Title IX Investigators and Hearing Chairs

May 11, 2016
A. GENERAL INFORMATION

Request for Proposal (RFP) Name: Title IX Investigators and Hearing Chairs

RFP Number: LP051116

Issue Date: May 11, 2016

Brief Description: Title IX Investigators (to investigate reported prohibited conduct under Title IX), and/or Title IX Hearing Chairs (to serve as non-voting hearing chair and/or single arbiter who will preside over Title IX hearings).

Note: Firms may respond to all or part of the scope of services set forth in Section B.

Preproposal Questions: Any questions concerning this RFP must be e-mailed to the buyer listed below no later than 3:00 p.m., May 18, 2016 in order to guarantee a timely response prior to the proposal due date.

Proposal Due Date: 1:00 p.m., May 24, 2016. Firms must submit an electronic original proposal that will be received by the University by the proposal deadline. The electronic original proposal must be submitted via electronic mail to pur-rfp@virginia.edu. All electronic proposal documents, whether originals or copies, should be formatted as Microsoft Word documents.

Any trade secrets or proprietary information submitted with a proposal (original or copy) for which the firm seeks protection from public disclosure must be clearly identified by the specific page and section number in the proposal and accompanied by a suitable justification requesting non-disclosure.

Negotiations: Negotiation questions will be sent to Selected Firms on or before June 10, 2016.

Expected Award Date: Late July 2016

Term of Agreement: The term of a resulting Agreement or Purchase Order will be for two years, with the ability to renew on the same or similar terms and conditions, for three additional one-year periods if mutually agreeable to the University and the Selected Firm. The Selected Firm and the University will mutually agree at least 180 days prior to each renewal period whether to renew the terms of the Agreement.

REFER ALL QUESTIONS TO THE ISSUING OFFICE:

UNIVERSITY OF VIRGINIA
Department of Procurement and Supplier Diversity Services
1001 North Emmet St, Carruthers Hall
P.O. Box 400202
Charlottesville, VA 22904-4202
Attention: Lori Ponton, Senior Buyer
Phone: 434-924-4216
Fax: 434-982-2690
Email: LP3S@virginia.edu

NOTE: During the RFP process, all communication must be directed to the buyer listed above, with the exception of issues directly related to SWAM business and SWAM subcontracting opportunities. Such SWAM issues may be alternately directed to Les Haughton, Director Supplier Diversity, at (434) 924-7174 or SWAM@virginia.edu. Any failure to adhere to this requirement may result in the rejection of the firm’s proposal or cancellation of the RFP.
This Request for Proposal (RFP) has been posted on Procurement and Supplier Diversity Services website for your convenience. Addenda and attachments are posted if issued. The RFP can be downloaded at this web site: http://www.procurement.virginia.edu/pagerfp. It is the firm’s responsibility to ensure that the latest version of the entire RFP and related links are reviewed prior to submission of a proposal. We encourage you to check the web site frequently for any changes prior to the due date. Call (434) 924-1346 if you have trouble accessing the RFP from the web. For questions about the content of the RFP, contact the buyer listed above. Additional information can be found on Procurement and Supplier Diversity Services web site: http://www.procurement.virginia.edu.

For ease of reference, each firm or individual receiving this RFP is referred to as a “firm” and the firm or individual selected to provide services for the University is referred to as the “Selected Firm.” This RFP states the instructions for submitting proposals and the procedure and criteria by which a firm may be selected.

It is the intent of this purchase to allow for cooperative procurement. Accordingly, any public body, public or private health or educational institution, or any University related foundation may access this purchase if authorized by the vendor. Participation in this cooperative procurement is strictly voluntary. If authorized by the vendor, this purchase may be extended to the entities indicated above to purchase at fees in accordance with this purchase. No modification of this Agreement or execution of a separate agreement is required to participate. Participating entities will place their own orders directly with the vendor and will fully and independently administer their use of this purchase to include contractual disputes, invoicing and payments without direct administration from the University. The University will not be held liable for any costs or damages incurred by any other participating entity as a result of any authorization by the vendor to extend this purchase. It is understood and agreed that the University is not responsible for the acts or omissions of any entity, and will not be considered in default of this purchase no matter the circumstances. Use of this purchase does not preclude any participating entity from using other agreements or competitive processes as the need may be.

