

**TEACHERS' RETIREMENT SYSTEM
OF THE STATE OF KENTUCKY**

479 Versailles Road
Frankfort, KY 40601

**REQUEST FOR PROPOSALS
INCIDENT RESPONSE AND DIGITAL FORENSIC SERVICES**

August 1, 2022

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF KENTUCKY

REQUEST FOR PROPOSALS

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TEACHERS' RETIREMENT SYSTEM OF THE STATE OF KENTUCKY

REQUEST FOR PROPOSALS

I. INTRODUCTION

A. General Information: The Teachers' Retirement System of the State of Kentucky (TRS or retirement system) is requesting proposals from qualified firms for incident response and digital forensic services. TRS collects and stores data relating to active and retired members and beneficiaries. This data is protected by state and federal law. TRS's operations are heavily dependent on information infrastructure and can be adversely impacted by denial-of-service attacks or other negative cyber events.

The services will be performed under a contract for the remainder of the fiscal year ending June 30, 2023, with the option to renew the contract for subsequent fiscal years. TRS has no obligation to reimburse responding firms for any expenses incurred in preparing proposals in response to this request.

It is the intention of TRS to contract with the firm determined to be the best qualified of all offerors based on the evaluation factors set forth in this request for proposals (RFP) and the negotiation of fair and reasonable compensation pursuant to the provisions of KRS 161.340(3).

Proposals shall not be subject to public inspection until negotiations between TRS offerors have concluded and a contract is awarded to the responsible offeror of the proposal determined in writing to be the most advantageous to TRS (considering the factors set forth in the RFP). An award of contract may be made upon the basis of the initial written proposals received without written or oral discussions. Contracts resulting from this RFP must be governed by, and in accordance with, the laws of the Commonwealth of Kentucky, including KRS 45A. TRS reserves the right to request proposal amendments or modifications after the proposal receiving date.

The contents of the successful proposal shall become part of any contract awarded. The submission of a proposal shall be considered evidence that the proposer has investigated all the ramifications related to the contract. TRS's annual comprehensive financial reports (ACFR), actuarial reports and the Governmental Accounting and Standards Board (GASB) 68 reports may be accessed at <https://trs.ky.gov/financial-reports-information/>. If you need additional information, email Eric Wampler at eric.wampler@trs.ky.gov.

To be considered, six copies of a proposal must be received by Eric Wampler at 479 Versailles Road, Frankfort, KY 40601 by 4 p.m. ET on September 5, 2022. TRS reserves the right to reject any or all proposals submitted. Recommendations on proposals will be evaluated by the Governance and Audit Committee of the TRS Board of Trustees (board).

It is anticipated the selection of a firm will be completed by September 19, 2022. TRS expects a contract will be executed between both parties by October 1, 2022.

B. Term of Engagement: A contract for the remainder of the fiscal year is contemplated with one-year renewals subject to annual negotiation of terms (including a price acceptable to both TRS and the selected firm).

II. NATURE OF SERVICES REQUIRED

A. General: TRS is requesting proposals from qualified firms for incident response and digital forensic services. TRS collects and stores data relating to active and retired members and beneficiaries. This data is protected by state and federal law. TRS's operations are heavily dependent on information infrastructure and can be adversely impacted by denial-of-service attacks or other negative cyber events.

