

## NEW YORK STATE EDUCATION DEPARTMENT

### Questions & Answers Summary RFP #23-006 Translations of New York State Examinations and Related Materials

#### Program

1. **Our company is considering bidding on RFP 23-006, Translations of New York State Examinations and Related Materials but wanted to understand prior to submitting our intent to bid, why the NYS DOE was not purchasing translations service for the Examinations and Related Materials from an already approved supplier on the NY OGS list?**

**Historically, aren't NY State agencies supposed to purchase from the OSG approved supplier pool "unless" none of the approved suppliers can provide the services?**

Answer: The New York State Education Department is permitted to issue a request for proposals to secure its own contract if an OGS centralized contract does not meet all of its needs or if the agency can get a better price.

2. **What is the estimated value/budget of the contract?**

Answer: This contract will be awarded based on a best value procurement. There is no predetermined dollar amount for the contract.

3. **What is the Period of Performance?**

Answer: The contract resulting from this RFP will be for a term anticipated to begin September 1, 2023, and to end August 31, 2028.

4. **What is the name of the incumbent(s) and their contract number(s)?**

Answer: The name of the incumbent is Human Touch Translations Ltd. The contract is C013775.

5. **Did the incumbent cover every single assignment successfully?**

Answer: Contractors providing services to NY are expected to perform all services to the satisfaction of the state and to provide services and meet the program objectives summarized in the Program Workplan.

6. **What challenges have you faced with similar scope of work from vendors you worked with?**

Answer: The challenges that we have faced with similar scope of work from vendors we have worked with are turnaround time and academic language.

7. **In order for the incumbent not to have an advantage over the other bidders, could you please provide the incumbent rates for each of the services requested in this solicitation?**

Answer: The incumbent will not have an advantage over the other bidders as far as the incumbent's rates because the incumbent's rates were priced per page rather than by per word. However: the following chart is the incumbents' price per page.

<b>Price Per Page Translated from English (in dollars and cents)</b>					
Languages	Year 1 9/1/18 - 8/31/19	Year 2 9/1/19 - 8/31/20	Year 3 9/1/20 - 8/31/21	Year 4 9/1/21 - 8/31/22	Year 5 9/1/22 - 8/31/23
Arabic	\$122.00	\$122.00	\$124.00	\$124.00	\$125.00
Bengali	\$120.00	\$120.00	\$124.00	\$124.00	\$125.00
Chinese - Simplified	\$110.00	\$110.00	\$113.00	\$113.00	\$115.00
Chinese - Traditional	\$111.00	\$111.00	\$113.00	\$113.00	\$114.00
Haitian Creole	\$113.00	\$113.00	\$115.00	\$115.00	\$116.00
Korean	\$113.00	\$113.00	\$115.00	\$115.00	\$116.00
Russian	\$113.00	\$113.00	\$115.00	\$115.00	\$116.00
Spanish	\$102.00	\$102.00	\$104.00	\$104.00	\$105.00

**8. Can we ask for a debriefing in case we are not awarded?**

Answer: Yes, in accordance with section 163 of the NY State Finance Law, NYSED, upon request, must provide a debriefing to any unsuccessful bidder regarding the reasons their proposal was not selected for an award. Please see "Debriefing Procedures" on page 31 of the RFP.

**9. What are the evaluation criteria and how much weight is given to pricing?**

Answer: The Financial Criteria portion of this RFP will be scored based upon a (per-word) flat fee. The submitted Bid Form Cost Proposal will be awarded points pursuant to a formula that awards the highest score of 30 points to the proposal that reflects the lowest "Five Year Estimated Contract Value". The "Five Year Estimated Contract Value" is determined by applying the bidder's price per English word for all languages or for just Spanish into a weighted formula. The Technical Criteria, including translations of sample test pages, will be worth 70 points.

