

Carmack, Lynn W

From: Love, Jamica N
Sent: Monday, December 6, 2021 8:54 AM
To: Carmack, Lynn W; Tomlin, Kathleen H
Subject: RE: Evaluation Committee
Attachments: RFP V211-22-054 - Questions from Vendors.docx

I heard back from HR and I updated the answer to the clearance question.
Please let me know if you have any questions.

Jamica

From: Love, Jamica N
Sent: Friday, December 3, 2021 8:54 PM
To: Carmack, Lynn W <carmacklw@vmi.edu>; Tomlin, Kathleen H <tomlinkh@vmi.edu>
Subject: RE: Evaluation Committee

Please see attached.

From: Carmack, Lynn W <carmacklw@vmi.edu>
Sent: Friday, December 3, 2021 5:31 PM
To: Love, Jamica N <lovejn@vmi.edu>; Tomlin, Kathleen H <TomlinKH@vmi.edu>
Subject: RE: Evaluation Committee

LTC Love,

Attached are the questions we have received so far. Questions 1-19 need a response from you. Questions 20-34 have been answered by Procurement Services because they relate to the solicitation structure and not the Statement of Needs. I included them here to keep everything together for audit purposes. The answers to all of these questions will be provided as an Addendum to the electronic solicitation so that all vendors have equal access to the information.

Please provide the answers to 1-19 and return to me by email so that I can create the addendum document and upload it to the eVA solicitation.

Thanks,

Lynn Carmack
540-464-7223



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From: Love, Jamica N <lovejn@vmi.edu>
Sent: Friday, December 3, 2021 5:02 PM
To: Carmack, Lynn W <carmacklw@vmi.edu>; Tomlin, Kathleen H <TomlinKH@vmi.edu>
Subject: RE: Evaluation Committee

Okay.

From: Carmack, Lynn W <carmacklw@vmi.edu>
Sent: Friday, December 3, 2021 5:00 PM
To: Love, Jamica N <lovejn@vmi.edu>; Tomlin, Kathleen H <TomlinKH@vmi.edu>
Subject: RE: Evaluation Committee

I'm working on the questions list right now and will send it in a Word document so that you can insert your answers.

Lynn Carmack
540-464-7223



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From: Love, Jamica N <lovejn@vmi.edu>
Sent: Friday, December 3, 2021 4:58 PM
To: Tomlin, Kathleen H <TomlinKH@vmi.edu>
Cc: Carmack, Lynn W <carmacklw@vmi.edu>
Subject: RE: Evaluation Committee

Okay, thanks.

From: Tomlin, Kathleen H <TomlinKH@vmi.edu>
Sent: Friday, December 3, 2021 3:59 PM
To: Love, Jamica N <lovejn@vmi.edu>
Cc: Carmack, Lynn W <carmacklw@vmi.edu>
Subject: RE: Evaluation Committee

Yes, Ma'am. Your committee should consist of at least three, but we really recommend 5 to give a well-balanced, objective evaluation.

We have received a number of questions from the solicitation that will require your response. MAJ Carmack is answering the mechanical procurement questions and will forward the list of questions to you that need to be answered.

Thank you,
KHT

From: Love, Jamica N <lovejn@vmi.edu>
Sent: Friday, December 3, 2021 3:54 PM

To: Tomlin, Kathleen H <TomlinKH@vmi.edu>
Cc: Carmack, Lynn W <carmacklw@vmi.edu>
Subject: RE: Evaluation Committee

Just to clarify if Ms. Lackey votes do I still need to pick a third person?

From: Tomlin, Kathleen H <TomlinKH@vmi.edu>
Sent: Wednesday, December 1, 2021 7:35 AM
To: Love, Jamica N <lovejn@vmi.edu>
Cc: Carmack, Lynn W <carmacklw@vmi.edu>
Subject: RE: Evaluation Committee

MAJ Carmack will resend the instructions she sent that details the responsibilities of the evaluation panel found in the Non-Disclosure agreement. Ms. Lackey is VMI's Supplier Diversity Champion and her responsibilities are outlined for that role in VMI's SWaM Procurement Plan, also previously sent. She has served on multiple committees and we believe her knowledge and expertise in this area will be invaluable. She will serve in an ex officio capacity, if desired, or as a voting member at your discretion.

Please provide the list of candidates to Procurement. It is our responsibility to contact potential members and explain their duties, responsibilities, time constraints and obligations. You may submit as many names as you choose in the order of preference.

From: Love, Jamica N <lovejn@vmi.edu>
Sent: Tuesday, November 30, 2021 4:17 PM
To: Tomlin, Kathleen H <TomlinKH@vmi.edu>
Cc: Carmack, Lynn W <carmacklw@vmi.edu>
Subject: RE: Evaluation Committee

Thanks COL Tomlin.

I looked through the materials that Ms. Msckemy sent me and I don't see a description of the RFP evaluation process. Can you send me the description of what the evaluators duties are as well as the VMI's Supplier Diversity Champion.

I can contact folks and ask them to serve.

From: Tomlin, Kathleen H <TomlinKH@vmi.edu>
Sent: Tuesday, November 30, 2021 4:02 PM
To: Love, Jamica N <lovejn@vmi.edu>
Cc: Carmack, Lynn W <carmacklw@vmi.edu>
Subject: Evaluation Committee

LTC Love,

Please submit the names of at least three individuals (not including you) that you feel would be good candidates to serve on the evaluation panel for the DEI Training RFP. Tracey Lackey will serve as VMI's Supplier Diversity Champion (not in a procurement practitioner capacity) on the panel. The maximum number of evaluators is five. We will contact your submissions and ask them to serve. The sooner I can get these names the better in the event someone is not available and we must move forward to another. All evaluators must be internal to VMI, or with leadership approval, you may select one panel member who possesses expertise in this field from another state supported institute of higher education.

Thank you.

Kathleen H. Tomlin

Colonel

VCO, VCCO, CUPO

Director, Procurement Services

Virginia Military Institute

314 Smith Hall, Lexington, Virginia 24450-0304

540-464-7166 Office

tomlinkh@vmi.edu | vmi.edu/procurement



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Exhibit 56

Carmack, Lynn W

From: Clark, Dallas B
Sent: Friday, November 5, 2021 9:22 AM
To: Tomlin, Kathleen H
Cc: Carmack, Lynn W
Subject: RE: Procurement of DEI Training

Exactly. I saw that as well. Thanks for pointing it out.

Dallas B. Clark

Brigadier General
Deputy Superintendent for Finance, Administration and Support
Virginia Military Institute
303 Smith Hall, Lexington, Virginia 24450-0304
540-464-7321 Office | 540-460-8020 Mobile
clarkdb@vmi.edu

From: Tomlin, Kathleen H <TomlinKH@vmi.edu>
Sent: Friday, November 5, 2021 9:22 AM
To: Clark, Dallas B <clarkdb@vmi.edu>
Cc: Carmack, Lynn W <carmacklw@vmi.edu>
Subject: RE: Procurement of DEI Training

Dallas,

We are not a Tier One school, as you know. We are Level 2.
Someone is feeding her misinformation, in my opinion.

From: Tomlin, Kathleen H
Sent: Friday, November 5, 2021 9:00 AM
To: Clark, Dallas B <clarkdb@vmi.edu>
Cc: Carmack, Lynn W <carmacklw@vmi.edu>
Subject: RE: Procurement of DEI Training

Please see my responses below in red.

