Electric Reliability Council of Texas, Inc. (ERCOT)
Contract Administration and Procurement

Request for Proposal
For
Records Management and eDiscovery 3-16 JT

Date of Release: March 11, 2016
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1. GENERAL INFORMATION

1.1 RFP Objective

In 2015, ERCOT Management approved a new operating procedure which requires the management of Non-Records along defined timelines. Current ERMA (Enterprise Records Management Automation) functionality is not capable of fully addressing the requirements of this operating procedure. This results in noncompliance with this operating procedure and increases the costs and risks to ERCOT if required to produce information. At the same time gaps were identified in the current eDiscovery tool impacting the capabilities of search, legal hold, and overall management of the process that needed to be addressed.

The primary business objectives of this project are:

- Address gaps in the business capabilities needed by the legal department to implement Corporate Records Management policy.
- Implement an eDiscovery solution to reliably preserve and produce documents (Records and Non-Records) in response to an internal or external investigation or request.

1.2 ERCOT Background

1.2.1 Overview of Electric Reliability Council of Texas, Inc.

The Electric Reliability Council of Texas (ERCOT) manages the flow of electric power to 24 million Texas customers, representing approximately 90 percent of the state’s electric load. As the Independent System Operator for the region, ERCOT schedules power on an electric grid that connects more than 43,000 miles of transmission lines and 550 generation units. ERCOT also performs financial settlement for the competitive wholesale bulk-power market and administers retail switching for 7 million premises in competitive choice areas. ERCOT is a membership-based 501(c)(4) nonprofit corporation governed by a board of directors and subject to oversight by the Public Utility Commission of Texas and the Texas Legislature. Additional information about ERCOT can be found at [http://www.ercot.com/](http://www.ercot.com/).

1.3 Strategic Elements

1.3.1 Contract Term

ERCOT intends to award a contract resulting from this solicitation for an initial term from date of award as necessary to fulfill the goals of this RFP.
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Any contract issued as a result of this solicitation is subject to cancellation, without penalty, either in whole or in part, for breach of contract. Such a contract may also be canceled by ERCOT for convenience upon a thirty (30) day written notice.

1.3.2 Contract Elements

The term "contract" means the contract was awarded as a result of this RFP and all exhibits attached hereto. At a minimum, the following documents will be incorporated into the contract: this RFP and all attachments and exhibits; any modifications, addendum, or amendments issued in conjunction with this RFP; and the successful Respondent’s proposal. Respondent, if selected, must execute ERCOT’s Master Agreement. The actual work to be performed and the compensation for such work will be documented in a Statement of Work. If the Respondent currently has an active Master Agreement with ERCOT, only a new Statement of Work will be required.

1.4 Basic Philosophy: Contracting for Results

ERCOT’S fundamental commitment is to contract for value and successful results. A successful result is denoted as the generation of defined, measurable, and beneficial outcomes that support ERCOT’s missions, objectives, and goals, and satisfies all defined contract requirements.

1.5 Legal and Regulatory Constraints

1.5.1 Conflicts of Interest

ERCOT seeks to ensure a level playing field in the award of the contract. ERCOT has implemented an aggressive policy concerning actual or potential conflicts of interest to ensure fair and open competition, and has included language concerning actual and potential conflicts of interest in Section 8 of the Master Agreement. Respondents must carefully review and understand this language when developing proposals.

1.5.2 Former Employees of ERCOT

The Respondent must disclose any past employment of its employees and agents, or its subcontractors’ employees and agents, by ERCOT, including the individual’s name and the date such individual’s employment at ERCOT ended.

1.5.3 Interpretive Conventions

Whenever the terms “shall,” “must,” “or “is required” are used in this RFP in conjunction with a specification or performance requirement, the specification or requirement is mandatory for the potential
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vendor. ERCOT may, at its sole discretion, reject any proposal that fails to address or meet any mandatory requirement set forth herein.

Whenever the terms “can,” “may,” or “should” are used in this RFP in conjunction with a specification or performance requirement, the specification or performance requirement is a desirable, but not mandatory, requirement.

1.6 ERCOT Point of Contact

The sole point of contact for inquiries concerning this RFP is:

Jason Terrell
2705 West Lake Drive
Taylor, Texas 76574
(512) 248-6331
Fax: (512) 248-3118
jterrell@ercot.com

All communications relating to this RFP must be directed to the specified ERCOT contact person. All other communications between a respondent and ERCOT staff concerning this RFP are prohibited. In no instance is a respondent to discuss cost information contained in a proposal with the ERCOT point of contact or any other staff prior to proposal evaluation. Failure to comply with this section may result in ERCOT’s disqualification of the proposal.

