

**DOM OFFICIAL RESPONSE TO MS MES AND FISCAL AGENT SERVICES RFP QUESTIONS:  
RELEASE JANUARY 29, 2014**

#	RFP Page #	RFP Section #	Paragraph	Question	DOM Response
207	39	5.1	4th paragraph	Due to the large number of requirements in this RFP coupled with unlimited pages for the response, will DOM allow vendors to submit the proposal in its entirety on twenty searchable electronic tablets such as a Microsoft Surface, in lieu of the twenty hard copies plus one printed hard copy marked "Original", as indicated in the RFP submission requirements? We have found that an electronic submission provides a better medium for the evaluators to review the proposal in its entirety and is a benefit to reviewers.	DOM has decided against allowing Offerors to submit proposals on searchable electronic tablets. However, DOM has amended the requirements related to the number of hard copies and portable media devices Offerors are to provide. Please refer to the response to Question #210.  <b>This response supersedes the previous response to Question #14 released on 12/04/13.</b>
208	33	4.0. Procurement Process	Bullet 1	DOM states that "Reasons for rejecting a proposal include, but are not limited to...The proposal price is outside of the State's budget range or well outside of DOM's expectations based on industry standards . . .". Providing a budget range to Offerors will enable DOM to receive competitive bids that will be more acceptable and give Offerors an opportunity to compete. Please consider publishing a budget range for this RFP. Also, please allow Offerors to provide clarification to DOM regarding their approach to how costs and prices were derived, prior to any determination for rejecting the proposal.	DOM will not provide information related to the budget for this project. However, prior to making a decision to eliminate a proposal that exceeds the planned budget threshold based on cost alone, DOM commits to request clarification related to how costs and prices were derived to determine whether any assumptions made by the State should be reconsidered and a BAFO process followed to bring the proposed costs more in line with the budget.

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209	50	5.1	1	Based on our operational experience and review of other MMIS RFPs, our industry best practice is to have a base number of operational modification staff members in the categories of project management, developers, business analysts, and testers. This staff is in addition to the base maintenance staff required to keep the applications running. Will the DOM consider adding a base pool of 20 operational modification staff members as a requirement to address the modification tasks section of the RFP? This approach will help the DOM compare the multiple proposals to understand the true value of operational support of the program rather than let each vendor interpret these requirements that do not have quantified measurements as part of the RFP.	DOM acknowledges that operational staff members should include roles such as project management, developers, business analysts and testers as appropriate to support the system. However, DOM declines to require a base pool of staff because we believe each Offeror should have the best understanding of what it takes to staff operational support of their system within the constraints of the anticipated service level agreements and have the flexibility to adjust their staffing plans accordingly.
210	45	5.4.2	1	In consideration of the environment, would the DOM allow vendors to submit fewer hard copies of the proposal and subsequent financial statements? Financial statements alone will fill an entire three-ring binder. Enabling vendors to submit more electronic copies and fewer hard copies would greatly lessen the environmental impact.	DOM hereby amends Sections, 1.3.4, 5.1 and 5.4 of this RFP. The Offeror shall submit an original and ten (10) copies of the Technical Proposal under sealed cover and an original and one (1) copy of the Business Proposal under separate sealed cover. The Offeror shall provide one (1) original of all Financial Statements in a separate three-ring binder for the Technical Proposal. The Offeror must also submit twenty (20) copies of the Technical Proposal on portable media, such as a CD or USB drive. The Offeror may provide a web address(s) or copies of the required financial information in all twenty (20) copies of the portable media devices under Tab 3. The entire response must

