



Department of Health

Request for Proposals

RFP # 20056

Professional Assistance for New York State's Medicaid Initiatives

Issued: November 4, 2021

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

RFP 20056– PROFESSIONAL ASSISTANCE FOR NEW YORK STATE’S MEDICAID INITIATIVES	
<u>EVENT</u>	<u>DATE</u>
Issuance of Request for Proposals	November 4, 2021
Deadline for Submission of Written Questions	November 24, 2021 4:00 p.m. ET
Responses to Written Questions Posted by DOH	On or About December 15, 2021
Deadline for Submission of Proposals	December 30, 2021 4:00 p.m. ET
<i>Anticipated</i> Contract Start Date	January 1, 2023

2.0 OVERVIEW

Through this Request for Proposals (“RFP”), the New York State (“State”) Department of Health (the “Department” or “DOH”) is seeking competitive proposals from entities to provide professional staff to assist with tasks performed by the Office of Health Insurance Programs (“OHIP”), which includes New York’s Medicaid program (“Medicaid”) as further detailed in [Section 4.0](#) (Scope of Work). It is DOH’s intent to award one (1) contract as a result of this RFP.

2.1 Introductory Background

New York State’s Medicaid Program

New York State’s Medicaid program provides health insurance coverage to the more than 6.9 million members and totals over \$78 billion annually, as of February 2021. Medicaid is largely governed by federal and state law and regulation and operates under a series of federal waiver authorities, including Section 1115 waivers and Section 1915(c) home and community based services waivers, and State Plan Amendments. DOH works in collaboration with other state agencies, including the NYS Office of Mental Health (“OMH”), the Office of Addiction Services and Supports (“OASAS”), the Office for People with Developmental Disabilities (“OPWDD”), and the Office of Children and Family Services (“OFCS”), among others, and with local governments (counties) and managed care organizations (“MCOs”) to administer certain aspects of the Medicaid program.

In 2011, a Medicaid Redesign Team (“MRT”) was convened, composed of health care stakeholders and experts to address the rising cost of Medicaid. Recommendations made by the MRT, including the establishment of a Medicaid Global Spending Cap (“Global Cap”), which requires the state share of Medicaid spending to be within the rolling 10-year average CPI, for several years allowed the State to maintain spending growth to an average of 2.2 percent as compared to a national average of 5.3 percent, savings New York taxpayers more than \$19 billion. To address growth in Medicaid spending, resulting largely from the cost of expanding Medicaid eligibility, the growth in managed long term care costs, state takeover of a larger amount of the cost of Medicaid from counties, and a decline in federal funding, the “MRT” II was established in February 2020 to develop a comprehensive set of new recommendations to:

- Address the drivers of greater-than-projected costs and growth in the Medicaid program;
- Develop models of healthcare delivery to improve care management for beneficiaries with complex health

- conditions;
- Modernize existing regulations, laws and programs that hinder the modernization or achieving efficiencies in the Medicaid program and for the healthcare industry;
- Develop ways to ensure the availability of a stable and appropriately skilled workforce, especially with respect to meeting the needs of an aging population;
- Strengthen the sustainability of safety net providers serving vulnerable populations, including through regulatory reform;
- Propose changes in the Medicaid program to achieve short-term solutions and long-term systemic changes that advance the State's successful healthcare reform strategy while restoring financial sustainability to ensure that benefits will always be available to those who need it;
- Assess whether any changes to the metric for calculating the Medicaid global cap are necessary;
- Introduce new data sets, data analytics and technologies to identify current and future trends and improve program oversight; and
- Develop policies to ensure the efficient and effective use of Medicaid dollars and reduce waste, fraud and abuse.

The approximately 91 recommendations of the MRT II were enacted as part of the SFY 2020-21 State Budget and are now being implemented by the DOH.

The Office of Health Insurance Programs (OHIP)

OHIP is responsible for operating the State's Medicaid program. OHIP is also responsible for administering the Child Health Plus ("CHP") program, the Essential Plan ("EP"), the Medical Indemnity Fund ("MIF"), the Elderly Pharmaceutical Insurance Coverage ("EPIC") program and health care financing programs, including the Disproportionate Share Hospital ("DSH") program and the Health Care Reform Act ("HCRA").

OHIP is led by the State's Medicaid Director, the Deputy Medicaid Director and a Chief of Staff. Strategic direction of the Medicaid Program is the responsibility of the Director and Deputy Director of Strategic Initiatives, who also oversee Medicaid payment reform, inclusive of Value-Based Payment and Medicaid waiver design.

OHIP is composed of nine (9) Divisions that administer the following functions:

- **Division of Medical and Dental Directors:** This Division provides medical and clinical leadership in advancing the goals of reforming service delivery and ensuring that we meet the needs of the New Yorkers who access services through Medicaid.
- **Division of Finance and Rate Setting:** This Division is responsible for all functions within OHIP related to rate setting, including managed care rates. This division has full oversight of the Medicaid budget and is the liaison with the Division of Budget and managing the Medicaid Global Spending Cap.
- **Division of Health Plan Contracting and Oversight:** This Division is responsible for regulating the managed care industry and purchasing health insurance for the Medicaid program. This includes managed care contracting, oversight of health plan compliance with policies, monitoring of financial viability, mergers, acquisitions and transactions for both government and commercial health plans, provider and management contract review and approval, managed long-term care plans, and the operation of the States Managed Care Complaint line. This Division also performs all provider enrollment functions.
- **Division of Operations and Systems:** This Division is responsible for the oversight of information systems that support the New York Medicaid Program and Department initiatives including the Medicaid Management Information System ("MMIS"), Healthcare Exchange, and Medicaid Data Warehouse. The Division is also responsible for the prior approval for durable medical equipment, private duty nursing, hearing aids, vision care, dental, out-of-state nursing home placements, high tech radiology, and the MIF.

