

**Commonwealth of Massachusetts  
Massachusetts Gaming Commission**



**Request for Responses (RFR)  
For  
Stenographic Services**

**LATE RESPONSES WILL NOT BE CONSIDERED.**

Key Procurement Dates	Date
RFR issued	<b>July 2, 2018</b>
Written Questions from Bidders	<b>July 3-13, 2018</b>
Written responses from MGC	<b>July 18, 2018</b>
<b>Bidders' responses due</b>	<b>July 27, 2018</b>
Anticipated Announcement of Apparent Successful Bidder	<b>August 10, 2018</b>

**Correspondence and Submission Information**

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Massachusetts Gaming Commission  
101 Federal Street, 12<sup>th</sup> Floor  
Boston, MA 02110  
617-979-8400

[mgcprocurements@massmail.state.ma.us](mailto:mgcprocurements@massmail.state.ma.us)

The Massachusetts Gaming Commission (MGC) recognizes that the types of firms skilled at performing the tasks envisioned by this procurement may not have experience in working with the Commonwealth of Massachusetts' procurement processes. However, the MGC would like to encourage capable firms to participate in this procurement.

In order to assist such firms the MGC has put in place the following mechanisms to make this procurement available to all potential participants;

1. The MGC will provide bidders the opportunity to submit questions to the MGC relating to this procurement. Questions may be submitted via CommBuys or email to [mgcprocurements@state.ma.us](mailto:mgcprocurements@state.ma.us) from July 3 to July 13, 2018. The MGC recommends that firms make use of this opportunity to assure that their proposals are compliant with state procurement regulations. Due to the public nature of any state procurement, the MGC must adhere rigorously to procurement rules, but is very interested in helping firms to understand and comply with those rules.

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## **1 INTRODUCTION/PROCUREMENT REQUIREMENTS**

This Request for Response (RFR) is issued by the Massachusetts Gaming Commission (MGC). The purpose of this RFR is to solicit bid proposals for stenographic services and the production of transcripts for the Commission's public meetings, committee meetings and hearings – approximately 3-4 meetings per month. The intent of this RFR is to award a contract, or contracts, to responsible bidders whose bid proposal(s) conform to this RFR and is most advantageous to the Commonwealth, price and other factors considered.

The MGC reserves the right to separately procure individual requirements that are the subject of the contract during the contract term, when deemed by the MGC to be in the Commonwealth's best interest.

The Commonwealth's Standard Terms and Conditions version <http://www.mass.gov/osc/docs/forms/contracts/comm-termsconditions.pdf> will apply to all contracts or purchase agreements made with the MGC. These terms are in addition to the terms and conditions set forth in this RFR and should be read in conjunction with them unless the RFR specifically indicates otherwise.

### ***1.1 Background***

The Massachusetts Gaming Commission (MGC) is responsible for the creation of a fair, transparent, and participatory process for implementing the expanded gaming law passed by the Legislature and signed by the Governor in November, 2011. In creating that process, the Commission will strive to ensure that its decision-making and regulatory systems engender the confidence of the public and participants, and that they provide the greatest possible economic development benefits and revenues to the people of the Commonwealth, reduce to the maximum extent possible the potentially negative or unintended consequences of the new legislation, and allow an appropriate return on investment for gaming providers that assures the operation of casino-resorts of the highest quality.

The scope of this RFR is to procure the services of a vendor to work with the MGC to provide stenographic/transcription services to supplement the video streaming of all MGC public meetings and hearings. This would include Commission public meetings, hearings and other committee meetings in Boston and other locations within the Commonwealth.

### ***1.2 Objective***

The Commission seeks to identify and then engage a transcription vendor to provide regular, consistent and timely transcription of all MGC public meetings.

The successful bidder should have significant experience providing similar services in the Commonwealth. Familiarity with government agencies is a plus.

### **1.3 Vendor Qualifications**

The preferred vendor will have the capacity to commit personnel and resources necessary to provide high quality stenographic services in a timely and responsible manner per Section 2 of this RFR.