Let me know if you require any additional information. I have copied MAJ Carmack on my response so that she is fully aware of this situation.

Thank you,
KHT

From: Clark, Dallas B <clarkdb@vmi.edu>
Sent: Thursday, November 4, 2021 5:36 PM
To: Tomlin, Kathleen H <TomlinKH@vmi.edu>
Subject: FW: Procurement of DEI Training

Kathy,
Please see below and provide your suggested response.

Dallas B. Clark

Brigadier General
Deputy Superintendent for Finance, Administration and Support
Virginia Military Institute
303 Smith Hall, Lexington, Virginia 24450-0304
540-464-7321 Office | 540-460-8020 Mobile
clarkdb@vmi.edu

From: Love, Jamica N <lovejn@vmi.edu>
Sent: Thursday, November 4, 2021 5:26 PM
To: Clark, Dallas B <clarkdb@vmi.edu>
Cc: McKemy, Amy I <McKemyAI@vmi.edu>
Subject: RE: Procurement of DEI Training

BG Clark,

Thank you for responding to my inquiry about procuring DEI Training services/contract. Please see my thoughts below.

It has been explained to me that the services/contract desired is in excess of \$100,000. See below.

1. Current state procurement law requires that any procurement in excess of \$10,000 be publically solicited to seek competition to the broadest extent possible.

I have a service contract that is under \$10,000, but also have some over \$100,000

Governing Rules for Higher Education: <https://vascupp.org/sites/vascupp/files/2020-05/vascapp-governing-rules.pdf> See Section 3.

These are in Code and govern all restructured institutions.

2. The use of a sole source justification for this purchase appears to be not acceptable based upon what I understand. A sole source justification requires there is only **one source** available for the goods or services required. Note that a single vendor's capability to deliver in the least amount of time is not a valid basis for determining sole source..

Can you provide me with the document that specifies the "sole source justification" so that I can better understand?

<https://www.vmi.edu/media/content-assets/documents/comptroller/VMI-Accounting-Policies--Procedures-11-2020-FINAL.pdf> See Section 90230.

Sole Source Procurement Sole source procurement is authorized when there is only one source practicably available for the goods or services required. Competition is not available in a sole source situation; thus distinguishing it from a proprietary purchase where the product required is restricted to the manufacturer(s) stipulated, but is sold through distributors and competition between them can be obtained. Sole source justification based solely on a single vendor's capability to deliver in the least amount of time is not appropriate

since availability alone is not a valid basis for determining sole source procurement. All sole source procurements for non-technology goods and services over \$5,000 \$10,000 must be approved in advance by the Superintendent or designee. The written determination, documenting that there is only one source practicably available for that which is to be procured, must be included in the procurement file. In addition, a memorandum must be attached to the request which addresses these four points: • Explain why this is the only product or service that can meet the needs of the department. • Explain why this vendor is the only practicably available source from which to obtain this product or service. • Explain why the price is considered reasonable. 44 • Describe the efforts that were made to conduct a noncompetitive negotiation to get the best possible price for the taxpayers. The justification shall document the basis for the determination, which should include any market analysis conducted in order to ensure that the good or service required was practicably available from only one source. The Sole Source Justification Form, once submitted, requires the recommendation of Procurement Services and the approval of the Deputy Superintendent for Finance, Administration and Support.

Sole Source Justification

Form: https://portal.vmi.edu/document_libraries/Custom_Documents/Procurement_Sole%20Source%20Justification%20Form.doc

There are many available companies with contracts and SWaM certifications in the Commonwealth that could possibly provide the desired services that we have been made aware exist through our Sister Institutions. We believe the field is much broader but we have not

cast our net through a public solicitation requesting proposals. We also have not received a detailed scope of work that would allow us to refine the search criteria.

3. An alternative to a public solicitation would be to secure a qualified firm through an existing procurement contract the firm may have with another government entity (state or federal) that was publicly solicited. Can the firm provide to you any details about existing contracts that they may have that are cooperative and would allow VMI to use the same procurement terms/conditions? If so, then we can review the contract to ensure it is in line with Virginia law and can be used (sometimes terms and conditions are included that the OAG will not support unless modified). See attached. I hope that you can answer the questions in the document.

What provided as an attachment is not a Federal Contract. It is boiler plate general terms and conditions used as an exhibit. We need a contract number and a direct link to confirm that there is a publicly solicited and awarded contract.

4. The use of a SWaM vendor is almost always our first choice and desire for use to comply with current Executive Orders issues by the Governor and in line with the Restructuring Act for Higher Education regarding delegated authorities. You note, "the use of a SWaM vender is almost always our first choice/desire," please share instances in when we haven't utilized a SWaM vender. As a "tier 1" institution, I would think that VMI has some flexibility in contracts, especially below \$ 10,000. Executive Order Number Thirty-Five (2019) notes that the goal is to have "a greater percentage of purchases is made from certified small businesses in goods, services, and construction categories from which the Commonwealth makes its purchases, " not have 100%. Currently we are punishing a women owned minority business which seems contrary to the spirit of Executive Order Number Thirty-Five.

For context we cannot cherry pick Executive Order 35. In its introductions it reads:

Directive:

To provide for a more equitable and inclusive process, I am directing the following executive branch agencies and institutions of higher education that have statutory authority over procurement, in conjunction with the Department of Small Business and Supplier Diversity (DSBSD), as provided in § 2.2-1605(A)(6) of the Code of Virginia, to implement the requirements herein within their respective areas of procurement authority: Department of General Services (DGS), Virginia Information Technologies Agency (VITA), Virginia Department of Transportation (VDOT), those institutions of higher education that have autonomy in procurement granted under the Restructured Higher Education Financial and Administrative Operations Act (Code of Virginia § 23.1-1000, et seq.), and all other executive branch agencies that have statutory authority for procurement.

For purposes of this Executive Order: 1) "Executive Branch Agency" shall mean all entities in the executive branch, including agencies, authorities, commissions, departments, and all institutions of higher education; 2) "small businesses" shall include, but not be limited to, small, any subcategory of small, small women-owned, small minority-owned, or small service disabled veteran-owned businesses (SWaM).

... Executive Branch Agencies shall formulate policies and procedures for a set-aside program, which shall, at a minimum, require that purchases up to \$100,000 for goods, nonprofessional services, and construction, and up to \$80,000 for professional services, be set aside for award to DSBSD-certified small businesses when the price quoted is fair and reasonable and does not exceed 5 percent of the lowest responsive and responsible noncertified bidder. Purchases up to \$10,000 shall be set aside for award to micro businesses when the price quoted is fair and reasonable and does not exceed 5 percent of the lowest responsive and responsible noncertified bidder. 5. Executive branch agencies shall formulate policies and procedures to require a small business subcontracting plan in all procurements over \$100,000. Each bidder/offeror shall be required to submit their bid/proposal and their small business sub-contracting plan using DGS's central electronic procurement system, except for VDOT contracts for highway construction and design projects. Such plans shall identify all planned utilization of (i) small businesses, (ii) subcategory of small businesses, (iii) small women-owned businesses, (iv) small minority-owned businesses, and (v) small service disabled veteran-owned businesses.