- **Division of Eligibility and Marketplace Integration:** This Division is responsible for eligibility and enrollment policy and operations for Medicaid, the Children's Health Insurance Program (CHIP), Essential Plan, and tax credits for qualified health plans. It is also responsible for disability determinations related to Medicaid eligibility and third-party coverage claims, liens and recoveries.
- **Division of Program Development and Management:** This Division is responsible for all policy and planning, including policy related to medical, dental, pharmacy (including EPIC), behavioral health and transportation management. This division is also responsible for performance management and quality improvement within the Medicaid program.
- **Division of Long Term Care:** This Division is responsible for the long-term care ("LTC") policy and operations, including community based long-term services, the consumer directed personal assistance program ("CDPAP"), the traumatic brain injury and nursing home transition and diversion waivers, and the uniform assessment system. .
- **Division of Communications:** This Division is responsible for the development, coordination and management of OHIP and NY State of Health's Internal and External Communications strategies including public list serves, websites, social media platforms and consumer outreach and awareness campaigns.
- **Division of Employee and Program Support:** This Division is responsible for personnel, contracts and logistics.

As of February 2021, there are over 1,300 staff working on OHIP-related activities. 250 contracted staff are either currently employed by the current vendor or under recruitment with the vendor to work on Medicaid initiatives.

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

The term of the agreement will be for a period of five (5) years commencing on the date approved by the Office of the State Comptroller ("OSC") in [Section 1.0](#). The pricing for years four (4) and five (5) of the contract is subject to an annual increase or decrease of the lesser of three percent (3%) or the percent increase or decrease in the National Consumer Price Index for All Urban Consumers (CPI-U), All Items (CUUR0000SA0), as published by the

United States Bureau of Labor Statistics, Washington, D. C., 2012 for the 12 month period ending ninety (90) days prior to the renewal date for years four (4) and five (5) of the contract.

3.0 BIDDERS QUALIFICATIONS TO PROPOSE

3.1 Minimum Qualifications

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

- A minimum of at least five (5) years of experience with placement of professional, administrative and technical staff in the workforce.

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 undertakes to perform a complete contract and may employ (and manage) one or more subcontractors to carry out specific parts of the contract. The prime contractor may not leverage a subcontractor's experience to meet the

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 Contractors that are able to document prior experience in the following areas:

- Three (3) years of experience with placement of professional and technical staff in the health care industry;
- Two (2) years of experience with administering staffing arrangements for public health programs; and
- Two (2) years of experience with talent acquisition, which employed at least 250 staff.

4.0 SCOPE OF WORK

The Contractor will assist the DOH by providing qualified contracted staff and/or consulting staff to implement and manage projects as requested by OHIP. Such activities may include but not be limited to: development and implementation of budget initiatives; development and analysis of policy related to OHIP programs; development and administration of federal waiver programs, State Plan Amendments ("SPAs") and such other federal approvals as may be required; development of reimbursement rates; development, implementation and on-going monitoring of information technology systems; designing and conducting analysis of program data including producing routine and ad hoc reporting of such data; conducting data analytics and quality improvement; administrative and other tasks to support the activities of OHIP as detailed throughout this Section.

This Section describes the services that are required to be provided by the selected bidder. The Scope of Work includes two components: (1) Contracted Staff Services and (2) Ad Hoc Consultant Services. The selected bidder must agree to provide both components throughout the term of the contract.

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 General Contractor Requirements

A. Contractor Office Location

The Contractor is required to have an office, for the duration of the contract, in a single location near One Commerce Plaza in Albany, New York to be easily accessible to their contracted or consulting staff. The Contractor will occupy such space within four (4) months of the contract start date.

B. Contract Manager and Availability

1. The Contractor must be available for conference calls, meetings, or any other event deemed necessary by DOH during regular business days and hours, excluding weekends (M-F; 9 AM-5 PM EST).
2. The Contractor must be physically available to meet with their contracted/ consulting staff and/or OHIP staff as needed. During any declared state of emergency, the Contractor must be able to utilize secure audio-visual technology to meet with contracted staff and/or OHIP staff, as noted herein.
3. The Contractor must assign a contract manager who will be the primary contact with the DOH contract manager. The contract manager must have the background and expertise to oversee the requirements of the contract.
4. The Contractor shall conduct active recruitment efforts for all authorized unfilled position requests during the contract term. The Contractor must maintain and submit to DOH upon request reports of recruiting status, which should contain, but not be limited to, efforts being made to recruit staff, how many applicants have been submitted for consideration and how many candidates have been screened for each position since the prior meeting.

4.2 Contractor Requirements - Contracted Staff Services

A. Contract Start-Up

At the start of the contract period, the Department estimates but does not guarantee the need for up to 250 staff positions to be filled. If requested by DOH, the Contractor must first consider qualified contracted employees, defined as individuals in the following titles employed by the incumbent contractor at the time of transition: Healthcare Organizational Operations Administrator, Healthcare Program Associate, Healthcare Program Specialist, Senior Healthcare Program Specialist, Healthcare Financial Analyst, Healthcare Data Analyst, Senior Healthcare Data Analyst, Medicaid Program Advisor, Medicaid Program Manager, Medicaid Program Director, Medicaid Registered Nurse, Medicaid Physician, Medicaid Hearing Officer, Executive Consultant, Senior Consultant, and Consultant.