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					be received by DOM no later than 5:00 p.m. CST, on Friday, March 7, 2014.
211	45	5.4.2	First paragraph	Please confirm that DOM will accept a bidding entity's parent company's financial statements set forth in the parent company's annual report.	DOM requires proof of solvency from the entity with whom DOM will be contracting upon award. Additionally, DOM is willing to accept the parent company's financial statements as a supplement to the respondent's financial statements.
212	45	5.4.2. Financial Statements	1	RFP Section 5.4.2 states, "Financial statements for the contracting entity shall be provided for each of the last five (5) years ..." For publicly traded companies, the 10K/annual report will meet this requirement. These reports are part of the public record but are extremely long documents. Annual reports are approximately 150 pages each, with 10Ks being approximately 80 pages each.  Please consider allowing publicly traded companies to provide a current, functioning Web link to their publicly posted 10K/annual reports instead of including printed copies of these long documents.	The Offeror may provide a web address(s) of the required financial information. Please refer to the response to Question #210 above.
213	63	7.1.1. DOM's MES Vision	Bullet 5	RFP Section 7.1.1, bullet 5, states that the MES: "Utilizes an ESB for interfaces, Enterprise Application Integration (EAI), and Web services technology to allow for disparate system communication (i.e., State entities, the State HIE, the State, MEHRS)."  Please clarify whether the MES Contractor is required to	DOM does not currently own an ESB but is exploring securing one as part of DOM's Interoperability project (IO). The MES Contractor will be required to deploy an ESB with the intent to interface to the ESB secured by the State.

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				deploy its own ESB or connect to the State's ESB.	
214	67	7.2.1	3	The paragraph states that "DOM requires the majority of the development and configuration work performed under this contract be performed within the United States". Please elaborate on which type of work (or roles) are permissible to be conducted offshore. If permissible, what percentage of work can be completed offshore?	DOM prefers all work to be performed onsite in Mississippi but has defined within the context of the RFP the work that is actually required to be performed here. Further, we acknowledge that some work not specifically called out in the RFP may be performed offshore. For work performed offshore, Offerors must specifically identify the project work that is planned for offshore and must be prepared to quantify the level of effort of the offshore work in comparison to the total level of effort for the overall project (e.g. Offeror must specify the percentage of work to be performed offshore compared to the overall effort for the project).
215	107	7.7.1 Modifications	4	RFP page 107 describes work request modifications include "Activities necessary to meet new or revised CMS, other federal or Mississippi requirements ..." Appendix N, page 4 OCMSS25 operational requirements include "enhance the MS Medicaid Enterprise ass directed by CMS throughout the contract period to meet all federal requirements, at no charge to DOM. These requirements appear to be in conflict as it is recognized some "major program initiatives may require a prior approved Advanced Planning Document (APD). The Appendix N changes would seem to be a work request modification. Is it the DOM's intent that the dedicated pool of	DOM expects the Contractor to provide sufficient roles and quantity of staff to support and maintain the system once it is operational, including routine enhancements and modifications to ensure compliance with CMS requirements by CMS-issued compliance dates. However, system enhancements that require a significant level of effort or where an APD is encouraged will be treated as special projects which may necessitate that a contract amendment / change order be entertained by DOM.

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				resources for modifications support all modifications (RFP page 107 and Appendix N) or will the Advanced Planning Documentation (APD) process allow the scope and additional cost of the modifications be agreed with the DOM prior to work commencement?	
216	107	7.7.1 Modifications	4	Would the DOM consider stating a base number of hours or resources so that bidders' pricing can be evaluating against the same scope of work?	Please see responses to Questions #209 and #215 above.
217	102	7.7.1. Scope	1	The RFP states: "The MES and its related programs, components and functions must be updated and maintained by the Contractor to federal certification requirements, all federal mandates, and all DOM requirements, statutes and regulations." For federal certification requirements, the RFP clarifies that maintenance includes "Activities required to meet CMS certification requirements that exist at the time of contract award." There is no similar RFP statement that limits maintenance for "federal mandates, and all DOM requirements, statutes, and regulations." It is impossible for Offerors to predict with any degree of accuracy what federal mandates or changes to State law or regulation might occur in the years following Contract award. Please confirm that it is not DOM's intent to require Offerors to estimate and bid as maintenance hours the development support of unknown future federal mandates or State law and regulatory changes that may occur following Contract	Please see response to Question #215 above.