**B. SCOPE OF SERVICES**

The University and its Office of Equal Opportunity Programs (“EOP”) seek a qualified firm or firms to provide services as the Investigator of reported prohibited conduct under Title IX (detailed below in Section B.1) and governed by the University of Virginia’s Policy (http://titleix-vawa.virginia.edu/policy) on Sexual and Gender Based Harassment and other forms of Interpersonal Violence (“Policy”) for incidents on or after July 1, 2015; the Interim Policy on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence for incidents March 30, 2015 – June 30, 2015, and the Sexual Misconduct Policy for incidents occurring prior to March 30, 2015, and Procedures (Students - Appendix A http://titleix-vawa.virginia.edu/sites/titleix-vawa.virginia.edu/files/Appendix%20A%20Student%20Procedures.pdf) and (Employees - Appendix B http://titleix-vawa.virginia.edu/sites/titleix-vawa.virginia.edu/files/Appendix%20A%20Student%20Procedures.pdf), and/or a qualified firm or firms to provide services as the non-voting hearing chair or single arbiter under Title IX (detailed below in Section B.2) and governed by the Policy and Procedures (Students - Appendix A and Employees - Appendix B).

**1. Title IX Investigators**
The Investigator will communicate with all necessary parties and witnesses, gather evidence, interview witnesses, draft comprehensive reports and issue findings and recommendations under the Policy. The Investigator will oversee the timely and thorough collection of all necessary documents, statements and evidence that would be relevant in the investigation of a report of prohibited conduct under the Policy, which evidence will be provided to the University at the conclusion of the investigation. The responsibilities of the Investigator include, but are not limited to direct communication with Complainant and Respondent and their advisor or support persons, communication with the EOP/Title IX Office staff, transcription of witness testimony as needed, the timely, drafting and issuance of draft reports and final reports, (the latter of which contain recommended findings based upon a review of all of the evidence), application of a preponderance of the evidence standard, and availability to appear to testify as a witness at hearings and review meetings, upon request.

The current Investigator responsibilities are being performed as follows:

- Making timely initial contact with Complainant and Respondent shortly after issuance of the Notices of Investigation by the Title IX Office.
- Receiving and reviewing all documentation regarding the reported prohibited conduct in preparation for the investigation of the case.
- Collecting all evidence (e.g., physical, documentary, testimonial) to include, but not limited to, questioning of witnesses and parties, if they choose to participate in the investigatory process.
- Reminding all parties of their right to not participate in the investigatory process.
- Advising Complainant, Respondent, and witnesses of their rights in the process before commencing an interview.
- Extending the time frame for investigation upon reasonable request by the parties or for good cause shown, after consultation with the EOP/Title IX Office.
- Writing of draft investigation reports and distribution of the draft reports with the Complainant, the Respondent and their advisors.
- Writing of final investigation report, which includes the recommending findings based on the evidence, the alleged violations of the Policy, and application of the preponderance of the evidence standard.
- Consulting with the University’s EOP/Title staff, including the Title IX Coordinator, Deputy Title IX Coordinator, and AVP as needed or required during the course of the investigation.
- Being available to testify at the Title IX hearing or review meeting, upon request.

2. Title IX Hearing Chairs
The Hearing Chair will oversee the orderly management of the hearing or review meeting, the assigned panelists and participating parties as well as the requisite pre-hearing preparation and post-hearing follow up and documentation as outlined in the Procedures (Appendix A and Appendix B). The responsibilities of the Hearing Chair include, but are not limited to, pre-hearing conferencing, communication with the parties and their advisors, communication with the EOP/Title IX Office staff and the timely drafting and issuance of the Final Outcome letter to all parties.

