

**New York State Department of Health
Request For Proposals (RFP) #20524
New York State Fiscal Intermediary Services
Questions and Answers - August 7, 2024**

Number	Subject	Corresponding RFP Section	Question	Answer
1	2012 Requirement	Section 4.0: Scope of Work (Page 5 of RFP)	How many entities would fit the requirements of the Department's pre-January 1, 2012, criteria?	This question is not relevant to the development of a proposal under this RFP.
2	2012 Requirement	Section 4.0: Scope of Work, Paragraph 1 (Page 5 of RFP)	Will a subcontractor candidate be required to provide a billing claim from December 31, 2011 or earlier?	No, such information will be validated with NYS systems
3	2012 Requirement	Section 4.0: Scope of Work, Paragraph 1 (Page 5 of RFP)	If January 1, 2012 is the first date service was billed, is that fiscal intermediary eligible to be a subcontractor?	Please refer to Social Services Law Section 365-f.
4	2012 Requirement	Section 4.0: Scope of Work, Paragraph 1 (Page 5 of RFP)	If an organization was formed December 31, 2011, but did not bill for service until January 2, 2012, is that fiscal intermediary eligible to be a subcontractor?	Please refer to Social Services Law Section 365-f.
5	Advisory Committee	Section 4.2: Best Practices, Bullet e) (Page 6 of RFP)	Does a bidder need to provide a description of its proposed consumer advisory committee as part of its proposal?	If the bidder is proposing an advisory committee as part of its Technical Proposal, the bidder should include such information in accordance with Section 6.2.F.2 of the RFP.
6	Advisory Committee	Section 4.2: Best Practices, Bullet e) (Page 6 of RFP)	How will the Department evaluate the consumer advisory committee as part of its proposal review?	The specific components of the Department's evaluation will not shared with the bidding community.
7	Advisory Committee	Section 4.2: Best Practices, Bullet e) and f) (Page 6 of RFP)	We agree that establishing a consumer advisory committee an accessible forum of useful information for consumers, are examples of best practices. Is the Department aware of any examples of these to help elicit more ideas from the bidders?	No.
8	Advisory Committee	Section 4.2: Best Practices, Bullet a) (Page 6 of RFP)	When does the Statewide FI need to establish a consumer advisory committee by?	See answer to Question #5
9	Advisory Committee	Section 4.2: Best Practices, Bullet e) (Page 6 of RFP)	What is the timeline for the Statewide FI to establish a consumer advisory committee once the contract is awarded?	See answer to Question #5
10	Advisory Committee	Section 4.2: Best Practices, Bullet e) (Page 6 of RFP)	What is the specific recommended composition of a consumer advisory committee?	See answer to Question #5
11	Advisory Committee	General	If the consumer advisory committee includes PAs, FI staff, MCOs & LDSS how many of each category?	See answer to Question #5
12	Advisory Committee	General	What is the frequency of consumer advisory committee meetings?	See answer to Question #5
13	Advisory Committee	General	Will travel expenses to attend the consumer advisory committee be provided?	See answer to Question #5
14	Advisory Committee	General	Will the consumer advisory committee the statewide or regional?	See answer to Question #5
15	Advisory Committee	General	Would the consumer advisory committee be the responsibility of the statewide FI or the subcontractors?	See answer to Question #5
16	Auditing	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet i) (Page 8 of RFP)	Will pending audit information be available to the public?	As stated in Section 6.2.F.4.2 of the RFP, Bidders should provide a description of the audits and could be open to release upon FOIL.
17	Auditing	Section 4.5: Fiscal Intermediary Organizational Requirements (Page 8 of RFP)	The RFP states that bidders must "Provide a description of all pending audits related to fiscal intermediary services, both in New York and other states where the awarded Statewide FI is currently or has been operating." Does this include any active or pending lawsuits or legal actions being taken against the bidder in New York or another state?	Bidders should disclose pending audits pursuant to Section 6.2.F.4.2; active or pending lawsuits and legal actions would be disclosed on the Bidder's Vendor Responsibility Questionnaire.
18	Auditing	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet i) (Page 8 of RFP)	Does a proposed fiscal intermediary need to disclose concluded audits into fiscal intermediary services or only audits that are pending?	A description of all concluded or pending audits related to fiscal intermediary services in New York State or other states should be included.
19	Auditing	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet i) (Page 8 of RFP)	Does a proposed fiscal intermediary need to disclose concluded, pending and/or current litigation, including litigation concerning prior fiscal intermediary services and/or litigation concerning alleged nonpayment of wages?	RFP Section 4.5.i only relates to audits. Litigation disclosure is required as part of the Vendor Responsibility Questionnaire.
20	Auditing	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet i) (Page 8 of RFP)	Are the audits referenced limited to Medicaid audits?	No. Audits are as related to fiscal intermediary services both in New York State and other states where the organization is currently or has been operating.

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21	Auditing	Section 5.7: Subcontracting (Pages 15-16 of RFP)	Can the Department of Health provide a list of current fiscal intermediary entities that are on an OIG or OMIG exclusion list?	OMIG Medicaid exclusion information can be found here: https://omig.ny.gov/medicaid-fraud/medicaid-exclusions . OIG exclusion information can be found here: https://oig.hhs.gov/exclusions/exclusions_list.asp
22	Auditing	Section 4.6: Fiscal Monitoring and Oversight Requirements (Page 9 of RFP)	What specific audit procedures and documentation will the Department require from the Fiscal Intermediary (FI), as outlined in Section 4.6 of the RFP?	Specific audit procedures will be established between the awardee and the Department.
23	Auditing	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet i) (Page 8 of RFP)	Does a proposed fiscal intermediary need to disclose pending and/or current investigations?	Yes
24	Auditing	Section 4.3: Fiscal Intermediary Employment Related Responsibilities and Joint Employment Requirements, Bullet i) (Pages 6-7 of RFP)	What information is collected and evaluated in auditing a consumer's billing records?	This question is not relevant to the development of a proposal under this RFP.
25	Auditing	Section 4.3: Fiscal Intermediary Employment Related Responsibilities and Joint Employment Requirements, Bullet i) (Pages 6-7 of RFP)	Will overtime hours be included in auditing a consumer's billing records?	This question is not relevant to the development of a proposal under this RFP.
26	Auditing	Section 4.3: Fiscal Intermediary Employment Related Responsibilities and Joint Employment Requirements, Bullet i) (Pages 6-7 of RFP)	Does the auditing process of billing records include a total assessment of the cost of a consumer's care?	This question is not relevant to the development of a proposal under this RFP.
27	Award	Section 8.7: Award Recommendation (Page 27 of RFP)	Will the New York State Comptroller review any proposed Department award to assure that the Department has complied with the law and the terms of the RFP?	No. The resulting contract will not be subject to the Office of State Comptroller's approval.
28	Award	Section 2.0: Overview and Important Information (Page 3 of RFP)	Section 2.0 states that it is the Department's intent to award one (1) contract from this procurement. Up until this RFP, there have been a great many of fiscal intermediaries in the state of New York. Reducing this number from hundreds to one is both illogical and unduly restrictive. Awarding only a single provider can also cause extreme disruption in the program should that provider fail to perform its responsibilities. Accordingly, can this be removed from the RFP such that this can be a multi-vendor award?	No.
29	Award	Section 2.0: Overview and Important Information (Page 3 of RFP)	The RFP states that the Department's intent is to award one contract. Can the Department award more than one contract?	No.
30	Award	Section 2.0: Overview and Important Information (Page 3 of RFP)	If the Department can award more than one contract, under what circumstances would the Department award more than one contract?	The Department will only award one contract under this RFP.
31	Award	Section 1.0: Calendar of Events (Page 3 of RFP)	What is the expected date lead FI be announced?	Please see the Calendar of Events on page 1 of the RFP.
32	Award	Section 1.0: Calendar of Events (Page 3 of RFP)	The Calendar of Events indicates a contract start date of October 1, 2024, but does not include a contract award date. When does the Department anticipate making a contract award?	The Department will notify the selected bidder of its award within a timeframe which will allow for the anticipated October 1, 2024 contract start date.
33	Award	Section 2.1: Background Information, Paragraph 3 (Page 3 of RFP)	The statute New York Consolidated Laws, Social Services Law, SOS § 365-f requires the selection of a single Statewide Fiscal Intermediary. However, the legislative intent and specific implementation details remain broad and unclear. Could the Department clarify the specific criteria	The specific components of the Department's evaluation will not shared with the bidding community. Bidders should submit their Technical Proposal in accordance with Section 6.2 of the RFP.
34	Award	General	How many Fiscal Intermediary Agencies New York State Health Department is going to award? Only one or as many as qualified?	There will be one award resulting from RFP #20524. See Section 2.0 of the RFP.

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35	Background Checks	Section 4.1: Required Fiscal Intermediary Services, Bullet e) (Page 5 of RFP)	Are current FIs obligated to provide PA documentation regarding background checks to the awarded FI?	Background checks are not a current requirement of CDPAP.
36	Background Checks	Section 4.2: Best Practices (Page 6 of RFP)	According to Section 4.2 of the RFP, which includes conducting visits to the consumer's home, is there a law or specific requirement for Criminal History Record Checks (CHRC) for staff providing in-home visits?	It is not anticipated by the Department that staff of the contracted Statewide Fiscal Intermediary who conduct visits to consumers have background checks completed. However, it would be expected that the Statewide Fiscal Intermediary and its subcontractors would vet their employees as standard practice to ensure they are capable of performing their responsibilities in an effective and appropriate manner.
37	Background Checks	Section 4.1: Required Fiscal Intermediary Services (Page 5 of RFP)	Is the FMS provider responsible for employee background checks? If yes, please provide the requirements for employee background checks.	The implementation and specifics of the background check requirement for personal assistants is still being determined. The cost of a background check should not be factored into a bidder's cost proposal.
38	Background Checks	Section 4.1: Required Fiscal Intermediary Services (Page 5 of RFP)	If employee background checks are required, how are they paid for? A) Reimbursed through the Participant's Budget, B) Reimbursed by the Program, or C) Covered by the FMS via its Admin Fee?	See answer to Questions #35 and #37
39	Background Checks	Section 4.1: Required Fiscal Intermediary Services (Page 5 of RFP)	Is the FMS provider responsible for employee background checks? If yes, please provide the requirements for employee background checks.	See answer to Questions #35 and #37
40	Background Checks	Section 4.1: Required Fiscal Intermediary Services, Bullet e) (Page 5 of RFP)	This section includes the following language: "as well as documentation, where applicable, of completed background checks and completed training requirements." Background checks and training are not fiscal intermediary services under 365-f. Please confirm that the applicant is not required to address these items.	See answer to Questions #35 and #37
41	Background Checks	Section 4.1: Required Fiscal Intermediary Services (Page 5 of RFP)	Sections 4.1 (e) and 4.4 (h) state, "...documentation, where applicable, of completed background checks and completed training requirements..." Are background checks now required for personal assistants? If so, what type of background checks will be required, and are they required for all personal assistants?	See answer to Questions #35 and #37
42	Background Checks	Section 4.1: Required Fiscal Intermediary Services, Bullet e) (Page 5 of RFP)	Maintaining personnel records for each PA, including time records and other documentation needed for wages and benefit processing and a copy of the medical documentation required above by 4.1(b), as well as documentation, where applicable, of completed background checks and completed training requirements; At this time, there are no requirements for background check processing from the third-party fiduciary, when awarded will the fiscal intermediary be expected to perform background checks? If so, what is included?	See answer to Questions #35 and #37
43	Background Checks	Section 4.1: Required Fiscal Intermediary Services, Bullet e) (Page 5 of RFP)	How will background checks be paid for? Will they be deducted from the budget, paid for by the worker, paid via administrative billing and invoice to the state or MCO, or paid out of the PMPM?	See answer to Questions #35 and #37
44	Background Checks	Section 4.1: Required Fiscal Intermediary Services, Bullet e) (Page 5 of RFP)	Who will be paying for a background check?	See answer to Questions #35 and #37
45	Background Checks	Section 4.1: Required Fiscal Intermediary Services, Bullet e) (Page 5 of RFP)	Will the background check be an administrative or direct care cost?	See answer to Questions #35 and #37
46	Background Checks	Section 4.1: Required Fiscal Intermediary Services, Bullet e) (Page 5 of RFP)	Is there an anticipated length of time that a background check should take to perform?	See answer to Questions #35 and #37
47	Background Checks	Section 4.1: Required Fiscal Intermediary Services, Bullet e) (Page 5 of RFP)	What in a background check will preclude a PA from working?	See answer to Questions #35 and #37
48	Background Checks	Section 4.1: Required Fiscal Intermediary Services, Bullet e) (Page 5 of RFP)	Will the results of the background check be conveyed to the consumer?	See answer to Questions #35 and #37

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49	Background Checks	Section 4.1: Required Fiscal Intermediary Services, Bullet e) (Page 5 of RFP)	Will the consumer have any right to accept what's discovered in the background check?	See answer to Questions #35 and #37
50	Background Checks	Section 4.1: Required Fiscal Intermediary Services, Bullet e) (Page 5 of RFP)	How long will it take for the background check to be completed?	See answer to Questions #35 and #37
51	Background Checks	Section 4.1: Required Fiscal Intermediary Services, Bullet f) (Page 5 of RFP)	Will there be exceptions or special procedures for the maintenance of personal records if either a consumer or PA has a legitimate claim of privacy and confidentiality due to being a domestic violence victim?	See answer to Questions #35 and #37
52	Background Checks	Section 4.1: Required Fiscal Intermediary Services, Bullet e) (Page 5 of RFP)	Please list the background checks required of the direct care staff.	See answer to Questions #35 and #37
53	Background Checks	Section 4.1: Required Fiscal Intermediary Services, Bullet e) (Page 5 of RFP)	Do any background checks require in-person fingerprints?	See answer to Questions #35 and #37
54	Background Checks	Section 4.4: Statewide Fiscal Intermediary Compliance Requirements, Bullet h) (Pages 7-8 of RFP)	Can the Department of Health specify the specific background check policies that will be required?	See answer to Questions #35 and #37
55	Background Checks	Section 4.4: Statewide Fiscal Intermediary Compliance Requirements, Bullet h) (Pages 7-8 of RFP)	Is the consumer required to submit completed background checks and training to the Statewide FI?	See answer to Questions #35 and #37
56	Background Checks	Section 4.4: Statewide Fiscal Intermediary Compliance Requirements, Bullet h) (Pages 7-8 of RFP)	Is the Statewide FI or the consumer supposed to complete background checks?	See answer to Questions #35 and #37
57	Background Checks	Section 4.4: Statewide Fiscal Intermediary Compliance Requirements, Bullet h) (Pages 7-8 of RFP)	What background checks are required, and who is responsible for carrying them out, the Statewide FI or the consumer?	See answer to Questions #35 and #37
58	Background Checks	Section 4.4: Statewide Fiscal Intermediary Compliance Requirements, Bullet h) (Pages 7-8 of RFP)	What "completed background checks" and "completed training requirements" are referenced?	See answer to Questions #35 and #37
59	Background Checks	Section 4.4: Statewide Fiscal Intermediary Compliance Requirements, Bullet h) (Pages 7-8 of RFP)	In what circumstances must background checks be completed?	See answer to Questions #35 and #37
60	Background Checks	Section 4.4: Statewide Fiscal Intermediary Compliance Requirements, Bullet h) (Pages 7-8 of RFP)	Will the selected FI be required to perform background checks on PAs?	See answer to Questions #35 and #37
61	Background Checks	Section 4.4: Statewide Fiscal Intermediary Compliance Requirements, Bullet h) (Pages 7-8 of RFP)	Will Consumers be required to adhere to the results of those background checks?	See answer to Questions #35 and #37

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62	Background Checks	Section 4.4: Statewide Fiscal Intermediary Compliance Requirements, Bullet h) (Pages 7-8 of RFP)	Who will pay for the background checks?	See answer to Questions #35 and #37
63	Background Checks	Section 4.1: Required Fiscal Intermediary Services, Bullet e) (Page 5 of RFP)	Is the cost of the background check incorporated into the PMPM?	See answer to Questions #35 and #37
64	Background Checks	Section 4.1: Required Fiscal Intermediary Services, Bullet e) (Page 5 of RFP)	Would the state be willing to pay the direct cost of background checks outside of the PMPM?	See answer to Questions #35 and #37
65	Background Checks	Section 4.1: Required Fiscal Intermediary Services (Page 5 of RFP)	Section 4.1 (e) states that personnel records should include "documentation, where applicable, of completed background checks and completed training requirements." Given that background checks and training are not mandated under CDPAP regulations, why is this language included in the RFP? Does this refer to exclusion checks rather than background checks	See answer to Questions #35 and #37
66	Background Checks	General	Are background checks deducted from the budget?	See answer to Questions #35 and #37
67	Background Checks	Section 4.1: Required Fiscal Intermediary Services, Bullet e) (Page 5 of RFP)	Can the Department provide clarification on the requirement to complete background checks, which is not in statute nor regulation, and conflicts with consumer direction?	See answer to Questions #35 and #37
68	Background Checks	Section 4.1: Required Fiscal Intermediary Services, Bullet e) (Page 5 of RFP)	What background checks are required for PAs in the CDPAP program?	See answer to Questions #35 and #37
69	Background Checks	Section 4.1: Required Fiscal Intermediary Services, Bullet e) (Page 5 of RFP)	Will the SFI be responsible for employment history verifications going forward?	See answer to Questions #35 and #37
70	Best Practices	Section 4.2: Best Practices (Page 6 of RFP)	Will the consumer have the right to refuse peer mentoring provided by the statewide FI or subcontractor?	Yes.
71	Best Practices	Section 4.2: Best Practices (Page 6 of RFP)	Does a proposal need to include prior examples or experience of the bidder in pursuing these best practices or is it sufficient to describe an intention to use these best practices?	See Section 6.2.F.2 of the RFP.
72	Best Practices	Section 4.2: Best Practices (Page 6 of RFP)	How will these best practices be evaluated by the Department?	The specific components of the Department's evaluation will not shared with the bidding community.
73	Best Practices	Section 4.2: Best Practices (Page 6 of RFP)	What criteria will be used by the Department to evaluate the best practices?	The specific components of the Department's evaluation will not shared with the bidding community.
74	Best Practices	Section 4.2: Best Practices (Page 6 of RFP)	May the subcontractors provide part of the recommended Best Practices on behalf of the Single FI?	Yes.
75	Best Practices	Section 4.2: Best Practices (Page 6 of RFP)	Is there a requirement for the Single FI to provide some, if not all, of the recommended best practices?	No. As stated in Section 4.2 of the RFP, "In carrying out the specific duties described in Section 4.1, bidders may use creative approaches to assist in the delivery of high quality FI services that best meet the needs of consumers. Bidders should identify these approaches in Section 6.2 of the Technical Proposal."
76	Best Practices	Section 4.2: Best Practices (Page 6 of RFP)	Are there examples of best practices that the Department can provide and/or are there specific New York State fiscal intermediaries that have pursued these best practices that the Department can reference?	No. See answer to Question #75
77	Best Practices	Section 4.2: Best Practices (Page 6 of RFP)	Considering the significant operational changes required to implement these best practices, will the Department provide guidance, support, or resources to the SFI and its subcontractors to facilitate compliance?	See answer to Question #75
78	Best Practices	Section 4.2: Best Practices (Page 6 of RFP)	Are there examples of "creative approaches" that the state considers exemplary?	See answer to Question #75
79	Best Practices	Section 4.2: Best Practices (Page 6 of RFP)	Is it a requirement that such entity, as part of its proven record, have pursued the identified best practices?	See answer to Question #75

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80	Best Practices	Section 4.2: Best Practices (Page 6 of RFP)	If FI's role is to perform administrative and financial functions, why are they required to develop and implement "best practices"?	See answer to Question #75
81	Best Practices	Section 4.2: Best Practices (Page 6 of RFP)	Will there be further guidance on implementing the best practices?	See answer to Question #75
82	Best Practices	Section 4.2: Best Practices (Page 6 of RFP)	How does this list of best practices relate to the requirements that one entity per NYS DOH MLTC rate setting have a proven record of delivering services to individuals with disabilities and the senior population?	See answer to Question #75 . Subcontractors may be involved in providing best practice services.
83	Best Practices	Section 4.2: Best Practices (Page 6 of RFP)	How will adherence to the "best practices" list in Section 4.2 be determined? What happens to SFI and subcontractors if they fail to adhere to them?	See answer to Question #75
84	Best Practices	Section 4.2: Best Practices (Page 6 of RFP)	What are the consequences for the SFI and its subcontractors if they fail to comply with the best practices described in Section 4.2, especially in the absence of specific statutory or regulatory backing?	See answer to Question #75
85	Best Practices	Section 4.2: Best Practices (Page 6 of RFP)	Are there any metrics or benchmarks for evaluating the effectiveness of these best practices?	The specific components of the Department's evaluation will not be shared with the bidding community.
86	CDPAP Current Consumers	General	Is it accurate that individuals who require designated representatives, which would be a large chunk of the MLTC population, would no longer be considered eligible for the CDPAP program?	No.
87	CDPAP Current Consumers	General	Approximately how many individuals are receiving both CDPAP services and additional PCA services through agency care?	The Department does not have this information.
88	CDPAP Current Consumers	General	Approximately how many weekly hours are the current members allocated for? If that information is not available, what is the average number of authorized hours a member has available to them per year?	Department projections will not be provided. Bidders should review historic and publicly available information to inform their own assumptions.
89	CDPAP Current Consumers	General	What is the approximate cost of payroll for a given timeframe? Please specify the timeframe. For example, \$100 million every two weeks.	The Department does not have this information.
90	CDPAP Current Consumers	General	Can you provide the number of consumers receiving less than 160 hours per month?	Department projections will not be provided. Bidders should review historic and publicly available information to inform their own assumptions.
91	CDPAP Current Consumers	General	Can you provide the number of consumers receiving more than 480 hours per month?	Department projections will not be provided. Bidders should review historic and publicly available information to inform their own assumptions.
92	CDPAP Current Consumers	General	What is the total number of participants self-directing in each program? What is the total volume of participants?	Department projections will not be provided. Bidders should review historic and publicly available information to inform their own assumptions.
93	CDPAP Current Consumers	General	How many individuals are currently and are projected to be served in this program?	Refer to RFP #20524 Attachment E. Projections will not be provided.
94	CDPAP Current Consumers	General	How many personal assistants are currently providing services through CDPAP?	The Department does not have this information.
95	CDPAP Current Consumers	General	What is the average turnover rate for personal assistants in the CDPAP program?	The Department does not have this information.
96	CDPAP Current Consumers	Section 4.1: Required Fiscal Intermediary Services, Paragraph 1 (Page 5 of RFP)	Recent claims of CDPAP's significant growth have been made without adequate supporting information. Can the Department provide detailed data on CDPAP's enrollment growth over the last 3-5 years, including any corresponding decreases in enrollment for related programs, such as personal care services? Additionally, please include data on the aging population trends during this period to contextualize these changes.	Department projections will not be provided. Bidders should review historic and publicly available information to inform their own assumptions.
97	CDPAP Spend	Section 4.0: Scope of Work (Page 5 of RFP)	What was the total annual state spending for the CDPA program in CY 2023?	The total annual state spending for CDPAS in CY 2023 was approximately \$4.5 Billion
98	CDPAP Spend	Section 4.0: Scope of Work (Page 5 of RFP)	What is the projected annual state spending for the CDPA program for SFY 2025?	Department projections will not be provided. Bidders should review historic and publicly available information to inform their own assumptions.
99	CDPAP Spend	General	What is the total monthly spending for all clients?	The Department cannot answer this question without additional information.

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100	CDPAP Spend	Attachment E: CDPAS Consumers by Region in December 2023 (Page 33 of RFP)	What is the projected growth of consumers for each year of the 5-year contract duration?	Department projections will not be provided. Bidders should review historic and publicly available information to inform their own assumptions.
101	CDPAP Spend	Attachment E: CDPAS Consumers by Region in December 2023 (Page 33 of RFP)	What is the projected growth of personal assistants for each year of the 5-year contract duration?	Department projections will not be provided. Bidders should review historic and publicly available information to inform their own assumptions.
102	CDPAP Spend	Section 4.0: Scope of Work (Page 5 of RFP)	How many personal assistants are currently active in the CDPA program?	Department projections will not be provided. Bidders should review historic and publicly available information to inform their own assumptions.
103	CDPAP Spend	Section 4.1: Required Fiscal Intermediary Services, Bullet a) (Page 5 of RFP)	How many Personal Assistants are there?	Department projections will not be provided. Bidders should review historic and publicly available information to inform their own assumptions.
104	CDPAP Spend	Section 4.1: Required Fiscal Intermediary Services, Bullet c) (Page 5 of RFP)	Regarding worker's compensation, how many PAs were issued W-2s in the CDPAP program for calendar year 2023?	Department projections will not be provided. Bidders should review historic and publicly available information to inform their own assumptions.
105	CDPAP Spend	Attachment E: CDPAS Consumers by Region in December 2023 (Page 33 of RFP)	Please provide the current number of personal assistants by each region.	Department projections will not be provided. Bidders should review historic and publicly available information to inform their own assumptions.
106	CDPAP Spend	General	Can you provide a list of all the current FI vendors providing services to the population in the state?	Department projections will not be provided. Bidders should review historic and publicly available information to inform their own assumptions.
107	CDPAP Spend	General	How many participants is each FI serving?	Department projections will not be provided. Bidders should review historic and publicly available information to inform their own assumptions.
108	CDPAP Spend	General	How many FIs are currently providing, or estimated to provide, FI services to Consumers?	Department projections will not be provided. Bidders should review historic and publicly available information to inform their own assumptions.
109	CDPAP Spend	Section 4.6: Fiscal Monitoring and Oversight Requirements (Page 9 of RFP)	Can the Department provide comprehensive data reflecting the percentage increase in spending on CDPAP over the last 3-5 years, along with the corresponding percentage increase in home care worker minimum wage and wage-related fringe costs for the same period to contextualize these changes?	Bidders should review historic and publicly available information to inform their own assumptions.
110	CDPAP Spend	Section 4.0: Scope of Work (Page 5 of RFP)	What is the total value of the contract for the single FI? What is the total state spending on CDPAP during SFY 2023-24? What is projected spending for SFY 2024-25?	The total contract value will be based upon the awarded bidder's submitted Cost Proposal
111	CDPAP Spend	Section 4.1: Required Fiscal Intermediary Services, Bullet a) (Page 5 of RFP)	What was the total gross payroll for CDPAP for the last 5 calendar years and what is projected for 2024?	This amount is not currently being tracked by the State.
112	Complaints	Section 4.2: Best Practices, Bullet f) (Page 6 of RFP)	Does the "means to report and/or resolve complaints" include complaints by PAs about Consumers, or Consumers about PAs?	The statewide fiscal intermediary should have a means by which to report, refer and/or resolve any type of complaint from consumers and/or personal assistants.
113	Complaints	Section 4.2: Best Practices, Bullet f) (Page 6 of RFP)	If the "means to report and/or resolve complaints" include complaints by PAs about Consumers, or Consumers about PAs, what is the limit to a fiscal intermediary's ability to resolve complaints, as Social Services Law section 365-f(4-a)(a)(iii) prohibits fiscal intermediaries from training, supervising and terminating personal assistants?	See answer to Question #112
114	Complaints	Section 4.2: Best Practices (Page 6 of RFP)	What feedback mechanisms will be in place for consumers and personal assistants to report non-compliance or issues related to the implementation of these best practices, and how will the Department address such feedback?	See answer to Question #112
115	Complaints	Section 4.2: Best Practices (Page 6 of RFP)	Will the consumer be able to submit complaints directly to DOH concerning accessibility, functionality or lack of response to questions/complaints submitted through the email system or website?	Yes.

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Number	Subject	Corresponding RFP Section	Question	Answer
116	Complaints	Section 4.2: Best Practices (Page 6 of RFP)	The RFP states that bidders may use creative approaches to assist in the delivery of high quality FI services. Among the best practices is "Establishing, maintaining, and monitoring an electronic email or an ADA compliant, user-friendly website that provides information to consumers and their identified supports and provide a means to report and/or resolve complaints and answer inquiries." Does this mean that the bidder is not required to have a means for the consumer to report and/or resolve complaints and answer inquiries?	See answer to Question #112.
117	Complaints	Section 4.2: Best Practices (Page 6 of RFP)	The RFP states that bidders may use creative approaches to assist in the delivery of high quality FI services. Among the best practices is "Establishing, maintaining, and monitoring an electronic email or an ADA compliant, user-friendly website that provides information to consumers and their identified supports and provide a means to report and/or resolve complaints and answer inquiries." Does this mean that the bidder may have a mechanism for reports and inquiries that is not monitored as long as it is not identified in the Best Practices?	No, the bidder may not have a mechanism for reports and inquiries that is not monitored.
118	Complaints	Section 4.10: Transition Requirements (Page 11 of RFP)	What process will exist for consumer or personal assistant grievances, complaints, concerns, or other intervention/communication?	See answer to Question #112.
119	Complaints	Section 4.10: Transition Requirements (Page 11 of RFP)	Who will be the arbiter of addressing consumer/personal assistant grievances?	See answer to Question #112.
120	Complaints	Section 8.1: General Information (Pages 25-26 of RFP)	The RFP states that DOH will evaluate each proposal based on the 'Best Value' concept which is further defined as 'optimizes quality, cost and efficiency.' The RFP is silent on consumer rights or due process. How does that factor into the RFP and subsequent award?	See answer to Question #112.
121	Compliance	Section 4.5: Fiscal Intermediary Organizational Requirements (Page 8 of RFP)	Besides the letter of credit, how will the State ensure that the Single FI remains fiscally solvent?	The selected bidder will be responsible for complying with all applicable laws, rules, and regulations, both state and federal and will be subject to the corresponding applicable sanctions and penalties. The selected bidder will be expected to consult with its advisors to determine compliance.
122	Compliance	Section 4.5: Fiscal Intermediary Organizational Requirements, Paragraph 1 (Page 8 of RFP)	How will the Department ensure that the selected Statewide FI maintains financial solvency throughout the contract term?	The selected bidder will be responsible for complying with all applicable laws, rules, and regulations, both state and federal and will be subject to the corresponding applicable sanctions and penalties. The selected bidder will be expected to consult with its advisors to determine compliance.
123	Compliance	Section 4.6: Fiscal Monitoring and Oversight Requirements (Page 9 of RFP)	Will failure to provide quality services result in a monetary penalty to the Statewide FI?	The selected bidder will be responsible for complying with all applicable laws, rules, and regulations, both state and federal and will be subject to the corresponding applicable sanctions and penalties. The selected bidder will be expected to consult with its advisors to determine compliance.
124	Compliance	Section 4.4: Statewide Fiscal Intermediary Compliance Requirements (Pages 7-8 of RFP)	Are there any specific federal or state regulations that are particularly crucial for compliance that we should be aware of beyond what is listed?	The selected bidder will be responsible for complying with all applicable laws, rules, and regulations, both state and federal and will be subject to the corresponding applicable sanctions and penalties. The selected bidder will be expected to consult with its advisors to determine compliance.
125	Compliance	Section 4.4: Statewide Fiscal Intermediary Compliance Requirements (Pages 7-8 of RFP)	Will the statewide Fiscal Intermediary (FI) be considered a provider under NYS Social Services Law (SOS) § 363-d, as outlined in Section 4.4 of the RFP?	Yes
126	Compliance	Section 4.5: Fiscal Intermediary Organizational Requirements (Page 8 of RFP)	Section 4.5 (a) states that the Statewide FI must serve any consumer in a statewide capacity. Will the Statewide FI be able to withdraw FI services for any reason?	No. The determination regarding eligibility lies exclusively with the local social services district or the consumer's Managed Care Plan.
127	Compliance	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet d) (Page 8 of RFP)	How can a Statewide FI remedy perceived conflicts of interest?	The Department and the awarded contractor will work collaboratively to remedy any perceived conflicts of interest.
128	Compliance	Section 4.4: Statewide Fiscal Intermediary Compliance Requirements (Pages 7-8 of RFP)	Given the critical nature of Medicaid provider enrollment, what specific benchmarks and performance indicators will the Department use to assess the readiness and capability of an out-of-state SFI during the enrollment process?	The Department and the awarded contractor will work collaboratively to ensure the readiness for transition to the contracted Statewide Fiscal Intermediary.

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Number	Subject	Corresponding RFP Section	Question	Answer
129	Compliance	Section 4.7: Quality Monitoring and Reporting Requirements (Page 9 of RFP)	Will a corrective action plan be implemented if the Statewide FI does not meet quality and effectiveness standards?	This question is not relevant to the development of a proposal under this RFP. Reporting and compliance standards will be determined between the Department and the Statewide Fiscal Intermediary at the time of contract execution.
130	Compliance	Section 4.6: Fiscal Monitoring and Oversight Requirements (Page 9 of RFP)	How will corporate compliance issues be managed under the subcontracting relationship?	The contracted Statewide Fiscal intermediary is responsible for the performance of its subcontractors.
131	Compliance	Section 4.4: Statewide Fiscal Intermediary Compliance Requirements (Pages 7-8 of RFP) and Section 4.6: Fiscal Monitoring and Oversight Requirements (Page 9 of RFP)	What are the Department's expectations for fiscal oversight and investigation of issues related to fiscal integrity?	See answer to Question #130.
132	Compliance	Section 4.4: Statewide Fiscal Intermediary Compliance Requirements (Pages 7-8 of RFP) and Section 4.6: Fiscal Monitoring and Oversight Requirements (Page 9 of RFP)	How will the Department verify the compliance history and operational integrity of an out-of-state SFI applying for Medicaid enrollment, and what additional oversight measures will be put in place during the initial transition period?	The specific components of the Department's evaluation will not be shared with the bidding community.
133	Compliance	Section 4.5: Fiscal Intermediary Organizational Requirements (Page 8 of RFP)	The proposal to consolidate all operations under a single or regional fiscal intermediary raises significant concerns about conflicts of interest. How does the Department plan to address and mitigate these concerns to ensure fair and unbiased service delivery?	The specific components of the Department's evaluation will not be shared with the bidding community.
134	Compliance	Section 4.7: Quality Monitoring and Reporting Requirements (Page 9 of RFP)	Because Consumer Directed Personal Assistance Services have been one of the only effective ways to get community-based Long Term Services and Supports and the Disability Community has expressed concerns that establishing a Statewide FI will restrict access to those services, what standards will be established to ensure that Disabled individuals are able to receive services in the Most Integrated Setting?	See answer to Question #130.
135	Conflict of Interest	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet d) (Page 8 of RFP)	Is ownership or control by an LHCSA a conflict of interest that will preclude an award?	See RFP Section 6.2.C. and Attachment 4.
136	Conflict of Interest	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet d) (Page 8 of RFP)	Is ownership or control by an MCO a conflict of interest that will preclude an award?	See RFP Section 6.2.C. and Attachment 4.
137	Conflict of Interest	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet d) (Page 8 of RFP)	Is ownership or control of an LHCSA a conflict of interest that will preclude an award?	See RFP Section 6.2.C. and Attachment 4.
138	Conflict of Interest	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet d) (Page 8 of RFP)	Is ownership or control of an MCO a conflict of interest that will preclude an award?	See RFP Section 6.2.C. and Attachment 4.
139	Conflict of Interest	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet d) (Page 8 of RFP)	What criteria will the Department use to determine ownership?	See RFP Section 6.2.C. and Attachment 4.
140	Conflict of Interest	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet d) (Page 8 of RFP)	What criteria will the Department use to determine control?	See RFP Section 6.2.C. and Attachment 4.
141	Conflict of Interest	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet d) (Page 8 of RFP)	What criteria will the Department use to determine "controlling interest"?	See RFP Section 6.2.C. and Attachment 4.

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Number	Subject	Corresponding RFP Section	Question	Answer
142	Conflict of Interest	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet d) (Page 8 of RFP)	Is there a difference between "control" and "controlling interest"?	No.
143	Conflict of Interest	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet d) (Page 8 of RFP)	The RFP speaks to perceived/actual conflict between the single FI and a LHCSA and/or MCO in NYS. The conflict assurance does not mention that perceived conflict, specifically. Is the LHCSA/MCO relationship a conflict that will be considered exclusionary for the purposes of the bid submission?	See RFP Section 6.2.C. and Attachment 4.
144	Conflict of Interest	Section 4.4: Statewide Fiscal Intermediary Compliance Requirements (Pages 7-8 of RFP)	How does the Department intend to address potential conflicts of interest and ensure compliance with both state and federal regulations when a single FI is expected to manage such a broad and diverse consumer base across the entire state?	The Department and the awarded contractor will work collaboratively to remedy any perceived conflicts of interest.
145	Conflict of Interest	Section 4.5: Fiscal Intermediary Organizational Requirements (Page 8 of RFP)	What specific steps should a bidder take to avoid perceived conflicts of interest, particularly if they have relationships with LHCSAs or MCOs?	The Department will review all information for alleviating perceived or actual conflicts of interest as outlined in a bidder's technical narrative.
146	Conflict of Interest	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet d) (Page 8 of RFP)	Section 4.5 (d) references a conflict of interest with entities owned by a LHCSA or MCO. Does this conflict of interest apply to subcontractors?	Yes.
147	Conflict of Interest	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet d) (Page 8 of RFP)	Do subcontractors to the prime bidder also need to meet the conflict provision (where they cannot be both an FI and an LHCSA)?	Yes.
148	Conflict of Interest	Section 5.7: Subcontracting (Pages 15-16 of RFP)	How will the Department ensure that subcontractors meet the necessary standards and avoid potential conflicts of interest?	See RFP Section 6.2.C. and Attachment 4.
149	Conflict of Interest	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet d) (Page 8 of RFP)	RFP Section 4.5 Paragraph D: "Ensure the avoidance of actual or perceived conflicts of interest while operating as the Statewide FI (see Section 6.2.C and Attachment 4). Actual or perceived conflicts may include but are not limited to: • An entity that is owned or controlled by a Licensed Home Care Services Agency (LHCSA) or a Managed Care Organization (MCO) in New York State or that owns or holds the controlling interest in a LHCSA or MCO in New York State;" What are examples of actual or perceived conflicts of interest in regards to LHCSA if the LHCSA has adequate firewalls (as stated in previous NYS workgroups and documents) including separate Staff, Payroll Department, EMR systems, etc.	See RFP Section 6.2.C. and Attachment 4. It is the responsibility of each bidder to fully disclose any actual or perceived conflicts of interest and to explain to the Department how it has or proposes to cure any actual or perceived conflicts of interest.
150	Conflict of Interest	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet d) (Page 8 of RFP)	To what extent will DOH require bidders to specify their relationship with: (a) related companies that hold contracts with NY state government or (b) the connections of sub-contractors (unfortunately left unspecified in this RFP) to LHCA and MCOs?	See RFP Section 6.2.C. and Attachment 4.
151	Conflict of Interest	Section 4.5: Fiscal Intermediary Organizational Requirements (Page 8 of RFP)	What does it mean to avoid actual or perceived conflicts of interest while operating as the Statewide FI, and that actual or perceived conflicts of interest may include but not are not limited to, an entity that is owned or controlled by a LHCSA or an MCO or that owns or holds the controlling interest in a LHCSA or MCO? Does this mean that an RFP bidder cannot be owned or controlled by, or have a controlling interest in a LHCSA (e.g., operate a LHCSA)? Is this an absolute bar? RFP Section 4.5(d) I, states, "Actual or perceived conflicts may include" Emphasis added. If it isn't an absolute bar but may constitute a conflict of interest, what criteria will be used to determine if it is a conflict of interest and what is the legal basis for that criteria? If it is an absolute bar, what is the legal basis for such a conclusion?	See RFP Section 6.2.C. and Attachment 4.
152	Conflict of Interest	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet d) (Page 8 of RFP)	The RFP contains the following language: "Actual or perceived conflicts may include but are not limited to an entity that is owned or controlled by a Licensed Home Care Services Agency (LHCSA) or a Managed Care Organization (MCO) in New York State or that owns or holds the controlling interest in a LHCSA or MCO in New York State." Will the Department provide language defining what a "perceived conflict" includes and indicating whose perception is authoritative in asserting conflict?	See RFP Section 6.2.C. and Attachment 4.

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153	Conflict of Interest	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet d) (Page 8 of RFP)	Can you clarify what constitutes an actual or perceived conflict of interest, especially regarding affiliations with LHCSAs or MCOs?	See RFP Section 6.2.C. and Attachment 4.
154	Conflict of Interest	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet d) (Page 8 of RFP)	This language was not included in the law. What was the Department's reasoning for adding it to the RFP?	The Department included this language to provide an example of an actual or perceived conflict that could arise in this context.
155	Conflict of Interest	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet d) (Page 8 of RFP)	Why does the Department now consider it a conflict for LHCSAs to provide FI services after decades of successful service provision? Should this standard then apply to all health service agencies that offer multiple services under one roof?	See answers to Questions #153 and #154. This question is not relevant to the development of a proposal under this RFP.
156	Conflict of Interest	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet d) (Page 8 of RFP)	Sections 4.5d and 6.2C refer to the avoidance of "actual or perceived conflicts of interest." Similarly, Attachment 4, para. 2, refers to "any conflict of interest, or perception thereof." As an LHCSA, if we are awarded the fiscal intermediary contract, we can take measures to ensure that there will be no actual or potential conflict of interest. However, the terms "perceived" and "perception" are vague and ambiguous, without any explanation of how they will be applied, e.g., perceived by whom; perceived for a valid reason?; perceived before consideration of mitigation?; perceived despite demonstrably no actual conflict? To avoid the possibility of an unfair and arbitrary result, we request that the terms "perceived" and "perception" be replaced by the term "potential." See, in this regard, the concluding sentence of Attachment 4.	The bidder will be expected to consult with its counsel and advisors.
157	Conflict of Interest	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet d) (Page 8 of RFP)	Section 4.5d) states that an actual or perceived conflict may include: "An entity that is owned or controlled by a Licensed Home Care Services Agency (LHCSA) or a Managed Care Organization (MCO) in New York State or that owns or holds the controlling interest in a LHCSA or MCO in New York State;" Please confirm that DOH will consider a mitigation approach that will eliminate any conflicts between the provisions of LHCSA and fiscal intermediary services.	See RFP Section 6.2.C. and Attachment 4.
158	Conflict of Interest	Section 4.5: Fiscal Intermediary Organizational Requirements (Page 8 of RFP)	Section 4.5 (d) of the RFP contains the following language: "Actual or perceived conflicts may include but are not limited to an entity that is owned or controlled by a Licensed Home Care Services Agency (LHCSA) or a Managed Care Organization (MCO) in New York State or that owns or holds the controlling interest in a LHCSA or MCO in New York State." Will the Department provide language defining what a "perceived conflict" includes and indicating whose perception is authoritative in asserting conflict?	A LHCSA licensed by the NYS Department of Health is not an eligible bidder. A managed care organization contracted to do business in NYS is not an eligible bidder.
159	Conflict of Interest	Section 4.5: Fiscal Intermediary Organizational Requirements (Page 8 of RFP)	Section 4.5 (d) What constitutes a "perceived conflict"? Who determines this? Is a Licensed Home Care Services Agency (LHCSA) considered an actual or perceived conflict of interest? Would this disqualify LHCSA organizations from winning the bid? Additionally, does this apply to entities named as subcontractors?	See answer to Question #154.
160	Conflict of Interest	Section 5.13: Vendor Assurance of No Conflict of Interest or Detrimental Effect (Page 17 of RFP)	Under 42 CFR Part 438, which outlines requirements for managed care organizations, and 42 CFR Part 441, which addresses requirements for home and community-based services, including conflict of interest standards for care managers and service coordinators, does the conflict of interest only pertain to a Licensed Home Care Services Agency (LHCSA) providing service coordination services under a 1915(c) waiver, as mentioned in Section 5.13 of the RFP?	No. See RFP Section 4.5.d).
161	Conflict of Interest	Section 6.2.C: Vendor Assurance of No Conflict of Interest or Detrimental Effect (Pages 20-21)	If an applicant owns or holds a controlling interest in a NYS LHCSA or MCO, please describe appropriate firewalls that could be implemented to address, mitigate or eliminate a perceived conflict of interest.	See RFP Section 6.2.C. and Attachment 4.
162	Conflict of Interest	Section 6.2.C: Vendor Assurance of No Conflict of Interest or Detrimental Effect (Pages 20-21)	If a bidder is a LHSCA, or related to a LHSCA per section 4.5(d) above, must the bidder disclose that even though there is no actual conflict, and the bidder perceives no conflict, and the RFP does not state that such relationship is a conflict?	Yes, the bidder must disclose all possible conflicts of interest in their proposal.
163	Consumer responsibilities	Section 4.1: Required Fiscal Intermediary Services, Bullet g) (Page 5 of RFP)	What happens if the consumer disagrees with the fiscal intermediary's determination?	Determination of service level is made by the consumer's Local Department of Social Services or managed care plan. Any disagreements would be brought to their attention, not the Statewide Fiscal Intermediary.

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Number	Subject	Corresponding RFP Section	Question	Answer
164	Consumer responsibilities	Section 4.1: Required Fiscal Intermediary Services, Bullet g) (Page 5 of RFP)	What happens if the authorizing entity disagrees with the fiscal intermediary's determination?	See answer to Question #163
165	Consumer Responsibilities	Section 4.1: Required Fiscal Intermediary Services, Bullet a) (Page 5 of RFP)	Is the consumer responsible for timely approving and attesting the accuracy of personal assistant time records	Yes. RFP Section 4.1 states: "Fiscal Intermediaries are not responsible for, and fiscal intermediary services shall not include fulfillment of the responsibilities of the consumer. Responsibilities of the consumer (or designated representative) include: d) Timely approving and attesting to the accuracy of PA time records and transmitting such information to the FI according to the FIs procedures;"
166	Consumer responsibilities	Section 4.1: Required Fiscal Intermediary Services (Page 5 of RFP)	Will the State FI be able to terminate PAs in cases of serious harm to the consumer or program, for example, if the PA is determined to have harmed or neglected a consumer or has committed Medicaid fraud?	Refer to RFP #20524 Section 4.1.g. on Page 6.
167	Consumer responsibilities	Section 4.3: Fiscal Intermediary Employment Related Responsibilities and Joint Employment Requirements, Bullet i) (Pages 6-7 of RFP)	Are Consumers required to maintain records?	The Department will work with the contracted Statewide Fiscal Intermediary to develop a consumer memorandum of understanding that will outline the consumer responsibilities which may include maintaining records.
168	Consumer responsibilities	Section 4.3: Fiscal Intermediary Employment Related Responsibilities and Joint Employment Requirements, Bullet i) (Pages 6-7 of RFP)	If Consumers are required to maintain records, must Consumers maintain records for six years?	See answer to Question #167
169	Consumer Responsibilities	Section 4.1: Required Fiscal Intermediary Services, Bullet e) (Page 5 of RFP)	If the consumer is currently the employer of record, can they continue to hold this status after the procurement award?	See Attachment B of the RFP.
170	Consumer responsibilities	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet a) (Page 8 of RFP)	Will the selected FI be expected to serve an otherwise eligible consumer that cannot, does not, or refuses to comply with program requirements?	Refer to RFP #20524 Section 4.1.g.
171	Consumer responsibilities	Section 4.1: Required Fiscal Intermediary Services, Bullet g) (Page 5 of RFP)	What activities are required to monitor the consumer's (or if applicable, the consumer's designated representative's) continuing ability to fulfill the consumer's responsibilities under CDPAP?	Refer to RFP #20524 Section 4.1.g.
172	Consumer responsibilities	Section 4.1: Required Fiscal Intermediary Services, Bullet i) (Page 5 of RFP)	Is there a "Department approved memoranda of understanding with Consumers"? Will a copy be provided to prospective bidders?	No, there is not currently a Department approved memorandum of understanding for fiscal intermediaries and consumers.
173	Consumer responsibilities	Section 4.1: Required Fiscal Intermediary Services (Page 5 of RFP)	RFP Section 4:1 Page 6 top: Paragraphs: Fiscal Intermediaries are not responsible for, and fiscal intermediary services shall not include fulfillment of the responsibilities of the consumer. Responsibilities of the consumer (or designated representative) include: a) Managing their own plan of care including recruiting and hiring PAs; b) Training, scheduling and supervising PAs including arranging and scheduling substitute coverage when a PA is temporarily unavailable for any reason; c) Assuring PAs competently and safely perform the required services; d) Timely approving and attesting to the accuracy of PA time records and transmitting such information to the FI according to the FIs procedures; e) Timely notifying the FI of changes in employment status of any PA; f) Timely distributing PAs' employment checks, if physical check distribution by the Consumer to the PA is the means of payment the Consumer and PA agree upon; and g) Terminating PAs". The RFP as well as 18 NYCRR § 505.28 does not provide clarification as to the process the Statewide FI is to follow should a Designated Representative suddenly not be able to fulfill their responsibilities (those of the consumer) suddenly such as if the Designated Representative were to be hospitalized, go on vacation, or expire. Please clarify what process the FI should follow. Is there any regulation/policy stating that a Designated Representative needs to live in New York State?	A designated representative must be able to fulfill all responsibilities as outlined in 18 NYCRR 505.28 including being in attendance at all required assessments with the consumer.

