

## Q and A for RFP 18-007

### Translation of New York State Examinations and Related Materials

#### **Please note the following changes to RFP 18-007:**

- The subcontracting limit has been increased from thirty percent (30%) to forty percent (40%). As confirmed in responses below, this limit applies to all non-employee direct personal services, including those performed by subcontracted entities and independent contractors. In all cases, 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."
- A revised Excel workbook has been provided for preparing the cost proposal. The revision corrects a formula error identified on the "summary" page and also reflects the revised subcontracting limit. Please use this workbook when preparing and submitting the cost proposal.

**1. We are an MWBE-certified staffing agency. Can we partner with a translation company in NY that has extensive translation experience?**

Yes. All bidders must be in compliance with the requirements of this procurement. Eligibility to bid on this procurement will not be determined by a company's business entity (partnership, corporation, etc.). Eligibility to bid will be determined by a bidder's demonstrated ability to meet the Mandatory Requirements on page 6. For this RFP, bidders are required to comply with NYSED's subcontracting limit of forty percent (40%) of the total contract budget, and the Minority and Women-Owned Business Enterprises (M/WBE) participation goals.

**2. MBE/WBE requirement: We would be able to meet the 13% WBE requirement with our trusted team. However, we would need to work with untested resources to meet the MBE requirement and we are not willing to risk providing less than perfect results. We could meet the entire 30% requirement with our WBE partner. Would this be acceptable?**

Yes, it is NYSED's preference that the vendor strives to meet the goals of 17% minority owned business and 13% women owned business; however, proposals that satisfy the total M/WBE requirement with an alternative percentage distribution will be considered, provided the bidder provides a justification for the alternative distribution.

All M/WBE firms must be certified by Empire State Development. A listing of currently certified M/WBEs can be found at NYS Directory of Certified Minority and Women-Owned Business Enterprises.

- 3. 30% maximum subcontract requirement. We find an inherent contradiction. As you may be aware EVERY translation company uses primarily subcontractors for linguistic tasks. As such, the 30% maximum is too low.**

As noted above, the subcontracting limit has been raised. NYSED maintains the right to limit subcontracting for this procurement to forty percent (40%), in order to provide a secure, standardized assessment and to maintain the security of confidential information for the New York State examinations and exam-related materials.

- 4. Additionally, there seems to be an inherent contradiction in your requirements. You are asking for a minimum 30% MBE/WBE (who are by definition subcontractors) but then a 30% maximum subcontractor percentage. It would not be possible to manage to that level of precision.**

The M/WBE participation goal of 30% can be met through the purchase of labor, services, supplies and materials from New York State certified minority and women-owned firms. Supplies and materials are not subject to the subcontracting limit and can be used to achieve the MWBE goal. The subcontracting limit only pertains to non-employee direct personal services and related incidental expenses, including travel.

- 5. What does a “partial waiver” or a “total waiver” entail (with regards to the M/WBE utilization plan)?**

In order to request a partial waiver or a total waiver of the participation goals for this procurement, bidders must provide documentation of their good faith efforts to obtain the use of certified M/WBE enterprises along with their bid proposal forms, as described in the RFP. (See the M/WBE Participation Goals Pursuant to Article 15-A of New York State Executive Law section of the RFP for additional information.)

If you need assistance in meeting the goals, you may contact NYSED’s MWBE Coordinator (MWBE@nysed.gov) to provide you with a list of NYS certified M/WBE firms.

- 6. If a “partial waiver” or a “total waiver” to the M/WBE utilization plan is requested, how does that affect our chances of being awarded the contract?**

Bidders must comply with MWBE requirements as stated in the RFP in order to be considered for an award.

If you need assistance in meeting the goals, you may contact NYSED’s MWBE Coordinator (MWBE@nysed.gov) to provide you with a list of NYS certified M/WBE firms.

