



Department of Health

Request for Proposals

RFP # - 20052

Environmental Modifications (EMOD) Evaluators for the New York State (NYS) Medical Indemnity Fund (MIF)

Issued: March 16, 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 20052-ENVIRONMENTAL MODIFICATIONS (EMOD) EVALUATORS FOR THE NEW YORK STATE (NYS) MEDICAL INDEMNITY FUND (MIF)	
<u>EVENT</u>	<u>DATE</u>
Issuance of Request for Proposals	March 16, 2021
Deadline for Submission of Written Questions	March 30, 2021 by 4:00 p.m. ET
Responses to Written Questions Posted by DOH	On or about April 15, 2021
Deadline for Submission of Proposals	Proposals Due on Or Before April 30, 2021
<u>Anticipated</u> Contract Start Date	10/1/2021

2.0 OVERVIEW

Through this Request for Proposals (“RFP”), the New York State (“State”) Department of Health (“DOH”) is seeking competitive proposals from the following types of offerors, including but not limited to: Independent Living Specialists, Independent Building Contractors, Occupational Therapists, Physical Therapists, Remodeling Contractors and Builders, Engineers, Rehabilitation Specialists, Case Managers, Public Health Nurses, Assistive Technology Specialists, Rehabilitation Evaluation Agencies, and Rehabilitative Specialists Services to provide services as further detailed in Section 4.0 (Scope of Work).

It is the Department’s intent to award up to six (6) contracts in Region 1 and up to four (4) contracts in each of the other regions as defined below.

The offeror shall identify in their technical proposal which region(s) they are able to provide evaluation services within. At the discretion of the Department, and contingent upon the enrollee’s needs, the Fund Administrator and/or Department may assign the offeror an evaluation in a bordering region or state.

- a. **Region 1 Capital Region/North Country (15):** ALBANY, FULTON, MONTGOMERY, RENSSELAER, SARATOGA, SCHENECTADY, SCHOHARIE, WARREN, WASHINGTON, CLINTON, ESSEX, FRANKLIN, HAMILTON, JEFFERSON, SAINT LAWRENCE
- b. **Region 2 Central NY/Finger Lakes/Southern Tier (24):** CAYUGA, CORTLAND, HERKIMER, LEWIS, MADISON, ONEIDA, ONONDAGA, OSWEGO, CHEMUNG, LIVINGSTON, MONROE, ONTARIO, SCHUYLER, SENECA, STEUBEN, WAYNE, WYOMING, YATES, BROOME, CHENANGO, DELAWARE, OTSEGO, TIOGA, TOMPKINS
- c. **Region 3 Hudson Valley (9):** COLUMBIA, DUTCHESS, GREENE, PUTNAM, ROCKLAND, WESTCHESTER, ORANGE, SULLIVAN, ULSTER
- d. **Region 4 Long Island (2):** NASSAU, SUFFOLK
- e. **Region 5 NYC (5):** BRONX, KINGS, NEW YORK CITY, QUEENS, RICHMOND
- f. **Region 6 Western NY (7):** ALLEGANY, CATTARAUGUS, CHAUTAUQUA, ERIE, GENESEE, NIAGARA, ORLEANS

2.1 Introductory Background

The Medical Indemnity Fund (MIF) was established for the purpose of paying or reimbursing the health care costs of individuals who have suffered birth-related neurological injuries as a result of medical malpractice during a delivery admission. More specifically, the fund covers the costs of qualified health care services, supplies, equipment, medications, and certain home and vehicle modifications that the qualified individual's physician, physician assistant or nurse practitioner have determined are necessary to meet the individual's health care needs. Eligible individuals must be deemed by a court-approved settlement or judgement to suffer from neurological injuries and provide documentation regarding the specific nature and degree of the applicant's diagnoses as a result of medical malpractice during delivery admission.

As of October 1, 2019, the New York State Department of Health (Department) serves as the administrator of the MIF, per Health and Mental Hygiene Article VII Legislation, Part K. For the purpose of this RFP, the Fund Administrator is defined as any person or entity designated by the Department to administer the Medical Indemnity Fund.

The operations and administration of the MIF is subject to regulation, [10 NYCRR § 69-10.1 et seq](#), promulgated by the New York State Department of Health.

The regulations require prior approval of an enrollee's request for an EMOD by the Fund Administrator and/or the Department. The regulations define the meaning of the term "environmental modification" and set forth the requisite standard of review for determining whether a requested EMOD qualifies for coverage by the MIF. The regulations require three different evaluations over the course of the approval of and final payment for an EMOD, which include: an initial evaluation, a bid evaluation, and a post-modification evaluation. An additional mid-modification evaluation may be requested by the Department or Fund Administrator.

2.2 Important Information

The offeror is required to review, and is requested to have legal counsel review, [Attachment 8](#), the DOH Agreement as the offeror must be willing to enter into an Agreement substantially in accordance with the terms of [Attachment 8](#) should the offeror be selected for contract award. Please note that this RFP and the awarded offeror'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 offeror. By submitting a response to the RFP, the Offeror agrees to comply with all the provisions of Appendix A. Note, [Attachment 7](#), the Offeror's Certifications/Acknowledgements, should be submitted and includes a statement that the offeror 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 offeror 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 an offeror 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 (5) years commencing on the date shown on the Calendar of Events in Section 1.0., subject to the availability of sufficient funding, successful contractor performance, and approvals from the New York State Attorney General (AG) and the Office of the State Comptroller (OSC).