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174	Consumer responsibilities	Section 4.1: Required Fiscal Intermediary Services (Page 5 of RFP)	9. Section 4.1 Required Fiscal Intermediary Services, states: "Fiscal Intermediaries are not responsible for, and fiscal intermediary services shall not include fulfillment of the responsibilities of the consumer. Responsibilities of the consumer (or designated representative) include:... f) Timely distributing PA's employment checks, if physical check distribution by the Consumer to the PA is the means of payment the Consumer and PA agree upon;" While Section 4.3 4.3 Fiscal Intermediary Employment Related Responsibilities and Joint Employment Requirements, states: "In the delivery of the services described in Section 4.1, the Awarded Statewide FI, on its behalf and on behalf of the consumers it serves, is responsible for: a) Ensuring full and timely payment of wages established by the awarded Statewide FI, per applicable labor laws, preferably by direct deposit, and providing all statements and maintaining all records required by the New York State Labor Law..." This seems contradictory. Please explain how both requirements are able to be met?	If a paper check is requested, the Statewide Fiscal Intermediary should work with the consumer to ensure it is paid and able to be distributed in a timely manner.
175	Consumer responsibilities	Section 4.3: Fiscal Intermediary Employment Related Responsibilities and Joint Employment Requirements (Pages 6-7 of RFP)	What liability does the Statewide FI or their subcontractors bear for the timely payment of wages if the consumer is distributing paychecks? What happens if the consumer fails to fulfill this responsibility?	See answer to Question #174
176	Consumer responsibilities	Section 4.1: Required Fiscal Intermediary Services, Bullet g) (Page 5 of RFP)	Monitoring the consumer's (or if applicable, the consumer's designated representative's) continuing ability to fulfill the consumer's responsibilities under CDPAP and promptly notifying the authorizing entity (i.e., the LDSS or MCO) of any circumstance that may affect the consumer's (or if applicable, the consumer's designated representative's) ability to fulfill those responsibilities; County requirements for FI services varies such as requiring in-home consumer visits at least every 90 days in Monroe County to other counties simply stating "monitoring." Please provide clarification as to the action the FI must take to monitor the consumers, or if applicable, the consumer's designated representative's continuing ability to fulfill consumer responsibilities. Also, what is the documentation requirement of the FI to substantiate that they are monitoring?	A memorandum of understanding will include the fiscal intermediary, consumer and designated representative responsibilities and the ramifications if these responsibilities are not adhered to.
177	Consumer responsibilities	Section 4.1: Required Fiscal Intermediary Services, Bullet g) (Page 5 of RFP)	What criteria or factors will be considered in the "monitoring" of consumer's ability to self direct?	Refer to RFP #20524 Section 4.1.g.
178	Consumer responsibilities	Section 4.1: Required Fiscal Intermediary Services (Page 5 of RFP)	What, if any, role does the fiscal intermediary have in protecting against fraud, waste, and abuse in the Medicaid program, including fraud, waste, and abuse by the consumer and/or PA? Since such role is not elucidated in the responsibilities of the fiscal intermediary, how does it take steps to protect against fraud, waste, and abuse without impinging on the responsibilities and roles of the consumer?	Refer to RFP #20524 Section 4.1.g. This would include referring any suspicions of fraud to the appropriate entities.
179	Consumer responsibilities	Section 4.1: Required Fiscal Intermediary Services, Bullet g) (Page 5 of RFP)	How will the consumer be notified that they are being monitored?	A memorandum of understanding will include the fiscal intermediary, consumer and designated representative responsibilities and the ramifications if these responsibilities are not adhered to.
180	Consumer responsibilities	Section 4.1: Required Fiscal Intermediary Services, Bullet g) (Page 5 of RFP)	What are the procedures of the monitoring?	Refer to RFP #20524 Section 4.1.g.
181	Consumer responsibilities	Section 4.1: Required Fiscal Intermediary Services, Bullet i) (Page 5 of RFP)	What will be included in the memorandum of understanding with the consumer?	A memorandum of understanding will include the fiscal intermediary, consumer and designated representative responsibilities and the ramifications if these responsibilities are not adhered to.
182	Consumer responsibilities	Section 4.1: Required Fiscal Intermediary Services, Bullet i) (Page 5 of RFP)	Does the consumer have any opportunity to amend or propose new terms to the agreement?	No.

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Number	Subject	Corresponding RFP Section	Question	Answer
183	Consumer responsibilities	Section 4.1: Required Fiscal Intermediary Services (Page 5 of RFP)	What specific support will be provided by the Department to ensure consumers understand and fulfill their responsibilities under the Consumer Directed Personal Assistance Program (CDPAP), as outlined in Section 4.1 of the RFP?	The Statewide Fiscal Intermediary and the consumer's LDSS or managed care plan would be responsible for ensuring consumers understand and fulfill their responsibilities under CDPAP.
184	Consumer responsibilities	Section 4.3: Fiscal Intermediary Employment Related Responsibilities and Joint Employment Requirements, Bullet a) (Pages 6-7 of RFP)	Can an FI, the consumer and the PA enter into a unique agreement that serves the consumer and PA's best interests? Will there be flexibility to serve the needs of individual consumers?	A memorandum of understanding will include the fiscal intermediary, consumer and designated representative responsibilities and the ramifications if these responsibilities are not adhered to.
185	Consumer responsibilities	Section 4.5: Fiscal Intermediary Organizational Requirements (Page 8 of RFP)	What obligation does the Statewide FI or any subcontractor have to maintain a consumer on their caseload if the consumer is not able to manage their services? Particularly in light of the refusal of traditional home care agencies to open new cases, how will the state ensure the consumer's ability to continue living in the Most Integrated Setting as required by the Olmstead decision if they cannot continue to get services through the Statewide FI?	Refer to RFP #20524 Section 4.1.g.
186	Consumer Responsibilities	General	Do the members under the CDPAP have any choice in who they want to receive services from? Or is that all delegated under the single FI?	Consumers enrolled in CDPAP will still be able, and are required to, interview, hire, schedule and terminate their personal assistants.
187	Contracting	General	Is the SFI subject to requirements under 18 NYCRR 504.9 as a Service Bureau?	The Statewide Fiscal Intermediary is required to enroll as a New York State Medicaid provider.
188	Contracting	Section 1.0: Calendar of Events (Page 3 of RFP)	If a Consumer requests a Fair Hearing, will the selected FI be responsible for responding to that Fair Hearing request?	This question is not relevant to the development of a proposal under this RFP.
189	Contracting	Section 2.3: Term of the Agreement and Termination Provisions (Page 4 of RFP)	The RFP states that the contract may be terminated on 30-days written notice by the Department of Health if it is found that the FI has failed to comply with the provision of law or regulations. If the Statewide FI enters into a settlement agreement where it does not accept guilt, would the Department of Health be able to terminate the contract under these provisions?	The Department will examine any termination scenarios under the contract if and when they may arise on a case by case basis.
190	Contracting	Section 2.3: Term of the Agreement and Termination Provisions (Page 4 of RFP)	The RFP states that the contract may be terminated on 30-days written notice by the Department of Health if it is found that the FI has failed to comply with the provision of law or regulations. If the Statewide FI is found guilty of violating laws or regulations in another state in which it operates, would the Department of Health be able to terminate the contract under these provisions?	The Department will examine any termination scenarios under the contract if and when they may arise on a case by case basis.
191	Contracting	Section 2.3: Term of the Agreement and Termination Provisions (Page 4 of RFP)	The RFP states that the contract may be terminated on 30-days written notice by the Department of Health if it is found that the Statewide FI has failed to comply with provisions of laws and regulations. If the Statewide FI enters into a settlement agreement where it accepts penalties but does not accept guilt in another state in which it operates, would the Department of Health be able to terminate the contract under these provisions?	See answer to Question #190
192	Contracting	Section 2.3: Term of the Agreement and Termination Provisions (Page 4 of RFP)	The RFP states that the contract may be terminated on 30-days written notice by the Department of Health if it is found that the FI has failed to comply with the provision of law or regulations. Must the Statewide FI be found guilty of violating law or regulations to have its contract terminated in this manner?	See answer to Question #190
193	Contracting	Section 2.3: Term of the Agreement and Termination Provisions (Page 4 of RFP)	The RFP states that the contract may be terminated on 30 days written notice by the Department of Health if it is found that the Statewide FI has failed to comply with provisions of laws and regulations. Does the Statewide FI maintain Article 78 appeal rights in such a scenario?	Yes

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194	Contracting	Section 2.3: Term of the Agreement and Termination Provisions (Page 4 of RFP)	The RFP states that the contract may be terminated immediately upon written notice if the Department of Health determines that "the public health or safety would be imminently endangered by the continued operation or actions of the FI..." If the Statewide FIs contract is terminated under this clause, does it maintain Article 78 appeal rights?	Yes
195	Contracting	Section 3.1: Minimum Qualifications, Bullet a) (Page 4 of RFP)	Considering the distinct nature of New York State's regulatory environment and consumer-directed personal assistance program, what specific training or adaptation plans must an out-of-state SFI implement to meet New York's statutory and regulatory standards?	See section 4.1 of the RFP. It is incumbent upon the Bidder to explain to the Department how it plans to meet its obligations under the contract.
196	Contracting	Section 3.1: Minimum Qualifications, Bullet a) (Page 4 of RFP)	Given the critical role of fiscal intermediary services in facilitating consumers' roles as employers, how will the Department ensure that an out-of-state SFI has the requisite knowledge and capability to uphold New York State's high standards for consumer support and compliance, particularly in terms of legal and regulatory adherence?	See answer to Question #195
197	Contracting	Attachment 8: DOH Agreement, Appendix A, Clause P	While this RFP is not directly seeking a proposal for "Technology," this RFP may result in the purchase of technology to meet the requirements of EVV and/or cybersecurity. Would this provision apply in these instances?	Yes.
198	Contracting	Section 3.1: Minimum Qualifications, Bullet a) (Page 4 of RFP)	Will bidders need to be pre-qualified in the State Financial System (SFS) prior to submitting a proposal?	Yes.
199	Contracting	Section 2.2: Other Important NYS Contracting Information for Bidders (Pages 3-4 of RFP)	Can the Statewide FI renegotiate it's contract with DOH if changes are required during the contract period?	Any such changes would require the Department's approval and would require a formal amendment to the existing contract.
200	Contracting	General	Is this an annual contract that must be renewed?	No, the resulting contract is anticipated to be for a 5-year term. See Section 2.3 of the RFP.
201	Contracting	General	The terminology of the procurement contract is specific to New York state and providing within those parameters. Does this mean that services cannot extend into northern metropolitan areas such as Bergen and Hudson County or essentially what would be considered the suburbs of NYC?	Only New York State counties are covered by this procurement and resulting contract.
202	Contracting	Section 2.3: Term of the Agreement and Termination Provisions (Page 4 of RFP)	Could you elaborate on the specific conditions under which the Department may terminate the contract as mentioned in Section 2.3?	See Section 2.3 of the RFP and Attachment 8, New York State Department of Health Contract, Section III.
203	Contracting	Section 2.3: Term of the Agreement and Termination Provisions (Page 4 of RFP)	Under what specific circumstances can the agreement be terminated before the end of the five-year term?	See Section 2.3 of the RFP and Attachment 8, New York State Department of Health Contract, Section III.
204	Contracting	Section 2.3: Term of the Agreement and Termination Provisions (Page 4 of RFP)	The RFP states that "The awarded Statewide FI must be able to provide these services throughout the five-year contract term." What services specifically fall under "these services"?	See Section 4.0 of the RFP.
205	Contracting	General	Will the state take the responsibility to write and maintain both Consumer and Worker agreements?	The contracted statewide fiscal intermediary will be responsible for executing and maintaining consumer agreements. Such agreements will be either written or approved by the Department of Health.
206	Contracting	Section 2.2: Other Important NYS Contracting Information for Bidders (Pages 3-4 of RFP)	Will the Statewide FI reserve the right to renegotiate this contract with the Department if it is determined that administrative changes are required to protect the stability of the program?	The Department reserves the right to negotiate terms of the contract that are non-material in nature with the contract awardee, within the scope of the RFP and in the best interests of New York State. Nonetheless, bidders must be fully prepared to accept all of the terms and conditions set forth in the RFP, without modification, should the Department determine that that constitutes the best interests of New York State.
207	Contracting	Attachment 8: DOH Agreement, NYSDOH Contract, Section III.G	May we add terms governing transition to a new vendor in case of termination?	The Department reserves the right to negotiate terms of the contract that are non-material in nature with the contract awardee, within the scope of the RFP and in the best interests of New York State. Nonetheless, bidders must be fully prepared to accept all of the terms and conditions set forth in the RFP, without modification, should the Department determine that that constitutes the best interests of New York State.

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208	Contracting	Attachment 8: DOH Agreement, NYSDOH Contract, Section IV	In lieu of the ELANY Affidavit, bidder requests to remove the requirement that the carrier be admitted by the New York State Department of Financial Services, as reflected in Attachment 8, Section IV., Subsection A.	The Department reserves the right to negotiate terms of the contract that are non-material in nature with the contract awardee, within the scope of the RFP and in the best interests of New York State. Nonetheless, bidders must be fully prepared to accept all of the terms and conditions set forth in the RFP, without modification, should the Department determine that that constitutes the best interests of New York State.
209	Contracting	Attachment 8: DOH Agreement, NYSDOH Contract, Section IV	Bidder requests that all policies be permitted to be written on a claims-made basis.	The Department reserves the right to negotiate terms of the contract that are non-material in nature with the contract awardee, within the scope of the RFP and in the best interests of New York State. Nonetheless, bidders must be fully prepared to accept all of the terms and conditions set forth in the RFP, without modification, should the Department determine that that constitutes the best interests of New York State.
210	Contracting	Attachment 8: DOH Agreement, NYSDOH Contract, Section IV	With respect to Attachment 8, Section IV., Subsection B.3. bidder requests that the language be updated to reflect that the broker will “endeavor” to provide notice of cancellation, material change or non-renewal with at least 30 days’ notice. In addition, full copies of insurance policies are confidential and proprietary. Bidder requests that language be added to this section to note that copies of insurance policies will be provided, “so long as procedures are in place to ensure confidentiality.” Moreover, Attachment 8, Section IV., Subsection B.3.b requires certificates of insurance to list any exclusions. Bidder requests to remove this requirement as insurance policies carry many exclusions, such that it would be impractical to list them all.	The Department reserves the right to negotiate terms of the contract that are non-material in nature with the contract awardee, within the scope of the RFP and in the best interests of New York State. Nonetheless, bidders must be fully prepared to accept all of the terms and conditions set forth in the RFP, without modification, should the Department determine that that constitutes the best interests of New York State.
211	Contracting	Attachment 8: DOH Agreement, NYSDOH Contract, Section IV	With respect to Attachment 8, Section IV., Subsection B.4, bidder requests to remove the reference to “protective liability” as it is not applicable or defined.	The Department reserves the right to negotiate terms of the contract that are non-material in nature with the contract awardee, within the scope of the RFP and in the best interests of New York State. Nonetheless, bidders must be fully prepared to accept all of the terms and conditions set forth in the RFP, without modification, should the Department determine that that constitutes the best interests of New York State.
212	Contracting	Attachment 8: DOH Agreement, NYSDOH Contract, Section IV	Bidder requests removal of reference to and requirements for ISO forms. Many policies are not prepared on ISO forms to fit the unique needs of the entity seeking insurance. The specific coverage requested can be obtained on non-ISO forms, and, therefore, ISO forms are unnecessary and unduly restrictive. Accordingly, bidder requests removal of any requirement to have a specific ISO policy. For example, reference to ISO policies can be seen in Attachment 8, Section IV., Subsections B.4. and C.3.	The Department reserves the right to negotiate terms of the contract that are non-material in nature with the contract awardee, within the scope of the RFP and in the best interests of New York State. Nonetheless, bidders must be fully prepared to accept all of the terms and conditions set forth in the RFP, without modification, should the Department determine that that constitutes the best interests of New York State.
213	Contracting	Attachment 8: DOH Agreement, NYSDOH Contract, Section IV	With respect to coverage for independent contractors and subcontractors (see Attachment 8, Section IV., Subsection 3.C.b., for example), bidder requests the ability to require that those subcontractors and independent contractors secure their own insurance.	The Department reserves the right to negotiate terms of the contract that are non-material in nature with the contract awardee, within the scope of the RFP and in the best interests of New York State. Nonetheless, bidders must be fully prepared to accept all of the terms and conditions set forth in the RFP, without modification, should the Department determine that that constitutes the best interests of New York State.
214	Contracting	Attachment 8: DOH Agreement, NYSDOH Contract, Section IV	With respect to Attachment 8, Section IV., Subsection C.3., if a policy is not written on an ISO form, it may not define terms such as contractual liability or cross liability. Can DOH provide definitions so that bidder can ensure the correct insurance is in place.	The Department reserves the right to negotiate terms of the contract that are non-material in nature with the contract awardee, within the scope of the RFP and in the best interests of New York State. Nonetheless, bidders must be fully prepared to accept all of the terms and conditions set forth in the RFP, without modification, should the Department determine that that constitutes the best interests of New York State.
215	Contracting	Attachment 8: DOH Agreement, NYSDOH Contract, Section IV	Bidder requests to remove from Attachment 8, Section IV., Subsection C.3.h. the following language: “CONTRACTOR means and methods”. This coverage is inapplicable to the services.	The Department reserves the right to negotiate terms of the contract that are non-material in nature with the contract awardee, within the scope of the RFP and in the best interests of New York State. Nonetheless, bidders must be fully prepared to accept all of the terms and conditions set forth in the RFP, without modification, should the Department determine that that constitutes the best interests of New York State.
216	Contracting	Attachment 8: DOH Agreement, Appendix M	With respect to Attachment 8, Appendix M, including Sections I.C. and VL, can DOH delete any reference to liquidated damages and any option for DOH to impose liquidated damages?	The Department reserves the right to negotiate terms of the contract that are non-material in nature with the contract awardee, within the scope of the RFP and in the best interests of New York State. Nonetheless, bidders must be fully prepared to accept all of the terms and conditions set forth in the RFP, without modification, should the Department determine that that constitutes the best interests of New York State.

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217	Contracting	Section 2.3: Term of the Agreement and Termination Provisions (Page 4 of RFP)	How long would the contract renewal term be?	There is no reference to a contract renewal within this RFP.
218	Contracting	Section 3.1: Minimum Qualifications, Bullet a) (Page 4 of RFP)	Will bidders need to be pre-qualified in State Financial System (SFS) before submitting applications?	Yes.
219	Contracting	Section 3.1: Minimum Qualifications, Bullet a) (Page 4 of RFP)	For potential Statewide FIs with separate ownership, are there specific thresholds that must be disclosed?	Section 3.1, Minimum Qualifications, of the RFP, outlines the required qualifications to bid.
220	Contracting	Section 3.1: Minimum Qualifications, Bullet a) (Page 4 of RFP)	Are there specific thresholds of investor ownership of Statewide FI applicants that must be disclosed?	Section 3.1, Minimum Qualifications, of the RFP, outlines the required qualifications to bid.
221	Contracting	Section 4.0: Scope of Work (Page 5 of RFP) and Section 4.1: Required Fiscal Intermediary Services (Page 5 of RFP)	Can you provide more detail on the specific deliverables expected for the fiscal intermediary services under Section 4.0	No. The RFP outlines the responsibilities of the contractor.
222	Contracting	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet a) (Page 8 of RFP)	Please elaborate on the process for how the awarded single statewide FI enrolls as a CDPAP-FI enrolled Medicaid provider in NYS.	Information regarding Medicaid provider enrollment in NYS can be found here: https://www.emedny.org/info/ProviderEnrollment/enrollguide.aspx#web=step1&webtab=tabstep1
223	Contracting	Attachment 8: DOH Agreement, NYSDOH Contract, Section IV	With respect to the requirements to obtain an endorsement adding the State of New York as an additional insured (see Attachment 8, Section IV., Subsection 3.C), please confirm that a blanket endorsement will be sufficient whereby bidder is permitted to name as an additional insured any party where required by written agreement.	The Department reserves the right to negotiate terms of the contract that are non-material in nature with the contract awardee, within the scope of the RFP and in the best interests of New York State. Nonetheless, bidders must be fully prepared to accept all of the terms and conditions set forth in the RFP, without modification, should the Department determine that that constitutes the best interests of New York State.
224	Contracting	Attachment 8: DOH Agreement, NYSDOH Contract, Section IX.E.5	The contract states: "This is a 'Work for Hire' Contract. The DEPARTMENT will be the sole owner of all source code and any software which is developed for use in any application software provided to the DEPARTMENT as a part of this Contract." Does the Department expect the awarded Contractor to provide any software to the Department as part of this contract?	The Department reserves the right to negotiate terms of the contract that are non-material in nature with the contract awardee, within the scope of the RFP and in the best interests of New York State. Nonetheless, bidders must be fully prepared to accept all of the terms and conditions set forth in the RFP, without modification, should the Department determine that that constitutes the best interests of New York State.
225	Credit	Section 5.6.2: Revolving Credit Facility (Pages 14-15 of RFP)	The timeline identified in Section 5.6.2 is unduly burdensome and restrictive. Bidder requests to change any reference from 10 days to 45 days. Specifically, bidder requests the following language as replacement language: "The Contractor must provide a draft LOC/Revolving Credit Agreement to the Department within forty-five (45) business days of notice from the Department of contract approval. Failure to provide the draft LOC/Revolving Credit Agreement to the Department within forty-five (45) business days of such notice will constitute grounds for termination for cause. The executed LOC/Revolving Credit Agreement must be provided to the Department within forty-five (45) business days of the Department's approval of the draft LOC/Revolving Credit Agreement."	The Department will not make the changes requested.

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226	Credit	Section 5.6.2: Revolving Credit Facility (Pages 14-15 of RFP)	Bidder requests to delete the following language from Section 5.6.2, as reflected in paragraphs 2, 3 and 4: "[2]... As set forth in ii, should the Contractor fail to obtain an LOC/Revolving Line of Credit from another financial institution, the Department shall be entitled to draw the balance of the LOC/Revolving Line of Credit within one (1) business day of receipt of such notice. 3. The LOC/Revolving Credit Agreement must provide funds to the Department for any liability, loss, damage, or expense as a result of the Contractor's failure to perform fully and completely all requirements of the Contract. Such requirements include, but are not limited to, the Contractor's obligation to pay liquidated damages, indemnify the Department under circumstances described in the Contract, and the Contractor's obligation to perform the services required by the Contract throughout the entire term of the Contract. 4. The LOC/Revolving Credit Agreement shall also provide that the bank, as defined in subdivision one of section two of New York Banking Law, where the drafts are drawn must be located within New York State." These requirements are overly restrictive, unduly burdensome, and do not provide for sufficient opportunities to cure.	The Department will not remove the requested language.
227	Credit	Section 5.6.2: Revolving Credit Facility (Pages 14-15 of RFP)	The RFP requires that the successful bidder must maintain a Line of Credit of \$100 million for the length of the contract, including 180 days after. How was this number arrived at, given that it is less than one-quarter of the anticipated bi-weekly payroll costs of the Awarded Statewide FI?	This question is not relevant to the development of a proposal under this RFP.
228	Credit	Section 5.6.2: Revolving Credit Facility (Pages 14-15 of RFP)	Where did the Department come up with the \$100 million figure for a required line of credit?	This question is not relevant to the development of a proposal under this RFP.
229	Credit	Section 5.6.2: Revolving Credit Facility (Pages 14-15 of RFP)	The RFP references a \$100 million LOC. Is this to guarantee payroll coverage to the state, or is it exclusively used for payroll?	Section 5.6.2 states: "Without additional cost to the Department, and as a material condition of the Contract, the Contractor must furnish, for the duration of the contract term (including any extensions) plus one hundred eighty (180) calendar days thereafter, an irrevocable Revolving Credit Letter of Credit (LOC) or Revolving Line of Credit, for the third-party benefit of the Department in the amount of at least one hundred million U.S. Dollars (\$100,000,000.00), to be used exclusively by the Contractor to meet its obligations and responsibilities under the Contract, including but in no way limited to, ensuring that the Contractor maintains sufficient liquidity to guaranty timely and uninterrupted payment to all PAs for the duration of the contract term. " (emphasis added).
230	Credit	Section 5.6.2: Revolving Credit Facility (Pages 14-15 of RFP)	Does the bidder need to provide evidence of the revolving LOC as part of the RFP submission?	Section 5.6.2 states: "The Issuer shall be subject to the approval of the Department. The form for the LOC/Revolving Credit Agreement shall be subject to the approval of the Department. The Contractor must provide a draft LOC/Revolving Credit Agreement to the Department within ten (10) business days of notice from the Department of contract approval. Failure to provide the draft LOC/Revolving Credit Agreement to the Department within ten (10) business days of such notice will constitute grounds for termination for cause."
231	Credit	Section 5.6.2: Revolving Credit Facility (Pages 14-15 of RFP)	Must the Bidder attest to its ability to secure the Revolving LOC in its response to the RFP?	See answer to Question #230
232	Credit	Section 5.6.2: Revolving Credit Facility (Pages 14-15 of RFP)	What documentation is required at application submission for the Revolving Line of Credit?	See answer to Question #230
233	Credit	Section 5.6.2: Revolving Credit Facility (Pages 14-15 of RFP)	The RFP requires that the successful bidder must maintain a Line of Credit of \$100 million for the length of the contract, including 180 days after at no additional cost to the state (emphasis added). Given this requirement, is the bidder allowed to incorporate this cost in the PMPM administrative payment?	No the Line of Credit is separate from the PMPM administrative cost component of the submission

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Number	Subject	Corresponding RFP Section	Question	Answer
234	Credit	Section 5.6.2: Revolving Credit Facility (Pages 14-15 of RFP)	Given the substantial financial demands of managing payroll for the entire state's CDPA program, what are the minimum capital and liquidity requirements for the SFI to ensure they can meet payroll obligations without delay, particularly during the first two months of operation?	The credit requirements are dictated in RFP Section 5.6.2.
235	Credit	Section 5.6.2: Revolving Credit Facility (Pages 14-15 of RFP)	Will the Department require detailed cash flow projections from SFI bidders to ensure they can manage the payroll and operational expenses for the initial 60 days, and if so, what specific metrics and assumptions should these projections include?	No. The credit requirements are dictated in RFP Section 5.6.2.
236	Credit	Section 5.6.2: Revolving Credit Facility (Pages 14-15 of RFP)	How will the Department verify the existence and adequacy of a revolving credit facility for the SFI to cover the immediate payroll needs, and what are the criteria for assessing the sufficiency of this credit facility?	This question is not relevant to the development of a proposal under this RFP.
237	Credit	Section 5.6.2: Revolving Credit Facility (Pages 14-15 of RFP)	What contingency plans are in place to prevent service disruptions and ensure continuous payment to personal assistants if the awarded SFI encounters cash flow issues within the first 30-60 days of contract implementation?	It is incumbent upon each bidder to explain to the Department how it plans to meet its obligations under the contract.
238	Credit	Section 5.6.2: Revolving Credit Facility (Pages 14-15 of RFP)	How will the Department monitor and enforce the SFI's ability to manage payroll during the transition period, especially considering the potential delay in state funding and the need to maintain uninterrupted service delivery to Medicaid beneficiaries?	This question is not relevant to the development of a proposal under this RFP.
239	Credit	Section 5.6.2: Revolving Credit Facility (Pages 14-15 of RFP)	What risk mitigation strategies will the Department implement to address potential payroll delays that could arise from the SFI's insufficient cash reserves, and how will these strategies be communicated to consumers and personal assistants?	This question is not relevant to the development of a proposal under this RFP.
240	Credit	Section 5.6.2: Revolving Credit Facility (Pages 14-15 of RFP)	Will the Department conduct regular financial health evaluations of the SFI to ensure ongoing liquidity and capital adequacy throughout the contract term, and what parameters will be used for these evaluations?	This question is not relevant to the development of a proposal under this RFP.
241	Credit	Section 5.6.2: Revolving Credit Facility (Pages 14-15 of RFP)	With respect to Section 5.6.2 titled "Revolving Credit Facility", in the event that an entity already holds a line of credit that meets the monetary requirements outlined in this section, is another line of credit required in order to dedicate it exclusively to the CDPAP program? The requirements outlined in Section 5.6.2 are unduly restrictive and will likely eliminate a large number of providers.	Yes, a dedicated line of credit meeting the requirements outlined in the RFP is required.
242	Credit	Section 5.6.2: Revolving Credit Facility (Pages 14-15 of RFP)	Beyond the Line of Credit/Revolving Credit Agreement requirements, are there any other capital reserve requirements of the prospective fiscal intermediary?	No.
243	Credit	Section 5.6.2: Revolving Credit Facility (Pages 14-15 of RFP)	If there are any other capital reserve requirements of the prospective fiscal intermediary, what are they?	The credit requirements are outlined in RFP Section 5.6.2.
244	Credit	Section 5.6.2: Revolving Credit Facility (Pages 14-15 of RFP)	Knowing the annual contract estimate for CDPAP is over \$7 billion, what specific documentation, such as audited financial statements and bank statements, will the Department require from SFI bidders or the awarded SFI to demonstrate liquidity outside of the LOC to support the program?	The credit requirements are outlined in RFP Section 5.6.2.
245	Credit	Section 5.6.2: Revolving Credit Facility (Pages 14-15 of RFP)	If the SFI's revolving credit facility proves insufficient, what mechanisms will be available to ensure personal assistants are paid on time, and how will the Department oversee the implementation of these mechanisms?	This question is not relevant to the development of a proposal under this RFP.
246	Credit	Section 5.6.2: Revolving Credit Facility (Pages 14-15 of RFP)	What reporting requirements will be imposed on the SFI to maintain transparency regarding their financial health and ability to meet payroll obligations, and how frequently will these reports be reviewed by the Department?	This question is not relevant to the development of a proposal under this RFP.
247	Credit	Section 5.6.2: Revolving Credit Facility (Pages 14-15 of RFP)	Will there be changes to the revolving LOC amount?	No.
248	Credit	Section 5.6.2: Revolving Credit Facility (Pages 14-15 of RFP)	Must the financial institution issuing the line of credit have its home office in New York State?	No. Section 5.6.2(4) of the RFP states: "The LOC/Revolving Credit Agreement shall also provide that the bank, as defined in subdivision one of section two of New York Banking Law, where the drafts are drawn must be located within New York State."
249	Credit	Section 5.6.2: Revolving Credit Facility (Pages 14-15 of RFP)	Is the line of credit "unused" bank fees reasonable costs to include in the PMPM?	No, "unused" bank fees are not related to FI Administrative services as outlined in the RFP

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250	Credit	Section 5.6.2: Revolving Credit Facility (Pages 14-15 of RFP)	Is there flexibility in the \$100 million line of credit? If an agency incurs unused fees, how are cost savings justified? An agency can incur up to \$750,000 (9%) per month in unused fees for a LOC of \$100,000,000.	No.
251	Credit	Section 5.6.2: Revolving Credit Facility (Pages 14-15 of RFP)	The RFP states: "The Contractor must furnish an irrevocable Revolving Credit Letter of Credit (LOC) or Revolving Line of Credit for the third party benefit of the Department in the amount of at least one hundred million U.S. Dollars." Under what circumstances would the Department be able to draw on the LOC and what recourse will the bidder have?	Any lawful circumstances and any lawful recourse. Bidders should consult their legal counsel.
252	Credit	Section 5.6.2: Revolving Credit Facility (Pages 14-15 of RFP)	The RFP states: "The LOC/Revolving Credit Agreement shall be issued by or entered into with a singular financial institution ('Issuer') licensed to do business under the laws of the State of New York. The issuer shall be subject to the approval of the Department. The form for the LOC/Revolving Credit Agreement shall be subject to the approval of the Department. The Contractor must provide a draft LOC/Revolving Credit Agreement to the Department within 10 (business days of notice from the Department of contract approval." Does the applicant need to obtain the DOH's prior-approval of its choice of lender (i.e., the bank) BEFORE it provides the DOH with the "form for the LOC/Revolving Credit Agreement?"	Section 5.6.2 of the RFP states: "The Issuer shall be subject to the approval of the Department. The form for the LOC/Revolving Credit Agreement shall be subject to the approval of the Department. The Contractor must provide a draft LOC/Revolving Credit Agreement to the Department within ten (10) business days of notice from the Department of contract approval. Failure to provide the draft LOC/Revolving Credit Agreement to the Department within ten (10) business days of such notice will constitute grounds for termination for cause. The executed LOC/Revolving Credit Agreement must be provided to the Department within ten (10) business days of the Department's approval of the draft LOC/Revolving Credit Agreement. The Department reserves the right to extend the due date for the executed LOC/Revolving Credit Agreement based on circumstances the Department determines to be reasonable. Failure to provide the final LOC/Revolving Credit Agreement to the Department within the date set will constitute grounds for termination for cause."
253	Credit	Section 5.6.2: Revolving Credit Facility (Pages 14-15 of RFP)	Section 5.6.2 of the RFP requires a \$100 million line of credit. Must the \$100 million be secured?	Yes.
254	Credit	Section 5.6.2: Revolving Credit Facility (Pages 14-15 of RFP)	Is it acceptable under the contract for the \$100,000,000 LOC to be issued by a "lead institution" with that institution aligning other institutions for tiers of the total?	Please see Section 5.6.2 of the RFP: "The LOC/Revolving Credit Agreement shall be issued by or entered into with a singular financial institution ("Issuer") licensed to do business under the laws of the State of New York. The Issuer shall be subject to the approval of the Department."
255	Credit	Section 5.6.2: Revolving Credit Facility (Pages 14-15 of RFP)	If the Revolving Credit Letter of Credit (LOC) or Revolving Line of Credit is utilized during the initial 30-60 days of operation because the Statewide FI is waiting on claims to be adjudicated, will the resulting interest payments to the bank be considered allowable direct care costs on the cost report?	This question is not relevant to the development of a bid under this RFP.
256	Cultural Competence	Section 3.1: Minimum Qualifications (Page 4 of RFP)	Can bidders plan to subcontract with other entities who can demonstrate cultural and language competency, and disability experience to meet this criteria?	Bidders shall demonstrate in the proposal their or their subcontractors' experience and ability to engage with any consumer or personal assistant who speaks any language and in a culturally competent manner, and to engage with consumers of all physical, developmental and neurological abilities including those that are hearing or visually impaired. How this is to be accomplished is at the bidder's discretion.
257	Cultural Competence	Section 3.1: Minimum Qualifications (Page 4 of RFP)	Can the Department clarify how it will determine "demonstrated cultural and language competencies specific to the population of consumers and those of the available workforce" without provide Statewide FI bidders with the specific consumer and workforce composition, which will inevitably vaster than most every other state?	Documentation submitted should reflect that the Statewide Fiscal Intermediary is responsible for understanding and being aware of the cultural and linguistic needs of the consumers and personal assistants it anticipates serving.
258	Cultural Competence	Section 3.1: Minimum Qualifications (Page 4 of RFP)	The RFP states that any qualified bidder has a "demonstrated cultural and language competencies specific to the population of consumers and those of the available workforce with experience serving individuals with disabilities". How is the state defining "language competencies"?	See answer to Question #257
259	Cultural Competence	Section 3.1: Minimum Qualifications (Page 4 of RFP)	The RFP states that any qualified bidder has a "demonstrated cultural and language competencies specific to the population of consumers and those of the available workforce with experience serving individuals with disabilities". What specific languages and dialects must a qualified bidder be expected to demonstrate competencies in?	See answer to Question #257

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260	Cultural Competence	Section 3.1: Minimum Qualifications (Page 4 of RFP)	The RFP states that any qualified bidder has a "demonstrated cultural and language competencies specific to the population of consumers and those of the available workforce with experience serving individuals with disabilities". New York is a diverse State. Is there a base level of cultural competencies a qualified bidder is expected to meet? If so, what are they?	See answer to Question #257
261	Cultural Competence	Section 3.1: Minimum Qualifications (Page 4 of RFP)	How does the Department define cultural and language competencies?	See answer to Question #257
262	Cultural Competence	Section 3.1: Minimum Qualifications (Page 4 of RFP)	The RFP states that any qualified bidder has "demonstrated cultural and language competencies specific to the population of consumers and those of the available workforce with experience services individuals with disabilities..." Will the Department of Health be providing bidders with information about the cultural and language competencies necessary to meet the needs of the consumers and available workforce? Put another way, will the Department inform bidders of what cultures and languages they are expected to be able to demonstrate competency with?	See answer to Question #257
263	Cultural Competence	Section 3.1: Minimum Qualifications (Page 4 of RFP)	The RFP states that any qualified bidder has "demonstrated cultural and language competencies specific to the population of consumers and those of the available workforce with experience serving individuals with disabilities..." Do bidders have to demonstrate experience serving individuals with all types of disabilities, including, but not limited to, developmental, neurological, and physical?	See answer to Question #257
264	Cultural Competence	Section 3.1: Minimum Qualifications (Page 4 of RFP)	What is considered experience serving individuals with disabilities?	See answer to Question #257
265	Cultural Competence	Section 3.1: Minimum Qualifications (Page 4 of RFP)	Does the bidder for the Statewide FI contract have to have demonstrated experience in serving people with disabilities in the capacity of meeting their specific needs or incidental experience with people with disabilities?	See answer to Question #257
266	Cultural Competence	Section 3.1: Minimum Qualifications, Bullet a) (Page 4 of RFP)	Considering New York State's unparalleled diversity in cultural and language competencies, how does the Department expect an SFI that only performs fiscal intermediary services in another state to adequately demonstrate the required cultural and language competencies specific to New York's population and workforce?	See answer to Question #257
267	Cultural Competence	Section 3.1: Minimum Qualifications, Bullet a) (Page 4 of RFP)	What cultures are specific to the population of consumers?	See answer to Question #257
268	Cultural Competence	Section 3.1: Minimum Qualifications, Bullet a) (Page 4 of RFP)	What cultures are specific to the available workforce?	See answer to Question #257
269	Cultural Competence	Section 3.1: Minimum Qualifications, Bullet a) (Page 4 of RFP)	What cultural competences specific to the population of consumers must a bidder demonstrate?	See answer to Question #257
270	Cultural Competence	Section 3.1: Minimum Qualifications, Bullet a) (Page 4 of RFP)	What cultural competences specific to the population of the available workforce must a bidder demonstrate?	See answer to Question #257
271	Cultural Competence	Section 3.1: Minimum Qualifications, Bullet a) (Page 4 of RFP)	What language competences specific to the population of the available workforce must a bidder demonstrate?	See answer to Question #257
272	Cultural Competence	Section 3.1: Minimum Qualifications, Bullet a) (Page 4 of RFP)	What information is available regarding the cultural needs of the population of consumers?	See answer to Question #257
273	Cultural Competence	Section 3.1: Minimum Qualifications, Bullet a) (Page 4 of RFP)	What information is available regarding the cultural needs of the available workforce?	See answer to Question #257

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274	Cultural Competence	Section 3.1: Minimum Qualifications, Bullet a) (Page 4 of RFP)	Does the bidder need to demonstrate cultural or language competency in the provision of services in at least one other state?	See answer to Question #257
275	Cultural Competence	Section 3.1: Minimum Qualifications (Page 4 of RFP)	This section of the RFP states that the single FI must be providing services on a statewide basis in another state. There is a rich culture of diversity across New York State. How does providing statewide services in another state align with demonstrating cultural and language competencies specific to the population of consumers in New York State?	See answer to Question #257
276	Cultural Competence	Section 3.1: Minimum Qualifications, Bullet a) (Page 4 of RFP) and Section 4.5: Fiscal Intermediary Organizational Requirements (Page 8 of RFP)	Can you provide examples of how cultural and linguistic competencies should be demonstrated for the diverse populations mentioned?	See answer to Question #257
277	Cultural Competence	Section 3.1: Minimum Qualifications, Bullet a) (Page 4 of RFP)	What experience would a Single FI need in order to demonstrate cultural and language competencies?	See answer to Question #257
278	Cultural Competence	Section 4.0: Scope of Work (Page 5 of RFP)	What criteria define whether a NYS DOH MLTC rate setting region subcontractor has "a proven record of delivering services to individuals with disabilities"?	See answer to Question #257
279	Cultural Competence	Section 4.0: Scope of Work (Page 5 of RFP)	What criteria define whether a NYS DOH MLTC rate setting region subcontractor has "a proven record of delivering services to . . . the senior population"?	See answer to Question #257
280	Cultural Competence	Section 4.0: Scope of Work (Page 5 of RFP)	Who determines whether a subcontractor "has a proven record of delivering services to individuals with disabilities and the senior population"?	See answer to Question #257
281	Cultural Competence	Section 4.0: Scope of Work (Page 5 of RFP)	What criteria define whether a NYS DOH MLTC rate setting region subcontractor has "a proven record of delivering services to individuals with disabilities"?	See answer to Question #257
282	Cultural Competence	Section 4.0: Scope of Work (Page 5 of RFP)	What criteria define whether a NYS DOH MLTC rate setting region subcontractor has "a proven record of delivering services to . . . the senior population"?	See answer to Question #257
283	Cultural Competence	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet e) (Page 8 of RFP)	Will sufficient linguistic and cultural services include meeting the needs of the deaf community?	See answer to Question #257
284	Cultural Competence	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet e) (Page 8 of RFP)	Will sufficient linguistic and cultural services include meeting the needs of the blind and visually impaired?	See answer to Question #257
285	Cultural Competence	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet e) (Page 8 of RFP)	What specific cultural and linguistic competencies will the statewide fiscal intermediary be required to ensure?	See answer to Question #257
286	Cultural Competence	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet e) (Page 8 of RFP)	Can the Department provide a definition of "appropriate cultural and linguistic competencies"? What specific expectations does this requirement entail?	See answer to Question #257
287	Cultural Competence	Section 4.5: Fiscal Intermediary Organizational Requirements (Page 8 of RFP)	The RFP states that the awarded Statewide FI must "Ensure that it has the appropriate cultural and linguistic competencies to serve consumers and those of the available PAs that assist consumers." Please define what qualifies as "appropriate cultural and linguistic competencies".	See answer to Question #257
288	Cultural Competence	Section 3.1: Minimum Qualifications, Bullet a) (Page 4 of RFP)	Regarding the term "shall" in the eligibility criteria, how does the Department plan to verify and enforce compliance with the requirement for bidders to have demonstrated cultural and language competencies and experience serving individuals with disabilities, particularly when such competencies may vary widely across different states and populations?	See answer to Question #257
289	Cultural Competence	Section 4.5: Fiscal Intermediary Organizational Requirements (Page 8 of RFP)	Will overseas or offshore subcontractors be allowed to ensure the cultural and language competencies of the bidder's staff and subcontractors, as outlined in Section 4.5 of the RFP?	All Data shall remain in the Continental United States (CONUS). Any Data stored, or acted upon, must be located solely in Data Centers in CONUS. Services which directly or indirectly access Data may only be performed from locations within CONUS.

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290	Cultural Competence	Section 4.0: Scope of Work, Third Bullet (Page 5 of RFP)	Does the requirement of having a proven track record of delivering services to individuals with disabilities and the senior population only apply to the CDPAP program, or can it have been provided through other programs?	Bidders must be able to fulfill the fiscal intermediary requirements as outlined in RFP Section 4.
291	Cultural Competence	General	How does the Department intend to ensure cultural competence across the extensive, highly regionalized and diverse populations of New York?	This is a minimum qualification of a bidder under this RFP. The Department cannot speak to this until there is an awardee. Bidders should follow the instructions included throughout Section 6 and any applicable attachments when responding.
292	Cultural Competence	Section 3.1: Minimum Qualifications (Page 4 of RFP)	Can the Department clarify how it will evaluate "demonstrated cultural and language competencies specific to the population of consumers and those of the available workforce" for Statewide FI bidders without the Department providing specific information in relation to the CDPAP consumer and workforce composition? Given the unique and diverse demographics of New York State, which are significantly more varied than most other states, will the Department provide specific data on the consumer and workforce composition that bidders must address?	See answer to Question #291
293	Cultural Competence	Section 3.1: Minimum Qualifications (Page 4 of RFP)	The RFP states that any qualified bidder has "demonstrated cultural and language competencies specific to the population of consumers and those of the available workforce with experience serving individuals with disabilities..." What metric(s) will be used to assess cultural competencies?	See answer to Question #291
294	Cultural Competence	Section 3.1: Minimum Qualifications, Bullet a) (Page 4 of RFP)	This section specifies the requirement that the awarded Statewide FI must be capable of providing "statewide fiscal intermediary services with "demonstrated cultural and language competencies specific to the population of consumers and those of the available workforce. New York remains one of the most ethnically, socioeconomically, and culturally diverse states in the nation. How will competence to meet this service requirement be evaluated by the Department, given that comparison to service provision in other states is not a sufficient analogue?	See answer to Question #291
295	Cultural Competence	Section 3.1: Minimum Qualifications, Bullet a) (Page 4 of RFP)	What specific criteria and evaluation methods will the Department use to assess an SFI's cultural and language competencies to ensure they meet the diverse needs of New York State's population if the SFI does not currently operate within New York?	See answer to Question #291
296	Cultural Competence	Section 3.1: Minimum Qualifications, Bullet a) (Page 4 of RFP)	How will the Department verify the claimed cultural and language competencies of an out-of-state SFI, and what documentation will be required to substantiate these claims?	See answer to Question #291
297	Cultural Competence	Section 3.1: Minimum Qualifications, Bullet a) (Page 4 of RFP)	What criteria will be used to evaluate whether an entity can demonstrate cultural and language competencies specific to the population of consumers and those of the available workforce with experience serving individuals with disabilities?	See answer to Question #291
298	Cultural Competence	Section 3.1: Minimum Qualifications, Bullet a) (Page 4 of RFP)	Will the Department evaluate and score the bidders plan to address cultural and language competencies to ensure they remain relevant and effective the course of the entire contract award period?	See answer to Question #291
299	Cultural Competence	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet e) (Page 8 of RFP)	How will cultural and linguistic competencies be evaluated by the Department? What specific benchmarks or metrics will be used in this evaluation?	See answer to Question #291
300	Cultural Competence	Section 4.5: Fiscal Intermediary Organizational Requirements (Page 8 of RFP)	Under 4.5 e, how are you going to measure whether a bidder meets this requirement?	See answer to Question #291
301	Cultural Competence	Section 4.5: Fiscal Intermediary Organizational Requirements (Page 8 of RFP)	What criteria will be used to assess the cultural and language competencies of the bidder's staff and subcontractors, as outlined in Section 4.5 of the RFP?	See answer to Question #291
302	Cultural Competence	Section 3.1: Minimum Qualifications, Bullet a) (Page 4 of RFP)	What type of experiences does a Single FI applicant need to show to reflect cultural and language competencies? How will this be evaluated?	See answers to Questions #291 and #257

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Number	Subject	Corresponding RFP Section	Question	Answer
303	Cultural Competence	Section 3.1: Minimum Qualifications (Page 4 of RFP)	How will the Department ensure that the chosen Statewide FI can effectively meet the diverse cultural and linguistic needs across all regions of New York State, including those with unique or less common language requirements? Additionally, what metrics and criteria will be used to assess and verify the cultural and language competencies of bidders to ensure they can provide equitable and effective services statewide?	See answer to Question #291
304	Cultural Competence	Section 3.1: Minimum Qualifications, Bullet a) (Page 4 of RFP)	If an out-of-state SFI is awarded the contract, what specific measures and timelines will be mandated to ensure the SFI rapidly acquires and demonstrates the necessary cultural and language competencies for New York State?	See answer to Question #291
305	Cultural Competence	Section 3.1: Minimum Qualifications, Bullet a) (Page 4 of RFP)	How does the Department plan to verify and enforce compliance with the requirement for bidders to have demonstrated cultural and language competencies on a "statewide basis" and experience serving individuals with disabilities?	See answer to Question #291
306	Cultural Competence	Section 4.0: Scope of Work, Paragraph 1 (Page 5 of RFP)	Given the broad and diverse needs of consumers across New York State, how does the Department plan to ensure that the single Statewide Fiscal Intermediary can adequately meet the distinct needs of each region, particularly in terms of cultural and linguistic competencies?	See answer to Question #291
307	Cultural Competence	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet e) (Page 8 of RFP)	How does DOH intend to oversee the compliance with the requirement to provide services sufficient linguistic and cultural understanding?	See answer to Question #291
308	Cultural Competence	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet e) (Page 8 of RFP)	The RFP mentions the importance of cultural and linguistic competencies. How does the Department plan to ensure that a single FI can adequately meet the diverse needs of consumers across different regions, languages, and cultural backgrounds without compromising service quality?	See answer to Question #291
309	Cultural Competence	Section 6.2.F.1: Required Fiscal Intermediary Scope of Work (Pages 22-23 of RFP)	The RFP states that the bidder must describe its ability to "provide cultural and linguistic competencies that reflect the needs of the consumers they propose to serve." The Department did not provide a breakdown of the linguistic or cultural populations currently served by the program, as they did for the total number of consumers by region. Given that the bidder must accept all consumers, please provide a breakdown of the languages and cultures the bidders are expected to serve.	The Department does not have this information.
310	Eligibility	Section 3.0: Bidders Qualifications (Page 4 of RFP)	Should the FI meet the minimum requirements of Section 3.1, but it is only able to secure the funding described in Section 5.6.2 through a parent company, would the FI be selected for award?	The letter of credit obtained by the awardee must meet all the requirements as outlined in RFP Section 5.6.2.
311	Eligibility	Section 3.1: Minimum Qualifications (Page 4 of RFP)	Should the FI meet the minimum requirements of Section 3.1, but it is only able to secure the funding described in Section 5.6.2 through venture capital funding, would the FI be selected for award?	The letter of credit obtained by the awardee must meet all the requirements as outlined in RFP Section 5.6.2.
312	Eligibility	Section 3.1: Minimum Qualifications, Bullet a) (Page 4 of RFP)	Given the critical nature of the minimum qualifications and the use of "shall," can the Department explain how it will handle bids from entities that may meet some but not all of the specified criteria? Is there any flexibility for entities that demonstrate exceptional capabilities in other areas but may not fully meet the "statewide basis" requirement?	Bidders must meet minimum eligibility requirements for their proposal to advance to the evaluation process. The evaluation process will determine the best value proposal to be awarded.
313	Eligibility	Section 3.1: Minimum Qualifications (Page 4 of RFP)	Does the state have a list of entities that are providing services as a fiscal intermediary on a statewide basis in at least one other state? Please post that list if it is available.	No
314	Eligibility	Section 3.1: Minimum Qualifications, Bullet a) (Page 4 of RFP)	Must a bidder be a fiscal intermediary in New York State as of April 1, 2024?	No
315	Eligibility	Section 3.1: Minimum Qualifications, Bullet a) (Page 4 of RFP)	Must a bidder be a statewide fiscal intermediary in New York State as of April 1, 2024?	No

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Number	Subject	Corresponding RFP Section	Question	Answer
316	Eligibility	Section 3.1: Minimum Qualifications, Bullet a) (Page 4 of RFP)	Can the Department provide examples or case studies of entities that would meet the "statewide basis" requirement to offer clearer guidance to potential bidders and ensure that all applicants have a uniform understanding of the eligibility criteria?	No.
317	Eligibility	Section 3.1: Minimum Qualifications, Bullet a) (Page 4 of RFP)	Can the Department provide examples or case studies where an SFI operating solely outside of New York State successfully demonstrated cultural and language competencies equivalent to those required in New York?	No.
318	Eligibility	Section 3.1: Minimum Qualifications, Bullet a) (Page 4 of RFP)	Has the Department of Health made a determination of which prospective bidders meet the qualification requirements regarding prior fiscal intermediary services in another state?	No.
319	Eligibility	Section 3.1: Minimum Qualifications, Bullet a) (Page 4 of RFP)	Does the "other state" in which the fiscal intermediary is operating required to have as many consumers as New York State has at the time of the issuance of the RFP?	No.
320	Eligibility	Section 5.5: Minority & Women-Owned Business Enterprise (M/WBE) Requirements and Equal Employment Opportunity (EEO) Reporting (Page 13 of RFP)	Has the Department made a determination of likely bidders?	No.
321	Eligibility	Section 3.1: Minimum Qualifications, Bullet a) (Page 4 of RFP)	A minimum qualification requires that the bidder, "as of April 1st, 2024, is providing services as a fiscal intermediary on a statewide basis in at least one other state." In place of this minimum requirement, would the Department be open to FIs who have vast experience within NYS? If not, why is having experience in another state more valuable? Must the new single statewide FI also have experience providing similar services in NYS?	The required experience for bidders is outlined in the RFP.
322	Eligibility	Section 3.1: Minimum Qualifications, Bullet a) (Page 4 of RFP)	Bullet a) states, "An entity capable of performing statewide fiscal intermediary services with demonstrated cultural and language competencies specific to the population of consumers and those of the available workforce with experience serving individuals with disabilities and as of April 1st, 2024, is providing services as a fiscal intermediary on a statewide basis in at least one other state. " Our organization has been a Fiscal Intermediary since 2001 in NYS. Do we meet this minimum qualification to submit a bid?	No. The requirement to be met is that the organization has been a statewide FI in at least one state other than New York.
323	Eligibility	General	Can you further define and clarify a statewide FI?	See Amendment #3 to the RFP.
324	Eligibility	Section 4.0: Scope of Work, Third Bullet (Page 5 of RFP)	Section 4.0 bullet three states, "...with at least one entity..."; Attachment B checkbox three states, "...with an entity...". Was the different wording unintentional? If it was not, which one is accurate? If so, can you please explain the difference?	See Amendment #3 to the RFP.
325	Eligibility	Section 3.1: Minimum Qualifications, Bullet a) (Page 4 of RFP) and Attachment B (Pages 29-30 of RFP)	What is the difference between the Single Statewide FI providing services "In" another state and "With" another state? Please clarify In vs With.	See Amendment #3 to the RFP.
326	Eligibility	Section 3.1: Minimum Qualifications (Page 4 of RFP)	The RFP states that any qualified bidder must be "capable of performing statewide fiscal intermediary services..." Does this mean that the bidder must be capable of performing fiscal intermediary services as defined in Social Services Law 365-f(4-a)(ii)(A-J) and 18 NYCRR 505.28(i)(1)?	The bidder must be capable of performing all tasks as outlined in the RFP.
327	Eligibility	Section 3.1: Minimum Qualifications, Bullet a) (Page 4 of RFP)	Does the qualification "providing services as a fiscal intermediary on a statewide basis in at least one other state" mean operating in one (1) state outside New York State or more than one (1) state?	See Amendment #3 to the RFP.

