



STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE

**REQUEST FOR QUALIFICATIONS # 33501-249101
AMENDMENT # 1
FOR WEB-BASED CONTINUING EDUCATION
TRACKING AND REPORTING SYSTEM**

DATE: MAY 30, 2024

RFQ # 33501-249101 IS AMENDED AS FOLLOWS:

1. This RFQ Schedule of Events updates and confirms scheduled RFQ dates. Any event, time, or date containing revised or new text is highlighted.

EVENT		TIME (Central Time Zone)	DATE (all dates are State business days)
1.	RFQ Issued		April 29, 2024
2.	Disability Accommodation Request Deadline	2:00 p.m.	May 2, 2024
3.	Pre-Response Conference	10:00 a.m.	May 7, 2024
4.	Notice of Intent to Respond Deadline	2:00 p.m.	May 10, 2024
5.	Written "Questions & Comments" Deadline	2:00 p.m.	May 16, 2024
6.	State response to written "Questions & Comments"		May 30, 2024
7.	RFQ Response Deadline	2:00 p.m.	June 11, 2024
8.	State Schedules respondent Oral Presentations (ONLY Respondents who pass Mandatory Requirements)		June 25, 2024
9.	Respondent Oral Presentations	8 a.m. - 4:30 p.m.	July 1-3, 2024
10.	State Completion of Technical Response Evaluations		July 10, 2024
11.	State Notice of Intent to Award Released and RFQ Files Opened for Public Inspection	2.00 p.m.	July 15, 2024
12.	End of Open File Period		July 22, 2024
13.	State sends contract to Contractor for signature		July 24, 2024
14.	Contractor Signature Deadline	2:00 p.m.	July 26, 2024

2. State responses to questions and comments in the table below amend and clarify this RFQ.

Any restatement of RFQ text in the Question/Comment column shall NOT be construed as a change in the actual wording of the RFQ document.

RFQ SECTION	PAGE #	QUESTION / COMMENT	STATE RESPONSE
RFP Reference: A.1.a.i	32	<p>Review their initial and continuing education course history. How does the system intend to manage and display educational histories for licensees who are subject to multiple regulatory bodies with overlapping compliance requirements? For instance, could the system dynamically segregate and track continuing education credits applicable both to state and national certifications, particularly in professions like nursing or accounting where dual qualifications are common?</p>	<p>We intend for the system to manage and display state required initial and continuing education course history by license type.</p>
RFP Reference: A.1.a.ii	32	<p>Report any initial or continuing education courses. Should the system include tailored functionalities to support specific types of audits, such as random audits or audits triggered by specific events? What details must these audit capabilities capture and report, and are there particular data integrity or security measures that must be implemented to ensure the reliability and accuracy of the audit trails?</p>	<p>The system should be capable of providing the data on a continuous and uninterrupted basis, including requests for random or specific audit information.</p> <p>The Contractor must implement and maintain privacy and security controls that follow the guidelines set forth in NIST 800-53, "Security and Privacy Controls for Federal Information Systems and Organizations," as amended from time to time. Contractor shall meet annually, or as otherwise agreed, with the State to review the implementation of this Section. A "System Security Plan (SSP)" is required whether a vendor has FedRAMP, ISO27001, or SOC 2 Type II.</p>
RFP Reference: A.1.a.iii	32	<p>Attach and/or upload supporting documentation. Should the system integrate capabilities to authenticate and verify the integrity of uploaded documents, such as implementing automatic checks for digital signatures or embedded metadata, to meet specific state regulatory standards for authenticity and compliance?</p>	<p>No. The system should have the ability to attach and/or upload supporting documentation as required by the respective licensing board or program.</p>

