



**STATE OF NEW HAMPSHIRE
DEPARTMENT OF BUSINESS AND ECONOMIC AFFAIRS
Mine Safety and Health Administration (MSHA) State Grant Training
Services
RFP# BEA 2022-16**

SECTION 1 – Overview and Schedule

A. Executive Summary

The Department of Business and Economic Affairs, Office of Workforce Opportunity (BEA/OWO) is soliciting a Request for Proposals (RFP) on behalf of the State Workforce Innovation Board (SWIB) for mine safety and health training services.

Under a grant from the U.S. Department of Labor’s (USDOL) Mine Safety and Health Administration (MSHA), in accordance with the Federal Mine Safety and Health Act of 1977 (MINE Act), as amended, BEA/OWO has received grant funds to provide training for the advancement of health and safety in surface mines in New Hampshire. MSHA provides funding in each state to promote training and retraining of workers (i.e. miners) working at surface and underground coal, and metal and/or nonmetal mines, including miners engaged in shell dredging or employed at surface stone, sand and gravel mining operations. Training in NH is focused on metal and non-metal, and surface stone, sand and gravel mining operations.

The vendor selected in response to this RFP shall receive referrals for potential training candidates from companies in need of effective and quality mine health and safety training for mine operators, miners and contractors working at mining operations in the state of New Hampshire. Grant funds are used to supplement the cost of training required by MSHA to ensure worker safety at all times. This grant provides access to the specific training needed by business and/or workers to meet annual safety training, and/or refresher training.

The purpose of the RFP is to identify an MSHA Certified trainer/training vendor to provide Part 46 Annual Refresher Training and Supervisory training. A contract awarded in response to this RFP shall be effective for the period beginning October 1, 2022 through September 30, 2026.

The first year award will be for Program Year 2022, beginning October 1, 2022 and ending September 30, 2023. Subsequent contract years (program years 2023 - 2025) will run twelve months, October 1st to September 30th of each year, with a final date of service on September 30, 2026. Funding for subsequent contract years is contingent on the continuation of federal funding to the State of New Hampshire in support of this training requirement.

The first year contract award amount is anticipated to be \$65,000. Subsequent year amounts will be determined based on the annual State Grant awards, but typically range from \$55,000 - \$70,000 per year. This project requires a cash match of no less than 20% of the total program award, which may be secured through training fees. For planning purposes contractors should assume \$60,000 of funding for each subsequent program year covered in this RFP. However, contractors must be aware that a decrease and/or increase in future funding, is very possible.

The award of the contract is contingent on approval by Governor and Executive Council.

This Mine Safety and Health Training Program bid solicitation is fully supported by the U.S. Department of Labor (USDOL) Mine Safety and Health Administration (MSHA) as **part** of an award totaling \$76,777 in Program Year 2021; CFDA# 17.600.

B. Schedule

The following table provides a Schedule of Events for this RFP through contract finalization and approval. The Agency reserves the right to amend this Schedule at its sole discretion and at any time through a published Addendum.

EVENT	DATE	LOCAL TIME
RFP Released(Advertisement)	June 1, 2022	9:00 AM
Bidder Inquiry Period Ends	June 15, 2022	4:00 PM
Final Agency Responses to Vendor Inquiries	June 17, 2022	4:00 PM
Bidder Submit Proposals	July 1, 2022	4:00 PM
Estimated Notification of Selection and Begin Contract Negotiations	July 8, 2022	
Targeted Governor and Council Meeting	TBD	10:00 AM
Anticipated Contract Start Date	October 1, 2022	

SECTION 2 – Description of Office Issuing the Request for Proposals

The Department of Business and Economic Affairs is dedicated to enhancing the economic vitality of the State of New Hampshire while promoting it as a destination for domestic and international visitors. For more information visit www.nheconomy.com, www.choosenh.com, or www.nhworks.org.

The Office of Workforce Opportunity is committed to the vitality of the New Hampshire workforce system. OWO is the administrative and fiscal agent for Workforce Innovation and Opportunity Act (WIOA) funding and other similar US DOL grants including the Mining Safety and Health Administration (MSHA) grant for which this RFP is being issued, as well as staff support to the SWIB. OWO partners with other state and community partners to ensure that a range of employment, education, training, and related services are available to help all job seekers in the State of New Hampshire secure employment while providing businesses access to skilled workers so that they can compete in the global economy. The NH Works/American Job Centers (AJC) provide services for job seekers to find employment, obtain skills

training or additional education and seek other job-related services. NH Works also provides services to support employers in finding and retaining employees.

The proposed services will be funded under a grant received from the U.S. Department of Labor Mine Safety and Health Administration (MSHA). The Coal Mine Health and Safety Act of 1969 established the state grants program to support safety training. States first received funding to provide health and safety training to miners in 1971. MSHA's State Grants Program distributes federal grants to 49 States and the Navajo Nation. Most grant funds are used to support health and safety training courses and programs designed to reduce mining accidents, injuries, and illnesses.

The grants cover training and retraining of miners working at surface and underground coal, and metal and nonmetal, mines, including miners engaged in shell dredging or employed at surface stone, sand and gravel mining operations. Each grant recipient tailors the program to the needs of its mines and miners.

