MINNESOTA STATE COLLEGES AND UNIVERSITIES

SYSTEM OFFICE

REQUEST FOR PROPOSAL (RFP)

FOR

MASTER CONTRACT FOR

IMMIGRATION SERVICES
# Request for Proposal (RFP)

**FOR MASTER CONTRACT FOR IMMIGRATION SERVICES**

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Notice

This Request for Proposal (RFP) does not obligate the Board of Trustees of the Minnesota State Colleges and Universities (Minnesota State) Minnesota State to award a contract or complete the proposed project and each reserves the right to cancel this RFP if it is considered to be in its best interest. Proposals must be clear and concise. Proposals that are difficult to follow or that do not conform to the RFP format or binding specifications may be rejected. Responding Vendors must include the required information called for in this RFP. Minnesota State reserves the right to reject a proposal if required information is not provided or is not organized as directed.

Minnesota State also reserves the right to waive minor informalities and reserves the right to:

1. Reject any and all proposals received in response to this RFP;
2. Select a proposal for contract negotiation other than the one with the lowest cost;
3. Negotiate any aspect of the proposal with any Vendor;
4. Terminate negotiations and select the next most responsive Vendor for contract negotiations;
5. Terminate negotiations and prepare and release a new RFP;
6. Terminate negotiations and take such action as deemed appropriate.

Any decision to cancel or reject any and all proposals is in Minnesota State’s sole discretion. Minnesota State also reserves the right to change the evaluation criteria or any other provision in this RFP by posting notice of the change(s) on the Vendors and Suppliers at Minnesota State page. Vendors should check the site daily for updates (e.g. amendments, responses to questions) and are expected to review information on the site carefully before submitting a final proposal. Such changes or updates above constitutes written notice to each Vendor.

Definitions

Wherever and whenever the following words or their pronouns occur in this proposal, they shall have the meaning given here:

Minnesota State: State of Minnesota, acting through its Board of Trustees of the Minnesota State Colleges and Universities on behalf of Minnesota State.

System Office: The central system office of Minnesota State Colleges and Universities located at Wells Fargo Place, 30 7th Street East, Suite 350, St. Paul, Minnesota 55101.

Vendor: The firm selected by Minnesota State as the successful responder(s) responsible to execute the terms of a contract.
Targeted Group Business (TGB): A business that is at least 51% owned and operated by a woman or person of color.

Please note, for TGB consideration, Minnesota State recognizes certification from at least one the following certifying agencies:

- State of Minnesota – Department of Administration
- Central (CERT) Certification Program
- North Central Minority Supplier Development Council
- Women’s Business Development Center

Minority-Owned Business Enterprise (MBE): Independent business which is at least 51% owned and operated by one or more minority group member (citizen of the United States or permanent resident who is Black, Hispanic, Asian, or American Indian).

Women-Owned Business Enterprise (WBE): Independent business which is at least 51% owned and operated by one or more women.

Economically Disadvantaged (ED) Business and Individuals: Independent business or persons which is at least 51% owned and operated by economically disadvantaged.

Veteran-Owned Business Enterprise (VO): Independent business which is at least 51% owned and operated by one or more veteran.

About Minnesota State

Minnesota State Colleges and Universities is the third-largest system of state colleges and universities in the United States. It comprises 37 state colleges and universities with 54 campuses located in 47 Minnesota communities. Minnesota State serves approximately 350,000+ plus students each year. Minnesota State employs more than 15,900+ dedicated faculty and staff focused on student success. Minnesota State is an independent state entity that is governed by a 15-member Board of Trustees. For more information about the colleges and universities of Minnesota State, please view its website at www.minnstate.edu.

Authority

This RFP is undertaken by Minnesota State pursuant to the authority contained in provisions of Minnesota Statutes § 136F.581 and other applicable laws. Minnesota State will select the Vendor(s) whose proposal(s), and oral presentation(s) if requested, demonstrate in its sole opinion, the clear capability to best fulfill the purposes of this RFP in a cost-effective manner. Minnesota State reserves the right to accept or reject proposals, in whole or in part, and
to negotiate separately as necessary to serve the best interests of Minnesota State. This RFP does not obligate Minnesota State to award a contract or complete the proposed project and it reserves the right to cancel this RFP if it is considered to be in its best interest.

**Project Overview**

Minnesota State is requesting proposals to assist with Immigration Services for its colleges, universities, and the system office.

Responding vendors should be aware that the contract resulting from this RFP will be available for use by all of Minnesota State institutions, including the system office on non-exclusive basis.

