

**STATE OF NEW HAMPSHIRE
DEPARTMENT OF EMPLOYMENT SECURITY (“NHES”)**

**REQUEST FOR PROPOSAL
RFP# NHES 2022-03
IDENTITY VALIDATION AND VERIFICATION SERVICES**

ADDENDUM #2

RESPONSES TO RFP# NHES 2022-03, SECTION 4B, PROPOSAL INQUIRIES. This Addendum #2 to RFP NHES 2022-03 includes timely responses to proposer inquiries received by the required date of November 3, 2021, as follows:

- 1) For verification, I believe by “documents” in Scope of Work #1, you are referring to drivers licenses, state ID cards, etc. Is this correct?

NHES Response: NHES is referring to all state issued government identification documents including driver’s licenses, state resident identification cards and will consider validation solutions that can also review and validate other types of government issued identification documents including without limitation United States issued passports.

- 2) Is the State of New Hampshire interested in technologies and services that typically compliment ID verification? (Ineligibility due to incarceration, furlough/return-to-work notifications, others)?

NHES Response: For purposes of this Request for Proposals (RFP), NHES is interested only in those items listed in the requested scope of services.

- 3) Is there any interest in scrubbing previously-approved cases in bulk to identity potential fraudulent filings?

NHES Response: No. For purposes of this Request for Proposals, NHES is interested in those items listed in he requested scope of services.

- 4) Whether companies from Outside USA can apply for this? (like,from India or Canada)

NHES Response: Yes

- 5) Whether we need to come over there for meetings?

NHES Response: Yes

- 6) Can we perform the tasks (related to RFP) outside USA? (like, from India or Canada)

NHES Response: No

**STATE OF NEW HAMPSHIRE
DEPARTMENT OF EMPLOYMENT SECURITY (“NHES”)**

**REQUEST FOR PROPOSAL
RFP# NHES 2022-03
IDENTITY VALIDATION AND VERIFICATION SERVICES**

ADDENDUM #2

7) Can we submit the proposals via email?

NHES Response: No

8) To provide accurate pricing, please provide the number (or estimated number) of document authentications needed per month or per year.

NHES Response: NHES anticipates annual transactions ranging from 20,000-200,000.

9) For pricing in Attachment A, we can provide either (1) a firm monthly fixed price for a volume level that suits your needs, or (2) a cost-per-transaction fee. Which option does NHES prefer?

NHES Response: NHES prefers a cost-per-transaction fee but will consider any price proposal that complies with the terms of the RFP and Attachment A and provides better value.

10) RFP section 8, subsection C, requires Proposers to submit during this inquiry any requested changes to Appendix A Standard Terms and Conditions. We respectfully request NHES amend this section to allow proposers to include requested changes in the proposal for consideration during a separate negotiations period. This would facilitate understanding among all parties by allowing discussions.

NHES Response: No, NHES will not amend this section of the RFP. Changes to the standard terms and conditions need to have been submitted as instructed.

If NHES cannot allow this approach, please consider our requested changes to Appendix A below. For each change NHES cannot accept at this time, please indicate if it can be reserved for negotiations.

- **Section 4**

- Please change the second sentence to read: “If sufficient funds are not appropriated or allocated for payment under this contract for any future fiscal period, The State may terminate this contract after the end of the current fiscal period without penalty or further obligation except for payment of amounts due up to the effective date of termination.”
- Please remove “if ever” in the 3rd sentence.

**STATE OF NEW HAMPSHIRE
DEPARTMENT OF EMPLOYMENT SECURITY (“NHES”)**

**REQUEST FOR PROPOSAL
RFP# NHES 2022-03
IDENTITY VALIDATION AND VERIFICATION SERVICES**

ADDENDUM #2

NHES Response: No, NHES is not agreeable to the requested changes to Section 4.