RFP Reference: A.1.b.i	32	<p>Special requirements for licensees with certifications. Considering the potential impact of specialized certifications on continuing education requirements, does the State anticipate the integration of additional credentialing bodies into the system? If so, how should the system handle the verification and tracking of these certifications, particularly when they involve compliance with standards set beyond state-level oversight, such as national or international accrediting organizations?</p>	This RFP does not address requirements for national or international accrediting. The State is only looking to maintain continuing education State of Tennessee requirements for the licensing programs listed in the RFP.
RFP Reference: A.1.b.ii	32	<p>Database of course providers. Should the system include a feature that automatically validates course providers against the latest state regulations in real-time upon entry? How should it employ APIs to cross-reference new or updated provider details with state regulatory databases, ensuring continuous compliance before their courses are made available to licensees?</p>	No. The Department does not anticipate a need for real-time or automatic validation. Courses made available to licensees are approved by the appropriate licensing authority prior to being available.
RFP Reference: A.1.b.iii	32	<p>Continuing education requirements cycle. Considering the diverse continuing education cycles across various professions, does the State require the system to feature dynamic notifications that alert licensees about approaching deadlines? If so, how detailed should these alerts be, for example, should they include specifics like the number of credits still required, or upcoming courses that could fulfill their requirements?</p>	The State does not require this. See State's response to Question 20 below.
RFP Reference: A.1.b.iv	32	<p>Providers interface with the Contractor. Should the system mandate a specific method for course providers to report course completions to ensure security and efficiency, such as through direct API integrations rather than batch uploads? What specific security protocols, like OAuth 2.0, should be implemented to safeguard these data exchanges?</p>	The Department currently uses an API, but this would not be required. The contractor should submit their best proposal. The Contractor must encrypt Confidential State Data at rest and in transit using the current version of Federal Information Processing Standard ("FIPS") 140-2 or 140-3 (<i>or the current applicable version</i>) validated encryption technologies.

RFP Reference: A.2	33	8	<p>Inclusion of additional professions during the contract term.</p> <p>As new professions are added to the system during the contract term, should there be provisions for handling inter-professional credits where applicable? How should the system manage and display these cross-credit situations to ensure that they are correctly accounted for across multiple licensing boards, especially when credits may satisfy requirements for more than one profession?</p>	The Department does not designate inter-professional courses for credit; each course is approved independently by each licensing authority.
RFP Reference: A.3	34	9	<p>Interface services with third-party databases.</p> <p>Should the system configuration specify which critical data points need to be regularly updated from third-party license and regulation databases to maintain current records? Should this updating process include capabilities for direct API calls to facilitate real-time data verification and pulling, thus enhancing overall data accuracy and system reliability?</p>	Yes, the system will need to specify data points, including but not limited to name, license number, license period, with the State's licensing system. The State currently uses an API to update the data, but that would not be required.
RFP Reference: A.3	34	10	<p>Monthly data extract for license updates.</p> <p>Given the expected high volume of data to be processed during monthly updates, does the State have specific performance benchmarks the system must meet regarding processing speed and data accuracy? Are there particular thresholds for data throughput or error rates that need to be maintained to ensure timely and reliable updates to licensee information?</p>	Pursuant to this Amendment's Item 3 below, Section A.3. of RFQ Attachment F has been revised to clarify that the extract necessary to add or remove licensees shall be completed on a daily basis. The update can be done through either a batch or API.
RFP Reference: A.4	34	11	<p>Update system for special education requirements.</p> <p>In response to frequent legislative changes affecting special education requirements, should the system be designed to automatically roll out updates seamlessly without interrupting the user experience? What mechanisms, such as version control or modular updates, would the State prefer to be implemented to manage these updates efficiently and ensure ongoing compliance?</p>	The State would provide for reasonable opportunity to incorporate changes resulting from legislation. The State does not have a preference on the mechanism for updates.