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Number	Subject	Corresponding RFP Section	Question	Answer
328	Eligibility	Section 3.1: Minimum Qualifications, Bullet a) (Page 4 of RFP)	The RFP uses the term "shall" in the sentence "Entities eligible to submit a bid under this RFP in accordance with SSL § 365-f shall include: a) An entity capable of performing statewide fiscal intermediary services with demonstrated cultural and language competencies specific to the population of consumers and those of the available workforce with experience serving individuals with disabilities and as of April 1st, 2024, is providing services as a fiscal intermediary on a statewide basis in at least one other state." Can the Department clarify if the word "shall" implies that only entities meeting these exact criteria are eligible to submit a bid, or if there is flexibility in interpreting these qualifications that opens up bid submissions to entities that do not meeting the qualification in (a)?	The terms "shall", "will" and "must" are used interchangeably for the purposes of this RFP.
329	Eligibility	Section 3.1: Minimum Qualifications, Bullet a) (Page 4 of RFP)	How will the Department address potential disputes or challenges regarding the interpretation of "shall" and the criteria outlined in the minimum qualifications, especially concerning the term "statewide basis" and the level of cultural and language competencies required?	See Amendment #3 to the RFP.
330	Eligibility	General	Is the Department able to share whether it received interest from several potential bidders through the Questions submission to help ensure a competitive bidding process for this new contract?	This information will not be shared with the bidding community.
331	Eligibility	Section 3.1: Minimum Qualifications, Bullet a) (Page 4 of RFP)	Can the Department clarify whether a qualified SFI bidder must currently perform fiscal intermediary services in both New York State and at least one other state to be eligible, or if an entity that only performs these services in a state other than New York could still qualify for the SFI contract?	See Amendment #3 to the RFP.
332	Eligibility	Section 3.1: Minimum Qualifications (Page 4 of RFP)	The RFP states that any qualified bidder must be "providing services as a fiscal intermediary on a statewide basis in another state." If the bidder is providing services similar to those offered by a fiscal intermediary, but is not called a fiscal intermediary in that state, is the entity capable of bidding?	Yes. RFP Section 3.1 (a) states: "An entity capable of performing statewide fiscal intermediary services with demonstrated cultural and language competencies specific to the population of consumers and those of the available workforce with experience serving individuals with disabilities and as of April 1st, 2024, is providing services as a fiscal intermediary on a statewide basis in at least one other state.". If an entity is providing services as a fiscal intermediary on a statewide basis (as defined in the Amendment #3 to the RFP) in at least one other state, and is performing services similar to those required under Social Services Law 365-f, that entity would meet the subject minimum qualification requirement regardless of the formal title given to the fiscal intermediary in that state.
333	Eligibility	Section 8.1: General Information (Pages 25-26 of RFP)	Will non-awarded applicants remain eligible as potential subcontractors under the awarded Statewide FI (assuming they meet all applicable subcontractor eligibility criteria)?	Yes.
334	Eligibility	General	Does the agency who applied for RFP# 20524 must be a licensed Home Health Care Agency, or Certified Home Health Care Agency?	No.
335	Eligibility	General	Does the agency who applied for RFP#20524 must have subcontract agency?	Yes. See RFP Section 4.0.
336	Eligibility	General	Does the agency who applied for RFP#20524 must have an office in another state also in operating of CDPAP program?	See RFP Section 4.5.g
337	Eligibility	Section 2.1: Background Information (Page 3 of RFP)	The RFP states that fiscal intermediaries are "entities that perform administrative and financial functions for consumer within CDPAP, which may include assisting consumers with navigation of the program by providing individual consumer assistance and support as needed, consumer peer support, and education and training to consumers on their duties under the program." Is this the controlling definition of fiscal intermediary for the purposes of this RFP?	The Statewide Fiscal Intermediary must be able to meet all required responsibilities as outlined in the RFP through their own organization or that of a subcontractor.
338	Eligibility	Section 2.1: Background Information (Page 3 of RFP)	"Fiscal Intermediaries" is undefined in the RFP document. Other states refer to the agency that performs similar functions in a Consumer-Directed personal care program as an "Intermediary Service Organization" (ISO). Is this an interchangeable term for purposes of the RFP?	See response to Question #332.

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Number	Subject	Corresponding RFP Section	Question	Answer
339	Eligibility	Section 3.0: Bidders Qualifications (Page 4 of RFP)	In order to achieve a successful transition to a single FI in NY, it is critical that bidders not only have experience serving members statewide, but also bring experience with a direct contract with a State. To qualify as the single FI do bidders need to have a contract directly with another state?	See Amendment #3 to the RFP.
340	Eligibility	Section 3.0: Bidders Qualifications (Page 4 of RFP)	Please confirm that an entity who operates a statewide FI in another state is permitted to form a new, affiliated company to be the RFP applicant in NY. This may be necessary for corporate, financing, tax, insurance and other reasons	Bidders should consult your counsel regarding corporate structuring.
341	Eligibility	Section 3.0: Bidders Qualifications (Page 4 of RFP)	Under this New York law, the Fiscal Intermediary vendor must "have been established as a fiscal intermediary prior to January 1, 2012 and have been continuously providing such services for eligible individuals..." however, Section 3.1 of the RFP omits the italicized language requiring continuous services. How does the Department justify such language in Section 3.1 of the RFP?	Please refer to Social Services Law Section 365-f.
342	Eligibility	Section 3.1: Minimum Qualifications (Page 4 of RFP)	Can the Department clarify how it will determine statewide experience, specifically the criteria for what constitutes "statewide experience" in at least one other state? Specifically, does this experience require (1) having the exclusive statewide contract in that state, as opposed to sharing the contract with multiple entities, and (2) having a statewide contract but lacking significant consumer enrollment or service experience in various geographic regions due to other entities holding concurrent statewide contracts and thus serving specific regions? How does the Department define and measure "statewide experience" to ensure the chosen entity has comprehensive service capabilities across the entire state?	See Amendment #3 to the RFP.
343	Eligibility	Section 3.1: Minimum Qualifications (Page 4 of RFP)	How will a Statewide FI applicant/bidder's minimum qualification and/or experience be impacted if it has only experience performing fiscal intermediary services using the fiscal/employer agent and employer choice model, which is contrary to New York State's agency with choice and hours authorized model?	See Amendment #3 to the RFP.
344	Eligibility	Section 3.1: Minimum Qualifications (Page 4 of RFP)	Are there any corporate requirements as to how the FI entity must be organized (not-for-profit; for-profit; owned by private equity)?	No.
345	Eligibility	Section 3.1: Minimum Qualifications (Page 4 of RFP)	We are licensed in the state of New York but have agencies in other states as well under different types of licenses. Will this affect eligibility?	No, provided the entities in other states meet the minimum qualifications.
346	Eligibility	Section 3.1: Minimum Qualifications (Page 4 of RFP)	The term "fiscal intermediary" is a term of art particular to New York law. What criteria or definition is DOH using in determining whether a provider is providing services "as a fiscal intermediary" in another state?	See Amendment #3 to the RFP.
347	Eligibility	Section 3.1: Minimum Qualifications (Page 4 of RFP)	Is an affiliate of a LHCSA eligible to apply (see 4.5(d))?	See section 3.1 of the RFP.
348	Eligibility	Section 3.1: Minimum Qualifications (Page 4 of RFP)	How is the term "statewide basis" defined? What criteria or definition is DOH using in determining whether a provider is, as of April 1, 2024, providing services as a fiscal intermediary "on a statewide basis" in another state?	See Amendment #3 to the RFP.
349	Eligibility	Section 3.1: Minimum Qualifications (Page 4 of RFP)	What factors, if any, will the Department consider when determining whether a bidder is "capable of providing statewide intermediary services"? Are bidders required to currently provide services in every county (or some other unit of geographic measurement)? Or is having the means to provide such services in every county (or some other unit of geographic measurement) sufficient? Is there a minimum level of service required in each locality?	See Amendment #3 to the RFP.
350	Eligibility	Section 3.1: Minimum Qualifications (Page 4 of RFP)	In order to be an eligible bidder, must an entity have a contract for FI services with another state, or will an FI that is providing services that geographically cover such state qualify?	See Amendment #3 to the RFP.
351	Eligibility	Section 3.1: Minimum Qualifications (Page 4 of RFP)	The RFP states that any qualified bidder must, as of April 1, 2024, serve as an FI on a "statewide basis in at least one other state". Does "statewide basis" mean serving as the only FI in another state?	See Amendment #3 to the RFP.

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352	Eligibility	Section 3.1: Minimum Qualifications (Page 4 of RFP)	Section 3.1, titled "Minimal Qualifications," states: "An entity capable of performing statewide fiscal intermediary services with demonstrated cultural and language competencies specific to the population of consumers and those of the available workforce, with experience serving individuals with disabilities, and as of April 1st, 2024, is providing services as a fiscal intermediary on a statewide basis in at least one other state." If we are not currently servicing in other states, should/can we still submit the RFP? If we choose not to submit, will we still be able to provide CDPAP services?	See Amendment #3 to the RFP. If an organization does not meet the minimum qualifications, any proposal submitted will not be evaluated.
353	Eligibility	Section 3.1: Minimum Qualifications (Page 4 of RFP)	The RFP states that any qualified bidder must, as of April 1, 2024, serve as an FI on a "statewide basis in at least one other state". Does "statewide basis" mean being available to serve as an FI or actually providing FI services in every region of the State?	See Amendment #3 to the RFP.
354	Eligibility	Section 3.1: Minimum Qualifications (Page 4 of RFP)	Which services does a bidder need to provide in another state as an FI for the purposes of eligibility? Is providing EVV services that maintains time records and other wage and benefit processing documentation, as required under 4.1(e) of the RFP, on a statewide basis sufficient to meet the second prong of the minimum qualifications under section 3.1(a) of the RFP (i.e., "as of April 1st, 2024, is providing services as a fiscal intermediary on a statewide basis in at least one other state.")?	See Amendment #3 to the RFP.
355	Eligibility	Section 3.1: Minimum Qualifications (Page 4 of RFP)	The RFP states that any qualified bidder must be "providing services as a fiscal intermediary on a statewide basis in another state." Is there a threshold level of fiscal intermediary services a bidder must be providing on a statewide basis in another state to qualify them for bidding in New York? That is, is there a minimum portion of overlap between what other states identify as the role of a fiscal intermediary and what New York identifies as the role of a fiscal intermediary to qualify an entity to bid as a fiscal intermediary?	See Amendment #3 to the RFP.
356	Eligibility	Section 3.1: Minimum Qualifications, Bullet a) (Page 4 of RFP)	Does a bidder need to have prior experience as a fiscal intermediary in New York State to demonstrate that is capable of performing statewide fiscal intermediary services?	No.
357	Eligibility	Section 3.1: Minimum Qualifications, Bullet a) (Page 4 of RFP)	Does a bidder need to have prior experience providing fiscal intermediary services in the Consumer Directed Personal Assistance Program to demonstrate that it is capable of performing statewide fiscal intermediary services?	See Amendment #3 to the RFP.
358	Eligibility	Section 3.1: Minimum Qualifications, Bullet a) (Page 4 of RFP)	Does a bidder need to demonstrate specific geographical footprint measurement, or percentage of state Consumers served as of a certain date or time period?	See Amendment #3 to the RFP.
359	Eligibility	Section 3.1: Minimum Qualifications, Bullet a) (Page 4 of RFP)	What criteria will be used to evaluate whether an entity is providing services as a fiscal intermediary on a statewide basis in at least one other state?	See Amendment #3 to the RFP.
360	Eligibility	Section 3.1: Minimum Qualifications, Bullet a) (Page 4 of RFP)	This section says "is providing services as a fiscal intermediary on a statewide basis in at least one other state." The statute and Attachment B state, "with at least one other state." Is there a different meaning between the two? What is the meaning?	See Amendment #3 to the RFP.
361	Eligibility	Section 3.1: Minimum Qualifications, Bullet a) (Page 4 of RFP)	What is the definition of "providing services as a fiscal intermediary . . . in at least one other state"?	See Amendment #3 to the RFP.
362	Eligibility	Section 3.1: Minimum Qualifications, Bullet a) (Page 4 of RFP)	What is the definition of "on a statewide basis"?	See Amendment #3 to the RFP.
363	Eligibility	Section 3.1: Minimum Qualifications, Bullet a) (Page 4 of RFP)	How will the Department determine whether a bidder is providing fiscal intermediary services in at least one other state?	See Amendment #3 to the RFP.

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364	Eligibility	Section 3.1: Minimum Qualifications, Bullet a) (Page 4 of RFP)	Does the particular state in which the fiscal intermediary currently provides services matter?	No.
365	Eligibility	Section 3.1: Minimum Qualifications, Bullet a) (Page 4 of RFP)	What population(s) must the bidder serve in another state to qualify as having providing services as a fiscal intermediary in at least one other state?	See Amendment #3 to the RFP.
366	Eligibility	Section 3.1: Minimum Qualifications, Bullet a) (Page 4 of RFP)	Given the various types of consumer-directed services (e.g., for people with developmental disabilities, people with physical disabilities, older adults, veterans), does the population that the fiscal intermediary has previously served matter?	See Amendment #3 to the RFP.
367	Eligibility	Section 3.1: Minimum Qualifications, Bullet a) (Page 4 of RFP)	Given state variation in terminology, do the services in another state need to be called "fiscal intermediary" services or are there are terms that are the equivalent of "fiscal intermediary" services that will be acceptable?	See Amendment #3 to the RFP.
368	Eligibility	Section 3.1: Minimum Qualifications, Bullet a) (Page 4 of RFP)	Must the services delivered in another state match the definition of fiscal intermediary services set forth in Social Services Law section 365-f(4-a)(a)?	See Amendment #3 to the RFP.
369	Eligibility	Section 3.1: Minimum Qualifications, Bullet a) (Page 4 of RFP)	Does the bidder need to demonstrate it is in good standing in at least one other state in providing fiscal intermediary services?	This will be examined as part of the Vendor Responsibility Questionnaire review.
370	Eligibility	Section 3.1: Minimum Qualifications, Bullet a) (Page 4 of RFP)	Does the bidder need to provide information regarding its provision of fiscal intermediary services in another state, including survey and/or fiscal data?	See RFP Section 6.2.D and Attachment B.
371	Eligibility	Section 3.1: Minimum Qualifications, Bullet a) (Page 4 of RFP)	"An entity capable of performing statewide fiscal intermediary services .. is providing services as a fiscal intermediary on a statewide basis in at least one other state." Does this mean that a FI must be the only approved FI in another state awarded the contract? If that is the case, will the state publish the specific list of bidders (or number of those bidders) who are authorized to submit bids?	See Amendment #3 to the RFP. The Department does not have a list of potential bidders.
372	Eligibility	Section 3.1: Minimum Qualifications (Page 4 of RFP)	Please describe the parameters of the department's definition of "statewide basis".	See Amendment #3 to the RFP.
373	Eligibility	Section 3.1: Minimum Qualifications (Page 4 of RFP)	The RFP states - Entities eligible to submit a bid under this RFP in accordance with SSL § 365-f shall include: An entity capable of performing statewide fiscal intermediary services with demonstrated cultural and language competencies specific to the population of consumers and those of the available workforce with experience serving individuals with disabilities and as of April 1st, 2024, is providing services as a fiscal intermediary on a statewide basis in at least one other state. Please confirm that an applicant would satisfy the Minimum Qualifications regarding performance of "fiscal intermediary services" if it performs services on a statewide basis in another state that satisfy the NYS descriptions of "Fiscal Intermediary Services", even if the applicant is not called a "fiscal Intermediary" in the other state.	See Amendment #3 to the RFP.
374	Eligibility	Section 3.1: Minimum Qualifications, Bullet a) (Page 4 of RFP)	The use of the term "shall" in the eligibility criteria suggests a mandatory requirement. However, given the ambiguity around the phrase "providing services as a fiscal intermediary on a statewide basis in at least one other state," can the Department define what constitutes "statewide basis" and specify the level of service penetration required to meet this criterion?	See Amendment #3 to the RFP.
375	Eligibility	Section 3.1: Minimum Qualifications, Bullet a) (Page 4 of RFP)	Can we get clarification on what "statewide basis" means with regards to fiscal intermediary services as there are varying levels of involvement "statewide" in other states.	See Amendment #3 to the RFP.
376	Eligibility	Section 3.1: Minimum Qualifications, Bullet a) (Page 4 of RFP)	Can the Department provide a precise definition or criteria for what constitutes statewide service provision to ensure consistent and fair evaluation of bids?	See Amendment #3 to the RFP.

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377	Eligibility	Section 3.1: Minimum Qualifications, Bullet a) (Page 4 of RFP)	Given these specific requirements and definitions that apply uniquely to New York State, can the Department clarify how an SFI that only provides similar but not identical services in a different state can meet the qualifications?	See Amendment #3 to the RFP.
378	Eligibility	Section 3.1: Minimum Qualifications, Bullet a) (Page 4 of RFP)	Do the minimum qualifications in this section require that an entity, to be eligible to submit a bid under the RFP, be a current provider of fiscal intermediary services in New York State? In other words, can an entity that currently performs no fiscal intermediary services in New York State be eligible to submit a bid under the RFP? Similar but different question from the first question in this item 9: Do the minimum qualifications in this section require that an entity, to be eligible to submit a bid, currently perform fiscal intermediary services in New York State on a statewide basis?	An entity does not need to be a fiscal intermediary in New York State to be eligible.
379	Eligibility	Section 3.1: Minimum Qualifications, Bullet a) (Page 4 of RFP)	Section 3.1 (a) states, "...on a statewide basis...". How is 'statewide basis' defined?	See Amendment #3 to the RFP.
380	Eligibility	Section 3.1: Minimum Qualifications, Bullet a) (Page 4 of RFP)	Section 3.1 (a) states, "...on a statewide basis in at least one other state."; Attachment B checkbox one states, "...on a statewide basis with at least one other state.". Was the different wording unintentional? If it was not, which term is correct. If so, can you please explain the difference?	See Amendment #3 to the RFP.
381	Eligibility	Section 3.1: Minimum Qualifications, Bullet a) (Page 4 of RFP)	What specific evidence or documentation will be required from an out-of-state SFI to demonstrate their capability to perform the full spectrum of New York State fiscal intermediary services, as defined by New York's statutes and regulations?	See RFP Section 6.2.D. and Attachment B.
382	Eligibility	Section 3.1: Minimum Qualifications, Bullet a) (Page 4 of RFP)	What specific documentation is required to demonstrate that our organization meets the minimum qualifications as a fiscal intermediary as outlined in Section 3.1 of the RFP?	See RFP Section 6.2.D. and Attachment B.
383	Eligibility	Section 4.0: Scope of Work (Page 5 of RFP)	What does the term "entity" mean?	See Amendment #3 to the RFP.
384	Eligibility	Section 4.0: Scope of Work, Third Bullet (Page 5 of RFP)	Does the FI's existing statewide service have to be a CDPAP program?	See Amendment #3 to the RFP.
385	Eligibility	Section 6.2.D: Documentation of Bidder's Eligibility Responsive to Section 3.0 of RFP (Page 21 of RFP)	In order to achieve a successful transition to a single FI in NY, it is critical that bidders not only have experience serving members statewide, but also bring experience with a direct contract with a State. To qualify as the single FI do bidders need to have a contract directly with another state?	See Amendment #3 to the RFP.
386	Eligibility	Section 6.2.D: Documentation of Bidder's Eligibility Responsive to Section 3.0 of RFP (Page 21 of RFP)	Please note the earlier question regarding the difference between this language and the statutory language, specifically the distinction, if any, between providing fiscal intermediary service "in" vs. "with" at least one other state.	See Amendment #3 to the RFP.
387	Emergency Preparedness	Section 4.3: Fiscal Intermediary Employment Related Responsibilities and Joint Employment Requirements (Pages 6-7 of RFP) and Section 4.5: Fiscal Intermediary Organizational Requirements (Page 8 of RFP)	What specific components should be included in the disaster preparedness and emergency plans?	The proposal should demonstrate how the Statewide Fiscal Intermediary will continue operations and continuity of required FI services, as outlined in RFP Section 4.0, to CDPAP consumers in the event of any emergency or disaster. The plan should clearly demonstrate that it ensures continued provision of FI services as required in the RFP and resulting contract.
388	Emergency Preparedness	Section 4.5: Fiscal Intermediary Organizational Requirements (Page 8 of RFP)	In times of crisis, such as natural disasters or pandemics, the adaptability and responsiveness of multiple entities are crucial. How does the Department plan to ensure the same level of adaptability and responsiveness with a single Statewide FI?	See answer to Question #387

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389	Emergency Preparedness	Section 4.5: Fiscal Intermediary Organizational Requirements, Bulletin (Page 8 of RFP)	RFP Section 4.5 Paragraph H and RFP Section F.3 Paragraph 8: "h) Establish, maintain, and periodically review disaster preparedness and emergency plans and procedures related to the provision of required FI services;" and "Describe the establishment, maintenance, and periodic review of the bidder disaster preparedness and emergency plans and procedures related to the provision of required FI services." The RFP omits education to the consumers on Disaster/Emergency plan as to how the FI will fulfill its responsibilities as previous DOH documents required this. The RFP does not include education to the consumer, or DR if applicable, steps they can do to prepare for a disaster or emergency. Emergency/Disaster education is something many current Fis provide as it can save lives such as the Blizzard that occurred in Buffalo, NY where many people died.	See answer to Question #387
390	Evaluation	Section 5.6.2: Revolving Credit Facility (Pages 14-15 of RFP)	Will the Department otherwise measure a bidder's creditworthiness in reviewing a bidder's proposal?	The specific components of the Department's evaluation will not shared with the bidding community.
391	Evaluation	Section 5.6.2: Revolving Credit Facility (Pages 14-15 of RFP)	Will the Department otherwise consider a bidder's financial strength in reviewing a bidder's proposal?	The specific components of the Department's evaluation will not shared with the bidding community.
392	Evaluation	Section 8.1: General Information (Pages 25-26 of RFP)	Will there be an opportunity for bidders to receive feedback on their proposals to understand how scoring decisions were made?	No.
393	Evaluation	Section 8.3: Technical Evaluation (Page 26 of RFP) and Section 8.4: Cost Evaluation (Page 26 of the RFP)	How will the technical and cost proposals be weighted in the evaluation process, and what specific criteria will be used to score them?	A Bidder's Technical Proposal will be weighted 65% of the overall score and a Bidder's Cost Proposal will be weighted 35% of the overall score. Bidders should reference Section 6.2.F of the RFP for information that should be provided in their Technical Proposal.
394	Evaluation	Section 5.6.2: Revolving Credit Facility (Pages 14-15 of RFP)	Will a bidder's proposal be more highly scored if the bidder provides a larger line of credit?	No
395	Evaluation	Section 5.10: Encouraging Use of New York Businesses in Contract Performance (Page 17 of RFP)	Regarding this section, will New York-based businesses be given preferential consideration in this procurement?	No.
396	Evaluation	Section 5.10: Encouraging Use of New York Businesses in Contract Performance (Page 17 of RFP)	Will the Department consider whether a Bidder is an existing New York state business when evaluating the bids?	No.
397	Evaluation	Section 8.0: Method of Award (Pages 25-27 of RFP)	Would the Department consider adding an oral presentation with a solution demonstration to the evaluation process?	No.
398	Evaluation	Section 8.1: General Information (Pages 25-26 of RFP)	Will the DOH make public its scoring and ranking of each Single FI candidate?	No.
399	Evaluation	Section 8.1: General Information (Pages 25-26 of RFP)	Define best value.	See paragraph 1 within Section 8.1 of the RFP.
400	Evaluation	Section 8.1: General Information (Pages 25-26 of RFP)	Section 8.1 states that the "Technical Proposal and compliance with other RFP requirements (other than the Cost Proposal) will be weighted 65% of a proposal's total score" and that "the information contained in the Cost Proposal will be weighted 35% of a proposal's total score." The RFP provides no further guidance regarding how the Cost Proposal will be scored. Is a proposal's total Cost Proposal-related score based purely on Proposed PMPM? What is the relationship between Proposed PMPM and Cost Proposal score? Objective and transparent scoring criteria are necessary to limit DOH staff members' discretion and ensure that bids are evaluated fairly and impartially by DOH.	See Section 8.4 of the RFP, which provides the formula related to how Cost Proposals will be scored.
401	Evaluation	Attachment A: Bidder Document Checklist (Page 28 of RFP)	Are points awarded for completion of the Administrative Proposal, or is it simply pass/fail?	The Administrative Proposal will not be scored as part of the Technical or Cost Evaluation process.
402	Evaluation	General	During the procurement process the NY DOH has discretion to include "other criteria" in order to make their choice on who they will contract with. Can DOH please provide in depth clarification on what the exact and full criteria is?	The specific components of the Department's evaluation will not shared with the bidding community. Bidders should submit their Technical Proposal in accordance with Section 6.2 of the RFP.
403	Evaluation	Section 8.1: General Information (Pages 25-26 of RFP)	How will the Department of Health address potential disparities in the interpretation of "Best Value" among different members of the Evaluation Committee?	This information will not be shared with the bidding community

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404	Evaluation	Section 5.8: DOH's Reserved Rights (Page 16 of RFP)	What criteria will be used to evaluate information obtained from site visits and interviews?	This information will not be shared with the bidding community.
405	Evaluation	Section 6.1.3: Vendor Responsibility Questionnaire (Page 18 of RFP)	What specific elements will be assessed in the Vendor Responsibility Questionnaire, as outlined in Section 6.1.3 of the RFP?	This information will not be shared with the bidding community.
406	Evaluation	Section 6.1.10: MWBE Forms (Page 20 of RFP)	The RFO requires the submission of Attachment 5 (M/WBE Utilization Plan.). However, section 5.5. states "for purposes of this RFP, DOH establishes an overall goal of 0% for M/WBE participation.." What scoring advantages will be awarded to a bidder (if any) that is a NY M/WBE?	This information will not be shared with the bidding community.
407	Evaluation	Section 8.0: Method of Award (Pages 25-27 of RFP)	RFP Sections 8.3 Technical Evaluation and 8.4 Cost Evaluation describe the method of evaluation. Is the Administrative Proposal evaluated? If so, please describe the evaluation criteria.	This information will not be shared with the bidding community.
408	Evaluation	Section 8.1: General Information (Pages 25-26 of RFP)	What agencies will be represented on the RFO Evaluation committee?	This information will not be shared with the bidding community.
409	Evaluation	Section 8.2: Submission Review (Page 26 of RFP)	Who will be involved in the evaluation of SFI applications?	This information will not be shared with the bidding community.
410	Evaluation	Section 8.2: Submission Review (Page 26 of RFP)	How will the selection group evaluate and make its final decision?	This information will not be shared with the bidding community.
411	Evaluation	Section 8.3: Technical Evaluation (Page 26 of RFP)	The RFP states that the evaluation process will be conducted by a technical evaluation committee. Will this committee be able to reach out to the other state(s) the bidder operates to assess how accurate their responses are to what they do on that other state?	This information will not be shared with the bidding community.
412	Evaluation	Section 8.3: Technical Evaluation (Page 26 of RFP)	The RFP states that the evaluation process will be conducted by a technical evaluation committee. Will this committee conduct site visits to bidder locations in other states to conduct audits and ensure the veracity of claims made in the bidders' submissions?	This information will not be shared with the bidding community.
413	Evaluation	Section 8.3: Technical Evaluation (Page 26 of RFP)	Will the DOH's Evaluation Team include part-time state employees or outside consultants?	This information will not be shared with the bidding community.
414	Evaluation	Section 8.3: Technical Evaluation (Page 26 of RFP)	How will the 65 points available for the Technical Evaluation be awarded and weighed by section in the Technical Response? For example, how many maximum points are available for the EVV section?	This information will not be shared with the bidding community.
415	Evaluation	Section 8.3: Technical Evaluation (Page 26 of RFP)	Will the Department review bidder experience as part of the Technical Evaluation?	This information will not be shared with the bidding community.
416	Evaluation	Section 8.3: Technical Evaluation (Page 26 of RFP)	Does the Department have a model proposal it will examine bidder proposals against?	This information will not be shared with the bidding community.
417	Evaluation	Section 8.3: Technical Evaluation (Page 26 of RFP)	Will the Technical Evaluation Committee be trained in how proposals should be reviewed and evaluated?	This information will not be shared with the bidding community.
418	Evaluation	Section 8.4: Cost Evaluation (Page 26 of the RFP)	The RFP states that there is a separate cost evaluation committee. Can that committee reach out to other state(s) the bidder is operating to learn how efficiently they operate compared to what they describe?	This information will not be shared with the bidding community.
419	Evaluation	Section 8.4: Cost Evaluation (Page 26 of the RFP)	Can DOH identify the members and experience of the Cost Evaluation Committee and/or indicate whether the Committee will include DOH Program Staff?	This information will not be shared with the bidding community.
420	Evaluation	Section 8.6: Best and Final Offers (Page 26 of RFP)	What specific criteria will be used in the Best and Final Offer process to ensure it adheres to the "Best Value" concept as specified in Section 8.1?	This information will not be shared with the bidding community.
421	Evaluation	Section 4.1: Required Fiscal Intermediary Services, Bullet a) (Page 5 of RFP)	What are the key elements that you consider most critical in the technical proposal?	This information will not be shared with the bidding community. Bidders should follow the instructions included throughout Section 6 and any applicable attachments when responding to this RFP.
422	Evaluation	Section 4.2: Best Practices (Page 6 of RFP)	Several of the best practices listed in Section 4.2 seem crucial to the success of this system. How will meeting "best practices" be included in the technical evaluation scoring?	This information will not be shared with the bidding community. Bidders should follow the instructions included throughout Section 6 and any applicable attachments when responding to this RFP.

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423	Evaluation	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet b) (Page 8 of RFP)	How will the qualifications of administrative staff be evaluated and measured by the Department of Health?	This information will not be shared with the bidding community. Bidders should follow the instructions included throughout Section 6 and any applicable attachments when responding to this RFP.
424	Evaluation	Section 8.1: General Information (Pages 25-26 of RFP)	Section 8.1 states that the "Technical Proposal and compliance with other RFP requirements (other than the Cost Proposal) will be weighted 65% of a proposal's total score" and that "the information contained in the Cost Proposal will be weighted 35% of a proposal's total score." Section 6.2 further elaborates that the Technical Proposal will be evaluated based on the bidder's ability to "meet the fiscal intermediary services as included in Sections 4.0 through 4.7." How will DOH score and weigh the dozens of discrete services, practices, and requirements set out in Sections 4.0 through 4.7 in determining a total Technical Proposal score? This information is needed in order for bidders to evaluate their eligibility or fitness for the contract and prepare their bids appropriately, and to limit DOH staff members' discretion and ensure that bids are evaluated fairly and impartially by DOH.	This information will not be shared with the bidding community. Bidders should follow the instructions included throughout Section 6 and any applicable attachments when responding to this RFP.
425	Evaluation	Section 8.4: Cost Evaluation (Page 26 of the RFP)	For the Cost Evaluation, will ineligible bidders be excluded from the cost calculation?	Yes, if the Bidder is ineligible, their proposal will not proceed to the Technical or Cost Evaluation Teams.
426	Evaluation	Section 8.1: General Information (Pages 25-26 of RFP)	There is no mention of a potential request for Oral Presentation by select Bidders. Does DOH reserve the right to request Oral Presentations?	Oral presentations are not anticipated; however, under Section 5.8.5 DOH reserves the right to seek clarification from bidders.
427	Evaluation	General	Will extra consideration be given to entities that currently operate in New York State?	The specific components of the Department's evaluation will not shared with the bidding community. Bidders should submit their Technical Proposal in accordance with Section 6.2 of the RFP.
428	Evaluation	Section 3.1: Minimum Qualifications (Page 4 of RFP)	The RFP states that any qualified bidder must be "capable of performing statewide fiscal intermediary services..." What metrics will be used to determine the bidder's capacity to perform such statewide fiscal intermediary services?	The specific components of the Department's evaluation will not shared with the bidding community. Bidders should submit their Technical Proposal in accordance with Section 6.2 of the RFP.
429	Evaluation	Section 3.1: Minimum Qualifications (Page 4 of RFP)	The RFP states that any qualified bidder must be "capable of performing statewide fiscal intermediary services..." Does this mean that a bidder will have to show previous experience performing these services in another state?	The specific components of the Department's evaluation will not shared with the bidding community. Bidders should submit their Technical Proposal in accordance with Section 6.2 of the RFP.
430	Evaluation	Section 3.1: Minimum Qualifications (Page 4 of RFP)	The RFP states that any qualified bidder must be "capable of performing statewide fiscal intermediary services..." Will it be deemed acceptable for a bidder use the experience of subcontractors to meet this standard?	The specific components of the Department's evaluation will not shared with the bidding community. Bidders should submit their Technical Proposal in accordance with Section 6.2 of the RFP.
431	Evaluation	Section 3.1: Minimum Qualifications (Page 4 of RFP)	The RFP states that any qualified bidder must, as of April 1, 2024, serve as an FI on a "statewide basis in at least one other state". To what extent will the Department weigh the comparability of that other state to NYS? That is, will the Department consider population size, cultural and language diversity, etc. of that other State and how that experience might compare to NYS?	The specific components of the Department's evaluation will not shared with the bidding community. Bidders should submit their Technical Proposal in accordance with Section 6.2 of the RFP.
432	Evaluation	Section 3.1: Minimum Qualifications (Page 4 of RFP)	The RFP states that any qualified bidder must, as of April 1, 2024, serve as an FI on a "statewide basis in at least one other state". To what extent will the Department weigh the comparability of how that other State structures the functions of fiscal intermediaries to how the functions of fiscal intermediaries are defined under NYS law?	The specific components of the Department's evaluation will not shared with the bidding community. Bidders should submit their Technical Proposal in accordance with Section 6.2 of the RFP.
433	Evaluation	Section 3.1: Minimum Qualifications, Bullet a) (Page 4 of RFP)	Can the Department outline the process and criteria for evaluating whether an out-of-state SFI's prior experience in other states aligns with New York State's comprehensive fiscal intermediary responsibilities, including wage and benefit processing, compliance with PA workers' compensation, and monitoring consumer's ability to self-direct?	The specific components of the Department's evaluation will not shared with the bidding community. Bidders should submit their Technical Proposal in accordance with Section 6.2 of the RFP.
434	Evaluation	Section 3.1: Minimum Qualifications, Bullet a) (Page 4 of RFP)	What criteria will be used to evaluate whether an entity is capable of performing statewide fiscal intermediary services?	The specific components of the Department's evaluation will not shared with the bidding community. Bidders should submit their Technical Proposal in accordance with Section 6.2 of the RFP.
435	Evaluation	Section 3.1: Minimum Qualifications, Bullet a) (Page 4 of RFP)	How will the Department evaluate demonstrated experience in other states to apply to capability within the New York state CDPAP model?	The specific components of the Department's evaluation will not shared with the bidding community. Bidders should submit their Technical Proposal in accordance with Section 6.2 of the RFP.

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436	Evaluation	Section 4.0: Scope of Work, Paragraph 1 (Page 5 of RFP)	Given the significant functional differences in fiscal intermediary services within New York State as defined by the specified section of Part HH when compared to other state models, how will the Department evaluate experience represented within bidders' proposals to correspond to the unique programmatic needs of New York State's model of consumer directed service delivery?	The specific components of the Department's evaluation will not shared with the bidding community. Bidders should submit their Technical Proposal in accordance with Section 6.2 of the RFP.
437	Evaluation	Section 4.5: Fiscal Intermediary Organizational Requirements (Page 8 of RFP)	The RFP states that the awarded Statewide FI will have and maintain an effective organizational structure with qualified administrative staff to deliver all services of the Statewide FI and ensure all FI personnel have the appropriate training and knowledge to fulfill their duties to the FI. How does the state define 'effective'?	The specific components of the Department's evaluation will not shared with the bidding community. Bidders should submit their Technical Proposal in accordance with Section 6.2 of the RFP.
438	Evaluation	Section 4.5: Fiscal Intermediary Organizational Requirements (Page 8 of RFP)	The RFP states that the awarded Statewide FI will have and maintain an effective organizational structure with qualified administrative staff to deliver all services of the Statewide FI and ensure all FI personnel have the appropriate training and knowledge to fulfill their duties to the FI. How will the state determine if an organizational system is effective?	The specific components of the Department's evaluation will not shared with the bidding community. Bidders should submit their Technical Proposal in accordance with Section 6.2 of the RFP.
439	Evaluation	Section 4.5: Fiscal Intermediary Organizational Requirements (Page 8 of RFP)	The RFP states that the awarded Statewide FI will have and maintain an effective organizational structure with qualified administrative staff to deliver all services of the Statewide FI and ensure all FI personnel have the appropriate training and knowledge to fulfill their duties to the FI. How will the state define 'qualified'?	The specific components of the Department's evaluation will not shared with the bidding community. Bidders should submit their Technical Proposal in accordance with Section 6.2 of the RFP.
440	Evaluation	Section 4.5: Fiscal Intermediary Organizational Requirements (Page 8 of RFP)	The RFP states that the awarded Statewide FI will have and maintain an effective organizational structure with qualified administrative staff to deliver all services of the Statewide FI and ensure all FI personnel have the appropriate training and knowledge to fulfill their duties to the FI. Will the state include the appropriate cultural and language capacities in defining 'qualified'?	The specific components of the Department's evaluation will not shared with the bidding community. Bidders should submit their Technical Proposal in accordance with Section 6.2 of the RFP.
441	Evaluation	Section 4.5: Fiscal Intermediary Organizational Requirements (Page 8 of RFP)	The RFP states that the awarded Statewide FI will have and maintain an effective organizational structure with qualified administrative staff to deliver all services of the Statewide FI and ensure all FI personnel have the appropriate training and knowledge to fulfill their duties to the FI. How will the state determine who is 'qualified'?	The specific components of the Department's evaluation will not shared with the bidding community. Bidders should submit their Technical Proposal in accordance with Section 6.2 of the RFP.
442	Evaluation	Section 5.6.2: Revolving Credit Facility (Pages 14-15 of RFP)	If the awardee is unable to provide proof of the line of credit within 10 days, will the DOH move to award the bidder with the second-highest score?	The specific components of the Department's evaluation will not shared with the bidding community. Bidders should submit their Technical Proposal in accordance with Section 6.2 of the RFP.
443	Evaluation	Section 5.7: Subcontracting (Pages 15-16 of RFP)	Will DOH provide any scoring advantage of any kind to proposals based on the number of proposed subcontracting arrangements? For example, if Bidder A identifies in its technical proposal a comprehensive list of Subcontractors (from which it has secured letters of intent) that demonstrates how it will provide culturally and linguistically competent services in all areas of the State while Bidder B defers to cooperating with DOH to develop an adequate network of subcontractors, will the first bidder be preferenced in any way under the scoring methodology?	The specific components of the Department's evaluation will not shared with the bidding community. Bidders should submit their Technical Proposal in accordance with Section 6.2 of the RFP.
444	Evaluation	Section 5.7: Subcontracting (Pages 15-16 of RFP)	How does the Department define and evaluate the role of subcontractors in fulfilling the FI services? Are there specific qualifications subcontractors must meet?	The specific components of the Department's evaluation will not shared with the bidding community. Bidders should submit their Technical Proposal in accordance with Section 6.2 of the RFP.
445	Evaluation	Section 6.1: Administrative Proposal (Page 18 of RFP)	If evaluations of the Administrative, Technical, and Cost components of Proposals are conducted separately, how will the Department effectively determine if the costs specified within a given proposal are sufficient to support the programmatic functions, best practices, and quality assurance components outlined within a separate section of the same proposal?	The specific components of the Department's evaluation will not shared with the bidding community. Bidders should submit their Technical Proposal in accordance with Section 6.2 of the RFP.
446	Evaluation	Section 8.1: General Information (Pages 25-26 of RFP)	When considering "best value", are the services, quality enhancements, and mandatory/voluntary benefits factored in on the decision?	The specific components of the Department's evaluation will not shared with the bidding community. Bidders should submit their Technical Proposal in accordance with Section 6.2 of the RFP.
447	Evaluation	Section 8.1: General Information (Pages 25-26 of RFP)	What measures are in place to ensure that the Department of Health's "sole discretion" in determining the best proposal does not lead to subjective or biased decision-making?	The specific components of the Department's evaluation will not shared with the bidding community. Bidders should submit their Technical Proposal in accordance with Section 6.2 of the RFP.

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448	EVV	Section 5.7: Subcontracting (Pages 15-16 of RFP)	This section of the RFP may require the FI to contract with "an EVV vendor". Should bidders provide alternative proposals, i.e., with and without the cost of an EVV vendor when submitting their bids?	All bidders are required to have an EVV system that meets all New York State and federal EVV requirements. If a bidder does not have their own EVV system, they would need to contract with an outside EVV vendor.
449	EVV	Attachment B: Bidder's Demonstration of Eligibility to Submit an Offer (Pages 29-30 of RFP)	Section 5.7 of this RFP specifies that the Statewide FI "shall... contract with an EVV vendor, if necessary, to collect and submit data to the NYS Aggregator in accordance with the 21st Century Cures Act and NYS EVV standards and policies" (emphasis added). However, the Joint Employment Attestation included within ATTACHMENT B mandates that the Statewide FI "will contract with an EVV vendor." Is contracting with an EVV vendor a best practice or a requirement under this RFP?	Having an EVV system that is compliant with all federal and state laws, rules and regulations is a requirement of bidders. Whether this system is created in-house or subcontracted by the Statewide Fiscal Intermediary is a decision of the bidder.
450	EVV	Section 4.4: Statewide Fiscal Intermediary Compliance Requirements, Bullet i) (Pages 7-8 of RFP)	What are the details of the EVV requirements given the Aggregator model NY has been using?	Information related to New York State's EVV program can be found at: https://www.health.ny.gov/health_care/medicaid/redesign/evv/
451	EVV	Section 5.7: Subcontracting (Pages 15-16 of RFP)	This section of the RFP may require the FI to contract with "an EVV vendor". Does the State have a preferred vendor?	No. New York State has a provider choice model for EVV, therefore the provider is able to choose their own EVV vendor that is able to comply with all New York State and federal EVV requirements.
452	EVV	Section 4.1: Required Fiscal Intermediary Services (Page 5 of RFP)	The RFP states that "fiscal intermediary services shall not include fulfillment of the responsibilities of the consumer..." which, in (d) includes "Timely approving and attesting to the accuracy of PA time records and transmitting such information to the FI according to the FI's procedures." Does this mean that the consumer, must have access to the backend of the electronic visit verification record system to approve and deny service hours, and how does this occur if the consumer does not have the necessary electronic equipment to perform such a task?	No. The Statewide Fiscal Intermediary would be expected to procure an EVV vendor for personal assistants to use that complies with all EVV requirements.
453	EVV	Section 4.4: Statewide Fiscal Intermediary Compliance Requirements (Pages 7-8 of RFP)	In 4.4(i) the Statewide FI is identified as being responsible for complying with "Electronic Visit Verification requirements the Department has implemented or will implement to comply with the federal 21st Century Cures Act." However, in 4.1, the consumer is responsible for, and the fiscal intermediary shall not engage in "Timely approving and attesting to the accuracy of PA time records and transmitting such information to the FI according to the FIs procedures." Please clarify how these two provisions successfully interact with each other.	See answer to Question #452
454	EVV	Section 4.4: Statewide Fiscal Intermediary Compliance Requirements, Bullet i) (Pages 7-8 of RFP)	Will the statewide FI be required to provide alternative EVV compliance systems?	See answer to Question #449
455	EVV	Section 5.7: Subcontracting (Pages 15-16 of RFP)	Will subcontractors be expected to contract with EVV vendors to collect PA time records?	See answer to Question #449
456	EVV	Section 5.7: Subcontracting (Pages 15-16 of RFP)	Will any subcontractor have to move to the EVV system used by the statewide FI?	See answer to Question #449
457	EVV	Section 4.6: Fiscal Monitoring and Oversight Requirements, Bullet h) (Page 9 of RFP)	How will the Department assess and determine EVV compliance? What specific reporting standards and compliance thresholds will be utilized?	See answer to Question #449
458	EVV	Section 4.8: Information Technology Requirements (Page 10 of RFP)	Will the Information Technology used to comply with EVV be fully ADA compliant and accessible?	See answer to Question #449
459	EVV	Section 5.7: Subcontracting (Pages 15-16 of RFP)	Please clarify the expectations of contracting with EVV vendors.	See answer to Question #449
460	EVV	Section 5.7: Subcontracting (Pages 15-16 of RFP)	Under the last bullet, who is the NYS aggregator?	The NYS Aggregator is the electronic system and mechanism through which EVV data is submitted to New York State

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461	EVV	Section 4.6: Fiscal Monitoring and Oversight Requirements (Page 9 of RFP)	Is the statewide FI responsible for verifying and auditing EVV data?	Yes.
462	Fiscal Oversight	Section 4.6: Fiscal Monitoring and Oversight Requirements (Page 9 of RFP)	Who is responsible for ensuring that the reporting requirements to OMIG are met?	Bidders are responsible for ensuring reporting requirements are met.
463	Fiscal Oversight	Section 4.6: Fiscal Monitoring and Oversight Requirements, Bullet c) (Page 9 of RFP)	Will the awarded Statewide FI be required to retain and preserve financial and other records of FIs ceasing operations?	No, the statewide fiscal intermediary does not have to retain financial and other records of previous fiscal intermediaries unless those records are related to ongoing consumer activity in the program.
464	Fiscal Oversight	Section 4.6: Fiscal Monitoring and Oversight Requirements, Bullet a) (Page 9 of RFP)	Since the cost report submission is based on a calendar year and services will be provided by the single statewide FI beginning April 1, 2025, please confirm who is responsible for submitting cost report data for the four months from Jan. 2025 - April 2025? Would that be the responsibility of the existing FIs within their individual 2025 Cost Reports? And then the single statewide FI would be responsible beginning April 1, 2025 until Dec. 31, 2025? Is it possible to either apply an alternative rate calculation for the first year's cost report or allow services to be effective with the beginning of the calendar year, either 2025 or 2026?	Submission timelines will be handled with the awardee upon contract execution
465	Fiscal Oversight	Section 4.6: Fiscal Monitoring and Oversight Requirements (Page 9 of RFP)	What are the details of the required fiscal procedures and internal controls mentioned in Section 4.6?	Refer to RFP Section 4.6 for the required fiscal monitoring and oversight requirements.
466	Fiscal Oversight	Section 4.6: Fiscal Monitoring and Oversight Requirements (Page 9 of RFP)	Section 4.6 (c): Is the single FI solely liable for the retention and preservation of financial and other records that facilitate fiscal monitoring and audits? Will DOH allow the single FI to transfer this risk to subcontractors? Will DOH allow indemnification provisions in subcontracts related to this risk? Will DOH allow indemnification provisions in subcontracts related to other financial and audit risks?	Bidders should consult with their legal counsel.
467	Fiscal Oversight	Section 4.6: Fiscal Monitoring and Oversight Requirements (Page 9 of RFP)	Section 4.6(d): How is "fiscal oversight" defined? This refers to fiscal oversight over whom? The PA? The consumer? The subcontractor? How is "fiscal integrity" defined? This refers to which party's fiscal integrity? What are the consequences if an undefined party does not meet undefined fiscal integrity standards?	Refer to RFP Section 4.6 for the required fiscal monitoring and oversight requirements.
468	Fiscal Oversight	Section 4.6: Fiscal Monitoring and Oversight Requirements (Page 9 of RFP)	Section 4.6(e): Is the single FI solely liable for OMIG risk? What is the allocation of risk and responsibility between the single FI and subcontractors for making OMIG referrals? Will DOH allow the single FI to transfer this risk to subcontractors? Will DOH allow indemnification provisions in subcontracts related to this risk?	Bidders should consult with their legal counsel.
469	Fiscal Oversight	Section 4.6: Fiscal Monitoring and Oversight Requirements (Page 9 of RFP)	Section 4.6(g): Is the single FI solely liable for OMIG risk and other audit risk as described in this section? What is the allocation of risk and responsibility between the single FI and subcontractors in this section? Will DOH allow the single FI to transfer this risk to subcontractors? Will DOH allow indemnification provisions in subcontracts related to this risk?	Bidders should consult with their legal counsel.

