



Department of Health

Request for Proposals

RFP# 20251

Simulation Modeling

Issued: February 1, 2023

DESIGNATED CONTACT:

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

Sue Mantica
Bureau of Contracts
New York State Department of Health
Corning Tower, Room 2827
Albany, New York 12237
Telephone: 518-402-7164
Email Address: Sue.mantica@health.ny.gov

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.

Timothy Moore
New York State Department of Health
NY State of Health
Empire State Plaza, Corning Tower Rm 2580
Albany, NY 12237
Telephone: (518) 474-1727
Email Address: NYSOHcontracts@health.ny.gov

TABLE OF CONTENTS

(Hyperlinked; click to go directly to desired topic.)

TABLE OF CONTENTS2

1.0 CALENDAR OF EVENTS.....3

2.0 OVERVIEW3

 2.1 Introductory Background..... 3

 2.2 Important Information..... 3

 2.3 Term of the Agreement..... 4

3.0 BIDDERS QUALIFICATIONS TO PROPOSE4

 3.1 Minimum Qualifications..... 4

4.0 SCOPE OF WORK4

 4.1 Tasks/Deliverables 5

 4.2 Task Order Request Process 6

 4.3 Contract Management and Staffing 6

 4.4 Reporting 7

 4.5 Information Technology 7

 4.6 Security 8

 4.7 Transition 8

5.0 ADMINISTRATIVE INFORMATION8

 5.1 Restricted Period 8

 5.2 Questions 9

 5.3 Right to Modify RFP 9

 5.4 Payment..... 9

 5.5 Minority & Woman-Owned Business Enterprise Requirements 10

 5.6 Equal Employment Opportunity (EEO) Reporting 11

 5.7 Sales and Compensating Use Tax Certification (Tax Law, § 5-a) 12

 5.8 Contract Insurance Requirements 12

 5.9 Subcontracting 13

 5.10 DOH’s Reserved Rights..... 13

 5.11 Freedom of Information Law (“FOIL”)..... 13

 5.12 Lobbying 14

 5.13 State Finance Law Consultant Disclosure Provisions 14

 5.14 Debriefing 15

 5.15 Protest Procedures 15

 5.16 Iran Divestment Act 15

 5.17 Piggybacking 15

 5.18 Encouraging Use of New York Businesses in Contract Performance 15

 5.19 Diversity Practices Questionnaire 16

 5.20 Participation Opportunities for NYS Certified Service-Disabled Veteran-Owned Businesses . 16

 5.21 Intellectual Property 16

 5.22 Vendor Assurance of No Conflict of Interest or Detrimental Effect 17

 5.23 Executive Order 177 Prohibiting Contracts with Entities that Support Discrimination 17

 5.24 Executive Order 16 Prohibiting Contracts with Businesses Conducting Business in Russia 17

6.0 PROPOSAL CONTENT 17

 6.1 Administrative Proposal 17

 6.2 Technical Proposal 19

 6.3 Cost Proposal 22

7.0 PROPOSAL SUBMISSION 23

 7.1 No Bid Form..... 24

8.0 METHOD OF AWARD 24

 8.1 General Information 24

 8.2 Submission Review 24

 8.3 Technical Evaluation..... 24

 8.4 Cost Evaluation..... 25

 8.5 Composite Score 25

 8.7 Reference Checks 25

 8.8 Award Recommendation 25

ATTACHMENTS..... 26

1.0 CALENDAR OF EVENTS

RFP 20251 – SIMULATION MODELING	
<u>EVENT</u>	<u>DATE</u>
Issuance of Request for Proposals	February 1, 2023
Deadline for Submission of Written Questions	Questions Due By February 17, 2023 at 4:00 p.m. ET
Responses to Written Questions Posted by DOH	On or About Responses Posted By March 7, 2023
Deadline for Submission of Proposals	Proposals Due On Or Before March 17, 2023 at 4:00 p.m. ET
<i>Anticipated</i> Contract Start Date	July 1, 2023

2.0 OVERVIEW

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

2.1 Introductory Background

The NY State of Health, The Official Health Plan Marketplace (NYSOH or Marketplace), authorized by the federal Patient Protection and Affordable Care Act of 2010 (ACA), was established in April 2012 by Governor Cuomo’s Executive Order Number 42. The NY State of Health Marketplace has successfully increased the affordability and accessibility of health insurance coverage in New York. As of August 31, 2022 nearly 6.7 million residents were enrolled in coverage, representing more than 1 in 3 New Yorkers. This increase in coverage has resulted in a historic decline in uninsured rates from 10 to below 5 percent between 2013 and 2022.

