

Questions and Answers – Summary (Part 2 of 2)

RFP #DS-08

Education Data Portal: Content Management and System Services Solution



NEW YORK STATE EDUCATION DEPARTMENT

Table of Contents

1	SCHEDULE OF EVENTS (UPDATED)	3
1.1	Schedule	3
1.2	Description of Updates	4
1.3	Contact Information	4
2	LIST OF CLARIFICATION POINTS: RFP #DS-08	5
2.1	Page 5, Paragraph 3	5
2.2	Section 1.3 - Proposed Education Data Portal Management Structure.....	5
2.3	Section 1.3.1 - Definition of Project Roles	6
2.4	1.3.3 - Contractor Roles and Responsibilities	7
2.5	Sections 4.10 to 4.14	7
3	UPDATED FORMS AND ATTACHMENTS FOR RFP #DS-08.....	8
3.1	Language for Revised Terms and Conditions	8
3.2	Clarification on Newly Posted Forms	8
3.2.1	Subcontracting Form (Section 5.8)	8
3.2.2	MWBE Purchases Form (Section 5.8)	8
3.2.3	Iran Divestment Act Certification form	9
3.2.4	MWBE Documents (Section 5.9)	9
3.2.5	Hosting Services (Attachment 6.3)	9
3.2.6	Staffing Plan and Resumes (Attachment 6.6).....	9
4	QUESTIONS AND ANSWERS	10
4.1	Questions and answers specific to RFP #DS-08 only (Content Management and System Services Solution).....	10
4.2	Questions and answers applicable to BOTH RFP# DS-08 AND the related RFP# DS-07 (Education Data Portal: Data Dashboard Solutions).....	13

Purpose:

The purpose of this document is to:

- 1) Provide and describe an updated schedule of events
- 2) Provide clarification on specific sections of the RFP released on 4/20/12
- 3) Provide a list of updated RFP forms & attachments as well as the location of these documents (including revised and final terms and conditions to the Contract - sections 4.10 - 4.14 of the RFP).
- 4) Provide written and authoritative responses to questions collected between the RFP release date and the Question Submittal Deadline (5/18/12 @ 5pm EST), but NOT answered as of 5/25/12 (Question Response Release (Part 1 of 2)).

In doing so, NYSED aims to ensure that bidders have complete and accurate information on RFP contents and concepts, as well as access to up-to-date RFP documentation, in order to develop proposals in an efficient and effective manner.

1 SCHEDULE OF EVENTS (UPDATED)

1.1 Schedule

Event	Timeline
RFP Release Date	April 20, 2012
Letter of Intent	May 4, 2012
Mandatory Bidder's Conference (in Albany)	May 11, 2012 @ 9:30 AM ET
SLC Bidder's Conference (via web conference)	May 16, 2012 @ 12.30 PM ET
Question Submittal Deadline (Questions may contain exceptions to the Terms and Conditions)	May 18, 2012 @ 5:00 PM ET
Question Response Release (Part 1 of 2)	May 25, 2012
Question Response Release (Part 2 of 2)	June 1, 2012
Proposals Due	June 19, 2012 @ 3:00 PM ET
Proposal Evaluation Begins	June 20, 2012
Technical Presentations	July 9, 10 and 11, 2012
Recommendation & Designation	July 20, 2012
Contract Finalization	July 23 – August 23, 2012
Contract Execution	September 1, 2012
Work Begins	October 15, 2012

1.2 Description of Updates

Originally, NYSED scheduled one Question Response Release Date of 5/25/12. Between the RFP Release Date (4/20/12) and the Question Submittal Deadline (5/18/12), NYSED received ~ 300 questions from potential bidders and additional exception requests to terms and conditions of the Contract (contained in Sections 4.10 - 4.14 of the RFP).

*Due to this heavy volume of questions (and the time-intensive nature of reviewing exceptions of Contract terms and conditions), NYSED will modify the schedule of events to include **TWO** Question Response Release Dates (highlighted in the schedule above):*

- 1) Question Response Release Date – Part 1 (5/25/12): The vast majority of questions regarding the RFP contents and RFP process in general will be answered at this time and within this document, titled, **Questions and Answers – Summary (Part 1 of 2)**. This document contains answers to ~ 250 questions, as well as other types of information and resources (see “Table of Contents”).
- 2) Question Response Release Date – Part 2 (6/1/12): Remaining questions (~ 50) regarding the RFP contents and RFP process in general will be answered at this time and within a document, titled, **Questions and Answers – Summary (Part 2 of 2)**. In addition, NYSED will publish a final version of the Contract terms and conditions, based upon a review of exception requests submitted by vendors as of 5/18/12.

