

**Re-Advertised
INVITATION TO QUALIFY FOR**

REAL ESTATE CLOSING SERVICES

ISSUING OFFICE

Pennsylvania Turnpike Commission

Contracts Administration Department

On behalf of the

Office of Chief Counsel

ITQ NUMBER 20-10190-9009

DATE OF ISSUANCE

August 24, 2020

**INVITATION TO QUALIFY FOR
REAL ESTATE CLOSING SERVICES**

ITQ 20-10190-9009

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CALENDAR OF EVENTS

ITQ# 20-10190-9009

The Commission reserves the right to make changes or alterations to this schedule as the Commission determines is in its best interest.

Activity	Date	Time
Invitation to Qualify Issued	August 24, 2020	N/A
Deadline for Proposers to Submit Questions via email to RFP-Q@paturndpike.com	August 31, 2020	2:00 PM
Answers to Proposers questions posted to the Commission website at https://www.paturndpike.com/Procurement/Bidlist.aspx?RTYPE=O (<i>Estimate Only</i>)	August 31, 2020	N/A
Due Date for Statements of Qualifications - Electronic copies of the proposal must be emailed to ITQ20-10190-9009@paturndpike.com before the due date and time shown here. This email address is secure and cannot be accessed by PA Turnpike Commission personnel until the Statements of Qualifications opening date and time.	September 10, 2020	2:00 PM
Oral Clarifications/Presentations (<i>If necessary</i>)	TBD	TBD
Anticipated Notice to Proceed (<i>Estimate Only</i>)	December 1, 2020	N/A

PART I

GENERAL INFORMATION

I-1. Purpose. The Pennsylvania Turnpike Commission (Commission) seeks to retain the services of one or more Firms experienced in providing real estate closing services (Closing Agents). Through this Invitation to Qualify (ITQ) process, the Commission seeks to establish a pool or pools of qualified Firms, Closing Agents who will be available to provide such real estate closing services as needed from time to time. Please note that inclusion in the pool does not guarantee or provide assurances that a specific Firm will be selected to provide real estate closing services to the Commission.

This ITQ provides interested Closing Agents with sufficient information to enable them to prepare and submit statements of qualifications for consideration by the Commission to satisfy a need for real estate closing services. Closing Agents wishing to be considered for inclusion in the pool(s) should respond to this ITQ in all respects.

The Commission reserves the right to retain Closing Agents who are not included in the pool(s) to provide real estate closing services. Such selection may be based on complexity and such other factors as the Commission deems, in its sole discretion, relevant.

Following the creation of the pool(s), the Commission reserves the right, in its sole and absolute discretion, to add or remove Closing Agents from the pool(s) at any time.

I-2. Background.

The Turnpike System

The present system is composed of the following: a 359 mile Turnpike Mainline traversing the southern portion of Pennsylvania from east to west, a 110 mile north south section identified as the Northeast Extension, a 16 mile north south connection, known as the Beaver Valley Expressway which intersects the Turnpike Mainline in the southwestern portion of the Commonwealth, the 13 mile Amos K. Hutchinson Bypass, which adjoins the Turnpike Mainline near the New Stanton Interchange, a 48 mile section of the Mon/Fayette Project, and the first 6-mile section of the Southern Beltway, the Findlay Connector, near Greater Pittsburgh International Airport. When completed, the Mon/Fayette Expressway will extend 65 miles from Interstate Route 68 in West Virginia to Interstate Route 376 near Pittsburgh and the Southern Beltway Expressway will extend 32 miles from Interstate Route 376 near the Greater Pittsburgh International Airport to the Mon/Fayette Expressway near Finleyville.

The Pennsylvania Turnpike System has a total of 79 interchanges which connect it with major arteries and population centers in its 552-mile traffic corridor. Thirty-two of the interchanges are located on the Turnpike Mainline, 11 interchanges are situated on the Northeast Extension, and 36 interchanges on the western extensions. The Turnpike system contains 68 toll plazas which are predominantly at the interchanges, with 14 barrier tolling points. There are 17 service plazas along the Pennsylvania Turnpike System providing gasoline and diesel fuel, other automotive supplies and services, and restaurant services.