The Contractor has the right to screen all qualified potential employees to ensure they meet all requirements, as outlined in this RFP. If the employees meet all requirements and the Contractor's employment standards and are acceptable to the Department, the Contractor must make employment offers. If the employees do not meet all requirements and/or the Contractor's employment standards, the Contractor is not obligated to make employment offers but must document its employment standards and the reason(s) the employee does not meet the requirements and/or standards.

B. Hiring, Evaluation and Termination of Staff

1. The Contractor will be responsible for hiring, evaluating, and any necessary termination of all employees under this Agreement.
2. The Contractor shall ensure that all staff assigned to the contract possess and maintain the required minimum qualifications, as defined in section 4.3, including licensures as appropriate.
3. The Contractor shall post a job opening to the Contractor's website or recruitment website within three (3) business days of receipt of the request. The Contractor must provide the DOH Contract Manager proof of

such posting within one (1) business day of the position being posted. The Contractor shall also utilize other recruitment efforts to maximize recruitments, including but not limited to job fairs, outreach to colleges and/or universities, and utilizing job boards, websites, and social media sites.

4. The Contractor must supply a minimum of three (3) candidates per Position Request for consideration by DOH within 45 calendar days of position posting. The Contractor must notify DOH within 30 calendar days prior to the conclusion of the position posting if they are unable to obtain the minimum three (3) candidates. The Department shall have the discretion to permit the Contractor to supply less than three (3) candidates.
5. The Contractor must conduct an initial interview of the candidate for screening purposes. Those candidates who pass the Contractor screening shall be presented to DOH for consideration. DOH reserves the right to decline any candidate. DOH reserves the right to approve the Contractor's final determinations of hiring and/or terminations.
6. The Contractor must notify the DOH at least five (5) business days in advance of a candidate's potential start date.
7. When a candidate is approved by DOH, the Contractor must provide all necessary eligibility paperwork to DOH. The contractor must assure that professionally licensed staff possess a current license/registration/certification and are able to practice their profession in New York State. The Contractor must ensure that all recruited staff supplied meet the COVID-19 compliance requirements for staff who will co-occupy State owned or leased property. Current requirement is for staff to be fully vaccinated for COVID-19 or have an exemption approved by their employer. It is the Contractor's responsibility to ensure compliance, and require employees with exemptions test for COVID weekly. For verification of eligibility, all eligible paperwork must be supplied to the DOH three (3) business days prior to the candidate's first day of employment, if requested by DOH.
8. Formal performance evaluations must be completed by the Contractor on an annual basis, signed by both the employee and the Contractor and retained by the Contractor. The Department reserves the right to request copies of such performance evaluations and, upon request, the Contractor must provide a copy of the performance evaluation to DOH within five (5) business days.
9. In the event an employee is found by the Contractor to not be performing at a level consistent with expected standards, the Contractor will provide such employee with warnings and/or termination notice.
10. The Contractor will be responsible for approving timesheets of the staff. The Contractor shall verify time records with the DOH to ensure accuracy of the time record submissions within two (2) business days after the close of a pay period. The Contractor must have an electronic time record system for contracted employees to utilize. It is required that the Contractor's staff will prepare the timecards weekly unless a different frequency is agreed to by the Contractor and DOH.
11. On occasion, Contractor's employees may be required to travel in order to complete assigned tasks. Travel costs will be reimbursed separately to the Contractor by the State for actual expenses incurred and only at the rate approved by the Office of the State Comptroller.
12. The Contractor will be responsible for approving or denying time off requests presented by the Contractor's employees. The Contractor shall notify the DOH designee of the time off request and confirm with DOH prior to approving such time off requests. It shall be the Contractor's responsibility to ensure that DOH staffing needs are fully and competently covered at all times, regardless of the Contractor's employees' vacation, leave requests and/or other scheduled or unscheduled absences. The Contractor will consult with the DOH designee before approving leave requests. Any unplanned absences by the Contractor's staff must be reported by the contracted staff to both the Contractor and the DOH designee within in 1 hour of designated start time.

C. DOH Responsibilities

1. DOH will be responsible for training staff as needed as related to day-to-day functions of the job. To comply with these standards, DOH will provide the Contractor with the following for the purpose of training contracted staff:
 - General DOH Administrative Policies and Procedures;
 - Internet and e-mail use and security;
 - Health Insurance Portability and Accountability Act (“HIPAA,”) security standards;
 - State mandated trainings required of all non-State employees such as:
 - Ethics
 - Sexual Harassment
 - Workplace Violence.
 - Emergency Evacuation; and
 - Hazardous Materials or Other similar trainings.
 - Subject matter context, as needed; and
 - Other policies, procedures, systems, and program content as needed.

The DOH will also provide the Contractor’s staff with access to the State’s most current manuals, administrative memorandums and other policy related materials as relates to the work being done by the contract staff.

2. DOH will provide office space, including internet access in such office spaces, in DOH owned or leased locations at one or more sites within NYS. The office space will include network access, telephone and line usage, a desktop computer and basic office supplies for the approved Contractor’s staff. Within five (5) business days of notification to the Contractor, the Contractor’s staff may be required to work in other physical locations. Contractor staff may be allowed to telecommute, in accordance with the current DOH telecommuting policy, subject to the approval of DOH.
3. DOH will provide the Contractor any information needed to complete annual performance evaluations of staff, including but not limited to staff attendance and performance.