**10. What mathematical calculation will be used to evaluate pricing?**

Answer: The weighted formula reflects annual total prices for each subject based on the subject's number of English word count for 1 administration and the number of annual administrations requiring translations into either all eight languages or just into Spanish. For example, the Year 1 price for Mathematics is calculated as follows: (two administrations) will require approximately (3,200 English words) to be translated into all eight languages (multiplied by the price for eight languages) plus one administration of 3,200 English words to be translated into Spanish only (multiplied by the price for Spanish). Please see Examinations and Related Materials for Translation on page 9 of the RFP.

**11. Can we request feedback on the samples and how they were graded?**

Answer: Yes, all unsuccessful bidders may request a debriefing within 15 calendar days of receiving notice from NYSED of non-award. The debriefing will include the reasons that the proposal submitted by the unsuccessful bidder was not selected for an award including feedback on the samples and how they were graded. The debriefing will also provide, to the greatest extent practicable, general advice and guidance to the unsuccessful bidder concerning potential ways that their future proposals could be more responsive.

**12. Do we have to submit the translators' resumes and certifications with our proposal?**

Answer: The completed Technical Proposal should include resumes of the bidder's proposed key staff (including the project manager and translators.)

The proposal should demonstrate that all translators on the project will meet the minimum requirements for translators which may include documented translation experience, a credential and/or certification, teaching certification, etc. Please see "3.b. Translator Qualifications" for a description of the minimum requirements for Translators.

**13. Is there a preference for local vendors? If so, how will it be applied?**

Answer: NYSED has no preference for local vendors but due to the secure nature of the work, all work must be performed in accordance with the provisions in the RFP, including the section "Security of Test Materials". The contractor must ensure that all access to test materials by contractor staff or subcontractors in any location conforms to these guidelines. All secure exam contents must be stored on computer and in storage facilities maintained within the United States.

**14. In addition to the estimated English word counts provided, is NYSED able to provide an estimated page count for the materials? This information will help bidder factor the costs associated with typesetting/page layout services into the per-word pricing as requested.**

Answer: The estimated page count for past editions of secondary-level Regents Exams and Elementary- and Intermediate-Level Science Tests and related materials are available on the [NYSED web site](#). Also, [sample pages from Score reports for ELA and Math](#) are available.

**15. Will the original source files/images/graphs be provided, for Graphic Design?**

Answer: Yes, Attachment A: Sample Test Pages to be Translated by Bidder is posted with this RFP via the P-12 Competitive Procurement webpage as a separate compressed (zip) file containing Adobe InDesign, PDF, and associated editable Adobe Illustrator art files. The winning bidder will be provided with Adobe InDesign files; PDF files; and associated, editable Adobe Illustrator art files via the contractor's secure SFTP site.

**16. This question is regarding the data disaster recovery plan indicated on page 11 of the solicitation. Could NYSED please provide additional information as to their expectations for a data disaster recovery plan? Additionally, please provide additional information regarding what documentation of this plan NYSED would like to see from prospective vendors?**

Answer: The disaster recovery (DR) plan should be a formal document created by the bidder's organization that contains detailed instructions on how to respond to unplanned incidents such as natural disasters, power outages, cyber-attacks, and any other disruptive events. Components of an Effective Disaster Recovery Plan include Complete Inventory of Hardware/Software/Other Equipment, Documented Business Objectives, Defined Tolerance for Downtime and Data Loss, A DR Team, Alternative Workspaces, Remote Access, Secure Backups, a Comprehensive Testing Strategy.

**17. This question is regarding the vendor responsibility section of the RFP on page 32 of the solicitation. Will NYSED consider awarding the contract resulting from this solicitation to a vendor who has been deemed a non-responsible vendor in NYS by a different agency, provided that said vendor is able to provide adequate information to prove their ability to satisfy NYSED's work requirements and that the reason for the determination has been addressed but still remains on record?**

Answer: State Finance Law ("SFL") §163 requires that contracts for services and commodities be awarded on the basis of lowest price or best value to a "responsive and responsible offeror." SFL§163(9)(f) provides that "Prior to making an award of contract, each state agency shall make a determination of responsibility of the proposed contractor."