- 7. Our independent contractors are NOT considered subcontractors, correct? Subcontracting, as defined in the RFP, would be us using another company instead of directly contracting with translators?**

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 translators who are independent contractors as opposed to staff would be considered subcontracting and would fall under the forty percent (40%) subcontracting limit.

**8. Is the SDVOB participation rate of 6% mandatory or optional?**

Bidders are strongly encouraged to use SDVOBs to the maximum extent possible. The participation rate of 6% is suggested.

**9. What is the contract budget?**

There is no designated maximum budget for this RFP. Bidders must develop cost proposals that are consistent with the deliverables described. Please keep in mind that the RFP employs a “best value” method of procurement, with thirty percent (30%) of the overall points awarded pursuant to a formula that assigns the highest score to the budget that reflects the lowest overall cost. Bidders are encouraged to submit budgets that are cost effective.

**10. How much are you currently paying for the services?**

The cost per page of translation that NYSED is currently paying for the five “Base Languages” is listed in the chart below. NYSED currently does not contract for the translation into the four “additional” languages.

<b>Language</b>	<b>Cost per Page of Translation</b> (including all associated and incidental costs) <b>9/1/17 to 8/31/18</b>
Chinese (Traditional)	\$110.08
Haitian Creole	\$112.31
Korean	\$112.33
Russian	\$112.42
Spanish	\$101.47

**11. Please provide information on the Department's payment terms (i.e., in how many days can the contractor expect the payment following the submission of an invoice)?**

Payments are generally made within 30 days of the service being completed satisfactorily **and** a complete invoice being received by the payment office specified in the contract. As noted on pages 15-16 of the RFP (“Contract Payments”), invoices should be submitted quarterly for work completed within that quarter.

**12. What is the per page rate NYSED is paying for each of the 5 base languages and each of the 4 additional languages under the current contract?**

The cost per page of translation that NYSED is currently paying for the five “Base Languages” is provided in the answer to question 10. NYSED does not currently contract for the translation into the four “additional” languages.

- 13. On the Budget Form – Cost Proposal, it says that the Weighted 5-year average price per page translated from English into all nine languages will be based on an estimated annual page count of 538 pages for Spanish and 378 pages for all languages other than Spanish. For clarification, the 378-page count is the estimate for all other language combined, correct? It’s not 378 for each of the other languages, correct?**

Thank you for bringing this inaccuracy to our attention. We are amending Appendix B (see attached) with correct formulas to reflect the annual estimated page count for each language. For clarification, the 378-page count is the annual estimate for **each** of the eight languages other than Spanish. 378 is not a combined page count of all of the other eight languages.

- 14. What is a weighted price? “Lowest weighted 5-year average price per page”**

The weighted price is a means of calculating the points awarded to each bidder’s cost proposal. As illustrated on the Appendix B Cost Proposal, the weighted price is an average of all languages, with the price of the “base” languages counted twice and the “additional” languages counted once. The cost scoring formula awards the highest score of thirty (30) points to the proposal that reflects the lowest weighted 5-year average price per page.

- 15. At what rates are services currently being offered by the incumbent?**

Please see the answer to question 10.

- 16. Will NYSED consider alternate pricing structures, such as per word rates?**

No.

- 17. With regards to the “5-year rates” and “10-year rates”, would we (as an agency) be locked into those rates for a five- or ten-year period? Or would there be room for negotiation later on?**

The price per page translated from English into “base” languages and into the “additional” languages submitted on the winning bidder’s APPENDIX B Cost Proposal becomes part of the contract awarded from this procurement and will be fixed throughout the contract term. The contract awarded from this RFP will be a five-year contract term. NYSED cannot determine any details regarding rates beyond year five.

- 18. Are there any glossaries, reference files, or translation memories that may be leveraged for cost savings?**

Yes. As guides in preparing new test translations, the contractor must use NYSED-developed bilingual glossaries, translated reference tables, and translations of past editions of the examinations. In using these guides, the contractor must consult with NYSED, if the contractor believes that a term found in the guides, reference tables, or past editions would not provide the best translation.