3.0 OFFERORS QUALIFICATIONS TO PROPOSE

3.1 Minimum Qualifications

NYSDOH will accept proposals from organizations or individuals with the following types and levels of experience as a prime offeror. Offerors may leverage the experience and qualifications of its identified subcontractors to meet the Minimum Qualifications noted below.

- a. One (1) year of experience performing assessments or evaluations in the construction or installation of environmental modifications; and
- b. One (1) year of experience working with state or federal government agencies, or programs for individuals with disabilities.

Any vendor that is currently performing, or has performed, any Fund Administrator functions for MIF are ineligible to bid on this RFP, and any EMOD evaluator awarded a contract under this RFP will be ineligible to bid on any future RFP to perform Fund Administrator functions for MIF.

For the purposes of this RFP, a prime offeror 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 offeror 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. Experience acquired concurrently is considered acceptable.

3.2 Preferred Qualifications

Preference will be given to organizations who are able to document the following qualifications and experience. Offerors may leverage the experience and qualifications of its identified subcontractors to meet the qualifications noted below.

- a. C.E.A.C. (Certified Environmental Access Consultants) or C.A.P.S (Certified Aging-In-Place Specialist) certification;
- b. One (1) year of experience working with the Americans with Disabilities Act/ADA building compliance, and service or installation of Assistive Technologies on one or more projects;
- c. One (1) year of experience working with public entities and/or not-for-profit organizations on one or more projects, utilizing concepts of universal design; and
- d. One (1) year of experience working with state and local building code(s), zoning laws and any applicable safety standards.

Experience acquired concurrently is considered acceptable.

4.0 SCOPE OF WORK

The purpose of this procurement is to obtain evaluation services from offerors who are qualified to perform evaluations of EMOD projects requested by enrollees of the NYS MIF that are deemed medically necessary by the enrollee's physician. For the purpose of this RFP, an EMOD is defined as an interior or exterior physical adaptation to the residence in which an enrollee lives that is necessary to ensure the health, welfare, and safety of the enrollee, enables him or her to function with greater independence and/or helps avoid institutionalization, and has been ordered by a physician. Examples of EMODs include but are not limited to; ramps, widened doorways and handrails, roll-in showers, vertical lifts, and cabinet and shelving adaptations. EMODs do not include any routine home maintenance, adaptations or modifications that are of general utility and that do not provide direct medical or remedial benefit to the enrollee. With respect to new construction, EMODs do not include modifications needed as a result of avoidable barriers created by the new construction floor plan.

For the purpose of this RFP, an “Offeror” is defined as the person who is submitting a competitive proposal to function as an Evaluator and perform evaluations of EMOD projects. A “Contractor” is defined as the General Contractor who may bid to work on the EMOD evaluations once these contracts are awarded.

This procurement is for the following types of EMOD evaluations. It is expected that an Offeror will complete each type of EMOD evaluation from Initial through Post-Modification, although evaluations may be assigned or reassigned at the discretion of the Fund Administrator or the Department at any point during the EMOD evaluation.

- a. **Initial Evaluation.** An initial evaluation requires the offeror to review a statement of medical necessity from the enrollee’s treating physician explaining the needs of the enrollee, and to make a visit to the home to examine the home in its current state and determine whether it needs modification in accordance with the regulations governing the MIF.
- b. **Bid Evaluation.** A bid evaluation requires the to review at least three (3) acceptable bids, as defined by regulation, that have been submitted for the construction or installation of an EMOD(s) as approved by the Fund Administrator. This includes evaluation of the qualifications of the bidders.
- c. **Mid-Modification Evaluation.** If required, a mid-modification evaluation requires the offeror to perform an evaluation of the construction progress, including any requested change orders. Offerors may be required to make an in-home visit during this evaluation.
- d. **Post-Modification Evaluation.** A post-modification evaluation will require the evaluator to make a site visit to examine the completed EMOD to determine whether the EMOD as installed or constructed meets the enrollee’s functional needs and is in compliance with the initial evaluation, including adherence to safety and all applicable building code standards. The post-modification evaluation may require that the offeror observe and assess the enrollee or representative test and confirm that all approved EMODS are functional and complete.

The Department does not guarantee that an Offeror will receive assignments or a particular number of assignments. Assignments will made by the Fund Administrator, with preference given to the Offeror located nearest to the proposed EMOD, provided that the Offeror is available and is free of conflicts of interests. Conflicts of interest include, but are not limited to: being a representative for a Durable Medical Equipment (DME) vendor (Vertical Platform Lifts (VPLs), bathroom equipment, stair/chair lifts); having a relationship with the Fund Administrator; having a relationship with the Department or any other NYS Agency; having had a prior relationship with any of the above; a Contractor that the HOA of the condo recommends that the enrollee use, and excludes other bidders; and/or they have a relationship with the town or municipality (i.e., building dept, tax assessor’s office, they sit on a town board). An Offeror may be considered unavailable for an assignment if the Offeror does not return the Fund Administrator’s request within three (3) business days.