To address this statement: Currently we are punishing a women owned minority business which seems contrary to the spirit of Executive Order Number Thirty-Five: Any vendor can apply for SWaM certification and register with eVA should they choose to conduct business with the Commonwealth. If they are located in a state without a reciprocity agreement they cannot certify as a SWaM business. That is a legislative action, not a VMI policy. I would ask why we are punishing currently certified SWaM, eVA registered vendors in favor of an unknown entity who has not performed any work for a Virginia agency or IHE that I could locate.

5. It is best and ideal...and some might even argue required...that the firms be eVA Self-registered. IF there is no available qualified SWaM source and that can be documented, the requirement for SWaM may be exempted. Please send me the form or documentation instructions when there is a lack of available qualified DEI SWaM vendor. How are qualified "DEI" SWaM vendors determined? Are there DEI experts that assess qualification? I'm hoping that simply having been certified as SWaM doesn't translate into being an appropriate DEI vendor for VMI.

All information regarding eVA registration and SWaM certification can be found on this link. A public solicitation determines who is qualified based on pre-determined criteria contained in the Request for Proposals. This is achieved through committee evaluation.

<https://eva.virginia.gov/i-sell-to-virginia.html>

6. Procurement Services is able and willing to support and assist you. Do you have a 'scope of services' that can be developed to define/refine your needs which can then be stacked up against existing firms/contracts for consideration. Given the size of the procurement, we will need this one way or the other – either to find an existing contract or to include in the public solicitation for a contract.

Is there a breakdown by percentage of SWaM vendors VMI utilizes and for what sectors? That would give me a fuller picture of what VMI has done in the past as it relates to utilization of SWaM vendors.

This information is publicly available on the Virginia Department of Small Business and Supplier Diversity's (SBSD) dashboard at this link: <https://dashboard.sbsd.virginia.gov/report/dashboard>

Each agency or IHE can be located from the drop down menu under the appropriate Cabinet Secretary. In this case, Education.

Please let me know any details regarding this procurement that can be used to assist the Procurement Services in supporting your mission in the important DEI domain. If I have misunderstood any details please kindly provide clarifications. I'm confident we can find a solution that meets your requirements.

Email chains can get long, but I wanted to make sure I replied to each point. I agree that there must be a solution that will meet the DEI needs of VMI.

Best

From: Clark, Dallas B <clarkdb@vmi.edu>
Sent: Tuesday, November 2, 2021 1:53 PM
To: Love, Jamica N <lovejn@vmi.edu>
Cc: McKemy, Amy I <McKemyAI@vmi.edu>
Subject: Procurement of DEI Training

LTC Love,

In response to your inquiry about procuring DEI Training services/contract the following details and information are provided for consideration:

1. It has been explained to me that the services/contract desired is in excess of \$100,000.
2. Current state procurement law requires that any procurement in excess of \$10,000 be publically solicited to seek competition to the broadest extent possible.
3. The use of a sole source justification for this purchase appears to be not acceptable based upon what I understand. A sole source justification requires there is only **one source** available for the goods or services required. Note that a single vendor's capability to deliver in the least amount of time is not a valid basis for determining sole source.

4. An alternative to a public solicitation would be to secure a qualified firm through an existing procurement contract the firm may have with another government entity (state or federal) that was publicly solicited. Can the firm provide to you any details about existing contracts that they may have that are cooperative and would allow VMI to use the same procurement terms/conditions? If so, then we can review the contract to ensure it is in line with Virginia law and can be used (sometimes terms and conditions are included that the OAG will not support unless modified).
5. The use of a SWaM vendor is almost always our first choice and desire for use to comply with current Executive Orders issues by the Governor and in line with the Restructuring Act for Higher Education regarding delegated authorities.
6. It is best and ideal...and some might even argue required...that the firms be eVA Self-registered. IF there is no available qualified SWaM source and that can be documented , the requirement for SWaM may be exempted.
7. Procurement Services is able and willing to support and assist you. Do you have a 'scope of services' that can be developed to define/refine your needs which can then be stacked up against existing firms/contracts for consideration. Given the size of the procurement, we will need this one way or the other - either to find an existing contract or to include in the public solicitation for a contract.

Please let me know any details regarding this procurement that can be used to assist the Procurement Services in supporting your mission in the important DEI domain. If I have misunderstood any details please kindly provide clarifications. I'm confident we can find a solution that meets your requirements.

Sincerely,

Dallas B. Clark

Brigadier General

Deputy Superintendent for Finance, Administration and Support

Virginia Military Institute

303 Smith Hall, Lexington, Virginia 24450-0304

540-464-7321 Office | 540-460-8020 Mobile

clarkdb@vmi.edu

Exhibit 57

From: [Tomlin, Kathleen H](#)
To: [Love, Jamica N](#); [Carmack, Lynn W](#)
Cc: [Clark, Dallas B](#); [Lackey, Tracey M](#)
Subject: RE: DEI Services
Date: Wednesday, December 1, 2021 7:22:18 AM
Attachments: [image001.png](#)

Thank you. You had made that clear early on and we honored your wishes. The email below informs you of the possible problems with a shorter posting time so that you are aware should complications arise.

From: Love, Jamica N <lovejn@vmi.edu>
Sent: Tuesday, November 30, 2021 4:30 PM
To: Carmack, Lynn W <carmacklw@vmi.edu>; Tomlin, Kathleen H <TomlinKH@vmi.edu>
Cc: Clark, Dallas B <clarkdb@vmi.edu>; Lackey, Tracey M <lackeytm@vmi.edu>
Subject: RE: DEI Services

Greetings,

Below it says the minimum posting date for an RFP is 10 days, but in an email today it says 30 days. I would like the 10 day option.

Thanks

From: Carmack, Lynn W <carmacklw@vmi.edu>
Sent: Tuesday, November 23, 2021 1:56 PM
To: Love, Jamica N <lovejn@vmi.edu>; Lackey, Tracey M <lackeytm@vmi.edu>
Cc: Clark, Dallas B <clarkdb@vmi.edu>; Tomlin, Kathleen H <TomlinKH@vmi.edu>
Subject: RE: DEI Services

LTC Love,

I have started reviewing and editing the RFP draft you submitted and wanted to share the following information relating to the process:

- The SWaM portion of the scoring portion is required to be a minimum of 20%, per VMI's SWaM plan and the Commonwealth of Virginia's Agency Procurement and Surplus Property Manual (APSPM). We will change the scoring to reflect that requirement.
- The minimum posting date for an RFP is 10 days. However, if a vendor question arises that requires posting an addendum to the solicitation, there must be a minimum of 10 days from the addendum date to the due date for the receipt of bids, or the due date shall be extended (APSPM). Our plan is to post the RFP with the 10 day minimum, and modify IF needed.
- During the procurement process, all communications with any firms regarding the RFP are

handled by Procurement Services. This is VMI policy as well as in the APSPM to protect the integrity of the procurement. I attached a copy of our instructions to RFP evaluators and the required Non-Disclosure statement that is signed by each member of the evaluation team. The VMI NDA was taken directly from the APPSPM. Procurement Services will edit the RFP to reflect this requirement.

- The solicitation will also be delivered to Procurement Services instead of the DEI office. We will open the proposals, do the SWaM scoring portion of the evaluation, and distribute the proposals to the evaluation team. The originals remain in Procurement as part of the solicitation and contract file.