For detailed information on MSHA and required health and safety training, visit <https://www.msha.gov/>.

SECTION 3 – Proposed Scope of Work

BEA/OWO is requesting proposals from qualified training providers certified by MSHA to deliver safety training in accordance with the requirements under Section 503 of the Federal Mine Safety and Health Act of 1977 (MINE Act), Public Law 95-164, as amended. Proof of certification will be required. The selected vendor will deliver MSHA required training for four consecutive years, with funding for each program year to be awarded consistent with the annual MSHA State Grant Program allocation, which is contingent upon the continuation of this grant at the federal level.

Proposals will be accepted from any private for-profit agency, state or local unit of government, private non-profit organizations, or educational agency that can provide MSHA certified staff for the delivery of training services and can demonstrate the administrative capacity to successfully provide the services identified in this RFP.

A review committee will select a single service provider based on the criterion outlined in Section 6 this RFP. The successful bidder will be awarded a firm, fixed-price cost-reimbursement contract for work performed pursuant to this RFP. The contract term will total 48 months, beginning **October 1, 2022 and ending on September 30, 2026**, subject to approval of the New Hampshire Governor and Executive Council.

Bidders are advised that during the term of the resulting contract, BEA reserves the right to modify services in this RFP to conform to federal or state regulatory changes to the MSHA grant. If changes to the scope of service are necessary as a result of regulatory changes, the selected vendor and BEA will enter into good-faith negotiations of the services and the costs associated with the delivery of those services.

Bidders are expected to carefully examine all requirements stipulated in this RFP, and to respond to each requirement in their proposal.

The recipient of this award will be responsible for providing MSHA required training and ensure access to training statewide. The number of training days is flexible and may change as required to reflect grant funds availability, demands for training and other factors at play during the four-year contract period.

NH has identified the following mine health and safety needs –

- 1) Need for effective and quality mine health and safety training for mine operators, miners and contractors working at mining operations in the state of New Hampshire:
 - a. Goal – Make available effective quality mine health and safety training classes for the New Hampshire.
- 2) Need for continuously up-to-date, on-target, training materials.
 - a. Goal - Develop, computerize and distribute up-to-date training materials/programs reflecting the latest changes in the industry

To support training, the awarded vendor shall be responsible for conducting the following –

- Identify potential construction companies in need of training.
- Contact those companies to generate interest in the training.
- Effectively schedule all training sessions, preferably with smaller class sizes to maximize the learning, interaction and evaluation of the students.
- Conduct training sessions in accordance with MSHA guidelines, with extra emphasis on the first line supervisors, and their role in providing a safe work environment.
- Establish a fee schedule to be charged to trainees such that the total fees collected will total at least 20% of the total training cost and/or other monies available to meet the total match requirement for this grant. Fee schedules must be approved by BEA/OWO on an annual basis.
- Complete all required reports in a timely manner.

Proposals must address the above accountabilities as well as each item listed below, and may include additional items at the bidder’s discretion:

- Planned activities
- Anticipated impact
- Methodology to evaluate results
- Plan to comply with federal requirements to conduct classes in language miners understand
- Plan to focus on small mines
- Plan to address alcohol and/or drug abuse issues
- List of training courses and proposed training dates to be presented annually

PROGRAM INCOME

All or a portion of the program income will be used to meet the required cost sharing amount (29 CFR, part 97.25(g)(3)). Program income will be generated by charging a fee for both the MSHA Part 46

Refresher Training and First Aid, all of which shall be considered the matching amount. We are estimating 500 people will participate in training.

Program income earned in excess of the funds used to meet the cost sharing requirement will be used to further the program's goals and objectives (29 CFR, part 95.25(a)). BEA/OWO shall monitor annually the Contractor's process for collecting and expensing program income.

Resources generated by the Contractor may also be used to meet the recipient's requirement to match the Federal funds. Any additional resources or program income earned will be retained by the Contractor and used to enhance the training program provided for the benefit of the New Hampshire's mining industry, and to further the goals and objectives of the recipient's training program. In all cases, the resources generated by the training program will be used in compliance with the applicable Office of Management and Budget (OMB) cost principles for recipients of federal assistance.

PROGRAM REPORTING REQUIREMENTS

Reporting requirements shall include both program and financial reports and will include but not be limited to the following:

Programmatic reporting:

- a. The contractor shall complete quarterly performance reports and submit them to BEA/OWO in accordance with the stipulated timeline so they may be submitted to MSHA within 30 days after the quarter end.
- b. Corrective action reports if required in response to a program monitoring event.
- c. Ad-hoc reports requested by USDOL and/or BEA as deemed necessary, including customer satisfaction surveys.

