



# Department of Health

## Request for Proposals

**RFP #20214**

### **Technical Assistance to Small Public Water Systems and Fluoridating Public Water Systems**

**Issued: March 16, 2023**

**DESIGNATED CONTACT:**

Pursuant to State Finance Law §§ 139-j and 139-k, the Department of Health identifies the following designated contact to whom all communications attempting to influence the Department of Health's conduct or decision regarding this procurement must be made.

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**PERMISSIBLE SUBJECT MATTER CONTACT:**

Pursuant to State Finance Law § 139-j(3)(a), the Department of Health identifies the following allowable contact for communications related to the submission of written proposals, written questions, pre-bid questions, and debriefings.

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## 1.0 CALENDAR OF EVENTS

<b>RFP #20214 – TECHNICAL ASSISTANCE TO SMALL PUBLIC WATER SYSTEMS AND FLUORIDATING PUBLIC WATER SYSTEMS</b>	
<u>EVENT</u>	<u>DATE</u>
Issuance of Request for Proposals	March 16, 2023
Deadline for Submission of Written Questions	March 31, 2023 <b>4:00 p.m. ET</b>
Responses to Written Questions Posted by DOH	<b>On or About</b> April 20, 2023
Deadline for Submission of Proposals	May 5, 2023 <b>4:00 p.m. ET</b>
<u>Anticipated</u> Contract Start Date	August 1, 2023

## 2.0 OVERVIEW

Through this Request for Proposals (“RFP”), the New York State (“State”) Department of Health (“DOH”) is seeking competitive proposals from qualified Bidders to provide services as further detailed in [Section 4.0](#) (Scope of Work). It is the Department’s intent to award one (1) contract from this procurement.

### 2.1 Introductory Background

The New York State Department of Health (DOH) protects and promotes the health of the public within the State. Within the DOH, the Bureau of Water Supply Protection (BWSP) has the primary responsibility for administering the Public Water System Supervision (PWSS) Program and for assuring that safe, potable water, in adequate quantities, is provided in New York State. This is accomplished through:

- Ensuring compliance with drinking water regulations at all Public Water Systems (PWS);
- Training and certification of water supply operators;
- Maintenance of a statewide database on individual PWS;
- Development and initiation of enforcement policies;
- Development and promotion of PWS emergency preparedness;
- Plan review;
- Maintenance of a water quality surveillance program; and
- Providing technical and emergency assistance to PWS.

The primary regulatory authority that oversees the State’s PWSS program is the United States Environmental Protection Agency (EPA). The primary federal legislation governing public drinking water systems is the 1974 Safe Drinking Water Act (SDWA), including the 1986 and 1996 Amendments. EPA has categorized three types of PWS - the community water systems, non-transient non-community water systems, and transient non-community water systems. In NYS, PWS that serve 3,300 or fewer population are called small water systems.

### 2.2 Important Information

The Bidder is required to review, and is requested to have legal counsel review, [Attachment 8](#), the DOH Agreement as the Bidder must be willing to enter into an Agreement substantially in accordance with the terms of [Attachment 8](#) should the Bidder be selected for contract award. Please note that this RFP and the awarded Bidder’s proposal will become part of the contract as Appendix B and C, respectively.

It should be noted that Appendix A of [Attachment 8](#), "Standard Clauses for New York State Contracts", contains important information related to the contract to be entered into as a result of this RFP and will be incorporated, without change or amendment, into the contract entered into between DOH and the successful Bidder. By submitting a response to the RFP, the Bidder agrees to comply with all the provisions of Appendix A. Note, [Attachment 7](#), the Bidder's Certifications/Acknowledgements, should be submitted and includes a statement that the Bidder accepts, without any added conditions, qualifications or exceptions, the contract terms and conditions contained in this RFP including any exhibits and attachments. It also includes a statement that the Bidder acknowledges that, should any alternative proposals or extraneous terms be submitted with the proposal, such alternate proposals or extraneous terms will not be evaluated by the DOH.

Any qualifications or exceptions proposed by a Bidder to this RFP should be submitted in writing using the process set forth in [Section 5.2](#) (Questions) prior to the deadline for submission of written questions indicated in [Section 1.0](#) (Calendar of Events). Any amendments DOH makes to the RFP as a result of questions and answers will be publicized on the DOH web site.

### **2.3 Term of the Agreement**

This contract term is expected to be for a period of 5 years commencing on the date shown on the Calendar of Events in [Section 1.0](#), subject to the availability of sufficient funding, successful contractor performance, and approvals from the New York State Attorney General (AG) and the Office of the State Comptroller (OSC).

## **3.0 BIDDERS QUALIFICATIONS TO PROPOSE**

### **3.1 Minimum Qualifications**

NYSDOH will accept proposals from organizations with the following types and levels of experience as a prime contractor.

- A minimum of 5 years experience working with troubleshooting, training, or self-help projects in small rural communities as a prime contractor.

Experience acquired concurrently is considered acceptable.

For the purposes of this RFP, a prime contractor is defined as one who has the contract with the owner of a project or job and has full responsibility for its completion. A prime contractor will carry out the contract to completion and may employ (and manage) one or more subcontractors to carry out specific parts of the contract.

Failure to meet these Minimum Qualifications will result in a proposal being found non-responsive and eliminated from consideration.

### **3.2 Preferred Qualifications**

- Preference will be given to organizations who have experience working with troubleshooting, training, or self-help projects for small rural communities in New York State.

## **4.0 SCOPE OF WORK**

This Section describes the Technical Assistance (TA), Training, and Meeting and Reporting services that are required to be provided by the selected Bidder. Throughout the contract term, the selected Bidder must be able to provide the necessary technical assistance and services to enable PWS to:

- Make technical and administrative improvements;
- Perform necessary maintenance;

- Recover revenues to improve viability;
- Meet the regulatory requirements of the SDWA and Part 5 of the State Sanitary Code; and
- Continue PWS Operations.

In NYS, there are approximately 10,000 PWS, of which 3,500 are community water systems (CWSs), 5,800 are transient non-community water systems (TNCs), and 700 are non-transient non-community water systems (NTNCs). In general, a greater number of federal and state drinking water regulations apply to CWSs than to TNCs and NTNCs. Compliance with the many regulations is particularly difficult for the CWSs serving populations fewer than 3,300 (small water systems). These small water systems account for >90% of the CWSs in the State. While the primary emphasis in TA will be placed on small CWSs, some TA in applicable regulatory areas can also be expected for NTNCs.

Small water systems, by their very nature, lack economies of scale that would enable them to easily modify and adjust their operations to comply with increasingly complex regulations and best management practices. Challenges affecting small water systems include a lack of adequate preventive maintenance programs, delays on equipment modernization, an inability to retain qualified consulting services, and difficulty in funding necessary analytical testing services. Unaddressed, these factors can then lead to a failure to meet state and federal regulations and accepted performance standards.

Many PWS have implemented community water fluoridation (adjustment of fluoride level in water to an optimal level) for the purpose of dental caries prevention and control. TA will be provided to PWS to operate their fluoridation system in compliance with the Centers for Disease Control and Prevention’s engineering and administrative recommendations for water fluoridation.

**PLEASE NOTE:** Bidders will be requested to provide responses that address all the requirements of this RFP as part of its Technical Proposal.

The terms “Bidders”, “vendors” and “proposers” are also used interchangeably. For purposes of this RFP, the use of the terms “shall”, “must” and “will” are used interchangeably when describing the Contractor’s/Bidder’s duties.

#### **4.1 Deliverables**

##### **4.1.1 Technical Assistance**

For this contract, all technical assistance that can be covered and approved by DOH is considered general technical assistance. Assistance that is specific to fluoridation is considered fluoridation technical assistance. Assistance that is specific to lead in drinking water is considered lead technical assistance. It is anticipated that the contractor will visit systems classified as DOH grade levels IIA, IIB, C and D to provide general TA.

The contractor will provide a minimum of 200 on-site general TA visits and services to water plant operators, superintendents, and local officials of PWS each year of the contract. This assistance will deal with on-going regulatory, operational, management, financial, and technical deficiencies, including time critical TA, and will be delivered continuously over each contract year. Although much of the TA will be provided to small CWSs (serving < 3,300 people), general TA will not be limited to this size water systems and larger water systems may also receive these services, as needed.

Categories for general technical assistance under this contract include the following:

- Compliance with state drinking water regulations;
- Treatment technology and optimization;
- Operator certification;
- Capacity development;
- Completion of consumer confidence reports (annual water quality reports) and operation manuals;
- Source water assessment and protection;
- Fluoridation in Drinking Water;

- Compliance with the regulatory requirements of the Enhanced Surface Water Treatment Rule, Microbial/Disinfection By-Products Rule, Groundwater Rule, Lead and Copper Rule, Lead and Copper Rule Minor Revisions, Public Notification Rule, Arsenic Rule, Stage 2 Disinfectants/Disinfection Byproducts Rule, Radionuclides Rule, Groundwater Rule, and the Consumer Confidence Report Rule;
- Evaluating issues/violations and providing recommendations to resolve these issues;
- Enhancing monitoring, disinfection, filtration and other treatment practices;
- Increasing security measures;
- Cybersecurity;
- Emergency preparedness, response, and recovery for/from emergency events;
- Safeguarding distribution system integrity from leakage and waste, cross-connections, and biofilm problems;
- Harmful Algal Blooms; and  
Emerging Contaminants.

In addition, the contractor will complete a minimum of ten (10) technical products and services for PWS each year of the contract. Qualifying technical products and services include the following:

- Developing vulnerability assessments and emergency response plans;
- Mapping water system infrastructure;
- Developing a rate structure;
- Developing operation and maintenance plans;
- Reviewing/updating/developing Standard Operating Procedures (SOPs);
- Locating funding sources and application processes; and
- Preparing for emergency, setting-up and operating emergency equipment during and after emergency.

The contractor will provide a minimum of 25 on-site fluoridation related TA (fluoridation TA) visits to fluoridating PWS approved by Bureau of Child Health (BCH) each year of the contract. The on-site fluoridation TA visits will be specific to fluoridation operation including:

- Identifying and addressing operation issues e.g., fluctuating fluoride levels, non-optimal fluoride levels trending very high or very low, inconsistencies in split samples, equipment problems, etc.;
- Confirming completion and operation of projects funded under the NYS DOH's Drinking Water Fluoridation Grant Program, and
- Other fluoride related issues deemed appropriate by the Department.

The contractor will provide a minimum of 100 on-site lead in drinking water related TA (lead TA) visits and services to water plant operators, superintendents, and local officials of PWS each year of the contract. Although much of the TA will be provided to small CWSs (serving < 3,300 people), general TA will not be limited to this size water systems and larger water systems may also receive these services, as needed.

Categories for lead technical assistance under this contract include the following:

- Assisting PWS develop a plan for the completion of lead service line inventories;
- Assisting PWS identify potential methods and information available to the PWS for the identification of service line materials;
- Assisting with the development of lead testing plans and procedures to aid PWS compliance with applicable rules and regulation;
- Other lead in drinking water related issued deemed appropriate by the Department.

Covered activities under lead TA does not include the identification of service line materials or otherwise completing the lead service line inventory by the contractor for the PWS. Examples and demonstrations may be provided as part of the lead TA so long as they contribute to the ability of the PWS to independently identify service line materials and complete the inventory.

#### 4.1.2 Trainings

The contractor will provide at least six (6) general, four (4) fluoridation, and three (3) filter trailer operation TA trainings regionally across the State to PWS water operators each year of the contract. Two of the six general TA trainings will have three hours dedicated to cybersecurity. See Attachment C: Map of Technical Assistance Regions. Trainings are to be held in-person. However, in the event of extreme circumstances, i.e. a global pandemic, trainings may be held virtually when feasible with prior DOH approval. When requesting to hold trainings virtually the contractor may propose course changes to allow effective delivery up to and including changes in training topics. DOH reserves the right to require courses to be held in-person as an essential activity.

The contractor will be responsible for the following:

- Prepare and provide DOH approved training sessions to PWS water operators, system owners, municipal officers, etc.;
- Determine training locations in each region;
- Secure venues and date for training sessions;
- Provide outreach to PWS and organize registration for water operators for training sessions;
- Secure approval of training sessions from DOH Certification Section to obtain Approved Training Course Number (ATC#) and Continuing Education Units (CEUs).
- Prepare and give, or arrange for presenters to give presentations at each training session;
- Distribute printed or electronic copies of the presentations at each training session; and
- Distribute printed or electronic copies of completion certificate to all attendees of the training session.

Additional presentations or modifications to trainings may be needed over the contract term, based upon changes to Local, State or Federal rules, regulations, or guidance.

#### 4.1.3 Meetings and Reports

The contractor will attend the following meetings:

- Initial contract conference call with DOH and its designees;
- One-half (1/2) day DOH orientation session on NYS DOH PWS program, guidance, policies, procedures, and field structure to be held in Albany, New York. At a minimum, the contractor's project director and TA providers shall attend in person or virtually for this orientation; and
- Quarterly progress meetings in person or virtually with the DOH general TA Coordinator and DOH Bureau of Child Health (BCH) fluoridation program manager to be held in Albany, New York, or another location agreed upon by DOH and the contractor.

The contractor must submit and report on the following:

- Prepare and submit monthly progress reports.
- Provide recommendations, in writing or electronically, to the DOH and its designees with respect to all issues related to general TA to PWS; and
- Provide recommendations, in writing or electronically, to the DOH and its designees with respect to issues specific to fluoridation TA.