Happy Thanksgiving,

Lynn Carmack
540-464-7223



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From: Carmack, Lynn W

Sent: Tuesday, November 23, 2021 9:03 AM

To: Love, Jamica N <lovejn@vmi.edu>; Lackey, Tracey M <lackeytm@vmi.edu>

Cc: Clark, Dallas B <clarkdb@vmi.edu>; Tomlin, Kathleen H <tomlinkh@vmi.edu>

Subject: RE: DEI Services

LTC Love,

This will be RFP # V211-22-054. I'm in required eVA transition training sessions today but will review the document as time allows.

Lynn Carmack
540-464-7223



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From: Love, Jamica N <lovejn@vmi.edu>
Sent: Tuesday, November 23, 2021 8:38 AM
To: Carmack, Lynn W <carmacklw@vmi.edu>; Lackey, Tracey M <lackeytm@vmi.edu>
Cc: Clark, Dallas B <clarkdb@vmi.edu>; Tomlin, Kathleen H <TomlinKH@vmi.edu>
Subject: Re: DEI Services

Greetings MAJ Carmack,
COL Tomlin's away message directed me to you.

I sent everyone the document for the scope of work for DEI training. I don't have an RFP #. Please advise.

When can this be posted?

Thanks

Sent from my iPhone

On Nov 23, 2021, at 7:44 AM, Love, Jamica N <lovejn@vmi.edu> wrote:

COL Tomlin,

Please see attached scope of work for DEI training. I don't have an RFP #. Please advise.

When can this be posted?

Happy Thanksgiving.

LTC Jamica Nadina Love, D.Ed.
Chief Diversity Officer
Virginia Military Institute
330 VMI Parade
Lexington, VA 24450

(540) 464-7789

<DEI Services RFP 2021.pdf>

Exhibit 58

From: Carmack, Lynn W
To: Love, Jamica N; Tomlin, Kathleen H
Cc: Clark, Dallas B
Subject: RE: DEI Consultation and Training RFP V211-22-054
Date: Monday, January 17, 2022 10:38:00 AM
Attachments: image001.png

No. That date was tentative but was in reality too soon to schedule presentations after the scoring was done. I will look at everyone's calendars to find a date where all panel members are available.

Lynn Carmack
540-464-7223



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From: Love, Jamica N <lovejn@vmi.edu>
Sent: Monday, January 17, 2022 10:30 AM
To: Carmack, Lynn W <carmacklw@vmi.edu>; Tomlin, Kathleen H <TomlinKH@vmi.edu>
Cc: Clark, Dallas B <clarkdb@vmi.edu>
Subject: Re: DEI Consultation and Training RFP V211-22-054

Thanks.

You sent an email a few weeks back asking the committee to hold Thursday, Jan. 20th for RFP interviews. Should I keep that hold on my calendar?

LTC Jamica Nadina Love, D.Ed.
Chief Diversity Officer
Virginia Military Institute
330 VMI Parade
Lexington, VA 24450
(540) 464-7789

From: Carmack, Lynn W
Sent: Monday, January 17, 2022 10:25:36 AM
To: Love, Jamica N; Tomlin, Kathleen H
Cc: Clark, Dallas B
Subject: RE: DEI Consultation and Training RFP V211-22-054

LTC Love,

We will schedule interviews with the top three firms on the list.

Lynn W. Carmack, CUPO, CPSM, VCCO, CPPO
Major, Virginia Militia
Assistant Director of Procurement Services
Virginia Military Institute
314 Smith Hall
Lexington, VA 24450
540-464-7223
carmacklw@vmi.edu



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From: Love, Jamica N <lovejn@vmi.edu>
Sent: Friday, January 14, 2022 8:24 PM
To: Tomlin, Kathleen H <TomlinKH@vmi.edu>
Cc: Clark, Dallas B <clarkdb@vmi.edu>; Carmack, Lynn W <carmacklw@vmi.edu>
Subject: RE: DEI Consultation and Training RFP V211-22-054

Thanks for the email. I will go with three firms.

Additionally, if procurement has already scored the pricing how does pricing factor in again?

Given that the proposal submissions already describe how each company will address VMI's needs I would think that preparing a presentation wouldn't take too much time.

I totally understand the attention this procurement has, as I have a conspicuous role and responsibility to get post-wide training done this semester.

Have a great weekend and stay safe.

JNL

From: Tomlin, Kathleen H <TomlinKH@vmi.edu>
Sent: Friday, January 14, 2022 1:28 PM
To: Love, Jamica N <lovejn@vmi.edu>
Cc: Clark, Dallas B <clarkdb@vmi.edu>; Carmack, Lynn W <carmacklw@vmi.edu>
Subject: RE: DEI Consultation and Training RFP V211-22-054

LTC Love,

I will respond to your questions on MAJ Carmack's behalf.

We are required to shortlist the number of firms where there is a clear delineation in panel scores. If so desired, you could shorten it to 3, but no less than 3 is recommended. Because of the number of firms that submitted, it is in our best interests to allow an adequate number to present. Additionally, you are not aware of the pricing, and won't be until after the interviews. Price will then become a factor in the selection. You may be omitting a firm that more easily fits within your budget.

The panel, by consensus, selects the firm to be recommended to senior leadership for approval.

It is our recommendation that firms be allowed enough time to adequately prepare their presentations to specifically address VMI needs rather than with a broader, generic view. We have received criticism for the short posting period allowed for this public solicitation. This procurement is highly visible and giving firms the ability to tailor their presentations will allow for a much more successful, less suspect, outcome. Unless directed otherwise by BG Clark, we will schedule with that in mind. Let MAJ Carmack know the desired number of firms – 3 or 5.

Kathleen H. Tomlin

Colonel
VCO, VCCO, CUPO

CIDIS	64	85	64	64	66	69	S	VA
CTW LLC	71	62	67	70	71	68	S	VA
Center for Applied Innovation	65	85	64	64	57	67	S	VA
Racial Equity Group	63	71	61	63	68	65		TX
WGU Labs	50	63	49	48	62	55		UT
iPondr	44	45	47	43	45	44		MN
Mayadan Consulting Assoc.	44	39	44	44	42	42		VA

Respectfully,

Lynn W. Carmack, CUPO, VCCO, CPSM, CPSD, CPPO
Major, Virginia Militia
Assistant Director, Procurement Services

Virginia Military Institute
314 Smith Hall, Lexington, VA 24450
540-464-7223 Office



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Exhibit 59

From: [Tomlin, Kathleen H](#)
To: [Carmack, Lynn W](#)
Subject: FW: DEI Procurement
Date: Friday, February 4, 2022 9:16:45 AM

From: O'Leary, Patrick O, 'Pat' <olearypo@vmi.edu>
Sent: Friday, February 4, 2022 8:27 AM
To: Clark, Dallas B <clarkdb@vmi.edu>
Cc: Tomlin, Kathleen H <TomlinKH@vmi.edu>; Young, John <youngjm@vmi.edu>; Ryan, Kevin A <ryanka@vmi.edu>; Lawhorne, Jeffrey L <LawhorneJL@vmi.edu>
Subject: RE: DEI Procurement

Ok, let's set up a face to face meeting next week to review the documents and process.