- **Section 8 – Please substitute the following language in its entirety for Section 8**
 - 8.1 Any one or more of the following intentional acts or omissions of the Contractor shall constitute an event of default hereunder (“Event of Default”):
 - Section 8.1.1 failure to perform the Services as defined within the Agreement on schedule;
 - Section 8.1.2 failure to submit any report required hereunder; and/or
 - Section 8.1.3 failure to perform any other material covenant, term or condition of this Agreement.
 - Section 8.2 Upon the occurrence of any Event of Default, the State may take any one or all, of the following actions:
 - Section 8.2.1 give the Contractor a written notice specifying the Event of Default and requiring it to be remedied within, in the absence of a greater specification of time, thirty (30) days from the date of the notice; and if the Event of Default is not timely cured, terminate this Agreement, effective ten (10) days after giving the Contractor prior written notice of termination;
 - Section 8.2.2 give the Contractor a prior written notice specifying the Event of Default and suspending all payments to be made under this Agreement and ordering that the portion of the contract price which would otherwise accrue to the Contractor during the period from the date of such notice until such time as the State determines that the Contractor has cured the Event of Default shall never be paid to the Contractor;
 - Section 8.2.4 give the Contractor a prior written notice specifying the Event of Default, treat the Agreement as breached, terminate the Agreement and pursue any of its remedies at law or in equity, or both.
 - Section 8.3 No failure by the State to enforce any provisions hereof after any Event of Default shall be deemed a waiver of its rights with regard to that Event of Default, or any subsequent Event of Default. No express failure to enforce any Event of Default shall be deemed a waiver of the right of the State to enforce each and all of the provisions hereof upon any further or other Event of Default on the part of the Contractor.
 - **Add new Section 8.4** “Notwithstanding the foregoing or any other provision in this Agreement, the State shall pay Contractor for all work that has been performed prior to terminating or suspending the Contract under this provision.”

NHES Response: No, NHES is not agreeable to the requested changes to Section 8.

**STATE OF NEW HAMPSHIRE
DEPARTMENT OF EMPLOYMENT SECURITY (“NHES”)**

**REQUEST FOR PROPOSAL
RFP# NHES 2022-03
IDENTITY VALIDATION AND VERIFICATION SERVICES**

ADDENDUM #2

- **Add new Section 10.4** – Notwithstanding the foregoing, “data” shall not include data from Contractor’s commercial database.

NHES Response: No, NHES is not agreeable to the requested changes to Section 10.4.

- **Add new section 10.5** – Contractor will return all copies of Customer Data provided upon termination of this contract and shall remove all such Customer Data, including back up and archival copies, maintained by Contractor except Customer Data that Contractor is required to retain to meet its legal and regulatory requirements. Where such retention is required, Contractor shall delete all Customer Data promptly upon such requirements permitting deletion. Contractor will continue to maintain the confidentiality of any Customer Data during the period of retention. No Confidential Information will be used by Contractor for any future purposes that are not specifically authorized by the Customer.

NHES Response: No, NHES is not agreeable to the proposed change to add the new section 10.5.

- **Section 12.1** – Please insert the following after the first sentence: “Notwithstanding the foregoing, Contractor may freely transfer or assign this Contract upon written notice to the State, but without consent to: (i) any affiliate of Contractor, including without limitation, any parent, division or subsidiary of RELX Inc; or (ii) any successor in interest to Contractor. The assignor/transferor shall remain liable for correct performance of this Agreement by the assignee/transferee.”

NHES Response: No, NHES is not agreeable to the change requested in Section 12.1.

- **Section 12.2** – Please add at the end, “The definition of Subcontractor shall specifically exclude Contractor’s third parties and affiliates that Contractor uses for the benefit of all customers who access the online services.”

NHES Response: No, NHES is not agreeable to the change requested in Section 12.2.

- **Section 13** – Please insert in the first sentence after “subcontractors,”: “as a result of the gross negligence or willful misconduct of the Contractor, or subcontractors.”

NHES Response: No, NHES is not agreeable to the change requested in Section 13.

**STATE OF NEW HAMPSHIRE
DEPARTMENT OF EMPLOYMENT SECURITY (“NHES”)**

**REQUEST FOR PROPOSAL
RFP# NHES 2022-03
IDENTITY VALIDATION AND VERIFICATION SERVICES**

ADDENDUM #2

- **Section 14.3** – Insert on the fourth line from the beginning of the clause after the word “furnish” the words “upon written notice”.

NHES Response: No

- **Section 17** – Begin the sentence, “Except as otherwise provided in this Agreement,”...

NHES Response: No

- **Section 20** – Begin the sentence: “Except as otherwise provided in this Agreement,”...

NHES Response: No

- 11) **Section 24** – After the words “This Agreement,” please add “inclusive of Contractor’s terms and conditions included herein and made part thereof,”.

NHES Response: No

- 12) In order for [vendor] to provide accurate pricing, would you be able to provide is with the closest estimate of annual transaction volume of unemployment claimants?

NHES Response: NHES anticipates annual transactions ranging from 20,000-200,000.

- 13) As a point of clarification for question #2 on the RFP we wanted to confirm that “linkage between the claimed identity and the person presenting the documentation” could be provided through facial recognition technology.

NHES Response: Yes, but facial recognition technology is a disfavored solution and should not be the primary means of satisfying this component.