#### 4.2 Tasks

For this Section, all Tasks developed must be reflective of the entire five (5) year contract. The contractor shall determine and provide the type of equipment needed for each task.

A detailed breakdown of required tasks is listed below.

##### 4.2.1 Task A: Develop TA Implementation Plan



The contractor will develop a TA plan, that will be segmented in five (5) annual twelve (12) month periods, or contract years, coinciding with the contract term. The plans will include the following:

1. Details on how the contractor will implement the services outlined in Section 4.1 of this RFP. Plans will outline and include all steps in the implementation of the task including scheduling, conducting, and reporting of findings from on-site visits, trainings, products and services;
2. The plans must be submitted in two sets: a.) General TA will include tasks B, C, D, E, F, I, J and K listed below in Sections 4.2.2 - 4.2.11 and b.) Fluoridation related TA will include tasks B, G, H and I listed below in Sections 4.2.2 - 4.2.9;
3. The plans will be reviewed and approved by DOH prior to use and are subject to modifications and updates on an annual basis, or as deemed necessary by DOH during the contract year. During the first year of the contract, review and approval of the implementation plans will be initiated during the initial conference call; and
4. Modifications and/or updates must be submitted to DOH for review and approval within ten (10) business days after the request for a modification or within ten (10) business days after the start of each new contract year.

#### **4.2.2 Task B: Notification to Local Health Departments**

Within twenty (20) business days of completing the DOH one-half (1/2) day orientation session, the contractor will notify each DOH region, district office, and county health department, using the database and information provided by DOH with the following:

1. Contractor's contact information, including the names of TA providers and members of project team;
2. Information about on-site general TA that can be provided to PWS in a year;
3. Information on available trainings for water operators that is scheduled to be provided to each region in a year;
4. Information about on-site fluoridation TA visits to PWS in a year;
5. Information on available fluoridation trainings for water operators that is scheduled to be provided for each region in a year;
6. Information on TA products and services that can be provided to PWS; and
7. Information for PWS about how to request TAs, trainings, technical products, and services for this contract.

Notification will also be made at the start of each contract year, as defined in 4.2.1, or as otherwise directed by DOH. The means and language of the Notification must be pre-approved by the DOH. Modifications and/or updates must be submitted to DOH for review and approval within ten (10) business days after the request for a modification or within ten (10) business days after the start of each new contract year.

#### **4.2.3 Task C: Provide On-site General Technical Assistance**

The contractor will be ready to provide on-site general TA to PWS within fifteen (15) days of completion of Task B.

The contractor will devote one-half (1/2) of the total general TA contract effort to providing a minimum of 200 on-site general TA visits to PWS each contract year. A map of these PWS can be found in Attachment C. DOH or its designees may request TA on behalf of PWS. On-site general TA will deal with on-going regulatory, operational, management, financial, and technical deficiencies including time critical TA.

A recommended procedure to use when working with a PWS for on-site TA follows:

1. Contact PWS and the appropriate local health department via phone or e-mail;
2. Discuss problems or violations before the on-site TA visit;
3. Set up an appointment to inspect the water system facilities and conduct an on-site TA visit;
4. Work with PWS representative(s) on methods for correcting or improving the cause for the on-site TA visit;
5. If a public health hazard exists, assist the PWS with implementation of immediate corrective actions and

contact the local health department or DOH as appropriate. Follow-up with the PWS as needed on any unresolved issues or recommendations. DOH or its designees are to be copied on all correspondence between the contractor and PWS;

6. Follow up with the PWS and determine what progress has been made;
7. Document each on-site general TA visit in writing. Documentation of each site visit must be provided to DOH in a DOH-approved electronic format. Include all problems and deficiencies observed/reported; and
8. On-site general TA visits and any on-going general TA visits with unresolved issues will be documented and reported every month to the DOH.

The contractor is expected to conduct at least 200 on-site general TA visits to PWS per contract year, resulting in resolution of the issue that generated the request for assistance and/or stabilization of the immediate situation and arrangement for follow up activities. Follow up activities shall not constitute an additional site visit. It is anticipated that most PWS issues can be resolved in one (1) to two (2) on-site visits. Repeat visits to the same system for the same TA should be limited, if possible, and DOH reserves the right to limit the amount, type, or frequency of any TA visits to PWS at any time during the contract. Acceptable documentation of the activities completed for each PWS on-site TA visit will facilitate the DOH TA-Coordinator determination. Documentation of these activities are delineated in Section 4.2.9, Task I.

#### **4.2.4 Task D: Provide On-Site Lead in Drinking Water Technical Assistance**

The contractor will be ready to provide on-site lead TA to PWS within fifteen (15) days of completion of Task B.

On-site lead in drinking water technical assistance is to aid PWS in maintaining compliance with regulations regarding lead in drinking water. These regulations are anticipated to change over the course of the contract and the contractor will be required to remain knowledgeable of the latest regulations. The completion of lead service line inventories will be a major effort by PWS over the course of the contract. The contractor will provide direct TA to the PWS to assist in the completion of these inventories. The purpose of the TA is not for the contractor to complete the inventory or any related work on behalf of the PWS, but for the contractor to provide the PWS with the tools and knowledge necessary for the PWS to complete their own inventory. Assistance may take the form of helping the PWS identify what historic records they may have available to help with service line material identification, development of a plan for the PWS to follow that will result in completion of the inventory, and discussion of other methodologies that may be used to complete the inventory. The contractor should also be prepared to communicate the regulatory requirements for inventories. Assistance may also include the development of sampling plans and procedures which help ensure regulatory requirements are met.

The contractor is expected to conduct at least 100 on-site lead in drinking water TA visits to PWS per contract year. It is anticipated that after one (1) or two (2) on-site visits most PWS will have received the necessary TA to be in a position to complete their inventories. If additional TA is needed after two on-site visits, the contractor shall consult DOH first, and DOH reserves the right to limit the amount, type, or frequency of any lead TA on-site visits to PWS at any time during the contract. Acceptable documentation of the activities completed for each PWS on-site TA visit will facilitate the DOH TA-Coordinator determination. Documentation of these activities are delineated in Section 4.2.9, Task I.

#### **4.2.5 Task E: Provide Training to PWS Water Operators**

The contractor will provide trainings to PWS personnel, particularly for water operators on technical issues listed in Section 4.1, Technical Assistance, and as directed by DOH. Contractor will be responsible for developing training material, securing qualified presenters, providing outreach to PWS through DOH district and local health department offices or by any other means, providing training locations in each region, securing approval of training sessions from DOH operator certification program, and delivering the training sessions to DOH satisfaction.

Trainings must be of relevant topics in the operational, technical, financial, and managerial aspects of operating and managing a water system to ensure viability of small water systems. Trainings must be delivered so that topics are simple and understandable, to the extent possible. Topics must be acceptable for NYS water operator Continuing Education Units (CEUs).

Each training session shall accommodate at least 35 attendees, with priority given to water operators who will be eligible to receive CEUs for operator certification. The training sessions must be conducted with an instructor to attendee ratio of at least 1 instructor for each 20 attendees. The instructors shall have knowledge of and experience with topics covered.

Prior to holding the training session, the contractor will prepare and submit to the DOH general TA Coordinator the following:

1. Name of training session with location and date;
2. Copy of training session's agenda; and
3. Copy of the advertisement of the event.

NOTE: The contractor must not charge any fees to the attendees of the training.

After the event, the contractor will submit to DOH general TA Coordinator copy(ies) of completed attendance/sign-in sheets. The completed attendance sheet must include information of the date of training, location, DOH ATC# and CEUs.

The contractor must deliver at least six (6) training sessions at a minimum of six (6) contact hours (0.6 CEU) per training session each year of the contract. The training sessions must be held in different geographic regions across the state (see Attachment C for geographic regions) and vary from one year to another year of the contract in order to provide adequate regional coverage and to maximize the attendance by water operators which are located throughout the state.

Two of the six general TA trainings each year of the contract will have three hours dedicated to cybersecurity. Cybersecurity trainings shall be scheduled such that each year of the contract the training is delivered in two different regions and that each region receives cybersecurity training twice over the 5-year contract period.

The DOH has defined geographic five (5) regions for this contract:

- Western Region - Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Livingston, Monroe, Niagara, Ontario, Orleans, Steuben, Wayne, Wyoming, and Yates counties;
- Central Region - Broome, Cayuga, Chemung, Chenango, Cortland, Delaware, Madison, Onondaga, Otsego, Schuyler, Seneca, Tioga, and Tompkins;
- North Country -Clinton, Essex, Franklin, Hamilton, Herkimer, Jefferson, Lewis, Oneida, Oswego, St. Lawrence, and Warren counties;
- Capital Area - Albany, Columbia, Fulton, Greene, Montgomery, Rensselaer, Saratoga, Schenectady, Schoharie, and Washington counties; and
- Metropolitan Area - Dutchess, Nassau, Orange, Putnam, Rockland, Ulster, Suffolk, Sullivan, and Westchester counties.

Since there are only five (5) contract regions and six (6) trainings required per year, one (1) region will be scheduled for two (2) trainings each year. This repeated region must rotate in each subsequent contract year. With the exception of cybersecurity, which will be presented twice in each region over the course of the contract, training topics may not be repeated within a region over the course of the contract.

The DOH or its designee may audit any training course at no cost to DOH to ensure complete and adequate coverage of course material.

#### **4.2.6 Task F: Develop Technical Products and Services for Individual PWS**

The contractor will work with individual PWS on the development of technical products and services to help the PWS better operate and manage their infrastructure and overall operations. Such products may include but are not limited to written standard operating procedures (SOPs), emergency response plans (ERPs), water system infrastructure maps, asset management plans (AMPs), and emergency operations. These products will be

developed or customized for small water systems that are experiencing problems due to the lack of such items and/or lack of resources and/or the expertise to develop them.

The contractor will complete at least ten (10) technical products and services per contract year that are acceptable to the recipient PWS and are approved by the DOH or its designee. Two (2) of these ten (10) annual deliverables must be complete water system infrastructure maps. Infrastructure mapping will include locating and identifying of PWS distribution system components including but not limited to: pipe location and size, service line shut-off locations, and valve locations, as well as the production of GIS maps, provided both in electronic and paper copies with a sufficient level of detail acceptable to the PWS and the DOH. Systems selected for mapping shall be agreed upon by both the contractor and the DOH TA Coordinator.

#### **4.2.7 Task G: Provide On-site Technical Assistance to Fluoridating Public Water Systems**

The contractor will begin providing on-site fluoridation TA to fluoridating PWS within fifteen (15) days of notification of completing Task B. A minimum of 25 on-site fluoridation TA visits is expected per contract year to PWS currently providing optimal community water fluoridation. At the request of DOH, on-site visits may also be provided at CWS considering providing community water fluoridation. This assistance will be provided upon request of DOH or its designee. This assistance will deal with issues such as, but not limited to fluctuating fluoride levels, persistent non-optimal fluoride levels, inconsistencies in split samples, equipment problems, and installing, repairing, replacing, or upgrading fluoridation systems under DOH's Drinking Water Fluoridation (DWF) Grant Program. Prior to the onset of each contract year the DOH BCH will provide the list of fluoridating PWS that are candidates for on-site fluoridation TA visits. A map of these fluoridating PWS can be found in Attachment C.

Through these on-site fluoridation TA visits, the contractor is expected to:

1. Verify that the visited PWS fluoridation systems are maintained and operated in compliance with all state laws, rules and regulations;
2. Assess the PWS' fluoridation systems and programs relative to the Center for Disease Control and Prevention's Engineering and Administrative Recommendations for Water Fluoridation; and
3. Identify issues and provide recommendations to the visited PWS and to DOH.

A recommended procedure to use when working with a PWS for on-site TA follows:

1. Contact the PWS and the appropriate local health department via phone or e-mail;
2. Discuss issues with fluoridation, if any, before the on-site fluoridation TA visit;
3. Set up an appointment to inspect the water system facilities and conduct an on-site TA visit;
4. Work with PWS representative(s) on methods of correcting or improving drinking water fluoridation as the PWS;
5. If a public health hazard exists, assist the PWS with the implementation of immediate corrective action and contact the local health department or DOH as appropriate;
6. Follow-up with the PWS as needed for unresolved issues, including any recommendations. DOH or its designees are to be copied on all correspondence between the contractor and PWS;
7. Follow up with the PWS and determine what progress has been made;
8. Document each on-site fluoridation TA visit in writing or in the DOH accepted database. Include all problems and deficiencies observed/reported; and
9. On-site fluoridation TA visits and any on-going fluoridation TA visits with unresolved issues will be documented and reported every month to the DOH. It is anticipated that most issues can be resolved in one to two on-site visits.

The contractor must record any identified problems, challenges, or concerns discovered during the visit on the Fluoridation TA On-site Report. Photographs, as deemed necessary by the contractor, should be taken and included with the report.

If the TA visit is regarding a DWF Grant project, photographs shall be taken of all significant items funded under that Grant including equipment purchased and installed; major construction and infrastructure work (for example,

construction of fluoridation buildings/rooms, installation of ventilation systems) and other items deemed appropriate by the Contractor or requested by DOH.

The contractor is expected to have and utilize, when necessary, appropriate field equipment to assist with the identification of operational problems and making appropriate recommendations for improvements to PWS fluoridation processes. Appropriate field equipment should include, at a minimum, portable laboratory equipment (colorimetric and/or specific ion electrode) and appropriate testing standards/reagents (SPANS and/or TISAB).

