

**STATE OF NEW HAMPSHIRE LIQUOR COMMISSION REQUEST TO SUBMIT
PROPOSAL FOR:**

RFP NO. 2022-01-BACKGROUND CHECK

COMMISSION'S SECOND RESPONSES TO VENDOR INQUIRIES

QUESTION 6:

Q: You requested "County criminal records from all states." Please confirm that this is asking the vendor to search criminal records in the areas found on the Social Security Trace report as it relates to the paragraph at the top of that section, where you ask that the selected vendor "provide a comparison of the social security number and data from the credit bureaus to determine every name that a candidate has ever been known by(AKA's), and run a search on each name found."

A: The selected vendor must be capable of completing a thorough search of county criminal records across all states in relation to the individual whose background the NHLC seeks to examine. The method of doing so is left to the contractor.

QUESTION 7:

Q: You requested "National Security Sources." Please provide an example or specific sources that you are referencing here.

A: This refers to national watch lists and other national databases maintained by the federal government. Vendors submitting proposals shall include a list of the national databases that it has access to.

QUESTION 8:

Q: What are exhibits A, B, and C that are referenced in Appendix A, State form P-37?

A: Exhibits A, B, and C are not yet created. Exhibits A, B, and C, are attachments to the State of New Hampshire's Form P-37 that the NHLC will draft with the contractor selected as a result of this procurement process. Exhibit A (special provisions) is used to make amendments to the standard P-37 form language, if any. Exhibit B (services to be performed) is where the contracting parties set forth the scope of the services that they are contracting for. Exhibit C (contract price/price limitation/payment) is where the contracting parties provide the contract pricing and terms of payment.

This RFP process is used to identify a vendor that will enter into contract negotiations with the NHLC. Via this contract discussion/negotiation process, the parties will agree upon contract terms, which will then appear in Exhibits A, B, and C to the P-37. Although contract negotiations will take place with the selected vendor, during which the parties will establish the services to be performed (Exhibit B), this does not authorize the vendor to significantly deviate from the scope of work required by this RFP as contained in its proposal.

QUESTION 9:

Q: On page 2 of 16, can you clarify what is expected as part of, “The contractor must be able provide NHLC immediate record response.”

A: The NHLC must receive background check results from the contractor immediately upon their completion, typically within a matter of minutes or hours, unless there are extenuating circumstances, such as additional research needed. Each proposer should explain the typical timeframe in which it is capable of returning background-check results to the NHLC.

QUESTION 10:

Q: Will preference be given to providers that are accredited by (not just a member of) the Professional Background Screening Association (PBSA)?

A: The NHLC will consider PBSA membership and accreditation when assessing company experience. If a vendor believes that its PBSA accreditation enables it to provide enhanced service, it should, in its proposal, explain why this is the case and why accreditation is superior to membership.

QUESTION 11:

Q: As NHLC is reading bid submissions, aside from the evaluation criteria, what are the top 3 most important areas to you in vendor responses, from a procurement perspective?

A: Proposal scoring criteria are set forth in Part IV of the RFP (pg. 11).

QUESTION 12:

Q: Please confirm vendors are to respond to Part I, sections 3. Scope of Work and 4. Additional Requirements (beginning on page 4 of the PDF) within the “Experience/Company Capability” section of their response. If not in this section, where in our response should vendors place it?

A: Vendors’ explanation of their ability to satisfy the deliverables set forth in RFP’s Scope of Work should be included in their responses to the Company Experience and Capability sections of the RFP (pg. 10).

QUESTION 13:

Q: Item 12 of the Scope of Work states: “The contractor must send “real-time” email notifications to NHLC.” Please clarify what type of notifications NHLC is request.

A: Real-time email notification to the NHLC when the vendor receives a background check request from the NHLC as well as additional, real-time email notifications regarding the status of the request.

QUESTION 14:

Q: Where would NHLC like vendors to respond to Part IV, item 1, regarding mandatory responsiveness requirements? Should this be included as a separate section?

A: A proposer satisfies RFP Part IV, Section 1 by submitting its signed proposal to the NHLC by the closing date and time set forth in Table 1 to the RFP (pg. 1 of 16).

QUESTION 15:

Q: Please note that Consumer Reporting Agencies (CRAs) have obligations imposed on them under the Fair Credit Reporting Act (FCRA), which will require certain contract addenda in order to fulfill these various compliance requirements.

A: The NHLC acknowledges the statement above and will work with the selected vendor with regard to these regulatory requirements, including FCRA compliance, during the contract negotiation phase.

EXCEPTIONS TO STATE OF NEW HAMPSHIRE FORM P-37

Form P-37 Section	NHLC Position on Exception
7.2 (Personnel)	Negotiable
8.2.1 (Timeframe to cure default)	Negotiable
10.2 (Data access)	Negotiable
13 (Indemnification)	Negotiable*
14 (Insurance)	Negotiable*

*Although the NHLC is willing to discuss exceptions to P-37 Sections 13 (Indemnification) and 14 (Insurance) with the selected vendor, the NHLC notes that it is unlikely to accept significant deviation from the existing language of these provisions. Pursuant to RFP Part II, Section 13, “[s]hould the NHLC be unable to reach agreement with the selected Proposer, the NHLC may negotiate with the second preferred Proposer and so on”

NOTICE REGARDING CERTAIN INQUIRIES

The NHLC notes that it received multiple inquiries that pertained to topics beyond the terms of the RFP, the RFP process, or State of New Hampshire Form P-37. The NHLC declined to provide responses to such inquiries.