In the event that the Offeror has not completed an assigned evaluation and/or the evaluation is reassigned by the Fund Administrator or the Department, the Offeror shall cooperate with the reassignment by providing the Fund Administrator and Department with a copy of all relevant documents in the Offeror’s possession, and by consulting with the succeeding evaluator, if needed. Offeror’s proprietary information should be redacted from all relevant documents.

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

For the purpose of this RFP, the use of the terms “shall”, “must” and “will” are used interchangeably when describing the Offeror’s duties.

4.1 Tasks/Deliverables

Upon assignment by the Fund Administrator or the Department, the offeror must be able to perform the following EMOD evaluations in their entirety in one (1) or more regions as defined in Section 2.0. Offerors are responsible for only the evaluations and not the construction and/or installation of the requested EMOD. The following evaluations are required with each EMOD request:

a. Initial Evaluation

Within fifteen (15) business days of assignment by the Fund Administrator or the Department, an initial evaluation should be scheduled by the Offeror. Upon scheduling the initial evaluation, the offeror must submit an e-mail notification to the Fund Administrator and the Department identifying when the initial evaluation will occur. Initial Evaluations should not take longer than ten (10) hours to complete and Contractors will not be reimbursed for more than ten (10) hours for this task, unless otherwise approved by the Department.

- i. The initial evaluation requires the offeror to:
 - 1. Review a letter of medical necessity (LOMN) from the enrollee's ordering provider outlining the needs of the enrollee;
 - 2. Review the EMOD request(s), visit and examine the home to determine whether the requested modification is in accordance with all appropriate regulations as set forth in [10 NYCRR § 69-10.1](#) including adherence to safety and all applicable building code standards.
 - A. If the Offeror identifies any changes required to the EMOD request, or identifies existing barriers to safety and function, the Offeror should document and recommend potential solutions when reporting to the Fund Administrator and Department. Identified changes to the EMOD request must be prior approved by the Fund Administrator and/or Department before requesting an updated letter of medical necessity.
- ii. Within fifteen (15) business days of the initial evaluation home visit, the offeror will be required to prepare and submit a report for approval by the Fund Administrator and the Department, detailing at a minimum:
 - 1. The recommended EMOD(s) with sufficient detail to allow a bidder to create an accurate itemized cost estimate;
 - 2. The medical necessity as described by the ordering provider;
 - 3. The other EMOD options considered;
 - 4. The reason the proposed EMOD(s) were selected;
 - 5. Outlining how the chosen approach was determined to be the most cost-effective;
 - 6. Identifying and describing any safety concerns or requested changes associated with the proposed EMOD(s) and how they will be addressed; and
 - 7. All pictures and labelled floor plans indicating where the EMOD will occur.

b. Bid Evaluation

A bid evaluation requires the offeror to review at least three (3) acceptable bids, as defined by regulation [10 NYCRR § 69-10.1](#) that have been submitted for the construction or installation of any EMOD(s) approved by the Fund Administrator. Bid Evaluations should not take longer than four (4) hours to complete and Contractors will not be reimbursed for more than four (4) hours for this task, unless otherwise approved by the Department.

Currently, the Fund Administrator will coordinate the bidding process. In the future, at the direction of the Department, the offeror may be required to solicit bids. The review should include the following:

- i. An evaluation of the qualifications of each bidding contractor.
 - 1. In determining whether a bidding contractor is qualified, the bid evaluation will take into account whether the bidding contractor has any outstanding judgments on file and whether any complaints have been upheld against the bidding contractor by the Better Business Bureau or the New York State Department of Law. The evaluation will also consider whether bidding contractors are registered with NY Secretary of State and possess all applicable permits or licenses as required in the municipality or jurisdiction.
- ii. An evaluation of the content of each bid to make a recommendation to the Fund Administrator whether it is acceptable.
 - 1. An acceptable bid is one that includes:
 - A. A description of the complete scope of work and specifications of the EMOD;
 - B. Proof of appropriate and adequate liability insurance as required by state law for the duration of the project; and
 - C. A statement signed by the bidding contractor or a person duly authorized to sign for the contractor stating how the work will be done in a workmanlike manner, using cost-effective materials suitable for purposes of the project and the safety of the enrollee and household members, and will comply with all applicable building and zoning laws.
- iii. An evaluation to ensure that each bid provides for the complete scope of work and the proper construction of the EMOD, and that each bid relies upon the use of cost-effective materials. A bid evaluation review may require the offeror to contact bidding contractors to seek clarification on their proposal or request additional information from the bidders.
- iv. Within fifteen (15) business days of receipt of all bids, the offeror will be required to prepare and submit a report for approval by the Fund Administrator and the Department, detailing at a minimum:
 - 1. The offeror's findings regarding the qualification of the bidding contractor;
 - 2. The completeness of the bids (including scope of work), strengths and weaknesses, and whether each contractor has signed the required statement that the work will be done properly and safely in compliance with building and zoning laws; and
 - 3. How the materials to be used in constructing the EMOD are cost-effective in comparison to alternative materials.
- v. The evaluator may be asked to recommend a bidding contractor for selection based on his or her experience and expertise. When asked, the offeror will be required to complete a conflict of interest form.