### **1.4 General Procurement Requirements**

MGC follows state procurement requirements and this RFR is being issued in accordance with 801 CMR 21.00, which governs the procurement of services by state agencies. MGC reserves the right to cancel or modify the procurement scope and/or process at any time and without notice.

801 CMR 21.00 requires a competitive procurement process, including the issuance of a RFR for acquisitions of all commodities and services. Words used in this RFR shall have the meanings defined in 801 CMR 21.00. All responses must be submitted in accordance with the specific terms of this RFR.

MGC makes no guarantee that a contract, or any obligation to purchase any commodities or services, will result from this RFR.

MGC reserves the right to amend this RFR at any time prior to the date the responses are due. Any such amendments will be communicated through CommBuys.

#### **1.4.1 Procurement Characteristics**

1. Acquisition method: Time & Materials
2. Single or multiple vendor(s): Undetermined
3. Use of Procurement by single or multiple agencies: Single
4. Anticipated Duration of Contract: The initial duration of the contract that results from this RFR shall be for one year from the date on which it is awarded. The contract may be extended in any increment at the discretion of MGC up to a maximum term, including all contract extensions, of two (2) one-year extensions, 3 years total.
5. Anticipated Payment Structure: The contractor will be paid for services rendered, after submission and approval of invoices.

#### **1.4.2 Procurement Timetable**

Unless otherwise specified, the time of day for the following events shall be between 9:00 a.m. and 5:00 p.m., Eastern Standard Time. All other times specified in this RFR are Eastern Standard Time. Responses and attachments received after this deadline date and time will not be evaluated. A facsimile response will not qualify as a "submission" for deadline purposes in advance of or in lieu of a hard copy submission. **RESPONSES ARE DUE NO LATER THAN 5:00 PM ON Friday July 27, 2018.**

MGC may adjust this schedule as it deems necessary. Notification of any adjustment to the RFR Timetable will be communicated to Bidders directly by the MGC.

**LATE RESPONSES WILL NOT BE CONSIDERED.**

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## 2 SCOPE OF SERVICES

### 2.1 General

The purpose of this contract is to engage stenographic services to support the MGC. These services are expected to be provided on a Time and Materials (T&M), as needed basis, with mutually agreed upon advance notice for MGC public meetings and other meetings as requested by the MGC.

Key requirements:

1. Provide stenographic services at public meetings with 48 hours notice, and follow-up transcription services within 48 hours, and/or between 2 – 7 days, and/or 8 – 14 days based on MGC needs. (Note: Cost response allows for bidders to provide different rates based on required turn-around times). Please provide quotes for both on site and remote stenographic services.

## 3 RESPONSE REQUIREMENTS

### 3.1 General Submission Instructions

Complete responses must be submitted by the date listed in the Procurement Timetable, **Section 1.4.2**, no later than **5:00 p.m.**, Eastern Standard Time. Responses must be as directed below to:

Agnes Beaulieu

Massachusetts Gaming Commission  
101 Federal St. 12<sup>th</sup> Floor  
Boston, MA 02110  
617-979-8462  
[mgcprocurements@massmail.state.ma.us](mailto:mgcprocurements@massmail.state.ma.us)

The bidder must submit their response electronically via CommBuys.com .

**If submitting via email (electronically) delivery:**

- **Submission must be received at the following email address [mgcprocurements@massmail.state.ma.us](mailto:mgcprocurements@massmail.state.ma.us) at or before the date and time listed in this document** (submissions even slightly late will not be accepted even if the delay is not caused by the organization submitting the proposal).
- Sending party is solely responsible for ensuring receipt at the MGC by the proper time and date. The MGC will provide a return email confirming receipt within 2 hours of receipt of the email. It is therefore highly recommended (but not mandatory) that bidders submitting electronically transmit their response at least two hours prior to the closing deadline in order to have sufficient time to re-submit should there be a failure in receipt.
- Provide a single PDF electronic copy of the business submission in electronic form.
- Provide a single PDF electronic copy of the cost submission in electronic form.
- Bidders may call the MGC at 617-979-8400 to determine if the MGC is in receipt of their submission. However, **only an email receipt confirmation will be considered authoritative if there is a dispute.**
- Provide one (1) original document with original signatures which must be physically delivered to the MGC within three days of the official due date.
- **Business responses must be separately packaged from the cost response and the cost response must be in a separately sealed envelope.**

**3.1.1 Complete Response**

A complete response in the following format:

- Proposal must use the template provided along with this RFR.
- Unnecessary samples, attachments or other documents not specifically asked for should not be submitted.