1.3 Contact Information

Throughout the RFP process, vendors may direct inquiries re: RFP process (as opposed to RFP contents) to the following NYSED staff:

Program Matters

Kathleen Moorhead

edpContentManagement@mail.nysed.gov

Fiscal Matters

Lynn Caruso

edpContentManagement@mail.nysed.gov

M/WBE Matters

Joan Ramsey

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2 LIST OF CLARIFICATION POINTS: RFP #DS-08

2.1 Page 5, Paragraph 3

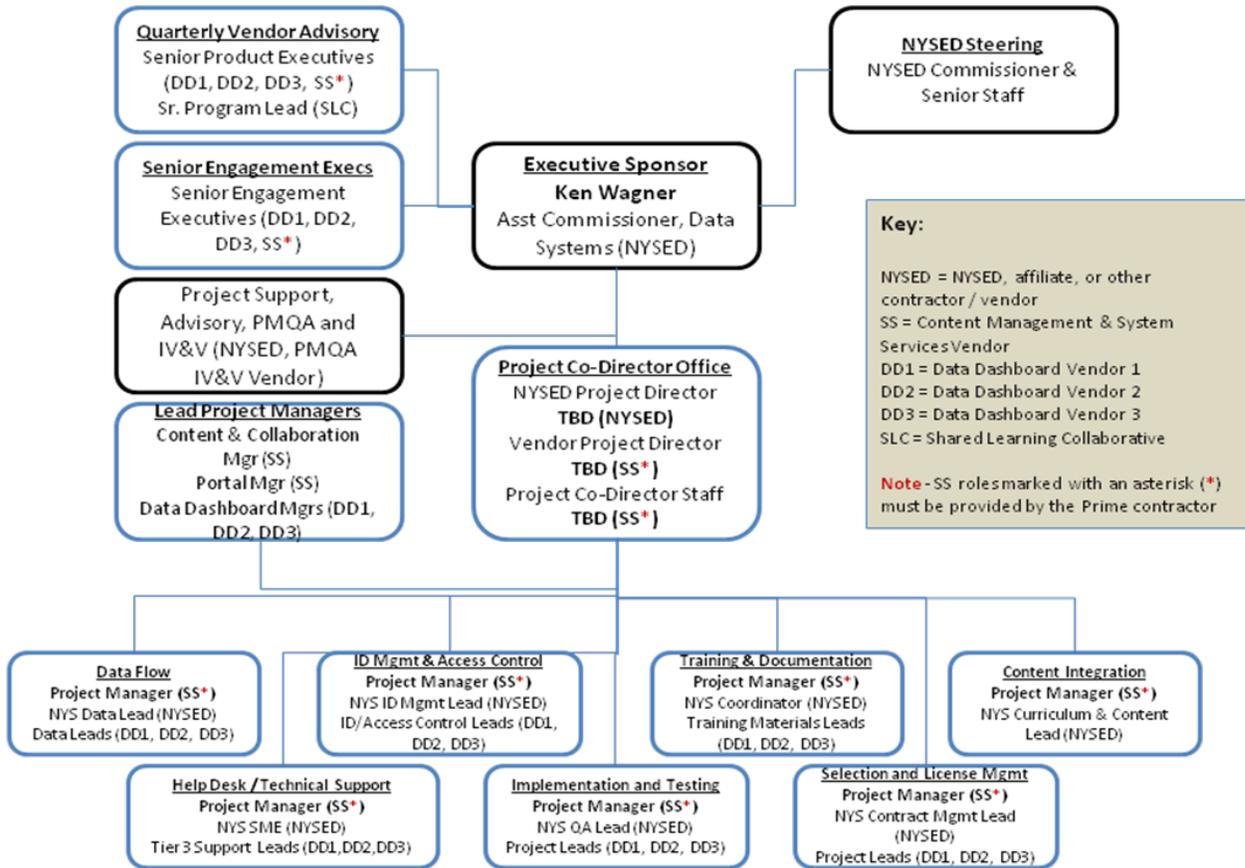
Original text: NYSED is issuing concurrently a separate RFP, for Education Data Portal: Data Dashboard Solutions. ***The same vendor cannot be a prime contractor on both contracts, although a vendor can be a prime contractor on one and a subcontractor on the other, or a subcontractor on both.*** All roles depicted with an asterisk in the "Proposed EDP Management Structure" diagram in Section 1.3 must be provided by the prime contractor on the Content Management and System Services contract.

