



# TEXAS HIGHER EDUCATION COORDINATING BOARD

Request for Offers (RFO)

ApplyTexas Development

**No. 781-3-28085**

Texas Higher Education Coordinating Board  
1801 N. Congress Ave., Suite 12.200  
Austin, Texas 78701

**NIGP Code: 915-96**

**Solicitation Post Date:** September 26, 2022  
**Written Questions Deadline:** October 6, 2022, at 11:30 p.m. CT  
**Proposal Deadline:** October 26, 2022, at 11:30 p.m. CT

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## 1. Introduction

The Texas Higher Education Coordinating Board (THECB) is a state agency that provides leadership and coordination for Texas higher education. THECB is issuing this Request for Offers (RFO) for a vendor or vendors with deep experience in platform development to develop and possibly host and maintain the ApplyTexas system, as further detailed below.

Texas Education Code § 51.762 requires THECB to adopt a common admission application form for use by persons seeking admission to various types of institutions of higher education. THECB has adopted rules governing the common admission application (hereinafter referred to as ApplyTexas), which can be found in Texas Administrative Code, Title 19, Part 1, Chapter 4, Subchapter A, § 4.10. THECB staffs and maintains the ApplyTexas Advisory Committee (ATAC) established by Texas Education Code § 51.762, and in accordance with Texas Administrative Code, Title 19, Chapter 1, Subchapter G, §§ 1.128-1.134. THECB also convenes, as needed, a negotiated rulemaking committee as authorized under Texas Education Code § 61.0331 to aid in considering the adoption of a policy, procedure, or rule relating to an admission policy regarding the common admission application under Texas Education Code § 51.762.

The current ApplyTexas system was created through a collaborative effort between THECB and the colleges and universities represented on the ApplyTexas website. The goal of the project is to offer a centralized means for both Texas resident students and non-Texas resident students to apply to the many outstanding postsecondary institutions available in Texas. The technology stack of ApplyTexas is currently hosted and maintained by an outside institution, the University of Texas at Austin, under contract with and at the direction of THECB. In addition to the applications for admissions, the ApplyTexas system includes a scholarship application and the high school counselor suite (Counselor Suite), which allows high school counselors and authorized users to track admission application status and Free Application for Federal Student Aid (FAFSA) submission status for students attending their high school. There is also a network of Helpdesks designed to respond to the needs of applicants, institutions, and high school counselors. Additionally, there are a series of regular public reports designed to reflect data such as the number of applicants, applications completed, and the distribution of activities by high school, district, region, and institution. Enhancements to the ApplyTexas applications for admissions, its administrative suite, and the high school counselor service will be coordinated through THECB staff with the advisement of the statutorily established ATAC.

THECB's new strategic plan, *Building a Talent Strong Texas*, sets a goal that at least 60% of working-age Texans (25-64) will attain a postsecondary credential of value by 2030. Texas institutions of higher education will propel graduates into lasting, successful careers that equip them for continued learning and greater earning potential, with no or

manageable debt. Higher education institutions will accelerate research, development, and innovation to ensure Texas remains competitive into the future.

To reach these ambitious goals, the state must have an ApplyTexas system that better serves three key groups of users: applicants, institutions of higher education, and K-12 partners. THECB seeks a vendor or vendors with deep experience in platform development to develop and possibly host and maintain ApplyTexas. THECB is most interested in approaches that enable students to seamlessly use their data to apply to a wide range of well-matched schools but is also open to implementation of an off-the-shelf product, or hosting and improving the existing system. The current code and patterns are the intellectual property of THECB and will be made available to the entity maintaining the ApplyTexas system subject to the terms and conditions of any executed contract or agreement. The Awarded Respondent may engage (as part of its proposal) subcontractors for targeted pieces of this work. It is crucial that all target users can move seamlessly to any updated version or versions of ApplyTexas.

Awarded Respondent and THECB will partner to ensure that particular attention is focused on students and populations who have historically been underrepresented in Texas higher education institutions, including African American, Hispanic, rural, and economically disadvantaged students, and the K-12 schools and districts that predominantly support these students.

Updating the ApplyTexas system provides a unique chance to make ApplyTexas itself into an engine of opportunity for students. Along with parallel work underway at THECB, this project will help propel more learners into high-quality post-secondary programs and to obtain the economic security that comes with a college degree.

## **2. Minimum Eligibility Requirements**

### **2.1 Experience**

Respondents must have a minimum of ten (10) years' experience providing services like those described below in Section 3. Scope of Work. An entity or company in existence for fewer than ten years is eligible to submit a proposal if key personnel on the proposal team have the minimum required experience. Respondents who do not meet this requirement are not eligible for award.

THECB encourages Historically Underutilized Businesses to compete for this award.