Financial reporting:

- a. Invoice for services and related expenses shall be billed monthly if expenses have been incurred during the month. Invoices are due by the last day of the month following the reporting month.
- b. The Contractor shall use an invoice format that is deemed acceptable by BEA.
- c. The Contractor shall maintain sufficient documentation on file in their offices to support invoices and make such documentation available for review by authorized BEA staff and/or its auditors. BEA reserves the right to require the Contractor to attach detailed documentation to support invoice costs at any point during the contract period.
- d. The Contractor shall maintain a financial management system for tracking match funds consistent with federal policy, procedure and OMB cost principles for Program Income.
- e. The Contractor must maintain a fixed asset inventory system that clearly identifies all non-expendable property with a life expectancy of one year or more and a unit price of \$250 or more which is purchased or leased with MSHA funds.
- f. The Contractor will be required to submit to BEA a complete property inventory report that identifies all property (defined as a unit cost of \$250 or more) and equipment (defined as a unit cost of \$5,000 or more) purchased with MSHA and/or Program Income funds, at the end of each program year.

BEA reserves the right to adjust reporting requirements, upon mutual agreement with the Contractor, if such adjustments are deemed necessary to meet program objectives.

MARKETING/PROMOTIONS/OUTREACH ACTIVITIES

The Contractor shall clearly state that the State of New Hampshire is the sponsor of MSHA training on all written and electronic materials developed with MSHA funds or for the purpose of promoting MSHA training, including Contractor annual reports.

The Contractor shall comply with the disclaimer requirements of 29 CFR 38 (Equal Opportunity) on all solicitations, advertisements, or promotional activities.

The Contractor shall implement a recruitment/outreach plan in sufficient time to help meet full enrollment and expenditure/obligation performance goals for the annual contract period.

CONTRACTING RESPONSIBILITIES

The Contractor shall ensure that no assignment or subcontracting of any of the rights or responsibilities of the contractor is initiated unless approved in writing by BEA, or unless clearly described in the Scope of Work as written in the Contract agreement.

SECTION 4 – Process for Submitting a Proposal

A. Proposal Submission, Deadline, and Location Instructions

Proposals submitted in response to this RFP must be received by the Department of Business and Economic Affairs no later than the time and date specified in the Schedule section. Proposals must be submitted electronically. Proposals must be addressed to:

**State of New Hampshire
Department of Business and Economic Affairs
Office of Workforce Opportunity
c/o
Joseph A Doiron**

Electronic proposals must be submitted to: Joseph.A.Doiron@livefree.nh.gov

Proposals must be clearly marked as follows

STATE OF NEW HAMPSHIRE

RESPONSE TO RFP # BEA 2022-16

**Mine Safety and Health Administration (MSHA)
State Grant Training Services**

Unless waived as a non-material deviation in accordance with Section 6C, late submissions will not be accepted. Delivery of the Proposals shall be at the bidder's expense. The time of receipt shall be considered when a Proposal has been officially documented by the Agency, in accordance with its established policies, as having been received at the location designated above.

All Proposals submitted in response to this RFP must consist of at least:

- a) One electronic copy of the Proposal with all Confidential Information fully redacted, as provided for in Section 7E of this RFP.

Vendors who are ineligible to bid on proposals, bids or quotes issued by the Department of Administrative Services, Division of Procurement and Support Services pursuant to the provisions of RSA 21-I:11-c shall not be considered eligible for an award under this proposal.

B. Proposal Inquiries

All inquiries concerning this RFP, including but not limited to, requests for clarifications, questions, and any changes to the RFP, shall be submitted via email to the following RFP designated Points of Contact:

TO: Joseph.A.Doiron@livefree.nh.gov

Inquiries must be received by the Agency's RFP Point of Contact no later than the conclusion of the Bidder Inquiry Period (see Schedule of Events section). Inquiries received later than the conclusion of the Bidder Inquiry Period shall not be considered properly submitted and may not be considered.

The Agency intends to issue official responses to properly submitted inquiries on or before the date specified in the Schedule section; however, this date is subject to change at the Agency's discretion. The Agency may consolidate and/or paraphrase questions for sufficiency and clarity. The Agency may, at its discretion, amend this RFP on its own initiative or in response to issues raised by inquiries, as it deems appropriate. Oral statements, representations, clarifications, or modifications concerning the RFP shall not be binding upon the Agency. Official responses by the Agency will be made only in writing by the process described above. Bidders shall be responsible for reviewing the most updated information related to this RFP before submitting a proposal.

C. Restriction of Contact with Agency Employees

From the date of release of this RFP until an award is made and announced regarding the selection of a Vendor, all communication with personnel employed by or under contract with the Agency regarding this RFP is forbidden unless first approved by the RFP Point of Contact listed in the Bidder Inquiries section. Agency employees have been directed not to hold conferences and/or discussions concerning this RFP with any potential bidder(s) during the selection process, unless otherwise authorized by the RFP Point of Contact. Bidders may be disqualified for violating this restriction on communications.

D. Validity of Proposal

Proposals must be valid for one hundred and eighty (180) days following the deadline for submission of Proposals in Schedule of Events, or until the Effective Date of any resulting Contract, whichever is later.

SECTION 5 – Content and Requirements for a Proposal

The items contained in this section must be included in the Bidder’s proposal to meet the minimum requirements for evaluation. The sections must be in the order described and written in a straightforward and concise manner.

Respondents must carefully examine all requirements stipulated in this RFP and respond to each requirement in their proposal.