**Technical/Functional Requirements**

1. In accordance with the established fee schedule, advise and act as the authorized representative of system institutions to perform professional services in a timely manner necessary to draft, process and file employer petitions to secure appropriate legal employment authorization for prospective or current non-citizen employees pursuant to applicable U.S. immigration laws and regulations including, but not limited to: LCA and H-1B visa petitions and extensions; TN visas; PERM labor certification applications; and Form I-140 preparation in support of applications for permanent residency petitions;
2. Submit to Minnesota State in five (5) business days or mutual agreement with college, university, or system office prior to filing draft copies of any document to be filed on behalf of Minnesota State in order to permit appropriate review and provide copies of documents for employer records posting and retention requirements;
3. Provide information and documents as may be requested by Minnesota State from time to time, including copies of any documents filed on behalf of Minnesota State with any agency or office;
4. Maintain appropriate communication with the employer’s representative and the employee regarding the status of the process and provide timely reminders of deadlines for extensions or other applications;
5. Not act as an advisor or advocate for the employee with regard to the employee’s employment with Minnesota State;
6. Not disclose to the employee private payroll or other private personnel data that Minnesota State may provide pursuant to the contract unless authorized by Minnesota State or otherwise required by law;
7. Not charge for services under the contract that are for the benefit of the employee’s dependents, if any, or services that are personal to the employee such as translation fees, or services related to filing Form I-485 for Adjustment of Status;
8. Promptly notify Minnesota State if facts or circumstances arise that may create a conflict of interest and limit the CONTRACTOR’S ability to act as Minnesota State’s authorized representative in any matter;
9. It is understood by the parties that CONTRACTOR’S duties do not constitute providing legal services to the state within the meaning of Minn. Stat. § 8.06 nor is the contract intended to create an attorney-client relationship between the Contractor and employee as a third party beneficiary.

RFP Information Contact

MINNESOTA STATE’s authorized representative for purposes of responding to inquiries about the RFP is:

Name: Wendy Schultze
Title: Executive Assistant to the Vice Chancellor for Human Resources
Address: 30 7th Street East, St. Paul, MN 55101
Telephone: 651-201-1850
E-mail address: wendy.schultze@minnstate.edu

Other persons are not authorized to discuss RFP requirements before the proposal submission deadline and Minnesota State shall not be bound by and vendors may not rely on information regarding RFP requirements obtained from non-authorized persons. Questions must include the name of the questioner and his/her telephone number, fax number and/or e-mail address. Anonymous inquiries will not be answered.

Duration of Offer

All proposal responses must indicate they are valid for a minimum of one hundred eighty (180) calendar days from the date of the proposal opening unless extended by mutual written agreement between a Minnesota State and the Vendor.

Prices and terms of the proposal as stated must be valid for the length of the resulting contract.

Minnesota State’s RFP Terms and Conditions

This RFP includes and incorporates Minnesota State’s RFP Terms and Conditions. Vendors should be aware of Minnesota State’s RFP terms and conditions in preparing responses to this RFP. Much of the language reflected in any resulting contract with Minnesota State is required by statute. If you take exception to any of the language in the terms and conditions, you must indicate those exceptions in your response to the RFP; certain exceptions may result in your proposal being disqualified from further review and evaluation. Only those exceptions indicated in your response to the RFP will be available for discussion or negotiation.
Authorized Signature

The proposal must be completed and signed in the firm's name or corporate name of the Vendor and must be fully signed by an authorized representative of the Vendor. Proof of authority of the person signing must accompany the response.

Selection and Implementation Timeline

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<th>Key Dates</th>
<th>Timeline</th>
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<tr>
<td>Monday, June 7, 2021 &amp; Monday, June 14, 2021</td>
<td>Publishes RFP notice in State Register</td>
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<tr>
<td>Monday, June 21, 2021 4:00 p.m. CDT</td>
<td>Deadline for RFP proposal submissions</td>
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<tr>
<td>Tuesday – Friday, June 22 – 25, 2021</td>
<td>Review RFP proposals</td>
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<tr>
<td>Monday – Wednesday, June 28 – 30, 2021</td>
<td>Potential meetings with individual responders</td>
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<tr>
<td>Monday, July 12, 2021</td>
<td>Complete Selection Process</td>
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<tr>
<td>Wednesday, September 1, 2021</td>
<td>Deadline for executing contract</td>
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Minnesota State reserves the right to not award a contract. The dates noted above are estimates, but are reasonable for the purposes of presenting deadlines.