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470	Fiscal Oversight	Section 4.6: Fiscal Monitoring and Oversight Requirements, Bullets E and G (Page 9 of RFP)	RFP Section 4.6 Paragraphs E & G: "Establish and implement corporate compliance policies and procedures in accordance with the Federal Deficit Reduction Act and the False Claims Act to prevent, detect and report fraud, waste and abuse by board members, employees and consumers, and develop strategies to prevent and detect such fraud. The awarded Statewide FI along with its subcontractors, will refer to the Office of the Medicaid Inspector General (OMIG) any allegations of fraud, waste and abuse identified. For more information, see the CMS website on the Medicaid Integrity Program, found here: https://www.cms.gov/Medicare-MedicaidCoordination/Fraud-Prevention/MedicaidIntegrityProgram/index.html " and "Along with its subcontractors, the awarded Statewide FI will be subject to audit, investigation, and review by OMIG for a period consistent with the requirements outlined in 18 NYCRR Part 517. The awarded Statewide FI and its subcontractors will work cooperatively with the Department of Health, Office of the State Comptroller (OSC), OMIG, the New York State Office of the Attorney General, the Department of Health and Human Services (DHHS), the DHHS Office of Inspector General (OIG), and their designated representatives by furnishing any records and information upon request." Will the Statewide be audited on their investigation process and documentation of any fraud, abuse, and neglect of the consumer? What will be the frequency of this oversight? If there is a need for CDPAP Service to be suspended, such as if the consumer's home is environmentally dangerous to the PA, what agency or agencies have the authority to suspend service?	Bidders should consult with their legal counsel regarding federal and state agency oversight authority.
471	FOIL	Section 5.9: Freedom of Information Law ("FOIL") (Page 16 of RFP)	How should sensitive information be marked and justified as exempt from disclosure under FOIL?	FOIL redactions should be requested within the Bidder's Administrative Proposal. See Section 6.1.2 of the RFP.
472	FOIL	Section 5.9: Freedom of Information Law ("FOIL") (Page 16 of RFP)	What specific information will DOH require when evaluating and handling FOIL requests regarding proprietary information?	See response to Question #471
473	FOIL	Section 5.9: Freedom of Information Law ("FOIL") (Page 16 of RFP)	What procedures should subcontractors follow to mark information as confidential?	See response to Question #471
474	FOIL	Section 4.5: Fiscal Intermediary Organizational Requirements (Page 8 of RFP)	Is the requirements of subsection b and c subject to the freedom of information law?	See response to Question #471
475	Health Assessment	Section 4.1: Required Fiscal Intermediary Services, Bullet d) (Page 5 of RFP)	NYCRR 766.11(c) and (d) states the requirements for Personal Assistant (PA) assessments. Who pays for the TB risk assessment? How much does the TB risk assessment cost?	It is the Personal Assistant's responsibility to have their health assessment conducted.
476	Health Assessment	Section 4.1: Required Fiscal Intermediary Services, Bullet d) (Page 5 of RFP)	NYCRR 766.11(c) and (d) states the requirements for PA assessments. Who pays for an annual or frequent health status assessment? How much do the health status assessments costs?	It is the Personal Assistant's responsibility to have their health assessment conducted.
477	Health Assessment	Section 4.1: Required Fiscal Intermediary Services, Bullet e) (Page 5 of RFP)	What "medical documentation" is required by Section 4.1(b)?	Medical documentation pertains to the health assessment as required by 10 NYCRR § 766.11(c) and (d).
478	Health Assessment	Section 4.1: Required Fiscal Intermediary Services, Bullet e) (Page 5 of RFP)	Is the reference to "medical documentation" as "required by 4.1(b)" intended to change the current standards for PA health assessments? Our understanding is that PA health assessments do not require the involvement of a physician or physician assistant. See also RFP Section 4.4.	Medical documentation pertains to the health assessment as required by 10 NYCRR § 766.11(c) and (d).
479	Health Assessment	Section 4.1: Required Fiscal Intermediary Services, Bullet d) and e) (Page 5 of RFP)	In sections 4.1 d and 4.1 e, the RFP refers to assessing health status of the PA, as well as obtaining documentation of such. What documentation is required for the FI to obtain? Additionally, what items are being assessed by the FI?	Medical documentation pertains to the health assessment as required by 10 NYCRR § 766.11(c) and (d).

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480	Health Assessment	Section 4.1: Required Fiscal Intermediary Services, Bullet e) (Page 5 of RFP)	Section 4.1(b) does not refer to medical documentation. Can you clarify the reference to medical documentation in Section 4.1(e)?	Medical documentation pertains to the health assessment as required by 10 NYCRR § 766.11(c) and (d). The reference in 4.1(e) should be to 4.1(d) and not 4.1(b). See Amendment #3.
481	Health Assessment	Section 4.1: Required Fiscal Intermediary Services (Page 5 of RFP)	The RFP states that the fiscal intermediary is responsible for "Ensuring the health status of each PA is assessed prior to service delivery 10 NYCRR 766.11(c) and (d) or any successor regulation." Currently, fiscal intermediaries must assess prior to service and annually. Does this reflect a change in policy related to health assessments? Please clarify.	No, this is still an annual requirement.
482	Health Assessment	Section 4.1: Required Fiscal Intermediary Services, Bullet c) (Page 5 of RFP)	Can the FI obtain a statement of medical clearance from the doctor stating okay to perform essential functions rather than an actual physical examination report?	No. The health assessment is required to follow 10 NYCRR § 766.11(c) and (d).
483	Health Assessment	Section 4.1: Required Fiscal Intermediary Services (Page 5 of RFP)	The RFP states that the fiscal intermediary is responsible for "Ensuring the health status of each PA is assessed prior to service delivery 10 NYCRR 766.11(c) and (d) or any successor regulation." 10 NYCRR 766.11(d)(6) requires "documentation of vaccination against influenza, or wearing of a surgical or procedure mask during the influenza season, for personnel who have not received the influenza vaccine for the current influenza season, pursuant to section 2.59 of this Title." Pursuant to Frequently Asked Questions (FAQ) Regarding Title 10, Section 2.59 "Regulation for Prevention of Influenza Transmission by Healthcare and Residential Facility and Agency Personnel" (January 2, 2015), CDPAP is exempt from this requirement. Will the statewide fiscal intermediary need to ensure compliance with 10 NYCRR 766.11(d)(6) or does the exemption remain in place?	The masking requirement exemption for CDPAP remains in place.
484	Health Assessment	Section 4.1: Required Fiscal Intermediary Services, Bullet d) (Page 5 of RFP)	Who is responsible for the cost of health assessments, the fiscal intermediary or the PA?	It is the Personal Assistant's responsibility to have their health assessment conducted.
485	Health Assessment	Section 4.1: Required Fiscal Intermediary Services, Bullet d) (Page 5 of RFP)	If the fiscal intermediary is responsible for the cost of the health assessment, will the Department, managed care plans, managed long-term care plans, Local Departments of Social Services, and other appropriate long-term service programs offering consumer directed personal assistance services reimburse the fiscal intermediary for these costs?	It is the Personal Assistant's responsibility to have their health assessment conducted.
486	Health Assessment	Section 4.1: Required Fiscal Intermediary Services, Bullet d) (Page 5 of RFP)	NYCRR 766.11 (c) and (d) states that documentation for vaccination against influenza must be maintained (or the PA must wear a mask during season). Who pays for influenza vaccination when needed? How much do flu vaccines cost?	It is the Personal Assistant's responsibility to have their health assessment conducted.
487	Health Assessment	Section 4.1: Required Fiscal Intermediary Services, Bullet e) (Page 5 of RFP)	Will the selected FI be required to pay for PA health assessments?	It is the Personal Assistant's responsibility to have their health assessment conducted.
488	Health Assessment	Section 4.1: Required Fiscal Intermediary Services, Bullet d) (Page 5 of RFP)	Relating to the annual health assessment of the PA, will scheduling and payment be covered by the new statewide FI?	It is the Personal Assistant's responsibility to have their health assessment conducted.
489	In home visits	Section 4.2: Best Practices, Bullet b) (Page 6 of RFP)	Will the statewide fiscal intermediary be required to conduct in-person visits with the consumer at their home?	The RFP states that bidders may use creative approaches to assist in the delivery of high quality FI services that best meet the needs of consumers. The best practices identified in Section 4.2 are not required but will be evaluated.
490	In home visits	Section 4.2: Best Practices, Bullet b) (Page 6 of RFP)	Is conducting visits to the consumer's home a best practice, when many Consumers are protective of their autonomy and privacy?	See answer to Question #489
491	In home visits	Section 4.2: Best Practices, Bullet b) (Page 6 of RFP)	How many in-person home visits per year will the fiscal intermediary be required to conduct?	See answer to Question #489
492	In home visits	Section 4.2: Best Practices, Bullet b) (Page 6 of RFP)	RFP Section 4.2 Paragraph B: "b) Conducting visit(s) to the consumer's home;" Please clarify when the Statewide FI or Subcontractor should conduct home visits to consumers? What frequency and in what situations/purpose?	See answer to Question #489

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493	In home visits	Section 4.2: Best Practices (Page 6 of RFP)	The RFP states bidders may use creative approaches to assist in the delivery of high quality FI services. Among the best practices is conducting visits to the consumer's home. Does the consumer have the right to consent to such visits?	See answer to Question #489
494	In home visits	Section 4.2: Best Practices (Page 6 of RFP)	Will the consumer have the right to refuse a home visit as a "high-quality FI services"?	Yes.
495	In home visits	Section 4.2: Best Practices, Bullet a) (Page 6 of RFP)	Can an FI or its subcontractors utilize video conferencing to conduct a visit to the consumer's home and/or conduct face-to-face orientations?	Yes.
496	In home visits	Section 4.2: Best Practices, Bullet b) (Page 6 of RFP)	Is Consumer consent required before the selected bidder may visit a Consumer's home?	Yes.
497	Insurance	Section 5.6.1: Data Breach and Privacy/Cyber Liability including Technology Errors and Omissions (Page 14 of RFP)	Can the Single FI and all subcontractors be under one policy for a total of \$5,000,000 in coverage, or must each entity have its own coverage?	Each entity must have its own coverage. Per section 5.6.1, with regard to Data Breach and Privacy/Cyber Liability Insurance, "[t]he Contractor <u>and</u> any subcontractor retained by the Contractor shall carry and maintain applicable coverage during and for a period of two (2) years after termination of this contract, Data Breach and Privacy/Cyber Liability Insurance, including coverage for failure to protect confidential information and failure of the security of the Contractor's computer systems or the Department's Authorized Users' systems due to the actions of the Contractor which results in the unauthorized access to the Department's data." (emphasis added).
498	Insurance	Section 5.6.1: Data Breach and Privacy/Cyber Liability including Technology Errors and Omissions (Page 14 of RFP)	Are there any requirements specific to General Liability insurance?	General Liability insurance requirements can be found in Attachment 8 as referenced in Section 5.6 of the RFP.
499	IT	Section 4.8: Information Technology Requirements (Page 10 of RFP)	What specific IT systems or software are required to meet the Information Technology Requirements outlined in Section 4.8?	Bidders will need to have IT systems that allow them to adequately, securely and appropriately conduct all responsibilities required of the Statewide Fiscal Intermediary. Bidders should describe this in their proposal.
500	IT	Section 4.8: Information Technology Requirements (Page 10 of RFP)	Will the accessibility requirements of other sections of this RFP apply to Information Technology considerations?	See answer to Question #499
501	IT	Section 4.9: Privacy, Security and Confidentiality Requirements (Pages 10-11 of RFP)	Who will be the parties to the security and privacy agreements (i.e., Data Use Agreements and Business Associate Agreements) described in this section? Will there be third-party beneficiaries to these agreements?	A prepopulated Data Use Agreement (DUA) will be provided to the organization after the contract is awarded and is fully executed. The DUA contains a Business Associate's Agreement (BAA) which is between the Contractor and the Department. DOH will have absolute authority to determine if, and when, any other party may be allowed to access information The purpose of the Data Use Agreement (DUA) is to assure DOH that a Requesting Organization (Requestor) will maintain the security and privacy of Medicaid Confidential Data (MCD) that DOH releases to the Requestor. An additional purpose of the DUA is to establish a legally binding agreement between the Requestor and DOH by defining the terms and conditions of the MCD release, should DOH accept the Requestor's Agreement.
502	IT	Section 4.9: Privacy, Security and Confidentiality Requirements (Pages 10-11 of RFP)	What are the detailed expectations for data privacy and security, particularly concerning compliance with HIPAA and NYS policies?	The awarded Statewide FI will comply fully with all current and future NYS privacy, confidentiality, and security policies and standards, as well as with all applicable State and federal requirements, in performance of this contract. This shall include all privacy and security policies and procedures of the Department (https://its.ny.gov/eiso/policies/security) and applicable state and federal law, rules, regulations, and administrative guidance with respect to the performance of this contract. See Appendix H included in Attachment 8.

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503	IT	Section 5.6.1: Data Breach and Privacy/Cyber Liability including Technology Errors and Omissions (Page 14 of RFP)	Can you provide more detail on the insurance requirements, particularly the Data Breach and Privacy/Cyber Liability Insurance, as outlined in Section 5.6 of the RFP?	See the NYS Department of Health Contract as part of Attachment 8.
504	IT	Section 5.6.1: Data Breach and Privacy/Cyber Liability including Technology Errors and Omissions (Page 14 of RFP)	Does the Privacy/Cyber insurance need to be from an institution based in New York State? Can the insurance issuer also be the line of credit issuer?	See the NYS Department of Health Contract as part of Attachment 8.
505	Joint Employer	Section 4.3: Fiscal Intermediary Employment Related Responsibilities and Joint Employment Requirements (Pages 6-7 of RFP)	Will the Statewide FI, with more than 100 employees, be required to complete annual federal EEO reporting, including data for both administrative employees and personal assistant workers? How will the Department ensure compliance with these reporting requirements?	The Bidder should consult with the federal EEOC regarding the impact of joint employer status on the annual filing requirement. Any compliance obligations under federal law that may arise out of the joint employer attestation should be evaluated by a Bidder with its labor and employment counsel.
506	Joint Employer	Section 4.3: Fiscal Intermediary Employment Related Responsibilities and Joint Employment Requirements (Pages 6-7 of RFP)	Under joint employer status, will the Statewide FI be responsible for meeting large employer requirements under the ACA, ensuring health insurance coverage for personal assistants, and facing potential penalties for non-compliance? What specific ACA-related responsibilities will the Statewide FI assume?	The Bidder should consult with the IRS regarding the impact of joint employer status on ACA-related responsibilities. Additionally, any compliance obligations under federal law that may arise out of the joint employer attestation should be evaluated by a Bidder with its labor and employment counsel.
507	Joint Employer	Section 4.3: Fiscal Intermediary Employment Related Responsibilities and Joint Employment Requirements (Pages 6-7 of RFP)	The RFP states that the AWARDED STATEWIDE FI shall accept a role as a joint employer. Does this mean that the Awarded Statewide FI is a large employer for purposes of the Affordable Care Act and therefore must provide health insurance benefits?	See answer to Question #506
508	Joint Employer	Section 4.3: Fiscal Intermediary Employment Related Responsibilities and Joint Employment Requirements (Pages 6-7 of RFP)	Under joint employment, would it be more appropriate for the Statewide FI to register as a professional employer organization, and should individual policies be considered to cover both the Statewide FI entity and consumers explicitly? How will the Department address these requirements?	No. A professional employer organization is a co-employer and not a joint employer. The concept of joint employment is that the Statewide FI and the consumer will each have certain employment related responsibilities to the personal assistant. The joint employer attestation asks Fiscal Intermediaries (FI) to acknowledge their status as a joint employer for the purpose of the services, delineated at SSL 365-f (4-a), to ensure that FI services and obligations are provided in compliance with applicable law, while also maintaining consistent state-wide operation of, and standards applicable to, the Consumer Directed Personal Assistance Program (CDPAP). In keeping with NY caselaw regarding the FI's role as joint employer, and to achieve a consistent statewide standard, the joint employment attestation requires the FIs to acknowledge that their relationship to PAs is an employer-employee relationship as determined by and to the extent that FIs are responsible for employment related practices in statute and regulation. Each bidder should consult with its legal counsel regarding the role of the Medicaid CDPAP FI as a joint employer under current NY caselaw.
509	Joint Employer	Section 4.3: Fiscal Intermediary Employment Related Responsibilities and Joint Employment Requirements, Bullet f) (Pages 6-7 of RFP)	Does the "coordinating of annual leave" include scheduling when/if a PA takes time off?	Consumers are responsible for scheduling their personal assistants including when they take time off.
510	Joint Employer	Section 4.3: Fiscal Intermediary Employment Related Responsibilities and Joint Employment Requirements, Bullet k) (Pages 6-7 of RFP)	Will there be a procedure code for FMLA and paid leave benefits?	No.

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511	Joint Employer	Section 4.3: Fiscal Intermediary Employment Related Responsibilities and Joint Employment Requirements, Bullet k) (Pages 6-7 of RFP)	How will the FI pay for FMLA and paid leave?	The Statewide FI will be responsible for the payment of all required and promised wage supplements (fringe benefits) as well as all required paid leave. The Statewide FI will also be obligated to ensure that employees are provided with all required unpaid leave and associated protections.
512	Joint Employer	Section 4.3: Fiscal Intermediary Employment Related Responsibilities and Joint Employment Requirements (Pages 6-7 of RFP)	The RFP states that the Fiscal Intermediary must acknowledge its role, with the consumer, as a joint employer of the personal assistant. Is the FI acknowledging its role as a joint employer for the purposes of the Fair Labor Standards Act (FLSA), under common law, or both?	Yes, the FI would be acknowledging its role as a joint employer for purposes of the federal Fair Labor Standards Act, the New York State Labor Law, and relevant common law.
513	Joint Employer	Section 4.3: Fiscal Intermediary Employment Related Responsibilities and Joint Employment Requirements (Pages 6-7 of RFP)	The RFP states that the Fiscal Intermediary must acknowledge its role, with the consumer, as a joint employer of the personal assistant. As a joint employer who, pursuant to 4.1(a) is establishing the wage of personal assistants, the liability for timely payment of the personal assistant would fall to the fiscal intermediary; however, also pursuant to 4.1 in the second (f), the fiscal intermediary is prohibited from "Timely distributing PAs' employment checks, if physical check distribution by the Consumer to the PA is the means of payment the Consumer and PA agree upon." How can the bidder accept liability for actions it is not legally allowed to control?	Section 4.1 explains that FIs are not responsible for "[t]imely <u>distributing</u> PAs' employment checks, <u>if physical check distribution</u> by the Consumer to the PA is the means of payment the Consumer and PA agree upon". FIs are expected to <u>issue</u> physical checks in a timely manner, if that is the selected method for payment.
514	Joint Employer	Section 4.3: Fiscal Intermediary Employment Related Responsibilities and Joint Employment Requirements, Bullet a) (Pages 6-7 of RFP)	Can the FI mandate that all PAs, with the exception of minors, receive their net payroll by either direct deposit or by fee-free debit card?	No.
515	Joint Employer	Section 4.3: Fiscal Intermediary Employment Related Responsibilities and Joint Employment Requirements (Pages 6-7 of RFP)	The term "joint employer" is used throughout the RFP. In Section 4.3, it states, "The awarded Statewide FI will accept and acknowledge its role as Fiscal Intermediary is that of a joint employer, with the CDPAP consumer, of the personal assistant (PA)." Please confirm our understanding of this term through an example. For example, if my 90-year-old mother lives independently and participates in CDPAP, would she be the "joint employer" CDPAP consumer, along with the statewide FI of the PA providing services in her home? If yes, does that mean the statewide FI must obtain a copy of attachment B from everyone consumer serving as a "joint employer" to the PA as in the example provided here?	Only the bidder must submit the Attachment B form.
516	Joint Employer	Section 4.2: Best Practices, Bullet d) (Page 6 of RFP)	Will there be additional information provided by the Department as to the legal obligations as joint employers for both the consumer and the FI?	Refer to RFP Section 4.3. See answer to Question #505
517	Joint Employer	Section 4.2: Best Practices, Bullet d) (Page 6 of RFP)	Are there any other specific activities for which the Department believes that the consumer and the fiscal intermediary are joint employers?	Refer to RFP Section 4.3.
518	Joint Employer	Section 4.1: Required Fiscal Intermediary Services, Paragraph 1 (Page 5 of RFP)	Is it mandatory for the Statewide FI to be the employer of record for all personal assistants in the state?	Yes.
519	Joint Employer	Section 4.3: Fiscal Intermediary Employment Related Responsibilities and Joint Employment Requirements (Pages 6-7 of RFP)	How does the joint employment role impact subcontractors, and what specific responsibilities will subcontractors have in this capacity?	Only the contracted statewide fiscal intermediary will be considered a joint employer. Subcontractors are responsible for the duties as outlined in their subcontract with the contracted statewide fiscal intermediary but ultimately the contracted statewide fiscal intermediary is responsible for the contract deliverables and the work of their subcontractors.
520	Joint Employer	Section 5.7: Subcontracting (Pages 15-16 of RFP)	Would it be permissible for a subcontractor to be specified as the joint employer, in addition to both the consumer and the Statewide FI?	See answer to Question #519

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521	Joint Employer	Section 4.3: Fiscal Intermediary Employment Related Responsibilities and Joint Employment Requirements (Pages 6-7 of RFP)	Do Centers for Independent Living take on any liability as joint employers if they are performing FI services?	See answer to Question #519
522	Joint Employer	Section 4.2: Best Practices (Page 6 of RFP)	Will subcontractors be considered joint employers with consumers, or is joint employment held by the Statewide FI?	See answer to Question #519
523	Joint Employer	Section 4.2: Best Practices, Bullet d) (Page 6 of RFP)	Please explain the limits to a fiscal intermediary providing support in recruiting, interviewing, supervision and termination when Social Services Law section 365-f(4-a)(a)(iii) prohibits fiscal intermediaries from recruiting, hiring, training, supervising, scheduling, and terminating personal assistants.	See answer to Question #508.
524	Joint Employer	Section 4.2: Best Practices, Bullet d) (Page 6 of RFP)	In describing each of the following as a responsibility of the consumer as a "joint employer," is it the Department's view that the fiscal intermediary is a joint employer for each of the following activities: recruiting, interviewing, dealing with difficult employees, effectively supervising, and terminating employment? Please respond separately for each activity.	See answer to Question #508.
525	Joint Employer	Section 4.2: Best Practices, Bullet d) (Page 6 of RFP)	Providing support for consumers to assist them in their role as a joint employer in areas including, but not limited to recruiting, interviewing, dealing with difficult employees, effective supervision, and termination of employment; However, Section 4.1 states the following: Fiscal Intermediaries are not responsible for, and fiscal intermediary services shall not include fulfillment of the responsibilities of the consumer. Responsibilities of the consumer (or designated representative) include: a) Managing their own plan of care including recruiting and hiring PAs; b) Training, scheduling and supervising PAs including arranging and scheduling substitute coverage when a PA is temporarily unavailable for any reason; c) Assuring PAs competently and safely perform the required services; d) Timely approving and attesting to the accuracy of PA time records and transmitting such information to the FI according to the FIs procedures; e) Timely notifying the FI of changes in employment status of any PA; f) Timely distributing PAs' employment checks, if physical check distribution by the Consumer to the PA is the means of payment the Consumer and PA agree upon; and g) Terminating Pas. Please provide clarification with examples of how an FI is to support and assist for consumer responsibilities in which Section 4:1 states the FI is not responsible for such as recruiting, interviewing, and termination of employment.	See answer to Question #508.
526	Joint Employer	Section 4.2: Best Practices (Page 6 of RFP)	Who is considered the employer of record?	The Statewide Fiscal Intermediary will be the employer of record.
527	Joint Employer	Section 4.3: Fiscal Intermediary Employment Related Responsibilities and Joint Employment Requirements (Pages 6-7 of RFP)	Can DOH state whether the Joint Employer requirements differ from the RFP contract in place today where the FI is an Agency with Choice provider, and if the requirements differ, describe what may be considered a net new requirement under the term "Joint Employer?"	There are currently no contracts in place with fiscal intermediaries in New York State.
528	Joint Employer	Section 4.1: Required Fiscal Intermediary Services, Bullet a) (Page 5 of RFP)	The RFP states that it is the statewide FI's responsibility to process wages and benefits for each personal assistant (PA). Given the "joint employment" arrangement with the Consumer of the PA as described in RFP Section 4.3 Fiscal Intermediary Employment Related Responsibilities and Joint Employment Requirements, please confirm that it is the statewide FI's responsibility to comply with NYS law section 3614-F, Home care minimum wage increase and NYS law section 3614-C, Home care worker wage parity.	Yes, the Statewide Fiscal Intermediary is responsible for complying with all wage and labor laws including minimum wage and wage parity under PHL 3614-F and PHL 3614-C, respectively.

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529	Joint Employer	Section 4.2: Best Practices, Bullet a) (Page 6 of RFP)	In a joint employment environment, could a best practice include providing underutilized staff from one consumer for another consumer who is struggling to hire staff?	Yes, with the consumer's consent to have the Statewide Fiscal Intermediary assist with finding potential personal assistants. It would still be the responsibility of the consumer to interview and hire those individuals, as well as train, schedule and terminate the personal assistant. The Statewide Fiscal Intermediary cannot insist a consumer hire any particular personal assistant.
530	Joint Employer	Section 4.1: Required Fiscal Intermediary Services, Bullet a) (Page 5 of RFP)	Processing wages and benefits for each personal assistant (PA), including establishing the amount of each PA's wages; As a third party fiduciary we are not the responsible party for wage setting, if awarded the contract, will the contracted entity be a joint employer, and wage set for the CDPAP Program Individuals?	Yes. See RFP 4.1 (a) and 4.3.
531	Joint Employer	Section 4.1: Required Fiscal Intermediary Services, Bullet f) (Page 5 of RFP)	RFP Section 4.1 F: Timely distributing PAs' employment checks, if physical check distribution by the Consumer to the PA is the means of payment the Consumer and PA agree upon; is a consumer responsibility with the section stating the FI must not. Then the RFP page 29 states under Joint Employment: a) Ensuring full and timely payment of wages established by the Offeror per applicable federal and state labor laws, including wage parity and overtime laws, preferably by direct deposit, and providing all statements and maintaining all records required by the New York State Labor Law; Please clarify if the consumer is responsible to ensure the PA receives payment or if the FI is responsible. If both the consumer and FI; what is the best practice to share this responsibility.	See answer to Question #513.
532	Joint Employer	Section 4.3: Fiscal Intermediary Employment Related Responsibilities and Joint Employment Requirements (Pages 6-7 of RFP)	Can you elaborate on the joint employment responsibilities outlined in Section 4.3, particularly regarding wage setting and benefit coordination.	See answer to Question #511.
533	Joint Employer	Section 4.3: Fiscal Intermediary Employment Related Responsibilities and Joint Employment Requirements (Pages 6-7 of RFP)	Must the selected statewide fiscal intermediary be a joint employer for all purposes or only for the purposes specifically listed in Section 4.3 of the RFP?	See answer to Question #508.
534	Joint Employer	Section 4.3: Fiscal Intermediary Employment Related Responsibilities and Joint Employment Requirements (Pages 6-7 of RFP)	Will the Statewide FI be held jointly liable for instances of discrimination, harassment, or retaliation if it knew or should have known about such conduct and failed to take appropriate steps to stop it? What protocols will be established to address and prevent these issues?	See answer to Question #508.
535	Joint Employer	Section 4.3: Fiscal Intermediary Employment Related Responsibilities and Joint Employment Requirements (Pages 6-7 of RFP)	What retirement plan structure requirements will be imposed on the Statewide FI for personal assistants under joint employment? Will a multiple employer plan be necessary, and how will the Department ensure these requirements are met?	See answer to Question #508.
536	Joint Employer	Section 4.3: Fiscal Intermediary Employment Related Responsibilities and Joint Employment Requirements (Pages 6-7 of RFP)	What liability will the Statewide FI assume for risks in locations where personal assistants provide services, particularly regarding automobile accidents where the personal assistant is the driver or otherwise responsible? How will these liabilities be managed under joint employment?	See answer to Question #508.
537	Joint Employer	Section 4.3: Fiscal Intermediary Employment Related Responsibilities and Joint Employment Requirements (Pages 6-7 of RFP)	Under 4.3 f, there is a requirement to coordinate health insurance. Is health insurance mandated? if so, what are the particulars of the mandate?	Section 4.3(f) of the RFP states that the Awarded Statewide FI will be responsible for: "Coordinating PA benefits, including annual leave, health insurance and employee benefits as applicable"

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538	Joint Employer	Section 4.3: Fiscal Intermediary Employment Related Responsibilities and Joint Employment Requirements, Bullet f) (Pages 6-7 of RFP)	Do PA's have their health insurance provided by the Single FI?	See answer to Question #537
539	Joint Employer	Section 4.3: Fiscal Intermediary Employment Related Responsibilities and Joint Employment Requirements, Bullet f) (Pages 6-7 of RFP)	Will the Statewide FI be required to provide health insurance benefits to personal assistants?	See answer to Question #537
540	Joint Employer	Section 4.3: Fiscal Intermediary Employment Related Responsibilities and Joint Employment Requirements, Bullet f) (Pages 6-7 of RFP)	RFP Section 4.3 Paragraph F: "f) Coordinating PA benefits, including annual leave, health insurance and employee benefits as applicable" Please clarify what the benefits will be for Personal Assistants? Currently, some Fiscal Intermediaries offer PA benefits above State/Federal requirements. What is the reference to annual leave – is this sick time?	Annual leave refers to paid time off.
541	Joint Employer	Section 4.3: Fiscal Intermediary Employment Related Responsibilities and Joint Employment Requirements (Pages 6-7 of RFP)	For bullet f), when establishing and paying annual leave, how are those paid from the authorizations? Or is there a separate authorization code for annual leave?	Annual leave will not be paid through an authorization; it should be considered as a component of the PMPM calculation.
542	Joint Employer	Section 4.3: Fiscal Intermediary Employment Related Responsibilities and Joint Employment Requirements (Pages 6-7 of RFP)	How will the Department ensure that the Statewide FI effectively administers FMLA for personal assistants who work for multiple consumers or designated representatives, coordinating to return employees to the same or equivalent positions? Will the Department provide guidelines or resources to manage this administrative complexity?	See RFP Section 4.4.
543	Joint Employer	Section 4.3: Fiscal Intermediary Employment Related Responsibilities and Joint Employment Requirements (Pages 6-7 of RFP)	The RFP states that the AWARDED STATEWIDE FI is responsible for "Coordinating PA benefits, annual leave, health insurance, and employee benefits, as applicable." Is the Awarded Statewide FI or the consumer responsible for informing the PA of the availability, scope, changes to, and cost, if applicable, of any such benefit offered?	The statewide FI will be responsible to communicate with PAs regarding any function it performs.
544	Joint Employer	Section 4.3: Fiscal Intermediary Employment Related Responsibilities and Joint Employment Requirements (Pages 6-7 of RFP)	The RFP states that the AWARDED STATEWIDE FI is responsible for "(h) Maintaining and making available to the Consumer information detailing the wage rates and benefits of PAs." Does the Awarded Statewide FI have to communicate with the consumer what benefits are available to the PA, what benefits the PA has opted to receive, or both?	See answer to Question #537
545	Joint Employer	Section 4.3: Fiscal Intermediary Employment Related Responsibilities and Joint Employment Requirements (Pages 6-7 of RFP)	The RFP states that the Fiscal Intermediary must acknowledge its role, with the consumer, as a joint employer of the personal assistant. Joint employment brings with it requirements to comply with a number of different requirements that have historically not applied to CDPA, such as OSHA safe workplace laws and liability for sexual harassment or discrimination when such actions are performed by the consumer, another PA in the consumer's home, or an individual that is in the home with the consumer. Please clarify as to whether this is the intent.	See answer to Question #508.
546	Joint Employer	Section 4.3: Fiscal Intermediary Employment Related Responsibilities and Joint Employment Requirements (Pages 6-7 of RFP)	Will the Statewide FI be responsible for ensuring personal assistants receive appropriate safety training and notices, and could it be cited for safety violations at consumer locations? What authority does the Department have to override federal OSHA standards, and how will joint employer responsibilities be delineated?	See answer to Question #508.

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547	Joint Employer	Section 4.3: Fiscal Intermediary Employment Related Responsibilities and Joint Employment Requirements (Pages 6-7 of RFP)	Section 4.3 As a joint employer, will the Statewide FI have direct responsibility under federal law to ensure all required safety training for personal assistants is completed timely? What are the potential legal liabilities if the Statewide FI fails to report that a consumer is not fulfilling their responsibilities and is potentially not self-directing?	See answer to Question #508.
548	Local Presence	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet g) (Page 8 of RFP)	Can the Department clarify how the single statewide FI will be able to maintain local presence and responsiveness in each region while centralizing operations, especially in rural and underserved areas?	The Department has not defined timely delivery of services as it relates to maintaining a local presence in each of the outlined rate regions. The bidder should demonstrate in its Technical Proposal how they plan to maintain a local presence that allows for the timely delivery of services. How the bidder, through its own means or those of a subcontractor, meets this requirement is at the bidder's discretion and should be described in the Technical Proposal.
549	Local Presence	Section 4.4: Statewide Fiscal Intermediary Compliance Requirements, Bullet g) (Pages 7-8 of RFP)	How many physical locations are required per identified region?	See answer to Question #548
550	Local Presence	Section 4.5: Fiscal Intermediary Organizational Requirements (Page 8 of RFP)	Is a statewide FI with limited subcontractors going to maintain local presence in rural and underserved areas of New York State?	See answer to Question #548
551	Local Presence	Section 4.5: Fiscal Intermediary Organizational Requirements (Page 8 of RFP)	What is considered maintaining a local presence?	See answer to Question #548
552	Local Presence	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet f) (Page 8 of RFP)	How many accessible locations in each region will the statewide FI provide?	See answer to Question #548
553	Local Presence	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet g) (Page 8 of RFP)	May the subcontractor support the Statewide FI by providing support staff at one or more of the regional offices?	See answer to Question #548
554	Local Presence	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet g) (Page 8 of RFP)	How many local presence offices in each region will the statewide FI provide?	See answer to Question #548
555	Local Presence	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet g) (Page 8 of RFP)	Will local offices of subcontractors count towards determining whether the statewide FI has a sufficient regional presence?	See answer to Question #548
556	Local Presence	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet g) (Page 8 of RFP)	Does "local presence" include a physical office? Will a bidder receive extra points for a physical office?	See answer to Question #548
557	Local Presence	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet g) (Page 8 of RFP)	What are the specific requirements regarding maintaining a local presence in each region of the state? Is the local presence one per region, or more than one per region? Does this depend upon the region of the state?	See answer to Question #548
558	Local Presence	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet g) (Page 8 of RFP)	Can this local presence requirement be met through subcontractors?	See answer to Question #548
559	Local Presence	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet g) (Page 8 of RFP)	Does "local presence" include a call center? Will a bidder receive extra points for a call center?	See answer to Question #548

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560	Local Presence	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet g) (Page 8 of RFP)	Can the Department define what constitutes a "local presence" for Statewide FI bidders, such as the requirement for a physical office or acceptable alternatives? Does the Statewide FI bidder need to establish a physical office in New York State prior to April 1, 2024, which is the minimum qualification date the eligible Statewide FI must have provided fiscal intermediary services, to qualify as an eligible Statewide FI? How will the Department verify and evaluate this local presence to ensure compliance and readiness for service delivery across the state?	See answer to Question #548
561	Local Presence	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet g) (Page 8 of RFP)	Can subcontractors of the Statewide FI fulfill the local presence requirement in each region of the state?	See answer to Question #548
562	Local Presence	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet g) (Page 8 of RFP)	How is the term "local presence" defined by the Department? What specific expectations does this requirement entail?	See answer to Question #548
563	Local Presence	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet g) (Page 8 of RFP)	This section specifies that the Statewide FI must "maintain a local presence in each regions of the state"; does this require the Statewide FI to have a physical office within each identified State region? Can this stipulation be met through subcontracting relationships?	See answer to Question #548
564	Local Presence	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet g) (Page 8 of RFP)	The RFP states, "Maintain a local presence in each region of the state (see Attachment D), that ensures the Statewide FI can effectively and timely deliver the services required in Section 4.0." Does the single statewide FI require a local presence or office in every County listed in Attachment D or only 3 offices in total for each of the 3 regions listed in Attachment D?	See answer to Question #548
565	Local Presence	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet g) (Page 8 of RFP)	Section 4.5(g) of the RFP requires the SFI to maintain a local presence in each MLTC rating region. Does a local presence require the SFI to maintain a physical, brick and mortar location? Does the location have to be made available to consumers or to PAs? Or can the SFI maintain a local presence through other means or a combination of means?	See answer to Question #548
566	Local Presence	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet g) (Page 8 of RFP)	The statewide fiscal intermediary is required to maintain a local presence in each region of the state (see Attachment D). What is the definition of "a local presence in each region"?	See answer to Question #548
567	Local Presence	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet g) (Page 8 of RFP)	Will a statewide fiscal intermediary be required to maintain an office in each region set forth in Attachment D?	See answer to Question #548
568	Local Presence	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet g) (Page 8 of RFP)	RFP Section 4.5 Paragraph G: g) Maintain a local presence in each region of the state (see Attachment D), that ensures the Statewide FI can effectively and timely deliver the services required in Section 4.0; and RFP Section 4.3 Paragraph 2: Describe how the FI plans to maintain a local presence that ensures the awarded Statewide FI can effectively and timely deliver the services required by Section 4.0. Please clarify what is meant by a local presence in each region. Does this mean an actual office or remote staff? Is a subcontractor considered a local presence for the Statewide FI?	See answer to Question #548
569	Local Presence	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet g) (Page 8 of RFP)	Will a statewide fiscal intermediary be required to maintain a presence in each county listed in each region as set forth in Attachment D?	See answer to Question #548
570	Local Presence	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet g) (Page 8 of RFP)	Will a statewide fiscal intermediary be required to have an office in each county listed in each region as set forth in Attachment D so that CDPAP consumers, attendants, and self-directing others have a familiar contact?	See answer to Question #548
571	Local Presence	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet g) (Page 8 of RFP)	Does this requirement mean that the FI Bidder must also have an Albany, on-site presence to interact with state officials more expeditiously?	See answer to Question #548
572	Local Presence	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet g) (Page 8 of RFP)	Would meaningful member and PA interaction in a region qualify as "local presence?"	See answer to Question #548

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573	Local Presence	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet g) (Page 8 of RFP)	Can the FI presence in each region be accomplished through the sub-contract requirements in the RFP?	See answer to Question #548
574	Local Presence	Section 4.5: Fiscal Intermediary Organizational Requirements (Page 8 of RFP)	The RFP states that the awarded Statewide FI must "Maintain a local presence in each region of the state (see Attachment D)..." Pursuant to the MLTC regions established, the Statewide FI could fulfill this obligation by placing offices in Port Jefferson (Suffolk), Nyack (Rockland), Kinderhook (Columbia), and Troy (Rensselaer). Please clarify as to whether or not such an arrangement would fulfill this obligation.	See answer to Question #548
575	Local Presence	Section 4.5: Fiscal Intermediary Organizational Requirements (Page 8 of RFP)	Section 4.5 of the RFP also states that the awarded contractor must maintain a local presence in each region of the state. Does this mean at least one office in each of the 4 rate regions? Or does this mean at least one office in each county throughout New York state? Or something else?	See answer to Question #548
576	Local Presence	Section 4.5: Fiscal Intermediary Organizational Requirements (Page 8 of RFP)	4.5 Fiscal Intermediary Organizational Requirements, states: "The awarded Statewide FI will:...g) Maintain a local presence in each region of the state (see Attachment D), that ensures the Statewide FI can effectively and timely deliver the services required in Section 4.0;" Given that the counties listed within the same region are generally not contiguous, what is specifically meant by "maintain a local presence in each region of the state?"	See answer to Question #548
577	Local Presence	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet g) (Page 8 of RFP)	Can subcontractors of the Statewide FI fulfill the local presence requirement in each region of the state?	See answer to Question #548
578	Local Presence	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet g) (Page 8 of RFP)	The awarded FI will: "maintain a local presence in each region of the state" Does each region mean "Capital District Region, Central New York Region, Metropolitan Area Region and Western Region" or something else?	See answer to Question #548
579	Local Presence	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet g) (Page 8 of RFP)	Can the Statewide FI illustrate that it "maintain(s) a local presence in each region of the state" by demonstrating that it currently provides FI services to Medicaid beneficiaries in each region of the state? (i.e., Capital District Region, Central New York Region, Metropolitan Area Region and Western Region)	See answer to Question #548
580	Local Presence	Section 4.5: Fiscal Intermediary Organizational Requirements (Page 8 of RFP)	4.5 Fiscal Intermediary Organizational Requirements, states: "The awarded Statewide FI will:...g) Maintain a local presence in each region of the state (see Attachment D), that ensures the Statewide FI can effectively and timely deliver the services required in Section 4.0;" Given that the regions with contiguous counties are large geographically or present other challenges when travelling throughout the region, what is specifically meant by "maintain a local presence in each region of the state?"	See answer to Question #548
581	Local Presence	Section 4.4: Statewide Fiscal Intermediary Compliance Requirements, Bullet g) (Pages 7-8 of RFP)	Does this require the Statewide FI to have a brick and mortar presence in each region?	Not necessarily. See answer to Question #548
582	MCO Contracting	Section 5.4: Payment (Page 12 of RFP)	Regarding Section 5.4.2, "Direct Care Service Costs", does the state expect that the Statewide FI will negotiate individual contracts with 60+ Managed Care Plans? Or will the State direct or benchmark statewide or regional direct care payment rate(s)?	This question is not relevant to the development of a proposal under this RFP.
583	MCO Contracting	Section 5.4: Payment (Page 12 of RFP)	Will MCO's be required to contract with the Statewide FI at the direct care rate and administrative rate determined by the Statewide FI?	This question is not relevant to the development of a proposal under this RFP.
584	MCO contracting	General	Does NYS intend to set one set of claim rates for all MCOs?	This question is not relevant to the development of a proposal under this RFP.
585	MCO contracting	General	Will the FI be required to negotiate rates with each MCO, or will the MCOs follow the same set of guidelines for rates?	This question is not relevant to the development of a proposal under this RFP.
586	MCO Contracting	Section 5.4: Payment (Page 12 of RFP)	Is the Department's intent for the FI to negotiate rates with each MCO, or would a single rate be set by the State for each MCO?	This question is not relevant to the development of a proposal under this RFP.
587	MCO Contracting	Section 5.4: Payment (Page 12 of RFP)	Are MCO's required to honor the payrate as established by NY State?	This question is not relevant to the development of a proposal under this RFP.

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Number	Subject	Corresponding RFP Section	Question	Answer
588	MCO Contracting	Section 4.4: Statewide Fiscal Intermediary Compliance Requirements, Bullet e) (Pages 7-8 of RFP)	Will the Department require the MCO or LDSS, as applicable, to provide additional reimbursement to the selected FI to provide PA compensation in counties in which the Wage Parity law applies?	The Statewide FI must comply with all existing laws and regulations, including wage parity where applicable.
589	MCO contracting	General	What are the current reimbursement rates by MCO?	Current reimbursement rates may vary by MCO.
590	MCO contracting	Section 2.1: Background Information (Page 3 of RFP)	May a PACE Plan contract for Fiscal Intermediary services with an entity, other than the winning statewide FI?	No.
591	MCO Contracting	Section 4.1: Required Fiscal Intermediary Services (Page 5 of RFP)	Under the new regulations for PACE, a PACE applicant must be approved under section 365-f of the New York State Social Services Law (SSL). Is a PACE program required to submit a response to provide Fiscal Intermediary services as part of this RFP?	No.
592	MCO Contracting	Section 4.1: Required Fiscal Intermediary Services, Bullet a) (Page 5 of RFP)	Will the insurance plans waive timely filing requirements because the consumer is responsible for timely approving and attesting to the accuracy of PA time records and transmitting such information to the FI?	The insurance plans will follow all state and federal requirements.
593	MCO Contracting	Section 4.1: Required Fiscal Intermediary Services, Bullet h) (Page 5 of RFP)	Does the state mandate claims processing timelines the MCOs must adhere to?	The insurance plans will follow all state and federal requirements.
594	MCO Contracting	Section 4.1: Required Fiscal Intermediary Services, Bullet h) (Page 5 of RFP)	What happens if the selected FI cannot come to agreement with a particular MCO?	MCOs can only contract with the Selected FI for Fiscal Intermediary Services
595	MCO Contracting	Section 4.1: Required Fiscal Intermediary Services (Page 5 of RFP)	Will bidders be expected to describe in detail or provide examples of how they have entered into administrative agreements with MCOs?	See Section 6.2 of the RFP for information that should be provided in a bidder's Technical Proposal.
596	MCO Contracting	Section 4.1: Required Fiscal Intermediary Services, Bullet h) (Page 5 of RFP)	Does the reference to MCOs also include managed care plans, managed long-term care plans, Local Departments of Social Services, and other appropriate long-term service programs offering consumer directed personal assistance services?	"MCO" refers to managed care plans. Only the selected FI will be permitted to bill for any CDPAP service or administration costs.
597	MCO Contracting	Section 4.0: Scope of Work (Page 5 of RFP)	What happens if the selected bidder is unable to contract with one or more managed care plans, managed long-term care plans, Local Departments of Social Services, and other appropriate long-term service programs offering consumer directed personal assistance services to provide all fiscal intermediary services to consumers as required by Social Services Law section 365-f(4-a)(a)(ii-a)?	Managed care plans will be required to contract with the contracted statewide fiscal intermediary. Through the Department's contract, Local Departments of Social Services will be considered contracted with the Statewide Fiscal Intermediary and not enter into separate agreements with the contractor.
598	MCO Contracting	Section 4.1: Required Fiscal Intermediary Services (Page 5 of RFP)	Will service centers for independent living subcontracting with the Statewide FI be permitted to enter into administrative and/or reimbursement agreements with MCOs for the provision of FI services?	No. Only the statewide fiscal intermediary will enter into administrative agreements with managed care plans.
599	MCO Contracting	Section 4.1: Required Fiscal Intermediary Services (Page 5 of RFP)	Section 4.1 (h) states, "Entering into administrative and reimbursement agreements with MCOs for the provision of fiscal intermediary services;" Will the Statewide FI be entering into administrative and reimbursement agreements with LDSS' for the provision of fiscal intermediary services?	No. The contract with the State will serve as the agreement with all Local Departments of Social Services.
600	MCO Contracting	Section 4.1: Required Fiscal Intermediary Services, Bullet h) (Page 5 of RFP)	Section 4.1 (H) mentions the Single FI must contract with MCOs. Will the DOH approve, or at minimum, annually review these contracts?	The Department does not review or approve contracts between managed care plans and their network providers.
601	MCO Contracting	Section 4.1: Required Fiscal Intermediary Services, Bullet h) (Page 5 of RFP)	Will the MCOs be required to pay the selected FI the three-tiered PMPM as directed by the Department at amounts established by the Department?	The selected FI will be paid the PMPM amount awarded under this contract.
602	MCO Contracting	Section 4.1: Required Fiscal Intermediary Services (Page 5 of RFP)	For section 4.1 (h): Will the MCOs be required by the State to pay the PMPM established as part of this RFP for administrative services?	The selected FI will be paid the PMPM amount awarded under this contract.
603	MCO Contracting	Attachment F: Cost Proposal (Page 34 of RFP)	Will the MCOs be required by the state to pay the established PMPM?	The selected FI will be paid the PMPM amount awarded under this contract.