**STATE OF NEW HAMPSHIRE
DEPARTMENT OF EMPLOYMENT SECURITY (“NHES”)**

**REQUEST FOR PROPOSAL
RFP# NHES 2022-03
IDENTITY VALIDATION AND VERIFICATION SERVICES**

ADDENDUM #2

14) As a point of clarification for question #1 we were hoping you would be able to provide a list of acceptable “identity documents” that would be accepted through the unemployment compensation process?

NHES Response: NHES is referring to all state issued government identification documents including driver’s licenses, state resident identification cards and will consider validation solutions that can also review and validate other types of government issued identification documents including without limitation United States issued passports.

15) Can offshore resources be used?

NHES Response: No

16) Is a NH Certificate of Good Standing required with the proposal submission or upon award?

NHES Response: The Certificate of Good Standing is required at the time of contract execution with the selected vendor.

17) Is a bid bond needed in the RFP response?

NHES Response: No

18) Is NHUIS open for integration?

NHES Response: Yes

19) Are APIs available to integrate into the NHES web based benefit application platform, NHUIS?

NHES Response: No, the vendor will be expected to provide the APIs that NHES will use for integration with NHUIS.

20) Can you provide additional details on how vendors will be expected to integrate with NHUIS?

NHES Response: Please refer to the description of requested services contained in the published RFP, specifically Section 3 Proposed Scope of Work. NHES expects to be providing the selected vendor with minimal customer information in order to achieve the outcomes desired in the RFP.

**STATE OF NEW HAMPSHIRE
DEPARTMENT OF EMPLOYMENT SECURITY (“NHES”)**

**REQUEST FOR PROPOSAL
RFP# NHES 2022-03
IDENTITY VALIDATION AND VERIFICATION SERVICES**

ADDENDUM #2

21) Can you share who developed the NHUIS?

NHES Response: Deloitte Consulting LLP

22) Can the New Hampshire Employment Security (NHES) define acceptable Identification Documents?

NHES Response: NHES is referring to all state issued government identification documents including driver’s licenses, state resident identification cards and will consider validation solutions that can also review and validate other types of government issued identification documents including without limitation United States issued passports

23) Does NHES Anticipate the vendor will do the integration into New Hampshire Unemployment Insurance System (NHUIS)?

NHES Response: No

24) Does NHES anticipate that vendor collected data will be transferred to NHUIS or simply not kept by the vendor?

NHES Response: NHES neither anticipates the need nor will it be permissible for the vendor to retain any data as part of the services to be performed pursuant to a contract resulting from this RFP. All data used for purposes of identity validation and verification must be transferred to NHUIS.

25) How many verification transactions does NHES anticipate per year?

NHES Response: NHES anticipates annual transactions ranging from 20,000-200,000.

26) How many verification transactions will be repeat verification transactions?

NHES Response: NHES anticipates a limited number of repeat verification transactions.

27) Will the customer need to verify their identity each time they file, or only the first time?

NHES Response: Customers will need to verify their identity through an assortment of processes and mechanisms but for purposes of the services requested under this RFP, this verification will only occur at the time of filing an initial claim.

**STATE OF NEW HAMPSHIRE
DEPARTMENT OF EMPLOYMENT SECURITY (“NHES”)**

**REQUEST FOR PROPOSAL
RFP# NHES 2022-03
IDENTITY VALIDATION AND VERIFICATION SERVICES**

ADDENDUM #2

28) Will NHES want to verify the identities of existing customers?

NHES Response: We do not anticipate that at this time.

29) If so, how many existing customers would need to be verified?

NHES Response: We do not anticipate that at this time. However, if needed in the future, this will be dependent upon business needs at the time and will be determined at that point.

30) Will the State of New Hampshire consider receiving proposal responses via email because of covid restrictions? If vendors deliver their proposal responses in person, do they need to make special arrangements with the State of New Hampshire, Dept. of employment Security in advance to drop off their proposal response?

NHES Response: No. There are currently no public health restrictions in the State of New Hampshire that would prevent vendors from being able to deliver timely responses by any of the allowed methods, including “U.S. Mail, Delivery Service or In Person”. In person delivery will be accepted at the mail room entrance located at the east end of the building.

31) Will the Department consider extending the Due date of the proposal two weeks?

NHES Response: No

32) Can you please confirm the total volume (number of records) anticipated to provide Identity Verification Process? Please also provide the expected total number of records to be processed per year.

NHES Response: NHES anticipates annual transactions ranging from 20,000-200,000.

33) Can you please provide detail about Identity Information received from the Department (ex. During Web application login page)?

NHES Response: Please refer to the terms and conditions of the published RFP, specifically Section 3 Proposed Scope of Work.