1.7 Procurement Timeline

<table>
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<th>Procurement Timeline</th>
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<tr>
<td>RFP Release Date</td>
<td>March 11, 2016</td>
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<tr>
<td>Optional Notice of Intent to Propose Due</td>
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<td>Anticipated Contract Start Date</td>
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1.8 Communications Regarding This Procurement

ERCOT reserves the right to amend this RFP at any time prior to the proposal submission deadline. Any changes, amendments, or clarifications will be made in the form of responses to vendor questions, amendments, or addendum issued by ERCOT and sent to the point of contact listed on the Notice of Intent to Propose. Vendors not submitting the Notice of Intent to Propose will not receive changes, amendments, or answers to questions regarding this Request For Proposal.

1.9 RFP Cancellation/Non-Award

ERCOT reserves the right to cancel this RFP or to make no award of a contract pursuant to this RFP.

1.10 Right to Reject Proposals

ERCOT may, in its discretion, reject any and all proposals submitted in response to this RFP.

1.11 No Reimbursement for Costs of Proposals

ERCOT will not reimburse any respondent for costs of developing a proposal in response to this RFP.
2 SCOPE AND REQUIREMENTS

2.1 Project Scope Overview

All ERCOT employees are required to manage their Records and Non-Records in accordance with the Corporate Records Management corporate standard and related operating procedures. The majority of the Unstructured Records and Non-Records at ERCOT are stored in three platforms: Email, SharePoint, and Share Drives. The business capabilities needed for Corporate Records Management across all these three platforms are: (a) Search; (b) Manage (Records and Non-Records); (c) Hold; and (d) Delete (Non-Records). Some of these business capabilities are used exclusively by the legal department (e.g. Search and Hold) while others are used by both the legal department and ERCOT employees (e.g. Manage and Delete). This project attempts to address both these groups.

ERCOT uses disparate tools and methods to comply with Corporate Records Management policy. Additionally, some capabilities such as data analytics, deleting expired Non-Records on shares and SharePoint, and complete management of legal holds is not possible with the existing ERMA tool set. This purchase is needed to make a foundational investment for long-term use by ERCOT legal staff and to enable ERCOT users to comply with Corporate Records Management policy.

Key scope requirements include the following:

- Search and produce Records and Non-Records from across ERCOT’s unstructured data repositories.
- Apply analytics to analyze gathered data in order to take action upon it.
- Enable and manage the legal hold process for Records and Non-Records across ERCOT’s unstructured data repositories.
- Develop a sustainable process for managing Records and deleting Non-Records from ERCOT’s unstructured data repositories.
- Provide exports and reports for compliance on holds, searches, and deletions for internal and external use.
- Implement user training to execute on the above business capabilities.

Responses to the following questions and comments will be used as key evaluation criteria for each respondent proposal. These items will be marked with an (*) on the attached score sheet:

- Given ERCOT’s current architecture and proposed solution architecture, identify any delta changes
In the proposed solution architecture, please provide details of types of systems to be used (vms, appliances, stand-alone systems, etc.)

Given the proposed solution uses metadata storage, what database type(s) and versions are required/used?

Please explain in detail, how the proposed solution addresses each step in the eDiscovery Reference model (EDRM).

2.1.1 eDiscovery Functional Business Requirements

The EDRM model above and all definitions below are taken from www.edrm.net per their terms of use.

2.1.1.1 Information Governance

Information Governance is getting your electronic house in order to mitigate risk & expenses should e-discovery become an issue, from initial creation of ESI (electronically stored information) through its final disposition.

2.1.1.2 Identification

Identification is locating potential sources of ESI & determining its scope, breadth & depth.
Respondent system shall:

2.1.1.2.1 Have the ability for users to run multiple concurrent searches and provide progress tracking on each search activity.

2.1.1.2.2 Provide advanced search features that includes the use of multiple fields and leverages Boolean, stemming, wildcard, fuzzy, proximity and other search types.

2.1.1.2.3 Logically group results with related content to form document sets. Document set should identifying strength of the relationship and include shared characteristics/meta-data.

2.1.1.2.4 Logically group all related messages into chronological threads, capturing entire discussions, related content, replies, forwards, blind copies, and carbon copies.

2.1.1.2.5 Support the Searching of un-structured data sources including (but not limited to): SharePoint, workstations, USB, Share Drive, Work Email, EV, Ercot.com website, Atlassian tools, Lync, Data Analytics extract.

2.1.1.2.6 Enable users to specify search criteria using keyword or a point-and-click interface, reducing the need for any scripting or programming.

2.1.1.2.7 Provide metadata and keyword filters that use the repository’s existing index and metadata.

2.1.1.2.8 Enable users to search the full range of SharePoint content including blogs, wikis, calendar items, announcements, discussions, and surveys and render them in context.