## **2.2 Qualifications**

### **2.2.1 *Company Profile***

Respondents must demonstrate their knowledge and expertise of the environment (e.g., platforms, software, applications, security, network, tools, etc.) for which the work is to be performed. Respondents' employees and/or subcontractors must have the appropriate background experience to perform the work required under this RFO. Respondents must submit a Company Profile that outlines their experience and expertise in the area of platform development and redesign, including their capability to perform the required services.

The following shall be included with the Company Profile:

- Organization chart;
- Management team resumes;
- Key personnel resumes, illustrating the qualifications of each individual to perform the services described in this RFO;
- Examples of products that Respondent has developed and maintained for at least one year, with evidence of successful iterative feature development during maintenance; and
- If subcontractors will be utilized, key personnel resumes, illustrating the qualifications of each subcontracted individual to perform the services described in this RFO.

### **2.2.2 *Key Staff and Qualifications of Key Staff***

Respondents must provide staff who are fully knowledgeable of the work required under this RFO. Proposed key staff must have the appropriate background skills, knowledge, experience, and training. Evidence of qualifications must be included in the Company Profile.

## **3. Scope of Work**

### **3.1 Technical Requirements**

Awarded Respondent will follow best practices standards, as outlined by THECB, to develop and possibly host and maintain ApplyTexas. The technical requirements for this project include, but are not limited to, the following tasks:

- 3.1.1 Work with THECB to follow a process for engineering that involves regular updates and feedback from a small number of THECB staff.

- 3.1.2 Propose a technical solution for the ApplyTexas system that includes a service orientated architecture with THECB-approved security controls in place. The proposed technical solution will be subject to THECB acceptance.
- 3.1.3 Use and provide THECB with access to workflow management tools (THECB uses Azure DevOps Services) and other means of ensuring documentation of development for later use and updating. Any additional fees for these tools should be included in Respondent's proposed pricing.
- 3.1.4 Ensure payment processing goes through Texas.gov, which achieves Payment Card Industry Data Security Standard (PCI DSS) compliance.
- 3.1.5 Integrate Identity and Access Management with THECB's Azure AD/Azure AD B2C architecture.
- 3.1.6 Propose whether the solution will be hosted by Respondent or by THECB. In either case, proposal must follow the requirements listed in Attachment A.
- 3.1.7 If proposing a new system to be hosted by THECB, develop the site within the Microsoft Azure cloud, using cloud-native architecture and processing tools.
- 3.1.8 Create ongoing maintenance recommendation that accounts for regular iteration and development in order to properly understand future costs and commitments.
- 3.1.9 Provide the option of customer support via live telephone conversations and other means, including email with a one (1) business day response time and an online knowledge base. THECB may opt to contract for this service separately. Respondent should provide pricing specific to customer support.

If proposing a new ApplyTexas system, Respondent should submit a detailed plan for managing the migration of current data user experiences into the new system with its proposal. The plan should demonstrate an understanding and commitment to creating equitable advising experiences for student populations who have traditionally been underserved.

### **3.2 Deliverables and Service Requirements**

Awarded Respondent will create an improved user experience for the ApplyTexas system for three user groups: applicants, institutions of higher education (IHEs), and K-12 partners.

### 3.2.1 *User Group: Applicants*

ApplyTexas is a crucial tool to propel current and future Texans to high-quality educational programs and credentials of value. Awarded Respondent will develop or update a human-centered design that makes applying to programs easy and intuitive, while allowing students to discover high-quality programs where they are likely to succeed.

Awarded Respondent will:

- 3.2.1.1 Synthesize existing data and research on what works for propelling learners to apply and matriculate to programs with high completion rates into a product strategy.
- 3.2.1.2 Propose metrics that define success for this work and develop a dashboard for tracking.
- 3.2.1.3 Document current captured data elements and gain THECB sign-off on their continued use or adaptation.
- 3.2.1.4 Explore ways to speed a student's application by using data the user has already provided to the state or Awarded Respondent.
- 3.2.1.5 Propose additional data elements, if any, that would add value to IHEs and support more equitable outcomes for students.
- 3.2.1.6 Propose a consolidation of data elements and questions, if possible, that speed student completion while maintaining IHEs' ability to complete their work and meet their mission.
- 3.2.1.7 Implement controls to reduce false negatives in student data through auto-completion based on other data sources.
- 3.2.1.8 Build an integration with key district Student Information Systems to allow importing of existing records such as grade point average (GPA) and course history.
- 3.2.1.9 Provide a way for students to review their existing records so that they can contact their school for any errors (updating records is not a requirement of this system – a student who notices an error will need to contact his or her school and have them update the data for later consumption).
- 3.2.1.10 Propose strategies to create common student identifiers that allow for real time data exchange across Texas systems, including potentially aligning with Ed-Fi version 3 (information available here: <https://techdocs.ed-fi.org/>).