The current Hearing Chair responsibilities are being performed as follows:
• Review of all investigative reports, supplemental documentation and exhibits associated with a case under the Policy (“the Hearing Packet”).

• Pre-hearing communication and/or conferencing with review panelists.

• Pre-hearing communication with the parties and their advisors in consultation with the Title IX Coordinator, or designee, on any relevant pre-hearing questions presented.

• Oversight of the hearing or review meeting and response to questions of the parties or panelists. Guidance to panelists through their discussion and deliberations as a non-voting member of the panel.

• Determinations regarding what questions presented by the parties are relevant and retention of questions posed by the parties and documentation of the rationale for any questions not asked. Ensure that decisions/rulings are made by applying the University’s Policy and Procedures.

• Timely issuance of a Final Outcome letter to all parties specifically describing the conclusions of the panel, the basis for those conclusions and the sanctions or recommended sanctions, if any, pursuant to Appendix A or B of the Procedures, as applicable.

### Pricing Schedule (example)

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<th>Service</th>
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### C. BASIS OF SELECTION

Proposals will be evaluated based upon the overall merits/value of the proposal including, but not limited to, price. The University will evaluate proposals, and if a firm is to be selected, select the firm on the basis of:

1. The firm's plan and ability to provide the University with the services as described in the Scope of Services section, to include a sample of its services;
2. The firm’s experience in providing services similar to those described in this RFP, to include the firm’s references from clients;
3. The firm’s number of consistent individuals that can be assigned to projects as needed and the qualifications of the individuals assigned to projects;
4. The firm’s price proposal; and
5. The firm’s Small, Woman-owned and Minority-owned (SWAM) business status and/or the firm’s plan for utilization of SWAM businesses. For more information about SWAM and the University’s SWAM plan, please see the letter in Attachment 1 and refer to the following site: [www.procurement.virginia.edu/main/publicpostings/rfp/SWAMplan.pdf](http://www.procurement.virginia.edu/main/publicpostings/rfp/SWAMplan.pdf)

*Note 1: A 10% minimum weight will be given to this criterion in evaluating proposals.*

*Note 2: Any questions related to SWAM business and SWAM subcontracting opportunities can be directed to Les Haughton, Director Supplier Diversity, at (434) 924-7174 or lh7sn@virginia.edu.*
D. CONTENTS OF PROPOSAL

Proposals will be prepared simply and economically, providing a straightforward, concise description of capabilities to satisfy the requirements of the RFP. Emphasis will be on completeness and clarity of content, and will be organized in the order in which the requirements are presented in the RFP.

Unnecessarily elaborate brochures and other presentations beyond that sufficient to present a complete and effective proposal are not desired and may be construed as an indication of the firms’ lack of cost consciousness. Elaborate artwork, expensive paper and bindings, and expensive visual and other presentation aids are neither necessary nor desired.

Firms will provide the following information:

1. A detailed description and the full specifications of the services proposed. Each firm will indicate in its proposal the firm’s ability to achieve/comply with each specification. In the event that the firm wishes to propose an alternate specification that, in any way, differs from the above specifications, the firm will detail the proposed change(s) and how the proposed change would compare to the listed specification. Proposals will be formatted in such a way to address each of the above specifications in a line-by-line process.

2. A brief history of the firm and its experience, qualifications and success in providing the services.

3. The estimated time of services from the time of the order (i.e., 24 hours after order)

4. The firm’s proposed price / fee for providing the services.

5. At least three references where similar services have been provided. Include the name of the firm / organization, the complete mailing address, and the name of the contact person and telephone number.

6. The firm’s Small, Woman-owned and Minority-owned (SWAM) businesses status and/or how the firm intends to utilize SWAM firms in regards to this particular procurement.