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				award.	
218	109	7.8.1.	2	<p>The RFP requires the Offeror “to provide a dedicated team of resources to support modification and enhancement activities onsite, in the Jackson, Mississippi area.”</p> <p>The nonspecific and open-ended nature of this requirement makes it extremely difficult for Offerors to scope the necessary resources. As a result, Offerors’ proposed resources, and associated costs, may vary widely, making a fair and equitable evaluation difficult. We understand and appreciate that DOM cannot at this time anticipate its requirements for future enhancements, yet also needs to assure that adequate resources are available throughout the life of the project. Other states have addressed this by specifying the number of staff resources or enhancement hours to be proposed by all Offerors. Would DOM consider modifying this requirement to specify enhancement resources to be proposed?</p>	Please see responses to Questions #209 and #215 above.
219	119	7.10.1. Scope	Tenth paragraph , immediately following the sub-section	<p>This section obligates the MES Contractor to “transfer all source program code listings to DOM.” In other portions of the RFP, DOM expresses a desire for an MES Contractor–hosted solution that takes advantage of COTS software.</p> <p>Please clarify what is meant by the obligation to transfer “all source program code listings.”</p> <p>If the requirement for transferring “all source program</p>	DOM understands that licensed COTS software does not lend itself to outright ownership by DOM. Where this is the case, the MES Contractor is not expected to transfer source code of the COTS software.

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			entitled "Provide Turnover Services"	code listings" means that the MES Contractor must deliver the source code for any software product hosted by the MES Contractor to provide the services set forth in the RFP, most, if not all Offerors, would not be able to comply with this requirement as the manufacturers do not provide third parties with these rights. Please confirm that this requirement does not require the MES Contractor to transfer the source code of any software that is hosted by the MES Contractor during the term of the MMIS Contract.	
220	5	Appendix A	IV.2.c., Bullet 11	If staffing shortfalls do not cause performance problems (for example, there are no specific SLA failures that can be attributed to a specific staffing shortfall), then would DOM consider extending the time before performance penalties for staffing shortfalls accrue?	The requirement stands as stated in the RFP. Offerors may take exception to this requirement and propose alternative solutions that will be considered during contract negotiations.
221	7	Appendix A	IV.2.e., second paragraph	The requirement to pay cost to cover is clear. DOM is seeking reimbursement for an anticipatory need rather than compensation for actual cost to cover. This is unusual as it acts as an anticipatory penalty rather than as a compensable damage; this is outside of normal market practice. Please consider a more standard ex post cost to cover.	The requirement stands as stated in the RFP. DOM notes that the withholding of payments in anticipation of expenses is balanced with the repayment of any excess funds withheld, resulting in the payment of actual costs.
222	7	Appendix A	2.e, paragraph 1	Please confirm that if the contractor is assessed liquidated damages that this will be the sole monetary remedy available to the DOM because the nature of a liquidated damage assessment is for the parties to	As the paragraph notes, "If liquidated damages are known to be insufficient, then DOM has the right to pursue actual damages. Assessment of any actual or liquidated damages does not waive any other remedies

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				agree in advance on the damages that should be paid for a specified failure.	available to DOM pursuant to this Contract or state or federal law." Thus, if DOM assesses liquidated damages, DOM will not seek additional actual damages. However, DOM will reserve the right to seek other monetary remedies, such as the cost of enforcement.
223	10	Appendix A	3.b, paragraph 3	Because of the significant penalties that are proposed by the DOM, will the DOM's ability to terminate the contract be allowed only in the case of a material default, or in the case of non-material defaults, only when the aggregate impact of these non-material defaults have a material impact on the delivery or receipt of services?	As the RFP provides in Appendix A, DOM may terminate for several reasons, including the convenience of DOM, the Contractor's insolvency/bankruptcy, or unavailability of funds. Offerors may take exception to this requirement and propose limitations on DOM's termination rights that DOM will consider during contract negotiations.
224	12	Appendix A	3.b, paragraph 11	Because contractors may incur up-front expenses associated with standing up the contemplated services, will contractors be entitled to payment of reasonable shutdown expenses, including stranded investment costs, resulting from any termination for convenience?	No, however, Offerors may take exception to this requirement and propose limitations on DOM's termination rights that DOM will consider during contract negotiations.
225	13	Appendix A	3.c, paragraph 1-2	Given the fixed-price nature of the bid required by the DOM, will the DOM modify this paragraph to allow for a negotiated scope and duration of termination support in place of an open-ended requirement that is not capable of a reasonable measurement of services?	No, however, the Offeror may take exception to this requirement and propose alternative language that DOM will consider during contract negotiations.