Contract Term

Minnesota State desires to enter into a contract with the successful Vendor(s) effective Wednesday, September 1, 2021 or on the date the last recognized signature is obtained, whichever occurs later. The length of such contract(s) will be 3 YEARS. If Minnesota State and Vendor are unable to negotiate and sign a contract by Wednesday, September 1, 2021, then Minnesota State reserves the right to seek an alternative Vendor(s).

Proposal Deadline

Submitted proposals must be received at the following address not later than 4:00 p.m. CDT on Monday, June 21, 2021:

Institution: Minnesota State Colleges and Universities System Office
Name: Wendy Schultze
Title: Executive Assistant to the Associate Vice Chancellor for Human Resources
Mailing Address: 30 7th Street East, Suite 350, St. Paul, MN 55101
Format of Proposals and Submission

The Vendor shall submit two [2] printed copies of its RFP response and one copy on digital media with the RFP response in Microsoft Word or Adobe PDF format. Proposals are to be sealed in mailing envelopes or packages with the Vendor’s name and address clearly written on the outside. One copy of the proposal must be unbound and signed in blue or black ink by an authorized representative of the vendor. Proof of authority of the person signing must accompany the response. All pages must be numbered and font size no smaller than 10 point.

Proposals received after the Proposal Deadline date and time will not be considered. Faxed responses will not be considered. Proposals made in pencil will be rejected. Alterations in cost figures used to determine the lowest priced proposal will be rejected unless initialed in ink by the person responsible for or authorized to make decisions as to price quoted. The use of “white out” is considered an alteration.

Proposal Content

Vendors must submit the following information:

1. Business Address;
2. Full name of individual or firm; list full name of all individuals who would be providing services under the contract;
3. Qualifications of Vendor and its Personnel: An outline of the vendor's background and experience with examples of similar work done by the vendor and a list of personnel who will conduct the project, detailing their training, and work experience. Resumes or other information about project personnel should not, if possible, contain personal telephone numbers, home addresses or home email addresses. If it is necessary to include personal contact information, please clearly indicate in the proposal that personal contact information is being provided.

Please provide:

a. At least two employer references for which you have provided immigration services in the past year;
b. List all Minnesota State Colleges and Universities institutions for which you have provided immigration services in the past three years;
c. Experience in providing immigration services for institutions of higher education;
d. Experience providing immigration services for other employers outside of higher education; and

e. If a licensed attorney in Minnesota, state year of licensure and number.
4. **Adherence to Minnesota State Terms and Conditions:** A statement of the objectives, goals, and tasks to show or demonstrate the vendor's view and understanding of the nature of the contract.

5. **Work Plan:** A description of the deliverables to be provided by the vendor along with a detailed work plan that identifies the major tasks to be accomplished and be used as a scheduling and managing tool, as well as the basis for invoicing.

6. **Accessibility:** A completed response to the attached Voluntary Product/Service Accessibility Template(s). The response must contain adequate information to evaluate the responsiveness to the accessibility standards (i.e. a completed VPAT or equivalent).

7. **Cost/Value:** Professionals responding to this RFP will be asked to provide a fee schedule for services, per employee, for the following (exclusive of filing fees): drafting and filing LCA and H-1B petition; H-1B extension; PERM labor certification application; I140 preparation; hourly fee for other professional consultation.

   For each engagement, a Minnesota State college or university or the system office, requesting service on an as-needed basis, shall provide the selected Contractor with a project description at the time of selection by means of a Purchase Order, which will formally authorize the Contractor to proceed with the work. The Professional/Technical Contract is not a guarantee of work. Minnesota State has determined that it may have need for the services under this Contract, but does not commit to issuing purchase orders or spending any money for services provided by the contractor.

8. **Other information:** Other information may be submitted as considered pertinent for fulfilling the requirements of the RFP.

### Terms of Payment

For each engagement, payment shall be made by the Minnesota State college or university or system office requesting the service promptly after Vendor’s presentation of invoices for services performed and acceptance of such services by the Minnesota State college or university or system office’s authorized representative. All services provided by the Vendor pursuant to the resulting contract shall be performed to the satisfaction of the Minnesota State college or university or system office, as determined at the sole discretion of its authorized representative, and in accordance with all applicable federal, state and local laws, ordinances, rules and regulations. The Vendor shall not receive payment for work found by the Minnesota State college or university or system office to be unsatisfactory or performed in violation of any applicable federal, state or local law, ordinance, rule or regulation.

### Required Documents and Forms

1. **Affidavit of Non-Collusion.** Each Vendor must complete the [Affidavit of Non-Collusion](#) and attach it with the response.
2. Conflicts of Interest. Vendor must provide a list of all entities with which it has relationships that create, or appear to create, a conflict of interest with the work that is contemplated in this request for proposals. The list should indicate the name of the entity, the relationship, and a discussion of the conflict.