Final Clarification of bold and italicized text (above): *The same vendor cannot be a prime contractor on both contracts, although a vendor can be a prime contractor on one and a subcontractor on the other, or a subcontractor on both. A prime contractor may submit a proposal to be considered for either the DDS RFP or the CM&SS RFP, but not for both RFP's.*

2.2 Section 1.3 - Proposed Education Data Portal Management Structure

The diagram below is updated to include a "Portal Manager" role in the *Lead Project Managers* box. All other contents within the diagram remain the same. A brief description of the "Portal Manager" role is provided in the following section (2.2) of this document.

Proposed EDP Management Structure



2.3 Section 1.3.1 - Definition of Project Roles

The ninth row of this table is updated to include and describe the "Portal Manager" role. The bold and italicized text in the table below reflects these changes:

Role	Definition
<i>Lead Project Managers</i>	The Content and Collaboration solution will be managed (end-to-end) by a Lead Project Manager from the SS vendor*. <i>The Portal solution will be managed (end-to-end) by a Lead Project Manager from the SS vendor* OR a vendor sub-contracted by the Prime contractor.</i> Similarly, each of the Data Dashboard Solution vendors will provide a Lead Project Manager.

2.4 1.3.3 - Contractor Roles and Responsibilities

The MINIMUM Time On Site table has been corrected and updated (see below). Previously, staff required on site were referred to as "Key Staff & Staff Assigned to Co-Directors' Office" and "Work Stream Leads". The table below clarifies the specific roles required on site (that map to project roles reflected in Section 1.3.1 of the RFP).

MINIMUM Time On Site								
Year 1 (Implementation)							Year 2	Year 3
	Project Initiation and Planning	Requirements Analysis	Design	Development	Integration and Testing	Implementation	Operations and Maintenance	Operations and Maintenance
Prime Contractor's Project Director and Project Co-Director Staff	80% on site	80% on site	80% on site	40% on site	80% on site	80% on site	One Day per month	One Day per month
Lead Project Managers (Content & Collaboration Mgr. and Portal Mgr.)								
Prime Contractor's Project Managers (across work streams)	80% on site	60% on site	60% on site	40% on site	80% on site	80% on site	One Day per month	One Day per month

2.5 Sections 4.10 to 4.14

Sections 4.10 to 4.14 of the RFP will be included in the awarded contracts. All questions or exceptions regarding Sections 4.10 to 4.14 must have been submitted by 5pm EST on 5/18/12. The final version of contract terms and conditions are available at <http://usny.nysed.gov/rttt/rfp/ds-08> as of 6/1/12. **Proposals that contain additional exceptions to contract terms and conditions will be treated as non-responsive and disqualified from the review process.** Vendors who are unable to complete or abide by the final version of Sections 4.10 to 4.14 should not respond to this RFP.

3 UPDATED FORMS AND ATTACHMENTS FOR RFP #DS-08

3.1 Language for Revised Terms and Conditions

NYSED considered all submitted questions and exceptions to Sections 4.10 to 4.14 of the DDS and CM&SS RFPs and has on June 1, 2012 posted in response a redlined and clean copy of the final version of these sections. This final version will be included in the awarded contracts. The redlined copy of Sections 4.10 to 4.14 of the CM&SS RFP (DS-08) is called " EDP DS-08 T&C Revs FINAL markup 6-1-12" and can be found [here](#) under the page section called **RFP DOCUMENTS**. The clean copy is called " EDP DS-08 T&C Revs FINAL clean 6-1-12" and can be found [here](#) under the page section called **RFP DOCUMENTS**.

As discussed and distributed at the 5/11 bidder's conference, vendors who are unable to complete or abide by the final version of Sections 4.10 to 4.14 should not respond to these RFPs. Proposals that contain additional exceptions to these posted terms and conditions will be treated as non-responsive and disqualified from the review process. Please disregard the fourth bullet of Section 2.3.1 of the RFP (Cover Letter) insofar as this section allows for the submission of contract exceptions to be submitted with the proposal.