I-3. Issuing Office. This ITQ is issued for the Commission by the Contracts Administration Department on behalf of the Office of Chief Counsel. All questions regarding this ITQ must be directed to the Commission pursuant to the process identified in Section I-10 below. No questions will be addressed except through such process.

I-4. Scope. This ITQ contains instructions governing the statements of qualifications to be submitted and the material to be included therein; a description of the service to be provided; requirements which must be met to be eligible for consideration; general evaluation criteria; and other requirements to be met by each statement of qualifications.

I-5. Problem Statement.

A. General Description

The Commission is soliciting statements of qualifications from Closing Agents for the purpose of creating a pool or pools of qualified firms to provide real estate closing services for the Commission's acquisition and sale of real property. Such selection may be made with or without the issuance of a subsequent Request for Qualifications with respect to a specific transaction.

The Commission does not intend to name all Closing Agents that could potentially be deemed "qualified" to the pool(s), but rather intends to select those firms that best meet the Commission's selection criteria, as identified in Section III-3 of this ITQ.

B. Requested Services

Real Estate Closing Services

I-6 Type of Contract. It is proposed that if a contract is entered into as a result of this ITQ, work will be assigned on an open-end contract basis with work being subsequently assigned through a work order request for proposal process. The Commission may in its sole discretion undertake negotiations with Respondents whose proposals, in the judgment of the Issuing Office, show them to be qualified, responsible, responsive and capable of performing the work. Please note that inclusion in the pool of Respondents selected as a result of this ITQ does not guarantee or provide assurances that a Respondent will be assigned any specific, minimum number or specific monetary amount of Work Order Services work orders or time and materials engagements during the contract duration.

I-7. Contractor Integrity Provisions. Contractor Integrity Provisions will apply to this contract upon award and the awarded vendor may be required to complete a Background Qualifications Questionnaire prior to entering into an Agreement with the Commission and attend annual ethics training provided by the Commission. Respondents can find the Integrity Provisions and other related documents on the Commissions website at www.paturnpike.com (Doing Business, General Information, Integrity Provisions).

Include full disclosure of any potential conflict with the State Adverse Interest Act, 71 P.S. § 776.3, for a State Advisor or State Consultant by the prime or any subconsultant. If there is no adverse interest, you shall include the following statement: "I have reviewed the State Adverse Interest Act and determined that there is no adverse interest for anyone on this Agreement team." This information should be included in your transmittal letter/cover page or executive summary.

I-8. Rejection of Statements of Qualifications. The Commission reserves the right to reject any and all Statements of Qualifications received as a result of this request.

I-9. Subcontracting. Any use of subcontractors by a Respondent must be identified in the Statement of Qualifications. During the contract period use of any subcontractors by the selected Respondent, which were not previously identified in the Statement of Qualifications, must be approved in advance in writing by the Commission.

I-10. Incurring Costs. The Commission is not liable for any costs incurred by Respondents in their preparation and submission of Statements of Qualifications, in participating in the ITQ process or in anticipation of award of real estate closing services opportunities.

I-11. Questions and Answers. Written questions may be submitted to clarify any points in the ITQ which may not have been clearly understood. Written questions should be submitted via email to RFP-Q@paturnpike.com with **ITQ# 20-10190-9009** in the subject line to be received no later than the date and time provided on the Calendar of Events. Respondents shall use the form provided in Appendix A to submit the questions. All questions and written answers will be posted to the website as an addendum to and become part of this ITQ. No questions regarding the ITQ will be addressed except through this process.

I-12. Addenda to the ITQ. If it becomes necessary to revise any part of this ITQ before the response date, addenda will be posted to the Commission's website under the original ITQ document. It is the responsibility of all Respondents to periodically check the website for any new information or addenda to the ITQ.

The Commission may revise a published advertisement. If the Commission revises a published advertisement less than ten days before the ITQ due date, the due date will be extended to maintain the minimum ten-day advertisement duration if the revision alters the project scope or selection criteria. Respondents are responsible to monitor advertisements/addenda to ensure the submitted Statement of Qualifications complies with any changes in the published advertisement.