D. Work Schedule and Hours

1. The regular work week for Contractor’s employees will be 37.5 hours per week, Monday through Friday, primarily between the hours of 8:00 a.m. and 5:00 p.m., unless otherwise required or approved by DOH.
2. The Contractor may permit staff to request alternative work schedules. Any request for an alternative work schedule must be approved by the Contractor following consultation with the DOH designee, and may be granted only as long as DOH staffing needs are fully and competently met.
3. The Contractor will follow the official State holiday schedule unless otherwise instructed by the DOH. Subject to change from time to time, the New York State designated holidays where the State is closed for business are: New Year’s Day, Martin Luther King, Jr. Day, Presidents Day, Juneteenth, Memorial Day, Fourth of July, Labor Day, Columbus Day, Veteran’s Day, Thanksgiving Day, Christmas Day. The State cannot be billed for contract staff hours related to the above holidays unless DOH has requested that Contractor employee report to work on a designated holiday.
4. Contract staff may be required to travel to all areas as needed to carry out job duties. Travel must be prior approved by DOH. DOH reimbursement to the contractor for travel will not exceed the rates established by the NYS Comptroller for State employees. For more information on the current travel reimbursement rates, visit <http://www.osc.state.ny.us/agencies/travel/travel.htm>.

E. Employment Benefits

The Contractor will provide all of the benefits required by State and Federal Labor laws, including:

- Leave as required by law, including but not limited to the New York State Paid Family Leave Act, New York Mandatory Sick Leave Law, New York City's Paid Safe and Sick Leave Law, the Westchester County Earned Sick Leave Law, and any other applicable federal, State and local laws that mandates employers provide paid time off;
- Emergency paid sick leave
- Medical insurance as required by law; and
- Any optional employee-paid benefits offered by vendor at no additional cost to the state.

F. Staffing Titles, Qualifications and Tasks

The Contractor will provide staff in each of the titles shown in Figure 1 below. Staff must meet or exceed the minimum qualifications for the title shown. Anticipated number of staff is based on a staff level up to 275 staff and is provided for information only and is not a guarantee.

(Figure 1)

Staff Title	Minimum Qualifications	Preferred Qualifications	Anticipated Number of Staff*
Healthcare Organizational Operations Administrator	-High School Graduate or Equivalent -3 years' administrative experience	-Some college or training in related field -Experience in healthcare	23
Healthcare Program Associate	-2 years' experience in healthcare field**	-Bachelor's Degree in health care related field	30
Healthcare Program Specialist	-6 years' experience in healthcare field**	-Master's degree in health care related field -1-2 years' experience with public health insurance programs	31
Senior Healthcare Program Specialist	-9 years' experience in healthcare field**	-Master's Degree in health care related field -5 years healthcare or social service experience or 5 years subject matter expertise	41
Healthcare Financial Analyst	-Bachelor's Degree in finance or accounting -2 years' finance experience	-5 years' finance experience	10
Healthcare Data Analyst	-2 years of SAS, SQL, Tableau, Python, R or equivalent analytical/programming software experience	-Bachelor's Degree - 2 years' years healthcare or analytics experience -MS Word, PowerPoint, & Excel	20
Senior Healthcare Data Analyst	-5 years of SAS, SQL, Tableau, Python, R or equivalent analytical/programming software experience - Proficient in MS Word, PowerPoint, Visio & Excel	-Bachelor's Degree -2 years healthcare or analytics experience - 2 years supervisory experience - Proficient in MS Word, PowerPoint, Visio & Excel	10

Staff Title	Minimum Qualifications	Preferred Qualifications	Anticipated Number of Staff*
Principal Healthcare Data Analyst	-8 years of SAS, SQL, Tableau, Python, R or equivalent analytical/programming software experience - Proficient in MS Word, PowerPoint, Visio & Excel	-Bachelor's Degree -3 years healthcare or analytics experience - 3 years supervisory experience - Proficient in MS Word, PowerPoint, Visio & Excel	4
Managing Healthcare Data Analyst	-10 years of SAS, SQL, Tableau, Python, R or equivalent analytical/programming software experience	-Bachelor's Degree -5 years healthcare or analytics experience -5 years supervisory experience - Proficient in MS Word, PowerPoint, Visio & Excel	2
Healthcare Data Specialist	-2 years of experience managing/administering/reporting data	-Bachelor's Degree -2 years' healthcare data management/administration/reporting experience	4
Senior Healthcare Data Specialist	-5 years of experience managing/administering/reporting data	-Bachelor's Degree - 2 years' healthcare data management/administration/reporting experience -2 years or more experience with data cleansing, standardization, and master data management - 2 years supervisory experience	7
Principal Healthcare Data Specialist	-8 years of experience managing/administering/reporting data	-Bachelor's Degree - 3 years' healthcare data management/administration/reporting experience -3 years or more experience with data cleansing, standardization, and master data management - 3 years supervisory experience - 3 years experience managing data in a cloud environment or in an environment with more than 1TB of data	5
Managing Healthcare Data Specialist	-10 years of experience managing/administering/reporting data	-Bachelor's Degree - 5 years' healthcare data management/administration/reporting experience -3 years or more experience with data cleansing,	3

