

**Addendum No. 1**

NJSDA  
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Trenton, NJ 08625  
Phone: 609-858-2915  
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**DATE:** August 12, 2016

**PROJECT #:** GP-0237-R01  
Electronic Board Book Services

**DESCRIPTION:** Addendum No. 1

This addendum shall be considered part of the Bid Documents issued in connection with the referenced project. Should information conflict with the Bid Documents, this Addendum shall supersede the conflicting information in the Bid Documents.

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**A. CHANGES TO THE PROCUREMENT PROCESS:**

**NOTE:** for the following items, additions to existing language shall be denoted in **bold and underlined** text; deletions in *strikethrough and italics*.

**1. Revisions to the Request for Proposals:**

- a. The sixth paragraph of the Introduction on Page 1 shall be modified in pertinent part regarding the use of the NJSDA's Standard Terms and Conditions, as follows:

The selected firm shall be required to comply with the NJSDA Standard Terms and Conditions set forth in Attachment B to this RFP, *without modification* **subject to any requested modifications that are acceptable and agreed to by the NJSDA.**

**B. BIDDER'S QUESTIONS, REQUESTS FOR INFORMATION AND RESPONSES:**

1. **QUESTION:** Please find attached our non-disclosure agreement for your review and signature. In order to release information about our technology infrastructure, our hosting service requires an MNDA.

**ANSWER:** The NJSDA is not in a position to enter into any form of Non-Disclosure Agreement prior to submission of bids for this Procurement. As a public entity, the NJSDA is subject to the provisions of the Open Public Records Act, N.J.S.A. 47:1A-1, et seq. ("OPRA"), which governs the public's access to government records in New Jersey. Generally, submissions by bidders are considered public records under OPRA, and are eligible for access by the

public. However, OPRA does exclude public access to certain types of information, including, but not limited to: trade secrets and proprietary commercial or financial information; administrative or technical information regarding computer hardware, software and networks which, if disclosed, would jeopardize computer security; security measures and surveillance techniques which, if disclosed, would create a risk to the safety of persons, property, electronic data or software; and information which, if disclosed, would give an advantage to competitors or bidders.

Accordingly, bidders that wish to designate particular information in their submissions as exempt from disclosure under OPRA, as discussed above, must designate or highlight that information in their submissions. To the extent that the information designated or highlighted by the bidder satisfies an appropriate OPRA exemption, the NJSDA will redact that information from any disclosures made pursuant to any future OPRA requests, if any.

2. **QUESTION:** Also, can you kindly send us the Word document or editable version of the RFP and attachments in order to draft our responses?

**ANSWER:** We are unable to provide an editable version of the RFP. Please use the documentation that was included in the RFP package.

3. **QUESTION:** my [sic.] team is big on the ADA compliance as neither of our products complies with this, and this has actually eliminated us from previous deals in the past with public, government entities. Is being ADA compliant 100% necessary to bid on the business?

**ANSWER:** To the extent that the Scope of Services included in the RFP implicates the requirements of the Americans with Disabilities Act (“ADA”), compliance therewith is required.

4. **QUESTION:** I have reviewed your RFP and believe that BoardBookit would be a great fit. However, we only use our MSA. You can find it here - <https://signup.boardbookit.com/docs/BoardBookit-Master-Subscription-Agreement.pdf>. Please let me know if this is acceptable.

**ANSWER:** Pursuant to Section 3.0 of the RFP:

“Following the final technical ranking, the Fee Proposals will be opened and reviewed by the NJSDA. Using the Fee Proposals as a guideline, the NJSDA shall negotiate a contract with the highest-ranked firm at compensation that the NJSDA determines to be fair and reasonable.”

Accordingly, subsequent to the ranking of the firms, the NJSDA will negotiate the terms of any final contract with the highest-ranked bidder, taking into consideration terms proposed by that bidder and bearing in mind material terms that are required for State contracts. Also, see Section A.1 above.

To the extent that this question asks whether the NJSDA will accept the referenced MSA without the possibility of modification or amendment through negotiation, the answer is no.

5. **QUESTION:** Can you send us an editable version of the RFP and attachments for us to draft our responses in the appropriate templates?

**ANSWER:** We are unable to provide an editable version of the RFP. Please use the documentation that was included in the RFP package.