c. Mid-Modification Evaluation

At the discretion of the Fund Administrator or the Department, a mid-modification evaluation may be required. Mid-Modification Evaluations should not take longer than four (4) hours to complete and Contractors will not be reimbursed for more than four (4) hours for this task, unless otherwise approved by the Department. The review should include the following:

- i. The offeror visits the site and determines that the in process EMOD aligns with the bid, is on schedule or requires a request for change.
- ii. Within fifteen (15) business days of completion of the mid-modification evaluation, the offeror will be required to prepare and submit a report for approval by the Fund Administrator and the Department, detailing at a minimum:

1. Alignment with the chosen bid;
2. Adherence to the schedule;
3. Adherence to safety and all applicable building code standards; and
4. The need, if any, for a change order;
 - A. In the event that there is a subsequent request for change(s) (change order) to the specifications in terms of alternative or substitute equipment or the scope of work involved in the approved EMOD, the Offeror will be required to assess whether the changes are appropriate and reasonable and to report the findings.
 - B. Unless otherwise pre-approved by the Department, only two (2) additional billable hours are allowable for the evaluation of change orders.

d. Post-Modification Evaluation

Within fifteen (15) business days of EMOD completion, a post-modification evaluation will require the offeror to make a site visit to examine the completed EMOD. Post-Modification Evaluations should not take longer than two (2) hours to complete and Contractors will not be reimbursed for more than two (2) hours for this task, unless otherwise approved by the Department.

- i. The Offeror will be required to determine whether the installed or constructed EMOD meets the enrollee's functional needs by:
 1. Having the enrollee or caregiver demonstrate use of the EMOD;
 2. Aligning with the initial evaluation and determination letter; including adherence to safety and all applicable building code standards.
- ii. Upon scheduling a post-modification site visit, the offeror must send an e-mail notification to the Fund Administrator and the Department identifying when the site visit will occur.
- iii. Within fifteen (15) business days of the post- modification site visit, the offeror will be required to prepare and submit a report for approval by the Fund Administrator and the Department, detailing at a minimum:
 1. If the modification meets the requirements outlined in the initial evaluation, the evaluator shall prepare a report describing how the modification was tested and documenting how the modification aligns with the initial evaluation; including adherence to safety and all applicable building code standards; or
 2. If the modification does not meet the requirements outlined in the initial evaluation, the evaluator shall prepare a report describing the reasons that the modification is not in compliance.

e. Serve as a Witness

- i. When requested by the Fund Administrator or the Department, the Offeror shall appear and testify as a witness on behalf of the Department in relation to work performed pursuant to the Agreement, including attendance at administrative hearings involving review of an EMOD(s) request for which the Contractor prepared an evaluation report.
- ii. The offeror must also remain current and up to date on all applicable regulations. Offeror shall remain knowledgeable and be able to refer to and apply the provisions of the current and future New York State Medical Indemnity Fund Regulations set forth in [10 NYCRR § 69-10](#) that apply to environmental modifications. Offeror shall become familiar and comply with changes to the

regulations that pertain to environmental modifications immediately after such changes become effective. In the event of any conflict between the regulations, as amended from time to time, and the duties set forth herein, the Offeror shall comply with the regulation.

f. Re-Assigned Evaluations

- i. If the Offeror has not completed an assigned evaluation and the evaluation is reassigned, Offeror shall cooperate with the reassignment by providing the succeeding evaluator with a copy of all relevant documents in the Offeror's possession, and by consulting with the succeeding evaluator.

4.2 Staffing

Offerors must identify and provide a list to the Department of all staff proposed to perform scope as defined in Section 4.1 Tasks/Deliverables. The Contractors must notify the Department immediately of any proposed changes to the staff performing the scope of services defined in Section 4.1 Tasks/Deliverables.

4.3 Reporting

Each type of evaluation requires the offeror to prepare a written report that meets the requirements defined below. The report must be submitted to the Fund Administrator as detailed below.

a. Initial Evaluation Report

Within fifteen (15) business days of the initial evaluation home visit, the offeror will be required to prepare and submit a report for approval by the Fund Administrator and the Department, detailing at a minimum:

1. The recommended EMOD(s) with sufficient detail to allow a bidder to create an accurate itemized cost estimate;
2. The medical necessity as it relates to the requested EMOD(s) and described by the ordering provider detailing any functional deficits;
3. The other EMOD options considered;
4. The reason the proposed EMOD(s) were selected;
5. Outlining how the chosen approach was determined to be the most cost-effective;
6. Identifying and describing any safety concerns associated with the proposed EMOD(s) and how they will be addressed;
 - A. If the offeror identifies any changes required to the EMOD request, or identifies existing barriers to safety and function, the offeror should document and recommend potential solutions when reporting to the Fund Administrator and Department. Identified changes to the EMOD request must be prior approved by the Fund Administrator and/or Department before requesting an updated letter of medical necessity.
7. All pictures and labelled floor plans indicating where the EMOD will occur.

