



**Attorney General and Ministry of Legal Affairs and Constitutional Reform  
Department of Court Services**

**Request for Proposals  
For  
Electronic Monitoring Programme**

Request for Proposals No.: **2022-1DCS**

Issued: **Wednesday June 08, 2022**

Submission Deadline: **Wednesday July 13, 2022 04:00:00 PM AST**

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# PART 1 – INVITATION AND SUBMISSION INSTRUCTIONS

## 1.1 Invitation to Proponents

This Request for Proposals (the “RFP”) is an invitation by the Government of Bermuda (the “Government”) to prospective proponents to submit proposals for **Electronic Monitoring Programme**, as further described in Section A of the RFP Particulars (Appendix D) (the “Deliverables”).

The Government of Bermuda is seeking to expand and maintain its programmes to monitor, manage and change behaviours in offenders, with the protection of the community as the primary consideration. Electronic monitoring involves having an electronic bracelet (device) attached to an offender, deemed to need of intensive monitoring, and/or having restrictions placed on their movements. As they remain in the community, with mechanisms to promote behaviour change and minimize risks to the community, the Government is seeking a reliable partnership with a proponent who will effectively and efficiently manage, maintain and monitor this programme utilizing state of the art equipment and services.

The Ministry of Legal Affairs and Constitutional Reform Electronic Monitoring Programme currently consists of GPS/cellular tracking devices that have been placed on offenders that are categorized in one of the following groups: a) Pre-trial Monitoring or b) Post-trial Monitoring (during community-based supervision). The Government is seeking to retain the services of eligible and suitably qualified local or overseas-based firms specializing in the provision of offender monitoring hardware.

The Proponent must furnish costs for a complete “system”, leveraging existing technologies across the Government, relevant to the proposed Electronic Monitoring Programme, for the duration of the initial three years contract, and the costs for optional products. Although cost is a significant consideration, product reliability and performance; customer service and support; staff knowledge and qualifications; company financial stability; and local benefit to Bermuda are also critical to selecting the preferred proponent for the proposed system by the Government.

## 1.2 RFP Contact

For the purposes of this procurement process, the “RFP Contact” will be: Mrs Gina Hurst-Maybury at email [ghurst@gov.bm](mailto:ghurst@gov.bm)

Proponents and their representatives are not permitted to contact any employees, officers, agents, elected or appointed officials or other representatives of the Government, other than the RFP Contact, concerning matters regarding this RFP. Failure to adhere to this rule may result in the disqualification of the proponent and the rejection of the proponent’s proposal.

Prior to the Submission Deadline noted in the RFP timetable below, proponents that download this file and intent to respond to this RFP are required to register their interest with the RFP contact by emailing their company name and contact information to Mrs Gina Hurst-Maybury at email [ghurst@gov.bm](mailto:ghurst@gov.bm).

Amendment/addenda (if any) will be posted at <https://www.gov.bm/procurement-notice>. Proponents should visit the Government Portal on a regular basis during the procurement process.

### 1.3 Type of Contract for Deliverables

The selected proponent will be requested to enter into direct contract negotiations to finalize an agreement with the Government for the provision of the Deliverables. The terms and conditions found in the Form of Agreement (Appendix A) are to form the basis for commencing negotiations between the Government and the selected proponent. It is the Government's intention to enter into an agreement with only one (1) legal entity. The term of the agreement is to be for a period of 3 years, with an option in favour of the Government to extend the agreement terms and conditions acceptable to the Government and the selected proponent for an additional term of up to 2 years.

Joint submissions are acceptable however if a joint submission is made, the submission must clearly indicate which party will act as the prime contractor.

### 1.4 RFP Timetable

#### 1.4.1 Key Dates

Issue Date of RFP	Wednesday June 08, 2022
No Pre-Bid / Site Meeting	N/A
Deadline for Questions	Wednesday June 15, 2022
Deadline for Issuing Addenda	Friday June 24, 2022
Submission Deadline	Wednesday July 13, 2022 04:00:00 PM
Rectification Period	3 business days
Anticipated Initial Ranking and Commencement of Concurrent Negotiations	Friday July 22, 2022
Anticipated Deadline for Submission of Best and Final Offers ("BAFO")	Friday July 29, 2022
Anticipated Final Ranking	Friday August 05, 2022
Contract Negotiation Period	30 calendar days
Anticipated Execution of Agreement	Thursday September 01, 2022

All times listed are in Atlantic Standard Time (AST). The RFP timetable is tentative only, and may be changed by the Government at any time. For greater clarity, business days mean all days that the Government is open for business.

#### 1.4.2 Site Visit / Pre-Bid Meeting

N/A

### 1.5 Submission of Proposals

#### 1.5.1 Proposals to be Submitted at Prescribed Location

Proposals must be submitted to:

Government of Bermuda,  
Ministry of Legal Affairs and Constitutional Reform  
Department of Court Services  
DLBE Building  
3rd Floor DLBE Building

58 Court Street Hamilton  
Attention: Mrs G. Hurst-Maybury  
Ref: Proposal for Electronic Monitoring Programme – 2022-1DCS

Electronic mail (E-Mail) submissions are accepted at ghurst@gov.bm  
If documents are larger than ten (10) MB please send them within a zip file.  
In the subject line of the email, please state the RFP title. Please ensure to send a copy of your proposal in MS Word and/or Adobe PDF format.

### **1.5.2 Proposals to be Submitted on Time**

Proposals must be submitted at the location set out above on or before the Submission Deadline. Proposals submitted after the deadline will be rejected.

### **1.5.3 Proposals to be Submitted in Prescribed Format**

Proponents shall submit 3 original, signed hard copies of their proposal, or one (1) electronic copy (e-copy) in Microsoft Word or Adobe PDF format. If both a hard copy and an e-copy are provided, and there is a conflict or inconsistency between the hard copy and the e-copy of the proposal, the hard copy of the proposal will prevail.

The original and all copies of the proposal shall be typed or written in indelible ink and shall be signed by a person duly authorized to sign on behalf of the proponent. This authorization shall consist of a written authorization and shall be attached to the Submission Form included in (Appendix B). The name and position held by each person signing the authorization must be typed or printed below the signature. An Electronic Record of Signature will be accepted in the submission only in accordance with the requirements laid out in the *Electronic Transactions Act* 1999. Any interlineation, erasures, or overwriting shall be valid only if they are signed or initialed by the person signing the proposal.

Proposals should be returned in a sealed package and prominently marked as follows: with the RFP title and number (see RFP cover) and do not be open until Wednesday July 13, 2022 04:00:00 PM. The full legal name and return address of the proponent should be marked on the package as well.

### **1.5.4 Amendment of Proposals**

Proponents may amend their proposals prior to the Submission Deadline by submitting the amendment in a sealed package prominently marked with the RFP title and number and the full legal name and return address of the proponent to the location set out above. Any amendment should clearly indicate which part of the proposal the amendment is intended to amend or replace.

### **1.5.5 Withdrawal of Proposals**

At any time throughout the RFP process until the execution of a written agreement for the provision of the Deliverables, a proponent may withdraw a submitted proposal. To withdraw a proposal, a notice of withdrawal must be sent to the RFP Contact and must be signed by an authorized representative of the proponent. The Government is under no obligation to return withdrawn proposals.