Since the initial planning of the Marketplace, its implementation and operation, the Department, the NYS Division of the Budget, and stakeholders have relied on New York-specific microsimulation modeling for planning and forecasting purposes, and to measure the performance of New York’s implementation of the ACA against expected outcomes including coverage rates and cost. The modeling has included the impact of policy on changes in government and private health care spending, health insurance coverage, including by market, and uncompensated care costs. See <https://info.nystateofhealth.ny.gov/news/exchange-stakeholder-meeting-urban-institute-health-reform-simulation-modeling-results> for an example of the type of simulation modeling that has been performed in the past.

2.2 Important Information

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

It should be noted that Appendix A of [Attachment 8](#), “Standard Clauses for New York State Contracts”, contains important information related to the contract to be entered into as a result of this RFP and will be incorporated, without change or amendment, into the contract entered into between DOH and the successful Bidder. By

submitting a response to the RFP, the Bidder agrees to comply with all the provisions of Appendix A. Note, [Attachment 7](#), the Bidder's Certifications/Acknowledgements, should be submitted and includes a Statement that the Bidder accepts, without any added conditions, qualifications or exceptions, the contract terms and conditions contained in this RFP including any exhibits and attachments. It also includes a statement that the Bidder acknowledges that, should any alternative proposals or extraneous terms be submitted with the proposal, such alternate proposals or extraneous terms will not be evaluated by the DOH.

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

2.3 Term of the Agreement

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

3.0 BIDDERS QUALIFICATIONS TO PROPOSE

3.1 Minimum Qualifications

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

- A minimum of three (3) years' experience in analyzing health policy issues;
- A minimum of three (3) years' experience providing health policy and insurance market analysis for State governmental agencies; and
- A minimum of three (3) years' experience in State-specific simulation modeling.

Experience acquired concurrently is considered acceptable.

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

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

4.0 SCOPE OF WORK

This Section describes the simulation modeling services that are required to be provided by the selected Contractor. The selected Contractor must be able to provide all of these services throughout the contract term.

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

The terms "Contractors", "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 Tasks/Deliverables

The Contractor must provide the following services to DOH through its own resources, at the specific request of DOH. The services to be performed under the scope of this contract will be intermittent. It is estimated that the Contractor will incur about 2,400 hours of consultant work per contract year. Completion of individual task orders will be required within the timeframes prescribed in the task order request (see section 4.2). Historically, the Department has allocated \$1.5 million over a five (5) year period for simulation modeling services.

4.1.1 – Modeling Impact of Federal and State Policy Changes on New York

The Contractor will use data provided by the DOH and other relevant administrative and survey data at its disposal to model using analytical tools and evaluate the impact of proposed and/or enacted Federal and State policy changes (including changes in law, rules and guidance), on health insurance coverage. This will include evaluating the impacts of such changes on State-run health coverage programs, on New York's small businesses and individual consumers as well as on the health care delivery system, the State's insurance markets, and New York State's overall economy. Contractor services include but are not limited to simulation modeling of the cost and coverage impacts of:

- i. Changes to covered services and cost sharing;
- ii. Large scale coverage and payment system changes;
- iii. Policies designed to encourage individuals to purchase insurance and stay continuously enrolled in coverage;
- iv. Federal waiver requests that impact coverage and health care costs; and
- v. Other ad-hoc requests related to regulatory and legislative Federal and State policy changes that impact health insurance coverage in the State.

4.1.2 –Simulation Modeling Post Open Enrollment Period

The Contractor must update its simulation modeling after the close of each of the NY State of Health's Annual Open Enrollment Periods to include the most up to date enrollment and survey data. Contractor services include but are not limited to simulation modeling:

- i. Analyzing the churn of enrollment between different NY State of Health programs, other types of health coverage and/or being uninsured;
- ii. Providing written analysis of the trends in health care coverage and costs in New York; and
- iii. Examining and quantifying those who remain uninsured (including their socio-economic characteristics).