Letters of support are not required.

Please note that BEA/OWO cannot enter into contract negotiations with an organization that is not legally permitted to conduct business within the State of New Hampshire or is debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal or State department or agency.

A. Proposal Content Requirements

1. Proposal Cover Sheet	Appendix A	Required	
2. Table of Contents	with Page Numbers	Required	
			100 Point Total
3. Proposal Narrative		Required	80 Point Total
A. Proposed Training Services	Max. Six (6) Pages	Required	40 Points (of 80)
B. Demonstrated Ability / Past Performance	Max. Four (4) Pages	Required	20 Points (of 80)
C. MSHA Certified Trainers	Max. Three (3) Pages	Required	15 Points (of 80)
D. Conflict of Interest	Max. One (1) Page	Required	5 Points (of 80)
4. Contractor Data Sheet	Appendix B	Required	
5. Proposal Budget		Required	20 Point Total
A. Budget Narrative	Max. Four (4) Pages	Required	
6. Miscellaneous		Required	
A. Copy of Most Recent Audited Financial Statements			
B. Resumes of Key Staff (i.e. Training Instructors)			
7. Assurances & Certifications	Appendix C	Required	

B. Proposal Format Requirements

Font: 12 point – Times New Roman

Spacing: Optional (single spaced or greater)

All content in the proposal must be typed (with the exception of signatures)

Pages: Numbered (exclusive of title page, table of content and miscellaneous pages)
Margins: 1 inch
Email: PDF format – drop box and/or similar tools not allowed.

SECTION 6 – Evaluation of Proposals

A. Criteria for Evaluation and Scoring

Evaluation criteria and the associated points are listed below. The award will be made to the responsible Bidder whose proposal is determined to be the most advantageous to the State based on the evaluation criteria listed in this section. As stated in Section 7-E, Public Disclosure, the bidder may have portions of its proposal withheld from disclosure to the public.

The bidder must separate those portions of the proposal that it does not want to be disclosed as stated in Section 7- E. The bidder must justify in the Exceptions section why certain portions need to be withheld from disclosure to the public. The cost/budget part of the proposal will not be withheld.

The total number of points that a bidder can achieve is 100.

To achieve the highest possible points, the bidder should provide sufficient detail for each criterion in its proposal that will allow the evaluation committee to make a satisfactory judgment. The questions related to the criterion should be answered fully and completely.

Proposed Training Services – Worth 40 Points (Max of 6 Pages)

Proposals should be as thorough and detailed as possible. Responses must be structured as outlined below. Please state the question/request before each answer to ensure reviewers can follow your responses.

- Provide a basic plan explaining your expectations to meet specific grant goals (outreach to companies, days of training, reporting, etc.). OWO understands that it will be a basic plan only and will need to be adjusted throughout the program.
- Provide any other information you feel may be relevant to your capacity and willingness to satisfy OWO and the grant goals and objectives.

Demonstrated Ability and Past Performance – Worth 20 Points (Max of 4 Pages)

Bidder(s) must describe demonstrated ability, clearly articulating years of experience, measurable outcomes and ability to meet deadlines.

Please state the question/request before each answer.

- Demonstrate your experience, ability, and qualifications to successfully provide services as outlined in this RFP.
- Demonstrate your knowledge of and familiarity with MSHA policies and procedures.

- Demonstrate your understanding, acceptance and ability to work within the established grant financial structure, provide cash match requirements and complete and submit timely reports as required.

MSHA Certified Trainers – Worth 15 Points (Max of 3 Pages)

Please provide details regarding MSHA certification within your organization.

- Demonstrate evidence of stature as a certified MSHA instructor.

Conflict Of Interest – Worth 5 Points (Max of 1 Page)

Please explain your plan to comply with potential Conflict of Interest issues by specifically addressing the areas listed below as it relates to your organization.

- The bidder must disclose any potential conflicts of interest arising from relationships with state leadership and/or SWIB members.
- The bidder must have a conflict of interest policy which explains how conflicts are addressed.

Budget Section Requirements – Worth 20 Points (Max of 4 Pages)

The Budget Narrative is where the bidder provides an itemized budget breakdown and narrative for each budget category. The budget narrative must offer sufficient details to allow an assessment of cost reasonableness for costs identified below.

The bidder must include a draft line item budget of proposed program costs including total administration and program income costs. In addition, provide a narrative overview of explanation of proposed costs. If the bidder’s organization has an approved indirect cost rate, please identify the rate in the budget narrative; a copy may also be attached.

Total Costs

- Sum total of direct costs and indirect costs (if applicable).
- Please provide total costs for the contract.

B. Planned Evaluations Process

The Agency plans to use the following process:

- Initial screening to ensure that the Proposals are in compliance with submission requirements;
- Preliminary evaluation of the Proposals;
- Final Evaluation of Technical Proposals and scoring;
- Review of Budget Proposals and final scoring; and
- Select the Vendor and begin contract negotiation.