RFP Reference: A.4	34	12	<p>Revisions to education requirements. In light of frequently changing education requirements, how should the system facilitate the communication of these updates to affected licensees and providers? Should there be an automated notification system built into the platform that informs users of such changes, potentially tailored to their specific fields or certifications?</p>	<p>The State does not require these features or automatic notification.</p> <p>See State's response to Question 20 below.</p>
RFP Reference: A.5	34	13	<p>Uninterrupted access for state audits. What security protocols does the State require for auditors accessing the system to conduct their reviews? Are there specific levels of access that need to be configured to differentiate between various auditor roles, ensuring that they only access necessary information relevant to their specific audit tasks?</p>	<p>Contemporary, best in class security protocols should be utilized and described to the State for acceptance. If there are multiple auditor roles, they should be established by role-base security and frequently view-only.</p>
RFP Reference: A.5	34	14	<p>Continuous electronic access for audits. Should the system include a comprehensive audit trail or change log feature that meticulously records all data access and modifications? How critical is this feature in supporting the State's compliance and security auditing processes, and what specific interactions or data changes should be tracked to meet regulatory standards?</p>	<p>Yes, pro forma Contract Section E.8.c. requires a complete audit trail be maintained.</p> <p>The system should be capable of providing the data on a continuous and uninterrupted basis, including requests for random or specific audit information.</p>
RFP Reference: A.7	34	15	<p>Receive certifications from external vendors. Regarding interfacing with external certification bodies, should the system have built-in support for automatic data exchange with these entities? What are the specific certification bodies the State mandates interactions with, and are there requirements for these certifications to be verified or renewed on a predetermined schedule to ensure ongoing compliance?</p>	<p>The State does not interface with external certification bodies for continuing education. The course completion information will be sent by the course provider or the licensee, not a certification body.</p> <p>Pursuant to this Amendment's Item 4 below, Section A.7. of RFQ Attachment F has been revised to clarify that the vendor must be able to receive reports from designated/board approved education providers concerning licensee completion of initial and continuing education courses and must track said reports appropriately within the system.</p>

RFP Reference: A.8	34	16	<p>Maintain education records. Should the system ensure that education records are maintained online for a specific minimum duration to comply with state regulations?</p> <p>What archival formats are considered acceptable for long-term storage, and are there any specific data integrity or security protocols that must be adhered to during the archival process?</p>	<p>The system should ensure the education records are maintained as long as a license is active.</p> <p>If a one-way API, the system should ensure that education records are maintained for ten (10) years after a license becomes inactive.</p> <p>If it is a batch, the system should ensure that the education records are maintained through the backup cycle.</p>
RFP Reference: A.8	34	17	<p>Record maintenance and backup. What are the State's specific expectations regarding data recovery times following a system outage or disaster scenario? Does the system require capabilities such as real-time data replication to ensure rapid recovery, and are there predefined recovery time objectives (RTO) and recovery point objectives (RPO) that the system must adhere to in order to maintain continuity and compliance?</p>	<p>Section E.8.d. of the Pro Forma Contract (RFP Attachment 6.6.) speaks to the business continuity requirements and the required disaster recovery capabilities. The Recovery Point Objective (RPO) and the Recovery Time Objective (RTO) is five (5) days.</p> <p>Pursuant to this Amendment's Item 6 below, Section E.8. of RFQ Attachment F has been revised to update the RPO and RTO.</p>
RFP Reference: A.9	34	18	<p>Online video tutorials. Considering the diverse demographics of the system's users, should the online video tutorials be designed to support multiple languages and include accessibility features such as closed captions and screen reader compatibility? How important is it to align these features with accessibility standards such as the Americans with Disabilities Act (ADA) or Web Content Accessibility Guidelines (WCAG)?</p>	<p>Yes. The State is required to comply with Title VI of the Civil Rights Act of 1964 and Title II of Americans with Disabilities Act (ADA), including the Web Content Accessibility Guidelines (WCAG) 2.1, Level AA.</p> <p>Online video tutorials would need to be able to accommodate Limited English proficiency and applicable disabilities under the ADA.</p>
RFP Reference: A.10	35	19	<p>Mobile applications for reporting. Should the mobile applications developed for reporting course completions be optimized for specific operating systems or a range of mobile device capabilities? What are the State's expectations regarding the minimum system requirements or performance benchmarks to ensure accessibility and usability across potentially diverse technology platforms used by the licensees?</p>	<p>The mobile applications developed for reporting course completions should be optimized for operating systems currently used on Apple devices (e.g., iOS 17.4, iOS 17.3, iOS 16.7, iOS 16.6) and Android devices (e.g., 14.0, 13.0, 12.0, 11.0, 10.0, 9.0 Pie).</p> <p>The mobile applications must also be compatible with the MyTN app.</p>