2.1.1.2.9 Process and analyze using Optical and Intelligent Character Recognition (OCR/ICR) of images containing text.

2.1.1.2.10 Maintain an interactive and searchable catalog of data sources and custodians.

2.1.1.2.11 Highlight search terms in all returned results.

2.1.1.3 Preservation

Preservation is ensuring that ESI is protected against inappropriate alteration or destruction.

Respondent System Shall:

2.1.1.3.1 Collect and hold forensic copies of data as part of a legal hold. These copies are used to ensure data is being preserved while not impacting the lifecycle and retention of information.
2.1.1.3.2 Have the ability to implement a “hold in place”. This functionality is currently available in EV. It should be considered as a preservation option if there was no other way to preserve data.

2.1.1.4 Collection

Collection is gathering ESI for further use in the e-discovery process (processing, review, etc.).

Respondent System Shall:
- 2.1.1.4.1 Verify the integrity of collected data before and after collection; ensuring each collection is forensically sound
- 2.1.1.4.2 Enable secure on-site collection from all ERCOT data sources
- 2.1.1.4.3 Capture related metadata showing “chain-of-custody” and authenticity of collected data.
- 2.1.1.4.4 Capture any related terms included in each search and provide detailed analytics of search results to indicate relationships

2.1.1.5 Processing

Processing is reducing the volume of ESI and converting it, if necessary, to forms more suitable for review & analysis.

Respondent System Shall:
- 2.1.1.5.1 Provide comprehensive reporting that documents all search criteria and provide detailed analytics of the results
- 2.1.1.5.2 Enable real-time search result filtering for individual queries or variations and allow users to sample the filtered documents
- 2.1.1.5.3 Identify and display related documents, such as near-duplicates, similar documents, and those contained in discussion threads and attachments
- 2.1.1.5.4 Have the ability to apply filters to get rid of “junk” quickly
- 2.1.1.5.5 Automatically de-duplicate data across multiple data stores and across the entire data set
- 2.1.1.5.6 Visually summarize overall document set characteristics and enable filtering to allow detailed analysis by custodian, timeline, and file type
2.1.1.6 Review

Review is evaluating ESI for relevance & privilege.

Respondent System Shall:

2.1.1.6.1 Protect privileged documents, attorney work product, and privacy information with reason codes and redaction verification

2.1.1.6.2 Automatically find and redact keywords, phrases, and personal information, such as Social Security numbers

2.1.1.6.3 Deliver a flexible and intuitive workflow that leverages the intelligence of expert reviewers to train the software on tagging criteria, automatically generate predictions, and analyze accuracy for rapid review

2.1.1.6.4 Enable the creation of relevant initial training sets to focus the automated functions such as search, review and analysis

2.1.1.6.5 Provide a prediction score for the document under review, transparently displaying content and metadata relevant to the prediction. Users can quickly assess how the prediction was generated to improve prediction accuracy and make consistent review decisions, bolstering defensibility

2.1.1.6.6 Enable users to streamline the review of cross-matter issues by using templates to import and export prediction models across cases, resulting in reduced cost

2.1.1.6.7 Provide customizable tag and folder templates that encapsulate best practices from enterprises, governments, and law firms

2.1.1.6.8 Monitor the completion of review sets and provides the status of review folders that are currently checked in or out by any reviewer

2.1.1.6.9 Display documents in a near-native format without requiring each application to be loaded on a reviewer’s workstation

2.1.1.6.10 Provide a visual interface to dynamically explore results to discover new relevant concepts

2.1.1.6.11 Narrow search results using automatically generated clickable filters that provide exact document counts

2.1.1.6.12 Tag individual or sets of documents using a customizable multi-layer tree structure

2.1.1.6.13 Automatically allocate documents into review folders based on either a set number of folders or a set number of documents per folder
Section 3 – Reference Architecture

2.1.1.6.14 Organize documents into specific topics, enabling users to quickly analyze all documents related to a particular subject

2.1.1.6.15 Search existing collections filtering via metadata fields such as owner/author, date range, and file type

2.1.1.6.16 Monitor and list the frequency of communications between key custodians

2.1.1.7 Analysis
Analysis is evaluating ESI for content & context, including key patterns, topics, people & discussion.

Respondent System Shall

2.1.1.7.1 Provide a set of built-in quality control capabilities allowing users to measure review accuracy, identify inconsistent tagging, highlight disagreements between reviewers, and automatically compare predictions and human decisions to assess and improve review accuracy

2.1.1.7.2 Provide intuitive statistical sampling tools to select an appropriate random sample based on the accuracy requirements of the case. Sample size is automatically adjusted for case factors that affect sampling accuracy, taking the guesswork out of statistical sampling

2.1.1.8 Production
Production is delivering ESI to others in appropriate forms & using appropriate delivery mechanisms.

Respondent System Shall:

2.1.1.8.1 Allow users to produce documents in native, TIFF, PDF, audio, video and mixed mode formats

2.1.1.8.2 Streamline the export and production process by providing sharable export templates and pre-mediation of issues

2.1.1.8.3 Apply sequential numbering of documents with Bates Stamps as well as custom headers and footers

2.1.1.8.4 Deliver capability to export data in XML, DAT, and CSV formats, improving interoperability and seamless transfer of electronic data to outside parties

2.1.1.8.5 Enable batch productions at any point in the eDiscovery process
2.1.1.8.6 Provide customizable load file creation during export, eliminating the need for
custom transforms prior to ingestion into third-party review applications
2.1.1.8.7 Enable secure transfer of collection to/from any standard USB drive or file share

2.1.1.9 Presentation
Presentation is displaying ESI before audiences (at depositions, hearings, trials, etc.),
especially in native & near-native forms, to elicit further information, validate existing facts
or positions, or persuade an audience.

2.1.1.10 Case Management
Respondent System Shall:
2.1.1.10.1 Provide integrated dashboards, workflows and reporting for each stage in the
eDiscovery process from legal hold through production
2.1.1.10.2 Allow administrators to easily create cases, manage groups, topics, review sets,
and decision tree tag structures
2.1.1.10.3 Provide detailed analytics of all eDiscovery cases across an organization in an
automatically generated graphical report
2.1.1.10.4 Track user actions such as login, logout, search, tag, print, and export, providing
a full, reproducible audit trail
2.1.1.10.5 Deliver summary reports to monitor case progress, ensuring that resources are
properly allocated and deadlines are met
2.1.1.10.6 Enable hold email notices to be quickly created and sent to custodians and
system administrators
2.1.1.10.7 Have Hold notice email templates available and that can be customized and
saved for reuse, or imported
2.1.1.10.8 Create and schedule reminders to non-responsive custodians and escalations
for delivery to a custodian’s manager if necessary for compliance and tracking
those involved in the hold, release or update notifications
2.1.1.10.9 Create and issue survey questions to key custodians to easily capture
information critical content to a case
2.1.1.10.10 Automatically compile survey responses and present them for analysis both in a
summarized format, and by individual custodian
2.1.1.10.11 Have access to Legal Hold summaries that detail their active, pending, and
released holds in a single view
Section 3 – Reference Architecture

2.1.1.10.12 Automatically track and present administrators with the status of all legal hold notices for one case or across all cases in a single view
2.1.1.10.13 Show document review progress for a case in an automatically generated graphical report
2.1.1.10.14 Show the number of documents that individuals or groups of reviewers have tagged over a time period

2.1.1.11 System Interfaces

Respondent System Shall:
2.1.1.11.1 Interface with JIRA for full case-lifecycle task management
2.1.1.11.2 Facilitate import/export of application data via API, with a configurable data definition
2.1.1.11.3 Interface with selected Analytics tool to request analytic information and receive detailed “found data”
2.1.1.11.4 Provide the flexibility to import external load files from other review platforms

2.1.1.12 Other

Respondent System Shall:
2.1.1.12.1 Enable an Administrator to set role based permissions/user capabilities
2.1.1.12.2 Allow the user to enter their ERCOT User-id and password to validate and gain access to tool (Active Directory)
2.1.1.12.3 Enable users to resume review or analysis with the exact document and screen settings set prior to logging off

2.1.2 Data Analytics Functional Business Requirements

The tool must automatically run on a recurring basis to collect new or modified data and tracks user actions such as login, logout, search, tag, print, and export, providing a full/reproducible audit trail.
Respondent System Shall:

2.1.2.1 Architecture
   2.1.2.1.1 Be compatible with VERITAS NetBackup appliances
   2.1.2.1.2 Work with Storage Based solution NAS and CIFS standard

2.1.2.2 Interfaces
   2.1.2.2.1 Work seamlessly with Active Directory to captured information pertaining to data access user permissions and details
   2.1.2.2.2 Work with our current Enterprise Vault solution
   2.1.2.2.3 Provide all data information collected to eDiscovery solution thru a seamless interface
   2.1.2.2.4 Enable the use of HP Openview (SMTP traps) to track/monitor application “health”
   2.1.2.2.5 Work with MS Exchange, Fileshare, and SharePoint

2.1.2.3 Reports
2.1.2.3.1 Generate a “Data Delete Verification” report that allows the viewer to verify that removal tool is deleting data that it should and when it should, according to configuration/ERCOT retention policy. The report should contain items that were archived and removed. There should also be a differential report reflecting the data that should have been deleted.