- 3.2.1.11 Integrate with THECB's customer relationship management (CRM), Salesforce, to allow for real time reporting.
- 3.2.1.12 Propose content and programmatic updates to other Tri-Agency (THECB, Texas Education Agency, and Texas Workforce Commission) digital properties that reference or support ApplyTexas.
- 3.2.1.13 Develop a content strategy that prioritizes equity and Search Engine Optimization (SEO).
- 3.2.1.14 Create asynchronous support articles to support student usage.
- 3.2.1.15 Include a prominent link to comparative employment data, including institution data (costs of tuition, graduation rate, other), in compliance with Texas Education Code § 7.040.
- 3.2.1.16 Complete development on applicant-facing components of ApplyTexas by May 15, 2023, to the extent reasonably feasible, for full public launch on July 1, 2023.

### **3.2.2** *User Group: Institutions of Higher Education*

Texas postsecondary institutions rely on ApplyTexas and are generally stretched thin on both admissions staff and technology support. It will be crucial that the interface for these users be easy to use and require minimal setup or maintenance.

Awarded Respondent will:

- 3.2.2.1 Regularly engage with the existing ApplyTexas Advisory Committee (managed and coordinated by THECB) to provide updates on progress and gather feedback.
- 3.2.2.2 Deliver student application data to IHEs using a format that is agreed upon with THECB. Currently data is delivered using the Electronic Data Interchange (EDI) format (via a National Student Clearing House SPEEDE Server), which requires manual conversion by many institutions. THECB is interested in delivery mechanisms that automatically integrate data into common CRMs and Student Information Systems (SISs) via Application Programming Interface (API).
- 3.2.2.3 Allow for delivery of data directly into application management tools used by IHEs, namely Slate, Workday, and Salesforce.
- 3.2.2.4 Ensure all student data, including data imported from the Texas Education Agency and other state systems, meet the highest standards for security and encryption.

- 3.2.2.5 Continue to accept annual updates to IHE-specific application settings in a similar format and schedule as the current system.
- 3.2.2.6 Maintain a network of Helpdesks designed to respond to the needs of applicants, institutions, and high school counselors.
- 3.2.2.7 Support IHEs on integration and data transition through September 30, 2023.
- 3.2.2.8 Develop, maintain, and publish a series of regular reports designed to reflect data including, but not limited to, the numbers of applicants, applications completed, and the distribution of activities by high school, district, region, and institution.
- 3.2.2.9 Provide reporting capabilities that allow IHEs to monitor the student application process and perform data analytics on application patterns. Reporting should at least cover the existing system's tools, but THECB is interested in adding additional value to IHEs here.
- 3.2.2.10 Provide set-up and training for all participating institutions served through the ApplyTexas system.
- 3.2.2.11 Provide a downloadable and fillable Portable Document Format (PDF) copy of ApplyTexas applications.
- 3.2.2.12 Propose additional data elements, if any, that would add value to IHEs and support more equitable outcomes for students.
- 3.2.2.13 Complete development on IHE-facing components of ApplyTexas by March 3, 2023, to the extent reasonably feasible, for integration work and training.

### **3.2.3 *User Group: K-12 Partners***

Texas K-12 partners rely on the ApplyTexas Counselor Suite and play a critical role supporting student decision making. The Counselor Suite is a tool used by high school counselors to track student progress in completing ApplyTexas and FAFSA applications.

Awarded Respondent will:

- 3.2.3.1 Provide functionality equivalent to the current Counselor Suite, allowing counselors to:
  - View a list of students at their school who have started or completed admissions applications;
  - Link to individual student admission application details to review application progress;

- View a list of students at their school who have started or completed a FAFSA and Texas Application for Financial Aid (TASFA); and
  - Create reports on student admission applications and FAFSA and TASFA filing status.
- 3.2.3.2 Continue to support authorization of users into the Counselor Suite through the existing Educational Service Center process, or by proposing a new solution that allows for validating that a user is authorized.
- 3.2.3.3 Complete development on components of Counselor Suite by March 3, 2023, to the extent reasonably feasible, to give time for training and adoption.

### **3.3 Acceptance Criteria**

Awarded Respondent shall comply with the following acceptance criteria:

Actionable Deliverables which successfully meet all requirements outlined in the RFO shall be provided by the specified dates. Any changes to delivery dates must have THECB's prior written approval.

All Deliverables must be submitted in a format approved by THECB. THECB has the sole responsibility of determining the completeness of Awarded Respondent's work. THECB will complete a review of each submitted deliverable within fifteen (15) business days from the date of receipt.

In the event THECB does not approve a Deliverable, Awarded Respondent will be notified in writing with the specific reasons. Awarded Respondent will have fifteen (15) business days to correct the unaccepted Deliverable.

Awarded Respondent shall correct any latent defects identified after the acceptance of a Deliverable (where appropriate) at no additional charge to THECB.