Staff Title	Minimum Qualifications	Preferred Qualifications	Anticipated Number of Staff*
		standardization, and master data management - 3 years experience managing data in a cloud environment or in an environment with more than 1TB of data - 3 years supervisory experience	
Medicaid Program Advisor	-Bachelor's Degree in related field -8 years' experience	-Master's Degree in health care related field -Supervisory experience -8 years' Healthcare experience	46
Medicaid Program Manager	-Bachelor's Degree in related field -10 years' experience -5 years' subject matter experience -Supervisory experience	-Master's Degree in health care related field -10 years' healthcare experience	19
Medicaid Program Director	-Bachelor's Degree in related field -12 years' experience -7 years' subject matter experience -Supervisory experience	-Master's Degree in health care related field -12 years' healthcare experience -5+ years' subject matter experience -Supervisory experience	12
Medicaid Registered Nurse	-Bachelor's Degree and current license as a registered professional nurse in New York State	-Bachelor's Degree and current license as a registered professional nurse in New York State -4 years' clinical healthcare experience -2 years' acute care experience	6
Medicaid Physician	-Current license to practice medicine and board certification in a medical specialty in New York State	-Advanced degree in public health, public policy, business administration, or public administration -8 years' in a clinical, hospital, or patientcare setting -4 years' primary care experience	1
Medicaid Hearing Officer	-Law degree -Admission to the New York State Bar -2 years' legal experience in the trial of issues in courts of record or in the conduct or trial of adversary proceedings, quasi-judicial in nature, before a governmental department or agency	-Experience with Medicaid and Medicare Law -Experience with healthcare regulations and policies	1

**A candidate's highest degree earned may substitute for professional experience. An Associate's Degree in a related field may be substituted for two (2) years' experience; a Bachelor's Degree in a related field may be substituted for four (4) years' experience; a Master's Degree in a related field may be substituted for five (5) years' of experience.

Contracted staff will be assigned to specific tasks within OHIP or another office within DOH and/or another state agency. The section below provides illustrations of typical assignments and duties.

1. **Program development and management:** Meet with State staff and stakeholders, review and analyze legislation and regulation, conduct research, participate in meetings, draft policies as directed, manage and review data and systems, recommend program improvements, develop/update plans for implementing program changes, monitor program activity, prepare reports, provide technical assistance and develop data systems that support program development, management and evaluation.
2. **State plan amendment and waiver submissions:** Meet with State staff and stakeholders, gather necessary information from a variety of different sources and manage systems, prepare written narratives that include program description and responses to federally required assurances and questions, participate in meetings and respond to follow-up questions.
3. **Provider enrollment:** Meet with State staff and stakeholders, develop enrollment process that includes use of a standard provider assessment tool that assures providers meet program standards, conduct provider enrollment readiness reviews on-site at provider locations, add and maintain provider enrollment information on DOH system and conduct training.
4. **Data collection and reporting:** Meet with State staff and stakeholders, determine data needs in accordance with Federal and State requirements, determine method to collect healthcare and managed care organization provider and consumer data; conduct data analysis; determine measurements that support Medicaid program design and oversight, such as: assess reductions in preventable hospital admissions/readmissions, reductions in preventable emergency room visits, and timely post discharge follow-up; assess health care status and improvements in health outcomes; assess access to services, provider network capacity and verification of service delivery. In addition, determine program evaluation requirements and methods, facilitate, support, and develop use of Health Information Technology (HIT) in data exchange, and prepare Federal and State reports.
5. **Reimbursement:** Meet with State staff and stakeholders, analyze data, design payment methodologies, determine fiscal impacts, assign rate codes, prepare fiscal reports, monitor payments, make recommendations for payment improvements and return on investment opportunities.
6. **Training and technical assistance for health plans and enrolled and prospective providers:** Meet with State staff to determine health plan and provider training and technical assistance needs, develop and update training curriculum, investigate issues, determine appropriate program response, track inquiries, analyze inquiries to determine additional training needs, develop and maintain training manuals, develop and refresh "Frequently Asked Questions" list, conduct on-site and web-based training.
7. **Clinical Review, Analysis, and Reporting:** Meet with State staff to determine clinical review, analysis and reporting needs, provide expertise in the review and development of care management/coordination and health care standards, conduct clinical reviews of evidence-based guidelines to support the initiatives, monitor key health outcome measures, participate in programmatic evaluation of MRT II initiatives; manage, analyze, and interpret program data and data systems, support quality improvement and disease/care management/coordination collaborative activities; conduct patient record reviews for compliance to program standards and conduct on-site audit of provider operations.
8. **Service integration and co-location improvements:** Meet with State staff and stakeholders, research laws, regulations, and policies that create barriers to service integration and co-location; identify issues, propose solutions, develop work plans to implement changes, develop draft policies and develop processes, procedures, and guidance documents.

9. **Organize and facilitate stakeholder care management teams:** Meet with State staff and stakeholders, identify teams, facilitate team development of a set of options that address how care management resources (for example, nurses, health educators, social workers) can be shared across different practices and practice settings so that managed care plans and providers can meet or exceed Medicaid program and care management requirements, such as those for medical home, health home, long term services, and behavioral health services, develop pilots that test options, recruit participants, conduct studies and prepare reports.
10. **Program evaluation:** Meet with State staff and stakeholders, review program requirements, determine evaluation methods based on federal and State requirements, develop quality metrics for use by managed care plans or providers, conduct analysis, review utilization data, conduct written and electronic record reviews, prepare reports, develop recommendations for program planning and improvements and develop work plans.
11. **Administrative support:** Schedule and coordinate meetings, arrange meeting rooms, prepare travel arrangements, design, set up and maintain information tracking systems and files (including electronic), develop communication strategies, review incoming correspondence including e-mail and draft appropriate responses where appropriate, review outgoing correspondence, research background information, transmit instructions to staff and conduct follow-up, handle telephone calls and visitors and respond to questions and coordinate information flow by acting as a liaison among staff, stakeholders and the public.