C. Initial Screening

The Technical Review Team comprised of OWO program administrators will conduct an initial screening step to verify Bidder compliance with the submission requirements set forth in the RFP and the content requirements set forth in Section 5 of this RFP. The Agency may waive or offer a limited opportunity to cure immaterial deviations from the RFP requirements if it is determined to be in the best interest of the State.

D. Proposal Review

Proposals passing the initial review will be forwarded to the Selection Committee for content evaluation and scoring. No less than three (3) staff members shall serve as the Selection Committee for this RFP.

E. Budget Proposal Review

Price proposals will be reviewed upon completion of the final technical scoring of proposals. The Bidder's Budget Proposal will be allocated a maximum potential score of 20 points. Bidders are advised that this **is not a low bid award** and that the scoring of the price proposal will be combined with the scoring of the technical proposal to determine the overall highest scoring Bidder.

F. Final Selection

Proposals will be ranked based on the total score received from the Selection Committee. Rankings will be used as a guide for discussion and final selection.

- Formal notification to the selected vendor is subject to Review and Approval by OWO.
- If the results of the review indicate, in the opinion of OWO, that the vendor may not be able to fulfill service delivery expectations, OWO reserves the right to decide to not enter into a contract with the vendor, regardless of the ranking and/or approval of the vendor's proposal.
- OWO reserves the right not to fund part or the entire proposal, regardless of its score and/or rank. Such decisions will be made based on the opinion of OWO that the services proposed are not needed, the goals of the proposal do not align with goals of MSHA, or the costs are higher than OWO finds reasonable in relation to the overall funds available.
- Additional funds received by OWO may be used to expand services with existing vendors or to fund competitively rated proposals not initially funded under this RFP. These decisions shall be at the discretion of OWO.
- OWO will initiate and negotiate a contract award pending receipt of any additional documentation regarding administrative qualifications and/or any other areas of concern and/or the successful completion of contract negotiations.
- The final contract between OWO and the selected vendor is subject to the NH Governor and Council final approval.

G. Rights of the Agency in Accepting and Evaluating Proposals

The Agency reserves the right to:

- Make independent investigations in evaluating Proposals;
- Request additional information to clarify elements of a Proposal;
- Waive minor or immaterial deviations from the RFP requirements, if determined to be in the best interest of the State;
- Omit any planned evaluation step if, in the Agency's view, the step is not needed;
- At its sole discretion, reject any and all Proposals at any time; and
- Open contract discussions with the second highest scoring Proposer and so on, if the Agency is unable to reach an agreement on Contract terms with the higher scoring Vendor(s).

SECTION 7 – Terms and Conditions Related to the RFP Process

A. RFP Addendum

The Agency reserves the right to amend this RFP at its discretion, prior to the Proposal submission deadline. In the event of an addendum to this RFP, the Agency, at its sole discretion, may extend the Proposal submission deadline, as it deems appropriate.

B. Non-Collusion

The bidder's signature on a Proposal submitted in response to this RFP guarantees that the prices, terms and conditions, and work quoted have been established without collusion with other bidders/vendors and without effort to preclude the Agency from obtaining the best possible competitive Proposal.

C. Property of the Agency

All material received in response to this RFP shall become the property of the State and will not be returned to the bidder. Upon Contract award, the State reserves the right to use any information presented in any Proposal.

Additionally, the funds authorized via this RFP are 100% federal funds, therefore upon contract award, the Federal Government reserves a paid-up, nonexclusive and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use for federal purposes:

- i) the copyright in all products developed under the grant, including a subgrant or contract under the grant or subgrant; and
- ii) any rights of copyright to which the recipient, subrecipient or a contractor purchases ownership under an award (including but not limited to curricula, training models, technical assistance products, and any related materials). Such uses include, but are not

limited to, the right to modify and distribute such products worldwide by any means, electronically or otherwise.

Federal funds may not be used to pay any royalty or license fee for use of a copyrighted work, or the cost of acquiring by purchase a copyright in a work, where the Department has a license or rights of free use in such work, although they may be used to pay costs for obtaining a copy which is limited to the developer/seller costs of copying and shipping. If revenues are generated by selling products developed with grant funds, including intellectual property, these revenues are considered as program income. Therefore, program income must be used in accordance with the provisions of this grant award and 2 CFR 200.307.

If applicable, the following needs to be on all products developed in whole or in part with grant Funds (the grant number will be provided by OWO when grants are awarded by MSHA):

“This material was produced under grant number [insert grant number] from the Mine Safety and Health Administration, U.S. Department of Labor. It does not necessarily reflect the views or policies of the U.S. Department of Labor nor does mention of trade names, commercial products, or organizations imply endorsement by the U.S. Government”.

D. Confidentiality of a Proposal

Unless necessary for the approval of a contract, the substance of a proposal must remain confidential until the Effective Date of any Contract resulting from this RFP. A bidder’s disclosure or distribution of Proposals other than to the Agency will be grounds for disqualification.

E. Public Disclosure

Pursuant to RSA 21-G:37, all responses to this RFP shall be considered confidential until the award of a contract. At the time of receipt of proposals, the Agency will post the number of responses received with no further information. No later than five (5) business days prior to submission of a contract to the Department of Administrative Services pursuant to this RFP, the Agency will post the name, rank or score of each proposer. In the event that the contract does not require Governor & Executive Council approval, the Agency shall disclose the rank or score of the Proposals at least 5 business days before final approval of the contract.