4.1.3 – Macroeconomic Impact of ACA Implementation on New York

The Contractor will be required to analyze the macroeconomic impact of the ACA on New York. Contractor services include:

- i. Estimating the broader economic impact of health policy changes at the Federal and State level on New York State, such as employment and gross domestic product (GDP) effects; and
- ii. Estimating the effects of potential Federal and/or State policy changes on providers, hospitals, uncompensated care costs, employer sponsored coverage, and State government.

4.1.4 – Member-Level Health Plan Selection, Competition, and Stability in New York's Health Insurance Market

Using enrollment data from the Department, the Contractor will be required to provide DOH with analyses on the individual and small business market enrollment. With State-specific data on premiums, enrollee characteristics, and plan options, the Contractor will:

- i. Estimate the impact on health insurance premiums paid by individuals and small businesses who purchase through the Marketplace and in the outside insurance market; and
- ii. Examine member-level health plan selection, competition, and stability in New York’s health insurance market.

4.2 Task Order Request Process

For the duration of the contract, DOH may require the Contractor to perform additional policy studies that fall outside the scope of the studies listed above. These studies if performed under the scope of this contract will be intermittent, the completion of which, will be required within the timeframes prescribed in a task order request. DOH will initiate the task order request utilizing the process detailed below:

DOH will submit the task order request via email to the Contractor. The task order request will include the specific deliverables required and may include the timeframe in which it will be completed. The Contractor must draft a Statement of Work plan (SOW) to complete the deliverables requested in the task order. The SOW must include the job titles with the corresponding estimated number of hours per title to complete the deliverable(s) and a timeline to complete the deliverables. The SOW must be received within the timeframe stated by DOH in the task order request.

Upon receipt of the SOW, DOH will review the SOW and negotiate any changes deemed necessary prior to DOH final approval.

4.3 Contract Management and Staffing

Contractor will be responsible for providing appropriate staffing and oversight to ensure the integrity and timely completion of the simulation modeling services throughout the course of the contract period. The chart below lists job titles, general duties and preferred qualifications for each staff title applicable to the RFP (see Attachment B).

Job Title	General Duties	Minimum Qualifications
Principal Executive	<ul style="list-style-type: none"> - Oversight and management of the contract - Assures the timely and accurate completion of all deliverables. - Designated liaison with DOH available to respond to DOH staff via telephone and e-mail as needed. - Understands client’s business needs. - Maintains up-to-date knowledge regarding applicable health care policy and regulations. - Presents State officials with modeling results upon request. - Maintains excellent communication between the Contractor and DOH. - Skills to manage specific tasks assigned by DOH related to the RFP. 	<ul style="list-style-type: none"> - At least 6 years of experience and knowledge of health care industry.

Job Title	General Duties	Minimum Qualifications
Senior Researcher/ Lead Consultant	<ul style="list-style-type: none"> - Analyze data and form preliminary conclusions and/or recommendations. - Reports to principal executive for overall direction on project-specific policy and regulation interpretation. - May be responsible for supervising staff. - Ensures standard practices are followed. - Individual requires little supervision, leads team, provides oversight and guidance. 	<ul style="list-style-type: none"> - At least 3 years of experience and knowledge of the health care industry and simulation modeling.
Researcher/Analyst	<ul style="list-style-type: none"> - Assist senior researcher/lead consultant. - Provides technical support and data manipulation, but not necessarily drawing conclusions or making recommendations 	<ul style="list-style-type: none"> - At least 1 years of experience conducting research and analysis. - Possess working knowledge of simulation modeling and the health care industry.
Assistant Researcher/ Assistant Analyst	<ul style="list-style-type: none"> - Assist researcher/ analyst. - Provides technical support and data manipulation, but not necessarily drawing conclusions or making recommendations. 	<ul style="list-style-type: none"> - At least 1 year of experience conducting research.
Administrative Support	<ul style="list-style-type: none"> - Assist all other job titles with support and the administrative processes - Duties may include: entry of data, creating spreadsheets, maintaining billing records and submitting vouchers for payment. 	<ul style="list-style-type: none"> - Administrative experience with general working knowledge of the processes necessary to assist in all phases of project development throughout the engagement, including basic accounting and billing.

All staff assigned to this contract are subject to DOH approval prior to commencing work.

During the term of the contract, if substitution of staff is required, the qualifications of the newly appointed staff will need to meet or exceed the competencies of those staff previously identified for this contract. Any substitutions will be subject to DOH approval in writing.