4.3 Ad Hoc Consulting Services

1. The Department may request, by written notice, staff with specific skills or experience to perform Ad Hoc consulting or other services.
2. Upon receipt of written notice, the Contractor shall prepare a proposal outlining the work to be completed, the qualifications of the candidate and the proposed level of the staff based on Figure 2 below. Once approved, the Contractor must send a copy of the final proposal between the consultant and Contractor.
3. Upon DOH acceptance of the Contractor's proposal Ad Hoc tasks shall be billed as part of the monthly invoice at agreed upon hourly rates.

(Figure Two)

Title	Minimum Qualifications
Executive Consultant	<i>Doctor of Medicine (MD), Juris Doctor (JD), Certified Public Accountant (CPA) and five (5) years of subject matter expertise</i>
Senior Consultant	<i>Master's Degree and five (5) years of subject matter expertise</i>
Consultant	<i>Bachelor's Degree and four (4) years of subject matter expertise</i>

4.4 Reporting Requirements

1. The Contractor will be required to provide regular status reports, to be discussed at the specified status meetings with DOH. It is anticipated that these meetings will occur biweekly; however, the Department reserves the right to adjust meeting frequency, as needed. The status reports must be provided by the Contractor 24 hours prior to the status meetings. Status reports should include, but are not limited to: a recruitment summary, including the number of days outstanding, and which shall include OHIP Division, status, title, and DOH designee of requested positions; status of current staff, including the summary of total positions filled to date, and active recruiting efforts to fill positions.

2. The Contractor will be required to provide a quarterly contract expenditure report. The quarterly contract expenditure report should contain a summary of current contract expenditures to date, the amount of contract expenditures remaining, and an estimate regarding the fulfillment of the contractual term based on projected spending.
3. The Contractor will be required to provide detailed reports with its invoices that contain documentation supporting its staff's efforts. This supporting documentation should include, but is not limited to: Staff name, title, bill rate, and hours worked for contracted staff; staff name, title, bill rate, and hours worked for ad hoc consultants; supporting documentation for all travel expenses billed, as specified by DOH or otherwise complaint with State policy by OSC; and detail of the work performed by an approved subcontractor or subcontractors, if any, including any subcontractor billing arrangements made between the Contractor and the subcontractor(s).
4. An annual summary report on all contract activities will be due within forty-five (45) calendar days after each year of the contract period.
5. The Contractor should also provide DOH with a complete electronic copy of its employee policy and procedure manual, as well as any updates to policies and procedures as they are modified and implemented.

4.5 Information Technology

The application and all systems and components supporting it, including but not limited to any forms and databases that include Personal Health, Personal Identification or other New York State information, must comply with all NYS security policies and standards listed at <http://its.ny.gov/tables/technologypolicyindex.htm>.

4.6 Security

The selected Contractor shall comply with all privacy and security policies and procedures of the Department (<https://its.ny.gov/eiso/policies/security>) and applicable state and federal law and administrative guidance with respect to the performance of this contract. The Contractor is required, if applicable, to execute a number of security and privacy agreements with the Department including a Business Associate Agreement (Appendix H) and a Data Use Agreement (DUA) at contract signing.

The Contractor is expected to provide secure and confidential backup, storage and transmission for hard copy and electronically stored information. Under no circumstances will any records be released to any person, agency, or organization without specific written permission of the DOH. The Contractor is obligated to ensure any Subcontractor hired by Contractor who stores, processes, analyzes or transmits MCD on behalf of Contractor has the appropriate Security requirements in place. Contractor is required to include in all contracts and Business Associate Agreements with their Subcontractors language surrounding the security and privacy requirements as well as the language contained in the Confidentiality Language for Third Parties section of the DUA. If any breach or suspected breach of the data or confidentiality occurs, whether the breach occurred with the Contractor or Subcontractor, DOH must be notified immediately.

The Contractor is required to maintain and provide to the Department upon request their data confidentiality plans and procedures for meeting security requirements as they relate to the deliverables and services within this RFP, including all plans as they relate to subcontractor work where applicable.

The Contractor will develop and maintain adequate fully trained staff to respond to all stakeholder inquiries while protecting confidentiality and maintaining the security and integrity of all systems. Staff must be trained to understand and observe requirements related to confidentiality and operating guidelines for functions included in this RFP.

The Contractor will comply fully with all current and future updates of the security procedures of the DOH/HRI, as well as with all applicable State and federal requirements, in performance of this contract.

4.7 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 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 not prevent its employees from seeking or investigating employment with a successor awarded Contractor. This includes requiring employees to sign non-compete provisions, non-disclosure agreements or any other mechanism that would interfere with ensuring the Department has continuity of staff.

During the transition period, the Contractor must work with the Department, Departmental agency and/or successor Contractor to ensure continuity of staffing resources.

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 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 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 with regard to 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 OHIPcontracts@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 OHIPContracts@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 with a subject field as follows:

Subject: Unit ID: 3450405 Contract #: TBD

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

**NYS Department of Health
Unit ID 3450405
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 www.osc.state.ny.us/epay/index.htm, by email at 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 <http://www.osc.state.ny.us/epay>.