General		20	Our current product offers a range of additional features that could potentially enhance operational efficiencies and insights. Would the State be interested in exploring these supplementary functionalities, if so, may we include these features in our proposal by adding an “additional features” section?	The State’s contract is not interested in enhancements or operational efficiencies but if an applicant or licensee is interested in upgrading to additional features, they can opt to do so outside of the State’s contract. As these services are outside the State’s contract requirements, they should not be included in a Respondent’s proposal. The State will allow the resulting Contractor to include a link to its additional features on the required State site.
		21	How many users will be in the system?	Our license base typically grows every year. We currently have over 317,000 licensees.
Section A.1.a	32	22	In Section A.1.a, please explain what is meant by “The Contractor shall provide a continuing education reporting and tracking system free of charge to the State that permits licensees of participating professions to create an electronic account in order to perform the following functions:”	The continuing education system meeting the State’s requirements must be provided to the State at no cost. See State response to Question 20 above.
		23	Is there a need for off the shelf content?	No. All initial and continuing education course are provided by approved course providers.
		24	Does the State offer any content and training, or is all the licensure requirements training provided externally to the State?	All content pertaining to licensure requirements is provided by approved course providers in compliance with applicable rules and state statutes.
		25	Is there a need for each licensing body to have their own branding of the interface? Ex. Does the Board of Cosmetology and Barber Examiners need to have their own logo and messaging and the Tennessee Real Estate Commission have their own logo and messaging?	No, branding by license type is not required.
		26	What are the systems of record which provides the names of user information for certifications?	The licensing and regulatory system currently utilized by the State is the Comprehensive Online Regulatory Enforcement (CORE) system.
		27	Is there any migration of historical records including certificates of completion, transcripts, etc.?	If the incumbent vendor is not awarded the resulting contract the State will be required to migrate historical records to the new vendor.

		28 Is there any need for single sign on (SSO) or will all users interface the system through a log in page?	All users/licensees will interface the system through a log in page and would need to create a user profile.
		29 Will the listed professions be required to use the selected vendor, or will their usage be optional should those respective boards and/or the Department so choose?	The State will advise the Contractor as to which professions shall be included in the web portal upon the Contract's execution. The State may request the inclusion of additional professions in the web portal during the term of the resulting contract.
		30 What are the board required certifications referenced in A.7.?	Please see the State's response to question 15. Pursuant to this Amendment's Item 4 below, Section A.7. of RFQ Attachment F has been revised to clarify that the vendor must be able to receive reports from designated/board approved education providers concerning licensee completion of initial and continuing education courses and must track said reports appropriately within the system.
		31 Does the state require a full company organizational chart, or is our company's specific product line sufficient?	No, a full company organizational chart is not necessary. Pursuant to Item B.12. of RFQ Attachment B, the respondent is required to provide an organizational chart identifying the key people within the respondent's organization that will be assigned to provide the goods and services contemplated in the Pro Forma Contract (RFQ Attachment F).
		32 What is meant by "initial" education courses?	Initial education refers to education required for licensing. Continuing education is required to maintain the license.
		33 Would bids that feature a small amount of cost be automatically disqualified, or would they still be in consideration?	Pursuant to RFQ Section 3.4.4., a response to this RFQ shall not include any information concerning costs (in specific dollars or numbers) associated with the Technical Response. Responses that include information concerning cost may be deemed by the State to be nonresponsive and may be rejected. See State's response to question 34 below.

		34 If no zero cost bids are submitted, would the RFQ be reissued or would bids with a cost element be considered?	Responses with cost elements will not be considered and if no zero cost responses are submitted the State would be required to reissue the solicitation.
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3. Delete Section A.3. of the Pro Forma Contract (RFQ Attachment F) in its entirety and insert the following in its place (any sentence or paragraph containing revised or new text is highlighted):

A.3. The Contractor shall interface its services offered under the Contract with third party license and regulation databases. The State currently uses a web-based case management system to manage licenses, registrations, and certifications. The interface shall, at a minimum, extract current licensee information to provide renewal expiration dates and current license status, add new licensees, and remove licensees no longer required to obtain continuing education. The extract necessary to add or remove licensees shall be completed on a **daily** basis.