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604	MCO Contracting	Section 4.1: Required Fiscal Intermediary Services, Bullet h) (Page 5 of RFP)	Will the Single FI invoice the State or each payer?	The selected FI will work with both the State and the MCOs.
605	MCO Contracting	Section 5.4: Payment (Page 12 of RFP)	Will the State establish a service code for how the billing goes to the MLTCs?	This question is not clear and therefore cannot be answered.
606	MCO Contracting	Section 5.4: Payment (Page 12 of RFP)	If a service code is established, will this utilize the standing worker rate, or will it be negotiated with each MLTC for different rates?	This question is not clear and therefore cannot be answered.
607	MCO Contracting	Section 4.1: Required Fiscal Intermediary Services, Bullet h) (Page 5 of RFP)	Will the selected FI be required to contract with all MCOs?	Yes
608	MCO Contracting	Section 4.1: Required Fiscal Intermediary Services, Bullet h) (Page 5 of RFP)	Does the requirement to contract with MCO's include the Program of All-Inclusive Care for the Elderly (PACE)?	Yes. The statewide fiscal intermediary will enter into administrative agreements with all managed care plans that are obligated to provide consumer directed personal assistance services.
609	MCO Contracting	Section 4.1: Required Fiscal Intermediary Services, Bullet h) (Page 5 of RFP)	Section 4.1 (H) mentions the Single FI must contract with MCOs. Does this include the Program of All-Inclusive Care for the Elderly (PACE)?	Yes. The statewide fiscal intermediary will enter into administrative agreements with all managed care plans that are obligated to provide consumer directed personal assistance services.
610	MWBE	Attachment 5: MWBE Forms	What if the applicant itself is a M/WBW entity, can this be indicated on the form?	A Bidder who is a certified NYS MWBE should still complete Form #4 and #5 as identified in Attachment 5. A Bidder should indicate they are a certified NYS MWBE within their submitted Attachment 7: Bidder's Certified Statements (see Section 2.A.)
611	MWBE	Section 5.5: Minority & Women-Owned Business Enterprise (M/WBE) Requirements and Equal Employment Opportunity (EEO) Reporting (Page 13 of RFP)	The RFP notes that the "DOH hereby establishes an overall goal of 0% for [minority and women-owned business] participation." Given this, will the DOH make efforts to ensure the inclusion of minority and women owned businesses in this industry? If so, what efforts will DOH make?	Although there is a 0% MWBE goal for the resulting contract, as stated in Section 5.5 of the RFP, bidders are strongly encouraged to engage with firms found in the MWBE directory.
612	MWBE	Section 5.5: Minority & Women-Owned Business Enterprise (M/WBE) Requirements and Equal Employment Opportunity (EEO) Reporting (Page 13 of RFP)	Even with a 0% goal for MWBE participation, are there still benefits or preferences for engaging MWBE firms, as outlined in Section 5.5 of the RFP?	Although there is a 0% MWBE goal for the resulting contract, as stated in Section 5.5 of the RFP, bidders are strongly encouraged to engage with firms found in the MWBE directory.
613	MWBE	Section 5.5: Minority & Women-Owned Business Enterprise (M/WBE) Requirements and Equal Employment Opportunity (EEO) Reporting (Page 13 of RFP)	What outreach efforts have been made to certified MWBE firms?	Although there is a 0% MWBE goal for the resulting contract, as stated in Section 5.5 of the RFP, bidders are strongly encouraged to engage with firms found in the MWBE directory.
614	MWBE	Section 6.1.10: MWBE Forms (Page 20 of RFP)	Can DOH provide clarification as to why the attachments in section 6.1.10 are required if there is a M/WBE goal of 0% participation?	Although there is a 0% MWBE goal for this RFP, engaging with firms found on the MWBE is strongly encouraged. See Section 5.5 of the RFP.
615	MWBE	Section 5.5: Minority & Women-Owned Business Enterprise (M/WBE) Requirements and Equal Employment Opportunity (EEO) Reporting (Page 13 of RFP)	While there is a 0% goal for MWBE participation, would the use of small, culturally appropriate Fiscal Intermediaries (FIs) as subcontractors be considered beneficial in the bid, as outlined in Section 5.5 of the RFP?	As stated in Section 5.5 of the RFP, engaging with firms found in the MWBE directory is strongly encouraged.
616	MWBE	Section 5.11: Participation Opportunities for NYS Certified Service-Disabled Veteran-Owned Businesses (Page 17 of RFP)	What specific actions should FIs take to promote and assist in the participation of SDVOBs in the contract?	In order to make good faith efforts to promote and assist in the participation of SDVOBs on the Contract, bidders should view the NYS SDVOB directory at: https://ogs.ny.gov/veterans/ . Bidders are encouraged to contact the Office of General Services' Division of Service-Disabled Veteran's Business Development at 518-474-2015 or VeteransDevelopment@ogs.ny.gov to discuss methods of maximizing participation by SDVOBs on the Contract.

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617	MWBE	Section 5.5: Minority & Women-Owned Business Enterprise (M/WBE) Requirements and Equal Employment Opportunity (EEO) Reporting (Page 13 of RFP)	Can you provide more detail on the expectations and reporting requirements for M/WBE participation and Equal Employment Opportunity (EEO)?	Instructions related to the expectations and reporting requirements for MWBE participation and EEO can be found within Attachment 5 and on the New York State Contract System website: https://ny.newnycontracts.com/ .
618	MWBE	Section 6.1.10: MWBE Forms (Page 20 of RFP)	Was the 0% a typographical error?	No.
619	MWBE	Section 5.5: Minority & Women-Owned Business Enterprise (M/WBE) Requirements and Equal Employment Opportunity (EEO) Reporting (Page 13 of RFP)	Although the DOH has set a 0% goal for minority and women-owned business participation in the Statewide FI bidding, will it set a goal higher than 0% for minority and women-owned business participation as subcontractors?	No. However, as stated in Section 5.5 of the RFP, bidders are strongly encouraged to engage with firms found in the MWBE directory.
620	MWBE	Section 6.1.10: MWBE Forms (Page 20 of RFP)	How can out-of-state businesses be certified as a NY M/WBE Vendor?	Out of state vendors are able to become certified as a NYS MWBE, provided they meet all other MWBE eligibility requirements and possess the "Authority to do Business in New York State" from the NYS Department of State (DOS). Additional information can be found at https://esd.ny.gov/doing-business-ny/mwbe .
621	MWBE	Section 5.5: Minority & Women-Owned Business Enterprise (M/WBE) Requirements and Equal Employment Opportunity (EEO) Reporting (Page 13 of RFP)	How was it determined that there is an overall goal of 0% for M/WBE under this RFP? The Single FI could use M/WBE vendors for items such as office supplies, etc., under their administrative costs.	This question is not relevant for a development of a proposal under this RFP. As stated in Section 5.5 of the RFP, bidders are strongly encouraged to engage with firms found in the MWBE directory.
622	MWBE	Section 5.5: Minority & Women-Owned Business Enterprise (M/WBE) Requirements and Equal Employment Opportunity (EEO) Reporting (Page 13 of RFP)	New York policy and executive orders require commitment to ensuring diversity in its procurements. Yet, Section 5.5 states, "DOH hereby establishes an overall goal of 0% for M/WBE participation." Further, DOH justifies this with saying that their determination is "based on the current availability of qualified MBEs and WBEs and outreach efforts to certified M/WBE firms." In our experience, M/WBE are crucial to the success of these programs and play important roles in all aspects of the program—even administrative tasks, such as mailing, etc. How can the Department justify saying that none of the hundreds of M/WBE firms available are unable to perform any duties under this contract, when there are so many that meet the requirements?	The RFP is not subject to State Finance Law Section 163.
623	MWBE	Section 5.5: Minority & Women-Owned Business Enterprise (M/WBE) Requirements and Equal Employment Opportunity (EEO) Reporting (Page 13 of RFP)	What is the basis for the Department's determination regarding qualified MBEs and WBEs?	The RFP is not subject to State Finance Law Section 163.
624	MWBE	Section 5.5: Minority & Women-Owned Business Enterprise (M/WBE) Requirements and Equal Employment Opportunity (EEO) Reporting (Page 13 of RFP)	Why does the Department believe there is not a single qualified MBE or WBE that can be the awarded contractor?	The RFP is not subject to State Finance Law Section 163.
625	MWBE	Section 5.5: Minority & Women-Owned Business Enterprise (M/WBE) Requirements and Equal Employment Opportunity (EEO) Reporting (Page 13 of RFP)	The RFP notwithstanding MWBE standards. Are the forms related to that still required for the submission? Specifically, is the staffing plan required? If so, is information from subcontractors to be included?	Yes, see Section 5.5 of the RFP and Attachment 5 for additional information. Attachment 5, Form #4 should also be submitted for all planned subcontractors.

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626	Overtime	Section 4.3: Fiscal Intermediary Employment Related Responsibilities and Joint Employment Requirements, Bullet c) (Pages 6-7 of RFP)	Are PA hours aggregated across all consumers in the state to determine overtime and/or travel time?	Hours worked are evaluated at the individual worker level, regardless of the volume of consumers served.
627	Overtime	General	Can the single FI limit the number of hours a Personal Assistant (PA) can work beyond the authorized hours or over 40 hours per week? If not, will the FI be reimbursed for the costs of unauthorized hours and overtime?	Per NYS Law § 365-f and 18 NYCRR § 515.2, the Statewide Fiscal Intermediary cannot limit the number of hours a personal assistant can work.
628	Overtime	Section 4.1: Required Fiscal Intermediary Services (Page 5 of RFP)	The RFP states that "fiscal intermediary services shall not include fulfillment of the responsibilities of the consumer..." which, in (b) includes "Training, scheduling and supervising PAs including arranging and scheduling substitute coverage when a PA is temporarily unavailable for any reason." Does this prevent the Awarded Statewide FI from banning PAs from working overtime?	Per NYS Law § 365-f and 18 NYCRR § 515.2, the Statewide Fiscal Intermediary cannot limit the number of hours a personal assistant can work.
629	Overtime	Section 4.1: Required Fiscal Intermediary Services (Page 5 of RFP)	The RFP states that "fiscal intermediary services shall not include fulfillment of the responsibilities of the consumer..." which, in (b) includes "Training, scheduling and supervising PAs including arranging and scheduling substitute coverage when a PA is temporarily unavailable for any reason." When one PA works for multiple consumers, how does the Awarded Statewide FI limit or prevent the use of overtime without involving itself in the scheduling of the PAs between the two consumers?	Per NYS Law § 365-f and 18 NYCRR § 515.2, the Statewide Fiscal Intermediary cannot limit the number of hours a personal assistant can work.
630	Overtime	Section 4.1: Required Fiscal Intermediary Services, Bullet a) (Page 5 of RFP)	Does the processing of wages include a limitation of overtime? If there is a limitation, what is the limit?	Per NYS Law § 365-f and 18 NYCRR § 515.2, the Statewide Fiscal Intermediary cannot limit the number of hours a personal assistant can work.
631	Overtime	Section 4.1: Required Fiscal Intermediary Services, Bullet a) (Page 5 of RFP)	How will emergency situations which require overtime be handled?	Per NYS Law § 365-f and 18 NYCRR § 515.2, the Statewide Fiscal Intermediary cannot limit the number of hours a personal assistant can work.
632	Overtime	Section 4.3: Fiscal Intermediary Employment Related Responsibilities and Joint Employment Requirements (Pages 6-7 of RFP)	How will the Department ensure that the Statewide FI is compliant with federal and state labor laws regarding overtime, particularly when a personal assistant works more than 40 hours during a 7-day workweek across multiple consumers or designated representatives? What mechanisms will be in place to track and reconcile these hours accurately?	Per NYS Law § 365-f and 18 NYCRR § 515.2, the Statewide Fiscal Intermediary cannot limit the number of hours a personal assistant can work.
633	Overtime	Section 4.3: Fiscal Intermediary Employment Related Responsibilities and Joint Employment Requirements (Pages 6-7 of RFP)	Given the complexity of calculating minimum wage and overtime on a weekly basis, especially for travel time between shifts, how does the Department propose the Statewide FI manage this process to ensure compliance with New York frequency of pay rules? Will the Statewide FI be obligated to pay for travel time or breaks between shifts if the personal assistant does not have sufficient time to use for their own purposes?	Per NYS Law § 365-f and 18 NYCRR § 515.2, the Statewide Fiscal Intermediary cannot limit the number of hours a personal assistant can work.
634	Overtime	Section 4.3: Fiscal Intermediary Employment Related Responsibilities and Joint Employment Requirements, Bullet c) (Pages 6-7 of RFP)	In the example provided, when services are rendered for multiple consumers by a single PA, what is the statewide fiscal intermediary's liability if services are rendered by a single PA in excess of the applicable overtime rules?	Per NYS Law § 365-f and 18 NYCRR § 515.2, the Statewide Fiscal Intermediary cannot limit the number of hours a personal assistant can work.
635	Overtime	Section 4.3: Fiscal Intermediary Employment Related Responsibilities and Joint Employment Requirements, Bullet c) (Pages 6-7 of RFP)	In terms of "tabulating appropriate hours" does this include limitation on overtime?	Per NYS Law § 365-f and 18 NYCRR § 515.2, the Statewide Fiscal Intermediary cannot limit the number of hours a personal assistant can work.

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636	Overtime	Section 4.4: Statewide Fiscal Intermediary Compliance Requirements, Bullet a) (Pages 7-8 of RFP)	Section 4.4 (f) refers to overtime pay. Is the Statewide FI able to limit the amount of overtime a Consumer can schedule?	Per NYS Law § 365-f and 18 NYCRR § 515.2, the Statewide Fiscal Intermediary cannot limit the number of hours a personal assistant can work.
637	Overtime	Section 4.4: Statewide Fiscal Intermediary Compliance Requirements, Bullet f) (Pages 7-8 of RFP)	Will the selected FI be able to limit the hours worked by any one PA?	Per NYS Law § 365-f and 18 NYCRR § 515.2, the Statewide Fiscal Intermediary cannot limit the number of hours a personal assistant can work.
638	Overtime	Section 4.4: Statewide Fiscal Intermediary Compliance Requirements, Bullet f) (Pages 7-8 of RFP)	Will the Statewide FI be required to provide overtime pay?	Per NYS Law § 365-f and 18 NYCRR § 515.2, the Statewide Fiscal Intermediary cannot limit the number of hours a personal assistant can work.
639	Overtime	Section 4.4: Statewide Fiscal Intermediary Compliance Requirements, Bullet f) (Pages 7-8 of RFP)	Will Statewide FI be required to provide overtime pay to PA's?	Per NYS Law § 365-f and 18 NYCRR § 515.2, the Statewide Fiscal Intermediary cannot limit the number of hours a personal assistant can work.
640	Overtime	Section 4.4: Statewide Fiscal Intermediary Compliance Requirements, Bullet f) (Pages 7-8 of RFP)	As a joint employer, can the Fiscal Intermediary limit the amount of overtime worked by the PA?	Per NYS Law § 365-f and 18 NYCRR § 515.2, the Statewide Fiscal Intermediary cannot limit the number of hours a personal assistant can work.
641	Overtime	Section 4.4: Statewide Fiscal Intermediary Compliance Requirements, Bullet f) (Pages 7-8 of RFP)	Under the current CDPAP reimbursement structure, the FI does not get reimbursed at the appropriate rate for overtime hours. Will the statewide FI have the right to work with consumers to require multiple PAs to manage overtime?	Per NYS Law § 365-f and 18 NYCRR § 515.2, the Statewide Fiscal Intermediary cannot limit the number of hours a personal assistant can work.
642	Overtime	Section 4.4: Statewide Fiscal Intermediary Compliance Requirements (Pages 7-8 of RFP)	In 4.4(f), the Statewide FI is identified as being responsible for complying with "state and federal labor laws, including but not limited to laws pertaining to overtime pay." Is the Statewide FI permitted to prevent PAs from working overtime?	Per NYS Law § 365-f and 18 NYCRR § 515.2, the Statewide Fiscal Intermediary cannot limit the number of hours a personal assistant can work.
643	Overtime	Section 4.4: Statewide Fiscal Intermediary Compliance Requirements (Pages 7-8 of RFP)	In 4.4(f), the Statewide FI is identified as being responsible for complying with "state and federal labor laws, including but not limited to laws pertaining to overtime pay." If a PA who serves multiple consumers works in excess of 40 hours in one week between the two consumers, which consumer's managed care organization shall be responsible for the payment of overtime pursuant to Public Health Law 3614-d?	Per NYS Law § 365-f and 18 NYCRR § 515.2, the Statewide Fiscal Intermediary cannot limit the number of hours a personal assistant can work.
644	PA Payment	Section 5.4: Payment (Page 12 of RFP)	Will the direct care service costs be determined by the Local Department of Social Services (LDSS)? Or will this be included as part of the submitted direct care cost proposal by the bidder?	This question is not relevant to the development of a proposal under this RFP.
645	PA Payment	Section 4.1: Required Fiscal Intermediary Services, Bullet c) (Page 5 of RFP)	Will the payment of various insurances be attributable to the PMPM administrative payment or to the direct care budget line?	This question is unclear and will not be answered.
646	PA Payment	Section 5.4: Payment (Page 12 of RFP)	Will Direct Care Service Costs include line items for: regional pay add-on, overtime pay, and off-standard hours pay?	This information is publicly available on the Department's website at https://www.health.ny.gov/health_care/medicaid/redesign/mrt61/2022-09-12_hcw_min_wage_guide.htm
647	PA Payment	Section 5.4: Payment (Page 12 of RFP)	What is the hourly Direct Care worker pay of which the Statewide FI will be reimbursed?	Current rate information is publicly available on the Department's website at https://www.health.ny.gov/facilities/long_term_care/reimbursement/cdpap/
648	PA Payment	Section 5.4: Payment (Page 12 of RFP)	How is the direct care labor cost calculated? Our current understanding is that this is generated from cost reports and varies by provider. Is this understanding accurate, and if so, will it be applied to the MCO PMPM process?	Current rate information is publicly available on the Department's website at https://www.health.ny.gov/facilities/long_term_care/reimbursement/cdpap/
649	PA Payment	Section 5.4: Payment (Page 12 of RFP)	What are the components of the direct care service cost rate?	Current rate information is publicly available on the Department's website at https://www.health.ny.gov/facilities/long_term_care/reimbursement/cdpap/

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650	PA Payment	Section 5.4: Payment (Page 12 of RFP)	How many service codes exist across the range of payers?	The Department does not have this information
651	PA Payment	Section 5.4: Payment (Page 12 of RFP)	The direct service cost—will it be reimbursed on an hourly unit?	Current rate information is publicly available on the Department's website at https://www.health.ny.gov/facilities/long_term_care/reimbursement/cdpap/
652	PA Payment	Section 5.4: Payment (Page 12 of RFP)	The direct service cost—will it include all PA payment-related expenses—PR taxes, WC, UEI, FLSA, Spread of Hours, WWP, etc. or will components be part of the administrative PMPM?	Current rate information is publicly available on the Department's website at https://www.health.ny.gov/facilities/long_term_care/reimbursement/cdpap/
653	PA Payment	Section 5.4: Payment (Page 12 of RFP)	If the direct service rate is set by the State, will a state-directed payment need to be approved by CMS?	No
654	PA Payment	Section 5.4: Payment (Page 12 of RFP)	Please provide the Fee For Service (FFS) Fee Schedule.	Current rate information is publicly available on the Department's website at https://www.health.ny.gov/facilities/long_term_care/reimbursement/cdpap/
655	PA Payment	Section 4.1: Required Fiscal Intermediary Services, Bullet a) (Page 5 of RFP)	What backup payments system will the Statewide FI be required to have in place in the event they are unable to process payments for the PAs? For example, if the \$100,000,000 line of credit is maxed out, how will PAs be paid?	These terms are subject to the contractual agreement between the selected FI and the State.
656	PA Payment	Section 4.1: Required Fiscal Intermediary Services, Bullet a) (Page 5 of RFP)	Will the Department of Labor accept the consumer is responsible for timely approving and attesting to the accuracy of PA time records and transmitting such information to the FI is a consumer responsibility as a defense for when a worker is paid months after the work is performed because the consumer did not approve?	No. Workers must be paid on time for work performed. Under New York Labor Law Section 191, manual workers (meaning individuals who spend more than 25% of work time engaged in "physical labor") must be paid weekly and no later than 7 calendar days after the end of the week in which the wages are earned. Large employers who meet the criteria set forth in Labor Law Section 191 may apply to the Commissioner of Labor for a variance of the requirement to pay employees weekly. If the FI is a non-profit organization, it may pay its manual workers semi-monthly without a variance.
657	PA Payment	Section 4.1: Required Fiscal Intermediary Services, Bullet a) (Page 5 of RFP)	Will the managed care plans, managed long-term care plans, Local Departments of Social Services, and other appropriate long-term service programs offering consumer directed personal assistance services, as applicable, be required to compensate the selected FI for the provision of health care insurance to Personal Assistants?	The selected bidder will be responsible for complying with all applicable laws, rules, and regulations, both state and federal.
658	PA Payment	Section 4.1: Required Fiscal Intermediary Services, Bullet a) (Page 5 of RFP)	Will the selected FI be required to provide health insurance under the Affordable Care Act as a large employer and, if so, will the Department compensate the selected FI for the provision of required health care insurance as required under the Affordable Care Act?	Any compliance obligations under federal law that may arise out of the joint employer attestation should be evaluated by a bidder with its labor and employment counsel.
659	PA Payment	Section 4.1: Required Fiscal Intermediary Services, Bullet a) (Page 5 of RFP)	Will the selected FI be required to provide health insurance under the Affordable Care Act as a large employer and, if so, will the Department require the managed care plans, managed long-term care plans, Local Departments of Social Services, and other appropriate long-term service programs offering consumer directed personal assistance services, as applicable, to compensate the selected FI for the provision of required health care insurance as required under the Affordable Care Act?	Any compliance obligations under federal law that may arise out of the joint employer attestation should be evaluated by a bidder with its labor and employment counsel.
660	PA Payment	Attachment B: Bidder's Demonstration of Eligibility to Submit an Offer (Pages 29-30 of RFP)	Will the FI chosen be required to offer health insurance under the A.C.A.?	Any compliance obligations under federal law that may arise out of the joint employer attestation should be evaluated by a bidder with its labor and employment counsel.
661	PA Payment	Section 4.3: Fiscal Intermediary Employment Related Responsibilities and Joint Employment Requirements, Bullet a) (Pages 6-7 of RFP)	Are PA's "manual workers" under Labor Law 191 and must be pad on a weekly basis?	Manual workers are individuals who spend more than 25% of work time engaged in "physical labor" and must be paid on a weekly basis. Physical labor may include long hours standing as well as tasks such as lifting or turning clients. Large employers who meet the criteria set forth in Labor Law Section 191 may apply to the Commissioner of Labor for a variance of the requirement to pay employees weekly. If the FI is a non-profit organization, it may pay its manual workers semi-monthly without a variance.
662	PA Payment	Section 4.3: Fiscal Intermediary Employment Related Responsibilities and Joint Employment Requirements, Bullet a) (Pages 6-7 of RFP)	Are personal assistants classified as "manual workers" and therefore required to be paid weekly according to New York Labor Law Section 191?	See answer to Question #661

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663	PA Payment	Section 4.4: Statewide Fiscal Intermediary Compliance Requirements (Pages 7-8 of RFP)	In 4.4(g), the Statewide FI is identified as being responsible for complying with "Wage and labor agreements, including union contracts and collective bargaining agreements." Is the Awarded Statewide FI responsible for paying wages already established by existing FIs, or may they lower wages if the FI is paying above minimum wage?	The Department expects that bidders will comply with all federal and state labor and wage requirements.
664	PA Payment	Section 4.1: Required Fiscal Intermediary Services, Bullet a) (Page 5 of RFP)	If the Statewide FI fails to timely process PA payments what kind of contractual monetary penalties will be imposed?	It is expected that the SFI will draw upon the revolving credit facility required in section 5.6.2 to meet its payroll obligations under the contract. Each bidder is expected to consult with its own advisors regarding potential penalties or sanctions under the contract, and state and federal law, regarding potential ramifications of non-compliance under the contract.
665	PA Payment	Section 4.1: Required Fiscal Intermediary Services, Bullet a) (Page 5 of RFP)	What monetary penalties will be imposed for failure to have a backup payment system for failure to process payments?	See answer to Question #664
666	PA Payment	Section 5.6.2: Revolving Credit Facility (Pages 14-15 of RFP)	The contract involves over \$8 billion in annual Medicaid payments. In the event of delays in payment for services, will the fiscal intermediary be expected to pay wages to Personal Assistants?	Yes, the SFI will be expected to meet its payroll obligations under the contract, with no delays in payment to personal assistants.
667	PA Payment	Section 5.7: Subcontracting (Pages 15-16 of RFP)	Does the Department make a distinction between setting wages and establishing benefits for personal assistants and processing wages and benefits for personal assistants?	Yes. Setting wages and establishing benefits are a responsibility of the Statewide Fiscal Intermediary. Processing wages and benefits is the operational function of paying the personal assistant (e.g., through processing a direct deposit transaction).
668	PA Payment	Section 4.3: Fiscal Intermediary Employment Related Responsibilities and Joint Employment Requirements, Bullet a) (Pages 6-7 of RFP)	How is the preference for direct deposit to be accommodated if physical check distribution is requested by the Consumer?	Personal assistants may request physical check distribution.
669	PA Payment	Section 4.1: Required Fiscal Intermediary Services, Bullet a) (Page 5 of RFP)	What is the current payroll for Personal Assistants?	The Department does not have this information. Fiscal intermediaries are required to follow applicable wage and labor laws, rules and regulations including minimum wage and wage parity. Current minimum wage information is available at: https://dol.ny.gov/minimum-wage-home-care-aides-fare-grant and wage parity information is available at: https://www.health.ny.gov/health_care/medicaid/redesign/mrt_61.htm and https://dol.ny.gov/home-health-care-aides-and-wage-parity
670	PA Payment	Section 4.1: Required Fiscal Intermediary Services, Bullet a) (Page 5 of RFP)	What are the current wages for Personal Assistants?	See answer to Question #669
671	PA Payment	Section 4.1: Required Fiscal Intermediary Services, Bullet a) (Page 5 of RFP)	Do the wages for Personal Assistants differ by region?	See answer to Question #669
672	PA Payment	Section 4.1: Required Fiscal Intermediary Services, Bullet a) (Page 5 of RFP)	Will the Department make available information regarding the current wages of Personal Assistants to prospective statewide fiscal intermediaries?	See answer to Question #669
673	PA Payment	Section 4.1: Required Fiscal Intermediary Services, Bullet a) (Page 5 of RFP)	Is it feasible that a single wage & benefit rate can be set for the entire state?	See answer to Question #669
674	PA Payment	Section 5.7: Subcontracting (Pages 15-16 of RFP)	If chosen through the procurement process, we would be considered subcontractors under the SFI, it seems we are not allowed to set the wages and benefits. Is this correct? If so, what are the proposed rates?	See answer to Question #669

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Number	Subject	Corresponding RFP Section	Question	Answer
675	PA Payment	Section 4.3: Fiscal Intermediary Employment Related Responsibilities and Joint Employment Requirements (Pages 6-7 of RFP)	The RFP states that the " AWARDED STATEWIDE FI , on its behalf and on behalf of the consumers it serves, is responsible for: (a) Ensuring full and timely payment of wages established by the awarded Statewide FI, per applicable labor laws, preferably by direct deposit, and providing all statements and maintaining all records required by New York State Labor Law." However, pursuant to section 4.1, in the second (f), the fiscal intermediary " SHALL NOT include fulfillment of the responsibilities of the consumer..." which include, pursuant to (f) underneath, "Timely distributing PAs' employment checks, if physical check distribution by the Consumer to the PA is the means of payment the Consumer and PA agree upon." How can the Awarded Statewide FI be responsible for full and timely payment if it is not allowed to distribute checks to the PA in the event that a physical check is what the consumer and PA agree upon?	Each bidder should consult with its own legal counsel regarding its potential obligations under and compliance with federal and state wage, labor, and employment law.
676	PA Payment	Section 4.3: Fiscal Intermediary Employment Related Responsibilities and Joint Employment Requirements (Pages 6-7 of RFP)	The RFP states that the " AWARDED STATEWIDE FI , on its behalf and on behalf of the consumers it serves, is responsible for: (a) Ensuring full and timely payment of wages established by the awarded Statewide FI, per applicable labor laws, preferably by direct deposit, and providing all statements and maintaining all records required by New York State Labor Law." However, pursuant to section 4.1, in the second (f), the fiscal intermediary " SHALL NOT include fulfillment of the responsibilities of the consumer..." which include, pursuant to (f) underneath, "Timely distributing PAs' employment checks, if physical check distribution by the Consumer to the PA is the means of payment the Consumer and PA agree upon." In the event that the fiscal intermediary tabulates hours for multiple consumers by a single PA, and that PA elects for a physical paycheck, how shall the fiscal intermediary determine which of the consumers shall be responsible for delivering the physical paycheck to the PA?	Each bidder should consult with its own legal counsel regarding its potential obligations under and compliance with federal and state wage, labor, and employment law.
677	PA Payment	Section 4.3: Fiscal Intermediary Employment Related Responsibilities and Joint Employment Requirements (Pages 6-7 of RFP)	The RFP states that the " AWARDED STATEWIDE FI , on its behalf and on behalf of the consumers it serves, is responsible for: (a) Ensuring full and timely payment of wages established by the awarded Statewide FI, per applicable labor laws, preferably by direct deposit, and providing all statements and maintaining all records required by New York State Labor Law." However, pursuant to section 4.1, in the second (f), the fiscal intermediary " SHALL NOT include fulfillment of the responsibilities of the consumer..." which include, pursuant to (f) underneath, "Timely distributing PAs' employment checks, if physical check distribution by the Consumer to the PA is the means of payment the Consumer and PA agree upon." If one consumer is delivering a physical paycheck to a PA that is also working for a different consumer, does the consumer delivering the paycheck to the PA become a joint employer of the PA for the other consumer as well as themselves since they will control the provision of wages for the second consumer's PA?	Each bidder should consult with its own legal counsel regarding its potential obligations under and compliance with federal and state wage, labor, and employment law.
678	PA Payment	Section 4.3: Fiscal Intermediary Employment Related Responsibilities and Joint Employment Requirements, Bullet a) (Pages 6-7 of RFP)	What entity will be responsible for setting up the "direct deposit"? Will it be the responsibility of the PA and/or the FI?	The contracted statewide fiscal intermediary would work with the personal assistant to set up direct deposit of their wages.
679	PA Payment	Section 4.3: Fiscal Intermediary Employment Related Responsibilities and Joint Employment Requirements (Pages 6-7 of RFP)	For bullet a), how many PCAs receive payment via direct deposit today?	The Department does not have this information.
680	PA Payment	Section 4.1: Required Fiscal Intermediary Services (Page 5 of RFP)	RFP states that the consumer or representative is responsible for distributing the PA's employment check if physical check distribution by the Consumer to the PA is the agreed upon means of payment. How many personal assistants are receiving paper checks?	The Department does not have this information.

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681	PA Payment	Section 4.3: Fiscal Intermediary Employment Related Responsibilities and Joint Employment Requirements, Bullet a) (Pages 6-7 of RFP)	Please provide the number of paper checks, direct deposit or other payment options, i.e., debit card payments made for the past 12 months by category.	The Department does not have this information.
682	PA Payment	Section 4.3: Fiscal Intermediary Employment Related Responsibilities and Joint Employment Requirements, Bullet a) (Pages 6-7 of RFP)	What is the standard payment schedule including frequency (i.e., weekly, bi-weekly, semi-monthly)?	The Department does not have this information.
683	PA Payment	Section 4.3: Fiscal Intermediary Employment Related Responsibilities and Joint Employment Requirements, Bullet a) (Pages 6-7 of RFP)	Does the reference to “wages established by the awarded Statewide FI” indicate that the Statewide FI has sole discretion to determine PA wages?	Yes, however the contracted statewide fiscal intermediary must abide by all wage laws, rules and regulations including, but not limited to, minimum wage and wage parity.
684	PA Payment	General	What service codes are allowable under this program for PCAs to perform?	CDPAP EVV applicable services codes are available on the DOH website at: https://www.health.ny.gov/health_care/medicaid/redesign/evv/repository/app_billing_codes.htm
685	PA Payment	General	Will there be travel time for PAs traveling between consumers on the same day?	This is defined in existing rules and regulations. Each bidder should consult with its own legal counsel regarding its obligations under federal and state wage, labor, and employment law.
686	PA Payment	Section 4.3: Fiscal Intermediary Employment Related Responsibilities and Joint Employment Requirements, Bullet a) (Pages 6-7 of RFP)	Please define “timely payment of wages.” Will the FI be assessed a penalty if it fails to timely pay wages? Will past evidence of not timely paying wages result in a deduction of points in the scoring?	This is defined in existing rules and regulations. Each bidder should consult with its own legal counsel regarding its obligations under federal and state wage, labor, and employment law.
687	PA Payment	Section 4.1: Required Fiscal Intermediary Services, Bullet a) (Page 5 of RFP)	What benefits are required for each Personal Assistant?	All benefits required under federal and state law. Each bidder should consult with its own legal counsel regarding its obligations under federal and state wage, labor, and employment law.
688	PA Payment	Section 4.1: Required Fiscal Intermediary Services, Bullet a) (Page 5 of RFP)	Will the Department compensate the selected FI for the provision of health care insurance to Personal Assistants?	The Department expects that bidders will comply with all federal and state labor and wage requirements.
689	PA Payment	Section 4.1: Required Fiscal Intermediary Services, Bullet a) (Page 5 of RFP)	Does the Department currently have set pay rates for workers? If so, what are those pay rates by allowable service codes?	This information is publicly available on the Departments website.
690	PA Payment	Section 4.1: Required Fiscal Intermediary Services (Page 5 of RFP)	When establishing and paying worker benefits, how are those paid from the authorizations? Or is there a separate authorization code for benefits?	This question is not relevant to the development of a proposal under this RFP.
691	PA Payment	Section 4.1: Required Fiscal Intermediary Services, Bullet a) (Page 5 of RFP)	What benefits are currently being provided to Personal Assistants (PA) in CDPAP?	The Department does not have this information.
692	PA Payment	Section 4.3: Fiscal Intermediary Employment Related Responsibilities and Joint Employment Requirements (Pages 6-7 of RFP)	Who is responsible for timely payments if time records are submitted or approved late by the consumer?	The Statewide FI will be responsible for timely payments.

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693	PA Payment	Section 4.3: Fiscal Intermediary Employment Related Responsibilities and Joint Employment Requirements, Bullet i) (Pages 6-7 of RFP)	Does the description of "Auditing Consumers' PA billing records" mean that the Department believes fiscal intermediaries are authorized to audit records maintained by Consumers?	This section refers to billing records submitted by the consumers to the Statewide Fiscal Intermediary for payment.
694	PA Payment	Attachment B: Bidder's Demonstration of Eligibility to Submit an Offer (Pages 29-30 of RFP)	If the chosen FI will offer health insurance, how will they bill the Department for health insurance costs? Or, is this cost to be included in the PMPM?	The Statewide FI must comply with all existing federal and state laws
695	PA Payment	Attachment 8: DOH Agreement, Appendix A, Clause H	As joint employers of the PAs, what level of health benefits would comply with this requirement? (e.g., silver QHP?)	Each bidder should consult with its own legal counsel regarding its obligations under federal and state wage, labor, and employment law.
696	Payment	Section 4.1: Required Fiscal Intermediary Services, Bullet h) (Page 5 of RFP)	Does the state mandate the MCOs provide an Advance Payment of Pre-Funding of gross payrolls plus employer taxes?	Agreements between the Statewide Fiscal Intermediary and the MCOs will be negotiated by the parties.
697	Payment	General	How will the single statewide FI rates be determined in year 1 of providing services if they have no budgeted rate when they first start providing services and have not yet submitted a cost report or requested a budgeted rate?	The administrative cost PMPM will be paid to the Statewide Fiscal Intermediary as included in their Cost Proposal.
698	Payment	Section 5.4: Payment (Page 12 of RFP)	Please provide a breakdown of the costs that are included in "Administrative Costs" and the costs that are included in "Direct Care Service Costs".	This information is publicly available on the Department's website.
699	Payment	Section 6.3: Cost Proposal (Pages 24-25 of RFP)	For Fee-For-Service (FFS) consumers, how will the department establish a cost-based rate for a Statewide FI that does not currently contract in the state?	See answer to Question #698.
700	Payment	Attachment D: Region/County Mapping for MLTC Rate Setting Regions (Page 32 of RFP)	Will rates be based on costs and service statistics from services provided in a given NYS County or within the Region?	This question is not relevant to the development of a proposal under this RFP.
701	Payment	General	Is workers' compensation deducted from the budget?	This question is not clear and therefore cannot be answered.
702	Payment	General	Is the State prefunding payroll to the vendor?	No.
703	Payment	General	Does the state intend to provide an Advance Payment of Pre-Funding of gross payrolls plus employer taxes? If so, what is the amount?	See answer to Question #718
704	Payment	General	Is the FI allowed to deduct fees from worker paychecks?	Any deductions from wages must comply with New York Labor Law Section 193.
705	Payment	General	Is the Domestic Employee FICA Threshold refunding calculated on total wages across all consumers or on each consumer?	Each bidder should consult with its own legal counsel regarding its obligations under federal and state wage, labor, and employment law.
706	Payment	Section 5.4: Payment (Page 12 of RFP)	The RFP states that the "Payment for Administrative Costs will be based on the Contractor's Proposed Per Member Per Month (PMPM) price included in its submitted Attachment F: Cost Proposal." How does this interact with the legal PMPM payments established pursuant to 18 NYCRR 505.28?	The PMPM payments established pursuant to 18 NYCRR s. 505.28(k) predate and are superseded by the relevant provisions of the statutory amendment enacted by L.2024, c. 57, pt. HH, §§ 1 to 7.
707	Payment	General	Will the single State FI be required to comply with statutory payment requirements such as Prompt Pay? If yes, will this be a contractual requirement?	Section 4.4 of the RFP states: "In performing FI services described within the Scope of Work, the awarded Statewide FI must comply with all applicable State and federal laws, rules, regulations, and guidance..."
708	Payment	General	Currently, the FI vendors bill for full services, but only pay out a portion of their billing. The difference between the two is income or revenue to the FI. However, this contract calls for a PMPM as payment to the FI. Does the Department intend to stop the practice of allowing the FI to bill for the full services?	Administration will exclusively be paid through the PMPM established under this contract. Direct care will be paid through existing means with the expectation it flows to the worker
709	Payment	Attachment F: Cost Proposal (Page 34 of RFP)	Will there be a separate onboarding payment established in addition to the ongoing administrative fee?	No
710	Payment	Section 4.1: Required Fiscal Intermediary Services, Bullet f) (Page 5 of RFP)	Does the Department intend to keep the authorization structure the same, or does it intend to move to a Budget Authority model?	No changes proposed

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711	Payment	Section 1.0: Calendar of Events (Page 3 of RFP)	The Contract will require substantial start-up activities by the selected FI. Will the selected FI be compensated for transition costs?	Transition costs will be paid through a separately bid PMPM as outlined in Amendment #3. The Cost Proposal form (Attachment F) has been revised to include this additional PMPM. All other on-going administrative costs for continued program implementation will be paid through the ongoing PMPM. There will be no other reimbursement outside these PMPM amounts other than direct care services costs.
712	Payment	Section 4.7: Quality Monitoring and Reporting Requirements (Page 9 of RFP)	Will the costs of the data collection, reports, and formats be chargeable to the Department?	See answer to Question #711
713	Payment	Section 4.8: Information Technology Requirements (Page 10 of RFP)	Will the Department provide funds to support the purchase of necessary Information Technology?	See answer to Question #711
714	Payment	Section 4.10: Transition Requirements, Paragraph 1 (Page 11 of RFP)	Will the department provide funding for start-up and transition costs for the new Statewide FI?	See answer to Question #711
715	Payment	Section 4.10: Transition Requirements, Paragraph 4 (Page 11 of RFP)	Will there be start-up funding and transition costs for the new Statewide FI?	See answer to Question #711
716	Payment	Section 4.4: Statewide Fiscal Intermediary Compliance Requirements, Bullet e) (Pages 7-8 of RFP)	Will the Department provide additional reimbursement to the selected FI to provide PA compensation in counties in which the Wage Parity law applies?	Wage parity is factored into the direct care rates in those regions.
717	Payment	General	What is the average participant budget amount?	The Department does not have this information.
718	Payment	General	What is the average monthly payroll volume?	The Department does not have this information.
719	Payment	General	How many payments are processed currently each month?	The Department does not have this information.
720	Payment	General	What is the average funding amount required per payroll including all employer related costs?	The Department does not have this information.
721	Payment	General	What is the average payroll cost for the CDPAP program per payroll cycle?	The Department does not have this information.
722	Payment	General	Will the PMPM fee be billed directly to the state or to each of the MCOs?	This question is not relevant to the development of a proposal under this RFP.
723	Payment	Section 5.4: Payment (Page 12 of RFP)	How frequently are FFS claims processed- weekly?	Weekly
724	Payment	Section 4.1: Required Fiscal Intermediary Services, Bullet h) (Page 5 of RFP)	Will the selected FI be permitted to negotiate payment rates with MCOs? If so, will the negotiated payment rates include compensation for administrative costs? If so, will the negotiated payment rates include compensation for direct care costs?	The administrative costs will be compensated via the contracted PMPM established under this RFP exclusively.
725	Payment	General	Does the state intend to provide expedited claims processing and what is the expected turn-around time from claims submission date to payment received date?	The Department will work with the awarded Contractor on claims processing.
726	Payment	Section 4.4: Statewide Fiscal Intermediary Compliance Requirements, Bullet k) (Pages 7-8 of RFP)	Will the Department adjust compensation to the selected FI when the Department establishes guidance, directives, or reporting requirements that add costs that must be borne by the fiscal intermediary?	This question is not relevant to the development of a proposal under this RFP.
727	Payment	Section 5.4: Payment (Page 12 of RFP)	Is the proposed PMPM effective for all 5 years of the contract term or is there a built in annual increase to account for changes in the market? (e.g. inflation, increased labor costs etc.)	The administrative cost PMPM is for all 5 years of the contract.
728	Payment	Section 6.2.F.6: EVV System (Pages 24-25 of RFP)	The RFP asks the bidder to explain how it will ensure claims are correct and timely. However, in section 4.1 it states that the fiscal intermediary shall not engage in activities that are the sole responsibility of the consumer, which includes "Timely approving and attesting to the accuracy of PA time records and transmitting such information to the FI according to the FIs procedures." Is it the bidder or the consumer's responsibility to ensure accuracy of claim data, which is based on time records?	EVV requires that EVV data matches submitted claims.