7. A list of institutions of higher education with which the firm has signed a term contract.

8. A list of the amount of annual sales the firm has with each VASCUPP Member Institution. A list of the VASCUPP Members can be found at https://vascupp.org

9. Complete and return the information requested in Attachment 2, Firm Information.

NOTE: Virginia Freedom of Information Act
Except as provided, once an award is announced, all proposals submitted in response to this RFP will be open to inspection by any citizen, or interested person, firm or corporation, in accordance with the Virginia Freedom of Information Act. Trade secrets or proprietary information submitted by a firm prior to or as part of its proposal will not be subject to public disclosure under the Virginia Freedom of Information Act only under the following circumstances: (1) the appropriate information is clearly identified by some distinct method such as highlighting or underlining; (2) only the specific words, figures, or paragraphs that constitute trade secrets or proprietary information are identified; and (3) a summary page is supplied immediately following the proposal title page that includes (a) the information to be protected, (b) the section(s)/page number(s) where this information is found in the proposal, and (c) a statement why protection is necessary for each section listed. The firm must also provide a separate electronic copy of the proposal (CD, etc.) with the trade secrets and/or proprietary information redacted. If all of these requirements are not met, then the firm’s entire proposal will be available for public inspection.
IMPORTANT: A firm may not request that its entire proposal be treated as a trade secret or proprietary information, nor may a firm request that its pricing/fees be treated as a trade secret or proprietary information, or otherwise be deemed confidential.

**E. TERMS AND CONDITIONS**

This solicitation and any subsequent award are subject to:

- The Selected Firm registering as a vendor with the University of Virginia. [https://www.procurement.virginia.edu/pagevendorregistrationform](https://www.procurement.virginia.edu/pagevendorregistrationform)

- Unless otherwise deemed appropriate by the University, the Selected Firm will enroll in one of the University approved methods for receipt of electronic payments. Accordingly, the Selected Firm agrees to accept Bank of America’s (“BoA”) ePayables® method of electronic payment or BoA’s PayMode® method of electronic payment.

- The Selected Firm being aware of sensitive, non-public “University Data” which is strictly regulated by state or federal law. Such data includes but is not limited to: business, administrative and financial data, intellectual property, and patient, student and personnel data. If the Selected Firm providing goods or services to the University will receive, create, or come into non-incidental contact with University Data, the Selected Firm agrees to abide by the terms and conditions of the Data Protection Addendum. Further, if the Selected Firm providing goods or services to the University will receive, create, or come into non-incidental contact with patient or UVa health plan participant Protected Health Information as that term is defined in 45 C.F.R. § 160.103, the Selected Firm is a Business Associate, and agrees to abide by the terms and conditions of the Business Associate Addendum in addition to the Data Protection Addendum.


**Note:** Unless a firm *expressly and specifically states its exception* to any of the Preferred Provisions in its written proposal, then the proposal from the firm will automatically be deemed to include those Provisions.

F. OTHER INFORMATION

Insurance
Listed below is the insurance the Selected Firm must maintain under any Agreement resulting from this RFP. In no event should the Selected Firm construe these minimum required limits to be its limit of liability to the University. The Selected Firm will maintain insurance which meets or exceeds the requirements of the University with insurance companies that hold at least an A- financial rating with A.M. Best Company. No Agreement will be executed by the University until the Selected Firm satisfies the insurance requirements of the University. The Selected Firm may be required to provide the University with a valid Certificate of Insurance before providing any goods or services to the University. The University reserves the right to approve any insurance proposed by the Selected Firm.

Commercial General Liability:
The Selected Firm and any Subcontractor will provide a minimum combined single Limit of Liability for bodily injury and property damage of 1,000,000 per occurrence and a $2,000,000 aggregate with coverage for the following:

\( \times \) Premises/Operations \( \times \) Products/Completed Operations
\( \times \) Contractual \( \times \) Independent Contractors
\( \times \) Personal Injury \( \times \) Medical Payment
\( \times \) Personal Injury \( \times \) Medical Payment
\( \times \) Fire Legal Liability \( \times \) Underground Explosion & Collapse
\( \times \) Additional Insured* \( \times \) Other

Automobile Insurance:
The Selected Firm and any Subcontractor will provide a minimum combined single Limit of Liability for bodily injury and property damage of $500,000 per occurrence with the following coverages for vehicles operated by their employees.