## **4. Reports and Meetings**

### **4.1 Reports**

Awarded Respondent is required to provide reports in the format and manner prescribed by THECB throughout the life of the project including:

- Monthly status reports; and
- Artifacts and reporting consistent with an Agile development process.

## 4.2 Meetings and Communication Plan Between Meetings

Meetings may be scheduled via teleconference/videoconference or in-person as mutually agreed upon between THECB and Awarded Respondent. Ad hoc meetings may occur, as necessary. Awarded Respondent must maintain communications to address issues that arise between meetings or progress reports.

## 5. Payment and Pricing Terms

### 5.1 Pricing

Respondent's pricing must be all-inclusive, covering all services, costs, and fees required to provide all deliverables described in this RFO, including personnel costs and all other necessary expenses required in the performance of the contract or purchase order. Respondent's pricing should include both upfront development costs as well as any applicable estimated one-time or ongoing licensing or maintenance fees or costs. If the solution will result in an added internal cost for THECB, Respondent's pricing should note that as well. Respondents must clearly delineate between the different cost types in their response.

Respondent shall propose pricing based on key deliverables/milestones using the format below or similar format to adequately describe deliverables and pricing structure. Submit this information on an EXCEL document.

Respondent Pricing Sheet		
Deliverable No.	Deliverable Name/Description	Price
1.		

### 5.2 Payment Terms and Award Summary

Awarded Respondent will be reimbursed for deliverables completed and approved by THECB. Awarded Respondent will submit invoices to THECB that detail the itemized associated costs of the services rendered or deliverables completed.

To the extent Awarded Respondent is not a Texas state agency, THECB will make payments for services in accordance with the Texas Prompt Payment laws, Texas Government Code §§ 2251.001-.055. If Awarded Respondent is a Texas state agency, THECB will make payments for services in accordance with the Interagency Cooperation Act, Texas Government Code §§ 771.001-.010.

Awarded Respondent agrees not to begin or provide any services until the issuance of a contract or purchase order by THECB. THECB does not guarantee specific compensation to Awarded Respondent throughout the term of the contract or purchase order. Awarded Respondent is not guaranteed minimum compensation.

THECB will not apply for credit nor will THECB prepay. THECB shall pay, subject to the terms of the Texas Prompt Payment laws, upon the receipt of a properly submitted invoice after all goods and services have been received and applicable Deliverables have been approved by THECB.

At THECB's discretion, THECB will award the contract or purchase order to the most qualified Respondent(s) successfully meeting the criteria and conditions as outlined in this RFO.

### **5.3 Invoices**

Upon completion of a deliverable and acceptance by THECB based on the requirements and acceptance criteria set forth in this RFO, Awarded Respondent may submit an invoice to THECB setting forth amounts due in accordance with Terms and Conditions.

Prior to any payment being made, THECB shall certify that the goods and services being invoiced have been received and approved for payment by THECB. Payments will be made in accordance with Section 5.2 above.

### **5.4 Payment Instructions**

To receive payment, Awarded Respondent must submit an invoice to [accountspayable@highered.texas.gov](mailto:accountspayable@highered.texas.gov) and the designated THECB Contract manager(s). The invoice must include the following minimum information:

1. Respondent's mailing and e-mail (if applicable) address;
2. Respondent's telephone number;
3. The name and telephone number of a person designated by Respondent to answer questions regarding the invoice;
4. THECB's name, agency number (781), and delivery address;
5. The THECB purchase order number, if applicable;
6. The contract number or other reference number, if applicable;
7. A valid Texas identification number (TIN) issued by the comptroller;
8. A description of the goods or services, in sufficient detail to identify the order which relates to the invoice;
9. The unit numbers corresponding to the amount of the invoice, if applicable;
10. If submitting an invoice after receiving an assignment of a contract, the TIN of the original contractor and the TIN of the successor vendor; and
11. Other relevant information supporting and explaining the payment requested.

## **6. Contract or Purchase Order Term and Termination**

The contract or purchase order shall commence upon execution of a contract or purchase order by THECB with Awarded Respondent. The total contract term will be determined at a later date prior to contract execution. THECB reserves the right to award multiple contracts as a result of this RFO. Notwithstanding the foregoing, the development phase of the ApplyTexas system shall be completed no later than September 30, 2023.

Subject to proper approvals, the Parties may amend the contract or purchase order to extend the term, provided both Parties agree in writing to do so, prior to the expiration date. Any extensions shall have the same terms and conditions, plus any approved changes.

## **7. Terms and Conditions**

See Attachment D, Anticipated Contract.

## **8. Additional Terms and Conditions**

### **8.1 Awarded Respondent Responsibilities**

THECB shall look solely to Awarded Respondent for compliance with all the requirements of this RFO and the resulting contract or purchase order. Awarded Respondent shall be the sole point of contract responsibility and shall not be relieved of non-compliance of any subcontractor.