#### **4.2.8 Task H: Provide Fluoridation Training Sessions to Public Water Systems**

The contractor will deliver a minimum of four (4) training sessions at a minimum of six (6) contact hours (0.6 CEU) per training session, per year of contract for water operators on the topic of fluoridation. The trainings must be held in different locations across the state to provide regional coverage to maximize attendance by water operators located throughout the State.

The training must include presentations on the following topics: regulations, fluoride additives, including new tablet additive technologies, laboratory analysis, equipment/facilities, operator safety, operations, public health perspective, and management of fluoridation at the state level. Topics must be acceptable for NYS water operator Continuing Education Units (CEUs). More information on the new tablet additive technologies can be found at: <https://www.cdc.gov/oralhealth/publications/features/cwf-tablet.html>.

An initial meeting will be held between the contractor and DOH prior to the first training session to ensure the contractor will provide training that adequately presents the public health perspective highlighting DOH's support for CWF as an evidence-based public health intervention, as well as the technical aspects of implementation and maintenance of CWF. All training materials will be reviewed and approved by the DOH prior to the first training session.

Each training session shall accommodate at least 35 attendees, with priority given to water operators who will be eligible to receive CEUs for operator certification. The training sessions must be conducted with an instructor to attendee ratio of at least 1 instructor for each 20 attendees. The instructors shall have knowledge of and experience with topics covered. The contractor must not charge any fees to attendees of the training.

Prior to holding the training session, the contractor will prepare and submit to the DOH TA Coordinator the following:

1. Name of training session with location and date;
2. Copy of training session's agenda; and
3. Copy of the advertisement of the event.

After the event, the contractor will submit to DOH copy(ies) of the completed attendance/sign-in sheet. The completed attendance sheet must include information of the date of training, location, DOH ATC# and CEUs.

A training must be held in four (4) of the five (5) different contract regions of New York State per year. Since there are five (5) contract regions and only four (4) trainings per year, the Contractor must schedule and hold a training in the 5th region in the subsequent contract year. The regions are defined as:

- Western Region - Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Livingston, Monroe, Niagara, Ontario, Orleans, Steuben, Wayne, Wyoming, and Yates counties;
- Central Region - Broome, Cayuga, Chemung, Chenango, Cortland, Delaware, Madison, Onondaga, Otsego, Schuyler, Seneca, Tioga, and Tompkins;
- North Country - Clinton, Essex, Franklin, Hamilton, Herkimer, Jefferson, Lewis, Oneida, Oswego, St. Lawrence, and Warren counties;
- Capital Area - Albany, Columbia, Fulton, Greene, Montgomery, Rensselaer, Saratoga, Schenectady, Schoharie, and Washington counties; and
- Metropolitan Area - Dutchess, Nassau, Orange, Putnam, Rockland, Ulster, Suffolk, Sullivan, and Westchester counties.

The DOH or its designee may audit any training course at no cost to DOH to ensure complete and adequate coverage of course material.

#### **4.2.9 Task I: Attend Progress Meetings and Complete Progress Reports**

The contractor will attend meetings in person or virtually with DOH to review progress of the contract. These meetings will be held on a quarterly basis in Albany, New York. The contractor will maintain detailed records of all on-site TA visits, trainings, products, and services, and will submit reports of progress to the DOH TA Coordinator monthly beginning in the month following the first date the TA providers began providing on-site TA. This task will be the completion of timely and acceptable progress reports monthly for the duration of the contract.

Monthly reports for general TA, lead TA, and fluoridation TA will consist of two parts:

1. The first part will consist of a short write up (1-2 paragraphs) on each visit made, and will include information on the name of the water system, the name of the TA provider, the PWS Federal ID #, the municipality and county in which the system is located, the PWS Federal ID # of the source water provider in the case of a consecutive/purchasing system, the name(s) and title(s) of the person(s) visited at the PWS, the name and contact info of the local health department, the reason for the visit, the number of visits and total TA time spent at each visit, the findings, action taken, and the outcome; and
2. The second part of the report will identify and report any common problems with water systems/operators identified during that month that may require additional attention or program adjustments. Potential solutions such as training or education in specific areas of concern, operational changes, etc., should be recommended.

Documentation for deliverable tasks G and H must be submitted to DOH separately from the other tasks. Reporting must also be separated between general TA, lead TA, and training and fluoridation on-site TA and Training. The contractor must maintain separate detailed records and submit the fluoridation TA on-site report within one month of the completion of the TA visit. The report should be used to identify issues related to drinking water fluoridation and provide recommendations to BCH.

During the quarterly meetings, the contractor is expected to discuss with DOH the progress on this task. The contractor will also discuss any common observations or recommendations based on the TA visits completed during the preceding quarter.

#### **4.2.10 Task J: Filter Trailer Operation Training to Public Water Systems**

The contractor will provide in person trainings to PWS personnel on the operation of water filtration trailers owned by the State. The trainings are to be hands-on, covering setup, operation, maintenance, and tear down of the trailers. The contractor must deliver three (3) trainings per year, each at a minimum of six (6) contact hours (0.6 CEU) per training session. The trainings must be held in different locations across the state to provide regional coverage to maximize attendance by water operators located throughout the State.

Each training session shall accommodate at least 35 attendees, with priority given to water operators who will be eligible to receive CEUs for operator certification. The training sessions must be conducted with an instructor to attendee ratio of at least 1 instructor for each 20 attendees. The instructors shall have knowledge of and experience with the water filtration trailers.

Prior to holding the training session, the contractor will prepare and submit to DOH TA Coordinator the following:

1. Name of training session with location and date;
2. Copy of training session's agenda; and
3. Copy of the advertisement of the event.

NOTE: The contractor must not charge any fees to attendees of the training.

After the event, the contractor will submit to DOH copy(ies) of completed attendance/sign-in sheet. The completed attendance sheet must include information of the date of training, location, DOH ATC# and CEUs.

A training must be held in three (3) of the five (5) different contract regions of New York State per year. Since there are five (5) contract regions and only three (3) trainings per year, the Contractor must schedule and hold a training in the 4th and 5th region in the subsequent contract year. The regions are defined as:

- Western Region - Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Livingston, Monroe, Niagara, Ontario, Orleans, Steuben, Wayne, Wyoming, and Yates counties;
- Central Region - Broome, Cayuga, Chemung, Chenango, Cortland, Delaware, Madison, Onondaga, Otsego, Schuyler, Seneca, Tioga, and Tompkins;
- North Country - Clinton, Essex, Franklin, Hamilton, Herkimer, Jefferson, Lewis, Oneida, Oswego, St. Lawrence, and Warren counties;
- Capital Area - Albany, Columbia, Fulton, Greene, Montgomery, Rensselaer, Saratoga, Schenectady, Schoharie, and Washington counties; and
- Metropolitan Area - Dutchess, Nassau, Orange, Putnam, Rockland, Ulster, Suffolk, Sullivan, and Westchester counties.

The DOH or its designee may audit any training course at no cost to DOH to ensure complete and adequate coverage of course material.

#### **4.2.11 Task K: Filter Trailer Maintenance and Repairs**

The contractor will perform two (2) site visits per year for routine filter trailer maintenance. Site visits will consist of determining what routine maintenance is needed, performing needed maintenance, and documenting the maintenance performed. Site visits will also include purchasing parts or supplies needed for the trailers' continued operation. At the request of DOH, additional maintenance site visits may occur to address issues or following deployment of filter trailers for emergency response.

Purchase of parts and supplies will be covered under the contract on a reimbursement basis using a separate pre-defined set aside in the contract budget. Any purchase that will exceed \$250 must be approved by DOH in advance. The contractor will document each day spent performing maintenance on the trailers, what maintenance was performed, any additional maintenance needed, as well as any parts or supplies that are purchased for the trailers. A report containing maintenance activities and parts/supplies purchased, with receipts, will be sent to the DOH for each site visit.

### **4.3 Staffing**

The contractor shall have the personnel and project team members that will be responsible for completion and oversight of the work specified in Section 4.0. Personnel and project team members shall include, but not be limited to the project director; training personnel; a minimum of two (2) TA providers; one (1) TA provider with experience troubleshooting drinking water fluoridation systems and one (1) TA provider with experience operating a drinking water distribution system.

The project director assigned to this contract must have project management and oversight experience. Training personnel must have experience in organizing or providing training and have access to other water professionals (for example, certified water operators, professional engineers, GIS professionals) readily available. TA providers must have experience in assisting small communities in general and technical competences, preferably with providing assistance at small rural community and/or non-community water systems.

A minimum of two (2) qualified TA providers must be available to deliver timely on-site general TA for the entire duration of the contract. Due to the large geographic area of the State, the TA providers shall be located in separate regions to provide timely response throughout the State. More than two qualified TA providers may be used to meet the on-site visit tasks of this contract. TA providers shall have DOH water operator certification at grade level D and either IA or IIA. The TA provider(s) working on the lead in drinking water TA task shall have DOH water operator certification at grade level D. The contractor must provide to DOH the resume and copies of current NYSDOH water operator certifications for each TA provider prior to said provider completing TA on-site visits under this contract. The same person may complete general TA, fluoridation TA, and lead TA tasks but it will be the responsibility of the contractor to provide enough qualified staff to complete all of the tasks in this RFP.

Within 15 business days of departmental notification of their award, the selected vendor must supply DOH with resumes and copies of the TA provider's current NYSDOH water operator certification for grades D, and IA or IIA. Submission of these certifications is a condition of the award, failure to provide these certifications will result in the vendor being non-awarded.

Only qualified personnel must be utilized throughout this contract. The DOH and its designee may audit the contractor from time to time to ensure that the contractor is in compliance with DOH requirements. Failure to meet the minimum requirements may result to a forfeiture of this contract.

#### **4.4 Security**

The contractor must ensure that they are in compliance with all applicable New York State security policies and standards (the list below highlights the most pertinent items):

All policies and standards defined in the New York State ITS security policies and standards [nys-p03-002\\_information\\_security\\_policy.pdf](#) including, but not limited to:

- NYS-P03-002 – Information Security Policy,
- NYS-P10-006 – Identity Assurance Policy,
- NYS-S13-001 – Secure System Development Life Cycle Standard,
- NYS-S13-002 – Secure Coding Standard (if applicable),
- NYS-S13-004 – Identity Assurance Standard,
- NYS-S14-003 – Information Security Controls Standard,
- NYS-S14-005 – Security Logging Standard,
- NYS-S14-007 – Encryption Standard,
- NYS-S15-008 – Secure Configuration Standard
- NYS-S14-013 – Account Management / Access Control Standard
- NYS-S15-001 – Patch Management Standard (if applicable) and
- NYS-S15-002 – Vulnerability Scanning Standard

The contractor's organization, employees, subcontractors, and volunteers will implement and maintain policies, an internal control process for oversight and monitoring and procedures to assure the confidentiality of personal identifiable data and protected health information.

#### **4.5 Transition**

The transition represents a period when the current contract activities performed by the Contractor must be turned over to the Department, another Department agent, or successor Contractor during or at the end of the contract.

The Contractor shall ensure that any transition to the Department, Departmental agency or successor Contractor be done in a way that provides the Department with uninterrupted Technical Assistance (TA), Training, Meeting and Reporting services. This includes a complete and total transfer of all data, files, reports, and records generated from the inception of the contract through the end of the contract to the Department or another Department agent should that be required during or upon expiration of its contract.

The contractor shall provide technical and business process support as necessary and required by the Department to transition and assume contract requirements to the Department or another Department agent should that be required during or at the end of the contract.

The contractor shall manage and maintain the appropriate number of staff to meet all requirements listed in the RFP during the transition. All reporting and record requirements, security standards, and performance standards are still in effect during the transition period.

The contractor is required to develop a work plan and timeline to securely and smoothly transfer any data and records generated from the inception of the Contract through the end of the contract to the Department or another Department agent should that be required during or upon expiration of its contract. The plan and documentation



must be submitted to the Department no later than four (4) months before the last day of its contract with the Department of Health or upon request of the Department.

## **5.0 ADMINISTRATIVE INFORMATION**

The following administrative information will apply to this RFP. Failure to comply fully with this information may result in disqualification of your proposal.

### **5.1 Restricted Period**

“Restricted period” means the period of time commencing with the earliest written notice, advertisement, or solicitation of a Request for Proposals (“RFP”), Invitation for Bids (“IFB”), or solicitation of proposals, or any other method for soliciting a response from Bidders intending to result in a procurement contract with DOH and ending with the final contract award and approval by DOH and, where applicable, final contract approval by the Office of the State Comptroller.

This prohibition applies to any oral, written, or electronic communication under circumstances where a reasonable person would infer that the communication was intended to influence this procurement. Violation of any of the requirements described in this Section may be grounds for a determination that the Bidder is non-responsible and therefore ineligible for this contract award. Two (2) violations within four (4) years of the rules against impermissible contacts during the “restricted period” may result in the violator being debarred from participating in DOH procurements for a period of four (4) years.

Pursuant to State Finance Law §§ 139-j and 139-k, the Department of Health identifies a designated contact on face page of this RFP to whom all communications attempting to influence this procurement must be made.

### **5.2 Questions**

There will be an opportunity available for submission of written questions and requests for clarification regarding this RFP. All questions and requests for clarification of this RFP should cite the particular RFP Section and paragraph number where applicable and must be submitted via email to [bpwsp@health.ny.gov](mailto:bpwsp@health.ny.gov). It is the Bidder’s responsibility to ensure that email containing written questions and/or requests for clarification is received at the above address no later than the Deadline for Submission of Written Questions as specified in [Section 1.0](#) (Calendar of Events). Questions received after the deadline may **not** be answered.