**18. Can you describe the current translation and localization landscape at NYSED regarding the number of translation providers, internal translators, and distribution of translation projects by language, volume, and location?**

Answer: The questions and answers must be limited to the scope detailed in this request for proposals. This information is outside of that scope.

**19. What is the current translation usage? The number of requests per month, per year?**

Answer: This information can be found on page 9 and 10 of the RFP in the chart titled Examinations and Related Materials for Translation. The work would be completed approximately 2-3 months prior to each administration.

**20. How many current translation users have been identified?**

Answer: The table below provides an example of the number of translated editions of each examination requested in June 2022.

Exam Title	Arabic	Bengali	Chinese (Simplified)	Chinese (Traditional)	Haitian-Creole	Korean	Russian	Spanish
Algebra I	3,051	1,679	2,812	1,098	1,784	515	1,021	26,814
Earth Science	2,059	1,257	1,818	702	1,190	384	734	15,732
Living Environment	2,879	1,478	2,437	983	1,726	409	1,056	23,836
Global History	2,300	1,364	2,090	846	1,498	356	895	20,127
Elementary Science	2,588	1,360	2,666	1,679	1,694	1,121	1,457	17,661
Intermediate Science	1,895	1,055	1,673	1,225	1,320	745	1,208	13,539

**21. What is the current process for translation – one vendor, multiple vendors, or internal resources?**

Answer: Currently, there is one translation contract with one vendor.

**22. Who is/are the individual(s) or departments responsible for managing translation?**

Answer: All vendor interactions will be with members of the Office of State Assessment.

**23. Are translation and localization projects / decisions managed in a centrally or decided locally by department or line of business?**

Answer: All vendor interactions will be with members of the Office of State Assessment. Decisions will be communicated through this office.

**24. What MT engines do you use today?**

Answer: The Office of State Assessment does not use MT engines. The contractor will be provided with Adobe InDesign files; PDF files; and associated, editable Adobe Illustrator art files via the contractor's secure SFTP site. Upon receipt of the materials for translation, the contractor will have 14 business days to complete its translation and submit a high-resolution password-protected press-ready PDF file to NYSED via the contractor's SFTP site. (See "Final Product Specifications" in the RFP for file requirements.)

**25. What content management system do you use?**

Answer: The Office of State Assessment does not use a content management system. The contractor will be provided with Adobe InDesign files; PDF files; and associated, editable Adobe Illustrator art files via the contractor's secure SFTP site. Upon receipt of the materials for translation, the contractor will have 14 business days to complete its translation and submit a high-resolution password-protected press-ready PDF file to NYSED via the contractor's SFTP site. (See "Final Product Specifications" in the RFP for file requirements.)

**26. What types of file formats would you plan to send in terms of source files, and what would be the expectations for deliverables?**

Answer: The contractor will be provided with Adobe InDesign files; PDF files; and associated, editable Adobe Illustrator art files via the contractor's secure SFTP site. Upon receipt of the materials for translation, the contractor will have 14 business days to complete its translation and submit a high-resolution password-protected press-ready PDF file to NYSED via the contractor's SFTP site. (See "Final Product Specifications" in the RFP for file requirements.)

**27. Who is the incumbent vendor?**

Answer: The name of the incumbent is Human Touch Translations Ltd.

**28. Is it a requirement that translators be physically located in the US?**

Answer: The contractor must ensure that all access to test materials by contractor staff or subcontractors in any location conforms to these guidelines. All secure exam contents must be stored on computer and in storage facilities maintained within the United States.

**29. It is industry standard that when InDesign files are to be received and delivered, there is a desktop publishing charge associated. Is desktop publishing to be included in the per word rate or can a separate line item be added for that service in the cost proposal form?**

Answer: Desktop publishing should be included in the per word rate.