Failure to meet service requirements and/or specifications authorizes THECB to procure services of this RFO elsewhere and charge any increased costs for the services, including the cost of re-soliciting, to Awarded Respondent.

### **8.2 Intellectual Property Rights in Software**

THECB and Awarded Respondent acknowledge and agree that intellectual property or other property produced, generated, or created in connection with the contract or purchase order that Awarded Respondent had not previously produced, generated, or created, either completed or partially, shall be THECB's sole property and all rights, title, and interest in and to the work product shall vest in THECB upon payment for the services. To the extent any pre-existing material or property is utilized in the development of the solution(s) discussed herein, Awarded Respondent warrants that it is licensed to use the material or property. Further, Awarded Respondent acknowledges that the ensuing agreement between THECB and Awarded

Respondent will award to THECB an irrevocable license to utilize any pre-existing material or property required for the maintenance of the solution(s) discussed herein.

### **8.3 Confidentiality**

Except as required by applicable law, including but not limited to Texas Government Code Chapter 552, Awarded Respondent, including its employees, agents, board members, and subcontractors, shall not: i) disclose to any third-party the business of THECB, details regarding the website or application, including, without limitation any information regarding the website and application code, the specifications, or THECB's business (the "Confidential Information"); (ii) make copies of any Confidential Information or any content based on the concepts contained within the Confidential Information for personal use or for distribution unless requested to do so by THECB; or (iii) use Confidential Information other than solely for the benefit of THECB.

### **8.4 Public Information Act Disclosures**

THECB is a government agency subject to the Texas Public Information Act (PIA), Texas Government Code §§ 552.001-.376. The proposal and other information submitted to THECB by Respondent are subject to release as public information. The proposal and other submitted information shall be presumed to be subject to disclosure unless a specific exception applies to disclosure under the PIA. **If it is necessary for Respondent to include proprietary or otherwise confidential information in its proposal or other submitted information, Respondent must clearly label that proprietary or confidential information and identify the specific PIA exception that applies to disclosure. Merely making a blanket claim that the entire proposal is protected from disclosure because it contains some proprietary information is not acceptable and shall make the entire proposal subject to release under the PIA.**

In order to trigger the process of seeking an Attorney General Opinion on the release of proprietary or confidential information, the specific provisions of the proposal that are considered by Respondent to be proprietary or confidential must be clearly labeled as described above. Any information which is not clearly identified as proprietary or confidential shall be deemed to be subject to disclosure pursuant to the PIA. Respondent is required to make any information created or exchanged with the state pursuant to the solicitation or contract, and not otherwise excepted from disclosure under the PIA, available in a format that is accessible by the public at no additional charge to the state.

Respondent, by submitting a proposal, shall thereby be irrevocably deemed to have fully indemnified and agreed to defend THECB from any claim of infringement in the

intellectual rights of Respondent or any third party for any materials appearing in the proposal.

## **8.5 FERPA Confidentiality and Data Governance Provisions**

Privacy. Awarded Respondent warrants that it has experience incorporating privacy by design into deliverables and agrees to integrate privacy into all products to ensure data protection. Awarded Respondent will be responsible for effectuating consent management to ensure ApplyTexas users are able to determine whether to share personal data for purposes outside of the processing of an application. Awarded Respondent agrees to comply with the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, and the implementing federal regulations, 34 C.F.R. Part 99, 1; the Children’s Online Privacy Protection Act (COPPA); Individuals with Disabilities Education Act (IDEA), and all other state and federal privacy laws. Awarded Respondent acknowledges that, if access to FERPA-protected or other confidential data is necessary for completion of the work under this RFO, Awarded Respondent will not have access to FERPA-protected or other confidential data until Awarded Respondent and THECB first execute a Data Sharing Agreement governing that data.

Data Security. Awarded Respondent warrants that it has a sound data security program, that, at a minimum, meets industry standards, which protects both data at rest and data in transmission. Awarded Respondent shall ensure that proper information security controls are in place and shall comply with all requirements and security protocols found in Title 1, Texas Administrative Code, Chapter 202, Texas Cybersecurity Framework Standards, and other applicable laws, including FERPA. Awarded Respondent shall notify THECB of any data breach involving education records, personally identifiable information (PII), or any other confidential or sensitive information *not later than twenty-four (24) hours after discovery of a security incident that may constitute a data breach.*

Awarded Respondent shall immediately mitigate any such breach and ensure that any disrupted services are timely and without delay, brought back into service. Awarded Respondent shall be responsible for any data breach notifications and damages that are required by state or federal law and shall coordinate such notification with THECB. This section shall survive termination of the agreement.