**19. What is the incumbent's per page rate for base languages and additional languages?**

Please see the answer to question 10.

**20. Can the translation be done remotely?**

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" and Attachment B: Security Guidelines for the New York State Assessment Program. The contractor must ensure that all access to test materials by contractor staff or subcontractors in any location conforms to these guidelines.

**21. NDA requirement: All of our employees, contractors and subcontractors are already required to sign confidentiality agreements. We have more than 10,000 employees and at least 15,000 linguists. The individuals who work on your projects could change from day to day or even hour to hour. As such, it would not be practical to have each of them sign a separate NDA. Will you accept our NDA in place of yours?**

No. The Non-Disclosure Agreement provided in the RFP must be used by the contractor.

**22. Penalty: We could not agree to a penalty of this magnitude especially as what constitutes an error can be extremely subjective.**

The bidder awarded the contract from this procurement must agree to the provisions for liquidated damages listed on page fourteen of this RFP. NYSED determines that an applicable error has occurred only when one or more errors are found in the translation provided by the contractor that requires NYSED to notify schools of an adjustment in what constitutes an acceptable student response for an exam question or requires the elimination of an exam question from consideration in scoring. For an example of the type of error that would fall under this provision, please see [Important Notice for the June 2009 Earth Science Regents Exam - Spanish Edition](#).

**23. If separate specifications in the RFP can be addressed through replies involving overlapping or repeated information:**

- **Should the proposal include the same reply in response to each of those specifications, or**
- **Should one section of the proposal directly address the topic while another section of the proposal simply notes a reference to that first section in order to reduce the overall length of the submitted proposal?**

Proposals should be prepared simply and economically. If separate specifications in the RFP can be addressed through replies involving overlapping or repeated information, one section of the proposal should directly address the topic while another section of the proposal should note a reference to that first section, citing the appropriate section and page(s) to be reviewed.

**24. Could we submit samples from within those eight pages (maybe 200 – 250 words), which would be more in line with usual industry practice for size of a sample translation?**

No. Two pages each for the subjects of Mathematics, Science, and Social Studies must be translated, in their entirety, by the bidder into the specified nine languages.

**25. On page 9, the different subjects listed in the table along with their corresponding page counts are all part of the Regents Exams, correct?**

No. The different subjects listed in the table are all Regents Exams except for the last two rows.

**26. What is the name of the vendor NYSED is currently using for this contract?**

The current contractor is TransPerfect Translations International, Inc.

**27. For clarification, each exam that is administered in each of the three (3) administrations (January, June, August) will have a new set of documents with those page counts for each subject, correct? (i.e. each new exam that is administered in each of the three (3) administrations will have an Algebra I section containing 24-36 pages, Geometry section containing 28-32 pages etc.)?**

Yes. Each exam that is administered in each of the three administrations (January, June, August) will have a new set of documents, with the approximate page counts for each subject as listed in the chart on page 9 of the RFP.

**28. On page 9, are Grade 4 Science and Grade 8 Science sections ONLY part of the June administration exam?**

The Grade 4 Science and Grade 8 Science Tests are administered once in the spring from the end of May through the beginning of June.

**29. Contract start date is September 1, 2018. What is the estimated date of notification of contract award?**

NYSED anticipates notifying bidders of the results and tentative award during summer 2018.

**30. Regarding Pg. 10 - "Minimum requirements for translators employed on this project" "Number 4 - a credential in translation or certification in translation through a professional organization" What are acceptable forms of a credential (especially for languages in which certification is not available)**

- a. Will CCHI or IMIA interpreter accreditation be acceptable?
- b. Will passage of the New York State or Other State Court Certification exams be acceptable
- c. Will a proz.com credential be accepted?