34) We understand the Department anticipates a fixed-cost based response. However, would you accept responses for a transaction-based SaaS solution? If yes, please explain how to update the cost sheet presented in Attachment A.

**STATE OF NEW HAMPSHIRE
DEPARTMENT OF EMPLOYMENT SECURITY (“NHES”)**

**REQUEST FOR PROPOSAL
RFP# NHES 2022-03
IDENTITY VALIDATION AND VERIFICATION SERVICES**

ADDENDUM #2

NHES Response: NHES will accept fixed and variable cost proposals that are transaction based and provide for on-demand processing in as real time as possible as further detailed in the RFP and allowed on Attachment A.

35) How should we leverage the cost proposal form to include volume-based cost for this proposal?

NHES Response: NHES will accept fixed and variable cost proposals that are transaction based and provide for on-demand processing in as real time as possible as further detailed in the RFP and allowed on Attachment A.

36) From Section 3 Bullet 7: Please define what it means to never leave the NHUIS site. For this validation process, is the intention to always remain on a New Hampshire URL? If so, does the NHES team have agency resources capable of building the necessary screens to capture identity documents and facial images? If not internal, does the agency have contracted resources that are capable of building those screens for capture? This can be accomplished but would require significant professional services cost/time. The fastest and least expensive implementation of this kind of service uses a vendor hosted URL that seamlessly moves the user from NHUIS to document verification process and back to NHUIS. Using this already developed workflow will save the agency money and drastically reduce project timelines. These answers will help us determine whether we need to system integrator/development partner included in our proposal to build this for you.

NHES Response: As described in the RFP, the technological solution must be capable of being fully integrated into the NHES web based benefit application platform, NHUIS. Further, the services proposed in response to this RFP must be structured in such a way that the experience for the New Hampshire customer is seamless and feels as if they have never left the NHUIS system. For further details and requirements please refer back to Section 3 Proposed Scope of Work as contained in the RFP.

37) Will the solution described in this RFP be utilized for all new applications for unemployment? If yes, what is the projected annual transaction volume through this platform (or number of annual unemployment applications for the department)? If there are other scenarios where this solution will be used, please provide that volume as well.

NHES Response: NHES anticipates annual transactions ranging from 20,000-200,000.

**STATE OF NEW HAMPSHIRE
DEPARTMENT OF EMPLOYMENT SECURITY (“NHES”)**

**REQUEST FOR PROPOSAL
RFP# NHES 2022-03
IDENTITY VALIDATION AND VERIFICATION SERVICES**

ADDENDUM #2

38) There is no requirement for the work to be performed on site in the RFP so can the work for this project be performed remotely? Is there any on site requirement?

NHES Response: Yes, the work can be performed remotely.

39) Are there any required key project staff?

NHES Response: The selected vendor will be expected to make key project staff available as necessary to timely deliver the proposed solution. These key project staff will be identified during the contract process.

40) Can a third-party ID service be called by the application if it is transparent to the claimant and the claimant does not have to go between different websites?

NHES Response: As described in the RFP, the technological solution must be capable of being fully integrated into the NHES web based benefit application platform, NHUIS. Further, the services proposed in response to this RFP must be structured in such a way that the experience for the New Hampshire customer is seamless and feels as if they have never left the NHUIS system. For further details and requirements please refer back to Section 3 Proposed Scope of Work as contained in the RFP.

41) Please clarify the confirmation linkage required. What is meant by that and how it is recorded?

NHES Response: As indicated in Section 3 Proposed Scope of Work of the RFP confirmation of the linkage between the claimed identity and the person presenting the documentation is an optional item for the vendor to provide a solution.

42) These tasks are normally performed by an adjudicator if the claimant ID is not verified during the ID verification process. Is NH asking the vendor to investigate the document presented and not just verify the ID during the claim intake process?

NHES Response: Please refer to Section 3 Proposed Scope of Work as contained in the RFP.

43) What confirmation is required?

NHES Response: Please refer to Section 3 Proposed Scope of Work as contained in the RFP.

**STATE OF NEW HAMPSHIRE
DEPARTMENT OF EMPLOYMENT SECURITY (“NHES”)**

**REQUEST FOR PROPOSAL
RFP# NHES 2022-03
IDENTITY VALIDATION AND VERIFICATION SERVICES**

ADDENDUM #2

44) Is an outside service call that seamlessly integrates into the NHES application, OK?

NHES Response: As described in the RFP, the technological solution must be capable of being fully integrated into the NHES web based benefit application platform, NHUIS. Further, the services proposed in response to this RFP must be structured in such a way that the experience for the New Hampshire customer is seamless and feels as if they have never left the NHUIS system. For further details and requirements please refer back to Section 3 Proposed Scope of Work as contained in the RFP.