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, 9th 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:

1. Under this contract, Contractor payment will be made based upon the submission of monthly invoices to the DOH's designated payment office. The invoice must follow the format provided by the DOH.
2. Invoicing of staff as detailed in Section 4.2.F shall be billed monthly utilizing the hourly Bill Rates detailed in the pricing schedule provided in Attachment B, Section A of the executed contract. The invoice must follow the format provided by the DOH and include actual hours worked, and title and name of staff performing services.
3. Invoicing for Consulting Services staff as detailed in Section 4.3 shall be billed monthly bi-weekly utilizing the hourly Bill Rates detailed in the pricing schedule provided in Attachment B, Section B of the executed contract. The invoice must follow the format provided by the DOH and include actual hours worked, title and name of staff performing services and a copy of the notification requesting and approving the Consulting Services.
4. Travel costs will be reimbursed separately to the Contractor by the State for actual expenses incurred and only at the rate approved by the Office of the State Comptroller as indicated in Section 4.2.B.11. The Contractor may not charge additional administrative fees for travel.
5. Subcontractor billing arrangements should be agreed upon between the Contractor and the subcontractor, prior to payment for work completed. The Contractor should include on the invoice supporting documentation, the subcontractor's work performed.
6. Monthly invoices will be due thirty (30) calendar days after the end of the month and must be accompanied by the supporting documentation outlined in Section 4.4 of this RFP. Invoices that are submitted without this supporting documentation, will not be processed for payment. Additional information, including but not limited to, subcontractor's invoices and timesheets must be made available upon request of the DOH. The Contractor will have to pay the subcontractor within 30 calendar days of the submission of the invoice to DOH.

Price Adjustment Clause:

The pricing for years four (4) and five (5) of the contract may be subject to an annual increase or decrease of the lesser of three percent (3%) or the percent increase or decrease in the National Consumer Price Index for All Urban Consumers (CPI-U), All Items (CUUR0000SA0), as published as published by the United States Bureau of Labor Statistics, Washington, D. C. , 20212 for the 12 month period ending ninety (90) days prior to the renewal date for years four (4) and five (5) of the contract.

5.5 Minority & Woman-Owned Business Enterprise Requirements

Pursuant to New York State Executive Law Article 15-A, the Department 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 10th 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 OHIPContracts@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 or not 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 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
- ST-220 TD: http://www.tax.ny.gov/pdf/current_forms/st/st220td_fill_in.pdf

5.8 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 before a contract may take effect.

ONE of the following forms as Workers' Compensation documentation:

A. Proof of Workers' 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 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 staff or subcontractor's staff if, in DOH's discretion, such staff is not performing in accordance with the Agreement.

5.10 DOH's Reserved Rights

The Department 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, management interviews and 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](#) 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, 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/regs/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 <http://www.ogs.ny.gov/purchase/snt/sflxi.asp>) 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 Diversity Practices Questionnaire

Diversity practices are the efforts of contractors to include New York State-certified Minority and Women-owned Business Enterprises (“MWBES”) in their business practices. Diversity practices may include past, present, or future actions and policies, and include activities of contractors on contracts with private entities and governmental units other than the State of New York. Assessing the diversity practices of contractors enables contractors to engage in meaningful, capacity-building collaborations with MWBEs.

5.20 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 to discuss methods of maximizing participation by SDVOBs on the Contract.

5.21 Intellectual Property

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

5.22 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 IFB 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.

5.23 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 Bidder certifies that they do not have institutional policies or practices that fail to address those protected status under the Human Rights Law.

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 <http://www.osc.state.ny.us/vendrep/index.htm> or go directly to the VendRep System online at <https://portal.osc.state.ny.us>.

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 ciohelpdesk@osc.state.ny.us.

Vendors opting to complete and submit a paper questionnaire can obtain the appropriate questionnaire from the VendRep website, www.osc.state.ny.us/vendrep, or may contact the Office of the State Comptroller's Help Desk for a copy of the paper form. Bidder's 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) three similar engagements. Provide firm 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.

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

1. Minimum Qualifications

Bidders must be able to meet all the requirements stated in Section 3.0 of the RFP. The Bidder must clearly document their type(s) and level of experience and submit documentation that provides sufficient evidence of meeting this criterion. Bidders are requested to provide such documentation in the form of a table outlining project names, dates, and a brief synopsis of each project to document eligibility.

- A minimum of at least five (5) years of experience with placement of professional staff in the workforce.

Preferred Qualifications

Bidders should submit documentation that demonstrates their experience with the following outlined in Section 3.2, Preferred Qualifications. Bidders are requested to provide such documentation in the form of a table outlining project names, dates, and a brief synopsis of each project.

Preference will be given to Contractors who are able to document prior experience in the following areas:

- Three (3) years of experience with placement of professional staff in the health care industry;
- Two (2) years of experience with administering a staffing arrangement for a public health program; and
- Two (2) years of experience with a talent acquisition which employed at least 300 staff.

D. Technical Proposal Narrative

Responses should address all Technical Proposal requirements. The Technical Proposal consists of narrative descriptions of how the bidder plans to manage all aspects of the performance requirements of the contract as expressed in Section 4.0 Scope of Work.

Each bidder's Technical Proposal should include separate responses to the following requirements pertaining to format and content:

1. Organizational Background and Experience

- a) The Bidder should provide a description of the Bidder's organization, including the number of years the organization has been providing services similar to this RFP. Describe the organization's ability to meet the performance requirements of this RFP including special techniques, skills or abilities of the organization.

- b) Describe the Bidder's experience in providing professional staffing to governmental agencies or large organizations. The Bidder should include experience with similar or relevant projects.