4.4 Reporting

Upon completion of deliverables where DOH has indicated in the task order request to the Contractor that a written report is required, the Contractor will prepare a written report of the methods used and modeling results, in the format prescribed by DOH. At the request of DOH, Contractor staff will present results with stakeholder groups.

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 ([Policies | Office of Information Technology Services \(ny.gov\)](#)) 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 Contractor is required to develop a plan to securely and smoothly transfer any records referenced in this section 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 the last day of its contract with the Department of Health or upon request of the Department

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.

5.0 ADMINISTRATIVE INFORMATION

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

5.1 Restricted Period

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

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

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

5.2 Questions

There will be an opportunity available for submission of written questions and requests for clarification 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 NYSOHcontracts@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 NYSOHcontracts@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: 3450475>> <<Contract #TBD>>

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

**NYS Department of Health
Unit ID 3450475
c/o NYS OGS BSC Accounts Payable
Building 5, 5th Floor
1220 Washington Ave.
Albany, NY 12226-1900**

Payment for invoices and/or vouchers submitted by the CONTRACTOR shall only be rendered electronically unless payment by paper check is expressly authorized by the Commissioner, in the Commissioner's sole discretion, due to extenuating circumstances. Such electronic payment shall be made in accordance with ordinary State procedures and practices. The CONTRACTOR shall comply with the State Comptroller's procedures to

authorize electronic payments. Authorization forms are available at the State Comptroller's website at <https://www.osc.state.ny.us/state-vendors> by email at epayments@osc.state.ny.us or by telephone at 518-474-6019. CONTRACTOR acknowledges that it will not receive payment on any invoices and/or vouchers submitted under this Contract if it does not comply with the State Comptroller's electronic payment procedures, except where the Commissioner has expressly authorized payment by paper check as set forth above.

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

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

NYS Office of the State Comptroller
Bureau of Accounting Operations
Warrant & Payment Control Unit
110 State Street, 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:

Payment will be made to the Contractor upon completion and acceptance by DOH of all deliverables in the task order as described in Section 4.0 Scope of Work (SOW). Payment will be for the actual number of hours worked, not to exceed the amount agreed upon in the task order SOW, as approved by DOH. For payment, the Contractor must submit the task order, the approved SOW, and an invoice listing the task order number, a listing by job title of the actual number of hours worked for each staff and their applicable contracted hourly rate bid pursuant to those listed in Attachment B.

5.5 Minority & Woman-Owned Business Enterprise Requirements

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

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

Business Participation Opportunities for MWBEs

For purposes of this solicitation, DOH hereby establishes an overall goal of **30%** for MWBE participation, **15%** for Minority-Owned Business Enterprises ("MBE") participation and **15%** 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 NYSOHcontracts@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 subcontractors 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 of Health and Form ST-220-TD with the DTF. These requirements must be met before a contract may take effect. Further information can be found at the New York State Department of Taxation and Finance's website, available through this link: <http://www.tax.ny.gov/pdf/publications/sales/pub223.pdf>.

Forms are available through these links:

- ST-220 CA: http://www.tax.ny.gov/pdf/current_forms/st/st220ca_fill_in.pdf
- ST-220 TD: http://www.tax.ny.gov/pdf/current_forms/st/st220td_fill_in.pdf

5.8 Contract Insurance Requirements

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

5.9 Subcontracting

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

5.10 DOH's Reserved Rights

The Department of Health reserves the right to:

1. Reject any or all proposals received in response to the RFP;
2. Withdraw the RFP at any time, at the agency's sole discretion;
3. Make an award under the RFP in whole or in part;
4. Disqualify any Bidder whose conduct and/or proposal fails to conform to the requirements of the RFP;
5. Seek clarifications and revisions of proposals;
6. Use proposal information obtained through site visits, 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 \(B\)](#) of the RFP.** If DOH agrees with the proprietary claim, the designated portion of the proposal will be withheld from public disclosure. Blanket assertions of proprietary material will not be accepted, and failure to specifically designate proprietary material may be deemed a waiver of any right to confidential handling of such material.