45) Does the state of NH have a document management system to collect and store documents or is the vendor required to include the document management system in their proposal?

NHES Response: NHES has an existing document management system that it intends to continue to utilize in conjunction with the requested technological solution requested in this RFP.

46) How does NHES define customizable? Would you provide examples?

NHES Response: Please refer to Section 3 Proposed Scope of Work as contained in the RFP.

47) Does the state currently gather documents from the claimant that would go through the new identity verification solution?

NHES Response: Yes

48) Will you provide a list of documents that a claimant may provide for verification and validation?

NHES Response: NHES is referring to all state issued government identification documents including driver’s licenses, state resident identification cards and will consider validation solutions that can also review and validate other types of government issued identification documents including without limitation United States issued passports.

49) Can additional documentation be required from the claimant to be used by the new identity verification solution or must this solution use solely the documentation already being collected from the claimant?

NHES Response: Vendors are free to propose any solution that meets the terms of the RFP.

**STATE OF NEW HAMPSHIRE
DEPARTMENT OF EMPLOYMENT SECURITY (“NHES”)**

**REQUEST FOR PROPOSAL
RFP# NHES 2022-03
IDENTITY VALIDATION AND VERIFICATION SERVICES**

ADDENDUM #2

50) Is NHUIS the only application that the proposed service integrates with or are there other applications?

NHES Response: NHUIS is anticipated to be the only application that the proposed solution will need to integrate.

51) What customer information (data points) do you expect to obtain via NHES web-based benefit application (NHUIS)? Does this include any data obtained from an uploaded document for identity purposes?

NHES Response: Customer information normal and customary in the process for applying for unemployment benefits is obtained by NHES and will remain housed with and be the property of and not be transferred for retention to the selected vendor. The NHES process does not include any data obtained from an uploaded document. However, any data that is proposed to be extracted by the vendor through their proposed solution will also be considered as to its value in aiding the identity validation and verification process.

52) Does NHES know where in the application process the customer will be required to interact with the validation and verification service? Are there any special circumstances that would require a verified customer to re-verify their identity?

NHES Response: NHES anticipates the technological solution requested in this RFP to be implemented at the initial stages of interaction with customers. There may be situations where a customer would need to re-verify their identity through the solution to be proposed in response to this RFP.

53) Does NHES have an expectation as to how long it should take a typical customer to provide the necessary information to verify their identity during the on-line experience to file for benefits?

NHES Response: Ideally this process will occur in as real time as possible.

54) Will NHES provide any metrics as to the typical volume of claim applications filed? Does NHES expect the identity verification process to occur once for every claim filed or can the process occur one to many times during a claim period?

**STATE OF NEW HAMPSHIRE
DEPARTMENT OF EMPLOYMENT SECURITY (“NHES”)**

**REQUEST FOR PROPOSAL
RFP# NHES 2022-03
IDENTITY VALIDATION AND VERIFICATION SERVICES**

ADDENDUM #2

NHES Response: NHES anticipates annual transactions ranging from 20,000-200,000. NHES anticipates the majority of claim applications requiring to go through the proposed solution once but there are circumstances and scenarios that could require multiple times.

55) Is there an ability for vendors to submit proposals by email or file transfer or must all proposals be hard copy mailed or delivered in person to the state?

NHES Response: Timely responses will need to be submitted by any of the allowed methods, including “U.S. Mail, Delivery Service or In Person”.

56) Section 2B. and Section 6H. seem to be in conflict. Is there a BAFO?

NHES Response: Please refer to the terms and conditions of the RFP.

57) Regarding Section 4- Process for submitting a proposal. Would NHES consider accepting proposals via email, rather than by mail/carrier?

NHES Response: Timely responses will need to be submitted by any of the allowed methods, including “U.S. Mail, Delivery Service or In Person”.

58) Can we provide the solution on a public cloud (e.g., AWS or GPC)?

NHES Response: Solutions may be proposed utilizing cloud infrastructure located and maintained within the United States compliant with all state and federal security standards.

59) Can you provide an estimated number of users who will register with the system each year? (We see the data for the historical number of enrollments per month for the last several years, but it has varied greatly recently due to Covid-19.)

NHES Response: NHES anticipates annual transactions ranging from 20,000-200,000.

60) Our pricing is dependent on the number of enrollments, so a “Firm-Fixed Price/Not to Exceed” pricing model, as is requested by NH, will not provide the lowest price for NH in many scenarios. Can we use other pricing models like (a) “per enrollment”, or (b) Fixed Price for up to a maximum number of Enrollees per year? Or can we state an assumption that a typical number of enrollments will be performed each year such for the price we offer?