The content of each Proposer’s Proposal shall become public information upon the award of any resulting Contract. Any information submitted as part of a response to this request for proposal (RFP) may be subject to public disclosure under RSA 91-A. In addition, in accordance with RSA 9-F:1, any contract entered into as a result of this RFP will be made accessible to the public online via the website Transparent NH (<http://www.nh.gov/transparentnh/>). However, business financial information and proprietary information such as trade secrets, business and financials models and forecasts, and proprietary formulas may be exempt from public disclosure under RSA 91-A:5, IV. If you believe any information being submitted in response to this request for proposal, bid or information should be kept confidential as financial or proprietary information; you must specifically identify that information in a letter to the agency, and must mark/stamp each page of the materials that you claim must be exempt from disclosure as “CONFIDENTIAL”. A designation by the Proposer of information it believes exempt does not have

the effect of making such information exempt. The Agency will determine the information it believes is properly exempted from disclosure. Marking of the entire Proposal or entire sections of the Proposal (e.g., pricing) as confidential will neither be accepted nor honored. Notwithstanding any provision of this RFP to the contrary, Proposer pricing will be subject to disclosure upon approval of the contract. The Agency will endeavor to maintain the confidentiality of portions of the Proposal that are clearly and properly marked confidential.

If a request is made to the Agency to view portions of a Proposal that the Proposer has properly and clearly marked confidential, the Agency will notify the Proposer of the request and of the date the Agency plans to release the records. By submitting a Proposal, Proposers agree that unless the Proposer obtains a court order, at its sole expense, enjoining the release of the requested information, the Agency may release the requested information on the date specified in the Agency's notice without any liability to the Proposers.

F. Non-Commitment

Notwithstanding any other provision of this RFP, this RFP does not commit the Agency to award a Contract. The Agency reserves the right, at its sole discretion, to reject any and all Proposals, or any portions thereof, at any time; to cancel this RFP; and to solicit new Proposals under a new acquisition process.

G. Proposal Preparation Cost

By submitting a Proposal, a Proposer agrees that in no event shall the Agency be either responsible for or held liable for any costs incurred by a Proposer in the preparation of or in connection with the Proposal, or for Work performed prior to the Effective Date of a resulting Contract.

H. Ethical Requirements

From the time this RFP is published until a contract is awarded, no bidder shall offer or give, directly or indirectly, any gift, expense reimbursement, or honorarium, as defined by RSA 15-B, to any elected official, public official, public employee, constitutional official, or family member of any such official or employee who will or has selected, evaluated, or awarded an RFP, or similar submission. Any bidder that violates RSA 21-G:38 shall be subject to prosecution for an offense under RSA 640:2. Any bidder who has been convicted of an offense based on conduct in violation of this section, which has not been annulled, or who is subject to a pending criminal charge for such an offense, shall be disqualified from bidding on the RFP, or similar request for submission and every such bidder shall be disqualified from bidding on any RFP or similar request for submission issued by any state agency. A bidder that was disqualified under this section because of a pending criminal charge which is subsequently dismissed, results in an acquittal, or is annulled, may notify the department of administrative services, which shall note that information on the list maintained on the state's internal intranet system, except in the case of annulment, the information, shall be deleted from the list.

I. Challenges on Form or Process of the RFP

Any challenges regarding the validity or legality of the form and procedures of this RFP, including but not limited to the evaluation and scoring of Proposals, shall be brought to the attention of the Agency at least ten (10) business days prior to the Proposal Submission Deadline. By submitting a proposal, the

Proposer is deemed to have waived any challenges to the agency's authority to conduct this procurement and the form and procedures of this RFP.

Debriefing of Unsuccessful Bidders

Unsuccessful bidders may request a debriefing conference. **A written request for a debriefing conference must be emailed to Joseph Doiron at Joseph.A.Doiron@livefree.nh.gov within three (3) business days after the Notification of Unsuccessful Proposal letter is e-mailed to the Bidder.** OWO will acknowledge receipt of debriefing request within three (3) business days.

Discussion will be limited to a critique of the requesting Bidder's proposal. Comparisons between proposals or evaluations of the other proposals will not be allowed. Debriefing conferences may be conducted in person or on the telephone and will be scheduled for a maximum of one hour.

Protest Procedure

A bidder questioning an agency's identification of the selected vendor may request that the agency review its selection process. Such request shall be made in writing and be received by the agency within 5 business days after the rank or score is posted on the agency website. The request shall specify all points on which the bidder believes the agency erred in its process and shall contain such argument in support of its position as the bidder seeks to present.

Upon receipt of a protest, a protest review will be held by the Chair of the SWIB or his/her designee who will review the process it followed for evaluating responses and, within 5 business days of receiving the request for review, issue a written response either affirming its initial selection of a vendor or canceling the bid. In its request for review, a bidder shall not submit, and an agency shall not accept nor consider, any substantive information that was not included by the bidder in its original bid response. No hearing shall be held in conjunction with a review. The outcome of the agency's review shall not be subject to appeal.