## 3.2 *Business Response*

### 3.2.1 **Required Forms**

Bidders **should not submit forms** as part of their Response. Only the successful bidders will be required to submit the following forms once the award has been made. Below is a list of those forms for reference. All of the referenced forms are also available on [www.mass.gov](http://www.mass.gov) website.

- Standard Contract Form and Instructions
- Commonwealth Terms and Conditions
- Massachusetts Substitute W-9 form – Request for Taxpayer Identification Number and Certification
- Contractor Authorized Signatory Listing
- Executive Order 504 Contractor Certification
- Consultant Contractor Mandatory Submission Form
- Authorization for Electronic Funds Payment (EFT)
- Prompt Payment Discount Form (PPD)

## 3.3 **COST RESPONSE**

The bidder must include with its response the table provided in the response template included with this RFR. The Commission requires that rates are fully loaded inclusive of travel. All rates specified are to be firm and fixed throughout the term of the contract and any related extensions.

## 4 **RESPONSE EVALUATION PROCESS**

### 4.1 **EVALUATION PROCESS.**

The RFR Evaluation Process will be conducted in three phases. Phase One Review will be conducted for all proposal submissions. The purpose of the Phase One Review is to eliminate any bids that are nonresponsive to the requirements of the RFR. Bids that are deemed to be qualified based on the Phase One Review will be submitted to the Procurement Management Team (PMT) for additional review (Phase Two Review). Only after the completion of Phase Two will the sealed cost proposals be opened and evaluated as a part of Phase Three. Prior to the final recommendation, the PMT reserves the right to request a “Best and Final Offer” from some or all of the Bidders. The PMT will consider any Best and Final Offers made in a reevaluation of Phase Three. **(Phase One, Phase Two and Phase Three of this RFR will be evaluated separately).**

- (a) **Phase One Review:** Bidders’ responses will be reviewed based on listed criteria and completeness of response including mandatory attachments and

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compliance to submission criteria (refer to Section 3). Bids that do not comply with these components may be rejected and fail to proceed to Phase Two Review. The MGC reserves the right to waive or permit corrections of non-material errors or omissions.

- (b) **Phase Two Review (Total 40%): Qualified bids, based on the Phase One Review, will be considered for additional review in Phase Two.** Scoring criteria for the evaluation of proposals will be as follows:
- 20% –Ability to meet the timeframes identified in Section 2.1
  - 20% –Experience, quality and capabilities of proposed staff
- (c) **Phase Three Review (Total 60%):** Cost will be evaluated in relationship to the Phase Two Review and scoring of Bidders' responses. The Phase Two score will represent 40% and Cost will represent 60% of the Phase Three score, in order to determine “best value”. The MGC reserves the right to request a Best and Final Offer (BAFO). The successful bid will be determined based on the one that represents the "best value" overall, meets the needs of the MGC and achieves the procurement goals.
- 60% – Cost Proposal: Cost will be evaluated based on the fee for services provided
  - 40% – Phase Two Criteria

#### **4.2 BIDDER QUESTIONS**

Bidders are encouraged to submit written questions and receive written answers from the Procurement Management Team (PMT) regarding this Solicitation. Because this procurement may extend to firms not intimately versed in Commonwealth procurements, respondents are encouraged to ask whatever questions they need resolved to aid in producing a compliant response. All Bidders' questions must be submitted via CommBuys.com

Please note that any questions submitted to the PMT using any other medium (including those that are sent by physical mail, fax, or voicemail, etc.) will not be answered. The Commonwealth reserves the right to either publically post questions exactly as asked by the submitter or to combine or adjust questions in order to minimize redundancy or potentially conflicting responses.