I-13. Response. The PA Turnpike Commission offices will continue to be closed on the due date for proposal submissions due to COVID-19 restrictions. Hand-delivery or hard-copy mailing of Statements of Qualifications is not possible at this time. All Statements of Qualifications must be submitted electronically via email to the email address shown in the Calendar of Events. Failure to send the Statement of Qualifications to the correct email address or to include all essential information will be deemed sufficient reason for rejection of the Statement of Qualifications.

Unless the Proposers are otherwise notified by the Commission, the time for submission of proposals shall remain the same.

I-14. Statements of Qualifications. To be considered, Respondents should submit a complete response to this ITQ, using the format provided in PART II. Each submitted Statement of Qualifications should include a separate file for the Technical Submittal, and the Diverse Business (DB) participation submittal. The Respondent shall present the Statement of Qualifications to the Contracts Administration Department only by using the ITQ email address, ITQ20-10190-9009@paturnpike.com. No other

distribution of the Statements of Qualifications will be made by the Respondent. Each Statement of Qualifications page should be numbered for ease of reference.

An official authorized to bind the Respondent to its Statement of Qualifications must sign the Statement of Qualifications. If the official signs the Statement of Qualifications Cover Sheet (Appendix B to this ITQ) and the Statement of Qualifications Cover Sheet is attached to the Statements of Qualifications, the requirement will be met. For this ITQ, the Statements of Qualifications must remain valid for at least 120 days. Moreover, the contents of the Statement of Qualifications of the selected Respondent will become contractual obligations if a contract is entered into.

Each and every Respondent submitting Statements of Qualifications specifically waives any right to withdraw or modify it, except as hereinafter provided. Statements of Qualifications may be withdrawn by written or fax notice to the ITQ20-10190-9009@paturnpike.com mailbox before the exact hour and date specified for proposal receipt.

However, if the Respondent chooses to attempt to provide such written notice by email transmission, the Commission shall not be responsible or liable for errors in email transmission. Statements of Qualifications may only be modified by the submission of a newly sealed Statements of Qualifications or submission of a sealed modification which complies with the requirements of this solicitation

I-15. Economy of Preparation. Statements of Qualifications should be prepared simply and economically, providing a straightforward, concise description of the Respondent's ability to meet the requirements of the ITQ. For submissions, the body of the proposal (Part II-1-D through Part II-1-F) shall not exceed twenty (20) pages of 12-point type, excluding required tables and appendices.

I-16. Discussions for Clarification. Respondents who submit Statements of Qualifications may be required to make an oral or written clarification of their Statements of Qualifications to the Issuing Office to ensure thorough mutual understanding and Respondent responsiveness to the solicitation requirements. The Issuing Office through the Contracts Administration Department will initiate requests for clarification.

I-17. Statements of Qualifications Contents. Statements of Qualifications will be held in confidence and will not be revealed or discussed with competitors, unless disclosure is required to be made (i) under the provisions of any Commonwealth or United States statute or regulation; or (ii) by rule or order of any court of competent jurisdiction. All material submitted with the statement becomes the property of the Commission and may be returned only at the Commission's option. Statements of Qualifications submitted to the Commission may be reviewed and evaluated by any person other than competing Respondents at the discretion of the Commission. The Commission has the right to use any or all ideas presented in any response. Selection or rejection of the responding firm does not affect this right.

In accordance with the Pennsylvania Right-to-Know Law (RTKL), 65 P.S. § 67.707 (Production of Certain Records), Respondents shall identify any and all portions of their Statement of Qualifications that contains confidential proprietary information or is protected by a trade secret. Statements of Qualifications shall include a written statement signed by a representative of the company/firm identifying the specific portion(s) of the response that contains the trade secret or confidential proprietary information.

Respondents should note that “trade secrets” and “confidential proprietary information” are exempt from access under Section 708(b)(11) of the RTKL. Section 102 defines both “trade secrets” and “confidential proprietary information” as follows:

Confidential proprietary information: Commercial or financial information received by an agency: (1) which is privileged or confidential; **and** (2) the disclosure of which would cause substantial harm to the competitive position of the person that submitted the information.

Trade secret: Information, including a formula, drawing, pattern, compilation, including a customer list, program, device, method, technique or process that: (1) derives independent economic value, actual or potential, from not being generally known to and not being readily ascertainable by proper means by other persons who can obtain economic value from its disclosure or use; **and** (2) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy. The term includes data processing software by an agency under a licensing agreement prohibiting disclosure.