Acceptable forms of a credential or certification in translation through a professional organization is defined as a document that verifies an individual's qualification or competence issued by a third-party with the relevant authority to issue such credentials. The term credential encompasses educational certificates, degrees, certifications, and government-issued licenses. The organizations listed in a, b, and c above, would be acceptable, if the documentation explicitly indicates a credential in written word translations. If there are no existing universal credentials for a specific

language translation, the bidder's technical proposal must indicate this in the appropriate sections of the proposal.

**31. Are contract awardees allowed to use CAT tools?**

Upon NYSED approval, CAT tools may be used by the contract awardee if these tools do not contraindicate any requirements set forth in this RFP.

**32. Would any translation memories, term bases or other products created by a translation tool during the scope of the project would also need to be delivered to NYSED at the close of the project (separate and apart from the style guide?)**

NYSED is the sole owner of outputs resulting from the work proposed in this RFP, including, but not limited to, translated operational examinations generated under this contract. Translation memories, term bases, or other products created by a translation tool during the scope of the project would not need to be delivered to NYSED at the close of the project when they do not become part of an output resulting from the work proposed in this RFP.

**33. Please elaborate on Pg. 21 the statement “The proposal must communicate an understanding of the deliverables of this RFP.... identify potential problems in the conduct of the deliverables and methods to identify and solve such problems.”**

Page 21 describes how the bidder's technical proposal should be written in order to achieve the maximum score when evaluated by raters. The proposals from the bidder must:

- convey a thorough understanding of NYSED's needs,
- describe how NYSED's needs will be met,
- identify any potential problems meeting NYSED's needs, and
- identify how the vendor will resolve potential problems meeting NYSED's needs.

**34. What is the process for scoring the sample translations? Are these scored by individuals working for NYSED, the Office of Bilingual Education, or an outside agency?**

The sample translations will be scored by individuals working for NYSED.

**35. The expectations of the sample translations are that they will reflect the same formatting standards as indicated in the English version. Some language may take more space or less space especially when translating potential figures of speech such as in the political cartoon. How much variation in font size or other small adjustments to accommodate formatting are acceptable.**

NYSED recognizes that the fonts used in some of the translated languages may take more space and/or less spaces. The vendor translating exams for NYSED may adjust font sizes only as much as necessary to retain the pagination in the English edition.

**36. For the “Mathematics Sample 2017” should decimals or commas be changed to reflect the language or should all punctuation in math be kept as they would appear in an English textbook? For example, in certain languages the money symbol is placed after the dollar amount or commas are used instead of decimals to reflect dollar amounts.**

Yes. All punctuation should be changed to reflect the language it is being translated into. As reference, please see [January 2018 Translated Editions: Regents Examination in Algebra I](#).

**37. Should names such as “Marty” be changed for a more culturally appropriate name like “Mohammed” or should all names remain as they appear in the English text?**

All names should remain as they appear in the English text.

**38. Should headers and footers be translated?**

Only “[Over]” should be translated. But, please add the language’s name in the footer in English. Please see [Translated Editions: Regents Examination in Algebra I](#) as reference.

**39. Should additional annotations such as “use this space” be translated?**

Yes. Additional annotations should be translated.

**40. Should numbers remain in English (Arabic) numerals or should numbers also be translated in the target text?**

Numbers should appear as they would in the language that they are being translated into.

**41. Who is the incumbent vendor for this bid?**

The current contractor is TransPerfect Translations International, Inc.

**42. Have you had issues/problems/concerns with the incumbent vendor and if so, please describe them.**

NYSED has had no issues/concerns with the incumbent vendor.

**43.a Can the New York State Education Department (NYSED) provide us with volume estimates for translation services that will be required as part of any contract resulting from this RFP?**

The volume estimates for translation services that will be required as part of the contract resulting from this RFP are provided in the estimated average English page counts of 538 pages for Spanish translations and 378 pages for each of the other eight (8) languages.