2.1.2.3.2 Generate a “Last Access/Scale” report that lists all data not needing to be deleted, but its scale or access level flags it as a candidate for alternative storage medium, this should be configurable (storage tiering of data based on access needs/scale). A report illustrating data that is under 3 years, but hasn’t been accessed in 1 year. We are looking for who accessed the data last, when it was last accessed and the location of the data.

2.1.2.3.3 Generate a “Permission History” report that lists all ERCOT personnel having permissions to given data. It would be able to show who all had permissions to a document or location.

2.1.2.4 Other

2.1.2.4.1 Record file access and report on chain of custody of confidential information accessed by personnel

2.1.2.4.2 Flag data with configurable confidential information levels

2.1.2.4.3 Maintain information for regulatory compliance: access, use and retention

2.1.2.4.4 Have role base user setup defining user capabilities

2.1.2.4.5 Automate data governance through workflows and configurations (if solution is to replace current EV)

2.1.2.4.6 Tool capability pluses include visibility into: AIX LPARS, Windows workstation, USB

2.1.2.4.7 Tool capability pluses include visibility into: Atlassian Product suite

2.1.3 eDiscovery Non-Functional Requirements

Respondent System Shall:

2.1.3.1 Environment

2.1.3.1.1 Be installed into 3 environments: ITest, Active Prod, Passive Prod (DR)

2.1.3.1.2 Work with 1 service account and 8 concurrent users
2.1.3.2 Security
   2.1.3.2.1 Must provide logins for various accounts and access levels
   2.1.3.2.2 Must include settings for inactivity timeouts
   2.1.3.2.3 Must include data encryption for any information/content that leaves ERCOT servers
   2.1.3.2.4 Data classification, content must be capable of being labeled

2.1.3.3 Audit
   2.1.3.3.1 Solution must maintain full traceability of transactions
   2.1.3.3.2 Solution must contain transactional time stamps

2.1.3.4 Performance
   2.1.3.4.1 System user experience response times, should not exceed 30 second wait time
   2.1.3.4.2 Processing times for running searches, applying analytics, and exporting data, should not exceed 8 hours
   2.1.3.4.3 Application must offer accessibility through Citrix

2.1.3.5 Availability
   2.1.3.5.1 Technical support availability during regular business hours
   2.1.3.5.2 Indicate the update/release schedule (number of major patches and updates released throughout the year)

2.1.3.6 Documentation
   2.1.3.6.1 Must provide application and system documentation
   2.1.3.6.2 Must provide training documentation

2.1.4 Data Analytics Non-Functional Requirements

Respondent System Shall:
   2.1.4.1.1 Be installed into 3 environments: ITest, Active Prod, Passive Prod (DR)
   2.1.4.1.2 Work with 1 service account and 2 concurrent users
Section 3 – Reference Architecture

2.2 General Requirements

2.2.1 In their responses to this RFP, respondents must describe in detail the methodology and approach to meeting the requirements of this RFP.

2.2.2 Respondents must include a Gantt chart or Project schedule for completing each set of deliverables, key milestones, or scope requirement described herein.

2.2.3 The awarded supplier must provide a Project Manager or lead who has decision-making authority and will assume responsibility for coordination, control, and performance of this effort.

2.2.4 Any changes to key personnel associated with the subsequent contract must be submitted in writing and approved in writing by ERCOT.

2.2.5 The awarded supplier must provide an organizational chart and list of the supplier’s corporate chain-of-command, as well as any established procedures for contacting individuals within that chain-of-command.

2.3 Qualifications

2.3.1 Respondent must demonstrate successful completion of similar projects
   2.3.1.1 Provide ERCOT with a current proposed solution customer reference/contact information that is similar in architecture to ERCOT’s, but is at least twice as large in implementation

2.3.2 Respondent must be either the manufacturer or a qualified and licensed reseller or distributor of their proposed solution

2.4 Deliverables

2.4.1 Software License(s) and Hardware Appliances as required to meet the needs of this RFP

2.4.2 Professional Services as required to meet the needs of this RFP

2.4.3 ERCOT employee training
   2.4.3.1 All eDiscovery and Data Analytics users must be proficient in navigating the chosen tool
3  Reference Architecture

Cloud Infrastructure

Architecture - Current

Backup & Archive

- Archive
  - Veritas Enterprise Vault
- Backup
  - Veritas NetBackup

Application

- File | CIFS
  - Microsoft Windows Server 2008 R2
- SharePoint
  - Microsoft SharePoint Server 2013
- Email
  - Microsoft Exchange Server 2010
- Atlassian
  - Atlassian Product Suite

Storage Systems

Enterprise Class

- Tier 1
  - Hitachi VSP
  - EMC VMAX

Modular Class

- Tier 2
  - Hitachi AMS
  - Hitachi HUS

REV: KD-20160307-A
ERCOT’s current archive and discovery architecture centers Veritas Enterprise Vault as the primary solution for email repositories. Due to the incompatibility of Microsoft DFSR due to the relocation of unstructured data files, Enterprise Vault is not polling the CIFS file share infrastructure. SharePoint is compatible with Enterprise Vault, however it is not setup with ERCOT’s SharePoint environment.