5.12 Lobbying

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

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

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

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

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

5.13 State Finance Law Consultant Disclosure Provisions

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

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

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

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

5.14 Debriefing

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

5.15 Protest Procedures

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

5.16 Iran Divestment Act

By submitting a bid in response to this solicitation or by assuming the responsibility of a Contract awarded hereunder, Bidder/Contractor (or any assignee) certifies that it is not on the "Entities Determined To Be Non-Responsive Bidders/Offerers Pursuant to The New York State Iran Divestment Act of 2012" list ("Prohibited Entities List") posted on the OGS website (currently found at this address: <http://www.ogs.ny.gov/about/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 <https://ogs.ny.gov/procurement/piggybacking-using-other-existing-contracts-0>) allows the Commissioner of the NYS Office of General Services to consent to the use of this contract by other New York State Agencies, and other authorized purchasers, subject to conditions and the Contractor's consent.

5.18 Encouraging Use of New York Businesses in Contract Performance

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

5.19 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 New York State Department of Health, 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 RFP does not create a conflict of interest and that the Bidder will not act in any manner that is detrimental to any other State project on which they are rendering services.

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

5.24 Executive Order 16 Prohibiting Contracts with Businesses Conducting Business in Russia

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

6.0 PROPOSAL CONTENT

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

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

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

6.1 Administrative Proposal

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

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

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

B. Freedom of Information Law – Proposal Redactions

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

C. Vendor Responsibility Questionnaire

Complete, certify, and file a New York State Vendor Responsibility Questionnaire. DOH recommends that vendors file the required Vendor Responsibility Questionnaire online via the New York State VendRep System. To enroll in and use the New York State VendRep System, see the VendRep System Instructions at www.osc.state.ny.us/vendrep or go directly to the VendRep System online at www.osc.state.ny.us/vendrep.

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

Vendors opting to complete and submit a paper questionnaire can obtain the appropriate questionnaire from the VendRep website, www.osc.state.ny.us/vendrep. 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) for three clients for whom the Bidder provided data analysis and health policy simulation modeling services within the past three (3) years. Provide firm names, addresses, contact names, telephone numbers, and email addresses and a description of the project(s) completed for each of the references.

I. Diversity Practices Questionnaire

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

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

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

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

Submit [Attachment 12](#) certifying the status of their business operations in Russia, if any, pursuant to Executive Order 16.

6.2 Technical Proposal

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

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

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

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

A. Title Page

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

B. Table of Contents

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

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

Bidders must be able to meet all the requirements stated in Section 3.0 of the RFP. The Bidder must submit documentation that provides sufficient evidence of meeting the criterion. This documentation may be in any format needed to demonstrate how they meet the minimum qualifications to propose.

The Bidder should describe how it has:

- at least three (3) years of experience in analyzing health policy issues;
- at least three (3) years of experience providing health policy and insurance market analysis for State governmental agencies; and
- at least three (3) years of experience in State-specific simulation modeling.

D. Technical Proposal Narrative

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

Elements of the technical proposal are as follows:

1. Executive Summary
2. Experience -Performing Tasks/Deliverables
3. Proposed Approach to the Task Order Request Process
4. Staffing and Qualifications
5. Reporting
6. IT & Security
7. Transition

D1. Executive Summary

The Technical Proposal should include an Executive Summary that provides the Department with a brief overview of the contents of the Proposal.

The Executive Summary should describe the Bidder's understanding of the services that the Department is seeking through the RFP. The Executive Summary will be evaluated as part of the Technical Evaluation. The Executive Summary should include a brief narrative that outlines:

- a. the strengths of the Bidder; and
- b. the key attributes of their proposed model.

Do not include any information regarding the cost of the proposal in the Executive Summary or in any part of the Technical Proposal.

D2. Experience – Performing Tasks/ Deliverables

Bidders should write a narrative that is numbered/lettered to correspond to each item set forth under this section.

- a. Describe the inputs (survey and administrative data) and the rationale that would be used by your organization's simulation model and the State-specific outputs your model is able to generate.
- b. Describe how your model would estimate the cost and coverage impacts to the NYS health insurance market for the following:
 - i. Changes to covered services and cost sharing;
 - ii. Large scale coverage expansions and payment system changes;
 - iii. Policies to encourage individuals to purchase insurance and stay continuously enrolled in coverage;
 - iv. Federal waiver requests that impact coverage and health care costs; and
 - v. Other regulatory and legislative Federal and State policy changes that impact health insurance coverage in the State.
- c. Describe a recent health insurance cost and coverage simulation model that your organization performed that covered both private and public insurance for a client. Include in your response the goals or objectives sought by your client as well as a summary of the analysis you provided.