Pat

From: Clark, Dallas B <clarkdb@vmi.edu>
Sent: Friday, February 4, 2022 5:41 AM
To: O'Leary, Patrick O, 'Pat' <olearypo@vmi.edu>
Cc: Tomlin, Kathleen H <TomlinKH@vmi.edu>; Young, John <youngjm@vmi.edu>; Ryan, Kevin A <ryanka@vmi.edu>; Lawhorne, Jeffrey L <LawhorneJL@vmi.edu>
Subject: DEI Procurement

Pat,

We are getting a great deal of consternation on the subject procurement. I expect that the probability is high that this procurement will be protested. Accordingly, please get with Kathy Tomlin and let's begin to assemble a review of our documents and process, understand our vulnerabilities and complete a review of the procurement protest process.

This has been a high pressure procurement with expedited timelines and any protest delays will further compound the issues in getting the training in place which is desired.

Many thanks,

Dallas B. Clark

Brigadier General

Deputy Superintendent for Finance, Administration and Support

Virginia Military Institute

303 Smith Hall, Lexington, Virginia 24450-0304

540-464-7321 Office | 540-460-8020 Mobile

clarkdb@vmi.edu

Exhibit 60

Carmack, Lynn W

From: Young, John
Sent: Wednesday, February 2, 2022 11:23 AM
To: Tomlin, Kathleen H; Love, Jamica N; Clark, Dallas B
Cc: Sen, Tinni; Carmack, Lynn W; Sheikh, Ammad; Kline, Keith A; Lackey, Tracey M
Subject: Re: DEI Presentation Appointments

Folks,

I'd suggest we quickly convene a small group - today - to clean this up and agree on the path forward. What is the standard procurement protocol to let any agreement? Are we deviating from or following it?

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From: Tomlin, Kathleen H <TomlinKH@vmi.edu>
Sent: Wednesday, February 2, 2022 11:02:24 AM
To: Love, Jamica N <lovejn@vmi.edu>; Clark, Dallas B <clarkdb@vmi.edu>
Cc: Sen, Tinni <SenSB@vmi.edu>; Carmack, Lynn W <carmacklw@vmi.edu>; Sheikh, Ammad <sheikhas@vmi.edu>; Kline, Keith A <klineka@vmi.edu>; Lackey, Tracey M <lackeytm@vmi.edu>; Young, John <youngjm@vmi.edu>
Subject: RE: DEI Presentation Appointments

Whoever made the statement is inaccurate. When asked to expound on the process, I did not say that (the SME).

From: Love, Jamica N <lovejn@vmi.edu>
Sent: Wednesday, February 2, 2022 11:01 AM
To: Tomlin, Kathleen H <TomlinKH@vmi.edu>; Clark, Dallas B <clarkdb@vmi.edu>
Cc: Sen, Tinni <SenSB@vmi.edu>; Carmack, Lynn W <carmacklw@vmi.edu>; Sheikh, Ammad <sheikhas@vmi.edu>; Kline, Keith A <klineka@vmi.edu>; Lackey, Tracey M <lackeytm@vmi.edu>; Young, John <youngjm@vmi.edu>
Subject: RE: DEI Presentation Appointments

We record the minutes to assure they are accurate.

From: Tomlin, Kathleen H <TomlinKH@vmi.edu>
Sent: Wednesday, February 2, 2022 10:33 AM
To: Love, Jamica N <lovejn@vmi.edu>; Clark, Dallas B <clarkdb@vmi.edu>
Cc: Sen, Tinni <SenSB@vmi.edu>; Carmack, Lynn W <carmacklw@vmi.edu>; Sheikh, Ammad <sheikhas@vmi.edu>; Kline, Keith A <klineka@vmi.edu>; Lackey, Tracey M <lackeytm@vmi.edu>; Young, John <youngjm@vmi.edu>
Subject: RE: DEI Presentation Appointments

Perhaps the minutes are inaccurate. Not having seen them and no idea who recorded them, there is less credibility in their accuracy than in a standard, repetitive practice. Having been in that DEI committee meeting I did not hear that statement.

From: Love, Jamica N <lovejn@vmi.edu>
Sent: Wednesday, February 2, 2022 10:23 AM
To: Clark, Dallas B <clarkdb@vmi.edu>
Cc: Tomlin, Kathleen H <TomlinKH@vmi.edu>; Sen, Tinni <SenSB@vmi.edu>; Carmack, Lynn W <carmacklw@vmi.edu>; Sheikh, Ammad <sheikhas@vmi.edu>; Kline, Keith A <klineka@vmi.edu>; Lackey, Tracey M <lackeytm@vmi.edu>;

Young, John <youngjm@vmi.edu>

Subject: RE: DEI Presentation Appointments

BG Clark,

Please see the email exchanges below from COL Tomlin; it seems to contradict the BOV DEI Committee meeting minutes.

The minutes note that you stated, "the CDO and MG Wins would make the final decision."

I appreciate any clarity you can provide. It is easier for me to follow a process when I get clear and consistent information from FAS.

Respectfully,

LTC Jamica Nadina Love, D. Ed.

From: Tomlin, Kathleen H <TomlinKH@vmi.edu>

Sent: Wednesday, February 2, 2022 10:18 AM

To: Sen, Tinni <SenSB@vmi.edu>; Love, Jamica N <lovejn@vmi.edu>; Carmack, Lynn W <carmacklw@vmi.edu>; Sheikh, Ammad <sheikhas@vmi.edu>; Kline, Keith A <klineka@vmi.edu>; Lackey, Tracey M <lackeytm@vmi.edu>

Cc: Clark, Dallas B <clarkdb@vmi.edu>

Subject: RE: DEI Presentation Appointments

No., Ma'am. Procurement Services presents the rankings to the Superintendent or designee. COL Love has no contacting authority.

If you are unable to reach consensus, a narrative will be written by Procurement Services stating the facts and submitted to MG Wins or designee and the final decision will still rest there.

From: Sen, Tinni <SenSB@vmi.edu>

Sent: Wednesday, February 2, 2022 10:13 AM

To: Tomlin, Kathleen H <TomlinKH@vmi.edu>; Love, Jamica N <lovejn@vmi.edu>; Carmack, Lynn W <carmacklw@vmi.edu>; Sheikh, Ammad <sheikhas@vmi.edu>; Kline, Keith A <klineka@vmi.edu>; Lackey, Tracey M <lackeytm@vmi.edu>

Cc: Clark, Dallas B <clarkdb@vmi.edu>

Subject: RE: DEI Presentation Appointments

Kathy,

So, the process is that we, the committee, decide our rankings, then you, Kathy, present those rankings to Dr. Love since she is the senior leader in the chain of command by virtue of her position as Chief Diversity Officer. She makes the final decision.

Is there a process in place for the eventuality that we disagree on the rankings?

Tinni

Tinni Sen, PhD (She/Her/Hers)

Alexander P. Morrison 1939 Professor of Economics and Business

Co-Advisor, VMI Promaji Club

Department of Economics and Business

Virginia Military Institute

Lexington, VA 24450

Office: 540.464.7478, cell: 540.817.8866

sensb@vmi.edu

tinnis.sen@gmail.com

Fall 21 Office hours: M 9-11, TTH 1-2pm and by appointment. Make an appointment here
I live and work on the ancestral lands of the Monacan peoples.