3.2 Clarification on Newly Posted Forms

The following forms are new or have been revised or an updated version is now included in response to clarifications made through the Q&A process.

3.2.1 Subcontracting Form (Section 5.8)

Subcontracting Form (Section 5.8) was revised to indicate that the 60% subcontracting limit is on the total three-year contract amount rather than on the annual contract amount. The updated document is called "CMSS Revised Subcontracting Form Section 5.8_060112" and can be found [here](#) under the page section called **RFP DOCUMENTS**.

3.2.2 MWBE Purchases Form (Section 5.8)

MWBE Purchases Form (Section 5.8) was revised to indicate this same changes in the Subcontracting Form (Section 5.8). The updated document is called "CMSS Revised MWBE Purchases Section 5.8_060112" and can be found [here](#) under the page section called **RFP DOCUMENTS**.

3.2.3 Iran Divestment Act Certification form

Iran Divestment Act Certification is a new Assurance form relating to the new law within 2012 Laws of New York. The form is called "Iran Divestment Act Certification_060112" and can be found [here](#) under the page section called **RFP DOCUMENTS**.

3.2.4 MWBE Documents (Section 5.9)

MWBE Documents (Section 5.9) have been revised to include all forms that may be needed in the selection and reporting process of MWBE. Specifically, the following forms were not included in the original RFP: M/WBE Contractor Good Faith Efforts Certification, M/WBE Contractor Unavailable Certification, Request for Waiver Form and the Requirements and Document Submission Instruction. This set of documents is called "CMSS Revised MWBE Documents Section 5.9_060112" and can be found [here](#) under the page section called **RFP DOCUMENTS**.

3.2.5 Hosting Services (Attachment 6.3)

Attachment 6.3 has been revised based on the following changes:

- 1) Section 4.b. - The cap across all penalties has been reduced from 60% to 25% of the Monthly Hosting Cost.
- 2) Section 4.b. - Credits are calculated each month by multiplying the Monthly Hosting Cost for the applicable School Year by the credit percentage that corresponds to the calculated system availability. The Monthly Hosting Cost is based on the Annual Hosting Cost, which is a required input for completing tab 2 of the Cost Proposal Worksheet (Attachment 6.9).
- 3) Section 4.c. - This section specified penalties to be levied against short outages or interruptions. This section has been removed.

This updated attachment is called "CMSS Attachment 6.3 - Hosting Services Content" and can be found [here](#) under the page section called **RFP ATTACHMENTS**.

3.2.6 Staffing Plan and Resumes (Attachment 6.6)

Attachment 6.6 has been updated to include: 1) Developers with Drupal experience (as per the minimum qualifications), 2) Senior Engagement Executive, 3) Project Director, 4) Project Co-Director Staff, and 5) Project Managers (across work streams). This updated attachment is called "CMSS Attachment 6.6 - Staffing Plan and Resumes" and can be found [here](#) under the page section called **RFP ATTACHMENTS**.

4 QUESTIONS AND ANSWERS

Originally, NYSED scheduled one Question Response Release Date of 5/25/12. Between the RFP Release Date (4/20/12) and the Question Submittal Deadline (5/18/12), NYSED received ~ 300 questions from potential bidders and additional exception requests to terms and conditions of the Contract (contained in Sections 4.10 - 4.14 of the RFP). The vast majority of questions regarding the RFP contents and RFP process in general are answered in a document titled **Questions and Answers – Summary (Part 1 of 2)**, which was posted to <http://usny.nysed.gov/rtt/rfp/ds-08/> on 5/25/12

A small subset of questions submitted by vendors as of 5/18/12 required further review as of 5/25/12, and have since been answered in the sub-sections below. Questions and answers within these sections are listed in ascending order by "ID", which is a stable and unique identifier for each question. Please note that questions for RFP #DS-08, #DS-07, and both RFPs have been consolidated into a repository based on question submission date and time, and IDs have been assigned in this order. As such, each table, while in ascending order, does not include a full and complete sequence of ID values (e.g. 1,2,3,4,5,6....).