- d. Describe the process of validating your model's results, based on updated actual enrollment, cost data, and feedback from peer review processes.
- e. Describe how the model proposed for this engagement has successfully simulated the economic impacts of health policy changes including Federal and State level impacts on health care providers, hospitals, uncompensated care costs employment sponsored coverage, governmental costs, employment, and GDP.
- f. Describe how your model is able to simulate health insurance premiums for individuals and small businesses who purchase through the Marketplace and in the outside insurance marketplace.
- g. Describe your model's ability to analyze competition and stability in New York's health insurance market including the data/factors you would use to perform the analysis.

D3. Proposed Approach to the Task Order Request Process

Bidders should describe the process they plan to utilize to develop the SOW for each task order assigned to you by DOH.

D4. Staffing and Qualifications

Bidder should provide a staffing plan that includes:

- a. Title, responsibility, and type of staff available and physical location of Bidder's staff to be engaged in performance of the simulation modeling;
- b. A description of the Bidder's overall policies for hiring new staff
- c. For any existing proposed staff fulfilling a Key Personnel position (Principal Executive and Senior Researcher/Lead Consultant see Section 4.3 for duties and requirements by job title), includes their resumes, describes their respective work experience in simulation modeling, describes what their responsibilities will be for this engagement, and how their specific capabilities align them with the scope of this RFP. If such position is not currently fill, submit a description of the Bidder's plan to fulfill these positions, including job description and preferred qualifications of position;
- d. A description on the Bidder's plan to provide qualified staff to carry out the projected workload during the contract and how they plan to provide staff to meet the scope of work over the entire contract period;
- e. A description on the Bidder's plan to provide sufficient additional management and administrative support staff necessary to organize, prepare and carry out all administrative tasks associated with conducting the services;
- f. Bidder's process for ensuring all Bidder and subcontractor staff are appropriately trained and how the training protocols provide for consistency among simulation modeling staff and the analysis of findings;
- g. How the Bidder intends to maintain the staffing levels and personnel planned;
- h. An organizational chart that delineates the titles of the staff responsible for fulfilling the tasks/deliverable detail in Section 4.0 Scope of Work, their lines of communications, and demonstrates how the organization intends to organize staff and management for this project;

D5. Reporting Requirement

Bidder must attest to their wiliness, if selected for award and upon completion of deliverables, where DOH has indicated in the task order request that a written report is required, they will prepare a written report of the methods used and modeling results, in the format prescribed by DOH. Additionally, if they are the selected Bidder they must attest their wiliness, upon the request of DOH, to present results, which may include in-person meetings with stakeholder groups.

D6. Information Technology/Security

Bidder must attest to their wiliness to confirm adherence to items (a-f) below and describe their approach to Information Technology/Security that would accomplish the goals.

- a) 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>.
- b) The selected Bidder 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 Bidder 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.
- c) The Bidder 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 Bidder is obligated to ensure any Subcontractor hired by Bidder who stores, processes, analyzes or transmits MCD on behalf of Bidder has the appropriate Security requirements in place. Bidder 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 Bidder or Subcontractor, DOH must be notified immediately.
- d) The Bidder 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.
- e) The Bidder 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.
- f) The Bidder 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.

D7. Transition

Bidder should describe their approach to transition and propose a transition plan that would accomplish the goals to, at the end of the contract period, work cooperatively with the Department and any of its specified contracting organizations to transition simulation modeling services to the succeeding contracting organization or to the Department.

6.3 Cost Proposal

Submit a completed and signed **Attachment B – Cost Proposal**. The Cost Proposal shall comply with the format and content requirements as detailed in this document and in Attachment B. Failure to comply with the format and content requirements may result in disqualification.

The single hourly rate bid is to cover the cost of furnishing all of the said services, including but not limited to travel, materials, equipment, overhead, profit and labor to the satisfaction of the Department of Health and the performance of all work set forth in said specifications.

Bidders may propose an increase in hourly rates for years 4-5 of the contract. The increased hourly rate proposed for years 4-5 may not increase by more than 3% of the rate per title proposed for years 1-3.