4. Delete Section A.7. of the Pro Forma Contract (RFQ Attachment F) in its entirety and insert the following in its place (any sentence or paragraph containing revised or new text is highlighted):

A.7. The Contractor shall **ensure hours of credit for initial and continuing education requirements can be reported from a designated/board-approved provider to the Contractor and appropriately reported and tracked in the system.**

5. Delete Section A.13. of the Pro Forma Contract (RFQ Attachment F) in its entirety and insert the following in its place (any sentence or paragraph containing revised or new text is highlighted):

A.13. The Contractor shall provide all initial and continuing education records in an easily accessible electronic format to the State within thirty (30) days of termination or expiration of the Contract. **If necessary, upon termination or expiration of the Contract, the Contractor shall coordinate with the State in a reasonable transition process to ensure that all initial and continuing education courses and records are migrated to a new continuing education tracking and reporting system.**

6. Delete Section E.8. of the Pro Forma Contract (RFQ Attachment F) in its entirety and insert the following in its place (any sentence or paragraph containing revised or new text is highlighted):

E.8. Contractor Hosted Services Confidential Data, Audit, and Other Requirements

a. "Confidential State Data" is defined as data deemed confidential by State or Federal statute or regulation. The Contractor shall protect Confidential State Data as follows:

(1) The Contractor shall ensure that all Confidential State Data is housed in the continental United States, inclusive of backup data.

(2) The Contractor shall encrypt Confidential State Data at rest and in transit using the current version of Federal Information Processing Standard ("FIPS") 140-2 or 140-3 (current applicable version) validated encryption technologies. The State shall control all access to encryption keys. The Contractor shall provide installation and maintenance support at no cost to the State.

(3) The Contractor and the Contractor's processing environment containing Confidential State Data shall either (1) be in accordance with at least one of the following security standards: (i) International Standards Organization ("ISO") 27001; (ii) Federal Risk and Authorization Management Program ("FedRAMP"); or (2) be subject to an annual engagement by a CPA firm in accordance with the standards of the American Institute of Certified Public Accountants ("AICPA") for a System and Organization Controls for service organizations ("SOC") Type II

audit. The State shall approve the SOC audit control objectives. The Contractor shall provide proof of current ISO certification or FedRAMP authorization for the Contractor and Subcontractor(s), or provide the State with the Contractor's and Subcontractor's annual SOC Type II audit report within 30 days from when the CPA firm provides the audit report to the Contractor or Subcontractor. The Contractor shall submit corrective action plans to the State for any issues included in the audit report within 30 days after the CPA firm provides the audit report to the Contractor or Subcontractor.

If the scope of the most recent SOC audit report does not include all of the current State fiscal year, upon request from the State, the Contractor must provide to the State a letter from the Contractor or Subcontractor stating whether the Contractor or Subcontractor made any material changes to their control environment since the prior audit and, if so, whether the changes, in the opinion of the Contractor or Subcontractor, would negatively affect the auditor's opinion in the most recent audit report.

No additional funding shall be allocated for these certifications, authorizations, or audits as these are included in the Maximum Liability of this Contract.

- (4) The Contractor must annually perform Penetration Tests and Vulnerability Assessments against its Processing Environment. "Processing Environment" shall mean the combination of software and hardware on which the Application runs. "Application" shall mean the computer code that supports and accomplishes the State's requirements as set forth in this Contract. "Penetration Tests" shall be in the form of attacks on the Contractor's computer system, with the purpose of discovering security weaknesses which have the potential to gain access to the Processing Environment's features and data. The "Vulnerability Assessment" shall be designed and executed to define, identify, and classify the security holes (vulnerabilities) in the Processing Environment. The Contractor shall allow the State, at its option, to perform Penetration Tests and Vulnerability Assessments on the Processing Environment.
- (5) Upon State request, the Contractor shall provide a copy of all Confidential State Data it holds. The Contractor shall provide such data on media and in a format determined by the State
- (6) Upon termination of this Contract and in consultation with the State, the Contractor shall destroy all Confidential State Data it holds (including any copies such as backups) in accordance with the current version of National Institute of Standards and Technology ("NIST") Special Publication 800-88. The Contractor shall provide a written confirmation of destruction to the State within ten (10) business days after destruction.