### **5.3 Right to Modify RFP**

DOH reserves the right to modify any part of this RFP, including but not limited to, the date and time by which proposals must be submitted and received by DOH, at any time prior to the Deadline for Submission of Proposals listed in [Section 1.0](#) (Calendar of Events). Modifications to this RFP shall be made by issuance of amendments and/or addenda.

Prior to the Deadline for Submission of Proposals, any such clarifications or modifications as deemed necessary by DOH will be posted to the DOH website.

If the Bidder discovers any ambiguity, conflict, discrepancy, omission, or other error in this RFP, the Bidder shall immediately notify DOH of such error in writing at [bpwsp@health.ny.gov](mailto:bpwsp@health.ny.gov). and request clarification or modification of the document.

If, prior to the Deadline for Submission of Proposals, a Bidder fails to notify DOH of a known error or an error that reasonably should have been known, the Bidder shall assume the risk of proposing. If awarded the contract, the Bidder shall not be entitled to additional compensation by reason of the error or its correction.

### **5.4 Payment**

The contractor shall submit invoices and/or vouchers to the State's designated payment office:

Preferred Method: Email a .pdf copy of your signed voucher to the BSC at: [AccountsPayable@ogs.ny.gov](mailto:AccountsPayable@ogs.ny.gov) with a subject field as follows:

Subject: Unit ID: 3450279; Contract #TBD

Alternate Method: Mail vouchers to BSC at the following U.S. postal address:

**NYS Department of Health  
Unit ID 3450279  
c/o NYS OGS BSC Accounts Payable  
Building 5, 5th Floor  
1220 Washington Ave.  
Albany, NY 12226-1900**

Payment for invoices and/or vouchers submitted by the CONTRACTOR shall only be rendered electronically unless payment by paper check is expressly authorized by the Commissioner, in the Commissioner's sole discretion, due to extenuating circumstances. Such electronic payment shall be made in accordance with ordinary State procedures and practices. The CONTRACTOR shall comply with the State Comptroller's procedures to authorize electronic payments. Authorization forms are available at the State Comptroller's website at <https://www.osc.state.ny.us/state-vendors> by email at [epayments@osc.state.ny.us](mailto:epayments@osc.state.ny.us) or by telephone at 518-474-6019. CONTRACTOR acknowledges that it will not receive payment on any invoices and/or vouchers submitted under this Contract if it does not comply with the State Comptroller's electronic payment procedures, except where the Commissioner has expressly authorized payment by paper check as set forth above.

In addition to the Electronic Payment Authorization Form, a Substitute Form W-9 must be on file with the Office of the State Comptroller, Bureau of Accounting Operations. Additional information and procedures for enrollment can be found at <https://www.osc.state.ny.us/state-vendors>.

Completed W-9 forms should be submitted to the following address:

NYS Office of the State Comptroller  
Bureau of Accounting Operations  
Warrant & Payment Control Unit  
110 State Street, 9<sup>th</sup> Floor  
Albany, NY 12236

Payment of such invoices and/or vouchers by the State (NYS Department of Health) shall be made in accordance with Article XI-A of the New York State Finance Law. Payment terms will be:

Payment will be made monthly for all deliverables completed including general and fluoridation related on-site TA visits, trainings, Technical Products, and monthly reports that were successfully completed within the billing period, based upon prices contained within Appendix C, Attachment B, Cost Proposal. Deliverables for fluoridation related TA and training shall be compiled separately. Payment for Task A & B will be paid annually based upon successful completion of the Task, and based upon prices contained within Appendix C, Attachment B, Cost Proposal.

Payment for the billing period will be made upon receipt and approval of an invoice for work satisfactorily completed during the previous month period. Written notification of acceptance of the deliverables will be provided to the Contractor by DOH in accordance with the notification methods allowed in Appendix X, Section IX.M of [Attachment 8](#).

## **5.5 Minority & Woman-Owned Business Enterprise Requirements**

Pursuant to New York State Executive Law Article 15-A, the New York State Department of Health (“DOH”) recognizes its obligation to promote opportunities for maximum feasible participation of certified minority- and women-owned business enterprises and the employment of minority group members and women in the performance of DOH contracts.

In 2006, the State of New York commissioned a disparity study to evaluate whether minority and women-owned business enterprises had a full and fair opportunity to participate in state contracting. The findings of the study were published on April 29, 2010, under the title "The State of Minority and Women-Owned Business Enterprises: Evidence from New York" (“Disparity Study”). The report found evidence of statistically significant disparities between the level of participation of minority- and women-owned business enterprises in state procurement contracting versus the number of minority- and women-owned business enterprises that were ready, willing and able to participate in state procurements. As a result of these findings, the Disparity Study made recommendations concerning the implementation and operation of the statewide certified minority- and women-owned business enterprises program. The recommendations from the Disparity Study culminated in the enactment and the implementation of New York State Executive Law Article 15-A, which requires, among other things, that DOH establish goals for maximum feasible participation of New York State Certified minority- and women – owned business enterprises (“MWBE”) and the employment of minority groups members and women in the performance of New York State contracts.

#### Business Participation Opportunities for MWBEs

For purposes of this solicitation, DOH hereby establishes an overall goal of **0%** for MWBE participation, **0%** for Minority-Owned Business Enterprises (“MBE”) participation and **0%** for Women-Owned Business Enterprises (“WBE”) participation (based on the current availability of qualified MBEs and WBEs and outreach efforts to certified MWBE firms). A contractor (“Contractor”) on the subject contract (“Contract”) must document good faith efforts to provide meaningful participation by MWBEs as subcontractors or suppliers in the performance of the Contract and Contractor agrees that DOH may withhold payment pending receipt of the required MWBE documentation. For guidance on how DOH will determine “good faith efforts,” refer to 5 NYCRR §142.8.

The directory of New York State Certified MWBEs can be viewed at: <https://ny.newnycontracts.com>. The directory is found in the upper right-hand side of the webpage under “Search for Certified Firms” and accessed by clicking on the link entitled “MWBE Directory”. Engaging with firms found in the directory with like product(s) and/or service(s) is strongly encouraged, and all communication efforts and responses should be well documented.

By submitting a bid, a Bidder agrees to complete an MWBE Utilization Plan ([Attachment 5](#), Form #1) of this RFP. DOH will review the submitted MWBE Utilization Plan. If the plan is not accepted, DOH may issue a notice of deficiency. If a notice of deficiency is issued, Bidder agrees that it shall respond to the notice of deficiency within seven (7) business days of receipt. DOH may disqualify a Bidder as being non-responsive under the following circumstances:

- a. If a Bidder fails to submit a MWBE Utilization Plan;
- b. If a Bidder fails to submit a written remedy to a notice of deficiency;
- c. If a Bidder fails to submit a request for waiver (if applicable); or
- d. If DOH determines that the Bidder has failed to document good-faith efforts;

The Contractor will be required to attempt to utilize, in good faith, any MBE or WBE identified within its MWBE Utilization Plan, during the performance of the Contract. Requests for a partial or total waiver of established goal requirements made subsequent to Contract Award may be made at any time during the term of the Contract to DOH, but must be made no later than prior to the submission of a request for final payment on the Contract.

The Contractor will be required to submit a Contractor’s Quarterly M/WBE Contractor Compliance & Payment Report to the DOH, by the 10<sup>th</sup> day following each end of quarter over the term of the Contract documenting the progress made toward achievement of the MWBE goals of the Contract.

If the Contractor is found to have willfully and intentionally failed to comply with the MWBE participation goals set forth in the Contract, such finding will constitute a breach of Contract and DOH may withhold payment from the Contractor as liquidated damages.

Such liquidated damages shall be calculated as an amount equaling the difference between: (1) all sums identified for payment to MWBEs had the Contractor achieved the contractual MWBE goals; and (2) all sums actually paid to MWBEs for work performed or materials supplied under the Contract.

New York State certified Minority- and Women-Owned Businesses (M/WBE) may request that their firm's contact information be included on a list of M/WBE firms interested in serving as a subcontractor for this procurement. The listing will be publicly posted on the Department's website for reference by the bidding community. A firm requesting inclusion on this list should send contact information and a copy of its NYS M/WBE certification to [bpwsp@health.ny.gov](mailto:bpwsp@health.ny.gov) before the Deadline for Questions as specified in [Section 1.0](#) (Calendar of Events). Nothing prohibits an M/WBE Vendor from proposing as a prime contractor.

**Please Note: Failure to comply with the foregoing requirements may result in a finding of non-responsiveness, non-responsibility and/or a breach of the Contract, leading to the withholding of funds, suspension or termination of the Contract or such other actions or enforcement proceedings as allowed by the Contract.**

## **5.6 Equal Employment Opportunity (EEO) Reporting**

By submission of a bid in response to this solicitation, the Bidder agrees with all of the terms and conditions of [Attachment 8](#) Appendix A including Clause 12 - Equal Employment Opportunities for Minorities and Women. Additionally, the successful Bidder will be required to certify they have an acceptable EEO (Equal Employment Opportunity) policy statement in accordance with Section III of Appendix M in [Attachment 8](#).

Further, pursuant to Article 15 of the Executive Law (the "Human Rights Law"), all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor and sub-contractors will not discriminate against any employee or applicant for employment because of race, creed (religion), color, sex, national origin, sexual orientation, military status, age, disability, predisposing genetic characteristic, marital status or domestic violence victim status, and shall also follow the requirements of the Human Rights Law with regard to non-discrimination on the basis of prior criminal conviction and prior arrest.

The Contractor is required to ensure that it and any subcontractors awarded a subcontract over \$25,000 for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon (the "Work"), except where the Work is for the beneficial use of the Contractor, undertake or continue programs to ensure that minority group members and women are afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status. For these purposes, equal opportunity shall apply in the areas of recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff, termination, and rates of pay or other forms of compensation. This requirement does not apply to: (i) work, goods, or services unrelated to the Contract; or (ii) employment outside New York State.

To ensure compliance with this Section, the Bidder should submit with the bid or proposal an Equal Employment Opportunity Staffing Plan ([Attachment 5](#), Form #4) identifying the anticipated work force to be utilized on the Contract. Additionally, the Bidder should submit a Minority and Women-Owned Business Enterprises and Equal Employment Opportunity Policy Statement ([Attachment 5](#), Form # 5), to DOH with their bid or proposal.

## **5.7 Sales and Compensating Use Tax Certification (Tax Law, § 5-a)**

Section 5-a of the Tax Law, as amended, effective April 26, 2006, requires certain contractors awarded state contracts for commodities, services and technology valued at more than \$100,000 to certify to the Department of Tax and Finance (DTF) that they are registered to collect New York State and local sales and compensating use taxes. The law applies to contracts where the total amount of such contractors' sales delivered into New York State are in excess of \$300,000 for the four quarterly periods immediately preceding the quarterly period in which the certification

is made, and with respect to any affiliates and subcontractors whose sales delivered into New York State exceeded \$300,000 for the four quarterly periods immediately preceding the quarterly period in which the certification is made.

This law imposes upon certain contractors the obligation to certify whether the contractor, its affiliates, and its subcontractors are required to register to collect state sales and compensating use tax and contractors must certify to DTF that each affiliate and subcontractor exceeding such sales threshold is registered with DTF to collect New York State and local sales and compensating use taxes. The law prohibits the State Comptroller, or other approving agencies, from approving a contract awarded to an offerer meeting the registration requirements but who is not so registered in accordance with the law.

The successful Bidder must file a properly completed Form ST-220-CA with the Department of Health and Form ST-220-TD with the DTF. These requirements must be met before a contract may take effect. Further information can be found at the New York State Department of Taxation and Finance's website, available through this link: <http://www.tax.ny.gov/pdf/publications/sales/pub223.pdf>.

Forms are available through these links:

- ST-220 CA: [http://www.tax.ny.gov/pdf/current\\_forms/st/st220ca\\_fill\\_in.pdf](http://www.tax.ny.gov/pdf/current_forms/st/st220ca_fill_in.pdf)
- ST-220 TD: [http://www.tax.ny.gov/pdf/current\\_forms/st/st220td\\_fill\\_in.pdf](http://www.tax.ny.gov/pdf/current_forms/st/st220td_fill_in.pdf)

## **5.8 Contract Insurance Requirements**

Prior to the start of work under this Contract, the CONTRACTOR shall procure, at its sole cost and expense, and shall maintain in force at all times during the term of this Contract, insurance of the types and in the amounts set forth in [Attachment 8](#), the New York State Department of Health Contract, Section IV. Contract Insurance Requirements as well as below.

### **5.8.1 Workers' Compensation and Disability Benefits Certifications**

Sections 57 and 220 of the New York State Workers' Compensation Law (WCL) provide that DOH shall not enter into any contract unless proof of workers' compensation and disability benefits insurance coverage is produced. Prior to entering into a contract with DOH, successful Bidders will be required to verify for DOH, on forms authorized by the New York State Workers' Compensation Board, the fact that they are properly insured or are otherwise in compliance with the insurance provisions of the WCL. The forms to be used to show compliance with the WCL are listed below. Any questions relating to either workers' compensation or disability benefits coverage should be directed to the State of New York Workers' Compensation Board, Bureau of Compliance at (518) 486-6307. Failure to provide verification of either of these types of insurance coverage by the time contracts are ready to be executed will be grounds for disqualification of an otherwise successful Proposal.