Bidders are responsible for submitting content suitable for public viewing, since some or all of the questions will be posted on CommBuys.com. Bidders must not include any information that could be considered personal, security sensitive, inflammatory, incorrect, collusory, or otherwise objectionable, including information about the Bidder's company or other companies. The PMT reserves the right to edit or delete any submitted questions that raise any of these issues or that are not in the best interest of the Commonwealth or this Solicitation. Only written response(s) posted on Comm-Pass which have been “finalized” will be binding on the Commonwealth.

### **4.3 RECOMMENDATION FOR AWARD**

After the PMT completes its evaluation, comparison and ranking of all proposals, and, if applicable, interview(s) and BAFO, the PMT may recommend to MGC a bidder or bidders with which to enter into contract negotiations. The decision shall be based on the PMT's recommendation and on the best interests of the Commonwealth. MGC is under no obligation to award a contract pursuant to this RFR.

## **5 ADDITIONAL TERMS AND CONDITIONS**

### **5.1 ISSUING OFFICE**

Massachusetts Gaming Commission  
101 Federal St. 12<sup>th</sup> floor  
Boston, MA 02110

### **5.2 BIDDER COMMUNICATIONS**

Bidders are prohibited from communicating directly with any employee of MGC regarding this RFR, except as specified in this RFR, and no other individual Commonwealth employee or representative is authorized to provide any information or respond to any question or inquiry concerning this RFR. Bidders may contact the contact person for this RFR in the event this RFR is incomplete or the bidder is having trouble obtaining any required attachments electronically through CommBuys.

### **5.3 REASONABLE ACCOMMODATION**

Bidders with disabilities or hardships that seek reasonable accommodation, which may include the receipt of RFR information in an alternative format, must communicate such requests in writing to the contact person. Requests for accommodation will be addressed on a case-by-case basis. A bidder requesting accommodation must submit a written statement which describes the bidder's disability and the requested accommodation to the contact person for the RFR. MGC reserves the right to reject unreasonable requests.

### **5.4 RFR INQUIRIES**

Bidders may make written inquiries concerning this RFR until no later than the date and time specified in **Section 1.4.2** of this RFR. Written inquiries must be sent to the address listed in **Section 3.1**, above, by fax to (617) 725-0258 or by e-mail to [MGCprocurements@massmail.state.ma.us](mailto:MGCprocurements@massmail.state.ma.us) MGC will review inquiries received before the deadline and at its discretion prepare written responses to questions which MGC determines

to be of general interest and that help to clarify the RFR. Any written response will be shared with all recipients of this RFR. Only written responses will be binding on MGC.

#### **5.5 AMENDMENT OR WITHDRAWAL OF RFR**

If MGC decides to amend or clarify any part of this RFR, any written amendment will be sent to all recipients of this RFR. MGC reserves the right to amend the RFR at any time prior to the deadline for submission of responses and to terminate this procurement in whole or in part at any time before or after submission of responses.

#### **5.6 COSTS**

Costs which are not specifically identified in the bidder's response, and accepted by MGC as part of a contract, will not be compensated under any contract awarded pursuant to this RFR. The Commonwealth will not be responsible for any costs or expenses incurred by bidders responding to this RFR.

#### **5.7 CLOSING DATE**

Responses received after the response due date and time specified in **Section 1.4.2** of this RFR will be rejected. Individual requests for extension of the time for submitting responses will be denied. All responses become the property of the Commonwealth of Massachusetts.

#### **5.8 ACCEPTANCE OF RESPONSE CONTENT**

The entire contents of the bidder's response shall be binding on the bidder. The specifications and contents of a successful bidder's response may be incorporated into the contract.

#### **5.9 PUBLIC RECORDS**

Upon conclusion of this process, all responses and related documents submitted in response to this RFR may be considered public records and as such be subject to the Massachusetts Public Records Law, G.L. c. 66, § 10 and G.L. c. 4, § 7 subsection 26. Any statements in submitted responses that are inconsistent with these statutes will be disregarded.