b. Minimum Requirements

- (1) The Contractor and all data centers used by the Contractor to host State data, including those of all Subcontractors, must comply with the State's Enterprise Information Security Policies as amended periodically. The State's Enterprise Information Security Policies document is found at the following URL:
<https://www.tn.gov/finance/strategic-technology-solutions/strategic-technology-solutions/sts-security-policies.html>.
- (2) The Contractor agrees to maintain the Application so that it will run on a current, manufacturer-supported Operating System. "Operating System" shall mean the software that supports a computer's basic functions, such as scheduling tasks, executing applications, and controlling peripherals.

- (3) If the Application requires middleware or database software, Contractor shall maintain middleware and database software versions that are at all times fully compatible with current versions of the Operating System and Application to ensure that security vulnerabilities are not introduced.

c. **Comptroller Audit Requirements**

Upon reasonable notice and at any reasonable time, the Contractor and Subcontractor(s) agree to allow the State, the Comptroller of the Treasury, or their duly appointed representatives to perform information technology control audits of the Contractor and all Subcontractors used by the Contractor. Contractor will maintain and cause its Subcontractors to maintain a complete audit trail of all transactions and activities in connection with this Contract. Contractor will provide to the State, the Comptroller of the Treasury, or their duly appointed representatives access to Contractor and Subcontractor(s) personnel for the purpose of performing the information technology control audit.

The information technology control audit may include a review of general controls and application controls. General controls are the policies and procedures that apply to all or a large segment of the Contractor's or Subcontractor's information systems and applications and include controls over security management, access controls, configuration management, segregation of duties, and contingency planning. Application controls are directly related to the application and help ensure that transactions are complete, accurate, valid, confidential, and available. The audit shall include the Contractor's and Subcontractor's compliance with the State's Enterprise Information Security Policies and all applicable requirements, laws, regulations or policies.

The audit may include interviews with technical and management personnel, physical inspection of controls, and review of paper or electronic documentation. For any audit issues identified, the Contractor and Subcontractor(s) shall provide a corrective action plan to the State within 30 days from the Contractor or Subcontractor receiving the audit report.

Each party shall bear its own expenses incurred while conducting the information technology controls audit.

- d. **Business Continuity Requirements.** The Contractor shall maintain set(s) of documents, instructions, and procedures which enable the Contractor to respond to accidents, disasters, emergencies, or threats without any stoppage or hindrance in its key operations ("Business Continuity Requirements"). Business Continuity Requirements shall include:

- (1) "Disaster Recovery Capabilities" refer to the actions the Contractor takes to meet the Recovery Point and Recovery Time Objectives defined below. Disaster Recovery Capabilities shall meet the following objectives:
- i. Recovery Point Objective ("RPO"). The RPO is defined as the maximum targeted period in which data might be lost from an IT service due to a major incident: **five (5) days**
 - ii. Recovery Time Objective ("RTO"). The RTO is defined as the targeted duration of time and a service level within which a business process must be restored after a disaster (or disruption) in order to avoid unacceptable consequences associated with a break in business continuity: **five (5) days**

- (2) The Contractor and the Subcontractor(s) shall perform at least one Disaster Recovery Test every three hundred sixty-five (365) days. A "Disaster Recovery Test" shall mean the process of verifying the success of the restoration procedures that are executed after a critical IT failure or disruption occurs. The Disaster Recovery Test shall use actual State Data Sets that mirror production data, and success shall be defined as the Contractor verifying that the Contractor can meet the State's RPO and RTO requirements. A "Data Set" is defined as a collection of related sets of information that is composed of separate elements but can be manipulated as a unit by a computer. The Contractor shall provide written confirmation to the State after each Disaster Recovery Test that its Disaster Recovery Capabilities meet the RPO and RTO requirements.
7. **RFQ Amendment Effective Date.** The revisions set forth herein shall be effective upon release. All other terms and conditions of this RFQ not expressly amended herein shall remain in full force and effect.