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729	Peers	Section 4.2: Best Practices, Bullet a) (Page 6 of RFP)	What is a "peer" in the context of CDPAP?	An example of a peer in the context of CDPAP would be a consumer that has been in the program for quite some time who could mentor a new consumer in areas such as how to hire a personal assistant, how to train the personal assistant and other areas where their experience could assist a new consumer best navigate the program. However, the bidder is encouraged to develop its own peer mentoring program and should not use this example as the sole definition of peers.
730	Peers	Section 4.2: Best Practices, Bullet a) (Page 6 of RFP)	Can the Department provide a definition of the term "peer supports, including peer mentoring and counseling" and/or provide examples of same?	See answer to Question #729
731	Peers	Section 4.2: Best Practices, Bullet a) (Page 6 of RFP)	The RFP refers to "peer supports" and "peer mentoring" in paragraph a. Can the Department please provide an example of this better practice to help the consumers and statewide FI?	See answer to Question #729
732	Peers	Section 4.2: Best Practices, Bullet a) (Page 6 of RFP)	Does the fiscal intermediary need to have prior experience providing peer supports, or is it sufficient to describe an intention to utilize peer supports?	See answer to Question #729
733	Peers	Section 4.2: Best Practices, Bullet a) (Page 6 of RFP)	Will the statewide fiscal intermediary be required to provide in-person peer support?	The RFP states that bidders may use creative approaches to assist in the delivery of high quality FI services that best meet the needs of consumers. The best practices identified in Section 4.2 are not required but will be evaluated.
734	Personal Assistants	Section 4.1: Required Fiscal Intermediary Services (Page 5 of RFP)	The RFP states that "fiscal intermediary services shall not include fulfillment of the responsibilities of the consumer..." which, in (g) includes "Terminating PAs." If a PA is found guilty of fraud or is otherwise on the ineligible to work list, can the FI terminate the PA?	If the Statewide Fiscal Intermediary becomes aware that a personal assistant is on an exclusion list, they should notify the appropriate authorizing entity for the individual (LDSS/MCO) for further review of the individual's continued eligibility for CDPAP.
735	Personal Assistants	Section 4.1: Required Fiscal Intermediary Services (Page 5 of RFP)	Is the FI contractor responsible for enrolling personal assistants? If yes, please provide the requirements for the enrollment responsibilities.	It is not clear what is meant by "enrolling personal assistants". Therefore, an answer to this question cannot be given.
736	Personal Assistants	Section 4.4: Statewide Fiscal Intermediary Compliance Requirements, Bullet h) (Pages 7-8 of RFP)	May the selected FI establish standards, beyond the statutory and regulatory requirements, for whom a Consumer may hire as a PA?	No.
737	Personal Assistants	Section 4.1: Required Fiscal Intermediary Services (Page 5 of RFP)	Will Centers for Independent Living be able to perform HR tasks for PAs, including processing hiring paperwork, performing background checks, or any other daily HR processes? This is not a prohibited task in section 5.7	Prohibited subcontractor responsibilities are outlined in Section 5.7 of the RFP.
738	Personal Assistants	Section 4.1: Required Fiscal Intermediary Services (Page 5 of RFP)	Will Centers for Independent Living be permitted to collect time records for PAs? Section 5.7 prohibits subcontractors from maintaining records but allows them to maintain copies and duplicates.	Prohibited subcontractor responsibilities are outlined in Section 5.7 of the RFP.
739	Personal Assistants	Section 4.1: Required Fiscal Intermediary Services (Page 5 of RFP)	If Centers for Independent Living are permitted to collect time records for PAs, will they be required to transmit the time records to the Statewide FI, or can they transmit time records for payroll themselves? If they must submit time records to the Statewide FI, by what means?	Prohibited subcontractor responsibilities are outlined in Section 5.7 of the RFP.
740	Personal Assistants	Section 4.2: Best Practices, Bullet c) (Page 6 of RFP)	May the selected bidder conduct non-face-to-face orientation of a PA without a Consumer's consent?	The RFP states that bidders may use creative approaches to assist in the delivery of high quality FI services that best meet the needs of consumers. The best practices identified in Section 4.2 are not required but will be evaluated.
741	Personal Assistants	Section 4.2: Best Practices, Bullet c) (Page 6 of RFP)	Is the consent of the Consumer necessary to conduct face-to-face orientation for PAs?	The RFP states that bidders may use creative approaches to assist in the delivery of high quality FI services that best meet the needs of consumers. The best practices identified in Section 4.2 are not required but will be evaluated.
742	PMPM	Section 5.4: Payment (Page 12 of RFP)	Should bidders include the provision of leave, health insurance, and other benefits in the administrative Per Member Per Month cost or do such costs get reimbursed as part of the Direct Care Service Costs?	This information is publicly available on the Department's website at https://www.health.ny.gov/health_care/medicaid/redesign/mrt61/2022-09-12_hcw_min_wage_guide.htm

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743	PMPM	Section 5.4: Payment (Page 12 of RFP)	The Department has not included a trend component (18 NYCRR §505.14(h)(7)(ii)(a)(5)) into the rate-setting calculation of the Medicaid fee-for-service administrative rate and direct care rate since at least April 1, 2011. This elimination impacts various rate-setting components within the reimbursement structure, such as the Adjustment for Profit/Surplus, Workers Recruitment and Retention add-on, and other vital rate components. Section 21 of the Health Care Reform Act (HCRA) of 2000 mandated the calculation of the trend factor using proxies based on the Consumer Price Index (CPI) from April 1, 2000, to account for inflation in healthcare costs, provide predictability in budgeting, and maintain fairness in reimbursement rates. Between 2012 and 2022, while the CDPAP Medicaid fee-for-service rate-setting trend component was 0.00%, the CPI showed a cumulative inflation rate of 31.50%. This significant disparity has eroded CDPAP Fiscal Intermediary provider reimbursement rates, jeopardizing financial stability, workforce retention, and quality of care for more than a decade. How will the Department ensure that the trend component is included in the rates for the awarded Statewide Fiscal Intermediary, aligning with economic realities and ensuring fairness, sustainability, and the well-being of all stakeholders in the CDPAP industry?	Administrative costs will be compensated via the PMPM established under this contract.
744	PMPM	Section 5.4: Payment (Page 12 of RFP)	Will MCO's be required to pay the approved PMPM and not pay an amount they choose?	Administrative costs will be compensated via the PMPM established under the contract exclusively.
745	PMPM	Section 6.3: Cost Proposal (Pages 24-25 of RFP)	Can you provide guidance on how to structure the single all-inclusive Per Member Per Month (PMPM) cost in a way that is compliant with the RFP's requirements?	Bidders should reference Section 6.3 of the RFP and Attachment F for this information.
746	PMPM	General	What is the current average PMPM?	https://www.health.ny.gov/facilities/long_term_care/reimbursement/cdpap/fiscal_int_3_tiered_fee_schedule.htm
747	PMPM	Section 5.4: Payment (Page 12 of RFP)	What are the PMPM rates paid to the current vendors who support this service?	https://www.health.ny.gov/facilities/long_term_care/reimbursement/cdpap/fiscal_int_3_tiered_fee_schedule.htm
748	PMPM	Attachment F: Cost Proposal (Page 34 of RFP)	Attachment F requires a single "PMPM to complete all FI Statewide Functions". Are bidders to assume that each year of the 5-year contract has the same PMPM?	See response to Question #727
749	PMPM	Section 5.4: Payment (Page 12 of RFP)	Is there a single PMPM tier that the statewide FI should bill, or are there multiple tiers? If there are multiple tiers, can the Department provide a description?	There is only one PMPM to be proposed for on-going administrative costs of the program.
750	PMPM	Section 5.4: Payment (Page 12 of RFP)	Will there be State-mandated universal service codes for the PMPM tiers? Or will those for FFS be used, and if so, are those codes defined somewhere?	There is only one PMPM to be proposed for on-going administrative costs of the program.
751	PMPM	Section 5.4: Payment (Page 12 of RFP)	The Department wants a single PMPM in the cost proposal. Should this be a blended rate for all consumers and not be broken out by the number of hours the consumer receives per month?	There is only one PMPM to be proposed for on-going administrative costs of the program.
752	PMPM	General	Can you provide the number of individuals receiving Tier 1, Tier 2, and Tier 3 services?	Department projections will not be provided. Bidders should review historic and publicly available information to inform their own assumptions.
753	PMPM	Section 6.3: Cost Proposal (Pages 24-25 of RFP)	Section 6.3 Attachment F Should we propose cost of living increases in the PMPM throughout the duration of the contract, or will there be an opportunity to negotiate these increases during the contract period?	The Contractor's proposed PMPM will be effective for the full five (5)-year contract term. There will not be an opportunity to negotiate an increase in the Contractor's PMPM during the resulting contract.
754	PMPM	Section 5.4: Payment (Page 12 of RFP)	Should the administrative PMPM include costs related to implementing best practices?	The proposed PMPM will be an all-inclusive price to complete all FI Statewide Administrative functions through the resulting contract. See Section 5.4 of the RFP.
755	PMPM	Section 4.2: Best Practices (Page 6 of RFP)	What percentage of the PMPM does the state estimate should be represented by utilization of best practices?	This amount would be at the bidder's discretion.
756	PMPM	Section 6.3: Cost Proposal (Pages 24-25 of RFP)	What percent of people are in the tiers that are currently being paid?	Department projections will not be provided. Bidders should review historic and publicly available information to inform their own assumptions.
757	PMPM	Section 5.4: Payment (Page 12 of RFP)	The Department wants a single PMPM in the cost proposal. Should this contain transition costs?	No. See Amendment #3
758	PMPM	Section 5.4: Payment (Page 12 of RFP)	Are transition costs to be included in the submitted PMPM?	No. See Amendment #3

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Number	Subject	Corresponding RFP Section	Question	Answer
759	PMPM	Section 5.4: Payment (Page 12 of RFP)	Can the Department provide a detailed timeline and action plan for implementing the corrected direct care regional ceiling for Medicaid fee-for-service direct care reimbursement rates to reflect the current direct care costs as required by the regulation, ensuring accurate calculations for Adjustment for Surplus and Worker Recruitment and Retention (WR&R) components, which will directly impact the financial proposals and operational planning of SFI bidders?	The Department is in compliance with existing rules and regulations
760	PMPM	Section 5.4: Payment (Page 12 of RFP)	Section 5.4 States that the "Contractor will not be reimbursed separately by NYS or any other entity for any Administrative Services outside of its proposed PMPM bid under this RFP." a. Does this apply only to Fee for Service? b. Can the SFI be reimbursed for PMPM in their contracts with MCOs? c. Will the state be paying a PMPM to the MCOs that is then passed through to the SFI?	The Statewide FI will be responsible for all Fiscal Intermediary Administrative Services under the PMPM bid.
761	PMPM	Section 5.4: Payment (Page 12 of RFP)	How will the current funding structure change once the single FI is implemented?	There is only one PMPM to be proposed for administrative costs for the bidder.
762	PMPM	Section 5.4: Payment (Page 12 of RFP)	During the first year of the contract, the Statewide FI will be paid an administrative PMPM based on Attachment F: Cost Proposal. How will contract years 2-5 have the administrative PMPM increase to offset the natural inflation of all costs?	The Contractor's proposed Administrative Costs PMPM will be effective for the full five (5)-year contract term. There will not be an opportunity to negotiate an increase in the Contractor's Administrative Costs PMPM during the resulting contract.
763	PMPM	Section 5.4: Payment (Page 12 of RFP)	The CDPAP regulation (18 NYCRR 505.28) states "...fiscal intermediary administrative costs means the allowable costs incurred by a fiscal intermediary for performance of fiscal intermediary services under section 365-f(4-a) of the Social Services Law" and does not mention the Statewide FI. Please advise.	The RFP outlines the responsibilities of the Statewide Fiscal Intermediary.
764	PMPM	Section 5.4: Payment (Page 12 of RFP)	Can an applicant propose an administrative PMPM that tracks the three-tiered PMPM that is currently in place for FFS?	There is only one PMPM to be proposed for administration of the program.
765	PMPM	Section 5.4: Payment (Page 12 of RFP)	After the first year of the contract, how will contract years 2-5 have the administrative PMPM increase to offset the natural inflation of all costs?	The Contractor's proposed PMPM will be effective for the full five (5)-year contract term. There will not be an opportunity to negotiate an increase in the Contractor's PMPM during the resulting contract.
766	PMPM	Section 5.4: Payment (Page 12 of RFP)	Can the Department of Health provide data on the current average PMPM administrative reimbursement for fiscal intermediaries based on recent cost reports, as a PMPM specifically for Medicaid Managed Care Contracts?	The Department will not provide this information
767	PMPM	Section 5.4: Payment (Page 12 of RFP)	If rates cannot be negotiated and is determined by the SFI, will there be any incentives with the PMPM model as I am sure there will be particular metrics that need to be met, correct?	This question is not relevant to the development of a proposal under this RFP.
768	PMPM	Section 5.4: Payment (Page 12 of RFP)	How should the cost proposal account for potential variations in administrative costs across different regions?	The Contractor's proposed PMPM will be effective for the full five (5)-year contract term. There will not be an opportunity to negotiate an increase in the Contractor's PMPM during the resulting contract.
769	PMPM	Section 5.4: Payment (Page 12 of RFP)	Will the awarded SFI be required to accept payment at their PMPM bid price for the entire term of the contract? a. Will the contract be awarded for a 5-year term, or will DOH consider a shorter or longer term? b. If DOH will consider shorter or longer contract terms, where in the Cost or Technical proposal can a bidder indicate that the PMPM bid price is dependent on a particular term duration?	All bids will be considered for a 5 year term as outlined in the RFP
770	PMPM	Section 5.4: Payment (Page 12 of RFP)	Is there a single PMPM tier that the statewide FI should bill, or are there multiple tiers? If there are multiple tiers, can the Department provide a description?	There is only one PMPM to be proposed for on-going administrative costs of the program.
771	PMPM	Section 5.4: Payment (Page 12 of RFP)	Will there be State-mandated universal service codes for the PMPM tiers? Or will those for FFS be used, and if so, are those codes defined somewhere?	There is only one PMPM to be proposed for on-going administrative costs of the program.
772	PMPM	Section 5.4: Payment (Page 12 of RFP)	What happens when a member changes providers mid-month? How will PMPM be billed?	There is only one PMPM to be proposed for on-going administrative costs of the program.
773	PMPM	Section 5.4: Payment (Page 12 of RFP)	What happens when an authorization changes mid-month – for example, hours increase or decrease – what tier should the provider bill?	There is only one PMPM to be proposed for on-going administrative costs of the program.
774	PMPM	Section 5.4: Payment (Page 12 of RFP)	Should the claim for PMPM be billed on the first of the month, the last of the month, or is the date of claim irrelevant?	This question is not relevant to the development of a proposal under this RFP. Specific billing procedures will be determined after contract execution.

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Number	Subject	Corresponding RFP Section	Question	Answer
775	PMPM	Section 5.4: Payment (Page 12 of RFP)	Are providers meant to bill the payer for the PMPM for the month in arrears/prior month or the month forthcoming? If done in arrears on actual hours, calculating tiers would seem to be more straightforward.	This question is unclear and thus will not be answered.
776	PMPM	Section 5.4: Payment (Page 12 of RFP)	The transition to the PMPM model requires a bit of precision when it comes to forecasting. If the DOH is only allowing an estimation of our proposed PMPM amount that we cannot go over, what is than the resolve if more individuals are in need of assistance?	Since reimbursement is being done on a PMPM basis, increased utilization of individuals would by its very nature increase contractor reimbursement.
777	PMPM	Section 5.4: Payment (Page 12 of RFP)	Are all costs relative to the subcontractor included in the PMPM?	Yes.
778	PMPM	Section 5.4: Payment (Page 12 of RFP)	Will there be opportunities to reconcile the PMPM set at the start of the contract? If additional requirements are imposed on the FI subsequent to the submission of the bid, will there be an opportunity to adjust?	No, the PMPM costs submitted at the time of the proposal submission will be the contracted bid amount.
779	PMPM	Section 5.4: Payment (Page 12 of RFP)	Can the Administrative cost proposal include reasonable increases to be implemented during the 5 year term?	The Contractor's proposed Administrative Costs PMPM will be effective for the full five (5)-year contract term. There will not be an opportunity to negotiate an increase in the Contractor's Administrative Costs PMPM during the resulting contract.
780	PMPM	Section 5.4: Payment (Page 12 of RFP)	Current New York State regulations define a three-tiered administrative rate structure for Fee-For-Service payments. May a contractor propose a PMPM greater, less, or different from the three-tiered administrative rate structure?	Yes.
781	PMPM	Section 5.4: Payment (Page 12 of RFP)	The Department has recently announced that MMC payments for administrative services will be governed by the same three-tiered administrative structure as is currently applicable to Fee-For-Service payments. May a contractor propose a PMPM greater, less, or different from the three-tiered administrative rate structure?	Yes.
782	PMPM	Section 6.3: Cost Proposal (Pages 24-25 of RFP)	Section 6.3 and Attachment F, "Cost Proposal", appear to contemplate ongoing operational administrative costs. Have you considered bidders' separately accounting for the substantial costs involved in transitioning to the single FI?	See Amendment #3 for revisions to the Cost Proposal.
783	PMPM	Section 6.3: Cost Proposal (Pages 24-25 of RFP)	We assume the PMPM Fee will be based on the actual number of members in a given month." How and by whom, are the actual number of members determined each month?	The Statewide Fiscal Intermediary will be reimbursed based on the number of CDPAP consumers it is serving in a given month.
784	PMPM	Section 6.3: Cost Proposal (Pages 24-25 of RFP)	Please provide additional information regarding the demographics, backgrounds, needs of consumers, including direct care hours (actual/authorized) per month per consumer to enable applicants to more efficiently calculate the Administrative PMPM.	The Department will not provide this information
785	PMPM	Section 6.3: Cost Proposal (Pages 24-25 of RFP)	Is it anticipated that subcontractors will be paid by the Statewide FI as part of the Administrative Costs?	Yes.
786	PMPM	Attachment F: Cost Proposal (Page 34 of RFP)	Will the PMPM be based on enrolled consumers or active service?	The PMPM will be based on the enrollees receiving CDPA services
787	PMPM	General	If the Department is using a contractor what is their current PMPM rate.	The Department does not currently have a contractor for fiscal intermediary services.
788	Post Award	General	Should the agency receive an extension to provide those services moving forward; will the current list of individuals remain intact? Or will there be a new system in which the entire population, as a whole, be redistributed evenly amongst the list of other providers?	CDPAP will remain as is until the transition to the Statewide Fiscal Intermediary is complete.
789	Post Award	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet c) (Page 8 of RFP)	Will contact information to individuals in the statewide FI organizational chart be provided?	Information on how an individual may contact the Statewide Fiscal Intermediary will be available through the Local Departments of Social Services and managed care plans.
790	Post Award	Title Page (Page 1 of RFP)	Permissible Subject Matter Contact - Is there a process pursuant to which an applicant that does not receive a contract award can receive a "debriefing" and can appeal the determination? Page 1 states that Mr. Lewandowski is the contact for "debriefings".	No, debriefings will not be offered for bidders who did not receive an award from this RFP. Please see Amendment #1 to the RFP.
791	Post Award	Section 1.0: Calendar of Events (Page 3 of RFP)	Are all bids subject to being entered into the public record, and when will they be available to the public?	No, the bids received in response to this RFP will not be made public.
792	Post Award	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet c) (Page 8 of RFP)	Will the organizational chart of the statewide FI be made available to the public?	An executed contract, which would include the organizational chart, could be requested through the Freedom of Information Law. In addition, the Department may post certain contact information for the Statewide Fiscal Intermediary on its website.

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Number	Subject	Corresponding RFP Section	Question	Answer
793	Post Contract Transition	Section 4.10: Transition Requirements (Page 11 of RFP)	What are the specific data transfer and documentation requirements for the transition period described in Section 4.10?	See Amendment #3.
794	Post Contract Transition	Section 4.10: Transition Requirements (Page 11 of RFP)	These transition requirements include the transfer of information that may be covered by HIPAA and its amendments. How can a bidder be required to commit to transferring all information, as there may be Consumers who refuse to give consent?	See Amendment #3.
795	Post Contract Transition	Section 4.10: Transition Requirements (Page 11 of RFP)	What are the key components and timeline expectations for the transition plan to ensure a smooth transfer of responsibilities and data?	See Amendment #3.
796	Post Contract Transition	Section 4.10: Transition Requirements (Page 11 of RFP)	Why must the plan and documentation for transition be submitted at least 6 months prior to the transition?	See Amendment #3.
797	Proposal Submission	Section 5.3: Right to Modify RFP (Page 12 of RFP)	5.3 Right to Modify RFP, specifically, "If the bidder discovers any ambiguity, conflict, discrepancy, omission, or other error in this RFP, the bidder shall immediately notify DOH of such error in writing at OHIPContracts@health.ny.gov and request clarification or modification of the document." Question: What is the timeline to submit such discovery? Is it prior to the submission date for the RFP?	A notification would be required to be submitted prior to the Deadline of Submission of Proposals.
798	Proposal Submission	Attachment 2: No-Bid Form	This is a No Bid form. Does this form need to be submitted? It does not seem like the structure of the procurement would require this form to be submitted.	Bidders do not need to submit the No-Bid Form.
799	Proposal Submission	Section 2.2: Other Important NYS Contracting Information for Bidders (Pages 3-4 of RFP)	For attachment 7, 1.B. what "name, address, telephone number, and email address of the Bidder's Primary Contact with DOH" should be used?	Bidders should include their main/primary contact in relation to their submitted proposal under this RFP.
800	Proposal Submission	Section 6.2.A: Title Page (Pages 20 of RFP)	How will an entity provide a NYS Tax ID & NYS Dept of State ID if they are not currently operating within New York State?	Entities who do not currently possess a NYS TAX ID or NYS Dept of State ID, may omit them on the Title Page.
801	Proposal Submission	Section 6.2.A: Title Page (Pages 20 of RFP)	Must an applying entity for the single statewide Fiscal Intermediary establish both a NYS Tax ID & Dept of State ID in order to be eligible?	See response to Question #800. A NYS Tax ID and Dept of State ID are not required at the time of bid, but will be required for the awarded contractor prior to the contract start date.
802	Proposal Submission	Section 2.2: Other Important NYS Contracting Information for Bidders (Pages 3-4 of RFP)	In the event that any qualifications or exceptions are accepted, will the time for response to the RFP be extended?	No.
803	Proposal Submission	Section 6.0: Proposal Content (Pages 17-18 of RFP)	Is there a page limit for any of the responses in any of the three components – administrative, technical, and cost?	No.
804	Proposal Submission	Attachment A: Bidder Document Checklist (Page 28 of RFP)	Are bidders required to include Attachment A Offer Document Checklist in their submission?	No.
805	Proposal Submission	Section 5.8: DOH's Reserved Rights (Page 16 of RFP)	The RFP states that the Department maintains the ability to "Negotiate with the bidder selected to be the awarded Statewide FI within the scope of the RFP in the best interests of the state." Does this mean that bidders are not required to submit their "last and best" offer in terms of an administrative PMPM?	No. Bidders should submit their Cost Proposal accordance to the requirements set forth in Section 6.3 of the RFP and Attachment F.
806	Proposal Submission	Section 5.8: DOH's Reserved Rights (Page 16 of RFP)	The RFP states that the Department maintains the ability to "Seek clarifications and revisions of bids." Does this include an ability by the Department to request that a bidder revise their PMPM administrative cost post-submission?	No. See Section 5.8, Bullet 16 of the RFP.
807	Proposal Submission	Section 5.8: DOH's Reserved Rights (Page 16 of RFP)	The RFP states that the Department maintains the ability to "Seek clarifications and revisions of bids." The RFP also states that the Department may "Utilize any and all ideas submitted in the bids received." When taken together, does this mean that the Department may request that Bidder A revise its bid to incorporate provisions from other bids that would otherwise mean that the other bids would achieve a higher score than Bidder A?	No. See Section 5.8, Bullet 16 of the RFP.
808	Proposal Submission	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet b) (Page 8 of RFP)	What are the qualifications of administrative staff and how will it be measured by DOH?	The proposal should outline the qualifications of the bidder's administrative staff to ensure the responsibilities of the RFP will be delivered.
809	Proposal Submission	Section 5.2: Questions (page 12 of RFP) and Section 5.3: Right to Modify RFP (Page 12 of RFP)	If further clarifications are needed after the submission of written questions, what is the process for obtaining additional information?	There is no additional opportunity for questions and answers.

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810	Proposal Submission	Section 5.8: DOH's Reserved Rights (Page 16 of RFP)	The RFP states that the Department maintains the ability to "Conduct contract negotiations with the next responsible bidder, should the Department be unsuccessful in negotiating with the selected bidder." Does this mean that bidders are expected to lower their PMPM after winning the contract in order to successfully contract?	No
811	Proposal Submission	Section 6.1.8 State Finance Law Consultant Disclose Provisions (Page 19 of RFP)	Will DOH provide instructions on how to complete these forms?	See Section 6.1.8 of the RFP and the links contained within that section for instructions related to the State Consultant Services Form A and B.
812	Proposal Submission	Section 6.1.9: Sales and Compensating Use Tax Certification (Tax Law, § 5-a) (Pages 19-20 of RFP)	Will DOH provide instructions on how to complete ST-220 CA? The instructions are currently missing.	See Section 6.1.9 of the RFP and the links contained within that section for instructions related to the completing the ST-220-CA form.
813	Proposal Submission	Section 3.1: Minimum Qualifications, Bullet a) (Page 4 of RFP)	What documentation will be needed to demonstrate capability to perform the full spectrum of New York State fiscal intermediary services?	See Section 6.2.D of the RFP.
814	Proposal Submission	Section 7.0: Proposal Submission (Page 25 of RFP)	For the response submission, please provide the file size limitation for the email submission.	The size limit for each email attachment is contingent upon the bidder's email server. A bidder is able to submit multiple emails with split attachments in order to limit attachment sizes.
815	Proposal Submission	Section 5.10: Encouraging Use of New York Businesses in Contract Performance (Page 17 of RFP)	Section 5.10 states that "bidders 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." How will DOH measure whether and to what degree bidders have considered New York State businesses relative to out-of-state businesses? How will DOH "strongly encourage" such consideration?	This information will not be shared with the bidding community. The Department encourages such considerations through the submission of Attachment 6: Encouraging Use of New York State Businesses in Contract Performance. See Section 6.1.4 of the RFP.
816	Proposal Submission	Section 4.5: Fiscal Intermediary Organizational Requirements (Page 8 of RFP)	Section 4.5 of the RFP provides that the awarded contractor shall have and maintain an effective organizational structure with qualified administrative staff. How many administrative staff is the awarded contractor anticipated by the Department to maintain?	This is at the bidder's discretion to ensure all program responsibilities and expectations can be met.
817	Proposal Submission	General	Is there a percentage cap of the population to be served between ILS and the MCOs versus the private entities/subcontractors (FI)? For example 30% of the population goes to ILS, 20% MCO, 50% Private Entities?	This question is not clear and therefore cannot be answered.
818	Proposal Submission	Section 6.1.8 State Finance Law Consultant Disclose Provisions (Page 19 of RFP)	Does this requirement apply when the Statewide FI procures consultants for general management consulting on projects, such as Compensation Studies or Operations and Project Management?	Yes, this will be required of the successful bidder as stated within Section 6.1.8 of the RFP.
819	Proposal Submission	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet a) (Page 8 of RFP)	What is the definition of "entities" in the context of the RFP?	With regard to RFP Section 4.5.a, an entity may include managed care plans, Local Departments of Social Services and other entities as needed to effectuate the responsibilities under the contract.
820	Proposal Submission	Section 5.4: Payment (Page 12 of RFP)	Would the Department be willing to revise the Cost Proposal requirements to distinguish between program implementation costs and ongoing support?	See Amendment #3 for revisions to the Cost Proposal. No other revisions will be made.
821	Proposal Submission	Section 5.7: Subcontracting (Pages 15-16 of RFP)	The RFP says DOH must approve any subcontracting arrangements and can make a contingent award pending DOH review and approval of subcontracting agreements. If one or more a subcontracting arrangements is critical to the cost and operational component of the bid and DOH does not ultimately approve the subcontract, what measures can a bidder take to secure substitute subcontractors? Are there parameters within which the bidder must adhere in order to maintain the award? What if DOH does not approve the subcontractor and there are no comparable subcontractors that can perform the services either by price or competency?	This question is not relevant to the development of a proposal under this RFP.
822	Proposal Submission	Section 5.8: DOH's Reserved Rights (Page 16 of RFP)	How will the Department handle situations where market conditions change significantly within the specified 365-day period?	This question is not clear and therefore cannot be answered.

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823	Proposal Submission	Section 6.2.E: Program Specific Certifications and Attestations (Pages 21-22 of RFP)	The RFP states that bidders must attest "they will work cooperatively with Department of Health, Office of the State Comptroller (OSC), OMIG, the New York State Office of the Attorney General, the Department of Health and Human Services (DHHS), the DHHS Office of Inspector General (OIG), and their designated representatives." Is the bidder not required to cooperate with the NYS Department of Labor or United States Department of Labor?	The selected bidder will be responsible for complying with all applicable laws, rules, and regulations, both state and federal and will be subject to the corresponding applicable sanctions and penalties. The selected bidder will be expected to consult with its advisors to determine legal compliance.
824	Proposal Submission	Section 6.2.F: Technical Proposal Narrative/Executive Summary (Pages 22-24 of RFP)	Upon our review of RFP #20524 we have identified a possible discrepancy in the RFP. Pursuant to the guidelines in section 5.3, we request clarification related to Section 6. F. Technical Proposal Narrative/Executive Summary. This section does not include all the requirements of the Scope of Work (Section 4). Are the SOW sections that have been omitted from the Technical Proposal Narrative intentional because these are requirements of the FI, but bidders do not need to speak to these requirements in the technical response? Or does the Department request a formal response? If so, where in the Technical Response document would the Department prefer content responsive to these sections be addressed?: 4.3 Fiscal Intermediary Employment Related Responsibilities and Joint Employment Requirements; 4.4 Statewide Fiscal Intermediary Compliance Requirements; 4.8 Information Technology Requirements; 4.9 Privacy, Security & Confidentiality Requirements; 4.10 Transition Requirements	As stated in Section 6.2.F, "The technical proposal should provide satisfactory evidence of the bidder's ability to meet, and expressly respond to, each requirement of and information requested in this RFP in Section 4.0.". As such, bidders should include responses in the format requested in Section 6.2, while addressing all aspects of Section 4.0 of the RFP.
825	Proposal Submission	Section 6.2.F.1: Required Fiscal Intermediary Scope of Work (Pages 22-23 of RFP)	The RFP asks bidders to explain their ability and experience serving members with disabilities. What types of disabilities is the state looking for experience serving?	All types
826	Proposal Submission	Section 6.2.F.1: Required Fiscal Intermediary Scope of Work (Pages 22-23 of RFP)	The RFP asks bidders to explain their ability and experience serving members with disabilities. In section 4.0, Fiscal Intermediary Scope of Work, the RFP speaks of the need for experience serving people with disabilities and seniors. Why do prospective bidders not need to explain their ability and experience with serving a senior population?	See Amendment #3 to the RFP.
827	Proposal Submission	Section 6.2.F.1: Required Fiscal Intermediary Scope of Work (Pages 22-23 of RFP)	For Item F.1.d), can the Department offer any additional guidance related to adult use of marijuana and compliance with this regulation?	10 NYCRR 766.11(c) states: "that the health status of all new personnel is assessed and documented prior to assuming patient care duties. The assessment shall be of sufficient scope that no person shall assume his/her duties unless he/she is free from a health impairment which is of potential risk to the patient or which might interfere with the performance of his/her duties, including the habituation or addiction to depressants, stimulants, narcotics, alcohol or other drugs or substances which may alter the individual's behavior;"
828	Proposal Submission	Section 6.2.F.1: Required Fiscal Intermediary Scope of Work (Pages 22-23 of RFP)	For Item F.1.j), are there any "additional services" that DOH anticipates it may require so that Bidders can evaluate the potential cost impact in their responses?	Not at this time.
829	Rate Setting Regions	Section 4.0: Scope of Work, Third Bullet (Page 5 of RFP)	The RFP states that the single statewide FI will be responsible for "Subcontracting with at least one entity per NYS DOH MLTC rate setting region, as seen in Attachment D, that has a proven record of delivering services to individuals with disabilities and the senior population and has been providing fiscal intermediary services since January 1, 2012, or earlier." Please clarify whether this is referencing 3 entities in total, one for each region, or one entity per County listed in Attachment D? How will the FI know whether the entity has a proven track record? Can the Department provide this list?	There are four rate setting regions. There must be at least one subcontractor in each region. The bidder would make the decision on their track record based on outreach to potential subcontractors. The Department will not provide a list.

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Number	Subject	Corresponding RFP Section	Question	Answer
830	Rate Setting Regions	Section 4.0: Scope of Work (Page 5 of RFP)	The RFP states that the successful FI is required to subcontract with "at least one entity per NYS DOH MLTC rate setting region..." Is the subcontracted entity required to be able to provide services across the entire rate setting region, or is the bidder able to subcontract with an entity that is only going to provide those services in one portion of the NYS DOH MLTC rate setting region? For example, one NYS DOH MLTC rate setting region includes Erie, Onondaga, and Albany counties. Can the bidder contract with an entity that will only provide subcontracted services in Erie and not in Albany or Onondaga counties?	There are four rate setting regions. There must be at least one subcontractor in each region. The bidder would make the decision on their track record based on outreach to potential subcontractors. The Department will not provide a list.
831	Rate Setting Regions	Section 4.0: Scope of Work (Page 5 of RFP)	The RFP states that the bidder must subcontract with "at least one entity per NYS DOH MLTC rate setting region...and has been providing services since at least January 1, 2012." Is the bidder required to limit the reach of subcontractors to counties that the subcontractor had been providing services to continuously since January 1, 2012?	No.
832	Rate Setting Regions	Section 4.0: Scope of Work (Page 5 of RFP)	The RFP states that the bidder must subcontract with "at least one entity per NYS DOH MLTC rate setting region ...that has a proven record of delivering services to people with disabilities and the senior population and has been providing services since at least January 1, 2012." Is the bidder required to contract with more than one entity in total if the entity with which it subcontracts will provide services across every NYS DOH MLTC rate setting region?	The bidder must subcontract with at least one entity in each rate setting region.
833	Rate Setting Regions	Section 4.0: Scope of Work (Page 5 of RFP)	What is meant by having a presence in a rate-setting region?	The bidder must subcontract with at least one entity in each rate setting region.
834	Registration	Section 2.1: Background Information (Page 3 of RFP)	Will centers for independent living be required to register with the DOH before billing for services as required subcontractors?	Only the Statewide Fiscal Intermediary will bill the State for fiscal intermediary services.
835	Registration	Section 2.1: Background Information (Page 3 of RFP)	The statute (SOS § 365-f) specifies that subcontractors must register with the Department of Health within 30 days of selection, while the regulation (18 NYCRR 505.28) does not include any provisions about subcontractor registration. What are the specific registration and reporting requirements for subcontractors under this RFP, and how will compliance be monitored?	The implementation and specifics of the subcontractor registration requirement are still being determined. The registration process should not be factored into the proposal submission.
836	Registration	Section 2.1: Background Information (Page 3 of RFP)	Section 2.1 states, "...all subcontractors of the awarded Statewide Fiscal Intermediary are required to register with the Department within 30 days of being selected as a subcontractor." Because service centers for independent living are designated as entities that the Statewide FI must subcontract with, are they required to register? If so, what is the process to register?	See answer to Question #835
837	Registration	Section 2.1: Background Information (Page 3 of RFP)	If service centers for independent living are required to register, what specific documentation or information will they have to provide during the registration process?	See answer to Question #835
838	Registration	Section 2.1: Background Information (Page 3 of RFP)	Do subcontractors have to wait until their contract is fully executed to register? If so, what prevents the SFI from deliberately delaying these required contracts?	See answer to Question #835
839	Registration	Section 2.1: Background Information (Page 3 of RFP)	Will there be a public registry of subcontractors? If so, will centers for independent living have to register as required subcontractors?	See answer to Question #835
840	Registration	Section 2.1: Background Information (Page 3 of RFP)	What will the DOH registration process for subcontractors consist of?	See answer to Question #835
841	Registration	Section 4.0: Scope of Work, Third Bullet (Page 5 of RFP)	Section 4.0 bullet two states that the awarded Statewide Fiscal Intermediary will be responsible for "subcontracting to facilitate the delivery of fiscal intermediary services to each entity that is a service center for independent living under section 1121 of the New York State Education Law ("EDN") and has been providing fiscal intermediary services since January 1, 2024, or earlier;" and section 2.1 paragraph three states that "all subcontractors of the awarded Statewide Fiscal Intermediary are required to register with the Department within 30 days of being selected as a subcontractor." Does this mean that each service center for independent living will be required to register within 30 days of the Statewide FI contract being approved by the Commissioner of Health?	See answer to Question #835

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Number	Subject	Corresponding RFP Section	Question	Answer
842	Registration	Section 2.1: Background Information (Page 3 of RFP)	What is the form of registration for subcontractors? Is the form of registration for subcontractors different for independent living center subcontractors?	The implementation and specifics of the subcontractor registrations requirement are still being determined.
843	Reporting	Section 2.3: Term of the Agreement and Termination Provisions (Page 4 of RFP)	What performance metrics will be used to evaluate the SFI compliance & performance over the 5 years?	This question is not relevant to the development of a proposal under this RFP. Reporting requirements will be determined between the Department and the Statewide Fiscal Intermediary at the time of contract execution.
844	Reporting	Section 2.3: Term of the Agreement and Termination Provisions (Page 4 of RFP)	What metrics will be used to evaluate the SFI compliance & performance over the 5 year period and can an agreement be terminated before the end of the 5 year period? If so, for what reasons?	See answer to Question #843
845	Reporting	Section 2.3: Term of the Agreement and Termination Provisions (Page 4 of RFP)	The RFP states that the term of the contract is subject to "successful contractor performance." What metrics will be used to determine whether or not the contracted entity is meeting this requirement?	See answer to Question #843
846	Reporting	Section 4.2: Best Practices, Paragraph 1 (Page 6 of RFP)	How will the Department of Health quantify and interpret the quality of fiscal intermediary services?	See answer to Question #843
847	Reporting	Section 4.2: Best Practices, Paragraph 3 (Page 6 of RFP)	What metrics will DOH use to determine the "quality" of FI services?	See answer to Question #843
848	Reporting	Section 4.2: Best Practices (Page 6 of RFP)	What are the variables suggesting "high-quality FI services"?	See answer to Question #843
849	Reporting	Section 4.2: Best Practices (Page 6 of RFP)	Who determines what is "high-quality FI services"?	See answer to Question #843
850	Reporting	Section 4.2: Best Practices (Page 6 of RFP)	Will the suggested "high-quality FI services" be provided by the statewide FI or by any subcontractors?	See answer to Question #843
851	Reporting	Section 4.6: Fiscal Monitoring and Oversight Requirements (Page 9 of RFP)	Will the Statewide FI be required to report to DOH regarding wait times, call abandonment rates, etc. on the customer service phone line?	See answer to Question #843
852	Reporting	Section 4.6: Fiscal Monitoring and Oversight Requirements (Page 9 of RFP)	Will the Statewide FI be required to report on the length of time it takes to enroll a new PA to a case?	See answer to Question #843
853	Reporting	Section 4.6: Fiscal Monitoring and Oversight Requirements (Page 9 of RFP) and Section 4.7: Quality Monitoring and Reporting Requirements (Page 9 of RFP)	What are the Department's expectations for handling ongoing audits and compliance reporting, especially in terms of frequency and detail?	See answer to Question #843
854	Reporting	Section 4.7: Quality Monitoring and Reporting Requirements (Page 9 of RFP)	What specific quality measures and reporting requirements will be expected from the awarded Statewide Fiscal Intermediary (FI), as outlined in Section 4.7 of the RFP?	See answer to Question #843
855	Reporting	Section 4.7: Quality Monitoring and Reporting Requirements (Page 9 of RFP)	Will the Quality Management Plan be made available to the public?	See answer to Question #843
856	Reporting	Section 4.7: Quality Monitoring and Reporting Requirements (Page 9 of RFP)	When will DOH announce the factors/variables of what is included in Quality Management Plan reports?	See answer to Question #843
857	Reporting	Section 4.7: Quality Monitoring and Reporting Requirements (Page 9 of RFP)	Will the public have an opportunity to offer additional factors of what constitutes quality FI services?	See answer to Question #843
858	Reporting	Section 4.7: Quality Monitoring and Reporting Requirements (Page 9 of RFP)	Will consumers have an opportunity to comment on that Quality Management Plan reports?	See answer to Question #843

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Number	Subject	Corresponding RFP Section	Question	Answer
859	Reporting	Section 4.7: Quality Monitoring and Reporting Requirements (Page 9 of RFP)	What should be included within the Quality Management Plan?	See answer to Question #843
860	Reporting	Section 4.7: Quality Monitoring and Reporting Requirements (Page 9 of RFP)	What specific quality measures and performance metrics will the Department utilize to assess and monitor the effectiveness and quality of services?	See answer to Question #843
861	Reporting	Section 4.7: Quality Monitoring and Reporting Requirements (Page 9 of RFP)	What measures will be evaluated in the Quality Management Plan?	See answer to Question #843
862	Reporting	Section 4.7: Quality Monitoring and Reporting Requirements (Page 9 of RFP)	Will the Department require the Statewide FI to report (any pay) their gross receipts tax (GRT) on a monthly basis? Has the Department conducted a recent comprehensive reconciliation of all existing Fiscal Intermediaries enrolled in CDPAP, utilizing data from, for example, county LDSS's and Medicaid Managed Care Plan contracts to ascertain/identify the Fiscal Intermediary entities, or Cost Reporting data/information, to ensure compliance with the state's GRT requirements under the Health Facility Cash Assessment Program (HFCAP) since its inception in 2002? Given that GRT significantly contributes to the State's fiscal health, such a reconciliation could uncover substantial missed funds, potentially amounting to millions (retrospective and prospective impact), thereby contributing to the state's overall savings goals?	See answer to Question #843
863	Reporting	Section 4.7: Quality Monitoring and Reporting Requirements (Page 9 of RFP)	What are the reporting requirements for the Statewide FI concerning quality monitoring and consumer satisfaction?	See answer to Question #843
864	Reporting	Section 4.7: Quality Monitoring and Reporting Requirements (Page 9 of RFP)	The RFP outlines compliance and quality assurance requirements for the Statewide Fiscal Intermediary and its subcontractors. How will the Department ensure that these requirements are uniformly enforced across all subcontractors, especially considering the historical challenges and varying capabilities of different entities?	See answer to Question #843
865	Reporting	Section 4.7: Quality Monitoring and Reporting Requirements (Page 9 of RFP)	What are the minimum acceptable standards for the quality and effectiveness of the Statewide FI?	See answer to Question #843
866	Reporting	Section 4.7: Quality Monitoring and Reporting Requirements (Page 9 of RFP)	How frequently will the awarded FI need to submit compliance reports, and what specific content will these reports need to include, as outlined in Section 4.7 of the RFP?	See answer to Question #843
867	Reporting	Section 4.7: Quality Monitoring and Reporting Requirements (Page 9 of RFP)	Is the consumer satisfaction survey required only once in the contract term? If not, how many times?	See answer to Question #843
868	Reporting	Section 4.7: Quality Monitoring and Reporting Requirements (Page 9 of RFP)	The RFP states that "The awarded Statewide FI will be required to submit a Quality Management Plan." Please define quality as it relates to the delivery of fiscal intermediary services.	See answer to Question #843
869	Reporting	Section 4.7: Quality Monitoring and Reporting Requirements, Paragraph 1 (Page 9 of RFP)	What components should be included within the Quality Management Plan as stipulated by the Department?	See answer to Question #843
870	Reporting	Section 4.7: Quality Monitoring and Reporting Requirements, Paragraph 1 (Page 9 of RFP)	What should be included within the specified "Quality Management Plan?"	See answer to Question #843
871	Reporting	Section 4.7: Quality Monitoring and Reporting Requirements, Paragraph 1 (Page 9 of RFP)	What specific quality measures and performance metrics will the Department utilize to assess and monitor the effectiveness and quality of services?	See answer to Question #843

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872	Reporting	Section 4.7: Quality Monitoring and Reporting Requirements (Page 9 of RFP)	The RFP states that "the awarded Statewide FI shall submit reports to the Department that include, but are not limited to, quality measures and other data to assist the Department, consumers, LDSS and MCOs with evaluating the effectiveness and quality of services provided by the FI under this contract and their impact on the overall quality and effectiveness of CDPAP." Please define what quality measures the Statewide Fiscal Intermediary will be measured by as they relate to the "effectiveness and quality of services provided by the FI" as such information is critical to bidders in determining what to factor into programmatic administrative costs.	See answer to Question #843
873	Reporting	Section 4.7: Quality Monitoring and Reporting Requirements (Page 9 of RFP)	What are bidders being asked to commit to with respect to quality monitoring and reporting requirements, as the language of this section suggests that the Department does not know what it will be looking for?	See answer to Question #843
874	Reporting	Section 4.7: Quality Monitoring and Reporting Requirements (Page 9 of RFP)	Will the Department represent that the data to be collected and reported, the format, and the frequency of the reports will be commercially reasonable and not financially burdensome?	See answer to Question #843
875	Reporting	Section 4.7: Quality Monitoring and Reporting Requirements (Page 9 of RFP) and Section 4.5: Fiscal Intermediary Organizational Requirements (Page 8 of RFP)	What specific metrics or KPIs are expected to be included in the Quality Management Plan as part of the reporting requirements?	See answer to Question #843
876	RFP	Section 5.8: DOH's Reserved Rights (Page 16 of RFP)	What specific conduct or bid non-conformities would lead to disqualification?	Bidders who do not meet the Minimum Qualifications as identified in Section 3.1 of the RFP, or fail to adhere to the proposal requirements stated within Section 6.0 or Section 7.0, including any applicable attachments, may be disqualified.
877	RFP	Section 5.8: DOH's Reserved Rights (Page 16 of RFP)	The RFP states that the Department maintains the right to "Disqualify any bidders whose conduct, and/or bid fails to conform to the requirements of the RFP." Please elaborate on what conduct would allow the Department to disqualify a bidder.	See response to Question #877
878	RFP	Section 5.8: DOH's Reserved Rights (Page 16 of RFP)	What criteria will be used to justify the rejection of all bids? How will the decision to reject all bids be communicated to bidders?	See response to Question #877
879	RFP	Section 5.8: DOH's Reserved Rights (Page 16 of RFP)	How will the Department ensure transparency and fairness in the disqualification process to avoid potential disputes? If disputes arise, how will they be resolved?	This question is not relevant to the development of a proposal under this RFP. See also answer to Question #919.
880	RFP	Section 1.0: Calendar of Events (Page 3 of RFP)	The Department of Health website now states that it will post responses to written questions on or about July 13, 2024. However, the text of the RFP still references that responses will be posted by July 19, 2024. Which date is correct?	The RFP has been amended to a posting date of August 14, 2024.
881	RFP	Section 1.0: Calendar of Events (Page 3 of RFP)	Will DOH allow for another round or accept follow up questions and answers? Additional clarification and guidance from DOH may be needed after the first round of questions and answers for bidders to work with other organizations to develop adequate bids that can support the successful transition of 246,000 consumers from their current FIs to a single statewide FI.	No, the Department will not allow for another round of questions and answers.
882	RFP	Section 1.0: Calendar of Events (Page 3 of RFP)	A Bidder's Conference is not listed or posted. Will the Department be hosting a Bidder's Conference?	No, the Department will not be hosting a Bidder's Conference for this RFP.
883	RFP	Section 5.7: Subcontracting (Pages 15-16 of RFP)	Does the Department of Health plan to hold a bidder's conference for potential Statewide FIs to meet with potential subcontractors?	No.
884	RFP	Section 5.8: DOH's Reserved Rights (Page 16 of RFP)	The RFP states that the Department maintains the right to "Reject and or all bids in response to the RFP." Does this right extend to disqualification without cause?	No.
885	RFP	Section 8.2: Submission Review (Page 26 of RFP)	Will there be any process opportunity for large CDPA providers to express concerns BEFORE the final SFI selection is made?	No.
886	RFP	Section 5.8: DOH's Reserved Rights (Page 16 of RFP)	The RFP states that the Department maintains the right to "Make an award under this proposal, in whole or in part." What would an award in part look like?	See Amendment #3 to the RFP.
887	RFP	Section 5.8: DOH's Reserved Rights (Page 16 of RFP)	The RFP states that the Department maintains the ability to "Seek clarifications and revisions of bids." Please clarify what aspects of a bid the Department may seek revision to.	See Section 5.8.16 of the RFP.

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888	RFP	Section 1.0: Calendar of Events (Page 3 of RFP)	How was the timeline and award date for this RFP determined?	The Department did not include an anticipated date for notification of an award resulting from this RFP. However, the anticipated contract start date was based on the anticipated amount of time necessary for the Department to conduct evaluations of the bids received and obtain internal approvals of the resulting contract.
889	RFP	Section 2.2: Other Important NYS Contracting Information for Bidders (Pages 3-4 of RFP)	This section notes that "Any amendments DOH makes to the RFP as a result of questions and answers will be publicized on the DOH web site and will be available and applicable to all bidders equally." How and when will all stakeholders be notified of amendments to the RFP based on bidder questions?	The Department will notify prospective bidders via email of any amendments to the RFP. Bidders would be notified once any amendments are posted publicly.
890	RFP	Section 2.2: Other Important NYS Contracting Information for Bidders (Pages 3-4 of RFP)	In the event that any qualifications or exceptions are accepted, will they be made available to all prospective bidders?	Yes. See response to Question #890.
891	RFP	Section 2.2: Other Important NYS Contracting Information for Bidders (Pages 3-4 of RFP)	Will the Department of Health make available to all prospective bidders any qualifications or exceptions proposed by a bidder to the RFP?	Yes. Any such instances are included as questions within this Questions and Answer document.
892	RFP	Section 2.1: Background Information (Page 3 of RFP)	In the 3rd paragraph it mentions "...and other appropriate long term care programs offering CDPAS services". Is there a list of those programs or a list of any potential programs?	No.
893	RFP	Section 2.1: Background Information (Page 3 of RFP)	Please describe/define "the other appropriate long term care service programs" offering CDPAS?	The Department does not have this definition at this time.
894	RFP	Section 5.8: DOH's Reserved Rights (Page 16 of RFP)	The RFP states that the Department maintains the ability to "Waive any requirements that are not material." Please elaborate on what aspects of the RFP are and are not material and therefore may be waived.	This question is not relevant to the development of a proposal under this RFP.
895	RFP	Section 5.8: DOH's Reserved Rights (Page 16 of RFP)	What is meant by "non-material specifications"? Additionally, is the DOH required to make eliminations under Section 5.8 prior to the Deadline for Submission of Proposals? What types of eliminations are permissible? How would notice of eliminations be provided to bidders? How would bidders be able to bid if the requirements change?	This question is not relevant to the development of a proposal under this RFP.
896	RFP	Section 5.12: Intellectual Property (Page 17 of RFP)	Is the DOH absorption of intellectual property limited to new technologies subsequent to the contract, or does it include existing technologies brought to the contract by either the Statewide FI or its subcontractors?	This provision is specific to new technologies or work product created pursuant to the agreement. See Section 5.12 of the RFP.
897	RFP	Section 5.12: Intellectual Property (Page 17 of RFP)	Is the Department amenable to a SaaS solution and if so, does the Department agree that the SaaS solution, along with any enhancements not specifically paid for by the Department, will remain the property of the Contractor?	The Department reserves the right to negotiate terms of the contract that are non-material in nature with the contract awardee, within the scope of the RFP and in the best interests of New York State. Nonetheless, bidders must be fully prepared to accept all of the terms and conditions set forth in the RFP, without modification, should the Department determine that that constitutes the best interests of New York State.
898	RFP	Section 5.12: Intellectual Property (Page 17 of RFP)	What is "work product" under this agreement?	The RFP does not specifically define the meaning of intellectual property for purposes of this opportunity, but respondents may interpret this language as using the commonly understood industry term.
899	Scope of Work	Section 4.0: Scope of Work, Paragraph 1 (Page 5 of RFP)	The statute (SOS § 365-f) specifies that delegated fiscal intermediary services may include assisting consumers with navigation of the program by providing individual consumer assistance and support, consumer peer support, and education and training to consumers on their duties under the program. However, the regulation (18 NYCRR 505.28) does not mention these delegated services. How does the Department plan to address this discrepancy, and which set of guidelines should bidders follow?	Bidders should refer to sections 4.1 and 4.2 of the RFP. Bidders are directed to defer to the statutory amendment of Social Services Law 365-f as enacted by L.2024, c. 57, pt. HH, §§ 1 to 7. Bidders are directed to advice from their legal advisors regarding matters of standard legal interpretation.
900	Scope of Work	Section 4.1: Required Fiscal Intermediary Services, Bullet j) (Page 5 of RFP)	What additional services, if any, has the Commissioner of Health specified regarding the responsibilities of FIs?	Current FI services are listed in Section 4 of the RFP.
901	Scope of Work	Section 4.1: Required Fiscal Intermediary Services, Bullet j) (Page 5 of RFP)	Does the Commissioner of Health have any plans to specify further or change the responsibilities of FIs?	Current FI services are listed in Section 4 of the RFP.

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902	Scope of Work	Section 4.1: Required Fiscal Intermediary Services, Bullet j) (Page 5 of RFP)	What additional services will be required?	Current FI services are listed in Section 4 of the RFP.
903	Scope of Work	Section 4.1: Required Fiscal Intermediary Services, Bullet j) (Page 5 of RFP)	With regard to this requirement, "Any additional services required to be performed pursuant to regulations established by the Commissioner of Health specifying the responsibilities of FIs providing services under this title.," is the state anticipating specific additional services at this time?	No.
904	Scope of Work		Sections 4.1-4.5 include customer service-type requirements for the Statewide FI. The Statewide FI must be able to provide stellar customer service to numerous and diverse stakeholders including consumers, designated representatives, informal caregivers, and personal assistants. CDPAP consumers are low income as they are eligible for Medicaid and have disabilities as they need home and community-based services. Customer service must therefore be accessible linguistically and provided in multiple modalities to meet the customer need. Many CDPAP consumers have personal relationship with the staff at their FIs and contact them over the phone, text and email. These modes of communication, especially phone communication with a live person, should be preserved in the contract. An online and/or Mobile Application system may be sufficient for some consumer participants, but other participants lack access to a smartphone, don't have access to the internet, or do not know how to use computer or smartphone technology. •Must the Statewide FI provide customer service over the phone by a live person? If yes, this should be clarified in the contract. •Assuming that the customer service phone line is required: oWhat are the quality requirements for the Statewide FI customer service line regarding wait times, call abandonment rates, and accuracy of the information provided? What are the monetary penalties for the Statewide FI's failure to meet these requirements? •What provisions must the Statewide FI make to ensure they can speak with health care proxies, powers of attorney, informal caregivers without undue delay regarding the CDPAP consumer's case? •Consumers, families, and PAs in New York speak many languages. What provisions are required by the Statewide FI to serve LEP individuals in their preferred language? What are the monetary penalties for failure to do so? •Some consumers, families, and PAs are Deaf, Hard of Hearing, unable to speak, or are blind. What provisions are required by the Statewide FI to serve such individuals? What are the contractual monetary penalties for failure to provide these services?	The Statewide Fiscal Intermediary, by itself or through subcontractors, must have the means by which to engage with consumers and personal assistants to onboard each consumer and personal assistant, provide information, guidance and assistance, and otherwise carry out its responsibilities under the contract. In the proposal, bidders should outline the means by which these responsibilities to engage with consumers and personal assistants will be met.
905	Scope of Work	Section 4.0: Scope of Work (Page 5 of RFP)	Can the Department clarify that by "facilitate the delivery of fiscal intermediary services," all Required Fiscal Intermediary Services listed in Section 4.1 are included?	The bidder will be responsible for all scope of work as outlined in RFP Section 4.
906	Scope of Work	Section 4.1: Required Fiscal Intermediary Services, Paragraph 1 (Page 5 of RFP)	Can we get clarity as to whether the list of "fiscal intermediary responsibilities" is for the Single FI or the subcontractor?	See RFP Section 5.7 for responsibilities a subcontractor cannot perform.
907	SPA	Section 4.4: Statewide Fiscal Intermediary Compliance Requirements (Pages 7-8 of RFP)	If an applicant provides statewide Fiscal Intermediary services in State that does not provide the Community First Choice Option, should the applicant review the current NYS CFCO State plan to ensure compliance, or will there be an amendment to the NYS CFCO State Plan before the Statewide FI is implemented?	The applicant will be expected to comply with existing NYS CFCO requirements.
908	SPA	Section 4.4: Statewide Fiscal Intermediary Compliance Requirements (Pages 7-8 of RFP)	According to 42 CFR § 441.530 Home and Community-Based Setting, the setting must facilitate individual choice regarding services and supports, and who provides them. Will the statewide Fiscal Intermediary (FI) be considered a home and community-based setting under this regulation, as per the compliance requirements outlined in Section 4.4 of the RFP?	This question is unclear and will not be answered.