**30. RFP PAGE 11: Upon receipt of the materials for translation, the contractor will have 14 business days to complete its translation and submit a high-resolution password-protected press-ready PDF file to NYSED via the contractor's SFTP site.**

**Question: Will selected company given additional days from the 14 business days to complete the translations and submit high-resolution PDF file?**

**Concern: There will not be sufficient time in the 14 days business days for the initial translation of 8 forms and 8 translations in the January and June administrations, as well as the Spanish translations in August administrations to review translations, edit art pieces and create InDesign files.**

Answer: No, the scope of this RFP requires that the contractor will be able to complete its translation and submit a high-resolution password-protected press-ready PDF file to NYSED via the contractor's SFTP site within 14 business days.

**31. For the submission of the high-resolution PDF file, will the file need to be Web tagged?**

Answer: Yes, please refer to Accessibility of Web-Based Information and Applications on page 18 of the RFP. Any documents, web-based information and applications development, or programming delivered pursuant to the contract or procurement, will comply with New York State Education Department IT Policy NYSED-WEBACC-001, Web Accessibility Policy as such policy may be amended, modified, or superseded, which requires that state agency web-based information, including documents, and applications are accessible to persons with disabilities. Documents, web-based information, and applications must conform to NYSED-WEBACC-001 as determined by quality assurance testing. Such quality assurance testing will be conducted by a NYSED employee or contractor, and the results of such testing must be satisfactory to NYSED before web-based information and applications will be considered a qualified deliverable under the contract or procurement.

**32. Is it possible for bidders to only bid on some of the languages requested?**

Answer: No, all eligible proposals received by the deadline will be reviewed and must ensure that all components of this application request have been addressed.

## Fiscal

- 33. Based on the format of cost proposal form, please let us know if it is common practice for bidders to present different per-word pricing from year to year vs. prices remaining consistent each year?**

Answer: It is up to the bidder to propose pricing for each year of the contract.

- 34. This question is regarding the pricing methodology. Could NYSED please provide more information regarding how prospective vendors are expected to provide a quote based on word count when the source files provided to prospective vendors are Adobe InDesign, image and PDF files where the word count is not readily ascertainable? In addition, typesetting/desktop publishing plays a large part in the overall translation process for these materials. Given the nature of the source materials and desktop publishing services, quoting on a per word basis is quite challenging. Would NYSED consider revising the RFQ pricing document to allow prospective vendors to provide a price on a per page basis of the materials received. If not, could NYSED propose a methodology how to ascertain the word count given the nature of the files and services needed so that all prospective vendors can use a well established standard when quoting on a per word basis?**

Answer: NYSED will not consider revising the RFP pricing document to allow prospective vendors to provide a price on a per-page basis of the materials received. In an effort to remain competitive with the release of this Translations RFP, NYSED canvassed potential bidders and determined that the “per-word” costing method is the most popular and most common calculation in the industry. Vendors are expected to provide a quote based on word count by converting files with the latest technology when necessary. Although quoting on a per-word basis may be challenging for some, the majority of the canvassed potential bidders preferred this costing methodology. NYSED cannot propose one methodology to ascertain the word count because there is more than one well-established industry standard when quoting on a per-word basis.

- 35. This question is regarding the liquidated damages section of the RFP on page 18. NYSED states that, due to the nature of the materials, a 25% liquidated damages charge may be applied in certain situation. If a prospective vendor is working with a subcontractor, such as the required M/WBE, could be written into the contract that the respective M/WBE is responsible for the liquidated damages, and not the primary contractor? Once again, the nature of this project should not lend itself to multiple vendors given the security precautions required. If NYSED insists on a subcontractor, the primary contractor should not take responsibility for the errors introduced by the subcontractor, so how would this be allocated?**

Answer: No. It cannot be written into the contract that the respective M/WBE is responsible for the liquidated damages, and not the primary contractor because for this contract the prime contractor retains ultimate responsibility for all work performed and the required project manager will be NYSED’s point of contact for all translations, including those provided by any subcontractor. In addition, the prime contractor will be responsible for submitting all invoices, receiving payment, and assuming responsibility for any liquidated damages applied as described in the RFP section on “Liquidated Damages.”

**36. What is the budget for this contract?**

Answer: This contract will be awarded based on a best value procurement. There is no predetermined dollar amount for the contract.