#### **5.10 RESPONSE DURATION**

The bidder's response shall remain in effect until any contract with the bidder is executed or the bidder withdraws its proposal.

### **5.11 CONFIDENTIALITY**

Bidders shall demonstrate that they can comply with all state and federal laws and regulations relating to confidentiality and privacy, and security of personal information, including but not limited to G.L. c. 93H, G.L. c. 66A, and associated regulations.

### **5.12 INCORPORATION OF RFR**

This RFR and the selected bidder's response may be incorporated into any contract awarded as a result of this RFR to that bidder.

### **5.13 OPTION TO MODIFY SCOPE OF WORK**

MGC reserves the right, at its sole discretion and at any time after release of the RFR and during the contract term, to modify, increase, reduce or terminate any requirements under the contract, whenever MGC deems necessary or reasonable to reflect any change in policy or program goals. MGC additionally reserves the right, at its sole discretion and at any time after release of the RFR and during the contract term, to amend the contract to implement state or federal statutory or regulatory requirements, judicial orders, settlement agreements, or any state or federal initiatives or changes affecting MGC agencies. In the event of a change in the scope of work for any contract tasks or portions thereof, MGC will provide written notice to the contractor and will initiate negotiations with the contractor. MGC reserves the right to amend the contract accordingly, including payments under, or maximum obligation of the contract.

### **5.14 AUTHORIZATIONS AND APPROPRIATIONS**

Any contract awarded under this RFR is subject to all necessary federal and state approvals, as applicable, including the Office of the Comptroller, and is subject to appropriation of sufficient funding, as determined by MGC.

### **5.15 ELECTRONIC FUNDS TRANSFER (EFT)**

All bidders must agree to participate in the Commonwealth Electronic Funds Transfer (EFT) program for receiving payments. A link to the EFT application can be found on the OSD Forms page ([www.mass.gov/osd](http://www.mass.gov/osd)). Additional information about EFT is available on the Comptroller's VendorWeb site located at: <https://massfinance.state.ma.us/VendorWeb/vendor.asp>.

Upon notification of award, contractors are required to enroll in EFT by completing and submitting the "Authorization for Electronic Funds Payment Form" to the SSST for review, approval and forwarding to the Office of the Comptroller, unless already enrolled in EFT. A link to the EFT application can be found on the Comptroller's VendorWeb site (see above link). This form, and all information contained on this form, shall not be considered a public record and shall not be subject to public disclosure through a public records request.

### **5.16 PROMPT PAYMENT DISCOUNTS (PPD)**

All bidders responding to this procurement must agree to offer discounts through participation in the Commonwealth Prompt Payment Discount (PPD) initiative for receiving early and/or on-time payments, unless the bidder can provide compelling proof that it would be unduly burdensome. PPD benefits both contractors and the Commonwealth. Contractors benefit by increased, usable cash flow as a result of fast and efficient payments for commodities or services rendered. Participation in the Electronic Funds Transfer initiative further maximizes the benefits with payments directed to designated accounts, thus eliminating the impact of check clearance policies and traditional mail lead time or delays. The Commonwealth benefits because contractors reduce the cost of products and services through the applied discount. Payments that are processed electronically can be tracked and verified through the Comptroller's Vendor Web system. The PPD form can be found under the Forms and Terms tab of this solicitation.

Bidders must submit agreeable terms for Prompt Payment Discount using the PPD form within their proposal, unless otherwise specified by the PMT. The PMT will review, negotiate or reject the offering as deemed in the best interest of the Commonwealth.

The requirement to use PPD offerings may be waived by the PMT on a case-by-case basis if participation in the program would be unduly burdensome on the bidder. If a bidder is claiming that this requirement is a hardship or unduly burdensome, the specific reason must be documented in or attached to the PPD form.