The initial evaluation can be expected to require multiple pages, given the amount of information and detail required.

b. Bid Evaluation Report

Within fifteen (15) business days of receipt of all bids, the offeror will be required to prepare and submit to the Fund Administrator and the Department a report, in a format approved by the Department, detailing, at a minimum:

- i. The offeror's findings regarding the qualifications of the bidding contractor, including their commitment to completing the project in a workmanlike manner, using materials suitable for purposes of the project and the safety of the enrollee and household members;
- ii. The completeness of the bids (including scope of work), and whether each contractor signed the required statement that the work will be done properly and safely in compliance with building and zoning laws; and
- iii. How the materials to be used in constructing the EMOD are cost-effective in comparison to alternative materials.

c. Mid-Modification Evaluation Report

- i. Within fifteen (15) business days of completion of the mid-modification evaluation, the offeror will be required to prepare and submit a report for approval by the Fund Administrator and the Department, detailing at a minimum:
 - 1. Alignment with the chosen bid;
 - 2. Adherence to the schedule;
 - 3. Adherence to safety and all applicable building code standards; and
 - 4. The need, if any, for a change order;
 - A. In the event that there is a subsequent request for change(s) (change order) to the specifications in terms of alternative or substitute equipment or the scope of work involved in the approved EMOD, the Offeror will be required to assess whether the changes are appropriate and reasonable and to report the findings.
 - B. Unless otherwise pre-approved by the Department, only 2 additional billable hours are allowable for the evaluation of change orders.

d. Post Modification Evaluation Report

- i. Within fifteen (15) business days of the post- modification site visit, the offeror will be required to prepare and submit a report for approval by the Fund Administrator and the Department, detailing at a minimum:
 - 1. If the modification meets the requirements outlined in the initial evaluation, the evaluator shall prepare a report describing how the modification was tested and documenting how the modification aligns with the initial evaluation; including adherence to safety and all applicable building code standards; or
 - 2. If the modification does not meet these requirements outlined in the initial evaluation, the evaluator shall prepare a report describing the reasons that the modification is not in compliance.

4.4 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>.

4.5 Security and Privacy Requirements

The New York State Department of Health (the “Department” or “DOH”) requires that vendors providing information technology (IT) and application services to the Department comply with the security and privacy policies and controls outlined in this RFP and all other applicable New York State and federal laws, regulations, policies, and standards for IT systems that transfer, process, or store Department data, including but not limited to the Health Insurance Portability and Accountability Act (HIPAA) Omnibus Final Rule. Vendors are required to verify compliance with security and privacy requirements by providing the Department with documentation and artifacts that validate applicable standards and controls are in place.

The Department requires that all Personal, Private, or Sensitive information (PPSI) be encrypted, both at rest and in transit, in compliance with Federal Information Processing Standard 140-2 (FIPS 140-2).

4.6 Transition

Thirty (30) calendar days prior to contract expiration, all in-process or incomplete evaluations, supporting documentation and reports must be turned over to the Fund Administrator or the Department. Offeror’s proprietary information should be redacted from all relevant documents.

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

The Offeror shall ensure that any transition to the Department, Departmental agency or successor 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 Offeror 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 Offerors 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 Offeror is non-responsible and therefore ineligible for this contract award. Two (2) violations within four (4) years of the rules against impermissible contacts during the “restricted period” may result in the violator being debarred from participating in DOH procurements for a period of four (4) years.

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

5.2 Questions

There will be an opportunity available for submission of written questions and requests for clarification regarding this RFP. All questions and requests for clarification of this RFP should cite the particular RFP Section and paragraph number where applicable and must be submitted via email to OHIPContracts@health.ny.gov. It is the offeror'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 offeror discovers any ambiguity, conflict, discrepancy, omission, or other error in this RFP, the Offeror 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, an offeror fails to notify DOH of a known error or an error that reasonably should have been known, the offeror shall assume the risk of proposing. If awarded the contract, the offeror shall not be entitled to additional compensation by reason of the error or its correction.

5.4 Payment

Payment will be made to offerors based on their hourly bid prices included in their submitted Attachment B: Cost Proposal. Offerors shall bill only for actual hours used to complete each evaluation and the required accompanying report. Travel time, tolls and mileage are not billable outside of contracted rates. Hourly rates should be inclusive of all anticipated costs. Unless otherwise pre-approved by the Department:

- a. Offerors will be paid for no more than ten (10) hours for an initial evaluation.
- b. Offerors will be paid for no more than four (4) hours for a bid evaluation.
- c. Offerors will be paid for no more than four (4) hours for a mid-modification evaluation.
- d. Offerors will be paid for no more than two (2) hours for a post-modification evaluation.
- e. Offerors will be paid for no more than two (2) hours for the evaluation of change orders.

Offerors may bill only for work completed and approved by the Fund Administrator or the Department. Denied evaluations or reports must be re-worked and approved prior to invoicing. Only hours utilized in the original evaluations can be invoiced. No additional hours will be approved for any evaluations or reports that have been re-worked.

In the event an EMOD evaluation is reassigned, the original offeror may bill for work completed and approved by the Fund Administrator or the Department prior to re-assignment.

Invoices shall be submitted within thirty (30) calendar days of the completion and acceptance by the Department of each evaluation report (Initial, Bid, Mid-Modification, and Post Modification). If invoices are not submitted within the thirty (30) calendar days, liquidated damages may be assessed.

If liquidated damages must be assessed, a credit to the Department in the defined amount shall be noted on the offeror's invoice submission.

