the ADOC requiring prompt submission of missing information, giving a lower score in evaluation of the proposal, or rejection of the proposal by the ADOC.”** See Section 5.2 of the RFP.

2. Are indirect (F&A) costs allowed for this proposal, and if yes, are there any caps or restrictions?

RESPONSE: Consistent with Section 1.10 of the RFP and Attachment A to the RFP Section IV, all costs, including any indirect costs, should be included in Vendor’s proposal. The remaining question is not relevant to this RFP process.

3. Will the vendor be able to use any of the data for publication purposes? Several of the faculty in this proposal are working toward promotion and tenure at their respective institutions and need this opportunity.

RESPONSE: Yes, provided that appropriate measures are taken to maintain the confidentiality and anonymity of participants.

4. If the data show neutral or negative results, how will be ADOC address these findings?

RESPONSE: This question is not relevant to this RFP process.

5. What is the ceiling amount for the funding of this project?

RESPONSE: *This question is not relevant to this RFP process.*