[End of Part 1]

## **PART 2 – EVALUATION, NEGOTIATION AND AWARD**

### **2.1 Stages of Evaluation and Negotiation**

The Government will conduct the evaluation of proposals and negotiations in the following stages:

#### **2.2 Stage I – Mandatory Submission Requirements**

Stage I will consist of a review to determine which proposals comply with all of the mandatory submission requirements. If a proposal fails to satisfy all of the mandatory submission requirements, the Government will issue the proponent a rectification notice identifying the deficiencies and providing the proponent an opportunity to rectify the deficiencies. If the proponent fails to satisfy the mandatory submission requirements within the Rectification Period, its proposal will be rejected. The Rectification Period will begin to run from the date and time that the Government issues a rectification notice to the proponent. The mandatory submission requirements are set out in Section C of the RFP Particulars (Appendix D).

#### **2.3 Stage II – Evaluation**

Stage II will consist of the following two sub-stages:

##### **2.3.1 Mandatory Technical Requirements**

The Government will review the proposals to determine whether the mandatory technical requirements as set out in Section D of the RFP Particulars (Appendix D) have been met. Questions or queries on the part of the Government as to whether a proposal has met the mandatory technical requirements will be subject to the verification and clarification process set out in Part 3.

##### **2.3.2 Rated Criteria**

The Government will evaluate each qualified proposal on the basis of the non-price rated criteria as set out under Initial Evaluation Criteria in Section F of the RFP Particulars (Appendix D).

#### **2.4 Stage III – Pricing**

Stage III will consist of a scoring of the submitted pricing of each qualified proposal in accordance with the price evaluation method set out in Pricing (Appendix C). The evaluation of the price will be undertaken after the evaluation of mandatory requirements and rated criteria has been completed.

#### **2.5 Stage IV – Concurrent Negotiations and BAFO**

##### **2.5.1 Initial Ranking of Proponents**

After the completion of Stage III, all scores from Stage II and Stage III will be added together and the proponents will be initially ranked based on their total scores.

## **2.5.2 Concurrent Negotiations and BAFO Process**

The Government intends to invite the top three (3) ranked proponents to enter into concurrent negotiations. During these concurrent negotiations, the Government will provide each proponent with any additional information and will seek further information and proposal improvements from each proponent. After the expiration of the concurrent negotiation period, each proponent will be invited to revise its initial proposal and submit its BAFO to the Government.

## **2.5.3 Evaluation of BAFO and Final Ranking of Proponents**

Each BAFO will be evaluated against the rated criteria set out under Final Evaluation Criteria in Section F of the RFP Particulars (Appendix D) and will be assigned a final ranking using the same process set out above. The top-ranked proponent, based on the evaluation of the BAFOs will receive a written invitation to enter into a final round of negotiations to finalize the agreement with the Government. In the event of a tie, the selected proponent will be the proponent selected by way of the lowest price.

## **2.6 Stage V – Contract Negotiations**

### **2.6.1 Contract Negotiation Process**

Any negotiations will be subject to the process rules contained in the Terms and Conditions of the RFP Process (Part 3) and will not constitute a legally binding offer to enter into a contract on the part of the Government or the proponent and there will be no legally binding relationship created with any proponent prior to the execution of a written agreement. The terms and conditions found in the Form of Agreement (Appendix A) intended to provide the proponent advance notice of some of the key contractual provisions including indemnities, limitation of liabilities, service requirements, etc. that would be contained in the form of contract and are to form the basis for commencing negotiations between the Government and the selected proponent. Negotiations may include requests by the Government for supplementary information from the proponent to verify, clarify or supplement the information provided in its proposal or to confirm the conclusions reached in the evaluation, and may include requests by the Government for improved pricing or performance terms from the proponent.

### **2.6.2 Time Period for Negotiations**

The Government intends to conclude negotiations and finalize the agreement with the top-ranked proponent during the Contract Negotiation Period, commencing from the date the Government invites the top-ranked proponent to enter negotiations. A proponent invited to enter into direct contract negotiations should therefore be prepared to satisfy the pre-conditions of award listed in Section E of the RFP Particulars (Appendix D), provide requested information in a timely fashion and conduct its negotiations expeditiously.

### **2.6.3 Failure to Enter into Agreement**

If the pre-conditions of award listed in Section E of the RFP Particulars (Appendix D) are not satisfied or if the parties cannot conclude negotiations and finalize the agreement for the Deliverables within the Contract Negotiation Period, the Government may discontinue negotiations with the top-ranked proponent and may invite the next-best-ranked proponent to enter into negotiations. This process will continue until an agreement is finalized, until there are

no more proponents remaining that are eligible for negotiations or until the Government elects to cancel the RFP process.

#### **2.6.4 Notification of Negotiation Status**

Other proponents that may become eligible for contract negotiations may be notified at the commencement of the negotiation process with the top-ranked proponent.

[End of Part 2]



## **PART 3 – TERMS AND CONDITIONS OF THE RFP PROCESS**

### **3.1 General Information and Instructions**

#### **3.1.1 Proponents to Follow Instructions**

Proponents should structure their proposals in accordance with the instructions in this RFP. Where information is requested in this RFP, any response made in a proposal should reference the applicable section numbers of this RFP.

#### **3.1.2 Proposals in English**

All proposals must be written in the English language only.

#### **3.1.3 No Incorporation by Reference**

The entire content of the proponent's proposal should be submitted in a fixed form, and the content of websites or other external documents referred to in the proponent's proposal but not attached will not be considered to form part of its proposal.

#### **3.1.4 References and Past Performance**

In the evaluation process, the Government may include information provided by the proponent's referees and may also consider the proponent's past performance or conduct on previous contracts with the Government or other institutions.

#### **3.1.5 Information in RFP Only an Estimate**

The Government and its advisers make no representation, warranty or guarantee as to the accuracy of the information or empirical data contained in this RFP or issued by way of addenda. Any quantities shown or data contained in this RFP or provided by way of addenda are estimates only, and are for the sole purpose of indicating to proponents the general scale and scope of the Deliverables. It is the proponent's responsibility to obtain all the information necessary to prepare a proposal in response to this RFP.

#### **3.1.6 Proponents to Bear Their Own Costs**

The proponent will bear all costs associated with or incurred in the preparation and presentation of its proposal, including, if applicable, costs incurred for interviews, travel or demonstrations.

#### **3.1.7 Proposal to be Retained by the Government**

The Government will not return the proposal or any accompanying documentation submitted by a proponent.

#### **3.1.8 No Guarantee of Volume of Work or Exclusivity of Contract**

The Government makes no guarantee of the value or volume of work to be assigned to the successful proponent. The agreement to be negotiated with the selected proponent will not be an exclusive contract for the provision of the described Deliverables. The Government may contract

with others for goods and services the same as or similar to the Deliverables or may obtain such goods and services internally.

### **3.1.9 Equivalency**

When proprietary names, brands, catalogues or reference numbers are specified in the Deliverables, they are intended to set a minimum standard, and preference for any particular material or equipment is not intended. The proponent may offer material or equipment of similar characteristics, type, quality, appearance, finish, method of construction and performance and if doing so must disclose any difference in the characteristics, type, quality, appearance, finish, method of construction or performance of the material or equipment.

## **3.2 Communication after Issuance of RFP**

### **3.2.1 Proponents to Review RFP**

Proponents should promptly examine all of the documents comprising this RFP, and may direct questions or seek additional information in writing by email to the RFP Contact on or before the Deadline for Questions. No such communications are to be directed to anyone other than the RFP Contact. The Government is under no obligation to provide additional information, and the Government is not responsible for any information provided by or obtained from any source other than the RFP Contact. It is the responsibility of the proponent to seek clarification from the RFP Contact on any matter it considers to be unclear. The Government is not responsible for any misunderstanding on the part of the proponent concerning this RFP or its process.