**37. What is the price structure for this contract? Per word? Per page?**

Answer: The price structure for this contract is per word.

**38. What is the forecasted budget for this five-year contract?**

Answer: This contract will be awarded based on a best value procurement.

**39. What are your per word rate fees by language?**

Answer: Per-word rate fees for each language would be proposed by the bidder.

**40. What was your current spending for document translation in 2022?**

Answer: The current spending for document translation for 2022 is \$295,222.20.

**41. How much is the contract value?**

Answer: This contract will be awarded based on a best value procurement.

**42. How much is the price of incumbent vendor?**

Answer: The following chart is the incumbents' price per page.

<b>Price Per Page Translated from English (in dollars and cents)</b>					
Languages	Year 1 9/1/18 - 8/31/19	Year 2 9/1/19 - 8/31/20	Year 3 9/1/20 - 8/31/21	Year 4 9/1/21 - 8/31/22	Year 5 9/1/22 - 8/31/23
Arabic	\$122.00	\$122.00	\$124.00	\$124.00	\$125.00
Bengali	\$120.00	\$120.00	\$124.00	\$124.00	\$125.00
Chinese - Simplified	\$110.00	\$110.00	\$113.00	\$113.00	\$115.00
Chinese - Traditional	\$111.00	\$111.00	\$113.00	\$113.00	\$114.00
Haitian Creole	\$113.00	\$113.00	\$115.00	\$115.00	\$116.00
Korean	\$113.00	\$113.00	\$115.00	\$115.00	\$116.00
Russian	\$113.00	\$113.00	\$115.00	\$115.00	\$116.00
Spanish	\$102.00	\$102.00	\$104.00	\$104.00	\$105.00

**43. Who is the current vendor?**

Answer: The current vendor is Human Touch Translations Ltd.

**44. What are the current rates paid for these services?**

Answer: Please see the chart provided with Question 42.

**MWBE**

**45. We are a New York State-certified WBE. If awarded the contract, please clarify how this status effects the M/WBE goals.**

Answer: The NYS Education Department has established an overall goal of 30% of the total contract amount for M/WBE participation, 17% for Minority-Owned Business Enterprises (“MBE”) participation and 13% for Women-Owned Business Enterprises (“WBE”) participation. If you are a NYS-certified WBE, you can count any work that is self-performed toward the 13% WBE goal for the contract. You will need to complete the appropriate M/WBE paperwork and document good faith efforts to provide meaningful participation by MBEs as subcontractors or suppliers in the performance of this procurement for the remaining 17% MBE participation.

**46. Language service providers very commonly source translations from specialized language vendors, most of whom are freelance individuals or small companies. These vendors are contracted on a project-by-project basis. No language vendor’s work is ever provided directly to a client; rather, all work is proofread and undergoes internal quality assurance before being delivered to the client by a full-time staff member. Do such relationships qualify as subcontractors and count against the 40% limit?**

Answer: For purposes of the RFP, subcontracting is defined as “non-employee direct personal services and related incidental expenses, including travel.” Any personal services that are provided by individuals who are not on the bidder’s payroll and are not legally employees of the bidder would be considered as subcontractors. Therefore, the use of language service providers who are independent contractors as opposed to staff would be considered subcontracting and would fall under the forty percent (40%) subcontracting limit.

**47. This question is regarding the subcontracting requirement for M/WBEs. If a vendor is a certified WBE or MBE in NYS, would either be able to fulfill the requirement for the full 30% M/WBE participation goals as the primary vendor? The nature of the examinations does not lend itself to be shared with subcontractors that potentially do not meet the security requirements that this contract requires. Additionally, given the timeline required of the prime contractor, working with subcontractors would potentially delay deliveries, compromise the security of the exams and lead to potential errors that the prime contractor cannot take responsibility for. Additionally, if errors do occur, they need to be ascertained whether it was introduced by the subcontractor or the prime contractor, which can be difficult to determine.**

Answer: The NYS Education Department has established an overall goal of 30% of the total contract amount for M/WBE participation, 17% for Minority-Owned Business Enterprises (“MBE”) participation and 13% for Women-Owned Business Enterprises (“WBE”) participation.