Protests shall be submitted by email to Joseph.A.Doiron@livefree.nh.gov.

SECTION 8 – Contract Terms and Award

A. Non-Exclusive Contract

Any resulting Contract from this RFP will be a non-exclusive Contract. The State reserves the right, at its discretion, to retain other Contractors to provide any of the Services or Deliverables identified under this procurement or make an award by item, part or portion of an item, group of items, or total Proposal.

B. Award

If the State decides to award a contract as a result of this RFP process, any award is contingent upon approval of the Contract by Governor and Executive Council of the State of New Hampshire and upon continued appropriation of funding and availability of federal funds for the contract.

C. Standard Contract Terms

The Agency will require the successful bidder to execute a Not to Exceed Contract using the Standard Terms and Conditions of the State of New Hampshire which is attached as Attachment A.

To the extent that a Proposer believes that exceptions to the standard form contract will be necessary for the Proposer to enter into the Agreement, the Proposer should note those issues during the Proposer Inquiry Period. The Agency will review requested exceptions and accept, reject or note that it is open to negotiation of the proposed exception at its sole discretion. If the Agency accepts a Proposer's exception the Agency will, at the conclusion of the inquiry period, provide notice to all potential proposers of the exceptions which have been accepted and indicate that exception is available to all potential proposers. Any exceptions to the standard form contract that are not raised during the proposer inquiry period are waived. In no event is a Proposer to submit its own standard contract terms and conditions as a replacement for the State's terms in response to this solicitation.

SECTION 9 – Disclaimers and General Provisions

The following are disclaimers and general provisions under BEA and/or the SWIB. The Bidder shall review each statement below to ensure capacity for compliance before submitting a proposal for consideration. Items listed below may be repetitive of provisions cited earlier in this RFP.

- This RFP does not commit BEA to award a contract.
- Funding provided through this RFP process does not allow for any expenses related to preparing a proposal.
- BEA reserves the right to waive informalities and minor irregularities in offers received.
- The SWIB reserves the right to re-release this RFP in the absence of qualified proposals, and/or due to funding restrictions, reallocations, or any other funding/program-related issues at the state or federal level.
- The selected Vendor shall not subcontract any responsibilities or duties assigned in the contractual agreement between the Bidder and BEA.
- All data, material, and documentation originated and prepared by the Bidder pursuant to the RFP shall belong exclusively to the BEA and be subjected to disclosure under the Freedom of Information Act.
- Any changes to in Federal regulations and guidance, funding level or SWIB direction may result in a change in the contract. In such instances, BEA is not liable for what is in the Bidder's proposal or this RFP package.
- Proposals submitted for funding consideration must be consistent with, and if funded, operated according to, the Federal Mine Safety and Health Act of 1977 (MINE Act), as amended, as amended, legislation, all applicable federal regulations, State of New Hampshire policies and laws, and BEA policies and procedures.
- The Bidder selected for funding must also ensure compliance with the provisions referenced in 2 CFR 200.327 which are described in Appendix II to Part 200 and applicable sections of 20 CFR and 29 CFR.
- Post RFP, additional funds received by the BEA may be included in a contract with the selected Bidder to expand existing programs; or by consideration of proposals not initially funded under

this RFP, if such proposals rated in the competitive range. These decisions shall be at the discretion of the BEA.

- BEA may decide not to fund part or all of a proposal even though it is in the competitive range.
- The Selection Committee is not required to award bids to the lowest Bidder or to the highest scoring proposal. The Committee may use discretion in considering all factors to select the best overall proposal. These factors include, but are not limited to, price, technical qualifications, and demonstrated experience.
- Any award may be contingent on the results of a pre-award site visit conducted by BEA. This site visit will establish, to BEA's satisfaction, whether the Bidder is capable of conducting and carrying out the provisions of the RFP. If the results of the site visit indicate, in the opinion of BEA, that the Bidder may not be able to fulfill service delivery expectations, BEA reserves the right to reject the proposal and to not enter into contract with the bidder.
- BEA is required to abide by all Federal Mine Safety and Health Act of 1977 (MINE Act), as amended. legislation and regulations. Therefore, the BEA reserves the right to modify or alter the requirements and standards set forth in this RFP based on program requirements mandated by state or federal agencies.
- The Bidder shall adhere to BEA procedures to collect and verify data and submit required monthly reports as well as invoices to BEA.
- All Bidders must ensure equal opportunity to all individuals. No individual shall be excluded from participation in, denied the benefits of, or subjected to discrimination under any MSHA funded program or activity because of race, color, religion, gender, national origin, age, disability, sexual preference, English proficiency, or political affiliation or belief.
- All Bidders must ensure access to individuals with disabilities pursuant to the Americans with Disabilities Act.
- Bidders must accept liability for all aspects of any MSHA program conducted under contract with BEA. Bidders will be liable for any disallowed costs or illegal expenditures of funds or program operations conducted.
- The funding awarded in a contract resulting from this solicitation are subject to a reduction at any time during the contracting period should a Bidder fail to meet expenditure, participant, and/or outcome goals specified in the contract or when anticipated funding is not forthcoming from federal or state governments.
- The bidder awarded a contract as a result of this RFP, will allow state and federal representatives access to all related records and financial statements, program materials, staff, and customers.
- The bidder awarded a contract (in response to this RFP), is required to maintain all MSHA records for three years, beginning on the last day of the program year. (2 CFR 200.333-337).
- The RFP period will not be final until BEA and the successful Bidder have executed a mutually satisfactory contractual agreement. BEA reserves the right to make an award without further discussion of the proposal submitted. No program activity may begin prior to final BEA approval of the award and execution of a contractual agreement between the successful Bidder and BEA.