### **3.2.2 All New Information to Proponents by Way of Addenda**

This RFP may be amended only by addendum in accordance with this section. If the Government, for any reason, determines that it is necessary to provide additional information relating to this RFP, such information will be communicated to all proponents by addendum. All addenda will be published online at <https://www.gov.bm/procurement-notices>. Each addendum forms an integral part of this RFP and may contain important information, including significant changes to this RFP. Proponents are responsible for obtaining all addenda issued by the Government. In the Submission Form (Appendix B), proponents must confirm their receipt of all addenda by setting out the number of each addendum in the space provided.

### **3.2.3 Post-Deadline Addenda and Extension of Submission Deadline**

If the Government determines that it is necessary to issue an addendum after the Deadline for Issuing Addenda, the Government may extend the Submission Deadline.

### **3.2.4 Verify, Clarify and Supplement**

When evaluating proposals, the Government may request further information from the proponent or third parties in order to verify, clarify or supplement the information provided in the proponent's proposal. This information may include, without limitation, clarification with respect to whether a proposal meets the mandatory technical requirements set out in Section D of the RFP Particulars (Appendix D). The Government may revisit, re-evaluate and rescore the proponent's response or ranking on the basis of any such information.

### **3.3 Notification and Debriefing**

#### **3.3.1 Notification to Other Proponents**

Once the Agreement is executed by the Government and a proponent, the other proponents may be notified directly in writing of the outcome of the procurement process.

#### **3.3.2 Debriefing**

Proponents may request a debriefing after receipt of a notification of the outcome of the procurement process. All requests must be in writing to the RFP Contact and must be made within sixty (60) days of such notification.

#### **3.3.3 Procurement Protest Procedure**

If a proponent wishes to challenge the RFP process, it should provide written notice to the RFP Contact in accordance with the Government's Complaints and Disputes procedures. The notice must provide detailed explanation of the proponent's concern with the procurement process or its outcome.

### **3.4 Conflict of Interest and Prohibited Conduct**

#### **3.4.1 Conflict of Interest**

For the purposes of this RFP, the term "Conflict of Interest" includes, but is not limited to, any situation or circumstance where:

- (a) in relation to the RFP process, the proponent has an unfair advantage or engages in conduct, directly or indirectly, that may give it an unfair advantage, including but not limited to (i) having, or having access to, confidential information of the Government in the preparation of its proposal that is not available to other proponents, (ii) communicating with any person with a view to influencing preferred treatment in the RFP process (including but not limited to the lobbying of decision makers involved in the RFP process), or (iii) engaging in conduct that compromises, or could be seen to compromise, the integrity of the open and competitive RFP process or render that process non-competitive or unfair; or
- (b) in relation to the performance of its contractual obligations under a contract for the Deliverables, the proponent's other commitments, relationships or financial interests (i) could, or could be seen to, exercise an improper influence over the objective, unbiased and impartial exercise of its independent judgement, or (ii) could, or could be seen to, compromise, impair or be incompatible with the effective performance of its contractual obligations.

#### **3.4.2 Disqualification for Conflict of Interest**

The Government may disqualify a proponent for any conduct, situation or circumstances, determined by the Government, in its sole and absolute discretion, to constitute a Conflict of Interest as defined above.

### **3.4.3 Disqualification for Prohibited Conduct**

The Government may disqualify a proponent, rescind an invitation to negotiate or terminate a contract subsequently entered into if the Government determines that the proponent has engaged in any conduct prohibited by this RFP.

### **3.4.4 Prohibited Proponent Communications**

Proponents must not engage in any communications that could constitute a Conflict of Interest and should take note of the Conflict of Interest declaration set out in the Submission Form (Appendix B).

### **3.4.5 Proponent Not to Communicate with Media**

Proponents must not at any time directly or indirectly communicate with the media in relation to this RFP or any agreement entered into pursuant to this RFP without first obtaining the written permission of the RFP Contact.

### **3.4.6 No Lobbying**

Proponents shall not in relation to this RFP or the evaluation and selection process, engage directly or indirectly in any form of political action or other activity whatsoever to influence or attempt to influence Parliament, the Government, or to influence or attempt to influence any legislative or regulatory action, in the selection or evaluation of any proponent.

### **3.4.7 Illegal or Unethical Conduct**

The proponent represents, warrants, and covenants that, in connection with activities performed under this Agreement or on behalf of the Government, the proponent has not and will not offer, promise, authorise, pay, or act in furtherance of an offer, promise, authorization, or payment of anything of value, directly or indirectly, to a Government Official (as hereinafter defined), political party or party official, candidate for political office, or official of a public international organisation, in order to obtain or retain business, to secure an improper advantage or benefit of any kind or nature to person(s) related, associated or linked to the Government Official, or to secure or influence discretionary action, inaction or a decision of a Government Official(s). For purposes of this proposal, the term "Government Official" shall mean and include any official, public officer or employee of the Government, as well as an official or employee in the judicial, legislative, or military, anyone acting in an official capacity for the Government, or any immediate family member of such persons. The proponent represents, warrants, and covenants that it has complied and will comply with *The Bribery Act 2016* and all other applicable laws of any relevant jurisdiction in connection with the performance of this Agreement. Without limiting the generality of the foregoing, the proponent represents, warrants, and covenants that it has not and will not take any action that would cause the Government or anyone acting on their behalf to violate or be subjected to penalties under *The Bribery Act 2016*, or the applicable anti-corruption laws of other countries.

The proponent acknowledges and agrees that in the event that the Government believes, in good faith, that the proponent has breached this section, the Government shall have the right to immediately withdraw and terminate this opportunity and terminate any or all other agreements with the proponent.

### **3.4.8 Past Performance or Past Conduct**

The Government may prohibit a supplier from participating in a procurement process based on past performance or based on inappropriate conduct in a prior procurement process, including but not limited to the following:

- (a) illegal or unethical conduct as described above;
- (b) the refusal of the supplier to honour its submitted pricing or other commitments; or
- (c) any conduct, situation or circumstance determined by the Government, in its sole and absolute discretion, to have constituted an undisclosed Conflict of Interest.

### **3.4.9 No Collusion**

Proponents must not engage in any collusion and must sign the certificate as set out in the Certificate of Confirmation of Non-Collusion (Appendix E).

## **3.5 Confidential Information**

### **3.5.1 Confidential Information of the Government**

All information provided by or obtained from the Government in any form in connection with this RFP either before or after the issuance of this RFP

- (a) is the sole property of the Government and must be treated as confidential;
- (b) is not to be used for any purpose other than replying to this RFP and the performance of any subsequent contract for the Deliverables;
- (c) must not be disclosed without prior written authorization from the Government; and
- (d) must be returned by the proponent to the Government immediately upon the request of the Government.

### **3.5.2 Confidential Information of Proponent**

- (a) A proponent should identify any information in its proposal or any accompanying documentation supplied in confidence for which confidentiality is to be maintained by the Government. The confidentiality of such information will be maintained by the Government, except as otherwise required by the *Public Access to Information Act 2010* or by order of a court or tribunal.
- (b) Proponents are advised that their proposals will, as necessary, be disclosed, on a confidential basis, to advisers retained by the Government to advise or assist with the RFP process, including the evaluation of proposals. If a proponent has any questions about the collection and use of personal information pursuant to this RFP, questions are to be submitted to the RFP Contact.
- (c) The Proponent is responsible to ensure that they comply with the *Personal Information Protection Act 2016* (“PIPA”) related to any information in the proponent’s custody, care or control.