B. Scope of Work:

- (1) Incident response. Firm will provide the following services to TRS in the event of an information security breach or disruptive incident, such as a denial-of-service (DOS) attack. While the exact nature of the services needed for any specific incident or event cannot be specified in advance, the following types of services are relevant though not necessarily comprehensive:
 - a. Incident scoping.
 - b. Analysis of malware to determine nature, origin and scope of intrusion or infection.
 - c. Review of logs (network, system, application audit, etc.).
 - d. Real-time monitoring (for example, to search for threat actor activity, malicious network indicators, backdoor communications and data exfiltration).
 - e. Real-time corrective actions or recommendations as necessary to protect TRS.
 - f. Collaboration with TRS, outside legal counsel, public relations and crisis management firms.
 - g. Collection of evidence in a manner that protects the chain of custody.
 - h. Data recovery and restoration requirements for damaged systems.
 - i. Data recovery and restoration actions required from backup systems.
 - j. Provide recommendations of process or system changes to prevent a repeat of any incident.
 - k. Provide comprehensive incident reporting at the conclusion of any incident.
 - l. Provide executive summaries.
 - m. Provide executive-level briefings.
 - n. Work with internal audit staff to provide relevant points for audit plans.
 - o. Provide TRS with an inventory of all copies made of files or configurations from workstations, servers or network devices.
 - p. At TRS's request, deploy a response or investigative team to TRS's office in Frankfort.
- (2) Digital forensic services. Firm will provide the following services to TRS in the event of an information security breach or disruptive incident, such

as a denial-of-service (DOS) attack. While the exact nature of the services needed for any specific incident or event cannot be specified in advance, the following types of services are relevant though not necessarily comprehensive.

- a. Collection of evidence in a manner that protects the chain of custody.
- b. eDiscovery to support legal proceedings.
- c. Expert witness testimony.
- d. Cooperation with relevant law enforcement agencies, including the Kentucky State Police.
- e. Provide recommendations of process or system changes to prevent a repeat of the incident.
- f. Provide comprehensive incident reporting at the conclusion of the incident.
- g. Provide executive summaries.
- h. Provide executive-level briefings.
- i. Work with internal audit staff to provide relevant points for audit plans.
- j. During an engagement, firm will be required to provide TRS with an inventory of all copies made of files or configurations from workstations, servers or network devices.
- k. At TRS's request, deploy a response or investigative team to TRS's office in Frankfort.

III. DESCRIPTION OF TEACHERS' RETIREMENT SYSTEM OF THE STATE OF KENTUCKY

A. Agency Contact: The firm's principal contact with TRS will be Eric Wampler, deputy executive secretary, or designated representative, who will coordinate the assistance to be provided by the retirement system to the firm. The retirement system's total operation is located at 477 and 479 Versailles Road, Frankfort, Kentucky 40601.

B. Background Information: An 11-member board administers TRS. Created in 1938 by the Kentucky General Assembly, TRS is administered in accordance with applicable state and federal laws. (Please refer to KRS 161.220 through 161.990.) TRS includes a cost-sharing multiple-employer defined benefit plan established to provide a retirement annuity to employees of local school districts and other public educational agencies in the state. Retirees and spouses who are eligible for Medicare are covered through a fully insured group Medicare Advantage plan sponsored by TRS. Additionally, retirees and spouses who are eligible for Medicare are covered under a self-funded Medicare Part D employer group waiver plan sponsored by TRS. Retirees and dependents who are not eligible for Medicare are provided medical coverage through a plan sponsored by the state Personnel Cabinet.

TRS includes a defined benefit plan qualified under Section 401(a) of the Internal Revenue Code. Assets for retiree health insurance benefits are held in a trust excluded from taxation under Section 115 of the Internal Revenue Code.

The retirement system and Health Insurance Trust are operated under the requirements of the

following:

Retirement system	KRS 161.220 through 161.663 and 161.680 through 161.990
Health Insurance Trust	KRS 161.675, 161.677 and 161.420(5)(a)
Regulations	102 KAR 1:010 through 102 KAR 1:350; 102 KAR 2:010; and 102 KAR 2:025

The cost to administer the retirement system is paid out of the expense fund. Expenditures of the expense fund are subjected to the budgetary process of the Commonwealth of Kentucky and are approved by the Kentucky General Assembly each biennium as well as the TRS board.

C. Information Technology Background: Internet-based transactions between members, employers and TRS are done through a line-of-business system known as Pathway. Pathway is a Microsoft-based system. An app for mobile devices also is available.