**Application Overview**

**Enterprise Vault**

- Veritas Enterprise Vault archives Microsoft Exchange store and PST data

**Discovery Accelerator**

**File Shares**

- * EV Not compatible with DFSR

**SharePoint**

- * EV is compatible with SharePoint but not setup

**Windows File Server DFSR Overview**

- Taylor, TX: File Server A, File Server B, File Server C
- Bastrop, TX: File Server D, File Server E, File Server F

**DFSR**
ERCOT’s future unstructured data discovery and archive is architected to utilize CIFS based NAS appliances moving from DFSR to DFS for distributed file access. The NAS appliances will be purchased for ERCOT’s upcoming DC4 initiative.
4 GENERAL INSTRUCTIONS AND RESPONSE REQUIREMENTS

4.1 Notice of Intent to Propose
A prospective vendor may submit a Notice of Intent to Propose to the ERCOT Point of Contact identified in Section 1.6 no later than 5:00PM Central Time on the date listed in the Section 1.7 Procurement Timeline. The Notice of Intent should consist of an email stating that the prospective vendor intends to submit a proposal for this procurement. Only vendors who submit a Notice of Intent to Propose will receive the answers to questions from all vendors, and/or any clarifications, amendments, and addenda to the Request For Proposal. Vendors who provide a Notice of Intent are not obligated to submit proposals after submitting the NOI, but must submit a response to be considered for an award.

4.2 Vendor Questions and Comments
All questions and comments regarding this RFP must be submitted electronically to the email address contained in Section 1.6 (ERCOT Point of Contact). All questions must reference the appropriate RFP page and section number. In order to receive a response, vendor questions and comments must be received no later than the deadline set forth in Section 1.7 (Procurement Timeline). Inquiries received after the due date may be reviewed by ERCOT but will not receive a response. Answers to vendor questions will be emailed to the point of contact listed on the Notice of Intent to Propose. A respondent must inquire in writing as to any ambiguity, conflict, discrepancy, exclusionary specification, omission or other error in this RFP prior to submitting a proposal. If a respondent fails to notify ERCOT of any error, ambiguity, conflict, discrepancy, exclusionary specification, or omission, the respondent shall submit a proposal at its own risk and, if awarded the contract, shall have waived any claim that the RFP and Master Agreement were ambiguous and shall not contest ERCOT’s interpretation. If no error or ambiguity is reported by the deadline for submitting written questions, the respondent shall not be entitled to additional compensation, relief, or time by reason of the error or its later correction.

ERCOT reserves the right to amend answers prior to the proposal submission deadline.

4.3 Modification or Withdrawal of Proposal
Proposals may be withdrawn from consideration at any time prior to the award of contract. A written request for withdrawal must be made to the ERCOT Point of Contact (Section 1.6).
A respondent has the right to amend its proposal at any time and to any degree by written amendment delivered to the ERCOT Point of Contact prior to the proposal submission deadline. ERCOT reserves the right to request an amendment to any part of the proposal during negotiations.

4.4 News Releases
A respondent may not issue press releases or provide any information for public consumption regarding its participation in this procurement without specific, prior written approval of ERCOT.

4.5 Incomplete Proposals
ERCOT may reject without further consideration any proposal that is not completely responsive to this RFP.

4.6 ERCOT Use of Vendor Ideas
- ERCOT reserves the right to use any and all ideas presented in any proposal that are not the respondent’s proprietary information and so designated in the proposal. The respondent’s proprietary materials do not include information that is already published or available to the public, or subsequently becomes available;
- is received from a third party who, to ERCOT’s knowledge, is not in breach of any obligation of confidentiality; or
- is independently developed by personnel or agents of ERCOT without reliance on the respondent’s proprietary materials;

4.7 Additional Information
By submitting a proposal, the respondent grants ERCOT the right to obtain information from any lawful source regarding: (i) the past business history, practices, conduct and ability of a respondent to supply goods, services, and deliverables; and (ii) the past business history, practices, conduct, and ability of the respondent’s directors, officers, and employees. ERCOT may take such information into consideration in evaluating proposals.

4.8 Instructions for Submitting Proposals

4.8.1 Submission
Submit all copies of the proposal to the ERCOT Point of Contact no later than 2:00 p.m. Central Time on the submission deadline (See Section 1.6 & 1.7). The proposal must be signed by an authorized
representative of the respondent and submitted electronically via email—the file must not exceed 20MB. If this size restriction cannot be met, multiple emails may be sent, but respondent must indicate how many emails ERCOT should anticipate (i.e. email 1 of 3). ERCOT reserves the right to disqualify late proposals.