- BEA reserves the right to cancel an award immediately if new state or federal regulations or policy makes it necessary to change the program purpose or content substantially, or to prohibit such a program.
- Registration with the New Hampshire Secretary of State as a Vendor is required. Bidders must provide a current copy of such certification or a copy of the submitted application for certification. The bidder may contact the NH Secretary of State at 603-271-3262 or 3266 for information on vendor registration.

APPENDICES

APPENDIX A - Proposal Cover Sheet

RFP # BEA 2022-16

MSHA State Grant Training Services

Organizations Name:	
Street Address:	
Mailing Address:	
Contact Person(s):	
Title of Contact Person(s):	
Telephone Number(s):	
Email Address(s):	

Check the box that most appropriately describes your organization:

<input type="checkbox"/> Unit of Local Government	<input type="checkbox"/> Private Non-Profit Organization
<input type="checkbox"/> For Profit Organization	<input type="checkbox"/> Business Association
<input type="checkbox"/> Other:	

CERTIFICATION: I certify that the information contained in this proposal, fairly represents the entity named above and its capacity to conduct the proposed scope of work as described herein. I acknowledge that I have read and understand the requirements of the RFP and that this entity is prepared to implement the proposed activities if selected for contract. I further certify, by my signature below, my authority to sign this proposal and any contractual agreement emanating there from on behalf of the entity submitting the proposal.

 (SIGNATURE of Authorized Official)

/ _____
 Date

 (Printed NAME and JOB TITLE of Authorized Official)

APPENDIX B – Contractor Data Sheet

CONTRACTOR DATA SHEET

Page 1 of 3

(To be completed by Bidder)

1. Years in business: Indicate the length of time you have been in business providing this type of service:

_____ years _____ months

2. References: Indicate below at least three (3) accounts for whom you have provided mine, safety, and health training services. Include the date services were furnished, and contacts.

Client	City / State	Dates of Service	Contact Name / Phone / E-mail

3. Are you a subsidiary firm? ____ yes ____ no

If yes, list the location of your parent affiliation:

Address: _____

City: _____ State _____

4. List total number of employees:

_____ Full-time _____ Part-time/other

Authorized Signature(s)

This form must be completed and signed by an officer of the company

Name of Firm: _____

Contact: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____

Fax: _____

Email: _____

Date of incorporation: _____

If not a corporation, state the type of business organization, names and addresses of the owners, address and phone of the principal place of business, date business began, and state in which organized.

I certify the accuracy of this information.

Signature: _____

Name and title (print or type): _____

Date: _____

APPENDIX C – Assurances & Certifications

I/we make the following certifications and assurances as a required element of the proposal to which it is attached, understanding that the truthfulness of the facts affirmed here and the continuing compliance with these requirements are conditions precedent to the award or continuation of the related Vendor(s):

1. I/we declare that all answers and statements made in the proposal are true and correct.
2. The prices and/or cost data have been determined independently, without consultation, communication, or agreement with others for restricting competition. However, I/we may freely join with other persons or organizations for presenting a single proposal.
3. The attached proposal is a firm offer for a period of 60 days following receipt, and it may be accepted by BEA without further negotiation (except where obviously required by lack of certainty in key terms) at any time within the 60-day period.
4. In preparing this proposal, I/we have not been assisted by any current or former employee of BEA whose duties relate (or did relate) to this proposal or prospective sub-award, and who was assisting in other than his or her official, public capacity.
5. I/we understand that BEA will not reimburse me/us for any costs incurred in the preparation of this proposal. All proposals become the property of BEA, and I/we claim no proprietary right to the ideas, writings, items, or samples, unless so stated in this proposal.
6. Unless otherwise required by law, the prices and/or cost data that have been submitted have not been knowingly disclosed by the Bidder and will not knowingly be disclosed by him/her prior to opening, directly or indirectly to any other Bidder or to any competitor.
7. I/we agree that submission of the attached proposal constitutes acceptance of the solicitation conditions. If there are any exceptions to these terms, I/we have described those exceptions in detail on a page attached to this document.
8. No attempt has been made or will be made by the Bidder to induce any other person or firm to submit or not to submit a proposal for restricting competition.
9. I/we grant BEA the right to contact references and others, who may have pertinent information regarding the Bidder's prior experience and ability to perform the services contemplated in this procurement.
10. I/we accept and will abide by State of New Hampshire's Code of Conduct and Conflict of Interest Policy

Signature of Authorized Representative

Title

Date