If the bidder is a NYS MBE or WBE certified vendor, they can count any work that is self-performed as part of the 17% MBE participation goal or 13% WBE participation goal. They must document good faith efforts to provide meaningful participation of the other goal (MBE or WBE, depending on their certification) and complete the required M/WBE paperwork based on participation level.

**48. Is MWBE mandatory? I do not see any score is assigned. If we submit "No Participation", will it effect our eligibility? We are in a que for MWBE approval. Can this be considered as tentative approved firm?**

Answer: The M/WBE Participation Goal is defined by Article 15-A of New York State Executive Law. All bidders must document good faith efforts to provide meaningful participation by MWBEs as subcontractors or suppliers in the performance of the contract resulting from this RFP. M/WBE Participation in not scored and submitting the required documentation for “No Participation” will not impact eligibility. After the selection of a winning bidder that has not obtained the M/WBE 30% goal, any incomplete or insufficient good faith efforts can delay the execution of the contract.

Bidders or subcontractors cannot count toward the M/WBE goal until such time as they have received New York State M/WBE Certification from the NYS Division of Minority and Women Business Development. The vendor should be listed in the [NYS Directory of Certified Minority and Women-Owned Business Enterprises](#). The NYS Education Department cannot provide tentative approval.

**49. Please explain over M/WBE participation in page 28.**

Answer: Page 28 of the RFP refers to the M/WBE documents required to be completed and emailed as part of the submission. A bidder should submit the documents that are outlined depending on which type of M/WBE Participation they are planning to achieve.

**50. My firm is both an MBE and WBE. Would bidding on this contract mean that we fulfill 30% of that requirement?**

Answer: Yes, if the bidder is both a NYS MBE- and WBE-certified vendor and appears on the [NYS Directory of Certified Minority and Women-Owned Business Enterprises](#), they can count any work that is self-performed as part of the 30% M/WBE participation goal. They should be sure to complete the required M/WBE paperwork noting themselves as an M/WBE vendor. The NYS Education Department has established an overall goal of 30% of the total contract amount for M/WBE participation, 17% for Minority-Owned Business Enterprises (“MBE”) participation and 13% for Women-Owned Business Enterprises (“WBE”) participation.

**51. I was contacted by another translation firm about potentially partnering with them on this project. Is there any way to ensure that my firm is not used to fulfil the 30% MWBE requirement, but then not used throughout the duration of the project if that non-MWBE chooses to use its own in-house translators?**

A: Bidders are required to complete the M/WBE documentation; the Utilization Plan will include the estimated value to be spent with an M/WBE vendor. They are also required to submit a Notice of Intent signed by both the bidder and M/WBE vendor. There's no requirement that a bidder spend more than the required 30% M/WBE goal amount with an M/WBE vendor. Please note that subcontracting is limited to 40% of the total contract budget.

## **SDVOB**

**52. Is the 6% participation mandatory?**

Answer: While it is not mandatory, bidders are strongly encouraged to utilize Service-Disabled Veteran-Owned Businesses (SDVOB). The goal is at least 6 percent. For additional information about this program, including a list of SDVOBs, please visit the [Office of General Services, Division of Service-Disabled Veterans' Business Development website](#).

**53. This question is regarding the Service Disabled Veteran Owned Business (SDVOB) section of the RFP. NYSED indicates that bidders should consider fulfilling the requirement of the contract resulting from this solicitation by subcontracting 6% to a SDVOB. The language here indicates that this is not completely required but encouraged. Could NYSED please confirm that we are reading this language correctly? If SDVOB participation is required, would NYSED consider waiving this requirement, given the dearth of language service providers that are certified SDVOBs by NYS and the nature of the exam materials.**

Answer: SDVOB participation is strongly encouraged but not required, so a waiver is not necessary. The SDVOB participation goal is at least 6 percent. For additional information about this program, including a list of SDVOBs, please visit the [Office of General Services, Division of Service-Disabled Veterans' Business Development website](#).