6. **QUESTION:** According to the Attachment D: Moral Integrity Questionnaire, under the section "For Corporations, Limited Liability Companies and Limited Partnerships Only" --- what happens if we do not have a "Certificate of Authority to Perform Work in NJ"? How will this affect our final proposal submission?

**ANSWER:** Prior to entering into any agreement with the selected vendor, that vendor must possess a Business Registration Certificate and/or a Certificate of Authority from the New Jersey Department of Treasury, Division of Revenue.

7. **QUESTION:** Can you please explain why NJSDA is requesting the following information, how will it be used and is it required in order to submit our final proposal? We have worked with a number of educational institutions and have never been asked to submit similar responses so we are keen to understand more about this.

Attachment D: Moral Integrity Questionnaire, under section "Disclosure of Owners and Key Persons" – our organization's key persons' birth date and social security number. What is the intended use for this information, how will it be used and how will it be protected?

Attachment E: Ownership Disclosure Form

**ANSWER:** Pursuant to N.J.A.C. 19:38D-2.2, all vendors seeking to enter into an agreement with the NJSDA are subject to a moral integrity review, even where NJSDA pre-qualification is not required. If the results of the moral integrity review are negative or unsatisfactory in that they indicate any circumstance that would justify a revocation of pre-qualification under N.J.A.C. 19:38A-4.1, the NJSDA shall reject the vendor's proposal pursuant to N.J.A.C. 19:38D-2.6. Also, as noted in Section 2.2 of the RFP:

"At the same time as a Technical Proposal is submitted, the firm must submit to NJSDA one (1) completed Moral Integrity Questionnaire for submission to the New Jersey State Police, in the form attached as Attachment D to this RFP. NJSDA will hold all submitted Questionnaires, unopened, until after all firms have been ranked, unless special circumstances warrant otherwise. Thereafter, NJSDA staff will forward the Questionnaire of the selected firm to the New Jersey State Police for review."

Additionally, for New Jersey public contracts, the submission of an Ownership Disclosure Form, either prior to or accompanying the submission of any bid, is required by statute. See N.J.S.A. 52:25-24.2.

8. **QUESTION:** Can you verify how the information we provide, specifically for Attachment D: Moral Integrity Questionnaire and Attachment E: Ownership Disclosure Form, will be protected as they are PII?

**ANSWER:** The original forms submitted by the bidder will be maintained in hard copy by NJSDA's Procurement Division consistent with the NJSDA's record retention policy. The NJSDA will take appropriate steps to redact any "personal identifying information," as that term is defined under OPRA, from any disclosures made pursuant to future OPRA requests, if any.

9. **QUESTION:** Also, can you confirm if NJSDA is PCI compliant?

**ANSWER:** The NJSDA is unclear as to the meaning and intent of this question. To the extent that "PCI" refers to Payment Card Industry Data Security Standards, the NJSDA does not collect and store vendor credit card information on its computer systems. Accordingly, these standards do not appear to be relevant to the Scope of Services included in the RFP.

10. **QUESTION:** Please review and sign BoardEffect's non-disclosure agreement – see attached.

**ANSWER:** The NJSDA is not in a position to enter into any form of Non-Disclosure Agreement prior to submission of bids for this Procurement. As a public entity, the NJSDA is subject to the provisions of the Open Public Records Act, N.J.S.A. 47:1A-1, et seq. ("OPRA"), which governs the public's access to government records in New Jersey. Generally, submissions by bidders are considered public records under OPRA, and are eligible for access by the public. However, OPRA does exclude public access to certain types of information, including, but not limited to: trade secrets and proprietary commercial or financial information; administrative or technical information regarding computer hardware, software and networks which, if disclosed, would jeopardize computer security; security measures and surveillance techniques which, if disclosed, would create a risk to the safety of persons, property, electronic data or software; and information which, if disclosed, would give an advantage to competitors or bidders.

Accordingly, bidders that wish to designate particular information in their submissions as exempt from disclosure under OPRA, as discussed above, must designate or highlight that information in their submissions. To the extent that the information designated or highlighted by the bidder satisfies an appropriate OPRA exemption, the NJSDA will redact that information from any disclosures made pursuant to any future OPRA requests.