65 P.S. §67.102 (emphasis added).

The Office of Open Records has determined that a third party must establish a trade secret based upon factors established by the appellate courts, which include the following:

- the extent to which the information is known outside of his business;
- the extent to which the information is known by employees and others in the business;
- the extent of measures taken to guard the secrecy of the information;
- the value of the information to his business and to competitors;
- the amount of effort or money expended in developing the information; and
- the ease of difficulty with which the information could be properly acquired or duplicated by others.

See Crum v. Bridgestone/Firestone North Amer. Tire., 907 A.2d 578, 585 (Pa. Super. 2006).

The Office of Open Records also notes that with regard to “confidential proprietary information the standard is equally high and may only be established when the party asserting protection shows that the information at issue is either ‘commercial’ or ‘financial’ and is privileged or confidential, and the disclosure **would** cause substantial competitive harm.” (emphasis in original).

For more information regarding the RTKL, visit the Office of Open Records’ website at www.openrecords.state.pa.us.

I-18. Debriefing Conferences. Respondents whose firms are not selected to be included in the pool or pools will be notified of the name of the selected respondents and given the opportunity to be debriefed, at their request. The Issuing Office will schedule the time and location of the debriefing. The Respondent will not be compared with other respondents.

I-19. News Releases. Respondents shall not issue news releases, internet postings, advertisements or any other public communications pertaining to this ITQ without prior written approval of the Issuing Office, and then only in coordination with the Issuing Office.

I-20. Term of Appointment. The Commission intends that the pool or pools established pursuant to this request will remain in effect for five (5) years, but reserves the right to extend the term of the pool or pools for up to and additional five (5) year period.

I-21. Respondent's Representations and Authorizations. Each Respondent by submitting its Statement of Qualifications understands, represents, and acknowledges that:

- a. All information provided by, and representations made by, the Respondent are material and important and will be relied upon by the Issuing Office in establishing pools. Any misstatement, omission or misrepresentation shall be treated as fraudulent concealment from the Issuing Office of the true facts relating to the submission of this Statement of Qualifications. A misrepresentation shall be punishable under 18 Pa. C.S. § 4904.
- b. To the best knowledge of the person signing the proposal for the Respondent, the Respondent, its affiliates, subsidiaries, officers, directors, and employees are not currently under investigation by any governmental agency and have not in the last four (4) years been convicted or found liable for any act prohibited by State or Federal law in any jurisdiction, involving conspiracy or collusion with respect to bidding or proposing on any public contract, except as disclosed by the Respondent in its Statement of Qualifications.
- c. To the best of the knowledge of the person signing the Statement of Qualifications for the Respondent and except as otherwise disclosed by the Respondent, the Respondent has no outstanding, delinquent obligations to the Commonwealth including, but not limited to, any state tax liability not being contested on appeal or other obligation of the Respondent that is owed to the Commonwealth.
- d. The Respondent is not currently under suspension or debarment by the Commonwealth, or any other state, or the federal government, and if the Respondent cannot certify, then it shall submit along with the Statement of Qualifications a written explanation of why such certification cannot be made.
- e. Each Respondent, by submitting its Statement of Qualifications, authorizes all Commonwealth agencies to release to the Commission information related to liabilities to the Commonwealth including, but not limited to, taxes, unemployment compensation, and workers' compensation liabilities.
- f. The Respondent has not, under separate contract with the Commission, made any recommendations to the Commission concerning the need for the services described in the ITQ.

I-22. Indemnification. The Respondent shall be responsible for, and shall indemnify, defend, and hold harmless the Commission and its Commissioners, officers, employees, and agents from any claim, liability, damages, losses, causes of action, and expenses, including reasonable attorneys' fees, arising from damage to life or bodily injury or real or tangible personal property caused by the negligence or other tortious acts, errors, and omissions of Respondent, its employees, or its subcontractors while engaged in performing the work of the Agreement or while present on the Commission's premises, and for breach of the Agreement regarding the use or disclosure of proprietary and confidential information where it is determined that Respondent is responsible for any use of such information not permitted by the Agreement. The indemnification obligation shall not be limited in any way by any limitation on the amount or type of damages, compensation or benefits payable by or for Respondent or its subcontractors under Workers' Compensation Acts, Disability Benefits Acts, or other Employee Benefit Act.