IV. TIME REQUIREMENTS

A. Proposal Calendar: The following is a list of key dates up to and including the date proposals are due to be submitted:

RFP published	August 1, 2022
File Notice of Intent to Bid at TRS	August 15, 2022
Due date for proposals	September 5, 2022

B. Notification and Contract Dates:

Board approval of contract	September 19, 2022
Contract filed with Legislative Research Commission	September 30, 2022
Contract effective date	October 1, 2022

V. PROPOSAL REQUIREMENTS

A. General Requirements:

(1) Firms interested in submitting a proposal must file by August 15, 2022, a notice of intent to bid at TRS. Failure to do so may disqualify firms from having their proposals considered.

(2) Inquiries concerning the RFP and the subject of the RFP must be made by email to:

Eric Wampler
Deputy Executive Secretary
479 Versailles Road
Frankfort, KY 40601
eric.wampler@trs.ky.gov

(3) Contact with the TRS board or personnel other than Eric Wampler regarding this request

for proposals may be grounds for elimination from the selection process.

(4) Submission of Proposals: The following material must be received by September 5, 2022, for a proposing firm to be considered:

a. A master copy (so marked) of a technical proposal and five copies to include the following:

(i) Title Page: A title page identifying the TRS RFP; the firm's name; the name, address and telephone number for a contact person; and the date of the proposal

(ii) Table of contents

(iii) Transmittal Letter: A signed letter of transmittal briefly stating the proposer's understanding of the work to be done, the commitment to perform the work within the specified time, a statement why the firm believes itself to be the best qualified to perform the engagement and a statement that the proposal is a firm and irrevocable offer for 60 days

(iv) Detailed Proposal: The detailed proposal should follow the order set forth in Section V, B. of this request for proposal.

(v) Executed copies of proposer warranties attached to this RFP (Appendix A)

b. The proposer shall submit a master copy (so marked) and five copies of a dollar cost bid in a separate, sealed envelope marked as follows:

SEALED DOLLAR COST BID PROPOSAL
FOR
TEACHERS' RETIREMENT SYSTEM OF THE STATE OF KENTUCKY
FOR
INCIDENT RESPONSE AND DIGITAL FORENSIC SERVICES

c. Proposers should deliver the master copy and copies of the completed proposal in one envelope and the sealed dollar cost bid proposal in a separate envelope to the following address:

Eric Wampler
Deputy Executive Secretary
Teachers' Retirement System of the State of Kentucky
479 Versailles Road
Frankfort, KY 40601

B. Technical Proposal

(1) General Requirements: The purpose of the technical proposal is to demonstrate the

qualifications, competence and capacity of the firms offering services to TRS in conformity with the requirements of this RFP. As such, the substance of proposals will carry more weight than their form or manner of presentation. The technical proposal should demonstrate the features of the services and qualifications of the firm for this engagement. It should also specify an approach that will meet the request for proposal requirements.

No dollar units or total costs should be included in the technical proposal document.

The technical proposal should address all the points outlined in the RFP (excluding any cost information, which only should be included in the sealed dollar cost bid). The proposal should be prepared simply and economically, providing a straightforward, concise description of the proposer's capabilities to satisfy the requirements of the RFP. While additional data may be presented, the following subjects (items 2 through 6) must be included. They represent the criteria by which the proposal will be evaluated.

(2) Independence: The firm should provide an affirmative statement that it is able to provide the TRS board independent services. The firm also should provide an affirmative statement that it is independent of the Commonwealth of Kentucky.

The firm also should list and describe the firm's professional relationships involving the Commonwealth of Kentucky or any of its component units for the past five years; also, a statement should explain why such relationships do not constitute a conflict of interest relative to providing and performing services.

The firm also should list and describe any known or potential conflicts of interest (or circumstances that may be perceived as creating a conflict) with TRS.

The firm also should list and describe all campaign contributions, gifts or gratuities made by the firm, its members or staff and their immediate family or controlled affiliates to any person seeking or holding statewide elective office in the Commonwealth of Kentucky within the last three years.