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909	Subcontracting - Add'l Reqs	Section 5.7: Subcontracting (Pages 15-16 of RFP)	The RFP states that the State may impose additional subcontracting requirements or restrictions after the award of the contract. Such additional requirements or restrictions may materially impact the nature of the bid (cost, operational structure, or both). Can the State provide more detail about the restrictions or requirements it might consider to ensure that the bids are as accurate and reliable as possible?	No additional requirements have been determined at this time.
910	Subcontracting - Add'l Reqs	Section 5.7: Subcontracting (Pages 15-16 of RFP)	Can the Department provide examples or more details on the specific additional requirements and restrictions they may introduce on subcontracting so entities can proactively prepare accordingly?	No additional requirements have been determined at this time.
911	Subcontracting - Add'l Reqs	Section 5.7: Subcontracting (Pages 15-16 of RFP)	Aside from the RFP requirements for subcontractors will DOH establish additional qualifications?	No additional requirements have been determined at this time.
912	Subcontracting - Add'l Reqs	Section 5.7: Subcontracting (Pages 15-16 of RFP)	Besides the requirements for subcontractor agreements set forth in this section, what "additional requirements and restrictions on subcontracting" might the Department introduce "after the award, through the contract with the Department"? For transparency, why did the Department not include all requirements in the RFP?	No additional requirements have been determined at this time.
913	Subcontracting - Changes	Section 5.7: Subcontracting (Pages 15-16 of RFP)	Are there any restrictions to adding subcontractors that are not identified in the RFP submission?	Per RFP Section 5.7, the Department reserves the right to review and approve all subcontractor agreements including any additions, changes to or removal of subcontractors. The Statewide Fiscal Intermediary is responsible for their subcontracts and would be required to notify the Department of changes to their agreements, which could be subject to the Department's approval.
914	Subcontracting - Changes	Section 2.1: Background Information (Page 3 of RFP)	Will centers for independent living have to notify the Department of Health if the terms of their contracts change or if their contract ends?	See answer to Question #913
915	Subcontracting - Changes	Section 5.7: Subcontracting (Pages 15-16 of RFP)	Please confirm that a change of the equity owners of a current FI that has been providing FI services since prior to 2012 will not impact the FI's ability to be considered as a subcontractor for the statewide FI	See answer to Question #913
916	Subcontracting - Changes	Section 5.7: Subcontracting (Pages 15-16 of RFP)	What, if any, restrictions will apply to a subcontractor's ability to assign its subcontract with the awarded Statewide Fiscal Intermediary, whether required to be included as a term in the subcontract agreement or otherwise?	See answer to Question #913
917	Subcontracting - Compliance	Section 4.0: Scope of Work (Page 5 of RFP)	The RFP states that the Statewide Fiscal Intermediary is responsible for making sure that subcontractors "meet all applicable federal and state laws and regulations." What federal and state laws and regulations apply to subcontractors of fiscal intermediary services?	This will be determined by the services being provided by the subcontractors and monitored by the contracted Statewide Fiscal Intermediary.
918	Subcontracting - Compliance	Section 4.4: Statewide Fiscal Intermediary Compliance Requirements (Pages 7-8 of RFP)	What are the responsibilities of the SFI for violations of law or fraud by one of its subcontractors? Will the subcontractors be subject to separate enforcement actions by the relevant state agency?	The contracted Statewide Fiscal Intermediary is responsible for oversight of its subcontractors.
919	Subcontracting - Compliance	Section 4.4: Statewide Fiscal Intermediary Compliance Requirements, Paragraph 1 (Pages 7-8 of RFP)	Given that the statute requires any managed care plans, managed long-term care plans, local social service districts, and other appropriate long-term service programs offering CDPAS to contract with the Statewide FI, can the Department clarify the specific responsibilities and accountability measures in place for the SFI concerning violations of law or fraud by subcontractors, either directly or indirectly for FI services? Will subcontractors be subject to separate enforcement actions by DOH, OMIG, OAG, and others independently of the SFI?	See answer to Question #918
920	Subcontracting - Compliance	Section 4.4: Statewide Fiscal Intermediary Compliance Requirements (Pages 7-8 of RFP)	The statute does not specify who bears the risk for corporate compliance matters such as fraud between the Statewide Fiscal Intermediary and its subcontractors. Can the Department clarify the legal and operational responsibilities and liabilities for both parties to prevent potential legal disputes and ensure accountability?	See answer to Question #918

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921	Subcontracting - Compliance	Section 5.7: Subcontracting (Pages 15-16 of RFP)	RFP Section 5.7 Paragraph 5 & 6: "Subcontractors may provide services and support functions that assist or enable the Awarded Statewide FI to perform FI services. Subcontractors may NOT directly perform any of the following: • enter into a contract for the provision of fiscal intermediary services with the Department; • set wages and establishing benefits for personal assistants (PAs); • maintain workers compensation, disability, or unemployment insurance policies for PAs; • appear at workers compensation, disability or unemployment hearings; • maintain personnel records for each PA and maintain records of Consumers' service authorization or plan of care (subcontractors may maintain copies or duplicate records); • enter into Department approved memoranda of understanding with Consumers; or • enter into contract with managed care organizations. In any arrangement between the Statewide FI and a subcontractor, the Statewide FI shall retain and acknowledge responsibility as joint employer of the PA, to the extent of such employment responsibilities, as if contractor had not engaged a subcontractor for the performance of any duties, best practices, or other services related to this RFP and FI services."Please provide examples of work a subcontractor can do. If the Statewide FI has concerns over a subcontractor's performance of duties, what recourse can the Statewide FI take?	See answer to Question #918 and Question #996
922	Subcontracting - Compliance	Section 5.7: Subcontracting (Pages 15-16 of RFP)	RFP Section 5.7 Paragraph 7: "In addition, the Statewide FI shall: • Require subcontractors to promptly notify Statewide FI of any court case, administrative hearing, or other proceeding in which the subcontractor is named with respect to any PA's labor or employment-related claim (including, but not limited to, claims for lost wages, unemployment insurance, workers compensation, etc.); and • Agree to intervene in any such proceeding and to indemnify and hold harmless subcontractors with regard to any liability incurred as a result of a decision, verdict, or other determination rendered with respect to such claims." What oversight, authority does the Statewide FI have over its subcontractors if they are to hold harmless the subcontractor if the subcontractor does not follow NYS Regulations, Federal Laws, or policies of the Statewide FI? What would be the Statewide FI's recourse should a subcontractor fail to comply with State and Federal laws?	See the New York State Department of Health Contract Section VIII.C and VIII.F, and Section IX.J.
923	Subcontracting - Compliance	Section 5.7: Subcontracting (Pages 15-16 of RFP)	How will the Statewide FI manage and oversee subcontractor performance?	See answer to Question #918
924	Subcontracting - Eligibility	Section 5.7: Subcontracting (Pages 15-16 of RFP)	Will all current FI be made subcontractors if they have CDPAP members?	No. Only those entities chosen by the awarded bidder and contracted with by such awarded bidder will be subcontractors.
925	Subcontracting - Eligibility	Section 5.7: Subcontracting (Pages 15-16 of RFP)	Is the State expecting the single statewide FI to subcontract to existing FIs, to CDPAP enrolled Medicaid providers, or to both?	Refer to RFP Section 4.0 for subcontractor requirements
926	Subcontracting - Eligibility	Section 5.7: Subcontracting (Pages 15-16 of RFP)	Can the single statewide FI subcontract directly to CDPAP enrolled Medicaid providers, in addition to existing FIs?	Refer to RFP Section 4.0 for subcontractor requirements
927	Subcontracting - Eligibility	Section 5.7: Subcontracting (Pages 15-16 of RFP)	Is the State expecting LHCSAs to become subcontractors to the single statewide FI as well?	Refer to RFP Section 4.0 for subcontractor requirements
928	Subcontracting - Eligibility	General	Would the Department select a vendor that has not been continuously providing services since 1/1/12, which is a provision of the law, but not the RFP, if all the RFP requirements are met?	The provision of law is that subcontractors must meet this date requirement, not the bidding vendor.
929	Subcontracting - Eligibility	Section 3.1: Minimum Qualifications (Page 4 of RFP)	Is a FI that has not been operating since before 1/1/2012 still eligible?	Only if they are a independent living center licensed under Education Law Section 1121 and have been providing fiscal intermediary services since January 1, 2024.

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930	Subcontracting - Eligibility	Section 3.1: Minimum Qualifications, Bullet a) (Page 4 of RFP)	If a bidder is deemed ineligible for award as the Statewide FI due to insufficient ability to meet the minimum requirements specified within this RFP (e.g., providing services on a statewide basis in at least on other state), will their failure to meet these requirements in any way exclude or impede the entity's ability to assume a subcontractor role (assuming they meet all applicable subcontractor eligibility criteria)? Are there other ramifications the Department can provide for entities submitting a Statewide FI bid/application but failing to meet the minimum qualifications, aside from Department not awarded that entity the Statewide FI contract?	Failure to meet the eligibility requirements as a bidder would not preclude an organization from being a subcontractor provided the organization meets the subcontracting requirements.
931	Subcontracting - Eligibility	Section 4.0: Scope of Work (Page 5 of RFP)	Under New York law, the Fiscal Intermediary may be a "service center for independent living." However, Section 4.0 of the RFP states that the FI must subcontract to service centers for independent living. Therefore, the RFP appears to be more constricting than the statutory language, thereby precluding service centers for independent living from becoming the FI. How does the Department justify such language in Section 4.0 of the RFP?	SSL 365-f was amended by L.2024, c. 57, pt. HH, §§ 1 to 7, eff. April 20, 2024, deemed eff. April 1, 2024. SSL 365-f states that the "eligible contractor is capable of performing statewide fiscal intermediary services with demonstrated cultural and language competencies specific to the population of consumers and those of the available workforce, has experience serving individuals with disabilities, and as of April first, two thousand twenty-four is providing services as a fiscal intermediary on a statewide basis with at least one other state;"
932	Subcontracting - Eligibility	Section 4.0: Scope of Work (Page 5 of RFP)	What criteria define whether a NYS DOH MLTC rate setting region subcontractor "has been providing fiscal intermediary services since January 1, 2012, or earlier"?	The organization must have been acting in the capacity of an FI, including contracting with managed care plans/LDSS and/or have been billing Medicaid for CDPAP services.
933	Subcontracting - Eligibility	Section 5.7: Subcontracting (Pages 15-16 of RFP)	What specific qualifications are required for subcontractors to be approved by the Department of Health, as outlined in Section 5.7 of the RFP?	Per SSL 365-f, subcontractors are required to register with the Department. The specifics of the registration process have not yet been determined.
934	Subcontracting - Eligibility	Section 5.7: Subcontracting (Pages 15-16 of RFP)	Please confirm that an entity that satisfies the requirements to be a subcontractor can be engaged by the single FI even if there is a change of ownership of the subcontractor that is pending and has not been completed as of the date of the NYS contract with the single FI.	See answer to Question #933
935	Subcontracting - Eligibility	Section 4.0: Scope of Work, Third Bullet (Page 5 of RFP)	If the statewide FI choses to subcontract with more than one entity in a particular rate region, do all subcontractors need to have a proven record of delivering fiscal intermediary services since January 1, 2012, or only one?	All subcontractors must meet the eligibility requirements.
936	Subcontracting - General	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet c) (Page 8 of RFP)	How does the requirement to "[m]aintain an organizational chart with professional and managerial lines of authority" apply to subcontractors?	This relates to the Statewide Fiscal Intermediary.
937	Subcontracting - General	Section 2.2: Other Important NYS Contracting Information for Bidders (Pages 3-4 of RFP)	Do subcontractors have to sign Attachment 8?	No, the awarded contractor is the only entity who is required to sign Attachment 8. Please note, this attachment is not required to be submitted by any bidder.
938	Subcontracting - General	Section 5.7: Subcontracting (Pages 15-16 of RFP)	Is there any requirement to submit an RFP to be considered as a subcontractor when the single FI is awarded?	No. All planned subcontracting arrangements would be negotiated with the resulting contracted statewide fiscal intermediary. Subcontractor registration, as outlined in SSL 365-f, will occur after a contract has been approved by the Department with the awarded statewide fiscal intermediary.
939	Subcontracting - General	Section 2.1: Background Information (Page 3 of RFP)	Will subcontracts also be 5-year terms?	Subcontracts do not require a five year term.
940	Subcontracting - General	Section 4.0: Scope of Work (Page 5 of RFP)	Can an entity that has been awarded a subcontract under 4.0 enter a further subcontract with an agency that has not been providing fiscal intermediary services since January 1, 2012?	No.
941	Subcontracting - General	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet b) (Page 8 of RFP)	How does the requirement to "[h]ave and maintain an effective organizational structure with qualified administrative staff" apply to subcontractors?	This relates to the Statewide Fiscal Intermediary.
942	Subcontracting - General	Section 4.6: Fiscal Monitoring and Oversight Requirements (Page 9 of RFP)	Will each subcontractor have to submit concerns to the Statewide FI?	This question is unclear and cannot be answered.

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943	Subcontracting - General	Section 5.5: Minority & Women-Owned Business Enterprise (M/WBE) Requirements and Equal Employment Opportunity (EEO) Reporting (Page 13 of RFP)	Section 5.5 states that "subcontractors awarded a subcontract over \$25,000 for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements" must undertake programs to ensure that minorities and women are afforded equal employment without discrimination, "except where the Work is for the beneficial use of the awarded Statewide FI." How will the DOH define "beneficial use" in this context?	This question is not relevant to the development of a proposal under this RFP.
944	Subcontracting - General	Attachment D: Region/County Mapping for MLTC Rate Setting Regions (Page 32 of RFP)	Why was a non-contiguous regional delineation made and how does it benefit consumers or	These are the existing MLTC rate setting regions.
945	Subcontracting - ILC	Section 4.0: Scope of Work (Page 5 of RFP)	Section 4 of the RFP requires the Statewide FI to subcontract with service centers for independent living. However, Part HH of Chapter 57 of the Laws of 2024 states a different requirement. Can you clarify this discrepancy?	SSL 365-f outlines the requirements an entity must meet to be considered an eligible subcontractor under the ILC provision. The Contractor will be expected to offer to subcontract with all independent living centers that meet the criteria identified in Section 4.0 of the RFP. However, independent living centers may choose not to participate under the resulting contract as a subcontractor. In this situation, the Contractor would not be considered non-compliant. Regardless, the awarded Contractor will be strongly encouraged to make any and all good-faith efforts required to secure a subcontract with independent living centers.
946	Subcontracting - ILC	Section 4.0: Scope of Work (Page 5 of RFP)	If a service center for independent living refuses to subcontract with the Statewide FI or an agreement cannot be reached, what resources does the Statewide FI have? Will they be considered non-compliant with the statute?	See answer to Question #945
947	Subcontracting - ILC	Section 4.0: Scope of Work (Page 5 of RFP)	What if a service center for independent living chooses not to be a subcontractor? What is the Department's vision of how that will work?	See answer to Question #945
948	Subcontracting - ILC	Section 4.0: Scope of Work (Page 5 of RFP)	The language in the RFP concerning subcontracting with service centers for independent living appears to deviate from the statutory language. The RFP specifies "each entity," implying that all independent living centers meeting the criteria are eligible for subcontracting with the awarded SFI, whereas the law states "an entity," suggesting only a single independent living center is required. The RFP states, "Subcontracting to facilitate the delivery of fiscal intermediary services to each entity that is a service center for independent living under section 1121 of the New York State Education Law ("EDN") and has been providing fiscal intermediary services since January 1, 2024..." while the statute explicitly states, "The statewide fiscal intermediary shall subcontract to facilitate the delivery of fiscal intermediary services to an entity that is a service center for independent living under section one thousand one hundred twenty-one of the education law that has been providing fiscal intermediary services since January first, two thousand twenty-four or earlier." Can the Department clarify this discrepancy?	See answer to Question #945
949	Subcontracting - ILC	Section 4.0: Scope of Work (Page 5 of RFP)	Can the discrepancy between the statutory language ("an entity") and the RFP ("each entity") with regards to contracting with independent living centers be clarified?	See answer to Question #945
950	Subcontracting - ILC	Section 4.0: Scope of Work (Page 5 of RFP)	Given that the statute and RFP "require" the Single FI to contract with "every" Independent Living Centers, what happens if the Single FI and a ILC cannot come to terms of a contract? Is the Single FI considered in breach of the RFP?	See answer to Question #945
951	Subcontracting - ILC	Section 4.0: Scope of Work (Page 5 of RFP)	Can the Department please clarify that the Statewide Fiscal Intermediary will be subcontracting to "facilitate the delivery of fiscal intermediary services" by, and not to, each entity that is a service center for independent living under section 1121 of the NYS Education Law and has been providing fiscal intermediary service since January 1, 2024, or earlier?	See answer to Question #945
952	Subcontracting - ILC	Section 4.0: Scope of Work (Page 5 of RFP)	The RFP states that the successful FI is required to subcontract with "each" independent living center. The legislation authorizing the single FI states a requirement to contract with "an" independent living center. Please confirm the ILC subcontracting requirement.	See answer to Question #945
953	Subcontracting - ILC	Section 5.7: Subcontracting (Pages 15-16 of RFP)	What happens if the mandatory subcontracts with Centers for Independent Living cannot be successfully negotiated?	See answer to Question #945

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954	Subcontracting - ILC	Section 4.0: Scope of Work (Page 5 of RFP)	May an FI that began providing fiscal intermediary services after January 1, 2012 be a subcontractor?	Only if the FI is an independent living center under section 1121 of the New York State Education Law and has been providing FI services since January 1, 2024 or earlier.
955	Subcontracting - ILC	Section 5.7: Subcontracting (Pages 15-16 of RFP)	Which ILCs are required subcontractors? In which MLTC Rate Setting Regions are they located?	The Department does not have this information.
956	Subcontracting - Lists	Section 4.0: Scope of Work (Page 5 of RFP)	Does the Department of Health have a list of each entity that is a service center for independent living under section 1121 of the New York State Education Law and has been providing fiscal intermediary services since January 1, 2024, and, if so, will the Department provide that list?	A listing of all independent living centers can be found at: https://www.acces.nysed.gov/vr/independent-living-centers . The Department does not have a listing of which of those have been providing fiscal intermediary services.
957	Subcontracting - Lists	Section 4.0: Scope of Work (Page 5 of RFP)	Does the Department of Health have a list of each entity per NYS DOH MLTC rate setting region, that has a proven record of delivering services to individuals with disabilities and the senior population and has been providing fiscal intermediary services since January 1, 2012, or earlier and, if so, will the Department provide that list?	No, the Department does not have this information.
958	Subcontracting - Lists	Section 5.7: Subcontracting (Pages 15-16 of RFP)	Will the State help the new statewide FI identify existing FIs and CDPAP enrolled Medicaid providers to make contact to consider a subcontracting relationship?	No.
959	Subcontracting - Lists	Section 4.0: Scope of Work, Third Bullet (Page 5 of RFP)	Will DOH publish or otherwise make available, prior to the deadline for submission of proposals, a list of fiscal intermediaries that have been providing fiscal intermediary services since January 1, 2012, and their service areas, so RFP respondents can identify potential subcontractors?	No.
960	Subcontracting - Lists	Section 4.5: Fiscal Intermediary Organizational Requirements (Page 8 of RFP)	Will a list of eligible subcontractors be provided? Or is it up to the Single FI to determine eligibility of each separate subcontractor?	The Statewide Fiscal Intermediary will be responsible for vetting any subcontractors and they are subject to approval by the Department.
961	Subcontracting - Lists	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet a) (Page 8 of RFP)	Will the Department of Health provide a list of eligible subcontractor entities?	No.
962	Subcontracting - Number	General	How many subcontractors is the State expecting the single statewide FI to hire?	The bidder must meet the minimum number subcontractors as outlined in the RFP. Otherwise, the number of subcontractors is at the discretion of the bidder provided each subcontractor meets the RFP requirements.
963	Subcontracting - Number	Section 4.0: Scope of Work (Page 5 of RFP)	What is the minimum number of independent living centers that the contractor must subcontract with?	See answer to Question #962
964	Subcontracting - Number	General	Is the State expecting the single statewide FI to work with existing FIs in every NYS County?	See answer to Question #962
965	Subcontracting - Number	Section 5.7: Subcontracting (Pages 15-16 of RFP)	Are there limits on the number of subcontractors after the minimum subcontracting requirements are met?	See answer to Question #962
966	Subcontracting - Number	Section 5.7: Subcontracting (Pages 15-16 of RFP)	Are there limits on the type of subcontractors after the minimum subcontracting requirements are met?	See answer to Question #962
967	Subcontracting - Number	Section 4.5: Fiscal Intermediary Organizational Requirements (Page 8 of RFP)	According to Section 4.5 of the RFP, the awarded Statewide Fiscal Intermediary (FI) will work with subcontractors and entities throughout the state. Is there a limit to the number of subcontractors that can be included in the bid?	See answer to Question #962
968	Subcontracting - Number	Section 5.7: Subcontracting (Pages 15-16 of RFP)	Is there any limit on the number of FI subcontractors that the Statewide FI may contract with? If so, what are the limits?	See answer to Question #962
969	Subcontracting - Number	Section 5.7: Subcontracting (Pages 15-16 of RFP)	The RFP states "Bidders may propose the use of subcontractors consistent with this section. The Department reserves the right to review and approve all subcontractor agreements." How many subcontractors can the bidder propose? Must the bidder propose to use at least one subcontractor that is a service center for independent living and at least one subcontractor in each NYS DOH MLTC rate setting region?	See answer to Question #962
970	Subcontracting - Number	Section 4.0: Scope of Work (Page 5 of RFP)	Are there any limitations on the number and type of subcontractors, or the work that they can perform? If they are not an approved Medicaid provider, will the State approve their application in a timely manner?	See answer to Question #962

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971	Subcontracting - Proposal	Section 3.0: Bidders Qualifications (Page 4 of RFP)	According to 42 CFR § 441.530 Home and Community-Based Setting, the setting must facilitate individual choice regarding services and supports, and who provides them. To facilitate choice, can additional subcontractors be included in the bid?	See answer to Question #962
972	Subcontracting - Number	Section 4.0: Scope of Work, Paragraph 1 (Page 5 of RFP)	Can the Department clarify whether the awarded SFI is required to subcontract with one (1) distinct entity per MLTC rate-setting region, totaling four (4) entities, or if the Department permits the awarded SFI to subcontract with a single entity to serve all four (4) MLTC rate-setting regions, totaling one (1) entity, provided that the entity meets the criteria of having a proven record of delivering services to individuals with disabilities and the senior population since January 1, 2012, as detailed in Attachment D?	At least one entity per rate setting region or at least four entities statewide.
973	Subcontracting - Number	Section 4.0: Scope of Work (Page 5 of RFP)	What is the minimum number of entities per NYS DOH MLTC rate setting region that the contractor must subcontract with?	At least one entity per rate setting region or at least four entities statewide.
974	Subcontracting - Number	Section 5.7: Subcontracting (Pages 15-16 of RFP)	If the SFI has to subcontract with the at least one ILS and one Managed Care Entity per region, how many FI's are eligible to receive the contract?	Only one contract will be awarded through the RFP. The awarded contractor may choose to subcontract with multiple entities consistent with the requirements for subcontracting outlined in the RFP.
975	Subcontracting - Number	Section 4.0: Scope of Work (Page 5 of RFP)	What does the requirement "subcontracting with at least one entity per NYS DOH MLTC rate setting region, as seen in Attachment D" mean?	The Statewide Fiscal Intermediary must subcontract with at least one entity in each of the regions outlined in Attachment D that meets the subcontracting requirements.
976	Subcontracting - Number	Section 5.7: Subcontracting (Pages 15-16 of RFP)	Will DOH require or allow the Statewide FI to provide consumers a choice of Subcontractors through which to facilitate FI services?	Subcontractors must meet any requirements as outlined in the RFP regarding the type or number of subcontractors. Otherwise, bidders have discretion in the subcontractors they choose to work with, subject to approval by the Department.
977	Subcontracting - Overseas	Section 4.8: Information Technology Requirements (Page 10 of RFP)	Given the heightened vulnerability of the healthcare sector to cybersecurity risks and the significant increase in cyber incidents, particularly ransomware attacks, tracked by the U.S. Department of Health and Human Services (HHS), will the Department of Health (DOH) allow the use of overseas call centers, consultants, or subcontractors to support the awarded Statewide Fiscal Intermediary (FI)?	All Data shall remain in the Continental United States (CONUS). Any Data stored, or acted upon, must be located solely in Data Centers in CONUS. Services which directly or indirectly access Data may only be performed from locations within CONUS.
978	Subcontracting - Overseas	Section 4.8: Information Technology Requirements (Page 10 of RFP)	Will the DOH review and approve the use of out-of-state administrative work to ensure compliance with cybersecurity standards and protect sensitive data? Per the NYS-P03-002 Information Security Policy, Section 4.4, Information Risk Management, risk assessments must include additional considerations when systems, services, or information will reside, or be accessed from, outside of the Contiguous United States (CONUS) to ensure compliance with relevant statutory, regulatory, and contractual requirements. Risk assessment results, and the decisions made based on these results, must be documented.	All Data shall remain in the Continental United States (CONUS). Any Data stored, or acted upon, must be located solely in Data Centers in CONUS. Services which directly or indirectly access Data may only be performed from locations within CONUS.
979	Subcontracting - Overseas	Section 4.8: Information Technology Requirements (Page 10 of RFP)	If the qualified bidder has provided statewide FI services in another state using overseas call centers or administrative services contracted to overseas entities, should this be disclosed in the response to the RFP? Additionally, what specific documentation or information should be included to ensure full transparency and compliance with NYSDOH requirements?	All Data shall remain in the Continental United States (CONUS). Any Data stored, or acted upon, must be located solely in Data Centers in CONUS. Services which directly or indirectly access Data may only be performed from locations within CONUS.
980	Subcontracting - Overseas	Section 5.7: Subcontracting (Pages 15-16 of RFP)	Is there any requirement that all subcontractor work must be performed in New York State, as outlined in Section 5.7 of the RFP?	All Data shall remain in the Continental United States (CONUS). Any Data stored, or acted upon, must be located solely in Data Centers in CONUS. Services which directly or indirectly access Data may only be performed from locations within CONUS.
981	Subcontracting - Overseas	Section 5.7: Subcontracting (Pages 15-16 of RFP)	If not any requirement that all subcontractor work must be performed in New York State, is there a percentage of work that must be performed in-state, as outlined in Section 5.7 of the RFP?	All Data shall remain in the Continental United States (CONUS). Any Data stored, or acted upon, must be located solely in Data Centers in CONUS. Services which directly or indirectly access Data may only be performed from locations within CONUS.
982	Subcontracting - Payment	Section 4.0: Scope of Work (Page 5 of RFP)	Are there any requirements regarding the rate to be paid to the independent living center subcontractor(s)?	Subcontracts and the amount to be paid to each subcontractor will be determined by negotiations between the contracted statewide fiscal intermediary and their approved subcontractors. The Department will not determine subcontract rates of payment.

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983	Subcontracting - Payment	Section 4.0: Scope of Work (Page 5 of RFP)	Are there any requirements regarding the rate to be paid to the NYS DOH MLTC rate setting region subcontractor(s)?	This will be negotiated between the Statewide FI and the subcontractor based upon services the Statewide FI chooses to delegate.
984	Subcontracting - Payment	Section 4.0: Scope of Work (Page 5 of RFP)	Are there any requirements regarding the rate to be paid to the NYS DOH MLTC rate setting region subcontractor(s)?	No. Subcontracting payment terms will be negotiated between the Statewide FI and the subcontractor.
985	Subcontracting - Payment	Section 5.7: Subcontracting (Pages 15-16 of RFP)	Is there any requirement for the single statewide FI to pay the subcontractors at their current Medicaid rates?	No.
986	Subcontracting - Payment	Section 4.0: Scope of Work (Page 5 of RFP)	Under Section 4.0, FISCAL INTERMEDIARY SCOPE OF WORK, does the bulleted phrase "Subcontracting to facilitate the delivery of fiscal intermediary services to each entity that is a service center for independent living under section 1121 of the New York State Education Law ("EDN")..." mean that service centers for independent living meeting this criteria will be able to continue to directly perform all of the fiscal intermediary (FI) services described in SSL § 365-f (4-a)(a)(ii), 18 NYCRR § 505.28(i) and 10 NYCRR § 766.11(c)-(d)?	Subcontractors will not be able to directly bill New York State for fiscal intermediary services nor will they be able to contract with managed care organizations or Local Departments of Social Services.
987	Subcontracting - Payment	Section 4.1: Required Fiscal Intermediary Services (Page 5 of RFP)	Is the FI contractor required to make vendor payments, i.e., supplies and equipment?	The contracted statewide fiscal intermediary is required to make payments to fulfill their contractual and sub contractual obligations.
988	Subcontracting - Payment	Section 4.6: Fiscal Monitoring and Oversight Requirements (Page 9 of RFP)	Will subcontractors be required to submit cost reports to the state?	No.
989	Subcontracting - Payment	Section 5.4: Payment (Page 12 of RFP)	Will DOH oversee the payment structure between the single FI and subsidiaries? Will DOH require that subsidiaries are paid a sum sufficient to cover their direct and administrative costs?	No. Payment for subcontracting is the responsibility of the Statewide Fiscal Intermediary.
990	Subcontracting - Payment	Section 5.7: Subcontracting (Pages 15-16 of RFP)	Do Subcontractors need to enroll in the Medicaid Program?	No.
991	Subcontracting - Payment	Section 5.7: Subcontracting (Pages 15-16 of RFP)	Will these records have to be submitted to the Statewide FI for billing, or will subcontractors bill for direct care services and process payroll for PAs?	Payments for subcontracting costs will be paid directly from the Statewide Fiscal Intermediary per the terms of the subcontract agreed upon between the two parties.
992	Subcontracting - Payment	Section 5.7: Subcontracting (Pages 15-16 of RFP)	How will subcontractors be compensated for costs associated with training and onboarding consumers?	Payments for subcontracting costs will be paid directly from the Statewide Fiscal Intermediary per the terms of the subcontract agreed upon between the two parties.
993	Subcontracting - Payment	Section 4.6: Fiscal Monitoring and Oversight Requirements, Bullet b) (Page 9 of RFP)	Will subcontractors use the same written fiscal procedures?	No, as the subcontractors will not be billing Medicaid.
994	Subcontracting - Proposal	Section 2.0: Overview and Important Information (Page 3 of RFP)	Will the single contract awarded under this RFP include identification of subcontractors as part of the award?	The proposal should provide sufficient information to demonstrate how the Statewide Fiscal Intermediary will fulfill the responsibilities outlined in the RFP including its plans for the RFP required subcontracting. Specific identification of the subcontractors or commitment of those subcontractors is not required at the time of proposal submission.
995	Subcontracting - Proposal	Section 5.7: Subcontracting (Pages 15-16 of RFP)	Please confirm that an applicant is not required to include any information about its subcontractors in the RFP submission.	See answer to Question #994
996	Subcontracting - Proposal	Section 5.7: Subcontracting (Pages 15-16 of RFP)	How should the specific qualifications, which are required for subcontractors to be approved by the Department of Health, be documented in the bid submission?	See answer to Question #994
997	Subcontracting - Proposal	Section 5.7: Subcontracting (Pages 15-16 of RFP)	Should the RFP include possible subcontractors if they were to be approved for SFI?	See answer to Question #994
998	Subcontracting - Proposal	General	What requirements are there for the bidder to specify the use of subcontractors (for any and all purposes such as language/cultural competence of staff and call center staff, EVV solutions, data analytics and other purposes) at a regional level?	See answer to Question #994
999	Subcontracting - Proposal	Section 2.1: Background Information (Page 3 of RFP)	Does the proposal from a prospective single statewide fiscal intermediary need to identify which regional subcontractors the single statewide fiscal intermediary will use? Is this different for independent living center subcontractors?	See answer to Question #994
1000	Subcontracting - Proposal	Section 2.1: Background Information (Page 3 of RFP)	What form of commitment must the prospective single statewide fiscal intermediary obtain from subcontractors as part of the bidding process? Is this different for independent living center subcontractors?	See answer to Question #994

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1001	Subcontracting - Proposal	Section 2.1: Background Information (Page 3 of RFP)	Does this commitment need to be submitted as part of the application? Is this different for independent living center subcontractors? What happens if the subcontractors change?	See answer to Question #994
1002	Subcontracting - Proposal	Section 2.1: Background Information (Page 3 of RFP)	Is the identification of subcontractors in the application a material term for the contract? Is this different for independent living center subcontractors?	See answer to Question #994
1003	Subcontracting - Proposal	Section 2.1: Background Information (Page 3 of RFP) and Section 4.0: Scope of Work, Third Bullet (Page 5 of RFP)	We assume the subcontractor cited in this section are the same as the subcontractor requirement defined in RFP Proposal section 4.0, Bullet 3. Please confirm. If not, please elaborate on the requirement.	See answer to Question #994
1004	Subcontracting - Proposal	Section 2.1: Background Information (Page 3 of RFP)	How will the Statewide FI disclose/submit the subcontractors it will use to DOH?	See answer to Question #994
1005	Subcontracting - Proposal	Section 4.0: Scope of Work (Page 5 of RFP)	Will the selected FI be required to contract with the subcontractors it identifies in its offer?	See answer to Question #994
1006	Subcontracting - Proposal	Section 4.0: Scope of Work (Page 5 of RFP)	Will the Department make determinations regarding the competencies of subcontractors as a part of the RFP review process?	See answer to Question #994
1007	Subcontracting - Proposal	Section 4.0: Scope of Work (Page 5 of RFP)	Will the Department make determinations regarding the eligibility of subcontractors as part of the RFP review process?	See answer to Question #994
1008	Subcontracting - Proposal	Section 5.7: Subcontracting (Pages 15-16 of RFP)	Do Statewide FI bidders have to submit proposals for subcontracts with Centers for Independent Living and with eligible entities in each rate setting region as part of their bid? Is there a timeframe for the subcontracts with these entities to begin before the Statewide FI is in breach of contract with the DOH?	See answer to Question #994
1009	Subcontracting - Proposal	Attachment B: Bidder's Demonstration of Eligibility to Submit an Offer (Pages 29-30 of RFP)	Why does it include the statement "(check all that apply)" if 365-f requires the statewide FI to contract with centers for independent living and at least one other subcontractor for each rate setting region.	Attachment B is used to assist the Department in determining eligibility of the bidder and the proposal for evaluation.
1010	Subcontracting - Reporting	Section 5.7: Subcontracting (Pages 15-16 of RFP)	How will the DOH determine the level of performance of subcontractors?	The statewide fiscal intermediary may be required to report on the performance of subcontractors. Specific reporting requirements of the Statewide Fiscal Intermediary and its subcontractors will be determined at the time of contract execution.
1011	Subcontracting - Reporting	Section 2.1: Background Information (Page 3 of RFP)	What specific metrics will subcontractors have to report? Do the subcontractors have to report to the single FI or DOH? How will compliance be monitored?	See answer to Question #1010
1012	Subcontracting - Roles	Section 4.1: Required Fiscal Intermediary Services (Page 5 of RFP)	Will Centers for Independent Living be allowed to verify that the health status of each PA is assessed prior to service delivery? This is not a prohibited task in section 5.7.	Bidders will determine what services they subcontract outside of those services that can only be performed by the contractor.
1013	Subcontracting - Roles	Section 4.1: Required Fiscal Intermediary Services, Bullet e) (Page 5 of RFP)	Can subcontractors serve as the employer of record for personal assistants?	No. Only the statewide fiscal intermediary will be an employer of record for the personal assistant.
1014	Subcontracting - Roles	Section 4.1: Required Fiscal Intermediary Services (Page 5 of RFP)	Will service centers for independent living be permitted to enter into Department approved memoranda of understanding with Consumers?	No. Only the statewide fiscal intermediary will enter into memoranda of understanding with consumers.
1015	Subcontracting - Roles	Section 4.1: Required Fiscal Intermediary Services (Page 5 of RFP)	Will Centers for Independent Living be allowed to process income tax and other required wage withholdings? This is not a prohibited task in section 5.7.	No. Only the statewide fiscal intermediary will process income tax and other required wage withholdings.
1016	Subcontracting - Roles	Section 5.7: Subcontracting (Pages 15-16 of RFP)	Can the subcontractor perform billing and payroll services on behalf of the Statewide FI?	Prohibited subcontractor responsibilities are outlined in Section 5.7 of the RFP.
1017	Subcontracting - Roles	Section 3.1: Minimum Qualifications (Page 4 of RFP)	Are Independent Living Center's full FI's that can bill, process payroll, contract with MCO's, and obtain our own insurance benefits?	See answer to Question #1016

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1018	Subcontracting - Roles	Section 4.1: Required Fiscal Intermediary Services (Page 5 of RFP)	Required fiscal intermediary services include processing wages and benefits for each personal assistant (PA), including establishing the amount of each PA's wages. In Section 5.7, subcontractors are expressly forbidden to set wages and establish benefits for PAs, this section does not forbid other aspects of processing wages and benefits. Will Centers for Independent Living be allowed to process wages and benefits within the established parameters? If not, and the state is choosing to eliminate this option, which preserves some level of consumer choice, how does the state intend to ensure that problems with an SFI will not happen in New York?	See answer to Question #1016
1019	Subcontracting - Roles	Section 4.1: Required Fiscal Intermediary Services (Page 5 of RFP)	Will Centers for Independent Living be permitted to monitor the consumer's or designated representative's ability to fulfill their responsibilities, and will subcontractors be permitted to have direct contact with the authorizing entity to report concerns? This is not a prohibited task in Section 5.7.	See answer to Question #1016
1020	Subcontracting - Roles	Section 4.1: Required Fiscal Intermediary Services (Page 5 of RFP)	Will Centers for Independent Living be able to contact funders to obtain authorizations or reauthorizations for consumers? Section 5.7 prohibits subcontractors from maintaining records but allows them to maintain copies and duplicates.	See answer to Question #1016
1021	Subcontracting - Roles	Section 4.0: Scope of Work (Page 5 of RFP)	Besides the items a subcontractor cannot directly perform as listed in Section 5.7 of the RFP, are there any limitations on the extent to which the awarded Statewide Fiscal Intermediary can subcontract its responsibility for the delivery of fiscal intermediary services to consumers receiving CDPAS as defined in Part HH of Chapter 57 of the Laws of 2024? In other words, can the awarded Statewide Fiscal Intermediary subcontract all of its responsibilities other than those items listed in Section 5.7 of the RFP that a subcontractor cannot perform directly?	See answer to Question #1016
1022	Subcontracting - Roles	General	Could a subcontractor process payroll on behalf of the FI?	See answer to Question #1016
1023	Subcontracting - Roles	Section 5.7: Subcontracting (Pages 15-16 of RFP)	The RFP states that "Subcontractors may provide services and support functions that assist or enable the Awarded Statewide FI to perform FI services." What are examples of services and supports that may be provided by the Subcontractors? Are there any prohibitions or limitations?	See answer to Question #1016
1024	Subcontracting - Roles	Section 5.7: Subcontracting (Pages 15-16 of RFP)	The RFP states what a subcontractor cannot do. What are the roles and responsibilities of a subcontractor?	See answer to Question #1016
1025	Subcontracting - Roles	Section 5.7: Subcontracting (Pages 15-16 of RFP)	Can you provide a comprehensive list of activities subcontractors are prohibited from performing?	See answer to Question #1016
1026	Subcontracting - Roles	General	What is the Department's vision of the roles of any subcontractor used on this project, including service centers for independent living? In other words, what tasks would such subcontractors assume on behalf of the FI?	See answer to Question #1016
1027	Subcontracting - Roles	Section 5.7: Subcontracting (Pages 15-16 of RFP)	May a subcontractor provide payroll services?	See answer to Question #1016
1028	Subcontracting - Roles	Section 5.7: Subcontracting (Pages 15-16 of RFP)	Are subcontractors permitted to process payroll and billing?	See answer to Question #1016
1029	Subcontracting - Roles	Section 5.7: Subcontracting (Pages 15-16 of RFP)	May a subcontractor maintain PA records such as timesheets should it be deemed that a subcontractor can provide payroll services?	See answer to Question #1016
1030	Subcontracting - Roles	Section 5.7: Subcontracting (Pages 15-16 of RFP)	Can subcontractors perform other fundamental tasks/activities, such as those involving customer service and payroll processing?	See answer to Question #1016
1031	Subcontracting - Roles	Section 5.7: Subcontracting (Pages 15-16 of RFP)	The RFP restricts services subcontractors can perform. Please validate what services listed in 4.1 (FI required services) a subcontractor can be delegated and which services cannot be delegated.	See answer to Question #1016
1032	Subcontracting - Roles	Section 5.7: Subcontracting (Pages 15-16 of RFP)	Section 5.7 paragraph 5 Will subcontractors be allowed to handle onboarding (hiring) tasks for PAs?	See answer to Question #1016
1033	Subcontracting - Roles	Section 4.1: Required Fiscal Intermediary Services (Page 5 of RFP)	Will Centers for Independent Living be allowed to verify that the health status of each PA is assessed prior to service delivery? This is not a prohibited task in section 5.7.	See answer to Question #1016

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1034	Subcontracting - Roles	Section 4.0: Scope of Work (Page 5 of RFP)	What specific subcontracting requirements will be required under the RFP?	See answer to Question #1016
1035	Subcontracting - Roles	Section 5.7: Subcontracting (Pages 15-16 of RFP)	Under Section 5.7, titled "Subcontracting," it states that subcontractors are not to "maintain personnel records for each PA and maintain records for consumer service authorization or plan of care." Are subcontractors permitted to onboard consumers and PAs by obtaining initial documentation?	See answer to Question #1016
1036	Subcontracting - Roles	Section 5.7: Subcontracting (Pages 15-16 of RFP)	When can we expect to have more information on the requirement and allowable tasks of subcontractors?	See answer to Question #1016
1037	Subcontracting - Roles	Section 5.7: Subcontracting (Pages 15-16 of RFP)	While identifying "Subcontracting to facilitate the delivery of fiscal intermediary services to each entity that is a service center for independent living under section 1121 of the New York State Education Law ("EDN") and has been providing fiscal intermediary services since January 1, 2024, or earlier" (Item 4.0, Page 5) in the section relating to subcontracting (Section 5.7, Page 15) The RFP forbids FI activities that were intended for IL Centers to continue to perform. What are the expectations for independent living centers to perform as an FI, if prohibited to perform backroom activities?	See answer to Question #1016
1038	Subcontracting - Roles	Section 4.1: Required Fiscal Intermediary Services (Page 5 of RFP)	Will all PAs be expected to be hired only through the Statewide FI, or will PAs be able to be hired through subcontractors?	While subcontractors may be able to assist the statewide fiscal intermediary with hiring of personal assistants, only the contracted statewide fiscal intermediary will be the employer of record for all personal assistants and the only entity who is able to bill for fiscal intermediary services through the State's Medicaid management information system (MMIS).
1039	Subcontracting - Roles	Section 5.7: Subcontracting (Pages 15-16 of RFP)	22. Under Section 5.7 Subcontractors, a paragraph reads: "Subcontractors may provide services and support functions that assist or enable the Awarded Statewide FI to perform FI services. Subcontractors may NOT directly perform any of the following: • enter into a contract for the provision of fiscal intermediary services with the Department; • set wages and establishing benefits for personal assistants (PAs); • maintain workers compensation, disability, or unemployment insurance policies for PAs; • appear at workers compensation, disability or unemployment hearings; • maintain personnel records for each PA and maintain records of Consumers' service authorization or plan of care (subcontractors may maintain copies or duplicate records); •enter into Department approved memoranda of understanding with Consumers; or •enter into contract with managed care organizations". Does this apply to an entity that is a service center for independent living under section 1121 of the New York State Education Law ("EDN")?	Only the contracted statewide fiscal intermediary may perform the duties as outlined in the question.
1040	Subcontracting - Roles	Section 4.0: Scope of Work (Page 5 of RFP)	Can the Department provide clear guidelines on the subcontracting requirements that will be enforced under this RFP?	Refer to RFP Sections 4 and 5.7 for program requirements.
1041	Subcontracting - Roles	Section 4.0: Scope of Work, Paragraph 1 (Page 5 of RFP)	If an awarded Statewide Fiscal Intermediary (SFI) selects a subcontractor for one of the four MLTC regions to meet the State's subcontracting requirement, will that subcontracting entity be restricted to serving only within their specific region, or will the State permit the subcontractor to serve consumers across all regions if the SFI so chooses? This question seeks clarification on whether the SFI requirement to subcontract with at least one entity per NYS DOH MLTC rate-setting region imposes any geographical restrictions on the subcontractor's ability to perform delegated fiscal intermediary services beyond their designated region.	Subcontracting arrangements are at the discretion of the Statewide Fiscal Intermediary provided they meet the requirements as outlined in the RFP. Subcontractors are subject to the approval of the Department.
1042	Subcontracting - Roles	Section 4.0: Scope of Work (Page 5 of RFP)	Under Section 4.0, FISCAL INTERMEDIARY SCOPE OF WORK, does the bulleted phrase "Subcontracting to facilitate the delivery of fiscal intermediary services to each entity..." mean something different than the term "Subcontracting" used in the bullet that follows within the same section? If so, please explain the distinction.	These bullets outline the requirements potential subcontractors must meet to be an eligible subcontracting entity.

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1043	Subcontracting - Roles	Section 4.5: Fiscal Intermediary Organizational Requirements (Page 8 of RFP)	Will the Statewide FI and/or its subcontractors be required to have a physical establishment within a certain region?	The Department has not defined timely delivery of services as it relates to maintaining a local presence in each of the outlined rate regions. The bidder should demonstrate in its Technical Proposal how they plan to maintain a local presence that allows for the timely delivery of services. How the bidder, through its own means or those of a subcontractor, meets this requirement is at the bidder's discretion and should be described in the Technical Proposal.
1044	Subcontracting - Roles	Section 4.6: Fiscal Monitoring and Oversight Requirements, Bullet a) (Page 9 of RFP)	Are subcontractors required to complete cost reporting?	No.
1045	Subcontracting - Roles	Section 5.7: Subcontracting (Pages 15-16 of RFP)	Regarding the list of items that subcontractors may not perform under the scope of this engagement, the State indicates that FI subcontractors may not enter into FI-related contracts with managed care organizations. Please confirm that this restriction relates only to the FI scope of work contained within this RFP.	Entities may not enter into contracts with managed care plans for fiscal intermediary services.
1046	Subcontracting - Roles	Section 5.7: Subcontracting (Pages 15-16 of RFP)	Section 5.7 specifies that subcontractors may not appear at workers' compensation, disability or unemployment hearings. Would this restriction also apply to court cases, administrative hearings or other proceedings where the subcontractor is named explicitly?	No. This provision applies to "workers compensation, disability, or unemployment hearings."
1047	Subcontracting - Roles	Section 5.7: Subcontracting (Pages 15-16 of RFP)	Will DOH allow the single FI to contractually transfer joint employer risk to subcontractors? Will DOH allow indemnification provisions in subcontracts related to this risk?	Only the Statewide Fiscal Intermediary will be allowed as the joint employer of the personal assistant.
1048	Subcontracting - Selection	Section 5.7: Subcontracting (Pages 15-16 of RFP)	The RFP requires the Statewide Fiscal Intermediary to consider compliance with federal and state laws in selecting subcontractors. Will the Department provide a specific list of eligible subcontractors, or will the Statewide Fiscal Intermediary have full discretion in making these selections?	Subcontracting arrangements are at the discretion of the Statewide Fiscal Intermediary provided they meet the requirements as outlined in the RFP. Subcontractors are subject to the approval of the Department.
1049	Subcontracting - Selection	Section 2.1: Background Information (Page 3 of RFP)	How will official subcontractor selection by the Statewide FI be communicated to the Department?	Per SSL 365-f, subcontractors are required to register with the Department. The specifics of the registration process have not yet been determined.
1050	Subcontracting - Selection	Section 2.1: Background Information (Page 3 of RFP)	Will subcontracts have to be in place before the contract between the Department and the Statewide FI is executed?	No.
1051	Subcontracting - Selection	Section 5.7: Subcontracting (Pages 15-16 of RFP)	Can the State share the evaluation criteria for subcontractor review and approval?	The specific components of the Department's evaluation will not be shared with the bidding community.
1052	Subcontracting - Selection	Section 5.7: Subcontracting (Pages 15-16 of RFP)	Given that recent FOIL requests from various entities seeking a list of eligible subcontractors or Fiscal Intermediaries operating prior to January 1, 2012, have resulted in the Department stating that such a list does not exist and that these records could not be located, how will the Department accurately determine which entities qualify as eligible subcontractors? Does the Department currently possess information on eligible subcontractors, and if so, can it provide a comprehensive list to ensure transparency and fairness in the selection process? How will the Department ensure that all potential subcontractors are fairly considered and that the selection process is conducted without bias or with lack of appropriate records/information?	This question is not relevant to the development of a proposal under this RFP.
1053	Subcontracting - Selection	Section 5.7: Subcontracting (Pages 15-16 of RFP)	The RFP, in contrast to the RFP repealed in the SFY 2025 budget, does not provide information about the application process to become a subcontractor under a single fiscal intermediary applicant. Can you please clarify the process or justification for its absence?	This question is not relevant to the development of a proposal under this RFP.
1054	Subcontracting - Selection	Section 5.7: Subcontracting (Pages 15-16 of RFP)	The RFP says DOH must approve any subcontracting arrangements and can make a contingent award pending DOH review and approval of subcontracting agreements in its sole discretion. Because the bids may be highly dependent on the selected subcontractor(s), are there factors DOH will use to evaluate the appropriateness of subcontractors so that the bidder can evaluate potential subcontractors with such criteria in mind?	Per SSL 365-f, subcontractors are required to register with the Department. The specifics of the registration process have not yet been determined.
1055	Subcontracting - Selection	Section 5.7: Subcontracting (Pages 15-16 of RFP)	If a subcontractor is specified within the successful bidder's proposal but subsequently fails to obtain Departmental approval, how will this discrepancy between the awarded Statewide FI's agreed-upon contract (including their proposal) be navigated and amended?	This question is not relevant to the development of a proposal under this RFP.