I-23. Data/Information Security Breach Notification. “Breach” shall mean any successful unauthorized acquisition, access, use, or disclosure of Commission data that compromises the security or privacy of such data.

“Commission Data” means Commission provided information and Commission related information acquired as a result of the services provided to Commission under this Agreement.

Respondent shall report to the Commission any Breach affecting Commission Data. The notice to be provided to the Commission by Respondent shall be provided without unreasonable delay and no later than within 72 hours of Respondent’s discovery of any Breach. A Breach shall be deemed to be discovered on the first day on which the Respondent knows or reasonably should have known of the Breach. The notice to be provided to the Commission by Respondent shall be made in writing to the Commission’s Information Security Officer and shall include the following content: (1) the nature of the Breach; (2) the specific Commission Data affected by the Breach; (3) the steps the Respondent is taking to remediate the Breach; and (4) steps the Respondent is taking to mitigate future Breaches. Following notification of the Breach, Respondent shall cooperate with the Commission’s investigation of the Breach and provide any other information regarding the Breach or the Commission Data affected which the Commission may reasonably request. Should notice to individuals whose information was part of Commission Data be required under any applicable data privacy law, including, but not limited to, individual state data breach notice laws or federal laws such as HIPAA and Gramm Leach Bliley Act, Respondent shall provide the Commission with copies of any template notification letters and draft regulatory correspondence for Commission’s prior approval. Respondent shall provide any notifications required under the applicable data privacy laws on behalf of the Commission at the request of Commission. The Commission reserves the right to handle any notifications required and shall notify Respondent if the Commission will be handling the required notifications. Upon request, Respondent shall provide the Commission with its cyber-security policies and procedures. Respondent agrees to reimburse the Commission for any and all reasonable costs associated with the Commission’s response to Respondent’s Breach, including any fees associated with the Commission’s investigation of Respondent’s Breach, notification costs, and any reasonable offer of credit or identity monitoring product.

I-24. Security Requirements. Respondent will comply with the Security Requirements are described in Appendix C – Security Requirements.

I-25. Insurance. Respondent will comply with the Insurance requirements as described in Appendix D - Insurance Specification.

I-26. Diverse Business (DB) Requirements. Respondent will comply with the DB Requirements as described in Part II-2 below and Appendix E – Diverse Business (DB) Requirements.

PART II

INFORMATION REQUIRED FROM RESPONDENTS

Statements of Qualifications must be submitted in the format, including heading descriptions, outlined below. To be considered, the response must respond to all requirements in this part of the ITQ. Any other information thought to be relevant, but not applicable to the enumerated categories, should be provided as an appendix to the Statement of Qualifications.

Each Statement of Qualifications shall consist of two separately sealed submittals:

1. Technical Submittal, which shall be a response to RFP Part II, Sections II-1-A through II-1-G;
2. Diverse Business Participation Submittal, in response to RFP Part II, Section II-2; and

The Commission reserves the right to request additional information which, in the Commission's opinion, is necessary to assure that the Respondent's competence, number of qualified employees, business organization, and financial resources are adequate to perform according to the ITQ.

II-1. Required Information

- A. **Statement of Qualifications Cover Sheet (See Appendix B)**
Show the name of your firm, Federal I.D. number, address, name of contact person, contact person's email and telephone number date and the subject: Invitation to Qualify for Real Estate Closing Services, ITQ 20-10190-9009. Appendix B must be signed by an individual who is authorized to negotiate terms, render binding decisions and commit your firm's resources. In addition, it is required that all information requested in Appendix B be provided including information pertaining to location of office performing the work, contact information, listing of all Pennsylvania offices and total number of Pennsylvania employees, and location of company headquarters.
- B. **Table of Contents**
Include a clear identification of the material by section and by page number.
- C. **Executive Summary**
Summarize your understanding of the work to be done and make a positive commitment to perform the work necessary. This section should summarize the key points of your submittal. (Limit to two pages.) Include in this section or in a transmittal letter/cover page a statement regarding full disclosure of any potential conflict with the State Adverse Interest of State Advisor or Consultant Statute as instructed in Proposal Section 1.7 Contractor Integrity Provisions.
- D. **Firm Overview**
Provide a brief history and description of your firm's business organization and its practice and experience in providing real estate closing services. Include the location of offices and the number of Closing Agents in each office. Discuss your firm's presence in and commitment to the Commonwealth of Pennsylvania. Include a discussion of the specific expertise and services that distinguish your firm.