4.1 Questions and answers specific to RFP #DS-08 only (Content Management and System Services Solution)

ID	Question	Category	Final Response
98	Since the last paragraph in Section 4.13.24 states the following: "Nothing herein shall preclude the State from entering into an agreement with the Contractor to jointly own a specific work developed under the Agreement" does this mean that NYSED would be willing to negotiate title and legal interest in agreement deliverables during contract negotiation and in the final contract?	Ts & Cs	No. NYSED's title and legal interest will be as defined in the revised RFP Sections 4.10 to 4.14 posted on June 1, 2012.
220	In the RFP, you state that both the portal and content management solutions should be "non-proprietary" and "open". Does this mean the NYSED does not intend to own the licenses of these solutions?	Ts & Cs	Please refer to the relevant sections of revised RFP Sections 4.10 to 4.14 posted on June 1, 2012.
225	Can NYSED clarify under what tasks, deliverables, sections of the RFP, software code defect support is meant to be covered? And, for each quoted section, what is the time frame for which defect support is supposed to be provided. Defect support seems to be quoted in both warranty and application maintenance and support sections of the RFP.	Application Warranty Services	Section 1.4.10 (Application Warranty Services) designates a period of time, 60 days following EDP deployment (October 2013), during which the vendor must have staff support on-site. Section 4.13.5 (Warranties) defines code defect support and other warranty provisions that are in place over the entire warranty period. Warranty Period is defined in Section 4.13.5-H (System Warranty) as the entire term of the agreement and any extensions thereof.

ID	Question	Category	Final Response
229	Given the timeline presented in section 1.2.5 as well as the timeline graphic presented at the vendor conference, can NYSED clarify when on this timeline task 1.4.10 Application Warranty Service is to be performed? Is this 60 days to be completed prior to the EDP Launch in September 2013? Can the 60 days straddle the EDP Launch? Does the 60 days start at EDP Launch?	Application Warranty Services	See Question ID 225
230	Given the timeline presented in section 1.2.5 as well as the timeline graphic presented at the vendor conference, can NYSED clarify when on this timeline task 1.4.11 maintenance and technical support is to begin? Does this start immediately after task 1.4.10 even if task 1.4.10 completed prior to EDP Launch in September 2013? Does this start on the same date as EDP Launch?	Application Warranty Services	It is expected that any services included in the maintenance and technical support description (Section 1.4.11) that are not also included in the warranty services (Section 1.4.10) would begin immediately after the warranty service period (i.e. 60 days after EDP launch). See Question ID 225.
245	Is it NYSED's expectation that the prime vendor will submit named resources and resumes for all SS* staff as identified in the proposed org chart, including the 7 work stream project managers or are exemplar resumes appropriate for these roles?	Management Structure	As described in revised Attachment 6.6 (Staffing Plan and Resumes), named resources and resumes must be included for the following staff: 1) Developers with Drupal experience (as per the minimum qualifications), 2) Senior Engagement Executive, 3) Project Director, 4) Project Co-Director Staff, and 5) Project Managers (across work streams).
247	<p>Section 1.4.10 Application Warranty Services states the "Vendor shall provide staff support on-site, as needed for 60 days following full system acceptance. Vendor will repair code developed by Vendor during the warranty period (see 4.13.5, part H below), at no charge to NYSED ..."</p> <p>Likewise in section 4.13.5 part H System Warranty, the RFP states "for the period of this agreement and any extensions thereof (the "Warranty Period"), the Contractor shall warrant the following ...". For this type of solution, per standard industry practice, the warranty period would seem appropriately defined as 60 days following full system acceptance which is followed by Application Maintenance and defect support as defined in section 1.4.11.</p> <p>(a) Can NYSED clarify the relationship between the 60 days and the Warranty Period quoted in these two sections?</p> <p>(b) There is no other reference to "full system acceptance" in the RFP. Can NYSED clarify what date (i.e. per the timeline presented at the Bidders</p>	Application Warranty Services	See Question ID 225.

ID	Question	Category	Final Response
	Conference) is associated with this date?		

4.2 Questions and answers applicable to BOTH RFP# DS-08 AND the related RFP# DS-07 (Education Data Portal: Data Dashboard Solutions).