4.8.2 Additional Requirements

All proposals must be:

- Clearly legible;
- Sequentially page-numbered;
- Organized in the sequence outlined in Section 3.9 and 3.9.1;
- Bound in a notebook or cover; Part 1 and Part 2 must be bound separately (see Section 3.9);
- Suggested response not to exceed 50 pages (excluding ERCOT required forms);
- Responsive to the requirements of this RFP;
- Proposals should include the respondent’s name at the top of each page, and should not include unrequested materials or pamphlets.

4.9 Format and Content

The proposal must consist of two separate parts and must be sent in two separate attachments:

1. Part 1 – Business Proposal; and

4.9.1 Part 1 -- Business Proposal

The Business Proposal must include:

- Section 1 – Transmittal Letter;
- Section 2 – Executive Summary;
- Section 3 – Corporate Background and Experience;
- Section 4 – Methodology and Services Approach;
- Section 5 – Assumptions;
- Section 6 – Appendices;
- Section 7 – Vendor Information and Other Required Forms.

Section 1 -- Transmittal Letter

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Respondents must include a transmittal letter printed on official company letterhead. The letter must be signed by an individual authorized to legally bind the respondent.

The transmittal letter must include:

1. Disclosure of all pending, resolved, or completed litigation, mediation, arbitration, or other alternate dispute resolution procedures involving the respondent (including subcontractors,) and its client(s) within the past 24 months.
2. Disclosure of all affiliations with, or ownership relationships with, any ERCOT Market Participant or its affiliates.
3. A description of any personal or business interest that may present an actual, potential, or apparent conflict of interest with the performance of the contract and an explanation of how the respondent can assure ERCOT that these relationships will not create an actual conflict of interest.
4. A list of key personnel previously employed by ERCOT in accordance with the requirements of Section 1.5.2.
5. A complete list of all exceptions, reservations, and limitations to the terms and conditions of the RFP.
7. Additionally, if the nature of this RFP solicitation involves an Information Technology purchase, please review and acknowledge the “Cyber Security Requirements” document, also located here: [http://www.ercot.com/about/procurement/index.html](http://www.ercot.com/about/procurement/index.html).
8. Please also address the following Records and Information Management (RIM) RFP Questions:

   1. Does the solution include an application that will generate electronic information to be saved or stored within such application, whether hosted off-site or within ERCOT’s current IT infrastructure?
      If YES, proceed to question 2.
      If NO, no further questions are required as this does not pose any RIM Program concerns.

   2. Does your solution utilize proprietary electronic document formats?
      If YES, provide additional detail for RIM evaluation (what format(s) and access requirements).
      If NO, provide additional detail for RIM evaluation (what format(s)).
3 Can your product meet ERCOT’s RIM program requirements\(^1\) for Records and information generated or stored by the system including destruction at the end of their lifecycle? If YES, provide additional detail for RIM evaluation. If NO, initiate additional discussion.

**Section 2 -- Executive Summary**

In this section, the respondent should condense and highlight the content of the Business Proposal to provide ERCOT with a broad understanding of the respondent’s approach to meeting ERCOT’s objectives for this procurement.

**Section 3 -- Corporate Background and Experience**

**Respondent Background and Experience**

This section details the respondent's corporate background and experience. If the respondent proposes to use subcontractor(s), it must describe any existing ongoing relationships with such subcontractor(s), including project descriptions. The section should include the following information:

- Respondent’s full organization, company, or corporate name;
- Headquarter address;
- Type of ownership (e.g. partnership, corporation);
- If respondent is a subsidiary or affiliate and the name of the parent organization;
- State where the respondent is incorporated or otherwise organized to do business;
- Federal taxpayer identification;
- Name and title of person who will sign the contract; and
- Name and title of person responsible for responding to questions regarding the proposal, with telephone number, facsimile number, and email address.

Describe the respondent’s corporate background as it relates to projects similar in scope and complexity to the project described in this RFP.

If the proposal includes the use of subcontractors, include a similar description of the subcontractor’s corporate background.

\(^1\) RIM program requirements include purging records and non-record information based on current business requirements and the retention requirements found in ERCOT’s Records Retention Schedule.
Include at least three (3) references for projects performed within the last five (5) years that demonstrate the respondent’s ability to perform the required RFP services. Include contract dates and contact parties, with address, telephone number, and email, if available. If the work was performed as a subcontractor, the respondent must describe the scope of subcontracting activities.