The successful Bidder must submit the following documentation to the Department within 10 calendar days of notification of award.

ONE of the following forms as Workers' Compensation documentation:

#### **A. Proof of Worker's Compensation Coverage**

1. Form C-105.2 – Certificate of Workers' Compensation Insurance issued by private insurance carrier (or Form U-26.3 issued by the State Insurance Fund); or
2. Form SI-12 – Certificate of Workers' Compensation Self-Insurance (or Form GSI-105.2 Certificate of Participation in Workers' Compensation Group Self Insurance); or
3. Form CE-200 – Certificate of Attestation of Exemption from New York State Workers' Compensation and/or Disability Benefits Coverage.

#### **B. Proof of Disability Benefits Coverage:**

ONE of the following forms as Disability documentation:

1. Form DB-120.1 – Certificate of Disability Benefits Insurance; or
2. Form DB-155 – Certificate of Disability Benefits Self-Insurance; or
3. Form CE-200 – Certificate of Attestation of Exemption from New York State Workers' Compensation and/or Disability Benefits Coverage.

Further information is available at the Workers' Compensation Board's website, which can be accessed through this link: <http://www.wcb.ny.gov>.

## **5.9 Subcontracting**

Bidders may propose the use of a subcontractor. The Contractor shall obtain prior written approval from NYSDOH before entering into an agreement for services to be provided by a subcontractor. The Contractor is solely responsible for assuring that the requirements of the RFP are met. All subcontracts shall contain provisions specifying that the work performed by the subcontractor must be in accordance with the terms of the prime contract, and that the subcontractor specifically agrees to be bound by the confidentiality provisions set forth in the agreement between the DOH and the Contractor. DOH reserves the right to request removal of any Bidder's staff or subcontractor's staff if, in DOH's discretion, such staff is not performing in accordance with the Agreement. Subcontractors whose contracts are valued at or above \$100,000 will be required to submit the Vendor Responsibility Questionnaire upon selection of the prime contractor.

## **5.10 DOH's Reserved Rights**

The Department of Health reserves the right to:

1. Reject any or all proposals received in response to the RFP;
2. Withdraw the RFP at any time, at the agency's sole discretion;
3. Make an award under the RFP in whole or in part;
4. Disqualify any Bidder whose conduct and/or proposal fails to conform to the requirements of the RFP;
5. Seek clarifications and revisions of proposals;
6. Use proposal information obtained through site visits, the state's investigation of a Bidder's qualifications, experience, ability or financial standing, and any material or information submitted by the Bidder in response to the agency's request for clarifying information in the course of evaluation and/or selection under the RFP;
7. Prior to the bid opening, amend the RFP specifications to correct errors or oversights, or to supply additional information, as it becomes available;
8. Prior to the bid opening, direct Bidders to submit proposal modifications addressing subsequent RFP amendments;
9. Change any of the scheduled dates;
10. Eliminate any mandatory, non-material specifications that cannot be complied with by all of the prospective Bidders;
11. Waive any requirements that are not material;
12. Negotiate with the successful Bidder within the scope of the RFP in the best interests of the state;
13. Conduct contract negotiations with the next responsible Bidder, should the Department be unsuccessful in negotiating with the selected Bidder;
14. Utilize any and all ideas submitted in the proposals received;
15. Every offer shall be firm and not revocable for a period of three hundred and sixty-five days from the bid opening, to the extent not inconsistent with Section 2-205 of the uniform commercial code. Subsequent to such three hundred and sixty-five days, any offer is subject to withdrawal communicated in a writing signed by the offerer; and,
16. Require clarification at any time during the procurement process and/or require correction of arithmetic or other apparent errors for the purpose of assuring a full and complete understanding of an offerer's proposal and/or to determine an offerer's compliance with the requirements of the solicitation.

## **5.11 Freedom of Information Law ("FOIL")**

All proposals may be disclosed or used by DOH to the extent permitted by law. DOH may disclose a proposal to any person for the purpose of assisting in evaluating the proposal or for any other lawful purpose. All proposals

will become State agency records, which will be available to the public in accordance with the Freedom of Information Law. **Any portion of the proposal that a Bidder believes constitutes proprietary information entitled to confidential handling, as an exception to the Freedom of Information Law, must be clearly and specifically designated in the proposal as directed in [Section 6.1 \(B\)](#) of the RFP.** If DOH agrees with the proprietary claim, the designated portion of the proposal will be withheld from public disclosure. Blanket assertions of proprietary material will not be accepted, and failure to specifically designate proprietary material may be deemed a waiver of any right to confidential handling of such material.

## 5.12 Lobbying

Chapter 1 of the Laws of 2005, as amended by Chapter 596 of the Laws of 2005, made significant changes as it pertains to development of procurement contracts with governmental entities. The changes included:

- a) made the lobbying law applicable to attempts to influence procurement contracts once the procurement process has been commenced by a state agency, unified court system, state legislature, public authority, certain industrial development agencies and local benefit corporations;
- b) required the above-mentioned governmental entities to record all contacts made by lobbyists and contractors about a governmental procurement so that the public knows who is contacting governmental entities about procurements;
- c) required governmental entities to designate persons who generally may be the only staff contacted relative to the governmental procurement by that entity in a restricted period;
- d) authorized the New York State Commission on Public Integrity, (now New York State Joint Commission on Public Ethics), to impose fines and penalties against persons/organizations engaging in impermissible contacts about a governmental procurement and provides for the debarment of repeat violators;
- e) directed the Office of General Services to disclose and maintain a list of non-responsible Bidders pursuant to this new law and those who have been debarred and publish such list on its website;
- f) required the timely disclosure of accurate and complete information from offerers with respect to determinations of non-responsibility and debarment; (Bidders responding to this RFP should submit a completed and signed [Attachment 1](#), "Prior Non-Responsibility Determination".)
- g) increased the monetary threshold which triggers a lobbyist's obligations under the Lobbying Act from \$2,000 to \$5,000; and
- h) established the Advisory Council on Procurement Lobbying.

Subsequently, Chapter 14 of the Laws of 2007 amended the Lobbying Act of the Legislative Law, particularly as it related to specific aspects of procurements as follows: (i) prohibiting lobbyists from entering into retainer agreements on the outcome of government grant making or other agreement involving public funding; and (ii) reporting lobbying efforts for grants, loans, and other disbursements of public funds over \$15,000.

The most notable, however, was the increased penalties provided under Section 20 of Chapter 14 of the Laws of 2007, which replaced old penalty provisions and the addition of a suspension option for lobbyists engaged in repeated violations. Further amendments to the Lobbying Act were made in Chapter 4 of the Laws of 2010.

Questions regarding the registration and operation of the Lobbying Act should be directed to the New York State Joint Commission on Public Ethics.

### **5.13 State Finance Law Consultant Disclosure Provisions**

In accordance with New York State Finance Law Section 163(4)(g), State agencies must require all contractors, including subcontractors, that provide consulting services for State purposes pursuant to a contract to submit an annual employment report for each such contract.

The successful Bidder for procurements involving consultant services must complete a "State Consultant Services Form A, Contractor's Planned Employment from Contract Start Date through End of Contract Term" in order to be eligible for a contract.

The successful Bidder must also agree to complete a "State Consultant Services Form B, Contractor's Annual Employment Report" for each state fiscal year included in the resulting contract. This report must be submitted annually to the Department of Health, the Office of the State Comptroller, and Department of Civil Service.

State Consultant Services Form A: Contractor's Planned Employment and Form B: Contractor's Annual Employment Report may be accessed electronically at: <http://www.osc.state.ny.us/agencies/forms/ac3271s.doc> and <http://www.osc.state.ny.us/agencies/forms/ac3272s.doc>.

### **5.14 Debriefing**

Pursuant to Section 163(9)(c) of the State Finance Law, any unsuccessful Bidder may request a debriefing regarding the reasons that the proposal or bid submitted by the Bidder was not selected for award. Requests for a debriefing must be made within fifteen (15) calendar days of release of the written or electronic notice by the Department that the Bid submitted by the Bidder was not selected for award. Requests should be submitted in writing to a designated contact identified in the award/non-award letter.

### **5.15 Protest Procedures**

In the event unsuccessful Bidders wish to protest the award resulting from this RFP, Bidders should follow the protest procedures established by the Office of the State Comptroller (OSC). These procedures can be found in Chapter XI Section 17 of the Guide to Financial Operations (GFO). Available on-line at: <http://www.osc.state.ny.us/agencies/guide/MyWebHelp/>

### **5.16 Iran Divestment Act**

By submitting a bid in response to this solicitation or by assuming the responsibility of a Contract awarded hereunder, Bidder/Contractor (or any assignee) certifies that it is not on the "Entities Determined To Be Non-Responsive Bidders/Offerers Pursuant to The New York State Iran Divestment Act of 2012" list ("Prohibited Entities List") posted on the OGS website (currently found at this address: <http://www.ogs.ny.gov/about/regqs/docs/ListofEntities.pdf>) and further certifies that it will not utilize on such Contract any subcontractor that is identified on the Prohibited Entities List. Additionally, Bidder/Contractor is advised that should it seek to renew or extend a Contract awarded in response to the solicitation, it must provide the same certification at the time the Contract is renewed or extended.

During the term of the Contract, should DOH receive information that a person (as defined in State Finance Law §165-a) is in violation of the above-referenced certifications, DOH will review such information and offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in the investment activity which is in violation of the Act within 90 days after the determination of such violation, then DOH shall take such action as may be appropriate and provided for by law, rule, or contract, including, but not limited to, seeking compliance, recovering damages, or declaring the Contractor in default. DOH reserves the right to reject any bid, request for assignment, renewal or extension for an entity that appears on the Prohibited Entities List prior to the award, assignment, renewal or extension of a contract, and to pursue a responsibility review with respect to any entity that is awarded a contract and appears on the Prohibited Entities list after contract award.



### **5.17 Piggybacking**

New York State Finance Law Section 163(10)(e) (see also <https://ogs.ny.gov/procurement/piggybacking-using-other-existing-contracts-0>) allows the Commissioner of the NYS Office of General Services to consent to the use of this contract by other New York State Agencies, and other authorized purchasers, subject to conditions and the Contractor's consent.

### **5.18 Encouraging Use of New York Businesses in Contract Performance**

Public procurements can drive and improve the State's economic engine through promotion of the use of New York businesses by its contractors. New York State businesses have a substantial presence in State contracts and strongly contribute to the economies of the state and the nation. In recognition of their economic activity and leadership in doing business in New York State, Bidders/proposers for this contract for commodities, services or technology are strongly encouraged and expected to consider New York State businesses in the fulfillment of the requirements of the contract. Such partnering may be as subcontractors, suppliers, protégés or other supporting roles. All Bidders should complete [Attachment 6](#), Encouraging Use of New York Businesses in Contract Performance, to indicate their intent to use/not use New York Businesses in the performance of this contract.

### **5.19 Participation Opportunities for NYS Certified Service-Disabled Veteran-Owned Businesses**

Article 17-B of the New York State Executive Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses ("SDVOBs"), thereby further integrating such businesses into New York State's economy. DOH recognizes the need to promote the employment of service-disabled veterans and to ensure that certified service-disabled veteran-owned businesses have opportunities for maximum feasible participation in the performance of DOH contracts.

In recognition of the service and sacrifices made by service-disabled veterans and in recognition of their economic activity in doing business in New York State, Bidders/Contractors are strongly encouraged and expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles.

For purposes of this procurement, DOH conducted a comprehensive search and determined that the Contract does not offer sufficient opportunities to set specific goals for participation by SDVOBs as subcontractors, service providers, and suppliers to Contractor. Nevertheless, Bidder/Contractor is encouraged to make good faith efforts to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials. The directory of New York State Certified SDVOBs can be viewed at: <https://ogs.ny.gov/veterans/>

Bidders are encouraged to contact the Office of General Services' Division of Service-Disabled Veteran's Business Development at 518-474-2015 or [VeteransDevelopment@ogs.ny.gov](mailto:VeteransDevelopment@ogs.ny.gov) to discuss methods of maximizing participation by SDVOBs on the Contract.

### **5.20 Intellectual Property**

Any work product created pursuant to this agreement and any subcontract shall become the sole and exclusive property of the New York State Department of Health, which shall have all rights of ownership and authorship in such work product.

### **5.21 Vendor Assurance of No Conflict of Interest or Detrimental Effect**

All Bidders responding to this solicitation should submit [Attachment 4](#) to attest that their performance of the services outlined in this RFP does not create a conflict of interest and that the Bidder will not act in any manner that is detrimental to any other State project on which they are rendering services.

## 5.22 Executive Order 177 Prohibiting Contracts with Entities that Support Discrimination

The New York State Human Rights Law, Article 15 of the Executive Law, prohibits discrimination and harassment based on age, race, creed, color, national origin, sex, pregnancy or pregnancy-related conditions, sexual orientation, gender identity, disability, marital status, familial status, domestic violence victim status, prior arrest or conviction record, military status or predisposing genetic characteristics. In accordance with Executive Order No. 177, the Offeror certifies that they do not have institutional policies or practices that fail to address those protected status under the Human Rights Law.

## 5.23. Executive Order 16 Prohibiting Contracting with Entities Conducting Business in Russia

All Bidders responding to this solicitation should submit [Attachment 12](#) certifying the status of their business operations in Russia, if any, pursuant to Executive Order 16.