**43.b Approximately how many words of translation will be required?**

NYSED has estimated English page counts to estimate volume for the translation services required in the contract that results from this RFP. See NYSED’s [Past Examinations](#) for an estimated word count for past examinations.

**44. Is the list of materials on page nine an exhaustive list of materials to be translated as part of this RFP? If there are additional materials to be translated, please specify, along with approximate length.**

The chart on page 9 is not an exhaustive list of materials to be translated as part of this RFP. The contractor may be required to translate any examination in the content areas



of math, science, and social studies, and examination-related materials requested by NYSED, into the languages requested by NYSED. The chart lists the materials that are anticipated to be required during the contract period. This information is subject to change at the sole discretion of NYSED. Some materials will require new translations on only an intermittent basis. NYSED does not make any guarantee as to the actual volume of work that will be required during the contract term.

**45. Can NYSED provide historical usage data for the translation services requested as part of this RFP?**

NYSED has been providing translations of certain exams for many years. These translations have been prepared by various translation companies, consultants, and NYSED staff members. Bidders may refer to [Past Examinations](#) for a depiction of the formatting, page counts, and other aspects of past translated editions. Note that all exams listed in the RFP will most likely need to be translated as part of the contract resulting from this RFP.

**46. Please specify how many translator resumes per language do you require with the submission? Do the resumes have to bear the name of the translators or personally identifiable information can be redacted (e.g. Arabic translator No. 1)?**

A resume for all translators on the project should be submitted with this submission. The resume should bear the name of the translator. Any other personally identifiable information may be redacted. Bidders may include the names and resumes of the translators in its "Request for Exemption from Disclosure Pursuant to the Freedom of Information Law."

**47. Is submission of translators' certificates mandatory or reference to certifications in the resumes suffices?**

Reference to certifications in the resumes suffices.

**48. With regards to a secure web portal being used to handle translations, would it be acceptable for our agency to make it clear that we plan on obtaining a secure web portal before the translation work begins?**

The bidder should describe, in the technical proposal, the organization's ability to provide the required services of this RFP electronically via a secure, password-protected portal (SFTP) from the point in time that the translation work is to begin under the terms of the new contract resulting from this RFP.

**49. Is there an incumbent currently performing duties similar to those described in the RFQ? If yes, please identify the company or person(s). How long have you been working with the incumbent company or person(s)?**

The current contractor is TransPerfect Translations International, Inc. See NYSED's contract history with the incumbent at the [NYS Office of the State Comptroller's OPEN BOOK](#).

**50. Why are you considering changing vendors?**

The incumbent's current contract will expire 08/31/2018. New York State ("State") agencies must procure commodities, services, and technology in accordance with Article 11 of the New York State Finance Law.

**51. Is a list of prospective bidders for this RFP available? If so, please provide that list or its accessible location online.**

A list of prospective bidders for this RFP is not available.

**52. How will our proposal be stored, and who will have access to the proprietary information contained therein?**

All proposals submitted under this RFP will be stored both in hard copy and electronically by NYSED and may also be stored by the Office of the State Comptroller (OSC). Proposals are generally stored for a minimum of six years following the end of the resulting contract. Staff will have access to the proposals in order to perform the following functions: administrative review and scoring of the proposals, responding to debriefing requests or award protests, preparation of the resulting contract and procurement record, audit of the resulting contract and procurement record, oversight and management of the resulting contract, and providing necessary information to Department management, oversight bodies, auditors, or the general public. Proprietary information clearly labeled as such will be kept secured to the extent feasible. Please note that all records held by state agencies are subject to disclosure under NYS's Freedom of Information Law (FOIL), unless they fall under specific exemptions noted in the law. Any proprietary material considered confidential by the bidder should specifically be so identified by the bidder, and the basis for such confidentiality will be specifically set forth in the proposal by submitting the form "Request for Exemption from Disclosure Pursuant to the Freedom of Information Law," located in 5.) Submission Documents.