E. **Personnel and References**

Provide the names, proposed roles, background and experience, office location and availability of the personnel that would work on the Commission's account, and specifically identify the primary person(s) who will be responsible for managing the relationship with the Commission. Respondent must submit a current resume for all proposed Closing Agents listing relevant experience and applicable professional affiliations.

F. **Relevant Experience**

Provide a narrative statement regarding your experience in providing real estate closing services, including but not limited to the ability to provide title searches and title certifications in various counties across the Commonwealth of Pennsylvania; tax certifications; lien letters; judgment and lien satisfaction and fund disbursement. Additionally, include a statement regarding your understanding of the requirements as outlined in this ITQ and your ability to provide real estate closing services in accordance with the same.

Describe your firm's experience in providing real estate closing services to other clients, especially other governmental entities and/or similar public/private sector transportation organizations. Describe the business practices that enable you to complete these tasks in an efficient, timely and, at times, expeditious manner.

Provide a list of three references of clients for which your firm has performed similar work, as described in this ITQ, within the past three years. Studies or projects referred to should be identified and the name of the customer shown, including the name, address, and telephone number of the responsible official of the customer, company, or agency who may be contacted.

Include a statement regarding any other specialized real estate closing services your firm may offer.

(Response to Part II-1-D through Part II-1-F should not exceed 20 pages.)

G. **Potential Conflict of Interest**

Identify any relationships or activities that might present a conflict of interest if your firm is selected to provide real estate closing services as described in this ITQ.

II-2. Diverse Business (DB) Requirements (Appendix E).

The Commission's Diverse Business (DB) Requirements are identified in Appendix E. There is no minimum participation level (MPL) for DBs established for this contract. However, the utilization of DBs is encouraged and will be considered as a criterion in the evaluation of the Statements of Qualifications and in the evaluation for any work assigned. Respondent must include in its Diverse Business Participation Submittal that it meets the requirements set forth in the Commission's DB Requirements - Appendix E. In particular, the respondent shall address the section of the DB Requirements labeled, "Actions Required by Proposer during the procurement/consultant selection phase".

PART III

CRITERIA FOR SELECTION

III-1. Mandatory Responsiveness Requirements. To be eligible for selection, the Statement of Qualifications should be (a) timely received from a Respondent; and (b) properly signed by the Respondent.

III-2. Statements of Qualification will be reviewed and evaluated by a Technical Evaluation Team (TET) of qualified personnel selected by the Commission. The TET will recommend for selection those firms that most closely meet the requirements of the ITQ and satisfy Commission needs. Consideration for inclusion in the pool(s) will only be made to Respondents determined to be responsive and responsible in accordance with Commonwealth of Management Directive 215.9, Contractor Responsibility Program.

III-3. The following criteria will be used, in order of relative importance from the highest to the lowest, in evaluating each statement of qualifications.

1. Overall
 - a. Responsiveness, organization, and clarity of Statement of Qualifications.
 - b. Presence in and commitment to the Commonwealth of Pennsylvania.
 - c. Organization, size and structure of firm.
 - d. Ability to perform tasks in an efficient, timely and, at times, expeditious manner.
2. Assigned Personnel
 - a. Qualifications and experience in providing real estate closing services.
 - b. Responses of references.
 - c. Location and availability to Commission staff.
3. Firm Experience
 - a. Length of time in the industry.
 - b. Relevant experience.
 - c. Responses of references.
4. Diverse Business (DB) Requirements. This refers to the inclusion of an approach to utilizing DB firms, as described in Part II-2. Diverse Business participation will also be considered in the evaluation of responses to Work Order RFPs (WORFP) following the award of a contract(s).