## 6.0 PROPOSAL CONTENT

The following includes the format and information to be provided by each Bidder. Bidders responding to this RFP must satisfy all requirements stated in this RFP. All Bidders are requested to submit complete Administrative and Technical Proposals and are required to submit a complete Cost Proposal. A proposal that is incomplete in any material respect may be rejected.

To expedite review of the proposals, Bidders are requested to submit proposals in separate Administrative, Technical, and Cost packages inclusive of all materials as summarized in Attachment A, Proposal Documents. This separation of information will facilitate the review of the material requested. No information beyond that specifically requested is required, and Bidders are requested to keep their submissions to the shortest length consistent with making a complete presentation of qualifications. Evaluations of the Administrative, Technical, and Cost Proposals received in response to this RFP will be conducted separately. Bidders are therefore cautioned not to include any Cost Proposal information in the Technical Proposal documents.

**DOH will not be responsible for expenses incurred in preparing and submitting the Administrative, Technical, or Cost Proposals.**

### 6.1 Administrative Proposal

The Administrative Proposal should contain all items listed below. A proposal that is incomplete in any material respect may be eliminated from consideration. The information requested should be provided in the prescribed format. Responses that do not follow the prescribed format may be eliminated from consideration. All responses to the RFP may be subject to verification for accuracy. Please provide the forms in the same order in which they are requested.

#### A. Bidder's Disclosure of Prior Non-Responsibility Determinations

Submit a completed and signed [Attachment 1](#), "Prior Non-Responsibility Determination."

#### B. Freedom of Information Law – Proposal Redactions

Bidders must clearly and specifically identify any portion of the proposal that a Bidder believes constitutes proprietary information entitled to confidential handling as an exception to the Freedom of Information Law. See [Section 5.11.](#), (Freedom of Information Law)

#### C. Vendor Responsibility Questionnaire

Complete, certify, and file a New York State Vendor Responsibility Questionnaire. DOH recommends that vendors file the required Vendor Responsibility Questionnaire online via the New York State VendRep System. To enroll in and use the New York State VendRep System, see the VendRep System

Instructions at [www.osc.state.ny.us/vendrep](http://www.osc.state.ny.us/vendrep) or go directly to the VendRep System online at [www.osc.state.ny.us/vendrep](http://www.osc.state.ny.us/vendrep).

Vendors must provide their New York State Vendor Identification Number when enrolling. To request assignment of a Vendor ID or for VendRep System assistance, contact the OSC Help Desk at 866-370-4672 or 518-408-4672 or by email at [itservicedesk@osc.ny.gov](mailto:itservicedesk@osc.ny.gov).

Vendors opting to complete and submit a paper questionnaire can obtain the appropriate questionnaire from the VendRep website, [www.osc.state.ny.us/vendrep](http://www.osc.state.ny.us/vendrep). Bidders should complete and submit the Vendor Responsibility Attestation, [Attachment 3](#).

D. Vendors Assurance of No Conflict of Interest or Detrimental Effect

Submit [Attachment 4](#), Vendor's Assurance of No Conflict of Interest or Detrimental Effect, which includes information regarding the Bidder, members, shareholders, parents, affiliates, or subcontractors. [Attachment 4](#) must be signed by an individual authorized to bind the Bidder contractually.

E. M/WBE Forms

Submit completed Form #1 and/or Form #2, Form #4 and Form #5 as directed in [Attachment 5](#), "Guide to New York State DOH M/WBE RFP Required Forms."

F. Encouraging Use of New York Businesses in Contract Performance

Submit [Attachment 6](#), "Encouraging Use of New York State Businesses" in Contract Performance to indicate which New York Businesses you will use in the performance of the contract.

G. Bidder's Certified Statements

Submit [Attachment 7](#), "Bidder's Certified Statements", which includes information regarding the Bidder. Attachment A must be signed by an individual authorized to bind the Bidder contractually. Please indicate the title or position that the signer holds with the Bidder. DOH reserves the right to reject a proposal that contains an incomplete or unsigned [Attachment 7](#) or no [Attachment 7](#).

H. References

Provide references using [Attachment 9](#), (References) for three current clients (PWS or companies) for which you have provided water related technical assistance. One of these should be specific to fluoridation-related technical assistance. Provide company or PWS names, addresses, contact names, telephone numbers, and email addresses.

I. Diversity Practices Questionnaire

The Department has determined, pursuant to New York State Executive Law Article 15-A, that the assessment of the diversity practices of respondents of this procurement is practical, feasible, and appropriate. Accordingly, respondents to this procurement should include as part of their response to this procurement, [Attachment 10](#) "Diversity Practices Questionnaire". Responses will be formally evaluated and scored.

J. Executive Order 177 Prohibiting Contracts with Entities that Support Discrimination

Submit [Attachment 11](#) certifying that it does not have institutional policies or practices that fail to address the harassment and discrimination of individuals on the basis of their age, race, creed, color, national origin, sex, sexual orientation, gender identity, disability, marital status, military status, or other protected status under the Human Rights Law.

K. Executive Order 16 Prohibiting Contracting with Entities Conducting Business Operations in Russia

Submit [Attachment 12](#) certifying the status of your business operations in Russia.

## 6.2 Technical Proposal

The purpose of the Technical Proposal is to demonstrate the qualifications, competence, and capacity of the Bidder to perform the services contained in this RFP. The Technical Proposal should demonstrate the qualifications of the Bidder and the staff to be assigned to provide services related to the services included in this RFP.

A Technical Proposal that is incomplete in any material respect may be eliminated from consideration. The following outlines the information requested to be provided by Bidders. The information requested should be provided in the prescribed format. Responses that do not follow the prescribed format may be eliminated from consideration. All responses to the RFP may be subject to verification for accuracy.

While additional data may be presented, the following should be included. Please provide the information in the same order in which it is requested. Your proposal should contain sufficient information to assure DOH of its accuracy. Failure to follow these instructions may result in disqualification.

Pricing information contained in the Cost Proposal cannot be included in the Technical Proposal documents.

### A. Title Page

Submit a Title Page providing the RFP subject and number; the Bidder's name and address, the name, address, telephone number, and email address of the Bidder's contact person; and the date of the Proposal.

### B. Table of Contents

The Table of Contents should clearly identify all material (by Section and page number) included in the proposal.

### C. Documentation of Bidder's Eligibility Responsive to Section 3.0 of RFP

Bidders must be able to meet all the requirements stated in Section 3.1. The Bidder must submit documentation that provides sufficient evidence of meeting the criterion. This documentation may be in any format needed to demonstrate how they meet the minimum qualifications to propose which is a minimum of 5 years experience working with troubleshooting, training, or self-help projects in small rural communities as a prime contractor.

In addition to the mandatory experience, preference will be given to organizations who have experience working with troubleshooting, training, or self-help projects for small rural communities in New York State as stated in Section 3.2.

### D. Technical Proposal Narrative

The technical proposal should provide satisfactory evidence of the Bidder's ability to meet, and expressly respond to, each element listed below.

Elements of the technical proposal are as follows:

#### D.1. Statement of the Problem

State in succinct terms your understanding of the types of water system problems you expect to encounter and the types of on-site TA you expect to provide as well as the trainings and technical

products or manuals you expect to provide based on your experience, this RFP, and the information that has been made available for review.

## D.2. Corporate Background Experience

Describe the organization's experience providing technical assistance for and at small community and non-community water systems. Specifically, the Bidder should detail their experience in troubleshooting and resolving problems at surface and at groundwater systems as well as drinking water fluoridation systems.

Bidders should further detail the information related to the services provided to the three (3) client references listed in Section 6.1.H.

Bidders should provide detailed information on up to three (3) additional projects they have completed that demonstrate their experience providing the various deliverables listed in Section 4.1-4.2. These additional projects should have been completed for clients other than those listed in Section 6.1.H as client references. Such examples may include: preparation of products such as asset management work plans, emergency response plans, standard operating procedures, and/or water distribution system maps. Only one (1) of these three (3) additional projects should be related to experience providing training.

## D.3. Technical Approach (see Section [4.0 Scope of Work](#) and Sections [4.1 Deliverables](#) and [4.2 Tasks](#))

Bidder should describe their plan to provide technical assistance and services to enable the PWS to:

- Make technical and administrative improvements;
- Perform necessary maintenance;
- Recover revenues to improve viability;
- Meet the regulatory requirements of the SDWA and Part 5 of the State Sanitary Code; and
- Continue PWS Operations.

Bidder should describe in their plan how they intend to:

- Provide a minimum of 200 on-site general TA visits and services to water plant operators, superintendents, and local officials of PWS each year of the contract.
- Complete a minimum of ten (10) technical products and services for PWS each year of the contract, including two (2) water system maps.
- Provide a minimum of 25 on-site fluoridation related TA (fluoridation TA) visits to fluoridating PWS approved by Bureau of Child Health (BCH) each year of the contract.
- Provide a minimum of 100 on-site lead in drinking water related TA (lead TA) visits and services to water plant operators, superintendents, and local officials of PWS each year of the contract.
- Perform filtration trailer maintenance and repairs.

Bidder should describe their plan to provide at least six (6) general, four (4) fluoridation, and three (3) filter trailer operation TA trainings regionally across the State to PWS water operators each year as well as how they plan to dedicate three hours to cybersecurity at two (2) of the six (6) general TA trainings.

The Bidder's plan should describe how they will:

- Prepare and provide DOH approved general, fluoride, and water filtration trailer training sessions to PWS water operators, system owners, municipal officers, etc.;
- Determine training locations in each region;
- Secure venues and date for training sessions;
- Provide outreach to PWS and organize registration for water operators for training sessions;
- Secure approval of training sessions from DOH Certification Section to obtain Approved Training Course Number (ATC#) and Continuing Education Units (CEUs).

- Prepare and give, or arrange for presenters to give presentations at each training session;
- Distribute printed or electronic copies of the presentations at each training session; and
- Distribute printed or electronic copies of completion certificate to all attendees of the training session.

Bidder should describe their plan to attend the following meetings:

- Initial contract conference call;
- One-half (1/2) day DOH orientation session on NYS DOH PWS program, guidance, policies, procedures; and
- Quarterly progress meetings.

Bidder should describe their plan to submit, provide and report on the following:

- Technical assistance implementation plan;
- Local Health Department notification;
- Monthly progress reports.
- Recommendations on issues related to general TA to PWS; and
- Recommendations on issues specific to fluoridation TA.

#### D.4. Staffing Requirement and Qualifications

The Bidder should provide a staffing plan for completion of services that includes the following for each:

- a. Title, responsibility, and type of staff available and physical location of Bidder's staff to be engaged in duties to be performed;
- b. Bidders ability to provide staff which meet the experience and certification requirements set forth in Section 4.3.
- c. How the Bidder plans to recruit and train an adequate number of staff;
- d. Bidder's ability to provide qualified staff to carry out the projected workload during the contract and how they plan to provide staff to meet the scope of work over the entire contract period;
- e. Bidder's ability to provide sufficient additional management and administrative support staff necessary to organize, prepare and carry out all administrative tasks associated with conducting the services;
- f. Bidder's process for ensuring all Contractor and subcontractor staff are appropriately trained and how the training protocols provide for consistency among staff;
- g. How the Bidder intends to maintain the staffing levels and personnel planned;
- h. An organizational chart that delineates the titles of the staff responsible for fulfilling the tasks/deliverable detail in Section 4.0 Scope of Work, their lines of communications, and demonstrates how the organization intends to organize staff and management for this project;

#### D.5. Proposed Approach- Security (see Scope of Work Section 4.4)

The Bidder should include an attestation that they are in compliance with the applicable New York State security policies and standards.

#### D.6. Proposed Approach- Transition (see Scope of Work Section 4.5)

The Bidder should describe their approach to transition including continuance of staff and services through the end of the contract period and the transfer of all data, files, reports, and records generated since the inception of the contract through the end of the contract to the Department, another Department agent, or successor Contractor.

### 6.3 Cost Proposal

Submit a completed and signed **Attachment B – Cost Proposal**. The Cost Proposal shall comply with the format and content requirements as detailed in this document and in Attachment B. Failure to comply with the format and content requirements may result in disqualification. The bid price is to cover the cost of furnishing all of the said services, including but not limited to travel, materials, equipment, overhead, profit and labor to the satisfaction of the Department of Health and the performance of all work set forth in said specifications.

## 7.0 PROPOSAL SUBMISSION

A proposal consists of three distinct parts: (1) the Administrative Proposal, (2) the Technical Proposal, and (3) the Cost Proposal. The table below outlines the requested format and volume for submission of each part. Proposals should be submitted in all formats as prescribed below.

	<b>Electronic Submission</b>
<b>Administrative Proposal</b>	2 dedicated USB flash drives labeled “Administrative Proposal” containing a standard searchable PDF file with copy/read permissions only.
<b>Technical Proposal</b>	2 dedicated USB flash drives labeled “Technical Proposal” containing a standard searchable PDF file with copy/read permissions only.
<b>Cost Proposal</b>	2 dedicated USB flash drives labeled “Cost Proposal” containing standard searchable PDF file(s) with copy/read permissions only.