The firm also should list and describe all circumstances where the firm or anyone acting on its behalf, directly or indirectly, paid a placement or finders' fee or other consideration to any other party regarding obtaining government business within the past three years.

The firm should provide a detailed listing of all claims, lawsuits, investigations, government or regulatory agency enforcement or criminal actions, penalties or forfeitures, pay-to-play, kickbacks or improper payments to public officials or clients (or allegations thereof) and fraud or professional complaints or violations lodged against the firm (or a predecessor firm) or any firm employee in the past three years.

(3) Firm Qualifications and Experience: The proposal should state the size of the firm, the size of the firm's staff related to services for governmental entities, the location of the office from which the work on this engagement is to be performed and the number and nature of the staff available to be engaged for work for TRS.

If the proposer is a joint venture or a consortium, the qualifications of each firm comprising the joint venture or consortium should be identified separately, and the firm that is to serve as the principal firm should be noted, if applicable.

The firm shall provide information on the circumstances and status of any disciplinary action taken or pending against the firm during the past three years with state regulatory bodies or professional organizations.

(4) Professional Staff Qualifications and Experience: The firm should identify the professional staff who would be assigned to the engagement. The firm also should provide information on the government pension services experience of each person relevant to the performance of services. The firm also should indicate how the quality of the staff over the term of the engagement will be assured.

Additionally, the firm should identify the proposed staff with one or more of the following credentials:

- PMI Project Management Professional (PMP);
- GIAC Certified Incident Handler (GCIH);
- GIAC Certified Intrusion Analyst (GCIA);
- ISC2 Certified Information Systems Security Professional (CISSP);
- Certified Ethical Hacker (CEH);
- PCI Forensic Investigator.

(5) Prior Engagements with the Commonwealth of Kentucky: The firm should list separately all engagements within the last five years. For each engagement, the firm should indicate the scope of the work, dates, engagement professionals, total hours and the location of the firm's office from which the engagement was performed.

(6) Similar Engagements with Other Government Entities: For the firm's office that will be assigned responsibility for the services, list the most significant engagements (maximum of five) performed in the last five years that are most like the standards described in this RFP. Indicate the scope of the work, date and the name and telephone number of the principal client contact.

C. Sealed Dollar Cost Bid:

(1) General Requirements: The purpose of the sealed dollar cost bid is for the firm to propose its best bid to provide services for the matters detailed in Section II above. The sealed dollar cost bid must include the name of the firm and a certification that the person signing the proposal is entitled to represent the firm, empowered to submit the bid and authorized to bind the firm by signing a contract with TRS. The bid also must include, if the firm is proposing use of a retainer, an explanation of how that retainer is structured.

(2) Reimbursement Rates: Out-of-pocket expenses for firm personnel (e.g., travel, lodging and subsistence) may be reimbursed at the rates set forth in the Commonwealth of Kentucky

travel regulations for its employees.

(3) Manner of Payment: A contract will be signed for services incurred during the 2022-2023 fiscal year. The schedule for payment of fees due under the contract will be negotiated based upon the proposal.

VI. EVALUATION PROCEDURES

A. RFP Review Committee: An RFP review committee, composed of staff members of TRS, has been established to evaluate and score proposals received, select finalist firms and recommend a finalist firm to the board's Governance and Audit Committee.

B. Review of Proposals: The RFP review committee will use a point formula during the review process to score proposals. Each member of the committee first will score each technical proposal by each of the criteria described in VI, C below. The full committee then will convene to review and discuss these evaluations and to combine the individual scores to arrive at a composite technical score for each firm. At this point, firms with an unacceptably low technical score will be eliminated from further consideration.

After the composite technical score for each firm has been established, the sealed dollar bid will be opened, and additional points will be added to the technical score based on the price bid. The maximum score for price will be assigned to the firm offering the lowest total all-inclusive maximum price. Appropriate fractional scores will be assigned to other proposers.

TRS reserves the right to retain all proposals submitted and use any idea in a proposal regardless of whether that proposal is selected.