ID	Question	Category	Final Response
23	What functionality does NYSED expect the EDP to have by April 2012 (when the "Road Show" begins)?	Scope	<p>At the time that statewide and regional demonstrations of Data Dashboard vendor products begin (targeted in the RFP as April 2013), the CM&SS vendor will need to have the Data Dashboard Selection and License Management Services operational, as described in CM&SS section 1.4.14.</p> <p>DDS vendors are required to provide live product demonstrations that show all functionality and features needed to meet the set of requirements that the vendor committed to deploy by the launch of the EDP (targeted in the RFP as October 2013). As described in Section 2.3.2 of the RFP, the vendor must indicate which system requirements will be met by EDP launch within Attachment 6.2 and submit this completed spreadsheet as part of the Technical Proposal. If the vendor is unable to demonstrate certain functionality and features of the product in a live, system environment, then, with prior written approval from NYSED, the vendor must do so through some type of visualization tool/aid (e.g. functional prototype, mock-ups, or wire-frames) that provides sufficient information for the LEAs to evaluate these features as part of their Data Dashboard selections. Regardless, statewide and regional demonstrations of Data Dashboard Solutions must include at least one data view that incorporates data integration with the SLI (to enable identity management,</p>

ID	Question	Category	Final Response
			<p>access control, and data display). Prior to the launch of the EDP, all functionality and features needed to meet system requirements included in the vendor's proposal must be built, tested, and ready for NYSED's UAT sign-off and acceptance. During implementation, NYSED reserves the right to propose or request a phased approach and schedule for product releases, based on client & user needs, capacity, or other dependencies and considerations.</p>
24	<p>Given that the "Road Show" is currently scheduled to begin five months after Contracts are awarded, has NYSED considered pushing out the start of the "Road Show" or reducing the scope of functionality which must be available by the start of the "Road Show"?</p>	Scope	<p>No. For details on the scope of functionality that must be available by the start of the statewide and regional product demonstrations, see response to ID 23.</p>

ID	Question	Category	Final Response
36	Can you speak to the Contract Award criteria? Have there been any changes to the RFP language between RFP issuance and now (5/11/2012)?	RFP Process	<p>No changes to Section 3.1 ("Criteria for Evaluating Bids") of either RFP have been made. Below is a breakdown of Contract Award Criteria for both CM&SS and DDS RFPs:</p> <p>The Cost Proposal for each RFP is worth 30 points. The Technical Proposal of each RFP is worth 70 points: 60 points for the Written Proposal and 10 points for the Demonstration/Presentation (as per p. 48 in the Data Dashboard Solutions RFP, p. 60 in the Content Management and System Services Solution RFP). The 60 points for the Written Proposal will be comprised of: A) System Requirements and Technical Approach (40 points), B) Experience and References (10 points), and C) Project Schedule and Staffing Plan (10 points).</p> <p>Please refer to Section 2.3.2 Technical Proposal (starts p. 40 in the Data Dashboard Solutions RFP, starts p. 54 in the Content Management and System Services Solution RFP) for details regarding each of these categories.</p>

ID	Question	Category	Final Response
248	<p>We work with a number of well-qualified W/MBE's outside of New York with credentials well suited to this RFP. Our investigation in what it would take for them to get certified in New York indicates the following:</p> <p>1. Before Certification Application can be processed, the MWBE must complete the "Application for Authority" and attach a Certificate of Existence from the official who files and maintains corporate records in the jurisdiction of the corporation. (Please Note: This official is generally the Secretary of State, and many jurisdictions refer to the Certificate of Existence as a Certificate of Good Standing.) The Certificate of Existence must be dated within one year. A copy of the Application for Authority form is attached. Fee of \$225.00 and usually takes about 1 month to be processed. (Ref. http://www.dos.state.ny.us/corps/buscorp.html#appauth)</p> <p>2. After the "Application for Authority" has been processed, the Certification Application needs to be completed and submitted. Currently it is taking 6-8 months to process this application.</p> <p>A 7-9 month timeframe for New York certification prior to overall contract award effectively eliminates a vast population of qualified M/WBEs. We believe this is in conflict with the overall intent and does not serve the State's best interest.</p> <p>We suggest that the requirement be amended to allow contract award to vendors with an M/WBE plan that includes those companies whose application is in process, with the restriction that their subcontract would not be executed after their New York certification.</p>	M/WBE	<p>As a threshold matter, New York has criteria for M/WBE certification that distinguishes it from other states. In particular, not-for-profit business enterprises cannot be certified in NYS, due to the ownership requirement within the M/WBE regulations. Bidders should first ascertain the corporate status of the prospective subcontractor(s) with which they plan to work.</p> <p>In the event that the prospective subcontractor(s) is/are eligible for NYS certification, bidders may seek a partial (conditional) waiver of the M/WBE participation goals for the 7-9 month certification period. The appropriate Waiver form (M/WBE 101) and all M/WBE submission documents are being posted with the Q&A for convenience. The M/WBE submission documents also include a copy of the good faith efforts section of the NYS regulations.</p> <p>For prospective subcontractor(s) ineligible for NYS certification, bidders are strongly encouraged to replace them with M/WBE providers certified in NYS. The NYSED M/WBE coordinator is available throughout the procurement process and can assist bidders in finding certified providers.</p> <p>If partial or total participation is not achievable for any reason, bidders may request a partial or total waiver of NYSED's M/WBE participation goals for this procurement. In order to have such request considered, bidders must provide the documentation appropriate to the type of request set forth in the posted M/WBE checklist (contained in the M/WBE</p>