### **5.17 ELECTRONIC COMMUNICATION/UPDATE OF BIDDER'S/CONTRACTOR'S CONTACT INFORMATION**

It is the responsibility of the prospective bidder and awarded contractor to keep current the email address of the bidder's contact person and prospective contract manager, if awarded a contract, and to monitor that email inbox for communications from the PMT, including requests for clarification. The PMT and the Commonwealth assume no responsibility if a prospective bidder's/awarded contractor's designated email address is not current, or if technical problems, including those with the prospective bidder's/awarded contractor's computer, network or internet service provider (ISP) cause email communications sent to/from the prospective bidder/awarded contractor and the PMT to be lost or rejected by any means including e-mail or spam filtering.

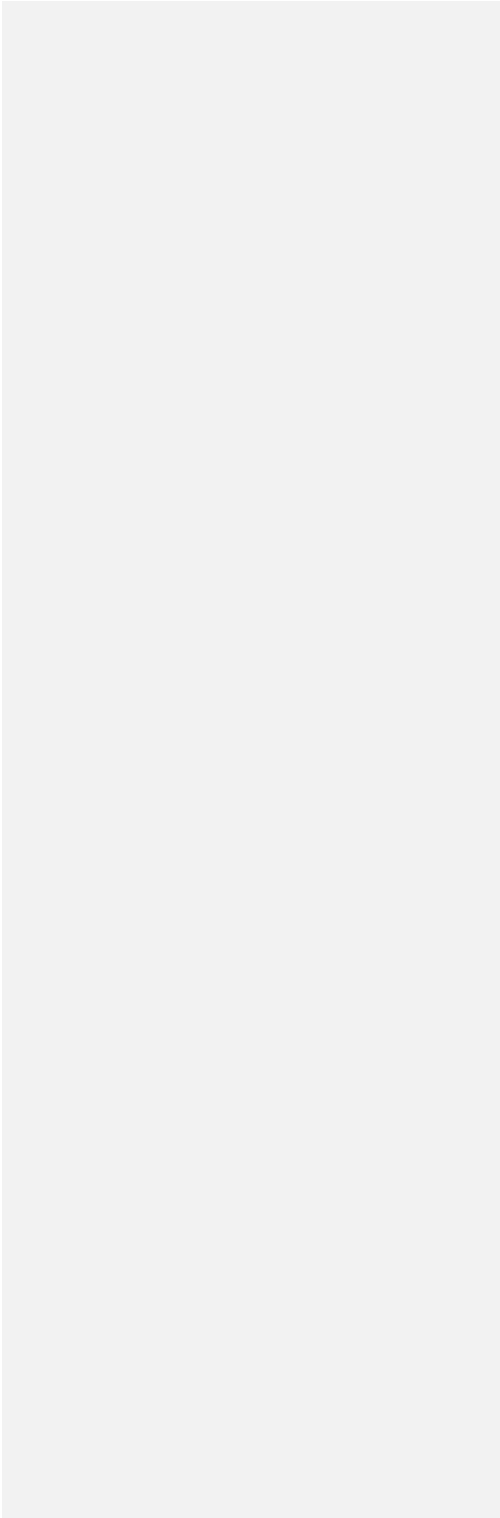
### **5.18 RESTRICTION ON THE USE OF THE COMMONWEALTH SEAL**

Bidders and contractors are not allowed to display the Commonwealth of Massachusetts Seal in their bid package or subsequent marketing materials if they are awarded a contract because use of the coat of arms and the Great Seal of the Commonwealth for advertising or commercial purposes is prohibited by law.

### **5.19 SUBCONTRACTING POLICIES**

Prior approval of the department is required for any subcontracted service of the contract.

Contractors are responsible for the satisfactory performance and adequate oversight of its subcontractors. Human and social service subcontractors are also required to meet the same state and federal financial and program reporting requirements and are held to the same reimbursable cost standards as contractors.



**Attachment A: RFR Response Template**

**Click on the icon below for a copy of the template to follow for responding to this RFR.**



Steno RFR Response  
Template 092612 v1.

**Note, the last page of the template needs to be provided separately from the rest of the response.**