\( \times \) Any Automobile \( \times \) Owned and Non-Owned Automobiles
\( \times \) Garage Liability \( \times \) Transportation of Hazardous Substances
\( \times \) Additional Insured* \( \times \) Other

Errors and Omissions:
The Selected Firm and any Subcontractor will maintain a minimum Limit of Liability of $2,000,000 per claim for professional errors and omissions coverage.

*Additional Insured:
The University will be named as an Additional Insured, and the proper name is: "The Commonwealth of Virginia, and the Rector and Visitors of the University of Virginia, its officers, employees, and agents."

Formation of the Agreement with the Selected Firm
All proposals received will first be carefully evaluated by the University, and then the University intends to conduct negotiations with two or more firms. After negotiations have been conducted, if the University chooses to make award, the University will select the firm which, in its opinion, best meets the needs of the University. Alternately, if the University determines in writing and in its sole discretion that only one firm is fully qualified, or that one firm is clearly more highly qualified than the others under consideration, it may decide to negotiate and award an agreement to that single firm. In either event, the University intends to execute a mutually satisfactory written agreement which will reflect and largely incorporate this RFP as reconciled with any pertinent documents, such as the proposal submitted and relevant negotiation correspondence.

Because the University may choose to negotiate and award to a single firm as discussed above, each firm must include in its written proposal all requirements, terms or conditions it may have, and should not assume that an opportunity will exist to add such matters after the proposal is submitted.

Any firm(s) invited to negotiations should note that the University reserves the right to begin negotiations by combining the best aspects of submitted proposals from all responding firms as the basis for subsequent formation of any Agreement resulting from this RFP.

Firms should also note that, as described above, certain matters will automatically be deemed part of the proposal.
Greetings:

The quality of service the University of Virginia is able to deliver to its customers is directly related to the excellent support we receive from you and many other outstanding suppliers of goods and services. Without you, we would not be able to fulfill our educational, health care and research missions. An important part of our procurement program involves our commitment to doing business with small, women- and minority-owned (SWaM) businesses. As one of our most important vendors, we look to you to help us achieve this objective.

We conduct substantial business with small firms. We have a particular institutional focus on developing long-term business relationships with minority-and women-owned businesses. We count on our majority firms to help us achieve our goal.

I seek your assistance in two areas. First, to the extent practical, I ask that you involve small, women-and minority-owned businesses in the delivery of services you provide to UVa. The office of Procurement and Supplier Diversity Services is ready to assist you in identifying qualified diverse business partners. Second, I seek your help in reporting your results through our quarterly subcontracting reports. The terms and conditions previously provided to your organization outlined this process.

This effort is important to us. We depend on you in so many ways – this is another way that we can partner with your company to make things better.

Sincerely,

Colette Sheehy
Vice President for Management and Budget
## Firm Information

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<tr>
<th>Full Legal Name (Company name as it appears with its Federal Taxpayer Number):</th>
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<td>Email Address:</td>
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<td>DUNS Number:</td>
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### SWAM Information:

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<th>Is the firm certified with the Commonwealth of Virginia’s Department of Small Business &amp; Supplier Diversity (SBSD):</th>
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<td>Minority-Owned Business:</td>
<td>□ Yes □ No</td>
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<td>Women-Owned Business:</td>
<td>□ Yes □ No</td>
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<td>Small-Owned Business:</td>
<td>□ Yes □ No</td>
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| Is the firm registered as a vendor in the Commonwealth of Virginia’s e-procurement system (eVA)? | □ Yes □ No |

### Point of Contact for this Proposal:

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