2. Staffing Background and Experience

The Bidder should submit a staffing plan which includes the following components:

- a) A Staffing Plan that includes an organizational chart delineating the titles of the staff responsible for fulfilling program requirements, their lines of communications and assigned location(s).
- b) A description of the work experience and other relevant background of the Contract Manager or contractor staff assigned to manage this contract.
- c) A summary of how the bidder's proposed to train staff to ensure that all staff assigned to this contract to ensure appropriately competencies, including any specialized training and/or protocols utilized.
- d) Describe how the bidder plans to recruit and/or maintain a sufficient number of staff to ensure the bidder meets all required timeframes and deliverables as stated in the RFP

3. Project Description

The Bidder should provide a Project Description identifying how they plan to accomplish all tasks as identified in sections 4.0-4.4 of the RFP. Specifically, the bidder should:

- a) Describe the Bidder's proposed plan for transitioning staff at the beginning of the contract period.
- b) Describe the Bidder's general approach for recruiting qualified staff, including all recruitment methods to be utilized.
- c) Describe the Bidder's process for interviewing potential candidates for screening purposes.
- d) Describe how the Bidder process to evaluate all employees' performance.
- e) Describe how the Bidder's proposed electronic time record system for the Department to utilize for verification and the plan for making it operational within sixty (60) days after contract approval from OSC.
- f) Describe how the Bidder's process to notify and report to Department staff on time off requests,

6.3 Cost Proposal

The Bidder must 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 Cost Proposal must be submitted separately from the Technical Proposal.

The Cost Proposal must include an hourly pay rate, contractor bill rate and total hourly billing rate for each of the categories of Staff in Figure 1 and Figure 2.

- a) Hourly Bill Rates for contracted staff as described in Section 4.2 must be inclusive of the costs for: salaries, fringe benefits, administrative costs (including the contract manager), overhead, and margin.
- b) Hourly Bill Rates for Consulting Services as described in Section 4.3 must be inclusive of the costs for: salaries, fringe benefits, administrative costs regardless of geographic location.

- c) Travel costs will be reimbursed separately to the Contractor by the State for actual expenses incurred only at the rate approved by the Office of the State Comptroller as indicated in Section 4.2.B.11. The Contractor may not charge additional administrative fees for travel.
- d) DOH will provide all required equipment to the Contracted staff. If a contracted staff requires a cell phone or other mobile device, the Contractor will reimburse the Department the cost of the cellular plan on the monthly invoice.
- e) The actual number of staff needed is an estimate. Actual need may vary per project, per through the duration of this contract.

Cost Proposals that do not include pricing for all categories may be disqualified.

7.0 PROPOSAL SUBMISSION

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 must be submitted via E-mail as outlined below:

A proposal consists of three distinct parts: (1) the Administrative Proposal, (2) the Technical Proposal, and (3) the Cost Proposal. Proposals must be submitted in three separate, clearly labeled E-mails. They must be submitted via separate searchable PDF file electronically through email to OHIPcontracts@health.ny.gov, using the Subject Line "RFP# 20056 Professional Assistance for NYS Medicaid Initiatives (Administrative) (Technical) or (Cost Proposal).

NOTE: You should request a receipt containing the time and date received.

1. A font size of eleven (11) points or larger should be used. The Technical Proposal materials must be presented separate from the Cost Proposal.
2. Where signatures are required, the proposals designated as originals should have a handwritten signature and be signed in blue ink, then the document can be scanned for electronic submission.
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 or expensive paper is not necessary or desired. 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; and

Submission of proposals in a manner other than as described in these instructions (e.g., mail, fax) 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 both 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 **75%** of a proposal’s total score and the information contained in the Cost Proposal will be weighted **25%** 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 Compliance Evaluation to verify Bidder meets the Minimum Qualifications to Propose (Section 4.0).

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 raw Technical Score for each responsive Bidder.

The scores will be normalized by using the following formulas:

$$Z = (X/Y) * 75\%$$

X is the average raw technical score of the proposal being scored;

Y is the average raw technical score of the highest raw Technical Proposal; and

Z is the Total Technical score.

The technical evaluation is 75% 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.

Each proposal that meets the submission and cost proposal requirements will receive a cost score. The Cost Proposals will be scored based on a maximum cost score of 25 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:

$$C = (A/B) * 25\%$$

A is Total price of lowest cost proposal;

B is Total price of cost proposal being scored; and

C is the Total Cost score.

The cost evaluation is **25 %** of the final score.

8.5 Composite Score

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

In the event of a tie, the determining factor(s) for award, in descending order of importance, will be:

- i. Lowest Cost
- ii. Minority/Women-owned Business Enterprise (MWBE) utilization

8.6 Interviews

For all bids, and as part of the bid review process, the Department reserves the right to interview proposed project participants. The purpose of an interview is to allow the evaluators to validate the Bidder's experience and qualifications.

8.7 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 4.0).

8.8 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.

8.9 Award Recommendation

The Technical 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.

9.0 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](#)

The following attachments are attached and included in this RFP:

- A. Proposal Document Checklist
- B. Cost Proposal
- C. OHIP Organizational Chart

**ATTACHMENT A
PROPOSAL DOCUMENT CHECKLIST**

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

RFP 20056 – Professional Assistance for New York State’s Medicaid Initiatives		
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.E	Attachment 4 - Vendor Assurance of No Conflict of Interest or Detrimental Effect	<input type="checkbox"/>
§ 6.1.f	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.g	Attachment 6- Encouraging Use of New York Businesses	<input type="checkbox"/>
§ 6.1.H	Attachment 7 - Bidder’s Certified Statements, completed & signed.	<input type="checkbox"/>
§ 6.1.I	Attachment 9 – References	<input type="checkbox"/>
§ 6.1.J	Attachment 10 - Diversity Practices Questionnaire	<input type="checkbox"/>
§ 6.1.K	Attachment 11 - Executive Order 177 Prohibiting Contracts with Entities that Support Discrimination	<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"/>