The offeror shall submit itemized invoices, invoice submission form, copy of any pre-authorizations issued and approved/accepted reports in an electronic format to:

MIFContracts@health.ny.gov

5.5 Minority & Woman-Owned Business Enterprise Requirements

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

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

Business Participation Opportunities for MWBEs

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

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

By submitting a bid, an offeror 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, Offeror agrees that it shall respond to the notice of deficiency within seven (7) business days of receipt. DOH may disqualify an Offeror as being non-responsive under the following circumstances:

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

The Offeror 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 Offeror 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 Offeror 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 Offeror 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 Offeror 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 [insert RFP BML] 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 offeror.

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 Offeror 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 offeror 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 Offeror 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 Offeror 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 Offeror, 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 Offeror 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 Offeror 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 offerors 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 offerors' 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 offerors the obligation to certify whether or not the offeror, its affiliates, and its subcontractors are required to register to collect state sales and compensating use tax and offerors 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 offeror meeting the registration requirements but who is not so registered in accordance with the law.

The successful Offeror 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 OFFEROR shall procure, at its sole cost and expense, and shall maintain in force at all times during the term of this Contract, insurance of the types and in the amounts set forth in [Attachment 8](#), the New York State Department of Health Contract, Section IV. Contract Insurance Requirements as well as provide proof of insurance and/or bonding as required by state or local law for the duration of the project;

5.9 Subcontracting

Offerors may propose the use of a subcontractor to perform in or out of state EMOD evaluations. Unless identified in the initial vendor proposal, the Offeror shall obtain prior written approval from the Department before entering into an agreement for services to be provided by a subcontractor. The Offeror 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 Offeror'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 offeror 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 offeror's qualifications, experience, ability or financial standing, and any material or information submitted by the offeror 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 offerors 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 prospective offerors;
11. Waive any requirements that are not material;
12. Negotiate with the successful offeror within the scope of the RFP in the best interests of the state;
13. Conduct contract negotiations with the next responsible offeror, should the Department be unsuccessful in negotiating with the selected offeror;
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 offeror; 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 offeror's proposal and/or to determine an offeror'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 an Offeror 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 \(D\)](#) 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 offerors 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 offerors with respect to determinations of non-responsibility and debarment; (Offerors responding to this RFP should submit a completed and signed [Attachment 1](#), "Prior Non-Responsibility Determination".)
- g) increased the monetary threshold which triggers a lobbyists obligation 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 offeror 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 offeror 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 Offeror may request a debriefing regarding the reasons that the proposal or bid submitted by the Offeror 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 Offeror 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 offerors wish to protest the award resulting from this RFP, offerors 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, Offeror (or any assignee) certifies that it is not on the "Entities Determined To Be Non-Responsive Offerors 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, Offeror 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, offerors 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 offerors 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, Offerors 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, Offeror 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/>

Offerors 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 offerors 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 offeror 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.

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 5.10](#), (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) for three (3) entities for which you performed assessments or evaluations in the construction or installation of environmental modifications. 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 Offeror to perform the services contained in this RFP. The Technical Proposal should demonstrate the qualifications of the Offeror 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 Offerors. 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. If an Offeror wants to submit a proposal for more than one Region, they should prepare one Technical Proposal and a Cost Proposal for each Region.

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 Offeror's name and address, the name, address, telephone number, and email address of the Offeror'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 Offeror's Eligibility Responsive to Section 3.0 of RFP

Offerors must be able to meet all the requirements stated in Section 3.1 of the RFP. The offeror 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.

- One (1) or more years of experience performing assessments or evaluations in the construction or installation of environmental modifications; and
- One (1) or more years of experience working with state or federal government agencies, or programs for individuals with disabilities.

Offerors who possess any or all of the preferred qualifications stated in section 3.2 of the RFP should 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.

Bidders who demonstrate the following experience are preferred:

- C.E.A.C. (Certified Environmental Access Consultants) or C.A.P.S (Certified Aging-In-Place Specialist) certification;

- One (1) year of experience working with the Americans with Disabilities Act/ADA building compliance, and service or installation of Assistive Technologies on one or more projects;
- One (1) year of experience working with public entities and/or not-for-profit organizations on one or more projects, utilizing concepts of universal design; and
- One (1) year of experience working with state and local building code(s), zoning laws and any applicable safety standards.

Experience acquired concurrently is considered acceptable.

D. Technical Proposal Narrative

The technical proposal should provide satisfactory evidence of the Offeror's ability to meet, and expressly respond to, each element listed below and identify any and all Regions to be serviced for the term of this agreement.