7.0 PROPOSAL SUBMISSION

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

	Electronic Submission	Paper Submission
Administrative Proposal	2 dedicated USB flash drives labeled “Administrative Proposal” containing a standard searchable PDF file with copy/read permissions only.	2 Originals 3 Copies
Technical Proposal	2 dedicated USB flash drives labeled “Technical Proposal” containing a standard searchable PDF file with copy/read permissions only.	2 Originals 3 Copies
Cost Proposal	2 dedicated USB flash drives labeled “Cost Proposal” containing standard searchable PDF file(s) with copy/read permissions only.	2 Originals 3 Copies

1. All hard copy proposal materials should be printed on 8.5” x 11” white paper (single-sided) and **be clearly page numbered on the bottom of each page with appropriate header and footer information.** A font size of eleven (11) points or larger should be used. The Technical Proposal materials should be presented separate from the sealed Cost Proposal.
2. Where signatures are required, the proposals designated as originals should have a handwritten signature and be signed in blue ink.
3. The NYSDOH discourages overly lengthy proposals. Therefore, marketing brochures, user manuals or other materials, beyond that sufficient to present a complete and effective proposal, are not desired. Elaborate artwork or expensive paper is not necessary or desired. In order for the NYSDOH to evaluate proposals fairly and completely, proposals should follow the format described in this RFP to provide all requested information. The Bidder should not repeat information in more than one section of the proposal. If information in one section of the proposal is relevant to a discussion in another section, the Bidder should make specific reference to the other section rather than repeating the information;
4. Audio and/or videotapes are not allowed. Any submitted audio or videotapes will be ignored by the evaluation team; and
5. In the event that a discrepancy is found between the electronic and hardcopy proposal, the original hardcopy will prevail.

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

Proposals should be submitted in three (3) separate, clearly labeled packages: (1) Administrative Proposal, (2) Technical Proposal and (3) Cost Proposal, prepared in accordance with the requirements stated in this RFP. Mark the outside envelope of each proposal as “RFP# 20251 Simulation Modeling – (Administrative) (Technical) or (Cost) Proposal submitted by (Bidder’s name)”. The three (3) sealed proposals may be combined into one (1) mailing, if desired.

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

Department of Health RFP# 20251
Attention: NY State of Health, Timothy Moore
Empire State Plaza
Corning Tower Rm 2580
Albany, NY 12237

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

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

7.1 No Bid Form

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

8.0 METHOD OF AWARD

8.1 General Information

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

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

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

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

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

- (1) lowest cost and
- (2) proposed percentage of MWBE participation.

8.2 Submission Review

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

8.3 Technical Evaluation

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

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

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

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

8.4 Cost Evaluation

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

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

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

A is Total price of lowest cost proposal;

B is Total price of cost proposal being scored; and

C is the Cost score.

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

8.5 Composite Score

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

8.7 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 3.0).

8.8 Award Recommendation

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

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

ATTACHMENTS

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

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

The following attachments are attached and included in this RFP:

- A. Proposal Document Checklist
- B. Cost Proposal

**ATTACHMENT A
PROPOSAL DOCUMENT CHECKLIST**

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

RFP 20251 – Simulation Modeling		
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"/>
§ 6.1.L	Attachment 12 – Executive Order No 16 Prohibiting State Agencies and Authorities from Contracting with Businesses Conducting Business in Russia	<input type="checkbox"/>
FOR THE TECHNICAL PROPOSAL		
RFP §	SUBMISSION	INCLUDED
§ 6.2.A	Title Page	<input type="checkbox"/>
§ 6.2.B	Table of Contents	<input type="checkbox"/>
§ 6.2.C	Documentation of Bidder’s Eligibility (Requirement)	<input type="checkbox"/>
§ 6.2.D	Technical Proposal Narrative	<input type="checkbox"/>
FOR THE COST PROPOSAL REQUIREMENT		
RFP §	REQUIREMENT	INCLUDED
§ 6.3	Attachment B- Cost Proposal	<input type="checkbox"/>

Attachment B: Cost Proposal Form

Complete the Cost Proposal form below based on the instructions contained in this attachment.