### **3.6 Procurement Process Non-Binding**

#### **3.6.1 No Process Contract and No Claims**

This RFP is a request for proposals only and participation in this RFP is not intended to create legal obligations between the Government and any of the proponents or their representatives. For greater certainty and without limitation:

- (a) Participation in this RFP will not give rise to any preliminary contract or collateral contract;
- (b) No proponent shall have any claim for any compensation of any kind whatsoever (whether in contract, tort, law, equity or otherwise), as a result of participating in this RFP, and by submitting a proposal each proponent shall be deemed to have agreed that it has no claim against the Government;
- (c) The decision to award or not to award a contract to any proponent is at the discretion of the Government. The Government shall have no liability to any proponent with respect to the awarding of a contract or the failure to award a contract to any proponent. Proponents acknowledge that the proponent that submits the proposal with the lowest price might not be awarded a contract.

#### **3.6.2 No Contract until Execution of Written Agreement**

This RFP process is intended to identify prospective suppliers for the purposes of negotiating potential agreements. No legal relationship or obligation regarding the procurement of any good or service will be created between the proponent and the Government by this RFP process until the successful negotiation and execution of a written agreement for the acquisition of such goods and/or services.

#### **3.6.3 Non-Binding Price Estimates**

While the pricing information provided in proposals will be non-binding prior to the execution of a written agreement, such information will be assessed during the evaluation of the proposals and the ranking of the proponents. Any inaccurate, misleading or incomplete information, including withdrawn or altered pricing, could adversely impact any such evaluation or ranking or the decision of the Government to enter into an agreement for the Deliverables.

#### **3.6.4 Cancellation**

The Government may cancel or amend the RFP process without liability at any time. Cancellation may occur, for example, if:

- no qualitatively or financially worthwhile offer has been received or there has been no valid response at all;
- the economic or technical parameters of the project have changed fundamentally;
- exceptional circumstances or force majeure render normal implementation of the project impossible;

- all offers exceed the financial resources available, or are otherwise inconsistent with the principles of economy, efficiency and effectiveness; or
- irregularities require cancellation in the interest of fairness.

The publication of a procurement notice does not commit the Government to implement the programme or project announced.

### **3.7 Governing Law and Interpretation**

These Terms and Conditions of the RFP Process (Part 3):

- (a) are intended to be interpreted broadly and independently (with no particular provision intended to limit the scope of any other provision);
- (b) are non-exhaustive and will not be construed as intending to limit the pre-existing rights of the parties to engage in pre-contractual discussions in accordance with the common law governing direct commercial negotiations; and
- (c) are to be governed by and construed in accordance with the laws of Bermuda applicable therein.

[End of Part 3]

## **APPENDIX A – FORM OF AGREEMENT**

The terms and conditions found in the Form of Agreement (Appendix A) are intended to provide advance notice of some of the key contractual provisions of the Agreement, including indemnities, limitation of liabilities, service requirements, etc. that form the basis for commencing Agreement between the Government and the selected proponent.

See Annex A - Form of Agreement



## APPENDIX B – SUBMISSION FORM

### 1. Proponent Information

<p>Please fill out the following form, naming one person to be the proponent’s contact for the RFP process and for any clarifications or communication that might be necessary.</p> <p>If the company is incorporated and registered, then a Certificate of Incorporation and a Certificate of Incumbency is required and must be submitted with the Submission Form.</p> <p><b><u>Declaration of Interest:</u></b> The proponent shall provide details of its ownership and/or managerial structure upon request from the Government. The proponent shall also provide a statement of whether or not it has any relevant and material interest relevant to the provision of the Goods and Services. Such statement shall be provided at least annually or if there is any change in the interest of the proponent.</p>	
Full Legal Name of Proponent or Personal/Given Name:	
Representative Name (Person with Signing Authority) / Title:	
Street Address:	
City, Province/State, Parish:	
Country:	
Postal Code:	
Phone Number with Area Code:	
Proponent’s Social Insurance Number issued by the Government of Bermuda:	
Proponent’s Payroll Tax Number issued by the Government of Bermuda:	
Proponent’s Registration Number issued by the Bermuda Registrar of Companies (if incorporated):	
Company Website (if any):	
Proponent Contact Name and Title:	
Proponent Contact Phone:	
Proponent Contact Fax:	
Proponent Contact Email:	

## **2. Acknowledgment of Non-Binding Procurement Process**

The proponent acknowledges that the RFP process will be governed by the terms and conditions of the RFP, and that, among other things, such terms and conditions confirm that this procurement process does not constitute a formal, legally binding bidding process (and for greater certainty, does not give rise to a Process Contract bidding process), and that no legal relationship or obligation regarding the procurement of any good or service will be created between the Government and the proponent unless and until the Government and the proponent execute a written agreement for the Deliverables.

## **3. Ability to Provide Deliverables**

The proponent has carefully examined the RFP documents and has a clear and comprehensive knowledge of the Deliverables required. The proponent represents and warrants its ability to provide the Deliverables in accordance with the requirements of the RFP for the rates set out in its proposal.

## **4. Non-Binding Pricing**

The proponent has submitted its pricing in accordance with the instructions in the RFP and in Pricing (Appendix C) in particular. The proponent confirms that the pricing information provided is accurate. The proponent acknowledges that any inaccurate, misleading or incomplete information, including withdrawn or altered pricing, could adversely impact the acceptance of its proposal or its eligibility for future work.

## **5. Addenda**

The proponent is requested to confirm that it has received all addenda by listing the addenda numbers, \_\_\_\_\_ to \_\_\_\_\_ (if applicable) issued by the Government, or if no addenda were issued by the Government write the word "None". The onus is on proponents to make any necessary amendments to their proposals based on the addenda. The proponent confirms it has read, received and complied with these addenda. Proponents who fail to complete this section will be deemed to have received all posted addenda.

## **6. No Prohibited Conduct**

The proponent declares that it has not engaged in any conduct prohibited by this RFP.

## **7. Conflict of Interest**

Proponents must declare all potential Conflicts of Interest, as defined in section 3.4.1 of the RFP. This includes disclosing the names and all pertinent details of all individuals (employees, advisers, or individuals acting in any other capacity) who (a) participated in the preparation of the proposal; **AND** (b) were employees of the Government within twelve (12) months prior to the Submission Deadline.

If the box below is left blank, the proponent will be deemed to declare that (a) there was no Conflict of Interest in preparing its proposal; and (b) there is no foreseeable Conflict of Interest in performing the contractual obligations contemplated in the RFP.

Otherwise, if the statement below applies, check the box.

- The proponent declares that there is an actual or potential Conflict of Interest relating to the preparation of its proposal, and/or the proponent foresees an actual or potential Conflict of Interest in performing the contractual obligations contemplated in the RFP.

If the proponent declares an actual or potential Conflict of Interest by marking the box above, the proponent must set out below details of the actual or potential Conflict of Interest:

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### 8. Disclosure of Information

Any information collected or used by or on behalf of the Government under this solicitation document is subject to the Public Access to Information Act 2010 ("Act"). The information belongs to a class of information that might be made available to the general public unless it is contained in a record that is exempt from disclosure under the Act. Any questions regarding the collection, use, or disclosure of the information should be directed to the public authority that issued this solicitation document.

---

Signature of Witness

---

Signature of Proponent Representative

---

Name of Witness

---

Name of Proponent Representative

---

Title of Proponent Representative

---

Date

I have the authority to bind the proponent.

END OF APPENDIX B

SAMPLE CERTIFICATE OF INCUMBENCY

The undersigned being the Secretary of the company as named below (the “Company”), a company duly organised and existing under the laws of the Islands of Bermuda and having its registered office as set out below **DO HEREBY CERTIFY** that the following is a true and correct listing of the Directors and Officers of the Company in full force and effect as of the date hereof.