NHES Response: The pricing requirements as contained in the RFP are quite flexible as described in Attachment to the RFP. NHES will accept fixed and variable cost proposals that are

**STATE OF NEW HAMPSHIRE
DEPARTMENT OF EMPLOYMENT SECURITY (“NHES”)**

**REQUEST FOR PROPOSAL
RFP# NHES 2022-03
IDENTITY VALIDATION AND VERIFICATION SERVICES**

ADDENDUM #2

transaction based and provide for on-demand processing in as real time as possible as further detailed in the RFP and allowed on Attachment A.

61) The requirements state that we must validate the ID document and optionally can link the ID Document to the user. Our solution provides these 2 functions as separate features, that are separately priced. To provide the most competitive price, should we just include the ID Document validation function in our base price and then provide an optional add-on price for performing the link between the ID Doc and the User?

NHES Response: NHES is unable to answer questions that ask for the state to provide advice and/or recommendations on how to submit a pricing proposal other than to direct the vendor to the requirements as contained in the RFP and specifically the pricing proposal instructions and format as contained on Attachment A to the RFP.

62) What level of identity verification are you looking for? (ex. document verification, KBA replacement, NIST standards)

NHES Response: Please refer to requirements contained in the RFP Section 3 Proposed Scope of Work.

63) Are you looking for a solution that only provides document verification, or do you prefer a solution that also confirms whether the claimant is the legitimate owner of the documents submitted?

NHES Response: Please refer to requirements contained in the RFP Section 3 Proposed Scope of Work.

64) Would you be interested in a solution that adheres to NIST 800-63-3 IAL2/AAL2 standards?

NHES Response: NHES is interested in any and all responses that comply with the terms and conditions of the RFP.

65) Would you prefer a solution with multiple ways to verify the identities of claimants like on-line self-service, live video chat, or in-person verification?

NHES Response: Please refer to requirements contained in the RFP Section 3 Proposed Scope of Work.

**STATE OF NEW HAMPSHIRE
DEPARTMENT OF EMPLOYMENT SECURITY (“NHES”)**

**REQUEST FOR PROPOSAL
RFP# NHES 2022-03
IDENTITY VALIDATION AND VERIFICATION SERVICES**

ADDENDUM #2

66) Are you interested in a solution that can utilize a claimant's mobile device as a method of verification to improve access and equity while also increasing security?

NHES Response: Please refer to requirements contained in the RFP Section 3 Proposed Scope of Work.

67) Are you interested in identity proofing solution options that could be physically located in your 12 full-services offices and/or other locations to serve claimants who may have no or limited internet and broadband access?

NHES Response: Please refer to requirements contained in the RFP Section 3 Proposed Scope of Work.

68) Regarding: "Proposed services may also include confirmation of the linkage between the claimed identity and the person presenting the documentation." Are you looking for successful verifications to be reported to NHES?

NHES Response: Yes, if this is a service that a vendor elects to include in the submitted response.

69) Can you describe the current architecture of the NHES web based benefit application platform, NHUIS?

NHES Response: Please refer to the terms and conditions of the RFP, specifically Section 3 Proposed Scope of Work.

70) Do you support open federated identity protocols like SAML 2.0, OAuth 2.0, and OpenID Connect for integration?

NHES Response: As described in the RFP, the technological solution must be capable of being fully integrated into the NHES web based benefit application platform, NHUIS. Further, the services proposed in response to this RFP must be structured in such a way that the experience for the New Hampshire customer is seamless and feels as if they have never left the NHUIS system. For further details and requirements please refer back to Section 3 Proposed Scope of Work as contained in the RFP.

71) Regarding: "The proposed solution must be customizable and be able to be seamlessly incorporated into the NHES platform and have the functional capacity to validate the

**STATE OF NEW HAMPSHIRE
DEPARTMENT OF EMPLOYMENT SECURITY (“NHES”)**

**REQUEST FOR PROPOSAL
RFP# NHES 2022-03
IDENTITY VALIDATION AND VERIFICATION SERVICES**

ADDENDUM #2

documentation supplied by the customer as being correct and genuine." What types of customization are you referring to?

NHES Response: As described in the RFP, the technological solution must be capable of being fully integrated into the NHES web based benefit application platform, NHUIS. Further, the services proposed in response to this RFP must be structured in such a way that the experience for the New Hampshire customer is seamless and feels as if they have never left the NHUIS system. For further details and requirements please refer back to Section 3 Proposed Scope of Work as contained in the RFP.