1. All proposal materials should **be clearly page numbered on the bottom of each page with appropriate header and footer information**. A font size of eleven (11) points or larger should be used. The Technical Proposal materials should be presented separate from the sealed Cost Proposal.
2. Where signatures are required, the proposals designated as originals should have a handwritten signature and be signed in blue ink.
3. The NYSDOH discourages overly lengthy proposals. Therefore, marketing brochures, user manuals or other materials, beyond that sufficient to present a complete and effective proposal, are not desired. Elaborate artwork is not necessary or desired. In order for the NYSDOH to evaluate proposals fairly and completely, proposals should follow the format described in this RFP to provide all requested information. The Bidder should not repeat information in more than one Section of the proposal. If information in one Section of the proposal is relevant to a discussion in another Section, the Bidder should make specific reference to the other Section rather than repeating the information;
4. Audio and/or videotapes are not allowed. Any submitted audio or videotapes will be ignored by the evaluation team.

**The proposal must be received by the NYSDOH, no later than the Deadline for Submission of Proposals specified in [Section 1.0](#), (Calendar of Events). Late bids will not be considered.**

Proposals should be submitted in three (3) separate, clearly labeled packages: (1) Administrative Proposal, (2) Technical Proposal and (3) Cost Proposal, prepared in accordance with the requirements stated in this RFP. Mark the outside envelope of each proposal as “RFP #20214 Technical Assistance to Small Public Water Systems and Fluoridating Public Water Systems – (Administrative) (Technical) or (Cost) Proposal submitted by (Bidder’s name)”. The three (3) sealed proposals may be combined into one (1) mailing, if desired.

Proposals must be submitted, by U.S. Mail, by courier/delivery service (e.g., FedEx, UPS, etc.) or by hand as noted below, in a sealed package to:

Department of Health (RFP # 20214)  
 Attention: Bureau of Water Supply Protection, Andrew Banaitis  
 New York State Department of Health  
 Empire State Plaza  
 Corning Tower, Room #1119  
 Albany, NY 12237

NOTE: You should request a receipt containing the time and date received and the signature of the receiver for all hand-deliveries and ask that this information also be written on the package(s).

Submission of proposals in a manner other than as described in these instructions (e.g., fax, electronic transmission) will not be accepted.

### **7.1 No Bid Form**

Bidders choosing not to bid are requested to complete the No-Bid form [Attachment 2](#).

## **8.0 METHOD OF AWARD**

### **8.1 General Information**

DOH will evaluate each proposal based on the “Best Value” concept. This means that the proposal that best “optimizes quality, cost, and efficiency among responsive and responsible offerers” shall be selected for award (State Finance Law, Article 11, §163(1)(j)).

DOH at its sole discretion, will determine which proposal(s) best satisfies its requirements. DOH reserves all rights with respect to the award. All proposals deemed to be responsive to the requirements of this procurement will be evaluated and scored for technical qualities and cost. Proposals failing to meet the requirements of this document may be eliminated from consideration. The evaluation process will include separate technical and cost evaluations, and the result of each evaluation shall remain confidential until evaluations have been completed and a selection of the winning proposal is made.

The evaluation process will be conducted in a comprehensive and impartial manner, as set forth herein, by an Evaluation Committee. The Technical Proposal and compliance with other RFP requirements (other than the Cost Proposal) will be weighted 70% of a proposal's total score and the information contained in the Cost Proposal will be weighted 30% of a proposal's total score.

Bidders may be requested by DOH to clarify the contents of their proposals. Other than to provide such information as may be requested by DOH, no Bidder will be allowed to alter its proposal or add information after the Deadline for Submission of Proposals listed in [Section 1.0](#) (Calendar of Events).

In the event of a tie, the determining factors for award, in descending order, will be:

1. Lowest cost and
2. Proposed percentage of MWBE participation.

### **8.2 Submission Review**

DOH will examine all proposals that are received in a proper and timely manner to determine if they meet the proposal submission requirements, as described in [Section 6.0](#) (Proposal Content) and [Section 7.0](#) (Proposal Submission), including documentation requested for the Administrative Proposal, as stated in this RFP. Proposals that are materially deficient in meeting the submission requirements or have omitted material documents, in the sole opinion of DOH, may be rejected.

### **8.3 Technical Evaluation**

The evaluation process will be conducted in a comprehensive and impartial manner. A Technical Evaluation Committee comprised of program staff of DOH will review and evaluate all proposals.

Proposals will undergo a preliminary evaluation to verify Minimum Qualifications to Propose (Section 3.0).



The Technical Evaluation Committee members will independently score each Technical Proposal that meets the submission requirements of this RFP. The individual Committee Member scores will be averaged to calculate the Technical Score for each responsive Bidder.

The technical evaluation is **70% (up to 70 points)** of the final score.

#### **8.4 Cost Evaluation**

The Cost Evaluation Committee will examine the Cost Proposal documents. The Cost Proposals will be opened and reviewed for responsiveness to cost requirements. If a cost proposal is found to be non-responsive, that proposal may not receive a cost score and may be eliminated from consideration.

The Cost Proposals will be scored based on a maximum cost score of 30 points. The maximum cost score will be allocated to the proposal with the lowest all-inclusive not-to-exceed maximum price. All other responsive proposals will receive a proportionate score based on the relation of their Cost Proposal to the proposals offered at the lowest final cost, using this formula:

$$C = (A/B) * 30\%$$

A is Total price of lowest cost proposal;

B is Total price of cost proposal being scored; and

C is the Cost score.

The cost evaluation is **30% (up to 30 points)** of the final score.

#### **8.5 Composite Score**

A composite score will be calculated by the DOH by adding the Technical Proposal points and the Cost points awarded. Finalists will be determined based on composite scores.

#### **8.6 Reference Checks**

The Bidder should submit references using [Attachment 9](#) (References). At the discretion of the Evaluation Committee, references may be checked at any point during the process to verify Bidder qualifications to propose (Section 3.0).

#### **8.7 Best and Final Offers**

NYSDOH reserves the right to request best and final offers. In the event NYSDOH exercises this right, all Bidders that submitted a proposal that are susceptible to award will be asked to provide a best and final offer. Bidders will be informed that should they choose not to submit a best and final offer, the offer submitted with their proposal will be construed as their best and final offer.

#### **8.8 Award Recommendation**

The Evaluation Committee will submit a recommendation for award to the Finalist(s) with the highest composite score(s) whose experience and qualifications have been verified.

The Department will notify the awarded Bidder(s) and Bidders not awarded. The awarded Bidder(s) will enter into a written Agreement substantially in accordance with the terms of [Attachment 8](#), DOH Agreement, to provide the required services as specified in this RFP. The resultant contract shall not be binding until fully executed and approved by the New York State Office of the Attorney General and the Office of the State Comptroller.

## ATTACHMENTS

The following attachments are included in this RFP and are available via hyperlink or can be found at: <https://www.health.ny.gov/funding/forms/>.

1. [Bidder's Disclosure of Prior Non-Responsibility Determination](#)
2. [No-Bid Form](#)
3. [Vendor Responsibility Attestation](#)
4. [Vendor Assurance of No Conflict of Interest or Detrimental Effect](#)
5. [Guide to New York State DOH M/WBE Required Forms & Forms](#)
6. [Encouraging Use of New York Businesses in Contract Performance](#)
7. [Bidder's Certified Statements](#)
8. [DOH Agreement](#) (Standard Contract)
9. [References](#)
10. [Diversity Practices Questionnaire](#)
11. [Executive Order 177 Prohibiting Contracts with Entities that Support Discrimination](#)
12. [Executive Order 16 Prohibiting Contracting with Businesses Conducting Business in Russia](#)

The following attachments are attached and included in this RFP:

- A. Proposal Document Checklist
- B. Cost Proposal
- C. Maps

## ATTACHMENT A – PROPOSAL DOCUMENT CHECKLIST

Please reference Section 7.0 for the appropriate format and quantities for each proposal submission.

RFP 20214 – TECHNICAL ASSISTANCE TO SMALL PUBLIC WATER SYSTEMS AND FLUORIDATING PUBLIC WATER SYSTEMS		
FOR THE ADMINISTRATIVE PROPOSAL		
RFP §	SUBMISSION	INCLUDED
§ 6.1.A	Attachment 1 – Bidder’s Disclosure of Prior Non-Responsibility Determinations, completed and signed.	<input type="checkbox"/>
§ 6.1.B	Freedom of Information Law – Proposal Redactions (If Applicable)	<input type="checkbox"/>
§ 6.1.C	Attachment 3-Vendor Responsibility Attestation	<input type="checkbox"/>
§ 6.1.D	Attachment 4 - Vendor Assurance of No Conflict of Interest or Detrimental Effect	<input type="checkbox"/>
§ 6.1.E	M/WBE Participation Requirements:	<input type="checkbox"/>
	Attachment 5 Form 1	<input type="checkbox"/>
	Attachment 5 Form 2 (If Applicable)	<input type="checkbox"/>
§ 6.1.F	Attachment 6-Encouraging Use of New York Businesses	<input type="checkbox"/>
§ 6.1.G	Attachment 7 - Bidder’s Certified Statements, completed & signed.	<input type="checkbox"/>
§ 6.1.H	Attachment 9 – References	<input type="checkbox"/>
§ 6.1.I	Attachment 10 - Diversity Practices Questionnaire	<input type="checkbox"/>
§ 6.1.J	Attachment 11 - Executive Order 177 Prohibiting Contracts with Entities that Support Discrimination	<input type="checkbox"/>
§ 6.1.K	Attachment 12 – Executive Order 16 Prohibiting Contracting with Businesses Conducting Business in Russia	<input type="checkbox"/>
FOR THE TECHNICAL PROPOSAL		
RFP §	SUBMISSION	INCLUDED
§ 6.2.A	Title Page	<input type="checkbox"/>
§ 6.2.B	Table of Contents	<input type="checkbox"/>
§ 6.2.C	Documentation of Bidder’s Eligibility (Requirement)	<input type="checkbox"/>
§ 6.2.D	Technical Proposal Narrative	<input type="checkbox"/>
FOR THE COST PROPOSAL REQUIREMENT		
RFP §	REQUIREMENT	INCLUDED
§ 6.3	Attachment B- Cost Proposal	<input type="checkbox"/>

**ATTACHMENT B – COST PROPOSAL**  
**RFP #20214**

COST PROPOSAL FORM  
 ANNUAL COST PROPOSAL DETAIL FORM

The Cost Proposal Detail Form shall provide proposed prices for each of the Tasks A-K, as described in Section 4.0 Scope of Work. The Cost Proposal Detail Form must include an annual cost for Tasks A, B, and I. Tasks C, D, E, F, G, H, J and K must be bid as a price per unit for each year of the contract. Bidders must not include any assumptions or contingencies in their cost proposal and bid prices must include all the costs of furnishing all the said services, including but not limited to materials, equipment, travel, overhead, profit and labor to the satisfaction of the Department of Health and the performance of all work set forth in said specifications. All anticipated travel related to this RFP will be within New York State only.

The unit quantities in the bid documents represent minimum quantities the DOH anticipates based upon historical usage. These unit quantities are not a guarantee of work; actual quantities may vary up or down from year to year due to actual needs. Payment is based upon actual quantities, refer to Section 5.4 Payment.

**Do Not Leave Any Boxes Empty.**

TASKS		Year 1	Year 2	Year 3	Year 4	Year 5
Task A	Develop the TA Implementation Work Plan (Year 1 only)					
	Annual Update including any Modification needed to the TA Implementation Work Plan (Years 2-5)					
Task B	Annual Notification to Local Health Departments					
Note – Tasks A and B must be bid as an annual cost.						
Task C	Provide On-Site General Technical Assistance to Small Public Water Systems	On-Site TA Visit to Small PWS				
Note – For Task C, bid a price per TA visit to a Small Public Water System. Bids will be evaluated based on the completion of 200 site visits per year.						

Task D	Provide On-Site Lead in Drinking Water Technical Assistance to Small Public Water Systems	On-Site Lead TA to Small PWS					
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Note – For Task D, bid a price per TA visit to a Small Public Water System. Bids will be evaluated based on the completion of 100 site visits per year.

Task E	Provide Training to Public Water System Operators	North Country Training Session					
		Capital Region Training Session					
		Metropolitan Region Training Session					
		Central Region Training Session					
		Western Region Training Session					

Note – For Task E, for each region bid a price per year to deliver one (1) training. A total of six (6) trainings per year will be provided, one per region with the 6<sup>th</sup> training rotating through the regions. For the purpose of evaluating bid only, the 6<sup>th</sup> training will occur as follows: Year 1: North, Year 2: Capital, Year 3: Metropolitan, Year 4: Central, and Year 5: Western. The final schedule will be established in the Implementation Work Plan.

Task F	Develop Technical Products for Individual Public Water Systems	1 <sup>st</sup> Type Technical Product – Mapping					
		2 <sup>nd</sup> Type Technical Product – SOP					
		3 <sup>rd</sup> Type Technical Product – ERP					
		4 <sup>th</sup> Type Technical Product – AMP					
		5 <sup>th</sup> Type Technical Product – Emergency Operations					

Note – For Task F, for each type of technical product bid a price per year to develop one (1) product. Bids will be evaluated based on the completion of two (2) of each type of technical product per year.

Task G	Provide On-site Technical Assistance to Fluoridating Public Water Systems	On-Site TA Visit to FPWS					
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Note – For Task G, bid a price per Fluoridation TA visit to a Fluoridating Public Water System. Bids will be evaluated based on the completion of 25 site visits to FPWS per year.

Task H	Provide Fluoridation Training to Public Water Systems	North Country Training Session					
		Capital Area Training Session					
		Metropolitan Region Training Session					
		Central Region Training Session					
		Western Region Training Session					

Note – For Task H, bid a price per region per year to deliver one (1) training. For the purpose of evaluating bids only, one region will not receive training each year as follows: Year 1: North, Year 2: Capital, Year 3: Metropolitan, Year 4: Central and Year 5: Western. The final schedule will be established in the Implementation Work Plan.