C. Evaluation Criteria: Proposals will be evaluated using three sets of criteria. Firms meeting the mandatory criteria will have their proposals evaluated and scored for both technical qualifications and price. The following represent the principle selection criteria that will be considered during the evaluation process.

(1) Mandatory Elements

- a. The firm is independent and qualified to do business in Kentucky.
- b. The firm has no conflict of interest associated with any other work performed by the firm for the Commonwealth of Kentucky.
- c. The firm adheres to the instructions in this request for proposals on preparing and submitting the proposal.

(2) Technical Qualifications (maximum points – 70)

- a. Incident response (maximum points – 20)

- (i) Adequacy of proposed solution and staffing for the engagement
 - (ii) Adequacy of firm resources
 - b. Digital forensic services approach (maximum points – 20)
 - (i) Adequacy of proposed solution and staffing for the engagement
 - (ii) Adequacy of firm resources
 - c. Expertise and Experience (maximum points – 30)
 - (i) The firm’s experience and performance on comparable governmental engagements
 - (ii) The quality of the firm’s professional staff to be assigned to the engagement
- (3) Price (maximum points – 30) Fees and price are not the primary factor in the selection of a firm.

D. Oral Presentations: During the evaluation process, the RFP review committee may, at its discretion, request any one or all firms to make oral presentations or product demonstrations. Such presentations will provide firms with an opportunity to answer any questions the committee may have on a firm’s proposal. Not all firms may be asked to make such presentations or demonstrations.

E. Final Selection: The TRS board will select a firm based on the recommendation of the Governance and Audit Committee.

It is anticipated that a firm will be selected by September 19, 2022. Following notification of the firm selected, it is anticipated that a contract will be executed by both parties on or before October 1, 2022.

F. Right to Reject Proposals: Submission of a proposal indicates acceptance by the firm of the conditions contained in this RFP unless clearly and specifically noted in the proposal submitted and confirmed in the contract between TRS and the firm selected.

TRS reserves the right without prejudice to reject any or all proposals.

VII. PROPOSAL SUBMISSION PROCEDURES

A. Deadline: The deadline for proposal submission is 4 p.m. ET, September 5, 2022. Six copies of the proposal must be submitted in a sealed package, clearly marked PROPOSAL INCIDENT RESPONSE AND DIGITAL FORENSIC SERVICES on the outside, and must be delivered no later than the stated deadline to:

Eric Wampler, Deputy Executive Secretary
Teachers' Retirement System of the State of Kentucky
479 Versailles Road
Frankfort, KY 40601

B. Withdrawal: A proposal may be withdrawn any time prior to the deadline by written notification received no later than the deadline and signed by an authorized agent of the proposer. The proposal may be resubmitted with any modifications, but not after the deadline. Modifications offered in any other manner will not be considered.

C. Inquiries: Inquiries seeking clarification as to intent or content of the request for proposal should be emailed to the attention of Eric Wampler at eric.wampler@trs.ky.gov no later than 4 p.m. ET on August 31, 2022. Inquiries submitted and TRS's written responses will be posted on TRS's website by 5 p.m. ET, September 2, 2022.

APPENDIX A

PROPOSER WARRANTIES

- A. Proposer warrants that it is qualified to do business in the Commonwealth of Kentucky and shall abide by applicable law.
- B. Proposer warrants that it is willing and able to comply with the Conflict of Interest and Confidentiality Policy of the Board of Trustees of the Teachers' Retirement System of the State of Kentucky.
- C. Proposer warrants that it is willing and able to obtain an errors and omissions insurance policy providing a prudent amount of coverage for the willful or negligent acts or omissions of any officers, employees or agents thereof.
- D. Proposer warrants that it will not delegate or subcontract its responsibilities under an agreement without the express prior written permission of Teachers' Retirement System of the State of Kentucky.
- E. Proposer warrants that all information provided by it in connection with this proposal is true and accurate.

Signature of Principal: _____

Name (typed or printed): _____

Firm: _____

Date: _____