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226	19	Appendix A	9.c, paragraph 1	Please confirm that only those facilities at which contractor is performing services under the contract are subject to inspection.	Yes, this assertion is confirmed.
227	19	Appendix A	9.c, paragraph 1	Please confirm that the DOM will agree to reasonable security and confidentiality requirements of the contractor in conducting such inspections.	Yes, this assertion is confirmed, with the caveat that DOM is required by law to abide by any federal or state laws, and cooperate with any and all audit agencies including, but not limited to the Mississippi Office of the State Auditor, CMS, OIG DHHS and GAO.
228	19	Appendix A	IV.9.b	Some Offerors will propose a “commercial-off-the-shelf” (COTS)-based solution. COTS software is licensed rather than sold, and some of the ownership requirements of DOM will be subject to a license. Is this acceptable to DOM?	Yes, DOM understands that licensed COTS software does not lend itself to outright ownership by DOM. Where this is the case, Offeror is expected to transfer licenses to DOM at appropriate juncture.
229	19	Appendix A	IV.9.b	This RFP section indicates that any data, information or materials prepared by the Offeror during the Contract shall, upon termination of the Contract, be owned by DOM and the Offeror is prohibited from using the same without the express written approval of DOM. The second part of this requirement, stating that the Offeror has no right to use developed intellectual property without DOM’s prior written approval, could have an unintended consequence that might be disadvantageous to the State. So that DOM can take advantage of an Offeror’s use of such pre-existing intellectual property and derive the	No, however, the Offeror may take exception to this requirement and propose alternative language that DOM will consider during contract negotiations.

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				benefits of a faster design, development, and implementation phase, would DOM amend the RFP by expressly granting a non-exclusive, fully paid up right and license to use modifications developed for DOM in connection with the Offeror's future business, with the proviso that any DOM data or other DOM identifying components would have to be removed?	
230	21	Appendix A	11.a, paragraph 1	Please confirm that if a modification to an existing law, regulation, code, ordinance, guideline or policy is enacted, or if a new law, regulation, code, ordinance, guideline, or policy is implemented that requires system modification, additional staff members or additional operational cost for the contractor that the DOM and contractor will negotiate an amendment to this agreement that is fair to both parties.	Yes, this assertion is confirmed, with the caveat that DOM will make the ultimate determination of what is "fair."
231	22	Appendix A	IV.11.f	Generally, dispute resolution procedures have an appeal path to appropriate State or federal courts located in the DOM's jurisdiction. Please consider permitting an appeal path to State or federal courts located in Hinds County, Mississippi.	Per this RFP, Section IV.3.f of Appendix A, any litigation shall be brought in the courts of the State of Mississippi. Hinds County would be the appropriate venue for such an appeal.
232	23	Appendix A	IV.11.g	DOM requires that the MES Contractor pay DOM's legal fees in an "action to enforce" without a finding that DOM prevails in the action. Please consider either (a) allowing the MES Contractor to recover litigation costs from the DOM should the MES Contractor prevail, or (b)	DOM will not agree to pay litigation costs in an unsuccessful action by DOM. However, Offerors may take exception to this requirement and propose alternative language that DOM will consider during contract negotiations.

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				removing the litigation cost provision from the RFP.	
233	23	Appendix A	IV.11.h	DOM requires the MES Contractor to pay any reasonable attorney fees, whether or not DOM prevails. Please consider awarding attorney fees only if DOM prevails.	See response to Question #232.
234	23	Appendix A	IV.12	The indemnification provisions are extremely broad. Please consider narrowing most indemnities to the MES Contractor's gross negligence or willful misconduct.	Because DOM is precluded by law from assuming the liabilities of contractors, DOM cannot agree to limit the indemnification provision to "gross negligence or willful misconduct." In fact, the indemnification provision is consistent with the language required by PSCRB.
235	24	Appendix A	IV.12	The liability provisions expressly include consequential, special, indirect, incidental, punitive, or exemplary losses, damages, or expenses. Please consider excluding such damages and, instead, focusing on direct damages and CMS withholding.	The Offeror may take exception to this requirement and propose alternative language that DOM will consider during contract negotiations related to limitations on the ability to recover the specified damages. DOM must, however, act consistent with the principle that it is not to assume the liabilities caused by a contractor.
236	23-24	Appendix A	12, paragraphs 1-5	Given the multiple other remedies and relief available to the DOM, we request that indemnification be limited to those actions or omissions that give rise to third-party claims for personal injuries or property damage caused by the contractor	See response to Question #234.