Cloud Computing/TX RAMP. Respondent represents and warrants that it has demonstrated compliance with the requirements of the Cloud Computing State Risk and Authorization Management Program found in Texas Government Code § 2054.0593. (See also <https://dir.texas.gov/texas-risk-and-authorization-management-program-tx-ramp>.) Respondent further agrees to maintain program compliance and certification throughout the term of the engagement with THECB.



Pursuant to Texas Government Code § 2054.138, to the extent that Awarded Respondent is authorized to access, transmit, use, or store THECB data, Awarded Respondent agrees to meet all security controls that THECB determines are proportionate with THECB's risk under the contract or purchase order based on the sensitivity of the THECB data.

## **8.6 Technical Documents**

All technical documents developed or procured by Awarded Respondent shall not be proprietary in nature, such that THECB is limited in the use of such documents. If any such documents are proprietary, including training materials, Awarded Respondent must identify such documents and provide THECB with any technical support and training for use of such documents, prior to the transfer of such documents to THECB.

## **8.7 Cybersecurity Training and Insurance**

Awarded Respondent represents and warrants that it will comply with the requirements of Texas Government Code § 2054.5192 relating to cybersecurity training and required verification of completion of the training program. Awarded Respondent further warrants it will obtain and maintain cyber security insurance coverage, including both first- and third-party coverage, covering claims involving privacy violations, information theft, damage to or destruction of electronic information, intentional and/or unintentional release of confidential information, alteration of electronic information, extortion, and network security.

## **8.8 Data Center Services Utilization**

Texas Government Code § 2054.391 requires THECB to utilize the services of the Data Center Services (DCS) program for all hosted solutions, unless otherwise approved by the Department of Information Resources (DIR) through a Data Center Services Exemption. Awarded Respondent warrants that all hosted solutions offered in response to this RFO (including custom developed application, commercial off-the-shelf (COTS), and Portal or Website managed content) will be hosted in the DCS program, using either public or private cloud compute and DCS managed services provided, or alternatively, if Respondent intends to propose a Software as a Service (SaaS), then Awarded Respondent warrants that the solution clearly meets the National Institute of Standards and Technology standard definition of SaaS. Further, if Respondent intends to propose a SaaS, Respondent acknowledges that THECB will be required to request and receive a DCS program exemption from DIR before a purchase order or Contract can be awarded to Respondent. Respondents should provide one technical solution: either SaaS or DCS hosted and managed. For more information, see Attachment A: Department of Information Resources (DIR) Shared Technology Services Policy Document.

## 9. Schedule of Events

### 9.1 Due Date for Proposals

Respondents shall submit proposals to THECB no later than the Proposal Due Date indicated in the Calendar of Events section below. Proposals received after the Proposal Due Date will be rejected for being late and will not be considered for evaluation.

### 9.2 Calendar of Events

The solicitation process for this RFO will proceed according to the schedule below. THECB reserves the right to revise this schedule or any portion of this RFO by published addendum on THECB's website and on the Electronic State Business Daily.

EVENT	DEADLINE
Publication of RFO	September 26, 2022
Last Day to Submit Written Questions	October 6, 2022, at 11:30 p.m.
THECB's Anticipated Response to Written Questions	October 12, 2022
Proposal Due Date and Time	October 26, 2022, at 11:30 p.m.
Post-Proposal Presentations, if Required	November 2-4, 2022
Anticipated Contract Start Date	December 1, 2022

THECB will only accept written questions and requests for clarification via email to the Point of Contact listed below. THECB will post responses to written questions on the THECB website.

### 9.3 Point of Contact

Respondents shall direct all inquiries, written questions, requests for clarification, and communications concerning this RFO to the Point of Contact listed below. Inquiries and comments must reference RFO No. 781-3-28085.

Jacqueline Boilard  
Office of General Counsel  
Texas Higher Education Coordinating Board  
[eBids@highered.texas.gov](mailto:eBids@highered.texas.gov)

Please Note: Jacqueline Boilard is the only THECB point of contact. Contact or attempted contact with other THECB employees, including Commissioners and their staff, may result in a Respondent's immediate disqualification.

All THECB responses must be in writing to be binding. Any information THECB deems to be important and of general interest or which modifies requirements of the RFO shall be provided in the form of an addendum to the RFO on THECB's website.