From: Tomlin, Kathleen H <TomlinKH@vmi.edu>
Sent: Wednesday, February 02, 2022 9:53 AM
To: Love, Jamica N <lovejn@vmi.edu>; Carmack, Lynn W <carmacklw@vmi.edu>; Sheikh, Ammad <sheikhas@vmi.edu>; Sen, Tinni <SenSB@vmi.edu>; Kline, Keith A <klineka@vmi.edu>; Lackey, Tracey M <lackeytm@vmi.edu>
Cc: Clark, Dallas B <clarkdb@vmi.edu>
Subject: RE: DEI Presentation Appointments

The committee is to rank the firms interviewed at the end of all presentations and reach a consensus on the order. This is done by discussion. Procurement Services will draft the formal recommendation and present it to senior leadership reflecting the desires of the committee. It is a committee recommendation and the final decision on the award rests with solely with MG Wins or his designee; not with any single committee member.

From: Love, Jamica N <lovejn@vmi.edu>
Sent: Wednesday, February 2, 2022 9:47 AM
To: Carmack, Lynn W <carmacklw@vmi.edu>; Sheikh, Ammad <sheikhas@vmi.edu>; Sen, Tinni <SenSB@vmi.edu>; Kline, Keith A <klineka@vmi.edu>; Lackey, Tracey M <lackeytm@vmi.edu>
Cc: Tomlin, Kathleen H <TomlinKH@vmi.edu>; Clark, Dallas B <clarkdb@vmi.edu>
Subject: RE: DEI Presentation Appointments

Greetings All,

Maj. Carmack, you mention below, "hopefully, reach a consensus decision on the firm to recommend for the contract." On Friday, Jan. 28th, at the BOV DEI Committee meeting, BG Clark said that the final decision is up to MG Wins and me.

So I'm trying to understand the role of reaching a consensus if the ultimate decision is for the Superintendent and CDO to make?

Respectfully,
JNL

From: Carmack, Lynn W <carmacklw@vmi.edu>
Sent: Wednesday, February 2, 2022 9:32 AM
To: Love, Jamica N <lovejn@vmi.edu>; Sheikh, Ammad <sheikhas@vmi.edu>; Sen, Tinni <SenSB@vmi.edu>; Kline, Keith A <klineka@vmi.edu>; Lackey, Tracey M <lackeytm@vmi.edu>
Cc: Tomlin, Kathleen H <TomlinKH@vmi.edu>
Subject: RE: DEI Presentation Appointments

Good morning,

Just a reminder that we will have the first DEI Consultation and Training presentation in the Smith Hall Board Room tomorrow morning at 9:00. Then on Friday, we will have presentations at 1:00 and 3:00 PM in the same location. Following the final presentation, the panel will be able to discuss the presentations and written proposals, and hopefully, reach a consensus decision on the firm to recommend for the contract.

Thank you again for your participation in this important solicitation.

Respectfully,

Lynn W. Carmack, CUPO, VCCO, CPSM, CPSD, CPPO
Major, Virginia Militia

Assistant Director, Procurement Services

Virginia Military Institute
314 Smith Hall, Lexington, VA 24450
540-464-7223 Office



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From: Carmack, Lynn W
Sent: Wednesday, January 19, 2022 4:44 PM
To: Love, Jamica N <lovejn@vmi.edu>; Sheikh, Ammad <sheikhas@vmi.edu>; Sen, Tinni <sensb@vmi.edu>; Kline, Keith A <klineka@vmi.edu>
Subject: DEI Presentation Appointments

My apologies for the multiple calendar invitations that were sent. Obviously, using Outlook scheduling is not one of my current skills. However, you should have an appointment for 9:00 AM on Thursday 2/3/22, and appointments at 1:00 and 3:00 PM on Friday 2/4/22.

Respectfully,

Lynn W. Carmack, CUPO, VCCO, CPSM, CPSD, CPPO
Major, Virginia Militia
Assistant Director, Procurement Services

Virginia Military Institute
314 Smith Hall, Lexington, VA 24450
540-464-7223 Office



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Exhibit 61

Organizational Requirements

Question	Response	Resulting Requirement	NewPoint Strategies	Center for Applied Innovation
Who will the training be provided for; how many groups/people in need of training represent the VMI Community?	Employees. Groups will be determined based on the type of training, amount of available trainers.	Training for only 750 VMI Employees (RFP II, 3.)	DID NOT PROPOSE FOR MANAGERS ("TBD")	Proposed for 750 employees (including Managers)
In addition to the executives and the Board of Visitors, who else on the VMI staff will the contractor be required to train (staff?)	Yes, faculty, staff and cadets	Expands the training requirement beyond the original RFP to include 1600 cadets and 17 BOV members.	Proposal for faculty and staff on post as required. Cadet training will not be on-post as required by the RFP but online. Manager training is "TBD"	Proposed for faculty, staff, cadets and BOV (without exception)
How often are assessments needed and would the Proposer have to provide reports. What would the testing requirements be?	There should be at least one assessment of the training with a report provided.	One assessment of training conducted with a report.	One initial climate assessment used to develop training. Does NOT include assessments for training conducted and linked to training content improvement.	Ongoing and continuous assessments per the ADDIE model for training, the adult learning model, and lifelong learning.
In reference to "should directives," are these mandated like requirements "shall" and "will".	Yes, should directives are mandated like requirements "shall" and "will".	All "should" and "may" directives are now "will" and "shall". Require point deduction if missing	Note missing "shall" for crosswalk, etc.	All "shall" and should requirements met.
What location will support, consultation and needs take place?	Support and consultation may be provided on post or via phone, virtual, or electronic communications	Management support must be provided by the Offeror.	Not addressed in the proposal	Provides options for on post or via phone, virtual, or electronic communications
Will all trainings need to be provided on post?	All trainings provided on post unless otherwise noted.	All training must be on post.	Not all trainings provided on post. See Critical RFP requirements matrix.	All trainings conducted on-post. See Critical RFP

				requirements matrix.
Will we be required to provide consultants with a military background?	Some consultants should have an intimate understanding and, or experience with the military	Military experience a requirement	Includes military experience. Most recent experience documented in the RFP 30+ years ago.	Includes extensive military experience in multiple ranks. Current and recent experience and relationships with current VMI cadets and alumni.
Does every DEI participating on this effort need to have a prior military background assuming they understand military and cultural underpinnings of the VMI environment?	No, but some consultants should have an intimate understanding and, or experience with the military.	Intimate knowledge of the military required. No maximum or minimum limitations	Includes military experience. Most recent experience documented in the RFP 30+ years ago.	Includes extensive military experience in multiple ranks. Current and recent experience and relationships with current VMI cadets and alumni.
What are VMI's overall Inclusive Excellence Plan goals and objectives as it relates to demographics and the measurement of success?	See Addendum #1	Proposal must specifically support the Inclusive Excellence Plan Goals and Measurements of Success.	Inclusive Excellence Plan mentioned but not specifically addressed. Goals, Objective, Measures not addressed. NewPoint could not address in the interview in detail.	Detailed coverage of the Inclusive excellence plan linked to training, strategic planning, the B&T report and all other aspects of the proposal. Includes the plan's Goals, Objectives and measures.