72) What is your expected volume? Approximately how many claimants apply for UC a year? How many of these claimants may be returning claimants vs. applying for the first time?

NHES Response: NHES anticipates annual transactions ranging from 20,000-200,000. NHES anticipates the majority of claim applications requiring to go through the proposed solution once but there are circumstances and scenarios that could require multiple times.

73) Would you be interested in a solution that can elevate the security of existing logins?

NHES Response: Yes, if this is a service that a vendor elects to include in the submitted response.

74) Would you be interested in a credential broker license solution?

NHES Response: Please refer to requirements contained in the RFP Section 3 Proposed Scope of Work.

75) After a claimant is successfully identity proofed, are you interested in allowing that claimant to use their credential to apply for other benefits like Rental Assistance?

NHES Response: Please refer to requirements contained in the RFP Section 3 Proposed Scope of Work.

76) Regarding: "Vendors must provide the proposed accuracy rate associated with the proposed solution together with a detailed explanation and supporting information to support such representation." Are you looking for the accuracy rate of legitimate claimants being able to verify, the accuracy rate of stopping fraudulent actors, or other information?

**STATE OF NEW HAMPSHIRE
DEPARTMENT OF EMPLOYMENT SECURITY (“NHES”)**

**REQUEST FOR PROPOSAL
RFP# NHES 2022-03
IDENTITY VALIDATION AND VERIFICATION SERVICES**

ADDENDUM #2

NHES Response: Please refer to requirements contained in the RFP Section 3 Proposed Scope of Work. The vendor should determine how best to respond to this required element in the RFP based upon prior relevant experiences implementing similar solutions.

77) By stating the solution "must be structured such that the NHES customer is never required to leave NHUIS", are you saying you want a solution that is fully integrated with the NHUIS system?

NHES Response: As described in the RFP, the technological solution must be capable of being fully integrated into the NHES web based benefit application platform, NHUIS. Further, the services proposed in response to this RFP must be structured in such a way that the experience for the New Hampshire customer is seamless and feels as if they have never left the NHUIS system. For further details and requirements please refer back to Section 3 Proposed Scope of Work as contained in the RFP.

78) Can you clarify the statement "All customer information submitted must remain the property of NHES"? Do you believe that the user owns their own data or that the state owns a user's data once they file for benefits?

NHES Response: Customer information normal and customary in the process for applying for unemployment benefits is obtained by NHES and will remain housed with and be the property of and not be transferred for retention to the selected vendor. Further, any information derived from the information provided by the customer during the solution requested in this RFP must also remain the property of NHES and not be transferred for retention to the selected vendor. However, any data that is proposed to be extracted by the vendor through their proposed solution will also be considered as to its value in aiding the identity validation and verification process.

79) Do you require submission via procurement vehicle?

NHES Response: Please refer to the terms and conditions contained within the RFP regarding submission requirements.

80) Can the pricing information provided in Attachment A be kept confidential in its entirety?

NHES Response: Please refer to the terms and conditions contained within the RFP regarding the process required to be followed by vendor should vendor desire any information contained in the submission to be considered as confidential and not subject to public inspection or release.

**STATE OF NEW HAMPSHIRE
DEPARTMENT OF EMPLOYMENT SECURITY (“NHES”)**

**REQUEST FOR PROPOSAL
RFP# NHES 2022-03
IDENTITY VALIDATION AND VERIFICATION SERVICES**

ADDENDUM #2

81) When do you anticipate selecting a vendor?

NHES Response: As soon as possible following the deadline for submission of proposals.

82) When do you desire to "go-live" with the selected vendor?

NHES Response: Following conclusion of the contracting process with the selected vendor.

83) How would you prefer us to submit multimedia? Is submission via one of the following methods acceptable: flash drive, email, submission via a secure portal?

NHES Response: Please refer to submission requirements contained in the terms and conditions of the RFP.

84) Are you interested in a solution that can provide fraud reporting and insights on potential threats from criminals on the dark web?

NHES Response: Any data that is proposed to be extracted by the vendor through their proposed solution or also provided by the vendor as part of the proposed solution will also be considered as to its value in aiding the identity validation and verification process.

85) Will you allow for electronic submission of proposals should inclement weather or natural disasters delay the delivery of paper submission past the due date of November 15?

NHES Response: No. Please plan accordingly and refer to the submission requirements contained in the RFP.

86) Given that Addendum #1 extended the proposer inquiry period to November 3rd, have the due dates for the "Final Agency Responses to Proposer Inquiries" or "Deadline for Proposers Submit Proposals" also been updated?

NHES Response: No

87) “Conditional Nature of Agreement”: Vendor requests the opportunity to discuss. In the event the State withholds payment due to a reduction or termination of appropriated funds, Vendor requests the right to reduce or terminate Services provided under the Agreement.