DIRECTORS

List

ALTERNATE DIRECTORS

List

OFFICERS

List

IN WITNESS WHEREOF I have hereunto set my signature in accordance with the Bye-Laws of the Company.

Company Name: .....

Date: .....

\_\_\_\_\_  
Secretary/Director

## APPENDIX C – PRICING

### 1. Instructions on How to Provide Pricing

- (a) Proponents should provide the information requested under section 3 below (“Required Pricing Information”) by reproducing and completing the table below in their proposals, or, if there is no table below, by completing the attached form and including it in their proposals.
- (b) Pricing must be provided in Bermuda funds, inclusive of all applicable duties and taxes, which should be itemized separately.
- (c) Pricing quoted by the proponent must be all-inclusive and must include all labour and material costs, all travel and carriage costs, all insurance costs, all costs of delivery, all costs of installation and set-up, including any pre-delivery inspection charges, and all other overhead, including any fees or other charges required by law.

### 2. Evaluation of Pricing

Pricing is worth 30 points of the total score.

Each proposal will be reviewed by an evaluation committee to determine if it meets the requirements of the RFP. Failure to meet the requirements may result in rejection of the proposal. The final selection will be made following the review of all work, oral presentation and cost proposals. Costing alone will not be the sole determinate for selection.

#### Evaluation of Price

The maximum number of points assigned to the financial proposal is allotted to the lowest-priced proposal. All other price proposals receive points in reverse proportion.

The points allotment will be calculated in accordance with the following standard pricing formula:

$$\text{Lowest price} \div \text{Proponent's price} \times \text{weighting} = \text{proponent's pricing points}$$

2.1 Price (include all cost) (non-construction – goods and services): 5 = lowest bid, 4 = next lowest, etc. until 0 = most expensive

2.2 The respondent is in a stable financial position

Following financial checks, i.e. checking a bank reference, the following scores should be awarded.

5 = all financial checks sound, 3 = minor financial concerns, 1 = major financial concerns, 0 = no evidence provided / evidence of severe financial instability.

2.3 The respondent has no outstanding Government debt

Following financial checks with Social Insurance, the Accountant General's Department's Debt Collection Section, the Bermuda Health Council and the Tax Commissioner, the following scores should be awarded:

5 = all financial checks sound, 3 = minor financial concerns, 1 = major financial concerns, 0 = no evidence provided / evidence of severe financial instability.

In addition to any rights to verify, clarify and supplement,

1. The Government will examine the responses to determine whether they are complete, whether any computational errors have been made, whether the documents have been properly signed, and whether the bids are generally in order
2. Arithmetical errors will be rectified on the following basis:
  - Where there is a discrepancy between the unit price and the total price that is obtained by multiplying the unit price and quantity, the unit price shall prevail and the total price shall be corrected. If the proponent does not accept the correction of errors, its Bid will be rejected. If there is a discrepancy between words and figures the amount in words will prevail;
  - Where there is a discrepancy between the amounts in figures and in words, the amounts in words will govern; and
  - Where there is a discrepancy between the individual lump sums and the total amounts derived for the sum of the individual lump sum, the individual lump sum as quoted will govern, and the total amount will be corrected.

#### 2.4 Required Pricing Information

The Government expect the proponent to provide a proposal that includes all costs associated with providing these services over a one-year period.

- Describe all the costs for the relevant period;
- Describe the proposed billing and schedule associated with your proposal.
- Please present detailed information on the firm's proposed fee schedule for the specifications proposed and for any variation for non-routine services.
- Please provide specifics as to definitions of routine versus non-routine tasks, what is fixed as opposed to variable, and how costs are adjusted according to that classification.
- Fees must be quoted separately for manned service, alarm call-outs and any other additional services offered.
- The base price must be noted.

The proposal must specify costs under two categories:

- Acquisition Costs associated with the products and services required to design and install the proposed solution at one of each of the four categories of buildings on the plan; Training Costs; Unit costs of equipment required to rollout to remaining locations. This should include discount opportunities available along with any terms and conditions for

volume purchase agreements; and Service-related costs should be documented in the form of a Payment Schedule corresponding to milestones on high-level project plan.

- Cost of Ownership Annual License fees; Annual Service, support & maintenance contracts (including rates applying for 24x7x365 where required and other packages in order to achieve desired service levels depending on the criticality of locations); Hourly rates for non-contract related services; and Training (including costs for various types of courses and training).

## 2.5 Quantity

The government intends to enter into an agreement with a minimum of 50 devices for the term of the contract. Pricing should be provided for the following thresholds:

- 30 devices + 5 spares = 35 devices
- 45 devices + 5 spares = 50 devices
- 60 devices + 5 spares = 65 devices
- 60+ devices + spares
- Single unit pricing above and beyond each threshold

## 2.6 Non-Price Rated Categories

Prior to evaluating and scoring proponent submissions all proponent's data shall be considered on a like-for-like basis to remove selection bias. Accepted proposal practice applies such as checking the completeness of the submissions, qualification data, and arithmetical correctness.

In addition to any rectification processes, or rights to verify, clarify and supplement,

- (a) The Government will examine the responses to determine whether they are complete, whether any computational errors have been made, whether the documents have been properly signed, and whether the bids are generally in order.
- (b) Arithmetical errors will be rectified on the following basis:
  - (i) Where there is a discrepancy between the unit price and the total price that is obtained by multiplying the unit price and quantity, the unit price shall prevail and the total price shall be corrected. If the proponent does not accept the correction of errors, its proposal will be rejected. If there is a discrepancy between words and figures the amount in words will prevail;
  - (ii) Where there is a discrepancy between the amounts in figures and in words, the amounts in words will govern; and
  - (iii) Where there is a discrepancy between the individual lump sums and the total amounts derived for the sum of the individual lump sum, the individual lump sum as quoted will govern, and the total amount will be corrected.

### **3. Required Pricing Information**

See Annex B - Pricing Sheet



## **APPENDIX D – RFP PARTICULARS**

### **A. THE DELIVERABLES**

#### **Electronic Monitoring Programme**

The following requirements must be delivered.

##### **1. Core Features**

The following features must be delivered by the proposed solution:

1. Wireless connections
2. Compact/less cumbersome versions of devices
3. Removable instruments and installation
4. Quick response and reporting
5. Tracking mechanisms
6. High Availability for selected locations
7. Identification variables – Violation & performance management
8. 5-year warranty on products
9. Support and recovery

##### **2. High Performance, Reliability & Availability**

The equipment must be highly reliable in a wide range of climatic conditions and environments. The Real-Time for notifications and Violations of the devices and equipment must be precise with almost instantaneous notification. High frequency and detection is required for certain Key

Locations. At these locations the solution must include contingencies for potential losses of service as follows:

1. Protection mechanisms
2. Backups in power surge
3. Fault Identification
4. Reliable Software
5. Designed to allow for High Availability for Key Areas
6. GPS

The Key Buildings, Sites that require High Availability will be serviced and therefore the solution must provide for contingencies in the event that any component fails.

##### **3. Serviceability**

The programme and equipment must be easy to maintain and, in the event of failure, easy to repair. The solution must have extensive monitoring and troubleshooting tools as part of the package. The equipment must be easy to configure, outfit, commission and deploy. In addition, must:

1. Monitoring tools for alarms, utilizations, troubleshooting
2. Rollout easy to configure and replacement parts

3. Training for local technical officers and vendors to provide standard installation and first-tier support
4. Troubleshooting
5. Connectivity and Fault Management
6. Shock and Water-resistant devices
7. Individually coded

#### **4. Security**

The solution must provide industry best practice security, including but not limited to:

1. Authentication
2. Intrusion and detection of non-standard (suspect) activity
3. Recovery security incidents (such as service attacks; breakage in connectivity/reception).
4. Quarantine unknown devices and control tampering
5. Security control at all operational levels
6. Backups

#### **5. Supportability**

The successful proponent must be able and willing to provide support for the duration of the contract term, a three year period, and to provide a basis for this statement.