## 10. Proposal Format and Content (Required)

### 10.1 RFO Attachments

This RFO also includes the following attachments, which are posted on THECB's website and the Electronic State Business Daily:

Attachment A: Department of Information Resources (DIR) Shared Technology Services Policy Document

Attachment B: Execution of Proposal (Required), including the following:

1. Respondent Information
2. Texas Family Code § 231.006(c)
3. Texas Government Code § 669.003
4. Preferences
5. Exceptions to Terms and Conditions
6. Respondent Acknowledgement
7. Signature

Attachment C: HUB Subcontracting Plan (Required)

Attachment D: Anticipated Contract (for Reference Only)

Attachment E: Conflict of Interest Disclosure Statement (Required)

If Respondent does not have any known or potential conflict of interest, the proposal should include such a statement. **Failure to provide either a statement on potential conflicts of interest or a statement that no potential conflicts exist shall automatically disqualify the Respondent.**

### 10.2 Organization of the Proposal for Submission

Proposals must be submitted to the Point of Contact by an authorized representative via email to [eBids@highered.texas.gov](mailto:eBids@highered.texas.gov) and received by THECB prior to the deadline. The subject line of the email shall be entitled "Proposal Submitted for RFO No. 781-3-28085, ApplyTexas Development." THECB recommends a limit of 75 MB for each attachment.

Proposals must include all required attachments in the order outlined below and be in the format described herein. THECB will not accept attachments received after the

proposal deadline. Failure to submit all required information shall make the proposal nonresponsive and thus disqualified from consideration.

Respondents are solely responsible for thoroughly understanding this RFO and its attachments. Any questions concerning this RFO should be directed to the Point of Contact by the Deadline for Submitting Questions identified in Section 9.2.

Respondents are cautioned to pay particular attention to the clarity and completeness of their proposal. Respondents are solely responsible for their proposal and all documentation submitted. Respondent's proposal shall be as precise, accurate, and succinct as possible. Respondent shall provide detailed descriptions of how it will fulfill each requirement. The clarity and completeness of a proposal may be considered by THECB evaluators.

No mailed, hand-delivered, or faxed proposals will be accepted.

**Proposal shall include:**

Respondent shall submit a total of three (3) files:

1. Excel document;
2. Portable Document File (PDF) No. 1; and
3. PDF No. 2.

**The following are part of the THECB's administrative review. Failure to submit any items or submitting incomplete items will result in deeming the proposal unresponsive.**

- The Excel document shall contain the pricing as described in Section 5.1.
- PDF No. 1 shall contain responses to the following in this order:
  1. Minimum Eligibility Requirements under Section 2. and all subsections of Section 2.
  2. Response to Scope of Work under Section 3. and all subsections of Section 3.
  3. A minimum of three (3) references, including contact information. THECB prefers references from clients for whom Respondent has performed similar work, including other state agencies. Do not use THECB or any individuals employed by THECB as a reference.

- PDF No. 2 shall contain the following four items:

1. Transmittal Letter:

Respondent shall provide a Transmittal Letter addressed to the Point of Contact that identifies the person or entity submitting the proposal and includes a commitment by that person or entity to provide the services required by THECB through this RFO.

The Transmittal Letter must be signed by a person legally authorized to bind Respondent. The letter must specifically identify that the proposal is in reference to ApplyTexas Development.

**The Transmittal Letter must include the following language:**

- “The proposal enclosed is binding and valid at the discretion of THECB.”
- “The enclosed proposal is good for ninety (90) days.”
- Terms and Conditions Acceptance/Exceptions
  - *“Full acceptance of the terms and conditions described in this Request for Offers;”* or
  - *Provide a list of exceptions to the terms and conditions in Respondent’s Transmittal Letter. Any exceptions to this RFO must be specifically noted in the letter. If Respondent takes any exceptions to any provision of this RFO, these exceptions must be specifically and clearly identified by section and Respondent’s proposed alternative must also be provided. Please note as an agency of the state of Texas, THECB is bound to comply with all applicable state and federal procurement and contract laws. Exceptions to required terms and conditions may disqualify the proposal from further consideration. Respondent cannot take a “blanket exception” to the entire RFO. If any Respondent takes a “blanket exception” to this entire RFO or does not provide proposed alternative language, the proposal may be disqualified from further consideration.*

Any terms and conditions attached to a proposal will not be considered unless specifically referred to in this RFO and Respondent’s attachment of such terms and conditions to a proposal may disqualify the proposal.

Respondents are strongly encouraged to submit written questions during the inquiry period regarding any terms and conditions of this RFO.

The proposal shall include all information required in this RFO. Respondent is solely responsible for thoroughly understanding the RFO and its attachments. Questions should be directed to the Point of Contact by the Deadline for Submitting Questions. Respondent is solely responsible for its proposal and all documentation submitted.

2. Execution of Proposal (Attachment B)
3. HUB Subcontracting Plan (Attachment C)
4. Conflict of Interest Disclosure Statement (Attachment E)

The Conflict of Interest Disclosure Statement is required and must be attested to by an unsworn declaration. Respondents shall be neutral and impartial, shall not advocate specific positions to THECB. Respondents shall identify the extent, nature, and length of these relationships or engagements. Entities having a conflict of interest, as determined by THECB, will not be eligible for vendor selection.