**Key Personnel**

Identify and describe the respondent’s proposed labor skill set and provide resumes of all proposed key personnel (as defined by the respondent). Resumes must demonstrate experience germane to the position proposed. Resumes must list any relevant professional designations for key personnel identified by Respondent. Resumes should include work on projects cited under the respondent’s corporate experience, and the specific functions performed on such projects.

**Section 4 – Methodology and Services Approach**

Describe the respondent’s methodology for providing the deliverables identified in Section 2. Include a proposed project schedule, illustrating start and finish dates of the terminal and summary elements identified in Section 2 or proposed by the vendor.

**Section 5 – Assumptions**

State any business, economic, legal, or practical assumptions that underlie the respondent’s Business Proposal.

**Section 6 – Appendices**

Include any appendices to the respondent’s Business Proposal.

**Section 7 – Vendor Information and Other Required Forms**

Respondents must complete the following required forms:

1. Nondisclosure Statement
2. Vendor information form
3. Except for current ERCOT suppliers who have an active Master Agreement with ERCOT or who have completed the Vendor Information Form (VIF) within the last six months, all Respondents must provide a completed Supplier Vendor Information Form along with the proposal.
4. If the anticipated contract value with ERCOT is equal to or >$250,000.00, the respondent must include the two (2) most recent two (2) years audited financial statements (include
unaudited statements if supplier is unaudited). Publicly-held companies must include or provide a link to the most recent Forms 10-K and 10-Q filings.

4.9.2 **Part 2 -- Cost Proposal**

The Cost Proposal must be based on the Scope of Work described in Section 2. This section should include any business, economic, legal, or practical assumptions that underlie the Cost Proposal.

Respondents may separately identify cost-saving and cost-avoidance methods and measures and the effect of such methods and measures on the Cost Proposal and Scope of Work.

Respondents must utilize the Cost Proposal table format listed below for submitting your Cost Proposal. However, respondents may propose optional cost proposals if such proposals are more cost effective (IE. Time and Materials cost structure, etc.) for ERCOT.

<table>
<thead>
<tr>
<th>Project Deliverables and Costs</th>
<th>Estimated Number of Hrs to Complete (if Applicable)</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deliverable 1 – Software License(s) and Hardware Appliances as required in 2.4.1</td>
<td>N/A</td>
<td>$0.00</td>
</tr>
<tr>
<td>Deliverable 2 – Professional Services as required in 2.4.2</td>
<td>XX</td>
<td>$0.00</td>
</tr>
<tr>
<td>Deliverable 3 – User Training as required in 2.4.3</td>
<td>XX</td>
<td>$0.00</td>
</tr>
<tr>
<td>Deliverable 4 – Travel Expenses (As applicable)</td>
<td>N/A</td>
<td>$0.00</td>
</tr>
<tr>
<td><strong>TOTAL FIXED COST:</strong></td>
<td></td>
<td><strong>$0.00</strong></td>
</tr>
</tbody>
</table>
4.10 Multiple Responses

A respondent may submit more than one proposal, including a joint proposal with one or more respondents.

4.11 Joint Proposals

Two or more companies may join together and submit a joint proposal in response to this RFP. A joint proposal must completely define the responsibilities each company proposes to undertake. Also, the joint proposal must designate a primary respondent who will be responsible for the delivery of all goods, services, and requirements as specified in the RFP, and a single authorized official from the primary respondent to serve as the sole point of contact between ERCOT and the joint proposers. Any contract resulting from a joint proposal must be signed by an authorized agent or officer of each company. Each company included in the submission of a joint proposal will be jointly and severally liable during the term of the contract.
Section 5 – Evaluation

5 Evaluation

5.1 Evaluation of Proposals

ERCOT will select the successful vendor through an internal evaluation process. ERCOT will consider capabilities or advantages that are clearly described in the proposal, which may be confirmed by oral presentations, site visits, or demonstrations if required, and verified by information from reference sources contacted by ERCOT. ERCOT reserves the right to contact individuals, entities, organizations that have had dealings with the respondent, or staff proposed for this effort, whether or not identified in the proposal.

5.2 Evaluation Criteria

The primary criteria for evaluating the proposals as they relate to this RFP are as follows:

1. The vendor’s ability to meet the requirements set forth in Section 2.
2. The vendor’s fees or cost structure.

5.3 Oral Presentations and Site Visits

ERCOT may, at its sole discretion, request oral presentations, site visits, and/or demonstrations from one or more respondents. ERCOT will notify selected respondents of the time and location for these activities, and may supply agendas or topics for discussion. ERCOT reserves the right to ask additional questions during oral presentations, site visits, and/or demonstrations to clarify the scope and content of the written proposal, oral presentation, site visit, or demonstration.

5.4 Discussions with Respondents

ERCOT may, but is not required to, conduct discussions and negotiations with all, some, or none of the respondents for the purpose of obtaining the best value for ERCOT.