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237	42	Appendix A	IV.19.h	DOM seeks to include implied warranties of merchantability and implied warranties of fitness. These warranties are not customarily provided for software or services, such as an MMIS. Please consider waiving implied warranties.	By law, DOM is precluded from waiving these implied warranties.
238	2	Appendix A Contract Template	Article III, Contract Price	The contract template references a do not to exceed amount which seems to indicate that operations period payments would be fixed monthly fees based on the evaluated member volumes on the pricing pages. Please confirm that the contractor will be reimbursed during operations based on actual number of members x the contractor's proposed PMPM fee for that year.	Yes this assertion is confirmed. The Contractor will be paid a PMPM fee for the actual number of members within a certain range. PMPM fees would be associated with a range not to exceed a certain threshold. When that threshold is met or exceeded, DOM and the Vendor could negotiate another not to exceed rate.
239	14, 20, and 22	Appendix A, Contract Template	Sections 3.c, 9.d, 11.e	Will DOM confirm that the internal references to sections 10.f and section 18 in these sections should refer to section 11.f and section 19 respectively?	Yes this assertion is confirmed.
240		Appendix M	DSS1SS08.20	The RFP references "Normative benchmarks." Would the DOM please provide more information on "Normative Benchmarks"?	Benchmarking provides the context for understanding the organization's measured performance and can identify the organization's strengths, weaknesses and opportunities for improvement. DOM envisions the Offeror to provide a DSS solution that can retain or produce benchmarking values which can offer a better understanding of where the agency stands in comparison to similar entities and explain potential differences between various data elements or

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					groupings of those elements. DOM plans to utilize benchmarking methods to assist the organization in setting goals and standards, determining how well we perform against those goals/standards and using industry best practices to develop continuous improvement strategies.
241	16	Appendix N	OFISS43	Requirement OFISS43 states: "Provide a regression analysis program, such as Statistical Package for Social Services (SPSS), and provide a complete analysis document that is easy to understand." What is the intended use of the regression software so that Offerors may better select the appropriate application?	DOM anticipants use of a regression software product that will allow DOM to predict various outcomes and possess the ability to apply a range of multi dimension measurement procedures that can be applied to business and analysis projects, including but not limited to variables such as studying health outcomes, responses to treatments or analyzing patient satisfaction with medical care.
242	79	Appendix N	N/A	Since there is an extremely low likelihood that 500K users would simultaneously access the system, such requirements will only add unnecessary infrastructure costs that will be passed to DOM. Will DOM consider striking this requirement and instead require the MES vendor adhere to certain response times within the Service Level Agreements?	DOM hereby amends requirement OWSSS18 of the RFP to read as: "Provide the capability to handle, through the Web portal, at least <b>25,000</b> simultaneous users."  The Offeror should use its expertise and knowledge from projects equal in scope and complexity, as well as information provided in the Bidders Library, to properly size the solution being proposed.
243		Appendix N		There are numerous requirements to produce and distribute various materials to providers and members. We are unable to find volumes in the bidder's library	This information may be accessed via the Bidders' Library: MS Operations Metrics and Volumes > Print

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				related to print and mail volumes. Please provide a detailed list of hard-copy mailings—such as remittance advice, checks, letters, notices, manuals, or forms—and the annual volumes for each? We also request a list or count of the letter/notice templates used.	and Mail Volume.
244	6	Appendix P	5 – Customer Service Support	<p>The DOM has indicated several SLAs for Customer Service. We are unable to find volumes in the bidder’s library related to this business function. To properly size the operations to meet the SLA requirements, please provide the following:</p> <ul style="list-style-type: none"> <li>• Average monthly call volumes and average handle time for each help desk—such as provider, member, pharmacy, provider enrollment, and EDI</li> <li>• Average monthly written correspondence for provider, member, pharmacy, EDI, provider enrollment—Provide volumes for email and hard copy</li> <li>• Average monthly calls handled within the IVR, meaning inquiries that are resolved within the IVR and not routed to an agent</li> </ul>	<p>DOM has provided the available information related to the call volume information in the Bidders' Library. Select the MS Operations Metrics and Volumes &gt; MS call volumes for available details.</p> <p>The annual average monthly requests via fax and email were 11 and 92, respectively. <b>There were 1,439 Web Portal inquiries made last year, averaging approximately 120 per month.</b> The Offeror should be aware that these counts do not include Return to Provider for provider enrollment forms.</p> <p><b>This response supersedes the response to Question #197 provided on 01/21/14.</b></p>
245		Bidders' Library		The DOM has indicated 30.8 million claims processed for fiscal year 12/13; however, we are unable to find claim projections in the RFP or the bidder’s library. To properly size the MES, please provide claim projections by year for the contract term.	Offerors should apply their knowledge and expertise applicable to the information provided in the Bidders' Library and RFP to properly size their proposed solution.