If a Respondent does not have any known or potential conflict of interest, the proposal should include such a statement. **Failure to provide either a statement on potential conflicts of interest or a statement that no potential conflicts exist shall automatically disqualify Respondent.**

This Conflict of Interest Disclosure Statement shall be signed by the highest-ranking officer of Respondent's entity having responsibility for vetting corporate conflicts of interest, e.g., a corporate Executive Vice President rather than the head of an operating or regional unit of the firm.

THECB will determine whether a conflict of interest or the perception of a conflict of interest exists from the perspective of a reasonable person uninvolved in the matters covered by the resulting contract or purchase order. THECB is the sole arbiter of whether a conflict or the appearance of a conflict of interest exists.

THECB encourages Respondents to provide complete disclosure of matters that might be considered a conflict of interest. Completeness of disclosure may be a factor in evaluating proposals.

Each Respondent must also address how it intends to ensure that no interest arising or potentially arising as a result of its activities or those of its parent, affiliate, or other related entity shall conflict with Respondent's duty should it be selected to provide these services.

THECB may not enter a contract with a person it has employed within the past twelve (12) months. Persons who have been employed by THECB or by another state agency in Texas more than twelve (12) months but fewer than twenty-four (24) months ago shall disclose in the proposal the nature of previous employment with the state agency and the date the employment ended.

NOTE: THECB, as a state agency, is prevented by the Texas Constitution from indemnifying a Respondent. Respondent is discouraged from including a term in its proposal that requires THECB to indemnify it. Such a term may result in the proposal being deemed nonresponsive.

### **10.3 Additional Considerations**

- All written deliverables must be phrased in terms and language that can be easily understood by non-technical personnel (e.g., laypersons without subject matter expertise).
- All items of any contract or purchase order shall be done in accordance with Awarded Respondent Responsibilities.
- THECB may request oral presentations.

## **11. Proposal Evaluation Criteria**

THECB will review and score responsive proposals according to the Evaluation Criteria outlined in the table below. The relative weight of each criterion is indicated by the percentage indicated in the right-hand column. THECB will consider both the final weighted score as well as the average ranking when making vendor selection(s).

Criteria	Weight
<b>Price (10%):</b> <ul style="list-style-type: none"> <li>• Cost estimate demonstrates best value to the state. Cost will be evaluated both for any proposed upfront development and for ongoing maintenance costs (both those paid to vendor and those incurred by internal teams) and as such all submissions should clearly delineate among different cost types.</li> </ul>	10%
<b>Strength of Project Work Plan (50%):</b> <ul style="list-style-type: none"> <li>• Proposal satisfactorily addresses Scope of Work in Section 3, including all subsections;</li> </ul>	20%
<ul style="list-style-type: none"> <li>• Work plan demonstrates an understanding and commitment to creating equitable advising experiences for student populations who have traditionally been underserved;</li> </ul>	10%
<ul style="list-style-type: none"> <li>• Proposal supports students using their data to apply to the widest set of schools at which they will be competitive for admission and likely to graduate; and</li> </ul>	5%
<ul style="list-style-type: none"> <li>• Proposal has a detailed plan for managing the migration of current data and user experiences into new system.</li> </ul>	15%
<b>Timelines (10%):</b> <ul style="list-style-type: none"> <li>• Project plan provides an acceptable and reasonable timeline for implementation.</li> </ul>	10%
<b>Experience and Qualifications (30%):</b> <ul style="list-style-type: none"> <li>• Examples of past projects demonstrate ability to complete a project of comparable scope and complexity;</li> <li>• References demonstrate strength of past work;</li> <li>• Core business model aligns with development and maintenance of services to be provided;</li> <li>• Staff profiles demonstrate appropriate experience and skills to complete work; and</li> <li>• Track record of successfully maintaining products that vendor has developed.</li> </ul>	30%
<b>Total</b>	<b>100%</b>

THECB will consider the best value for the state, as directed by Texas Government Code § 2157.003, when selecting a Respondent, in addition to the Evaluation Criteria above. THECB may select none, one, or more than one vendor for this project. THECB will be the sole judge of best value. Best Value criteria may include, but is not limited to:



- a) The proposal that best meets the goals and objective as stated in this RFO;
- b) The proposal that indicates Respondent's ability to reliably perform the required tasks/deliverables described in this RFO;
- c) Respondent's ability to adhere to the schedule and delivery terms (if applicable);
- d) Respondent's experience in providing services in this RFO;
- e) Past Vendor Performance: In accordance with Texas Government Code §§ 2155.074 and 2262.055, vendor performance may be used as a factor in the award (if applicable); and
- f) Other factors relevant to determining the best value for the state in context of this particular purchase (i.e., certifications/licensure, reference checks, pricing, etc.).

**Award Notice.** If the RFO is awarded, THECB will post a Notice of Award on the Electronic State Business Daily (ESBD). However, there is no guarantee that an award, any contract, or purchase order will result from this RFO. **THECB will not respond to inquiries regarding procurement status.**