Elements of the technical proposal are as follows:

6.2.D.1 Tasks/Deliverables

a. Initial Evaluation

Offerors should:

1. Summarize their process for scheduling an initial evaluation, ensuring it's within the fifteen (15) business day of assignment.
2. Describe their process for submitting an e-mail notification to the Fund Administrator and the Department identifying the date of the initial evaluation.
3. Describe their process for:
 - a. Reviewing a letter of medical necessity (LOMN) from the enrollees ordering provider outlining the needs of the enrollee;
 - b. Reviewing the EMOD Request(s); and,
 - c. Visit and examine the home and to determine whether the requested modification is in accordance with all appropriate regulations.
4. Describe their process of documenting and recommending a potential solution to report to the Fund Administrator and the Department should the modification not meet all appropriate regulations.

b. Bid Evaluation

Offerors should:

1. Identify their plan for receiving and reviewing at least three (3) acceptable bids, as defined by regulation, that have been submitted for the construction or installation of any EMOD(s) approved by the Fund administrator.
2. Describe their plan for evaluating the qualifications of each bidding contractor.
3. Describe their plan for evaluating the content of each bid to make a recommendation to the Fund Administrator whether it is acceptable, as outlined in 4.1.b.ii.i of this RFP.
4. Describe their process to ensure that each bid provides for the complete scope of work and the proper construction of the EMOD, and that each bid relies upon the use of cost-effective materials.
5. Describe the process for recommending a budding contractor for selection based on his or her experience and expertise.

c. Mid-Modification Evaluation

Offerors should describe their process of visiting the site to determine that the in-process EMOD aligns with the bid, is on schedule or requires a request for change.

d. Post-Modification Evaluation

Offerors should:

1. Describe the process to determine whether the installer or constructed EMOD meets the enrollee's functional needs as outlined in 4.1.d.i of this RFP.
2. Describe how and when the offeror plans to send an e-mail notification to the Fund Administrator and the Department identifying when the site visit will occur.

e. Serve as a Witness

Offerors should describe the process they propose to utilize for appearing and testifying as a witness on behalf of the Department in relation to work performed pursuant to the Agreement, including attendance at administrative hearings involving review of an EMOD(s) request for which the Contractor prepared an evaluation report.

6.2.D.2 Staffing

Offerors should describe all proposed staff including any proposed sub-contractors to be utilized to perform scope as defined in Section 4.1 Tasks/Deliverables.

6.2.D.3 Reporting

a. Initial Evaluation

Offerors should identify the process for preparing and submitting an Initial Evaluation report for approval within fifteen (15) business days of the initial evaluation home visit including all details listed in 4.3.a of this RFP.

b. Bid Evaluation

Offerors should describe the offeror's process for preparing and submitting a Bid Evaluation report within fifteen (15) business days of receipt of all bids, for approval by the Fund Administrator and the Department including all details listed in 4.3.b of this RFP.

c. Mid-Modification Evaluation

Offerors should summarize the offeror's process for preparing and submitting Mid-Modification Evaluation report, within fifteen (15) business days of completion of the mid-modification evaluation, detailing as outlined in 4.3.c of this RFP.

d. Post-Modification Evaluation

Offerors should summarize the offeror's process for preparing and submitting a Post-Modification report, within fifteen (15) business days of completion of the post-modification evaluation detailing as outlined in 4.3.d of this RFP.

6.2.D.4 Information Technology

Offerors should describe their process for complying with all NYS security policies and standards as described in 4.4 of this RFP.

6.2.D.5 Security

Offerors should describe their process for complying with all applicable privacy and security policies and procedures as described in 4.5 of this RFP.

6.3.D.6 Transition

Offerors should describe their process for adhering to the transition requirements as described in 4.6 of this RFP.

6.3 Cost Proposal

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

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

A separate Cost Proposal shall be submitted for each region being bid. The Cost Proposal must identify the region for which the offeror is submitting the proposal to provide environmental modification evaluation services.

Only one hourly rate is acceptable for all Regions and for serving as a witness. In the event there is a discrepancy in the hourly rate submitted on Cost Proposals for the different Regions, the lowest hourly proposed rate will be used for all Regions awarded.

Offerors should bid an hourly rate that is inclusive of all anticipated costs. Travel time, tolls and mileage are not billable outside of contracted hourly rates. Unless otherwise pre-approved by the Department.

Contractors will be reimbursed for actual hours used to complete each evaluation and the required accompanying report not to exceed the following maximum allowable hours per evaluation type:

- a. Offerors shall bill no more than ten (10) hours for an initial evaluation.
- b. Offerors shall bill no more than four (4) hours for a bid evaluation.
- c. Offerors shall bill no more than four (4) hours for a mid-modification evaluation.
- d. Offerors shall bill no more than two (2) hours for a post-modification evaluation.
- e. Offerors shall bill no more than two (2) hours for the evaluation of change orders.

Offerors may bill only for work completed and approved by the Fund Administrator or the Department. Denied evaluations or reports must be re-worked and approved prior to invoicing. Only hours utilized in the original evaluations can be invoiced. No additional hours will be approved for any evaluations or reports that have been re-worked.

At the discretion of the Fund Administrator or the Department, a mid-modification evaluation may be required. The review should include the offeror visiting the site and determining if the in process EMOD aligns with the bid, is on schedule or requires a request for change. If a change request is required, this would trigger the evaluation of change orders.

In the event an EMOD evaluation is reassigned, the original offeror may only bill for work completed and approved by the Fund Administrator or the Department prior to re-assignment.

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# 20052 EMOD Evaluators for NYS MIF (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

Offerors 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 offerors” 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.

Offerors 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 Offeror 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) highest ranking score in “Background/Experience” section.

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 Offeror.

The technical evaluation is **70%** 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%** of the final score.

8.5 Composite Score

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

8.6 Interviews

The Department has decided to not conduct any interviews as part of the bid review process.