The equipment should also be easy for The Ministry of Legal Affairs and Constitutional Reform staff, technical officers and selected participants to learn and understand and training must be provided as part of the package.

The monitoring programme system must have the ability to network and auto-discover equipment and build mapping, along with automatically discovering new equipment when added and/or removed.

#### **6. Scalability**

The Ministry of Legal Affairs and Constitutional Reform electronic Monitoring of offender locations range from small units or space to locations that contain multiple complexes. The successful proponent's product set must be able to demonstrate the capability to cover this range of programming and monitoring requirements. In addition, the equipment must be scalable enough to allow for growth without requiring an upgrade to accommodate additional devices and/or services.

1. There are four sizes of locations
  - A. Small residential areas of varying population density
  - B. Duplex accommodations or residential ( g. hospital, residential facilities (condos), correctional institutions)
  - C. Key Offices to be guarded against
  - D. Core Sites
2. Mix of offender or technical officer interfaces

#### **7. Connectivity**

Equipment must offer a range of interfaces to support current and future MINISTRY OF LEGAL AFFAIRS and/or technical officer requirements.

- Pluggable units for charging
- Mix of customer interfaces (levels of risk)
- Compatible with computer equipment for monitoring
- Capacity for growth
- Radio Frequency

## **8. Features - Operations, Administration & Management**

Equipment must have extensive fault management and performance tools to allow technical officers to be proactive with identifying, analyzing and carrying out monitoring quickly, as well as provide data for the purpose of service level management and infraction responses. Following are some of the functions required of the system.

1. Behaviour Management
2. Tampering identification
3. Auditing
4. Physical & Logical Inventory
5. Security Management
6. Topology discovery or identification
7. Performance management
8. Troubleshooting capabilities (including remote capabilities)
9. Sending Alerts via Email and/or phone
10. Reset features

## **9. Acceptance Testing**

The Proponent will perform extensive testing of devices to ensure that the programming and equipment in all areas is operational and maximized for performance.

The acceptance test shall include, but not be limited to, a successful trial demonstrating:

1. A consistent connection between a computer and the internet and file transfer to and from a data server from various locations throughout the community
2. Uninterrupted service recovering from various internal hardware or signal failures
3. Installation & configuration of representative components of the proposed solution
4. Security

The Proponent will display the connection statistics between the core switch and satellite switches showing no errors. Proven demonstration of service delivery, by current users, for off-island partners, with preference for criminal justice programme or service reporting.

See Annex C - Electronic Monitoring Specifications

## **Product Support, Maintenance & Warranty**

The successful vendor must demonstrate sufficient product support resources on island to deliver routine support, maintenance and warranty service levels.

The Ministry of Legal Affairs and Constitutional Reform requires that the successful proponent to provide and maintain a minimum of three (3) technical resources on island to function as primary and secondary support personnel to The Ministry of Legal Affairs and Constitutional Reform's account once the programme is implemented and operational.

These two resources are required for the following reasons:

The Ministry of Legal Affairs and Constitutional Reform is a Mission Critical organization to the Government of Bermuda. Monitoring of offenders at all levels of risk requires 24-hour monitoring and enforcement to enhance the protection of the community and engender the support of all key stakeholders within the criminal justice system. The programme and services must be 24/7 and 365 days a year. Any Proponent that cannot provide the required minimum of three (3) technical personnel, with hands-on skills, to support The Ministry of Legal Affairs and Constitutional Reform's Electronic Monitoring programme and infrastructure requirements cannot be considered.

The Government of Bermuda, MINISTRY OF LEGAL AFFAIRS will be maintaining an Electronic Monitoring Programme that tracks and monitors offenders throughout the island. The selected proponent will provide a dynamic state-of-the-art programme that will form the backbone for the enhanced monitoring and behaviour change of offenders in two Phases – namely Pre-trial Monitoring and Post-trial Monitoring.

The following requirements must be addressed in the technical proposal:

Electronic devices and specifications Tracking Mechanism Status Reporting/reports on offender and equipment Zoning Design Mapping Glossary of terms Security and Installation Video and Telephones E-mail Response time and scheduling Curfews Operations, Administration & Maintenance systems & tools Service, Upgrades and warranty offerings Prove solution capability in a Laboratory environment Data storage and archiving Identification Supply & installation of equipment to bring into operation one of each of the Phases Training Tampering Networks Certification Full management, monitoring of tracking and immediate reporting violations to designated persons.

Proponents are encouraged to propose additional features that may be considered for future implementation. Costs associated with future components must be segregated when the feature is not part of the base package configured to meet the requirements set out below (costing should define daily, monthly, annual and per-unit costs). The proposal must include the programme design; description of operations and solutions; implementation of one of each of the two Phases; training and support for the technical officers and infrastructure on an ongoing basis.

The proposed solution must deliver high-speed responses in order to reach all locations throughout Bermuda and co-exist with current equipment to facilitate phased roll-out in a risk, adverse and cost-controlled manner. The design will maximize the existing Internet capabilities that are **not** part of this RFP. The design must include: costing, hardware, software, protocols and services, upgrades, identify partners and comprehensive documentation.

The implementation plan should outline the proposed phases starting with proof of capabilities and go on to configure and install the recommended solutions and programme design. The proposal must include the support structures (staffing training, training of support and installation vendors, support and maintenance agreements, etc.) required to sustain and support the proposed programme infrastructure and sustainability.

The proponent must meet all specifications outlined with the ability to provide **fifty (50)** units at the onset which are state of the art quality and able to detect movements in real-time. For evidentiary purposes in Court proceedings, there must be a certified expert witness to provide details on the programme's effectiveness in monitoring the offender and outline the specific details (using concrete documentation) that may relate to any infractions and/or tampering with devices or the overall programme

## **Training**

The Proponent will provide training for up to six (6) members of The Ministry of Legal Affairs and Constitutional Reform and/or technical officers on the following:

1. Equipment usage and management
2. GPS positioning and signalling
3. Inclusion and Exclusion Zoning
4. Status reporting and generation, print-outs
5. Hardware and software configuration and installation for equipment used
6. proponent's contacts, trouble-reporting and trouble escalation

## **Training to selected local technical support service providers**

The selected proponent will provide training for up to ten (10) individuals from selected Technical Support Service Providers that will form part of ongoing support and installation structure for the network on an ongoing basis. The training will consist of:

1. Equipment diagnostics
2. Hardware and software configuration
3. Status report interpretation
4. Installation for equipment
5. Vendor's contacts, trouble-reporting and trouble escalation processes

## **B. MATERIAL DISCLOSURES**

N/A

## **C. MANDATORY SUBMISSION REQUIREMENTS**

### **1. Submission Form (Appendix B)**

Each proposal must include a Submission Form (Appendix B) completed and signed by an authorized representative of the proponent.

### **2. Pricing (Appendix C)**

Each proposal must include pricing information that complies with the instructions contained in Pricing (Appendix C).

### **3. Certificate of Confirmation of Non-Collusion (Appendix E)**

Each proposal must include a Certificate of Confirmation of Non-Collusion Form (Appendix E) completed and signed by an authorized representative of the proponent.