Task I	Complete Monthly Progress Reports					
	Attend Quarterly Meetings					

Note – For Task I, bid a price per year to provide: the monthly General TA progress reports and the monthly Fluoridation TA reports. Bid a separate price per year to attend quarterly progress meetings.

Task J	Filter Trailer Operation Training to Public Water Systems	North Country Training Session					
		Capital Area Training Session					
		Metropolitan Region Training Session					
		Central Region Training Session					
		Western Region Training Session					
<p>Note – For Task J, bid a price per region to deliver one (1) training per year. For the purpose of evaluating bids only, two regions will not receive training each year as follows: Year 1: Central and Western, Year 2: Capital and Metropolitan, Year 3: North and Western, Year 4: Metropolitan and Central and Year 5: North and Capital. The final schedule will be established in the Implementation Work Plan.</p>							
Task K	Filter Trailer Site Visits	Perform any maintenance needed on Filter Trailers					
		Purchase parts and supplies needed for Filter Trailer repairs and maintenances	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000
<p>Note – For Task K, Bid a price per site visit per year. Bids will be evaluated based on two (2) site visits per year. Parts and supplies cost will be \$10,000 per year to be included by the Bidder.</p>							

Signature \_\_\_\_\_

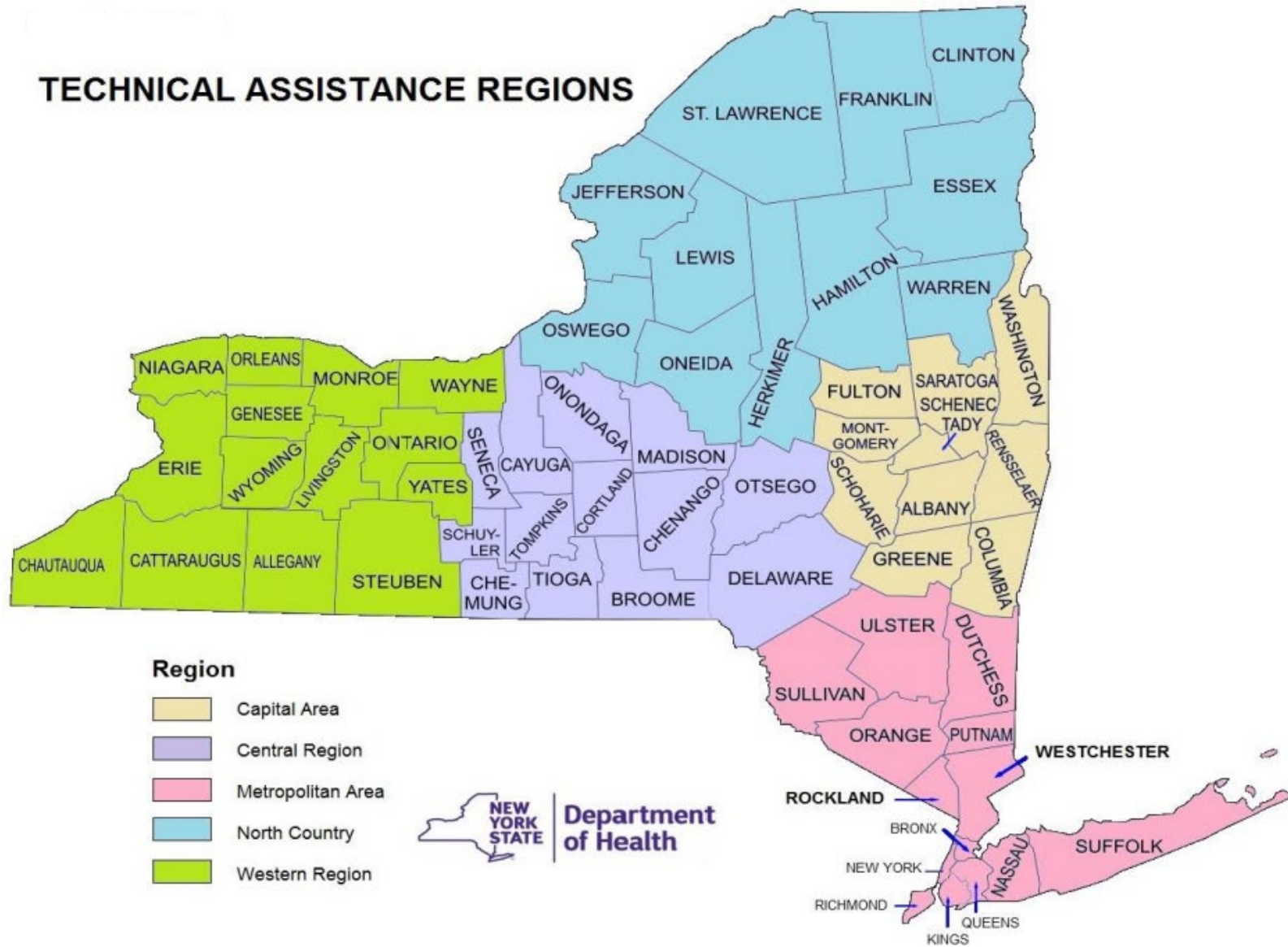
Date \_\_\_\_\_

Printed Name \_\_\_\_\_

Title \_\_\_\_\_

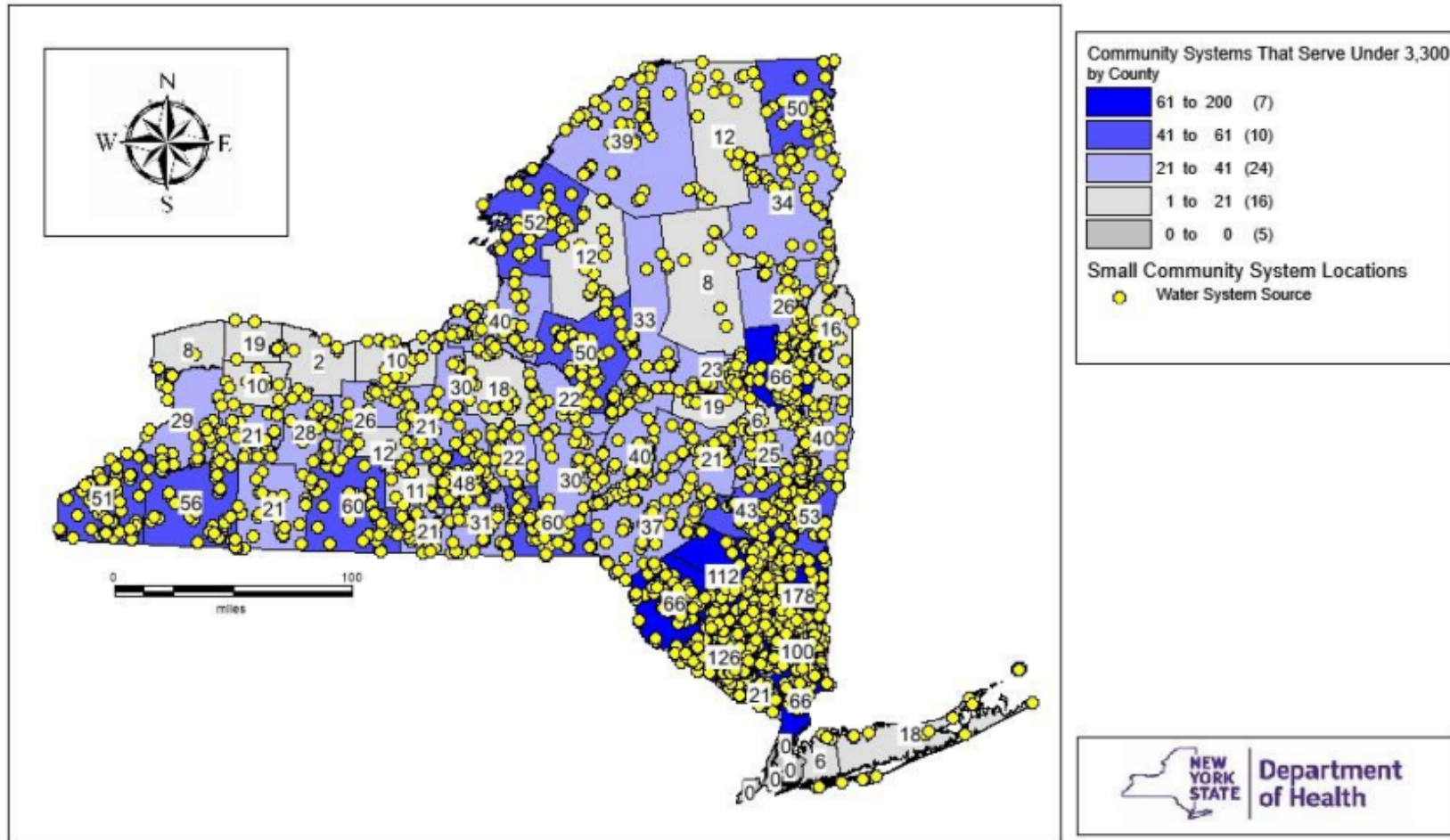
ATTACHMENT C - MAPS

**TECHNICAL ASSISTANCE REGIONS**



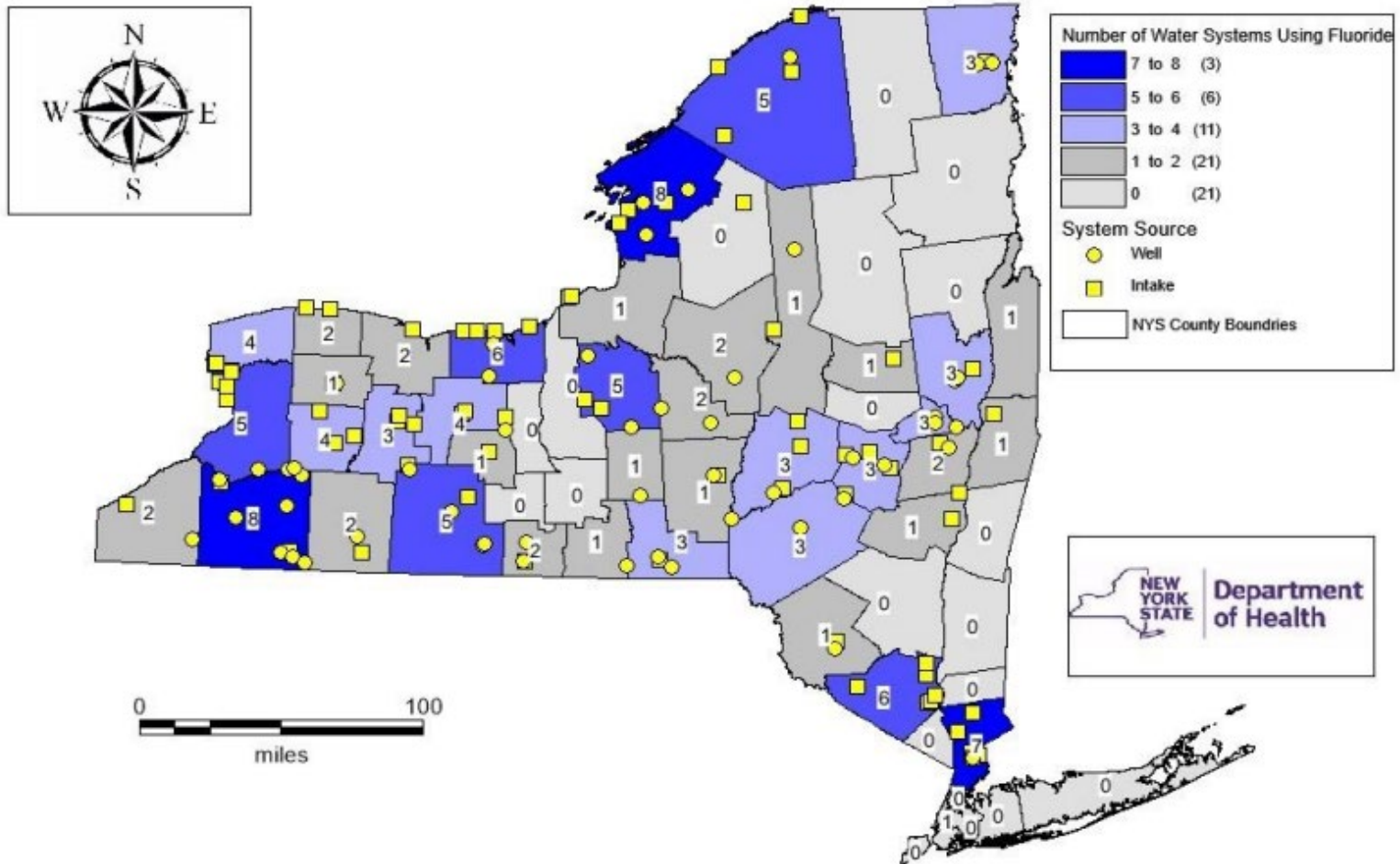


# Community Water Systems Serving 3,300 or Less Population



Map created August 2017 by [damien.cetnar@health.ny.gov](mailto:damien.cetnar@health.ny.gov). Accuracy is not guaranteed.

# Fluoridating Public Water Systems in New York State



Map created September 2017 by [damien.cetnar@health.ny.us](mailto:damien.cetnar@health.ny.us)