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246	132	8.4.3	2	The RFP states that Oral Presentation participants shall be determined "... based upon Offeror's scoring at least 70% on the Technical Proposal." Does this same threshold apply to the "Reevaluation" of Technical Proposal scores to determine Site Visit participants? Furthermore, does this same threshold apply to all phases of the evaluation process?	Yes.
247				Can DOM please clarify what is expected from Offeror's in relation to the implementation of Fiscal Agent operations?	<p>The RFP is hereby amended to include, within the scope for the implementation plan deliverable, a detailed plan for the transition of fiscal agent operations from the current contract to the new contract. This plan should include, at a minimum:</p> <ul style="list-style-type: none"> <li>• An Implementation Checklist;</li> <li>• An Implementation Schedule, including specific timing for planning and transition activities;</li> <li>• A map or gap analysis from previous contract to new arrangements; and</li> <li>• An approach to remediation of operational issues during testing, including plans to mitigate backlog due to operational issues.</li> </ul>
248	125 & 52	7.11.4 and Appendix N	Care Management, Case Tracking	It appears that not all categories/groupings listed in RFP Section 7.11.4 match what is in the Excel version of Appendix N: For instance, "Care Management" is listed as a category/group in RFP Section 7.11.4, but not found	<p>DOM hereby amends the requirement categories in Section 7.11.4, <i>Operational Requirements</i>, of the RFP as follows:</p> <ul style="list-style-type: none"> <li>• Contract Management</li> </ul>

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				as a separate category in the Excel version of Appendix N – the category/grouping found in Appendix N in sequence is called “case tracking”. Would DOM please clarify which is the correct reference?	<ul style="list-style-type: none"> <li>• Document Management</li> <li>• Program Management</li> <li>• Member Management</li> <li>• Operations Management</li> <li>• Case Tracking</li> <li>• Program Integrity</li> <li>• Provider Management</li> <li>• Decision Support System/Data Warehouse</li> <li>• System Support</li> <li>• Coordinated Care Organization Program Services</li> </ul> <p>Offerors should provide a summary description of the approach to completing responsibilities in the Operational Requirements section as defined in Section 5.16 of the RFP.</p> <p><b>This response supersedes the previous response to Question #75 released on 01/10/14.</b></p>
249	114	Appendix M	Case Management	Would DOM confirm whether this requirement should have its own Requirement ID number or it should be addressed with either of the two requirement ID’s before or after the entry?	DOM is unable to determine the requirement for which the Offeror is requesting clarification. DOM has performed a review of the Case Management requirements and all requirements have the appropriate corresponding reference number.

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250	55	Appendix N	OPISS65	<p>Appendix N Requirement OPISS65 states: "Provide five Business Analysts and/or System Engineers to maintain the DSS/DW SURS component and analyze, code, test, debug, and implement CSR's. This staff may not be assigned other maintenance or modification task assignments, unless otherwise directed by DOM."</p> <p>Could DOM please clarify whether requirement OPISS65 intends for the Offeror to supply five business analysts and/or system engineers for the DSS/DW and SURS, or for SURS only?</p> <p>If the intent is for the personnel to be for SURS only, would DOM please consider amending this requirement to remove the number five, or to the use of fractional/matrix staff? In our experience, five business analysts and/or system engineers dedicated only to SURS would not be necessary and would increase personnel costs for DOM.</p>	<p>The Offeror shall propose sufficient staff to support the DSS/DW component of the MES. DOM expects this support to include an experienced SURS analyst.</p> <p>DOM hereby amends requirement OPISS65 of the RFP, follows:</p> <p>Provide sufficient staff to maintain the DSS/DW SURS component and analyze, code, test, debug, and implement CSR's. This staff may not be assigned other maintenance or modification tasks, without prior written approval by DOM.</p>