Cost Proposal Instructions:

A. The following assumptions must be used by the Bidder in completing this Form:

1. A single hourly rate for each title must be inclusive of personnel and non-personnel expenses including all related costs such as salaries, fringe benefits, administrative/operating costs and fees, overhead, subcontracting, travel, presentation costs, and profit.
2. A single hourly rate must be proposed for each title for years 1-3 and a separate hourly rate must be proposed for each title for years 4-5 of the contract on the Cost Proposal Form. Bidders may propose a different hourly rate for each title for years 4-5 of the contract, but the change in the proposed hourly rate for each title for years 4-5 may not increase by more than 3% of the hourly rate proposed for that same title for years 1-3.
3. An hourly rate must be separately proposed for each title described below. It is estimated that 2,325 annual hours per contract year will be needed. Further, Bidders shall assume the following ratio of staff hours for each of the Titles described below:

9%, or 200 hours for the Principal Executive;
22%, or 500 hours for the Senior Researcher/Lead Consultant;
28%, or 650 hours for the Researcher/Analyst;
35%, or 825 hours for the Assistant Researcher/Assistant Analyst; and
6% or 150 hours for the Administrative Support/Secretarial.

The number of hours provided for each title may not be changed by the Bidder. This ratio is provided to Bidders solely for constructing their Cost Proposal. The actual number of staff hours utilized may differ than this estimate and is not guaranteed. The actual number of hours of work required under the contract may be higher or lower than this estimate. The Contractor will be paid based upon actual number of hours worked by the title utilized.

4. Bidders may not propose a range of rates for the titles described in this attachment. A Single hourly rate must be proposed for each title regardless of the number of staff assigned to a title.

Attachment B: Cost Proposal Form

Job Title	General Duties	Minimum Qualifications
Principal Executive	<ul style="list-style-type: none"> - Oversight and management of the contract - Assures the timely and accurate completion of all deliverables. - Designated liaison with DOH available to respond to DOH staff via telephone and e-mail as needed. - Understands client's business needs. - Maintains up-to-date knowledge regarding applicable health care policy and regulations. - Presents State officials with modeling results upon request. - Maintains excellent communication between the Contractor and DOH. - Skills to manage specific tasks assigned by DOH related to the RFP. 	<ul style="list-style-type: none"> - At least 6 years of experience and knowledge of health care industry.
Senior Researcher/ Lead Consultant	<ul style="list-style-type: none"> - Analyze data and form preliminary conclusions and/or recommendations. - Reports to principal executive for overall direction on project-specific policy and regulation interpretation. - May be responsible for supervising staff. - Ensures standard practices are followed. - Individual requires little supervision, leads team, provides oversight and guidance. 	<ul style="list-style-type: none"> - At least 3 years of experience and knowledge of the health care industry and simulation modeling.
Researcher/Analyst	<ul style="list-style-type: none"> - Assist senior researcher/lead consultant. - Provides technical support and data manipulation, but not necessarily drawing conclusions or making recommendations 	<ul style="list-style-type: none"> - At least 1 years of experience conducting research and analysis. - Possess working knowledge of simulation modeling and the health care industry.
Assistant Researcher/ Assistant Analyst	<ul style="list-style-type: none"> - Assist researcher/ analyst. - Provides technical support and data manipulation, but not necessarily drawing conclusions or making recommendations. 	<ul style="list-style-type: none"> - At least 1 year of experience conducting research.
Administrative Support	<ul style="list-style-type: none"> - Assist all other job titles with support and the administrative processes - Duties may include: entry of data, creating spreadsheets, maintaining billing records and submitting vouchers for payment. 	<ul style="list-style-type: none"> - Administrative experience with general working knowledge of the processes necessary to assist in all phases of project development throughout the engagement, including basic accounting and billing.

Attachment B: Cost Proposal Form

Cost Proposal Form

The Bidder must provide a single hourly rate for each of the titles in the chart below; one for years 1-3 and a separate one for years 4-5 for each title. The Number of hours per year provided are just an estimate and may vary from year to year. The total number of hours is not a guarantee of work and the Contractor will only be paid for actual hours worked.

DO NOT CHANGE THE NUMBER OF HOURS PROVIDED IN THE CHART.

Title	Hourly Rate Years 1-3	Hourly Rate Years* 4-5	Number of Hours Per Year
Principal Executive (or equivalent title)			200
Senior Researcher/Lead Consultant (or equivalent title)			500
Researcher/Analyst (or equivalent title)			650
Assistant Researcher/Assistant Analyst			825
Administrative Support/Secretary (or equivalent title)			150
	Number of hours		2,325

Offerors should not perform any calculations on this form.

* Bidders may propose a different hourly rate for each title for years 4-5 of the contract, but the change in the proposed hourly rate for each title for years 4-5 may not increase by more than 3% of the hourly rate proposed for that same Title for years 1-3.