#### **4. Company Certificate of Incorporation**

A signed copy of the Certificate of Incorporation must be included for proponent that are companies/corporations.

#### **5. Other Mandatory Submission Requirements**

##### **Proponent Response Checklist**

Each proposal must include the completed checklist and ensure the related information is included in their proposal

See Annex D - Response Checklist

#### **D. MANDATORY TECHNICAL REQUIREMENTS**

##### **Technical Proposal**

To achieve a uniform review process and obtain the maximum degree of comparability, it is required that the proposals be organized in the manner specified below. Proposals shall not exceed twenty (20) pages in length (excluding letter of transmittal, resumes, title page(s), and index/table of contents, or dividers). Information in excess of those allowed will not be evaluated/scored.

One page shall be interpreted as one side of single-lined, typed, 8 1/2 X 11 piece of paper.

The proposal should be organized into the following sections and sequence:

\*Cover Sheet - that identifies the organization, provides contact information, date of submission and project name.

\*Table of Content

\*Includes all Mandatory Submission Requirements Documents.

\*Proposal Narrative (includes Sections A to E)

Section A – Describe the consultant’s approach to the project, including an overview of the proposed plan for completing activities identified in this Request for Proposal (RFP).

Section B – Provide a detailed work plan for completing project activities and producing project deliverables with specific action steps and a timetable for completion.

Section C – Discuss the proposed organization’s structure for the project, the number and qualifications of personnel that the Respondent proposes to make available to complete the work, the manner in which they will be utilized, and how they will operate within the proposed organization structure; specify the amount of time each of the key personnel will commit to the project; provide resumes of key project staff, detailing their technical skills, experience, education, etc.; and identify all pertinent experience of personnel. Please provide the primary point of contact responsible for responding to client questions, concerns and directives.

Section D – Provide information on the organization’s background, related experience, and financial condition; provide a brief history of the company and a listing of representative

customers, including three references; describe the general range of products and services offered; and, while not required, identify any experience or knowledge that might relate the Governments programs.

Section E – Provide a detailed budget that supports the total project cost. The budget should contain cost information and a proposed payment schedule by deliverable. The contract to be awarded will be for a fixed price but payments can be based on the completion of individual activities with Government acceptance of project deliverables.

The following features must be delivered by the proposed solution:

- Wireless connections
- Removable instruments and installation
- Quick response and reporting
- Tracking mechanisms
- High Availability for selected locations
- Identification variables – Violation & performance management Support and recovery services.

Proponent Technical Proposal must include the Requirement Response Table as outlined in Annex E.

The proponent's relationship with the manufacturer is an important indicator of the Proponent's ability to provide both short and long term support.

In the short term, the proposed solution must be able to co-exist with current equipment to facilitate a phased and risk-averse rollout program.

In the long term, the network is mission-critical and support structures must be sustainable. To this end, the response must include:

- a) A list of all manufacturers that are relevant to the proposed solution and provide details on the length of the Proponent's relationship with each manufacturer.
- b) Details of any industry partnerships that are relevant to the proposed solution, including any software alliances

The following codes indicate the relative importance of each requirement. The Proponent must indicate the degree to which the proposed solution meets the requirement. The following scale contains options. (Scale of 3-0 in descending order).

- 3 - This requirement is fully met in the base package with no modifications
- 2 - Future Release - A scheduled new release will meet this requirement. Identify in the comments section the scheduled release date and further describe the enhancement as necessary.
- 1 - This requirement can be met only by custom modifications to the system. Identify in the comments section the proposed programming and implementation to meet this requirement. Additionally, include in the Cost to Comply column the estimate of the proposed modification and its implementation.

0 - This requirement cannot be met with the current system and is beyond the scope of our system's capabilities.

Note: If you wish to provide further explanation in your response, you may include details in a separate document referencing the specific requirement.

*\*Comp. Est.: Meaning Compliant Estimate.*

See Annex E - Requirement Response Table

## **E. PRE-CONDITIONS OF AWARD**

### **1. Financial Checks**

Prior to awarding a contract to the selected proponent, the contracting department will perform financial checks to confirm whether the proponent is delinquent in making payments to the Government for Social Insurance contributions, Payroll Tax or any other debt recorded by the Accountant General's Debt Collection Section, and will perform a check with the Bermuda Registrar of Companies to confirm whether the proponent is a proper legal entity that is in good standing.

### **2. Safety and Health**

All works must be carried out in strict accordance with the Bermuda Occupational Safety & Health Act, 1982 and the Occupation Safety and Health Regulations of 2009.

Alcohol, Smoke and Drug-Free Policy: All Government buildings and worksites are designated as alcohol, smoke and drug-free.

### **3. Proof of Insurance**

The successful proponent shall furnish the Government with certificates showing the type, amount, class of operations covered, effective dates, and date of expiration of policies as may be expected. Such certificates shall also contain substantially the following statement: The insurance covered by this certificate will not be cancelled or materially altered, except after thirty (30) days written notice has been received by the Government. (Endorsements to the Policy that name the Government as an Additional insured and establishment of cancellation notice are required).

### **4. Insurance and Liability of Third Parties**

The successful proponent shall provide and thereafter maintain insurance against all risks in respect of its property and any equipment used for the execution of this Contract. The successful proponent shall provide and thereafter maintain all appropriate workmen's compensation insurance, or the equivalent, with respect to its employees to cover claims for personal injury or death in connection with this Contract. The successful proponent shall also provide and thereafter maintain liability insurance in an adequate amount to cover third party claims for death or bodily injury, or loss of or damage to property, arising from or in connection with the provision of services under this Contract or the operation of any vehicles, boats, airplanes or other equipment owned or leased by the Contractor or its agents, servants, employees or sub- contractors performing work or services in connection with this Contract.



## F. RATED CRITERIA

The following sections set out the categories, weightings and descriptions of the rated criteria for both stages of the RFP. Proponents who do not meet a minimum threshold score for a category will not proceed to the next stage of the evaluation process.

### 1. Initial Evaluation Criteria

The following categories, weightings, and descriptions will be used in the initial evaluation of rated criteria during Stage II of the evaluation process (Evaluations), described in Part II of this RFP. These criteria apply to initial proposals by all proponents.

#	Category	Weighting (%)	Threshold
1	Pricing	30	N/A
2	Proposed Technological Solution and methodology and overall approach to the Statement of Requirements	20	24/30
3	Experience and Qualifications, References	5	8/10
4	Ability and Capability to perform require services	10	8/10
5	Warranty and Customer Service	5	8/10
6	Local Benefits	30	8/10
<b>Total Points</b>		100	

#### 1. Pricing

See Appendix C - Pricing

#### 2. Proposed Technological Solution and methodology and overall approach to the Statement of Requirements

Electronic devices and specifications Tracking Mechanism Status Reporting/reports on offender and equipment Zoning Design Mapping Glossary of terms Security and Installation Video and Telephones E-mail Response time and scheduling Curfews Operations, Administration & Maintenance systems & tools Service, Upgrades and warranty offerings Prove solution capability in a Laboratory environment Data storage and archiving Identification Supply & installation of equipment to bring into operation one of each of the Phases Training Tampering Networks Certification Full management, monitoring of tracking and immediate reporting violations to designated persons.

Proponents are encouraged to propose additional features that may be considered for future implementation. Costs associated with future components must be segregated when the feature is not part of the base package configured to meet the requirements set out below (costing should define daily, monthly, annual and per-unit costs). The proposal must include the programme design; description of operations and solutions; implementation of one of each of the two Phases; training and support for the technical officers and infrastructure on an ongoing basis.