11. **QUESTION:** Therefore the submission of this bid by Diligent is contingent upon the parties mutually agreeing on a comprehensive subsequent service agreement that contains terms that reflect the service offered and all factors associated with such service, including such terms as are necessary to continue protecting the security of the product, provide valid protection for intellectual property, and ensure compliance with applicable laws.

**ANSWER:** Pursuant to Section 3.0 of the RFP:

“Following the final technical ranking, the Fee Proposals will be opened and reviewed by the NJSDA. Using the Fee Proposals as a guideline, the NJSDA shall negotiate a contract with the highest-ranked firm at compensation that the NJSDA determines to be fair and reasonable.”

Accordingly, subsequent to the ranking of the firms, the NJSDA will negotiate the terms of any final contract with the highest-ranked bidder, taking into consideration terms proposed by that bidder and bearing in mind material terms that are required for State contracts. Also, see Section A.1 above.

12. **QUESTION:** Will we be able to use our MSA as a point of negotiation?

**ANSWER:** Pursuant to Section 3.0 of the RFP:

“Following the final technical ranking, the Fee Proposals will be opened and reviewed by the NJSDA. Using the Fee Proposals as a guideline, the NJSDA shall negotiate a contract with the highest-ranked firm at compensation that the NJSDA determines to be fair and reasonable.”

Accordingly, subsequent to the ranking of the firms, the NJSDA will negotiate the terms of any final contract with the highest-ranked bidder, taking into consideration terms proposed by that bidder and bearing in mind material terms that are required for State contracts. Also, see Section A.1 above.

13. **QUESTION:** Will we be able to choose which information stays confidential?

**ANSWER:** As a public entity, the NJSDA is subject to the provisions of the Open Public Records Act, N.J.S.A. 47:1A-1, et seq. (“OPRA”), which governs the public’s access to government records in New Jersey. Generally, submissions by bidders are considered public records under OPRA, and are eligible for access by the public. However, OPRA does exclude public access to certain types of information, including, but not limited to: trade secrets and proprietary commercial or financial information; administrative or technical information regarding computer hardware, software and networks which, if disclosed, would jeopardize computer security; security measures and surveillance techniques which, if disclosed, would create a risk to the safety of persons, property, electronic data

or software; and information which, if disclosed, would give an advantage to competitors or bidders.

Accordingly, bidders that wish to designate particular information in their submissions as exempt from disclosure under OPRA, as discussed above, must designate or highlight that information in their submissions. To the extent that the information designated or highlighted by the bidder satisfies an appropriate OPRA exemption, the NJSDA will redact that information from any disclosures made pursuant to any future OPRA requests.

14. **QUESTION:** Is the ADA absolutely necessary to comply by?

**ANSWER:** To the extent that the Scope of Services included in the RFP implicates the requirements of the Americans with Disabilities Act (“ADA”), compliance therewith is required.

**C. CHANGES TO PREVIOUS ADDENDA:**

1. Not Applicable.

**D. ATTACHMENTS:**

1. Attachment 1.1 “Notice of Intent to Participate” Contact List

**E. SUPPLEMENTAL INFORMATION:**

1. Not Applicable.

*Any bidder attempting to contact government officials (elected or appointed), including NJSDA Board members, NJSDA Staff, and Selection Committee members in an effort to influence the selection process may be immediately disqualified.*

End of Addendum No. 1

  
\_\_\_\_\_  
NJSDA Director

8/12/16  
\_\_\_\_\_  
Date



**Addendum No. 1**

NJSDA  
32 E. Front Street  
Trenton, NJ 08625  
Phone: 609-858-2915  
Fax: 609-656-7258

**DATE:** August 12, 2016  
**PROJECT #:** GP-0237-R01  
Electronic Board Book Services  
**DESCRIPTION:** Addendum No. 1

**Acknowledgement of Receipt of Addendum**

Consultant **must acknowledge** the receipt of the Addendum by signing in the space provided below and returning via fax (609-858-2915) or email ([dkutch@njsda.gov](mailto:dkutch@njsda.gov)). Signed acknowledgement must be received prior to the Bid Due Date. Bidders are also requested to include a signed copy of this addendum acknowledgement form with its Technical Proposal submission.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Company Name

\_\_\_\_\_  
Date

ATTACHMENT 1.1

**“Notice of Intent to Participate” Contact List**

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