8.7 Reference Checks

The Offeror 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 offeror qualifications to propose (Section 3.0).

8.8 Best and Final Offers

NYSDOH reserves the right to request best and final offers. In the event NYSDOH exercises this right, all offerors that submitted a proposal that are susceptible to award will be asked to provide a best and final offer. Offerors 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 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 Offeror(s) and Offeror(s) not awarded. The awarded Offeror(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](#)

The following attachments are attached and included in this RFP:

- A. Proposal Document Checklist
- B. Cost Proposal
- C. Service Level Agreements

**ATTACHMENT A
PROPOSAL DOCUMENT CHECKLIST**

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

RFP# 20052 EMOD Evaluators for NYS MIF		
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"/>

**ATTACHMENT B
 COST PROPOSAL
 RFP# 20052 EMOD Evaluators for NYS MIF**

Offeror's Name: _____

Bidding Region: _____

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

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

A separate Cost Proposal shall be submitted for each region being bid. The Cost Proposal must identify the region for which the offeror is submitting the proposal to provide environmental modification evaluation services.

Only one hourly rate is acceptable for all Regions and for serving as a witness. In the event there is a discrepancy in the hourly rate submitted on Cost Proposals for the different Regions, the lowest hourly proposed rate will be used for all Regions awarded.

Offerors should bid an hourly rate that is inclusive of all anticipated costs. Travel time, tolls and mileage are not billable outside of contracted hourly rates. Unless otherwise pre-approved by the Department.

Cost proposals must be submitted using the format below:

Scope	Hourly Rate
Evaluations (Section 4.1 Initial, Bid, Mid-Modification, Post-Modification)	\$
Serve as Witness (Section 4.1.e)	\$

ATTACHMENT B
COST PROPOSAL Page 2
RFP# 20052 EMOD Evaluators for NYS MIF

Offeror's Name: _____

Bidding Region: _____

Contractors will be reimbursed for actual hours used to complete each evaluation and the required accompanying report not to exceed the following maximum allowable hours per evaluation type:

- a. Offerors shall bill no more than ten (10) hours for an initial evaluation.
- b. Offerors shall bill no more than four (4) hours for a bid evaluation.
- c. Offerors shall bill no more than four (4) hours for a mid-modification evaluation.
- d. Offerors shall bill no more than two (2) hours for a post-modification evaluation.
- e. Offerors shall bill no more than two (2) hours for the evaluation of change orders.

Contractors may bill only for work completed and approved by the Fund Administrator or the Department. Denied evaluations or reports must be re-worked and approved prior to invoicing. Only hours utilized in the original evaluations can be invoiced. No additional hours will be approved for any evaluations or reports that have been re-worked.

At the discretion of the Fund Administrator or the Department, a mid-modification evaluation may be required. The review should include the Contractor visiting the site and determining if the in process EMOD aligns with the bid, is on schedule or requires a request for change. If a change request is required, this would trigger the evaluation of change orders.

In the event an EMOD evaluation is reassigned, the original Contractor may only bill for work completed and approved by the Fund Administrator or the Department prior to re-assignment.

By signing this Cost Proposal Form, bidder agrees that the prices above are binding for 365 days from the proposal due date.

(Bidder's Signature)

(Date)

(Title)

(Phone)

Attachment C
Service Level Agreements (SLAs)
RFP# 20052 EMOD Evaluators for NYS MIF

SLA Name	SLA	Liquidated Damages
MIF EMOD SLA01	As defined in RFP Section 4.1.a, the "Initial Evaluation" must be scheduled within fifteen (15) business days of assignment by the Fund Administrator or the Department.	5% reduction of invoiced costs per calendar day to begin on the sixteenth (16th) business day from the assignment of the evaluation from the Fund Administrator or the Department.
MIF EMOD SLA02	As defined in RFP Section 4.3, the: 1. Initial Evaluation Report must be received within fifteen (15) business days of the initial home visit; 2. Bid Evaluation Report must be received within fifteen (15) business days of the receipt of all bids; 3. Mid-Modification Evaluation Report, if applicable, must be received within fifteen (15) business days of completion of the Mid-Modification Evaluation; 4. Post Modification Evaluation Report must be received within fifteen (15) business days of the Post Modification site visit.	5% reduction of invoiced costs per calendar day to begin on the sixteenth (16th) business day from the initial home visit; receipt of all bids; from the completion of the Mid-Modification Evaluation; or from the Post-Modification site visit.
MIF EMOD SLA03	As defined in RFP Section 4.6, Thirty (30) calendar days prior to contract expiration, all in-process or incomplete evaluations, supporting documentation and reports must be turned over to the Fund Administrator or the Department.	No payment will be made for work performed on any un-invoiced, in-process or incomplete evaluations if not turned over to the Fund Administrator or the Department within thirty (30) calendar days prior to contract expiration.
MIF EMOD SL04	As defined in RFP Section 5.4, invoices shall be submitted within thirty (30) days of the acceptance by the Department for each evaluation report (Initial, Bid, Mid-Modification, and Post Modification).	5% reduction of invoiced costs per calendar day to begin on the thirty first (31st) business day from acceptance by the Department of each evaluation report (Initial, Bid, Mid-Modification, and Post Modification).