NHES Response: To the extent vendor is requesting changes to standard terms and conditions with this statement, NHES is not agreeable to any such changes to standard terms and conditions.

**STATE OF NEW HAMPSHIRE
DEPARTMENT OF EMPLOYMENT SECURITY (“NHES”)**

**REQUEST FOR PROPOSAL
RFP# NHES 2022-03
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ADDENDUM #2

88) “Contract Price/Price Limitation/Payment”: Vendor is comfortable with the State having a limit on its liability but requests that Section 5.2 be clarified. Vendor anticipates that the State may be liable to Vendor for damages in excess of payments made for services in certain circumstances – for example, if the State breaches any resulting contract.

NHES Response: To the extent vendor is requesting changes to standard terms and conditions with this statement, NHES is not agreeable to any such changes to standard terms and conditions.

89) “Event of Default/Remedies”: Vendor would like the opportunity to discuss this section. Vendor believes that if there is an event of default, Vendor should be given notice and an opportunity to cure prior to the State treating the contract as breached. Further, Vendor anticipates that the State would have to prove any damages the Vendor’s breach may have caused prior to any set off.

NHES Response: To the extent vendor is requesting changes to standard terms and conditions with this statement, NHES is not agreeable to any such changes to standard terms and conditions.

90) “Termination”: Section 8(D)(a) of the RFP identifies that: 1) the termination right shall be mutual, and 2) the notice period with respect to termination shall be sixty (60) days. Please confirm that this special term will supersede the Agreement language where there is a conflict between same.

NHES Response: To the extent vendor is requesting changes to standard terms and conditions with this statement, NHES is not agreeable to any such changes to standard terms and conditions.

91) “Data/Access/Confidentiality/Preservation”: Vendor requests this section be clarified. Vendor will license the solution, associated documentation, data, and embedded tools and utilities including all enhancements and modifications to the State and will maintain ownership of anything created or provided to the State during the course of this project that is intended for use by multiple clients. The State will own anything created for the State’s sole use. This is consistent with the ownership rights of our other clients and is necessary in order to protect all of our clients’ interests in Vendor’s proprietary software and documentation. Further, the Vendor requests the opportunity to discuss the return or destruction of State data. Vendor may need to retain State data backups for audit related purposes and de-identified State data in order to continue providing services.

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DEPARTMENT OF EMPLOYMENT SECURITY (“NHES”)**

**REQUEST FOR PROPOSAL
RFP# NHES 2022-03
IDENTITY VALIDATION AND VERIFICATION SERVICES**

ADDENDUM #2

NHES Response: To the extent vendor is requesting changes to standard terms and conditions with this statement, NHES is not agreeable to any such changes to standard terms and conditions. To the extent Vendor seeks to discuss data control and ownership, such details should be included in the vendor’s submitted proposal.

92) “Assignment/Delegation/Subcontracts”: Vendor requests that this be clarified so that the State may not unreasonably withhold consent.

NHES Response: To the extent vendor is requesting changes to standard terms and conditions with this statement, NHES is not agreeable to any such changes to standard terms and conditions.

93) “Indemnification”: Vendor requests this section be limited. Our practice is to indemnify the State from damages arising out of third party claims to the extent such damages are related to bodily injury, property damage or death or intellectual property infringement and to the extent they are caused by Vendor’s negligence or willful misconduct and not by other parties.

NHES Response: To the extent vendor is requesting changes to standard terms and conditions as they relate to indemnification, NHES is not agreeable to any such changes to standard terms and conditions.

94) “Additional Terms”: Vendor requests the ability to negotiate additional terms related to the services being provided including a limitation on the Vendor’s liability if invited to contract negotiations.

NHES Response: To the extent vendor is requesting changes to standard terms and conditions, NHES is not agreeable to any such changes to standard terms and conditions.

95) Is there any regulated data (social security and tax/FTI) involved?

NHES Response: NHES collects information normal and customary in the process for applying for unemployment benefits. This information will remain housed with and be the property of and not be transferred for retention to the selected vendor.

**STATE OF NEW HAMPSHIRE
DEPARTMENT OF EMPLOYMENT SECURITY (“NHES”)**

**REQUEST FOR PROPOSAL
RFP# NHES 2022-03
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ADDENDUM #2

Please include a signed copy of this signature page with your proposal.

Vendor _____ Address _____

By: _____
(This document must be signed) (Title)

(Please print or type name) Tel.No. _____

**CONTACT: Erik Bal, Counsel
New Hampshire Employment Security
(603) 228-4084**