ID	Question	Category	Final Response
			documents packet).
249	The 40% per year subcontracting limitation may not be in the best interest of the State. For example, to assemble and integrate the best-in-breed teacher, parent, and student dashboard, learning maps, and recommendation engine may require more than 40% in the first year. Will NYSED consider a 40% subcontracting limit over the life of the contact serves the same intent without potentially limiting the quality of the solution.	Subcontract Requirements	<p>Yes, for the DDS RFP, NYSED will allow a 40% subcontracting limit over the three-year term of the contract. Please see the revised Subcontracting form to replace the existing form found in Section 5.8.</p> <p>NYSED will allow a 60% subcontracting limit over the three-year term of the contract for the CM&SS RFP. Please see the revised Subcontracting form to replace the existing form found in Section 5.8.</p>
278	The Short Outages service level defined in Section 4 c of Attachment 6.3 - Hosting Services is not an industry standard service level which may prevent the use of some cost competitive cloud service offerings in the solution. Is NY DOE open to removing this as requirement and looking at other options?	Hosting	The requirements of Attachment 6.3 - Hosting Services have been revised. Definitions of annual and monthly costs have been clarified. In section 4 (b), the maximum credit across all penalties has been adjusted to 25%. Section 4 (c) has been removed.

ID	Question	Category	Final Response
281	If the NYSED does not agree with the form of these [terms and conditions] clarifications [or exceptions], would the NYSED provide alternate wording which would be acceptable to the NYSED with respect to these issues?	Ts & Cs	NYSED endeavored to provide alternatives where appropriate in the revised RFP Sections 4.10 to 4.14 posted on June 1, 2012.
282	The parties acknowledge that Contractor had/has contractual obligations to New York State as of the dates of the RFP and Proposal, and Contractor's contact with New York State related to such current obligations shall be deemed permissible contact not in violation of any term, condition or provision in this Agreement.	RFP Process	Yes, so long as such contacts do not discuss the pending RFP and procurement.
283	Non-Assignment Clause: The parties acknowledge that the purchase of standard commercial supplies or raw materials or the use of individuals performing ordinary services (such as shipping, manufacturing, programming, and the like) in the course of performance by the Contractor of its obligations under the Agreement shall not be deemed an assignment or subcontract, and no approval thereof by the NYSED is required under the Agreement. Further, it is agreed that any subcontractors named in Contractor's Proposal shall be deemed approved by the NYSED under this Agreement and that no further approval is required.	Ts & Cs	Purchase of standard commercial supplies or shipping services would not be deemed an assignment or subcontract, however provision of programming services to develop a deliverable would likely be deemed a subcontract. Subcontractors identified in the final, negotiated, and executed contract shall be deemed approved by NYSED.
284	Could NYSED clarify the first sentence of Section 4.12 Appendix A-1, subparagraph B, which reads: "Variations in each budget category not exceeding ten percent (10%) of such category, whichever is greater, may be approved by the Commissioner of Education." The statement "whichever is greater" is unclear as there does not seem to be any other variation other than 10%.	Ts & Cs	Please see the updated version of Section 4.12 Appendix A-1, which include updated language for subparagraph B.
285	Can NYSED clarify what Section 4.12 Appendix A-1, subparagraph A, "consideration for the same costs and services provided to the State" means?	Ts & Cs	The vendor cannot be paid twice for the same work.
286	With regard to any and all Warranty provisions including but not limited to Section 4.13.5 H (System Warranty) through Section M (Breach of Warranty), the [Vendor] offers only the warranties set forth in its standard license agreements, and disclaims all other warranties.	Ts & Cs	Contractors will be required to comply with the warranties set forth in this RFP. Vendors who are unable to complete or abide by the final version of Sections 4.10 to 4.14 posted on June 1, 2012, should not respond to this RFP.