3. Minnesota Department of Human Rights Workforce Certificate – Affirmative Action Certification (if proposal exceeds $100,000, including extension options).

4. Minnesota Department of Human Rights Equal Pay Certificate Form (if proposal exceeds $500,000, including extension options).

5. Veterans Preference Form (if applicable).

6. Targeted Business Inclusion Form: Respondent must provide certification(s) that at least 51% of the business is owned and operated by a woman or minority.

Selection Process

The selection process includes:

Sue Appelquist, Associate Vice Chancellor for Human Resources
Andriel Dees, Interim System Senior Diversity and Inclusion Officer
Daniel McCabe, Assistant General Council
Steve Barret, Director of Human Resources – MSU, Mankato
Wendy Schultze, Executive Assistant to the Associate Vice Chancellor for Human Resources

This group will evaluate the proposals and make the final decision.

RFP Evaluation Factors

55%: Qualifications of the vendor and its personnel (experience of professionals who will be providing the services including experience in providing immigration services to Minnesota State institutions, other institutions of higher education, or other employers)

35%: Cost in relation to level of service to be provided (35%)

10%: Supplier Diversity Targeted Business Inclusion; respondent is a certified TGB and/or respondent commits to sub-contracting 10% or more of the value of the contract to a certified TGB.

General Selection Criteria

General criteria upon which proposals will be evaluated include, but are not limited to, the following:

- Capacity to provide high quality employer immigration services for system institutions located throughout the state (current estimate is approximately a total
of thirty (30) H-1B initial and extension petitions (including filing the LCA), TN and PERM labor certification applications and I-140 filings for each year of the contract) consistent with the following standards:

- Respond promptly and provide timely services as circumstances require;
- In accordance with the highest professional standards of competency;
- Demonstrated experience and knowledge regarding immigration issues related to hiring at institutions of higher education (particularly faculty);
- Efficient processes and reasonable service costs, including specific stated fees for types of case files

Professional qualifications of service providers including:

- Licensure to practice law in Minnesota without restriction (as applicable);
- Minimum of five years of experience providing employment-based immigration services;
- Evidence of professional development activities in the area of employer immigration services (such as membership in professional immigration affiliate groups);
- Compliance with insurance requirements as provided in this RFP.

Minnesota State reserves the right to name a date which all responding Vendors will be invited to present demonstrations or participate in an interview.

Minnesota State does not agree to reach a decision by any certain date although it is hoped the evaluation and selection will be completed by the date identified in the Selection and Implementation Timeline.

A proposal may be rejected if it is determined that a Vendor’s ability to work with the existing infrastructure will be too limited or difficult to manage.

### Supplier Diversity

Pursuant to policy 5.14 and Minn. Stat. 16C.16, Minnesota State Colleges & Universities is committed to taking affirmative action to ensure that minority-owned (MBEs) and women-owned (WBEs) businesses are given equal opportunity to provide their goods & services to Minnesota State. Targeted Business inclusion is a part of the criteria for this request for proposal to facilitate Minnesota State’s fulfillment of this commitment.

For all goods & services contracts estimated to be in excess of $50,000, all responding Vendors are required to complete the attached [Targeted Business Inclusion Form](#) and attach hard copies of TGBs certificates verifying that the Vendor is certified by one of the certifying agencies recognized by Minnesota State *(see acceptable certifications in the definitions section of this RFP)*. Vendors are not required to include TGBs in their bid response; however, it should be noted that TGB inclusion is ten percent (10%) of the total proposal criteria.
ED/VO Preferences:

For information regarding certification, contact the OEP at 651-201-2402 or you may reach the Helpline by e-mail at procurement.equity@state.mn.us. For TTY/TDD communications, contact the Helpline through the Minnesota Relay Services at 1.800.627.3529.

Economically Disadvantaged (ED) Business and Individuals

In accordance with Minnesota Rules, part 1230.1810, subpart B certified Economically Disadvantaged (ED) Businesses submitting proposals as prime contractors shall receive the equivalent of a six percent (6%) preference in the evaluation of their proposal. Eligible ED businesses must be currently certified by the Minnesota Department of Administration’s Office of Equity in Procurement (OEP) prior to the solicitation opening date and time.

Veteran-Owned (VO)

In accordance with Minn. Stat. § 16C.16, subd. 6a, (a) Except when mandated by the federal government as a condition of receiving federal funds, the commissioner shall award up to a six percent (6%) preference, but no less than the percentage awarded to any other group under this section on state procurement to certified small businesses that are majority-owned and operated by veterans.