Who is the contractor expected to provide coaching for other than executives and the Board of Visitors?	Primarily the institute executives and Board of Visitors, with limited coaching for Inclusive Excellence Committee, and DE&I advocates and Allies.	Coaching only for these groups. No training	"Coaching" not mentioned in the proposal, only training and mentoring.	Coaching specifically addressed. Coaching and mentoring are different requirements.
What are the general expectations of coaching for the executives and Board of Visitors?	Coaching to confront bias and coaching for underrepresented executives.	Bias and underrepresented executive coaching only.	"Coaching" not mentioned in the proposal, only training and mentoring.	Coaching specifically addressed. Coaching and mentoring are different requirements.
How often, session duration, number of sessions, issues addressed during the coaching sessions.	On an as needed basis to assist with accomplishing the goals of the Inclusive Excellence plan outlined in question #13	Indefinite delivery of coaching as needed, when needed.	MISSING CRITICAL REQUIRMENT - Price proposal includes only a single COMBINED half-day Senior Level Training and Coaching session. Does not meet RFP requirement.	Unlimited as required by the RFP

Organizational Requirements

Requirement	RFP	NewPoint Strategies	Center for Applied Innovation	Notes
Must address and support the VMI Inclusive Excellence Plan as well as its Goals, Objectives and Measures	V, A., 1 and Interview questions to Top 3 Companies	Does not address any portion of the VMI Inclusive Excellence Plan. It is only mentioned in The Proposal at E. (saying NewPoint understands it) and in the proposal schedule at A, saying NewPoint will conduct ongoing coordination "of DEI Principles into the VMI Inclusive Excellence Plan." (never defined or explained) to the plan.	Specifically addresses all 5 VMI Inclusive Excellence Plan Goals, Objectives and associated Measures in detail mapped to the RFP and Q&A	
DEI Training that can be delivered to the VMI Community, including Institute Executives and Board Of Visitors	V, A., 1	Proposal at C. Does not address any portion of the VMI Inclusive Excellence Plan.	CAI Proposal at 3.2 (cross-reference to RFP VI, B., 3.,c.) CAI Proposal at 3.3 (cross-reference to RFP VI, B., 3.,b.) Specifically addresses all 5 VMI Inclusive Excellence Plan Goals, Objectives and associated Measures.	
The organization must be able to identify specific areas for organizational in-depth focus through a DEI lens.	V, A., 2	Proposal at A.	CAI Proposal at 3.2 (cross-reference to RFP VI, B., 3.,c.)	

<p>The organization should have consultants who understand the military underpinnings of VMI.</p>	<p>V, A., 3</p>	<p>Proposal at C. Most recent experience in the 1990s (30+ years in the past) when VMI admitted women. No Alumni. No B&T experience. No current connections to VMI.</p>	<p>CAI Proposal at 3.2 (cross-reference to RFP VI, B., 3.,c.) CAI Proposal at 2.0 (Cross-referenced to RFP VI, B., 3.b.) Cites specific detailed experience with the recent B&T report, current cadets, and includes VMI alumni.</p>
<p>Determination of a clear roadmap for training, consulting, and coaching.</p>	<p>V, A., 4</p>	<p>Proposal at C. NO Method or plan provided. Provides only "three training options" that are available to VMI.</p>	<p>CAI Proposal at 3.2 (cross-reference to RFP VI, B., 3.,c.) CAI Proposal at 3.3.5 (RFP VI, B.,4.,a) Includes plan and method to link the roadmap developed to VMI's DEI strategic plan.</p>
<p>Support VMI's effort to make decisions and strategic plans at the institutional level.</p>	<p>V, A., 5</p>	<p>Proposal at E. NO PLAN: "If selected, NewPoint will discuss and confirm a specific timeframe." NO LINK to strategic plan or VMI's Inclusive Excellence Plan.</p>	<p>CAI Proposal at 3.2 (cross-reference to RFP VI, B., 3.,c.) CAI Proposal at 3.3.2 (Training Development) CAI Proposal at 3.3.4 (Assessments including Root Cause Analysis) 3.3.5 Strategic Planning (includes Link to VMIs Inclusive Excellence Plan) 3.3.6 Time frame for implementation.</p>

Provide support for the daily strategic work of the Chief Diversity Officer (CDO) and the Office of Diversity Equity and Inclusion	V, A., 6	Proposal at F. Includes focus groups, organization-wide review of VMI Policies and Procedures already conducted by the \$1M B&T investigation and validated by Maj. Gen. Wins' 45-day assessment. No specific work linked to daily operations or strategic planning identified.	CAI Proposal at 3.2 (cross-reference to RFP VI, B., 3.,c.) CAI Proposal at 3.3 (cross-reference to RFP VI, B., 3., b.) CAI Proposal at 3.3.2 Covers support to include normal operations, strategic planning, training development and delivery.
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Description of Services

The organization should provide, at a minimum, the services described below

Requirement	RFP	NewPoint Strategies	Center for Applied Innovation	Notes
The organization must be able to provide DEI training that includes guidelines, cultural sharing, areas of modification, bias intervention options, and DEI language that best fits the VMI community.	V, B., 1	MISSING CRITICAL REQUIREMENT - Proposal does not include "guidelines, cultural sharing, areas of modification, bias intervention options." not addressed. No method to determine "best fit for the VMI community. NewPoint Proposal at A., 2. "modifications" only used to reference modifications to	CAI Proposal at 3.3 (cross-reference to RFP VI, B., 3.,b.) CAI Proposal 3.3.2 Training Development	

		<p>classes if needed, not the required modifications within VMI to improve DEI.</p> <p>NewPoint proposal at D.4., "Language" only mentioned as "give participants the language... they need to feel empowered."</p> <p>Does not meet the critical requirement in the RFP.</p>	
<p>The organization must be able to provide opportunities for individuals to embrace DEI concepts, explore allyship, and a framework for lifelong learning.</p>	V, B., 2	<p>MISSING CRITICAL REQUIREMENT - Proposal does not include or mention, address or include "allyship" or lifelong learning</p>	<p>CAI Proposal at 3.3 (cross-reference to RFP VI, B., 3.,b.)</p> <p>CAI Proposal 3.3.2 Training Development Specifically and properly connects lifelong learning the ADDIE and Adult Learning Models</p>
<p>The organization must be able to discuss cultural and identity oppression in the context of current culture as it relates to VMI.</p>	V, B., 3	<p>MISSING CRITICAL REQUIREMENT - Proposal does not include a cultural or identity oppression assessments (or oppression of any time).</p>	<p>CAI Proposal at 3.3 (cross-reference to RFP VI, B., 3.,b.)</p> <p>CAI Proposal 3.3.2 Training Development Specifically and properly connects lifelong learning as well as the ADDIE and Adult Learning Models</p>

<p>The organization must be able to design, conduct, review, and analyze an organizational DEI cultural assessment.</p>	<p>V, B., 4</p>	<p>MISSING CRITICAL REQUIREMENT - Proposal does not include a cultural assessment. Assessment is of VMI policies, procedures and other areas that are NOT an RFP requirement.</p>	<p>CAI Proposal at 3.3 (cross-reference to RFP VI, B., 3.,b.) CAI Proposal 3.3.2 Training Development Specifically and properly provides its method for conducting a cultural assessment and connects assessment results to training development and outcomes</p>	
<p>The organization must be able to review the assessment from a framework that is both individual and organizational while understanding the VMI philosophy.</p>	<p>V, B., 5</p>	<p>MISSING CRITICAL REQUIREMENT - Whereas the proposal does not cover the required types of assessments it cannot meet this requirement. VMI Philosophy is also not covered in the NewPoint proposal.</p>	<p>CAI Proposal at 3.3 (cross-reference to RFP VI, B., 3.,b.) CAI Proposal 3.3.2 Training Development Specifically and properly connects to training development delivery, assessments and outcomes.</p>	
<p>The organization should provide accountability and support within the ranks of Institute Executives.</p>	<p>V, B., 6</p>	<p>MISSING CRITICAL REQUIREMENT - "accountability" is only mentioned one time in the NewPoint proposal stating only that assessments "will be developed" for the Inclusive excellence plan <i>Organizational Culture and Accountability</i>. The method to be used is never stated</p>	<p>CAI Proposal at 3.3 (cross-reference to RFP VI, B., 3.,b.) CAI Proposal 3.3.2 Training Development Specifically and properly connects to training development delivery, assessments and outcomes.</p>	