The proposed solution must deliver high-speed responses in order to reach all locations throughout Bermuda and co-exist with current equipment to facilitate phased roll-out in a risk, adverse and cost-controlled manner. The design will maximize the existing Internet capabilities

that are **not** part of this RFP. The design must include: costing, hardware, software, protocols and services, upgrades, identify partners and comprehensive documentation.

The implementation plan should outline the proposed phases starting with proof of capabilities and go on to configure and install the recommended solutions and programme design. The proposal must include the support structures (staffing training, training of support and installation vendors, support and maintenance agreements, etc.) required to sustain and support the proposed programme infrastructure and sustainability.

The proponent must meet all specifications outlined with the ability to provide **fifty (50)** units at the onset which are state of the art quality and able to detect movements in real-time. For evidentiary purposes in Court proceedings, there must be a certified expert witness to provide details on the programme's effectiveness in monitoring the offender and outline the specific details (using concrete documentation) that may relate to any infractions and/or tampering with devices or the overall programme.

Proposal shall be evaluated on:

- Does the Proposal show an understanding of the project objectives and results that are desired for the project?
- Are sufficient people of the requisite skills assigned to the project?
- Does the project team understand the participants and industry needs?
- Does the proponent have the support capability required?
- Can the proponent lead, facilitate, and coordinate project involvement?
- Do the persons who will be working on the project have the necessary skills?
- Does the proposed cost and work hours compare favorably with the Government time and estimate?

### **3. Experience and Qualifications, References**

Each proponent should provide the following in its proposal:

1. a brief description of the proponent;
2. a description of its knowledge, skills and experience relevant to the Deliverables; and
3. the roles and responsibilities of the proponent and any of its agents, employees and sub-contractors who will be involved in providing the Deliverables, together with the identity of those who will be performing those roles and their relevant respective expertise.
4. Each proponent is requested to provide three (3) references from clients who have

See Annex F - Relevant Project and References Form

### **4. Ability and Capability to perform require services**

Prior to awarding any contract The Ministry of Legal Affairs and Constitutional Reform HEADQUARTERS reserves the right to require the proponent to submit such evidence of qualifications as it may deem appropriate. This evidence may be concerning financial, technical and other qualifications as well as the relevant experience and skills of the proponent. At least two written references from product end-users are required prior to the offer being made.

### **5. Warranty and Customer Service**

See Appendix D - RFP Particulars (Product, Maintenance & Warranty)

## 6. Local Benefits

The local benefit considerations will be given to each of the following factors when proposals are evaluated:

- Number of Bermudians employed by the proponent;
- If the proponent is a specified business?;
- Engagement of Bermudian employee (%) during the project;
- Use of specified businesses in the proponent's supply chain;
- Use of specified business as subcontractors (if applicable);
- Safety and health record of the proponent for the three immediately preceding years of reporting
- Environmental considerations and policy (each proponent to provide a copy)

See Annex G - Local Benefits Form

## 2. Final Evaluation Criteria

The following categories, weightings and descriptions will be used in the final evaluation of rated criteria during Stage IV of the evaluation process (Concurrent Negotiations and BAFO), described in Part II of this RFP. These criteria will apply only to BAFO proposals submitted by top-ranked proponents invited to participate in Stage IV.

#	Category	Weighting (%)	Threshold
1	Pricing	40	N/A
2	Oral Presentation	30	N/A
3	Field Test Demonstration	30	N/A
<b>Total Points</b>		100	

### 1. Pricing

See Appendix C - Pricing

### 2. Oral Presentation

#### PRESENTATION(S) OF SHORTLISTED PROPONENT(S).

Proponents who submit proposals that are determined to have scored in the competitive range (80/100 points) may be invited to present oral presentations for the purpose of introducing key members of the evaluation team and allowing the Government to fully understand the prospective proponent's ability to meet the evaluation criteria. Oral presentations will not be scored separately. Instead, the Government may modify scores and resulting rankings based on the oral presentation of those prospective proponents.

The service manager identified in the proposal must be the lead presenter in the oral presentation and this forum may **not** be used as an opportunity to submit missing documentation or to make substantive revisions to the original proposal

Technical requirements mandate that the electronic monitoring devices be cutting edge/state of the art equipment, with at least top-notch technology, and one (1) piece GPS unit. This presentation will outline the operations of their product, their system infrastructure and supports, and live time demonstrations of the effectiveness of their product. Notification will be given to qualified proponents as to the time and place.

The Proponent shall prepare an oral presentation to augment written information. The oral presentation shall include:

1. A demonstration of the proponent's proposed
2. The Proponent's personnel shall be qualified to answer questions on how the software functions, integrates with legacy systems, and any requirements for integration.
3. Written media shall be limited to five
4. The scope and content of exchanges shall be limited to the functionality of the proposed solution. Discussions will not be permitted during oral presentations.

Presentations shall be held from **August 2, 2022** between the hours of 9:00 am and 3:00 pm and shall not exceed one hour. Proponents shall submit four separate proposed times and dates during this period to hold the oral presentation on the cover page of their proposal.

### **3. Field Test Demonstration**

After the initial selection evaluation criteria are weighted, Government retains the right to require a field test demonstration. Proponents may be required to demonstrate their proposed hardware and software. This demonstration may occur in Bermuda or may occur in another location where the hardware and software are deployed. If not tested using a Bermuda wireless network, proponents must prove that they have consulted with a Bermuda wireless network provider who has assured them that their hardware will work suitably within Bermuda.

After the technical (and presentations), cost proposals will be evaluated. The final award recommendation will be based on the highest scoring proposal as determined by total points and rank using criteria and weights as stated in this RFP.

## **APPENDIX E – CERTIFICATE OF CONFIRMATION OF NON-COLLUSION**

### **Notes for the proponents**

The essence of Open Tendering is that the Government of Bermuda shall receive bona fide competitive proposals from suitably qualified persons or entities. In recognition of this principle, each person or entity that submits a proposal will be required, by way of the signature of a duly authorized representative of the company, to confirm that the proposal has been submitted without any form of collusion.

All proponents must complete and sign a Certificate of Confirmation of Non-Collusion. Any proposals submitted which do not include a signed copy of the Certificate will be wholly rejected and will not be included in the evaluation process.

If it is later found that the undertakings made below have been breached at any stage of the procurement process, then the proponent will be expelled from the process immediately. In the event that this is discovered after a contract award, legal action may be taken against the proponent and/or any party involved in the matter.

Any proponent that submits false information in response to this Request for Proposal (RFP), and any other person or entity involved in collusion, may be excluded from competing for future contracts tendered by the Government of Bermuda.

### **Confirmation of non-collusion**

I/We certify that this is a bona fide proposal, intended to be competitive and that I/We have abided by the terms and conditions related to this proposal and that I/We have not fixed or adjusted the amount of the proposal or the rates and prices quoted by or under or in accordance with any agreement or arrangement with any other person.

I/We confirm that we have not received any information, other than that contained within the RFP pack, or supplementary information provided to all proponents.

I/We also certify that I/We have not done and undertake that I/We will not do at any time any of the following acts:

- (a) communicating to a person other than the RFP Contact the amount or approximate amount of my/our proposed proposal (other than in confidence in order to obtain quotations necessary for the preparation of the proposal for insurance) or
- (b) entering into any agreement or arrangement with any other person that he shall refrain from competing or as to the amount of any proposal to be submitted; or
- (c) offering or agreeing to pay or give or paying any sum of money, inducement, gift /hospitality or valuable consideration directly or indirectly to any person in relation to this procurement.

By signing this document, I/we have read and agree to its terms and conditions.

(1) \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

(2) \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

for and on behalf of \_\_\_\_\_