

Addendum 1 Responses to Vendor Questions

Bid Number [01-RFQ2017-1](#) Independent Measurability Assessors (IMA) - State Programs & Projects

North Carolina General Assembly
Legislative Services Office
Program Evaluation Division

As of June 27, 2017

Questions

1. **Technical Expertise (Component 4, page 9):** The language describing the response requirement, "Address each specialty or closely related group in a paragraph headed by the bold text name(s) of the expertise as in the hypothetical below:", appears to require a separate paragraph describing the respondent's qualifications to assess either each of the 29 individual areas of technical expertise or an undefined 'closely related group' of them. (*Business Name Omitted by PED*) believes that it has requisite expertise in all of the listed areas, particularly as the scope of the Independent Measurement Assessments is focused on key management practices that are common to all well-run, low-risk programs irrespective of the programs' technical characteristics. Would it be permissible to provide a single paragraph describing (*Business Name Omitted by PED*)'s overall technical qualifications to conduct assessments in all technical areas to avoid significant duplicate paragraphs discussing each individual technical area?
2. **Policy Expertise (Component 5, page 10):** As with the above question, the RFQ language provides that respondents are to "Address each specialty or closely related groups in a paragraph headed by the bold text name(s) of the expertise as in the hypothetical above related to technical expertise." (*Business Name Omitted by PED*) believes that it has the requisite expertise for all 95 of the listed policy areas. Would it be permissible to provide a single paragraph describing (*Business Name Omitted by PED*)'s overall policy expertise to conduct assessments of all program areas in order to avoid repeating essentially the same paragraph 95 times?

PED Answers to Questions 1 and 2

No, it is not permissible to provide single paragraphs describing the *business's* overall technical and overall policy qualifications.

Having set the condition that an IMA must be an independent contractor, the RFQ is clear that a business organization consisting of multiple professionals cannot qualify its experts as a group. PED wants to choose the individual assessor who has the most appropriate skills and policy knowledge for a particular measurability assessment. The choice would be less precise and more difficult if PED had to assess the relative capacity of firms asserting broad swaths of expertise.

A management consultant, lawyer, engineer, actuary, physician, or similar professional working as an associate or partner within a firm must qualify as an individual. Similarly, a private for-profit or nonprofit corporation of any form having employees cannot qualify its employees collectively.

An assessor will be accountable by name for his or her decisions and actions regarding an assigned measurability assessment. The independence and personally identifiable competency of that specific individual is crucial to the success of the assessment effort intended by the General Assembly. The assessor will be rendering an undiluted *individual* expert opinion about the measurability of the program.

However, the *individual* may draw upon whatever resources are *actually, immediately, without equivocation and with expert proficiency* available including any capacity of other professionals with whom the individual may associate as fellow employees, partners or associates. An assessor may reference consultations with associates or citations of literature as basis for an opinion. By so doing, the named individual assessor will be solely responsible for and attesting to the reliability of the reference(s) and must be prepared to defend the reliance in potentially adversarial proceedings such as those often occurring in legislative hearings.

If the individual responding to the RFQ has the capacity to draw *actually, immediately, without equivocation and with expert proficiency* upon multiple individuals with technical and policy skills, there is no limit to the number of skills or policy areas that may be listed in the individual's response.

For convenience, skills or policy areas may be listed individually and specifically (as in "A, D, M, and Q") or may be specified as exceptions (as in "All except for K, L, Y, and Z").

- 3. Personnel (requirement DD, page 18).** The RFQ provides that "All assessor services must be performed solely by the principal assessor." (*Business Name Omitted by PED*) believes that it would be more efficient and effective to perform at least some Measurement Assessments tasks with a team that would consist of myself and (other person by name), a partner in (*Business Name Omitted by PED*). Is it permissible to do so with the term "Principal Assessor" defined to refer to (*Business Name Omitted by PED*) rather than a single corporal being? Otherwise, the language would appear to preclude anyone other than the single listed corporal being from performing any and all tasks related to an Independent Measurement Assessment including such activities such as formatting and proofing documents, opening mail, and arranging travel logistics. (*Business Name Omitted by PED*) fully understands that a single designated person must be responsible for the conclusions of an Independent Measurement Assessment, but this appears to be over-broad if applied to all activities. The U.S. Supreme Court has repeatedly ruled that corporations have the legal status of "persons" and thus it would appear appropriate for the RFQ to follow similar reasoning in its requirements. May our response do so? Otherwise it would seem that

PED, by essentially limiting Independent Measurement Assessments to single proprietorships, would greatly magnify its challenges in recruiting highly qualified entities to conduct these studies.

PED Answer to Question 3

No, it is not permissible to define the principal assessor as the business entity and not the individual assessor by name.

The Program Evaluation Division is not limiting qualified assessors to single proprietorships. PED acknowledges that corporations are legal personages and as stated in the answers to questions 1 and 2, individuals associated with corporations may qualify individually as assessors. As also stated above, the *individual performing and responsible professionally for the assessment* may draw upon whatever resources are *actually, immediately, without equivocation and with expert proficiency* available including the capacity of other professionals with whom the individual may associate as fellow employees, partners or associates. Furthermore, others working with the individual are not precluded from performing such tasks as formatting and proofing documents, opening mail, and arranging travel logistics as long as the individual assessor by name is responsible for the final measurability assessment.