<p>The organization must be able to provide opportunities for face-to-face training on post.</p>	<p>V, B., 7</p>	<p>MISSING CRITICAL REQUIREMENT - Proposal at A., states training for the Corps will be post-DEI webinars and online self-paced training, NOT "on post" as required by the RFP. Leadership team training is on-post. Managers & Employee Training is on-post. Executive Leadership Training location not stated in the proposal. Managers (non-leadership) training location not stated in the proposal.</p>	<p>CAI Proposal at 3.3 (cross-reference to RFP VI, B., 3.,b.) CAI Proposal 3.3.2 Training Development Provides 100% training on post as required by the RFP.</p>	
<p>The organization must be able to assist in determining roadmap of training, consulting, and coaching.</p>	<p>V, B., 8</p>	<p>NewPoint Proposal at D. States only that NewPoint will develop the approach to training and give training options. Lacks details of the "how, when where and outcomes".</p>	<p>CAI Proposal at 3.3 (cross-reference to RFP VI, B., 3.,b.) CAI Proposal 3.3.2 Training Development CAI Proposal 3.3 Strategic Planning Covers roadmaps in all RFP required areas.</p>	

<p>The organization must be able to provide on-going DEI support.</p>	<p>V, B., 9</p>	<p>RFP at F. Includes focus groups, organization-wide review of VMI Policies and Procedures already conducted by the \$1M B&T investigation and validated by Maj. Gen. Wins' 45-day assessment. No specific worklined to daily operations or strategic planning identified.</p>	<p>CAI Proposal at 3.3 (cross-reference to RFP VI, B., 3.,b.)</p>
<p>Trainings must take place on Post, in person.</p>	<p>V, B., 10</p>	<p>MISSING CRITICAL REQUIREMENT - Proposal at A., states training for the Corps will be post-DEI webinars and online self-paced training, NOT "on post" as required by the RFP. Leadership team training is on-post. Managers & Employee Training is on-post. Executive Leadership Training location not stated in the proposal. Managers (non-leadership) training location not stated in the proposal.</p>	<p>CAI Proposal at 3.3 (cross-reference to RFP VI, B., 3.,b.) CAI Proposal 3.3.2 Training Development Provides 100% training on post as required by the RFP.</p>

Identify Institute's role and responsibilities for implementation/conversion.	VI,3. B.,4, d.	MISSING CRITICAL REQUIREMENT - Proposal at Section I, A., 4 states only: " <i>VMI leadership will be responsible for providing input for the training of managers, employees, and cadets</i> ". Does not include any NewPoint deliverable for determining and defining the institutes role in these areas as required by the RFP.	CAI RFP at 3.4 (cross references RFP VI., B., 4., d.). CAI provided a separate section in its proposal to address this critical requirement.
Proposed Cost	VI,3. B.,6.	See Protest	See Separate section of the protest

Other Requirements

Requirement	RFP	NewPoint Strategies	Center for Applied Innovation	Notes
The contractor shall provide evidence of compliant and ongoing internal control of sensitive data and process through a standard methodology, such as but without limitation the American Institute of Certified Public Accountant (AICPA) Service Organization Control (SOC) Reports.	RFP VI, A, 2. c.; Addendum 1	NOT INCLUDED IN PROPOSAL. Requires mandatory point deduction	INCLUDED IN PROPOSAL Para 3.5	1
The proposal should contain a table of contents which cross references the RFP requirement.	RFP IX, 16.	NOT INCLUDED IN PROPOSAL. Requires mandatory point deduction	INCLUDED in proposal Table of Contents and also for each proposal section, paragraph and sub-paragraph	

Notes:

1- See Q&A. "Should" directives are the same as "must/shall" and exclusion requires a point deduction.

VIRGINIA MILITARY INSTITUTE
LEXINGTON, VIRGINIA 24450-0304



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28 March 2022

VIA ELECTRONIC MAIL & FEDERAL EXPRESS

Mr. Robert C. Morris, Jr.
President
Center for Applied Innovation, LLC
214 Terrebonne Road
Yorktown, Virginia 23692

Re: ***Request for Proposal (RFP) Number: V211-22-054, Diversity, Equity, and Inclusion (DEI) Consultation and Training***

Dear Mr. Morris:

The Virginia Military Institute (VMI) acknowledges receipt of your letter dated March 18, 2022 captioned "Protest of Award" wherein you "protest, pursuant to Virginia Code § 2.2-4260, [] the award of the above-captioned RFP to NewPoint Strategies, LLC [] on the grounds that the award was arbitrary and capricious and not the honest exercise of discretion" VMI has issued no such award. Thus, your basis for filing a protest does not exist and no written decision in response is required.

Had your letter disputed an existing agency action and constituted a valid protest, it would have been denied for multiple reasons. The authority your letter invokes, "Virginia Code § 2.2-4260", does not accord any protest rights to losing offerors with respect to VMI procurements. Accordingly, your protest would be denied on that basis.

Notwithstanding your failures to dispute an existing agency action and file a protest pursuant to the applicable authority, your letter, if it were a legitimate protest, would also be denied pursuant to the relevant standards. Upon a careful review of the multiple allegations in your letter, VMI concludes that you have failed to present any evidence in support of a finding of arbitrary and capricious governmental action, or a violation of constitutional, or state statutory or regulatory provisions. Our review confirmed that the Notice of Intent to Award was the result of an honest exercise of discretion and in accordance with the Constitution of Virginia, the applicable state laws and regulations, and the terms and conditions of the Request for Proposal.

Your letter further demands "that [VMI] cease and desist from, and also remedy, its unlawful conduct in connection with the RFP." Neither the Constitution of Virginia, state law, nor any applicable regulations permit such relief against the Commonwealth, therefore that demand must also be denied.

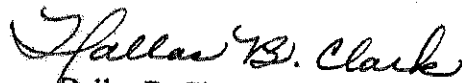


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You lastly seek "full and un-redacted access to the procurement file in accordance with Virginia Code §§ 2.2-4342 and 2.2-4260". However, despite your assertions to the contrary, VMI made available to you all public records pertaining to the above-captioned procurement transaction subject to inspection in your response to your request on March 9, 2022. Your subjective belief that the records are incomplete or that VMI is still withholding records is immaterial. VMI has, in fact, complied with its obligations under Virginia Code § 2.2-4342.

Thank you for your participation in this procurement.

Sincerely,



Dallas B. Clark
Brigadier General
Deputy Superintendent for Finance, Administration,
and Support

CC: Mr. Patrick O. O'Leary
VMI Counsel