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1056	Subcontracting - Selection	Section 5.7: Subcontracting (Pages 15-16 of RFP)	What is the timeline for the Single FI awardee to show proof of subcontracting agreements after the award date?	This question is not relevant to the development of a proposal under this RFP.
1057	Subcontracting - Selection	Section 5.7: Subcontracting (Pages 15-16 of RFP)	What are the criteria for evaluating and approving subcontractor agreements?	The specific components of the Department's evaluation will not be shared with the bidding community. The subcontractor agreement approval process is not relevant to the development of a proposal under this RFP.
1058	Subcontracting - Selection	Section 5.7: Subcontracting (Pages 15-16 of RFP)	What process will be established by DOH for regional subcontractor review, interview, subcontractor RFP completion for establishment of qualification and selection by the Single FI awardee?	This question is not relevant to the development of a proposal under this RFP.
1059	Subcontracting - Selection	Section 5.7: Subcontracting (Pages 15-16 of RFP)	What role will DOH play in selection of regional subcontractors?	This question is not relevant to the development of a proposal under this RFP.
1060	Subcontracting - Selection	Section 5.7: Subcontracting (Pages 15-16 of RFP)	What role will labor play in selection of regional subcontractors?	This question is not relevant to the development of a proposal under this RFP.
1061	Subcontracting - Selection	Section 5.7: Subcontracting (Pages 15-16 of RFP)	What process and criteria will DOH use to review and approve subcontracts? Can a subcontractor invoke DOH review of proposed subcontract terms? What terms will DOH require subcontracts to contain? What terms will DOH prohibit from subcontracts? What period of time will DOH require subcontracts to cover? What subcontract termination provisions will DOH require or approve? What subcontract renewal provisions will DOH require or approve? Under what conditions or terms may a single FI add, change or remove subcontractors? What criteria or process will the DOH utilize to respond to a single FI's request to the Department to add, change or remove subcontractors? What due process rights are afforded to a subcontractor that is subject to removal based on the Department's reservation of rights?	The specific components of the Department's evaluation will not be shared with the bidding community. The subcontractor agreement approval process is not relevant to the development of a proposal under this RFP.
1062	Subcontracting - Selection	Section 5.7: Subcontracting (Pages 15-16 of RFP)	This section states that the "Department will work with the awarded Statewide FI to review and approve subcontractor arrangements . . ." Please clarify what that means. Will the Department be approving the agreements between the awarded Statewide Fiscal Intermediary and its subcontractors? If so, what will that approval process entail and please list all criteria that will be used for review and approval. Similarly, separate from the subcontracts, will the Department be approving subcontractors? If so, what will that approval process entail and please list all criteria that will be used for review and approval.	The specific components of the Department's evaluation will not be shared with the bidding community. The subcontractor agreement approval process is not relevant to the development of a proposal under this RFP.
1063	Taxes	Section 6.3: Cost Proposal (Pages 24-25 of RFP)	Are there specific corporate tax considerations for businesses participating in this RFP?	Bidders should consult their own tax advisement professional for this question.
1064	Taxes	Section 6.3: Cost Proposal (Pages 24-25 of RFP)	Will the Statewide FI be required to pay the Gross Receipt Tax?	Bidders should consult their own tax advisement professional for this question.
1065	Taxes	Section 6.3: Cost Proposal (Pages 24-25 of RFP)	Should corporate taxes anticipated to be paid by the Statewide FI be included in the Administrative Cost proposal?	Bidders should consult their own tax advisement professional for this question.
1066	Training	Section 4.1: Required Fiscal Intermediary Services, Bullet e) (Page 5 of RFP)	Does the responsibility to complete training requirements for the PA fall to the Statewide FI or to the consumer?	Specific training related to the personal assistant's ability to carry out the tasks for the consumer based on the plan of care will continue to be the responsibility of the consumer. Other training as may be standardized and required by the Department would be the responsibility of the Statewide Fiscal Intermediary, to be carried out by it and/or its subcontractors. The implementation and specifics of any standardized training for personal assistants are still being determined.
1067	Training	General	What are the specific training requirements for staff to ensure compliance with the Department's standards and policies?	See answer to Question #1066
1068	Training	General	I understand that the PA may need mandated trainings. Will these new trainings include or require skilled tasks such as tube feedings, injections, etc? Is this something that is being provided and paid for by the DOH?	See answer to Question #1066
1069	Training	Section 2.1: Background Information (Page 3 of RFP)	How will the Department ensure that services to support and educate consumers are satisfactorily provided, and how will compliance be tracked?	See answer to Question #1066

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1070	Training	Section 2.1: Background Information (Page 3 of RFP)	The statute (SOS § 365-f) emphasizes the provision of support and education to consumers and personal assistants, including peer support, which is not detailed in the regulation (18 NYCRR 505.28). How will the Department ensure that these support and educational services are provided, and what specific criteria will be used to evaluate compliance?	See answer to Question #1066
1071	Training	Section 4.1: Required Fiscal Intermediary Services, Bullet b) (Page 5 of RFP)	FI services shall not include fulfillment of training. If training and other requirements are established pursuant to authority granted in the NYS 24-25 Budget language, what party will be responsible for complying with and funding such training or other requirements? If PAs are required to participate in training, the time in training would be a cost under FLSA.	See answer to Question #1066
1072	Training	Section 4.1: Required Fiscal Intermediary Services, Bullet e) (Page 5 of RFP)	Does the training requirements for the PA fall to the Statewide FI or to the consumer?	See answer to Question #1066
1073	Training	Section 4.1: Required Fiscal Intermediary Services, Bullet b) (Page 5 of RFP)	Will the consumer be required to cover specific topics of training?	See answer to Question #1066
1074	Training	Section 4.1: Required Fiscal Intermediary Services, Bullet e) (Page 5 of RFP)	What will be covered in the training of PAs?	See answer to Question #1066
1075	Training	Section 4.1: Required Fiscal Intermediary Services, Bullet e) (Page 5 of RFP)	How long will the training take for completion?	See answer to Question #1066
1076	Training	Section 4.1: Required Fiscal Intermediary Services, Bullet e) (Page 5 of RFP)	Will the training occurred before or after the background check?	See answer to Question #1066
1077	Training	Section 4.1: Required Fiscal Intermediary Services, Bullet e) (Page 5 of RFP)	Can you provide details on the mandatory training programs for personal assistants and how the Statewide FI should manage this training?	See answer to Question #1066
1078	Training	Section 4.4: Statewide Fiscal Intermediary Compliance Requirements, Bullet h) (Pages 7-8 of RFP)	What training requirements apply to PAs?	See answer to Question #1066
1079	Training	Section 4.4: Statewide Fiscal Intermediary Compliance Requirements, Bullet h) (Pages 7-8 of RFP)	May the selected FI establish PA training standards?	See answer to Question #1066
1080	Training	Section 4.4: Statewide Fiscal Intermediary Compliance Requirements, Bullet h) (Pages 7-8 of RFP)	May the selected FI review whether a PA meets those training standards?	See answer to Question #1066
1081	Training	Section 4.1: Required Fiscal Intermediary Services, Bullet e) (Page 5 of RFP)	4.1.e states the FI must also maintain records of completed training requirements. What training requirements are required for PAs in the CDPAP program?	See answer to Question #1066
1082	Training	Section 4.1: Required Fiscal Intermediary Services (Page 5 of RFP)	Section 4.1 (e) refers to completed training requirements for PAs. What training requirements are being referenced?	See answer to Question #1066
1083	Training	Section 4.1: Required Fiscal Intermediary Services (Page 5 of RFP)	Who is responsible for executing the training for PAs? What steps are being taken to ensure that any training requirements do not further bottleneck the availability of services?	See answer to Question #1066

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1084	Training	Section 4.1: Required Fiscal Intermediary Services, Bullet b) (Page 5 of RFP)	The responsibility of consumer to "train" is in conflict with the obligations of the requirements of 4.1 (e) which calls for the Statewide FI to "train" the PA. Which obligation to "train" takes priority?	See answer to Question #1066
1085	Training	Section 4.1: Required Fiscal Intermediary Services, Bullet j) (Page 5 of RFP)	This requirement is very open ended. Can bidders assume that new or expanded regulations by either the DOH Commissioner or CMS will be handled with a change management request?	See answer to Question #1066
1086	Training	Section 4.1: Required Fiscal Intermediary Services, Bullet a) (Page 5 of RFP)	Are there specific training materials or orientation processes that the Department recommends or requires for personal assistants, as outlined in Section 4.1 of the RFP?	See answer to Question #1066
1087	Training	Section 4.1: Required Fiscal Intermediary Services, Bullet b) (Page 5 of RFP)	The responsibility of consumer to "train" is in conflict with the obligations of the requirements of 4.1 (e) which calls for the Statewide FI to "train" the PA. Which obligation to "train" takes priority?	See answer to Question #1066
1088	Training	Section 4.1: Required Fiscal Intermediary Services (Page 5 of RFP)	"Fiscal Intermediaries are not responsible for, and fiscal intermediary services shall not include fulfillment of the responsibilities of the consumer. Responsibilities of the consumer (or designated representative) include: b) Training, scheduling and supervising PAs including arranging and scheduling substitute coverage when a PA is temporarily unavailable for any reason;" If awarded and the entity does provide annual training to the PA, what are the repercussions to the entity?	See answer to Question #1066
1089	Training	Section 4.1: Required Fiscal Intermediary Services, Bullet b) (Page 5 of RFP)	How will conflicts preamble between the different trainings?	See answer to Question #1066
1090	Training	Section 4.1: Required Fiscal Intermediary Services, Bullet e) (Page 5 of RFP)	CDPA's under current requirements did not need to be certified or background checked under DOH requirements. Please clarify "where applicable" the need for training or background checks.	See answers to Questions #1066 and #36
1091	Training	Section 4.1: Required Fiscal Intermediary Services, Bullet e) (Page 5 of RFP)	RFP Section 4.1 Paragraph E): "Maintaining personnel records for each PA, including time records and other documentation needed for wages and benefit processing and a copy of the medical documentation required above by 4.1(b), as well as documentation, where applicable, of completed background checks and completed training requirements." Please clarify the meaning of background checks as currently the only requirement is the Medicaid Exclusion List check. Please clarify the training requirements as currently they include TB education and Sexual Harassment – is there other mandatory training?	See answers to Questions #1066 and #36
1092	Training	Section 2.1: Background Information (Page 3 of RFP)	Can you provide more detailed definitions of "consumer peer support" and "education and training" as required services, as outlined in Section 2.1 of the RFP?	See answers to Questions #1066 and #729
1093	Training	Section 4.1: Required Fiscal Intermediary Services (Page 5 of RFP)	Does the FI contractor have responsibilities for consumer training other than use of their EVV application use? If so, please define the responsibilities.	See answer to Question #1066. The Statewide Fiscal Intermediary is responsible for training consumers and personal assistants on the use of the chosen EVV system.
1094	Training	Section 4.1: Required Fiscal Intermediary Services, Bullet b) (Page 5 of RFP)	Will payment for training be provided to the potential PA be covered by the statewide FI?	See answer to Question #1066. The cost of training not yet determined should not be factored into a bidder's cost proposal.
1095	Training	Section 4.1: Required Fiscal Intermediary Services, Bullet b) (Page 5 of RFP)	If payment for training is available, how much?	See answer to Question #1066. The cost of training not yet determined should not be factored into a bidder's cost proposal.
1096	Training	Section 4.1: Required Fiscal Intermediary Services, Bullet b) (Page 5 of RFP)	Is payment for training paid by the hour?	See answer to Question #1066. The cost of training not yet determined should not be factored into a bidder's cost proposal.
1097	Training	Section 4.1: Required Fiscal Intermediary Services, Bullet b) (Page 5 of RFP)	Will the consumer need to get permission to use payment for training?	See answer to Question #1066. The cost of training not yet determined should not be factored into a bidder's cost proposal.

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1098	Training	Section 4.4: Statewide Fiscal Intermediary Compliance Requirements, Bullet h) (Pages 7-8 of RFP)	Will the selected FI be required to compensate PAs for any time spent training?	See answer to Question #1066. The cost of training not yet determined should not be factored into a bidder's cost proposal.
1099	Training	Section 4.4: Statewide Fiscal Intermediary Compliance Requirements, Bullet h) (Pages 7-8 of RFP)	If the selected FI is required to compensate PAs for any time spent training, will the Department reimburse the selected FI for any time spent training?	See answer to Question #1066. The cost of training not yet determined should not be factored into a bidder's cost proposal.
1100	Training	Section 4.1: Required Fiscal Intermediary Services, Bullet e) (Page 5 of RFP)	Will the new statewide FI assume liability for any injuries which occur as a result of information presented in PA training?	The selected bidder will be responsible for complying with all applicable laws, rules, and regulations, both state and federal and will be subject to the corresponding applicable sanctions and penalties. Each bidder should consult with its advisors to determine legal obligations and liabilities under the contract.
1101	Transition	Section 4.10: Transition Requirements, Paragraph 2 (Page 11 of RFP)	If additional unanticipated costs are incurred during the transition to the Statewide FI, what measures will be implemented by the Department to ensure programmatic availability and sustainability for existing program users?	See Amendment #3 to the RFP. A Transition Cost PMPM has been included in the Cost Proposal Form. No other costs outside those in the revised Cost Proposal will be allowed.
1102	Transition	Section 4.10: Transition Requirements (Page 11 of RFP)	Will the Department provide any funding for the transition from current FIs to the awarded contractor?	See Amendment #3 to the RFP.
1103	Transition	Section 4.1: Required Fiscal Intermediary Services, Bullet e) (Page 5 of RFP)	Who will bear the costs of those records transfers?	See Amendment #3 to the RFP.
1104	Transition	Section 4.10: Transition Requirements, Paragraph 1 (Page 11 of RFP)	Section 4.10 details the transition period at the end of the contract, but there is not mention of a transition period towards a Single FI. Who is responsible for the transition costs of moving towards a Single FI?	See Amendment #3 to the RFP.
1105	Transition	Section 3.1: Minimum Qualifications, Bullet a) (Page 4 of RFP)	How will the Department assess and verify that an SFI with out-of-state experience possesses the necessary expertise and infrastructure to seamlessly transition into providing New York-specific fiscal intermediary services, which include unique statutory and regulatory requirements?	Bidders will be expected to understand and comply with New York's rules and regulations for Fiscal Intermediary services.
1106	Transition	Section 1.0: Calendar of Events (Page 3 of RFP)	If the contract with the statewide FI begins October 1, 2024, when will consumers and PA's be transitioned to the statewide FI from current FIs?	Upon selection of a vendor, the Department will work with the contracted statewide fiscal intermediary, managed care plans, Local Departments of Social Services, and other stakeholders to develop and implement a transition plan and timeline to ensure all consumers and personal assistants are transitioned seamlessly to the new fiscal intermediary including, but not limited to, the transfer of personal assistant documentation.
1107	Transition	General	When will the Department meet with providers, advocates, and consumers to discuss this transition?	See answer to Question #1106
1108	Transition	Section 1.0: Calendar of Events (Page 3 of RFP)	If the selected FI is not responsible for contacting each Consumer, who will contact the Consumer and/or Personal Assistant?	See answer to Question #1106
1109	Transition	Section 1.0: Calendar of Events (Page 3 of RFP)	What is the projected date for the FI services to go live statewide, i.e. what is the project implementation schedule?	See answer to Question #1106
1110	Transition	Section 1.0: Calendar of Events (Page 3 of RFP)	Will the selected FI be responsible for providing any required notices to current Consumers and, if so, when will these notices be provided?	See answer to Question #1106
1111	Transition	Section 1.0: Calendar of Events (Page 3 of RFP)	Will the selected FI be responsible for contacting each Consumer and/or Personal Assistant?	Yes. See answer to Question #1106
1112	Transition	Section 1.0: Calendar of Events (Page 3 of RFP)	Will the Department of Health (hereinafter "Department of Health" or "Department") make available a list of current Consumers and/or Personal Assistants to the awardee and, if so, when will such list(s) be made available?	See answer to Question #1106
1113	Transition	Section 1.0: Calendar of Events (Page 3 of RFP)	What process does the state plan to use to facilitate system transition and administrative onboarding? By what date is the Bidder expected to be fully operational?	See answer to Question #1106

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1114	Transition	Section 1.0: Calendar of Events (Page 3 of RFP)	What does the October 1st award date mean for existing FI's?	See answer to Question #1106
1115	Transition	Section 1.0: Calendar of Events (Page 3 of RFP)	What is the timeline once the contract is awarded to transition existing FIs and consumers to this model?	See answer to Question #1106
1116	Transition	Section 1.0: Calendar of Events (Page 3 of RFP)	What is the expected timeline from the contract start date to the program start date?	See answer to Question #1106
1117	Transition	Section 1.0: Calendar of Events (Page 3 of RFP)	When will the transition of CDPAP consumers from current FIs to the awarded Statewide FI begin? Could you please provide the specific date?	See answer to Question #1106
1118	Transition	Section 1.0: Calendar of Events (Page 3 of RFP)	Will the transition of consumers to the awarded Statewide FI begin in October 2024?	See answer to Question #1106
1119	Transition	Section 1.0: Calendar of Events (Page 3 of RFP)	Social Services Law § 365-f(4-a-1)(a) states, "Except for the statewide fiscal intermediary and its subcontractors, as of April first, two thousand twenty-five, no entity shall provide, directly or through contract, fiscal intermediary services." If the start date of the contract for the awarded Statewide Fiscal Intermediary is October 1, 2024, as the Department anticipates, can entities currently performing FI services in New York State which are not the Statewide Fiscal Intermediary or one of its subcontractors continue to provide fiscal intermediary services in New York State up to March 31, 2025?	See answer to Question #1106
1120	Transition	Section 1.0: Calendar of Events (Page 3 of RFP)	What guardrails have been put in place to prevent any gap in services during this transition period?	See answer to Question #1106
1121	Transition	Section 2.1: Background Information, Paragraph 3 (Page 3 of RFP)	The statute New York Consolidated Laws, Social Services Law, SOS § 365-f stipulates that aside from the selected Statewide FI and its subcontractors, no entity shall provide fiscal intermediary services in New York State as of April 1, 2025. Will the Department provide a formal transition plan following the Statewide FI award decision to facilitate the program's transition by this specified date?	See answer to Question #1106
1122	Transition	Section 2.1: Background Information (Page 3 of RFP)	How will the disruptions in services and potential job losses be avoided?	See answer to Question #1106
1123	Transition	Section 2.1: Background Information (Page 3 of RFP)	How will the Department mitigate disruptions in services and potential job losses?	See answer to Question #1106
1124	Transition	Section 2.3: Term of the Agreement and Termination Provisions (Page 4 of RFP)	How will consumers/PAs be transitioned and to what entity if DOH terminates the contract with the single FI?	See answer to Question #1106
1125	Transition	Section 3.1: Minimum Qualifications, Bullet a) (Page 4 of RFP)	Knowing that entities performing services in other states mainly administer similar programs as a Fiscal/Employer Agent (F/EA), which includes establishing the consumer with their own, unique and separate Employer Identification Number (EIN), how will the Department ensure that such an SFI fully comprehends and complies with the nuanced responsibilities and regulatory framework that are specific to New York State's CDPA program, thereby avoiding potential discrepancies and disruptions in service delivery to New York consumers?	See answer to Question #1106
1126	Transition	Section 4.1: Required Fiscal Intermediary Services, Bullet a) (Page 5 of RFP)	Are current FIs obligated to provide PA documentation regarding wages and benefits to the awarded FI?	See answer to Question #1106
1127	Transition	Section 4.1: Required Fiscal Intermediary Services, Bullet d) (Page 5 of RFP)	Are current FIs obligated to provide PA documentation regarding health status (for example, certificates of immunization, annual health status assessment) to the awarded FI?	See answer to Question #1106
1128	Transition	Section 4.1: Required Fiscal Intermediary Services, Bullet d) (Page 5 of RFP)	Do existing PAs have health assessments, and will those health assessments be transferred to the new fiscal intermediary?	See answer to Question #1106

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1129	Transition	Section 4.1: Required Fiscal Intermediary Services, Bullet e) (Page 5 of RFP)	Do current FIs maintain personnel records for each PA? If yes, will those records transfer to the new fiscal intermediary?	See answer to Question #1106
1130	Transition	Section 4.1: Required Fiscal Intermediary Services, Bullet e) (Page 5 of RFP)	What is the process for this transfer?	See answer to Question #1106
1131	Transition	Section 4.1: Required Fiscal Intermediary Services, Bullet e) (Page 5 of RFP)	Will current fiscal intermediaries be required to transfer such records?	See answer to Question #1106
1132	Transition	Section 4.1: Required Fiscal Intermediary Services, Bullet e) (Page 5 of RFP)	Will the state ensure that the SFI will receive existing PAs' employment history and qualifications from current FI agencies?	See answer to Question #1106
1133	Transition	Section 4.1: Required Fiscal Intermediary Services, Bullet f) (Page 5 of RFP)	Do current FIs maintain consumer records for each consumer? If yes, will those records transfer to the new fiscal intermediary?	See answer to Question #1106
1134	Transition	Section 4.1: Required Fiscal Intermediary Services, Bullet f) (Page 5 of RFP)	What happens if a consumer does not provide an appropriate HIPAA authorization to transfer records?	See answer to Question #1106
1135	Transition	Section 4.1: Required Fiscal Intermediary Services, Bullet f) (Page 5 of RFP)	Do current FIs maintain copies of service authorizations or reauthorizations?	See answer to Question #1106
1136	Transition	Section 4.1: Required Fiscal Intermediary Services, Bullet f) (Page 5 of RFP)	If current FIs maintain copies of service authorizations or reauthorizations, will those records transfer to the new fiscal intermediary?	See answer to Question #1106
1137	Transition	Section 4.1: Required Fiscal Intermediary Services, Bullet f) (Page 5 of RFP)	Will current fiscal intermediaries be required to transfer such records?	See answer to Question #1106
1138	Transition	Section 4.1: Required Fiscal Intermediary Services, Bullet f) (Page 5 of RFP)	What happens if these records are not available from the existing fiscal intermediary?	See answer to Question #1106
1139	Transition	Section 4.4: Statewide Fiscal Intermediary Compliance Requirements (Pages 7-8 of RFP) and Section 4.6: Fiscal Monitoring and Oversight Requirements (Page 9 of RFP)	How will the Department address potential delays in the Medicaid enrollment process for an out-of-state SFI, and what contingency plans are in place to ensure uninterrupted service delivery during this period?	See answer to Question #1106
1140	Transition	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet a) (Page 8 of RFP)	Will the selected FI be expected to serve all eligible Consumers in the State as of April 1, 2025?	See answer to Question #1106
1141	Transition	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet a) (Page 8 of RFP)	What will be an acceptable period of time for the selected FI to enroll a Consumer?	See answer to Question #1106
1142	Transition	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet a) (Page 8 of RFP)	What will be an acceptable period of time for the selected FI to enroll a PA?	See answer to Question #1106
1143	Transition	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet a) (Page 8 of RFP)	What relief will be available to a Consumer in the event that there is a delay in enrolling a PA?	See answer to Question #1106

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1144	Transition	Section 4.7: Quality Monitoring and Reporting Requirements, Paragraph 1 (Page 9 of RFP)	How will the Department assist the Statewide FI in coordination with Local Departments of Social Services (LDSS) and Managed Care Organizations (MCOs) to ensure seamless service delivery?	See answer to Question #1106
1145	Transition	Section 4.9: Privacy, Security and Confidentiality Requirements (Pages 10-11 of RFP)	Is a losing bidder required to destroy client and PA documentation? What specific information needs to be destroyed, and what is the approved method of destruction? If the losing bidder does not have to provide this information or destroy it, is there a retention period that must be adhered to?	See answer to Question #1106
1146	Transition	Section 4.10: Transition Requirements (Page 11 of RFP)	When will transition timelines and policies be publicly available?	See answer to Question #1106
1147	Transition	Section 4.10: Transition Requirements (Page 11 of RFP)	What steps will be taken if transitions are not completed by the April 1, 2025, deadline?	See answer to Question #1106
1148	Transition	Section 4.10: Transition Requirements (Page 11 of RFP)	What is the division of responsibilities and liabilities between the single FI and subcontractors in the general transition activities described in this section? Will DOH allow the single FI to transfer this risk to subcontractors? Will DOH allow indemnification provisions in subcontracts related to this risk? What is the consequence if transition does not occur on the state's timeline due to matters beyond the control of the single FI and/or the subcontractors?	See answer to Question #1106
1149	Transition	Section 4.10: Transition Requirements, Paragraph 1 (Page 11 of RFP)	Section 4.10 details the transition period at the end of the contract, but there is not mention of a transition period towards a Single FI. When can current FIs and Consumers expect that a plan of transition would be provided?	See answer to Question #1106
1150	Transition	Section 4.10: Transition Requirements, Paragraph 1 (Page 11 of RFP)	RFP Section 4.10 Paragraph 2, "In addition to complying with the transition requirements provided in § 365-f (4-d) and any directives or guidance the Department may issue to facilitate a transition, the awarded Statewide FI and its subcontractors shall generally ensure that any transition to the Department, Departmental agent, or successor Statewide FI be done in a way that provides the Department with uninterrupted FI administrative functions and responsibilities as currently required under statute and regulation for FI 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. How is the Statewide to ensure uninterrupted CDPAP Service if there is no requirement for current Fiscal Intermediaries to transfer records especially, PA medical records considering HIPAA confidentiality laws? When will DOH issue guidance to current FIs?	See answer to Question #1106
1151	Transition	Section 4.10: Transition Requirements, Paragraph 2 (Page 11 of RFP)	What recourse does the department of the Statewide FI have if current fiscal intermediaries fail to turn over necessary data, files, reports, and records as outlined in this section?	See answer to Question #1106
1152	Transition	Section 4.10: Transition Requirements, Paragraph 2 (Page 11 of RFP)	How will the transition process be managed if April 1st, 2025, occurs before the new Statewide FI is fully operational?	See answer to Question #1106
1153	Transition	Section 4.10: Transition Requirements (Page 11 of RFP)	Section 4.10 details the Statewide FI's turnover procedure during or at the end of the Statewide FI's contract. However, it is silent as to the turnover procedure for current FIs to the new Statewide FI. For instance, will the Statewide FI take over contracts directly from current FIs, or will the records and/or services be managed by the DOH at any point? Will the Statewide FI take over any existing FI contracts prior to April 1, 2025?	See answer to Question #1106
1154	Transition	Section 4.10: Transition Requirements (Page 11 of RFP)	How will the State ensure that there are no disruption in home care services to the consumer during this transition, and is that the responsibility of the single statewide FI?	See answer to Question #1106

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1155	Transition	Section 4.10: Transition Requirements (Page 11 of RFP)	Section 4-d ("Fiscal intermediaries ceasing operation") of Section 365-F of Social Services (SOS) Chapter 55, Article 5, Title 11 governs the cessation of operations of an FI, including transition of services and transfer of records. Will DOH enforce the provisions of Section 4-d with respect to the cessation of operations of existing FIs in favor of the Statewide FI as of April 1, 2025? For example, will each relevant local social services district or managed care plan, as appropriate, be expected to "supervise the transition of services and transfer of records and maintain provision of services by the personal assistant(s) chosen by the individual"? How will DOH ensure that "[a]ny transfer under this subdivision shall not diminish any of an individual's rights relating to continuity of care, utilization review or fair hearing appeals and aid continuing"? Information regarding how and when the services, contracts, and records of existing FIs will transition to the Statewide FI is necessary in order for existing FIs to prepare for a seamless transition in services.	See answer to Question #1106
1156	Transition	Section 4.10: Transition Requirements, Paragraph 1 (Page 11 of RFP)	The RFP includes language on the transition of consumers at the end of the contract. What is the process for the transition of consumers to the Statewide FI once the contract is awarded?	See answer to Question #1106
1157	Transition	Section 4.10: Transition Requirements, Paragraph 1 (Page 11 of RFP)	When will a plan of transition would be provided and what is the process for the transition of consumers to the Statewide FI?	See answer to Question #1106
1158	Transition	Section 4.10: Transition Requirements, Paragraph 4 (Page 11 of RFP)	What specific steps will the Department take to ensure a seamless transition upon contract commencement from the current multi-FI model to a single statewide FI, particularly for consumers who rely on continuous and uninterrupted care?	See answer to Question #1106
1159	Transition	Section 4.10: Transition Requirements, Paragraph 4 (Page 11 of RFP)	What are the specific timelines and milestones for the transition process from existing FIs (who are not subcontracting with the SFI) to the awarded SFI? Section 4.10	See answer to Question #1106
1160	Transition	Section 4.10: Transition Requirements, Paragraph 4 (Page 11 of RFP)	How will the Department address risks to consumers and personal assistants if the transition is not completed by the target date?	See answer to Question #1106
1161	Transition	Section 4.10: Transition Requirements, Paragraph 4 (Page 11 of RFP)	What are the specific timelines and milestones for the transition process from existing FIs (who are not subcontracting with the SFI) to the awarded SFI, and how will the Department ensure adherence to these timelines to prevent service disruption?	See answer to Question #1106
1162	Transition	Section 4.10: Transition Requirements, Paragraph 4 (Page 11 of RFP)	What contingency plans are in place to address potential delays in the transition process, and how will the Department mitigate risks to consumers and personal assistants if the transition is not completed by the target date?	See answer to Question #1106
1163	Transition	Section 4.10: Transition Requirements, Paragraph 4 (Page 11 of RFP)	How will the Department address potential disruptions in service during the transition period applicable to the contract's commencement, and what contingency plans are in place to mitigate risks for consumers and personal assistants?	See answer to Question #1106
1164	Transition	Section 4.10: Transition Requirements, Paragraph 4 (Page 11 of RFP)	What specific requirements are in place for existing FIs to provide consumer and personal assistant information for the transition to the awarded SFI, considering the existing FI's ownership and rights of this information?	See answer to Question #1106
1165	Transition	Section 4.10: Transition Requirements, Paragraph 4 (Page 11 of RFP)	Will there be a reimbursement mechanism for the existing FIs for the time, effort, and cost incurred in providing data and support during the transition process to the awarded SFI, either by the State or the awarded SFI?	See answer to Question #1106
1166	Transition	Section 4.10: Transition Requirements, Paragraph 4 (Page 11 of RFP)	Considering the over 500 existing FIs each utilizing different system platforms, how does the Department plan to ensure that consumer and personal assistant information will be efficiently and effectively transitioned to the awarded SFI without causing any service disruptions?	See answer to Question #1106
1167	Transition	Section 4.10: Transition Requirements, Paragraph 4 (Page 11 of RFP)	What measures will be implemented to ensure data security and privacy during the transition of consumer and personal assistant information, specific concerning the existing FIs who are not subcontracting with the awarded SFI?	See answer to Question #1106

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1168	Transition	Section 4.10: Transition Requirements, Paragraph 4 (Page 11 of RFP)	What support mechanisms will be in place for consumers and personal assistants during the transition period to address any issues or concerns that may arise?	See answer to Question #1106
1169	Transition	Section 4.10: Transition Requirements, Paragraph 4 (Page 11 of RFP)	How will the Department ensure that all personal assistants and consumers are adequately trained and oriented to the new systems and processes implemented by the awarded SFI?	See answer to Question #1106
1170	Transition	Section 4.10: Transition Requirements, Paragraph 4 (Page 11 of RFP)	How will the Department facilitate coordination between the awarded SFI and Local Departments of Social Services (LDSS) to ensure a seamless transition and continuous service delivery?	See answer to Question #1106
1171	Transition	Section 4.10: Transition Requirements, Paragraph 4 (Page 11 of RFP)	What monitoring and accountability measures will be established to ensure that the awarded SFI and existing FIs comply with all transition requirements and timelines?	See answer to Question #1106
1172	Transition	Section 4.10: Transition Requirements, Paragraph 4 (Page 11 of RFP)	Will there be mechanisms for collecting feedback from consumers, personal assistants, and existing FIs during the transition process, and how will this feedback be used to make necessary adjustments and improvements?	See answer to Question #1106
1173	Transition	Section 4.10: Transition Requirements, Paragraph 4 (Page 11 of RFP)	What legal and compliance considerations will be addressed to ensure that the transition process adheres to all federal, state, and local regulations, and how will potential legal challenges be managed?	See answer to Question #1106
1174	Transition	Section 4.10: Transition Requirements, Paragraph 4 (Page 11 of RFP)	What is the communication strategy to inform all stakeholders, including consumers, personal assistants, and existing FIs, about the transition process, timelines, and any changes in service delivery?	See answer to Question #1106
1175	Transition	Section 4.10: Transition Requirements, Paragraph 4 (Page 11 of RFP)	How will the Department evaluate the success of the transition process, and what metrics will be used to determine if the transition has been completed effectively and without disrupting services?	See answer to Question #1106
1176	Transition	Section 4.10: Transition Requirements, Paragraph 4 (Page 11 of RFP)	How will the Department address potential system integration challenges that may arise from merging data and operations from over 500 different FIs into a single SFI platform?	See answer to Question #1106
1177	Transition	Section 4.10: Transition Requirements, Paragraph 4 (Page 11 of RFP)	How will the Department ensure that consumer choice and autonomy are preserved during and after the transition to a single SFI, given the diversity of needs and preferences among the consumer population?	See answer to Question #1106
1178	Transition	Section 4.10: Transition Requirements, Paragraph 4 (Page 11 of RFP)	What is the risk management strategy for the transition process, and how will potential risks be identified, assessed, and mitigated to protect consumer services and personal assistant employment?	See answer to Question #1106
1179	Transition	Section 4.10: Transition Requirements (Page 11 of RFP)	What are the requirements of the contractor to ensure appropriate transition occurs between current FIs and the awarded contractor?	See answer to Question #1106
1180	Transition	Section 4.10: Transition Requirements (Page 11 of RFP)	What records will the awarded contractor be required to obtain from the current FIs?	See answer to Question #1106
1181	Transition	Section 4.10: Transition Requirements (Page 11 of RFP)	What if the awarded contractor's technology system(s) differ from those used by the current FIs?	See answer to Question #1106
1182	Transition	Section 5.6.1: Data Breach and Privacy/Cyber Liability including Technology Errors and Omissions (Page 14 of RFP)	Has the Department considered the high probability of errors, data loss, and service interruptions during the transition to a single or few CDPAP fiscal intermediaries? What contingency plans are in place to address these challenges? What measures will the Department take aside from Data Breach and Privacy/Cyber Liability insurance to address the increased risk of large-scale data breaches by consolidating all personal and health data of CDPAP consumers into a single entity?	See answer to Question #1106
1183	Transition	Section 6.2.F.3: Fiscal Intermediary Organizational Requirements (Page 23 of RFP)	Section 6.2.F.3 asks bidders to describe how they will "serve any consumer statewide." Does DOH expect that bids must be immediately operational across the state, or the entire population of consumers who will be served, or – given the scope of the transition – is there an allowance for bids that include a phase-in timeline?	See answer to Question #1106

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1184	Transition	Section 3.1: Minimum Qualifications, Bullet a) (Page 4 of RFP)	Given the unique cultural and linguistic landscape of New York State, does the Department anticipate any potential challenges or delays in service delivery by an out-of-state SFI? If so, what contingency plans are in place to address these issues?	See answer to Question #1106
1185	Transition	Section 4.1: Required Fiscal Intermediary Services, Bullet f) (Page 5 of RFP)	What contingencies are in place to protect workers in CDPAP from experiencing significant pay lags, as have been reported in other states, as the transition unfolds?	See answer to Question #1106
1186	Transition	General	What specific plans are in place to communicate with and transition the over 250,000 CDPAP consumers to the single FI by the April 1, 2025, deadline?	See answer to Question #1106
1187	Transition	General	What contingencies are in place to protect workers in CDPAP from experiencing significant pay lags, as have been reported in other states, as the transition unfolds?	See answer to Question #1106
1188	Transition	General	What plans are in place to ensure that beneficiaries' services are not disrupted during the transition? For consumers whose service disruptions lead to placement in skilled nursing facilities, how will the Department support their return to aging in the community once the disruption abates?	See answer to Question #1106
1189	Transition	General	Will consumers be notified of this transition, and if so, who is responsible for this notification? Secondly, what methods of notification are required/acceptable?	See answer to Question #1106
1190	Transition	General	Are FIs who do not win this award required to deliver existing documentation on clients and PAs to the winning bidder? If so, what is the appropriate delivery method for this information?	See answer to Question #1106
1191	Transition	General	If we are not awarded the lead role, what will be the status of our existing patients?	See answer to Question #1106
1192	Transition	General	What mechanism and processes will be established by DOH for Consumers to support seamless transition back to LHCSA services if need be?	See answer to Question #1106
1193	Transition	General	What turnover responsibilities does the current FI contractor have during transition from their contract to the new contract?	See answer to Question #1106
1194	Transition	General	What documentation do current FIs have to transfer to the awarded Statewide FI?	See answer to Question #1106
1195	Transition	General	Despite what the RFP says, is it likely that the rollout to a single FI be phased instead of implementing all at once?	See answer to Question #1106
1196	Transition	General	What responsibilities and requirements will the Statewide FI have with respect to transitioning Consumers from their current FI to the Statewide FI? a. Will DOH release new transition guidelines, including transfer of any records from FIs to the SFI? b. Are transition (or any other one-time costs) considered administrative costs that the Statewide FI should include in the Admin PMPM cost proposal? c. Should bidders submit a separate cost proposal for transitional activities and responsibilities that are not expected to be recurring costs under the new Statewide FI?	See answer to Question #1106
1197	Transition	General	What specific plans are in place to communicate with and transition the over 250,000 CDPAP consumers to the single FI by the April 1, 2025, deadline?	See answer to Question #1106
1198	Transition	General	When will the Department meet with providers, advocates, and consumers to discuss this transition?	See answer to Question #1106
1199	Transition	General	What plans are in place to ensure that beneficiaries' services are not disrupted during the transition? For consumers whose service disruptions lead to placement in skilled nursing facilities, how will the Department support their return to aging in the community once the disruption abates?	See answer to Question #1106
1200	Transition	Section 3.1: Minimum Qualifications, Bullet a) (Page 4 of RFP)	Given the unique cultural and linguistic landscape of New York State, does the Department anticipate any potential challenges or delays in service delivery by an out-of-state SFI? If so, what contingency plans are in place to address these issues?	See answer to Question #1106

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1201	Transition	Section 1.0: Calendar of Events (Page 3 of RFP)	Considering the unique complexities and responsibilities placed on FIs within the New York State CDPA program—distinct from the Fiscal/Employer Agent and budget authority model utilized by the majority of other states—and recognizing that New York has the second-largest CDPA program population in the nation (and the 3rd largest State is well under 100,000 consumers), what specific data and analysis did the Department use to develop this timeline? Additionally, how does the Department plan to ensure that the transition timeline aligns with the current statutory deadline (April 1, 2025) while guaranteeing no service disruptions that could compromise consumer health and safety, limit CDPA availability during the transition, or lead to the re-institutionalization of program users, thus potentially violating the Olmstead decision?	See answer to Question #1106
1202	Transition	Section 4.7: Quality Monitoring and Reporting Requirements (Page 9 of RFP)	How will the Department help in coordination with Local Departments of Social Services (LDSS) and Managed Care Organizations (MCOs) to ensure seamless service delivery?	See answer to Question #1106
1203	Union	Section 4.1: Required Fiscal Intermediary Services, Bullet a) (Page 5 of RFP)	Are Personal Assistants currently unionized?	The Department does not have this information.
1204	Union	Section 4.1: Required Fiscal Intermediary Services, Bullet a) (Page 5 of RFP)	Will the statewide FI (and each PA) be subject to a collective bargaining agreement? If so, (see 4.3), how should an FI develop a wage for each PA when wages may be subject to a collective bargaining agreement that is unknown at this time?	Unionization of personal assistants is not a requirement of the RFP and the Department will not opine on the topic.
1205	Union	Section 4.1: Required Fiscal Intermediary Services, Bullet a) (Page 5 of RFP)	If Personal Assistants are currently unionized, will the statewide fiscal intermediary be required to recognize their current union wages and benefits?	See answer to Question #1204
1206	Union	Section 4.1: Required Fiscal Intermediary Services, Bullet a) (Page 5 of RFP)	Will the selected FI be required to have a collective bargaining agreement with a union?	See answer to Question #1204
1207	Union	Section 4.1: Required Fiscal Intermediary Services, Bullet a) (Page 5 of RFP)	Will PAs be required to join a union?	See answer to Question #1204
1208	Union	Section 4.1: Required Fiscal Intermediary Services, Bullet a) (Page 5 of RFP)	Will the Department favor offerors who are willing to accept a union?	See answer to Question #1204
1209	Union	Section 4.1: Required Fiscal Intermediary Services, Bullet a) (Page 5 of RFP)	How should an offeror indicate its willingness or lack of willingness to accept a union in its application?	See answer to Question #1204
1210	Union	Section 4.1: Required Fiscal Intermediary Services, Bullet a) (Page 5 of RFP)	What criteria will the Department use to evaluate whether an offeror is willing to accept a union?	See answer to Question #1204
1211	Union	Section 4.3: Fiscal Intermediary Employment Related Responsibilities and Joint Employment Requirements, Bullet f) (Pages 6-7 of RFP)	How can an FI coordinate PA benefits effectively with the possibility of a collective bargaining agreement impacting the FI?	See answer to Question #1204
1212	Union	Section 4.4: Statewide Fiscal Intermediary Compliance Requirements, Bullet g) (Pages 7-8 of RFP)	Is the Department suggesting that a bidder must enter into wage and labor agreements, including union contracts and collective bargaining agreements?	See answer to Question #1204
1213	Union	Section 4.4: Statewide Fiscal Intermediary Compliance Requirements, Bullet g) (Pages 7-8 of RFP)	Is the Department requiring that the successful bidder honor pre-existing wage and labor agreements, including union contracts and collective bargaining agreements?	See answer to Question #1204

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1214	Union	Section 4.4: Statewide Fiscal Intermediary Compliance Requirements, Bullet g) (Pages 7-8 of RFP)	Will the Department look more favorably upon a proposal in which a bidder says that it has a pre-existing wage and labor agreement, or union contract or collective bargaining agreement, or if the bidder states a willingness to enter into such contract or agreement?	See answer to Question #1204
1215	Union	Section 4.4: Statewide Fiscal Intermediary Compliance Requirements (Pages 7-8 of RFP)	In 4.4(g), the Statewide FI is identified as being responsible for complying with "Wage and labor agreements, including union contracts and collective bargaining agreements." Is the Awarded Statewide FI responsible for honoring labor agreements with PAs who work for FIs that are currently unionized?	See answer to Question #1204
1216	Union	Section 4.4: Statewide Fiscal Intermediary Compliance Requirements, Bullet g) (Pages 7-8 of RFP)	Is there a requirement to contract with a Union?	See answer to Question #1204
1217	Union	Section 4.4: Statewide Fiscal Intermediary Compliance Requirements (Pages 7-8 of RFP)	In 4.4(g), the Statewide FI is identified as being responsible for complying with "Wage and labor agreements, including union contracts and collective bargaining agreements." Is it anticipated that PAs will be unionized as a part of the shift to a statewide fiscal intermediary?	See answer to Question #1204
1218	Unique ID	Section 4.6: Fiscal Monitoring and Oversight Requirements, Bullet i) (Page 9 of RFP)	Should the PA unique identifier be included on the claims submitted to the insurance plans and the counties?	The implementation of the Unique Identifier for CDPAP personal assistants is still in development. Upon implementation, the Department will work with the Statewide Fiscal Intermediary on any specific requirements.
1219	Unique ID	Section 5.7: Subcontracting (Pages 15-16 of RFP)	Has a specific process been developed for Personal Assistants to register for a unique identifier as required by SSL 365-(f)3?	See answer to Question #1218
1220	WC/Disability	Section 4.1: Required Fiscal Intermediary Services, Bullet c) (Page 5 of RFP)	Regarding Workers Compensation, Disability Insurance and other Benefit requirements, will the FI be responsible for advancing the funds to purchase the benefits, or will the Department advance the estimated cost of these aforementioned benefits?	Virtually all employers in New York State must provide workers' compensation coverage (WCL §2 and 3), disability benefits and Paid Family Leave benefits coverage for their employees (WCL §202). The FI will be responsible for purchasing the required policies for such benefits.
1221	WC/Disability	Section 4.1: Required Fiscal Intermediary Services, Bullet c) (Page 5 of RFP)	Regarding worker's compensation, is the class code used for CDPAP 0917 or 9051?	The workers' compensation carrier will assign the class code using criteria set by the Compensation Insurance Rating Board (CIRB).
1222	WC/Disability	Section 4.1: Required Fiscal Intermediary Services (Page 5 of RFP)	Is the FMS contractor responsible for obtaining/ maintaining a Workers' Compensation policy for Employers?	See answer to Question #1221
1223	WC/Disability	Section 4.1: Required Fiscal Intermediary Services, Bullet c) (Page 5 of RFP)	Is workers compensation insurance coverage mandatory?	Yes.
1224	WC/Disability	Section 4.1: Required Fiscal Intermediary Services, Bullet c) (Page 5 of RFP)	Is the Fiscal Employer Agent contractor responsible for obtaining/maintaining a Workers' Compensation policy for Employers?	See answer to Question #1221
1225	WC/Disability	Section 4.1: Required Fiscal Intermediary Services, Bullet c) (Page 5 of RFP)	Is the Workers Compensation provided through individual polices per consumer or through an umbrella policy?	Employers provide coverage for their employees.
1226	WC/Disability	Section 4.1: Required Fiscal Intermediary Services, Bullet c) (Page 5 of RFP)	Is the FI contractor responsible for enrolling consumers in workers compensation insurance?	See answer to Question #1221
1227	WC/Disability	Section 5.7: Subcontracting, Paragraph 7, Bullet 1 (Pages 15-16 of RFP)	How will workers' compensation be paid for? Will it be deducted from the budget, paid for by the worker, paid via administrative billing and invoiced to the state or MCO, or paid out of the PMPM?	See answer to Question #1221
1228	WC/Disability	Section 4.1: Required Fiscal Intermediary Services, Bullet c) (Page 5 of RFP)	Regarding worker's compensation, what is the valued loss information for CDPAP for the last 5 years plus current?	The Department does not have this information.

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1229	WC/Disability	Section 4.1: Required Fiscal Intermediary Services, Bullet c) (Page 5 of RFP)	Regarding disability insurance, PFL portion of the disability contract is predicted on payroll. What is the average annual gross payroll per consumer?	The Department does not have this information.
1230	WC/Disability	Section 4.1: Required Fiscal Intermediary Services, Bullet d) (Page 5 of RFP)	Regarding disability insurance, what is the loss information for the last 5 years?	The Department does not have this information.
1231	WC/Disability	Section 4.1: Required Fiscal Intermediary Services, Bullet c) (Page 5 of RFP)	What are workers' compensation, disability and unemployment requirements that the fiscal intermediary is responsible for, what is the current cost of these requirements, and will the Department, managed care plans, managed long-term care plans, Local Departments of Social Services, and other appropriate long-term service programs offering consumer directed personal assistance services be required to reimburse the fiscal intermediary for these costs?	See answer to Question #1221
1232	Website	Section 4.2: Best Practices, Bullet f) (Page 6 of RFP)	Please define "their identified supports" as such term is ambiguous.	"Identified supports" in this context means a consumer's identified supports such as a designated representative or family member.
1233	Website	Section 4.2: Best Practices, Bullet f) (Page 6 of RFP)	How will the Department ensure that "identified support" is not creating a joint employer obligation of the consumer?	See answer to Question #1232
1234	Website	Section 4.2: Best Practices (Page 6 of RFP)	Who will be held responsible if the website or email system is not ADA compliant?	The Statewide Fiscal Intermediary will be responsible for meeting its obligations under the resulting contract.
1235	Website	Section 4.2: Best Practices (Page 6 of RFP)	Who will be held responsible if the website or email system is not maintained?	See answer to Question #1232
1236	Website	Section 4.2: Best Practices (Page 6 of RFP)	Will DOH monitor the consumer satisfaction with the email system or website of the statewide FI?	The Statewide Fiscal Intermediary should have a method by which consumers and personal assistants may voice dissatisfaction with the website. Reporting by the Statewide Fiscal Intermediary to the Department has not been determined at this time.
1237	Website	Section 4.2: Best Practices, Bullet f) (Page 6 of RFP)	RFP Section 4.2 Paragraph F: "f) Establishing, maintaining, and monitoring an electronic email or an ADA compliant, user-friendly website that provides information to consumers and their identified supports and provide a means to report and/or resolve complaints and answer inquiries." Please provide example of ADA compliant means for individuals with vision impairment such as the blind?	See https://www.ny.gov/accessibility and NYS P08-005 Accessibility of Web Based Information and Applications
1238	Website	Section 4.2: Best Practices, Bullet f) (Page 6 of RFP)	What is an "ADA compliant, user-friendly website"?	See https://www.ny.gov/accessibility and NYS P08-005 Accessibility of Web Based Information and Applications
1239	Website	Section 4.2: Best Practices, Bullet f) (Page 6 of RFP)	Is it the Department's view that the ADA applies to websites?	See https://www.ny.gov/accessibility and NYS P08-005 Accessibility of Web Based Information and Applications
1240	Website	Section 4.2: Best Practices (Page 6 of RFP)	The RFP states that bidders may use creative approaches to assist in the delivery of high quality FI services. Among the best practices is "Establishing, maintaining, and monitoring an electronic email or an ADA compliant, user-friendly website that provides information to consumers and their identified supports and provide a means to report and/or resolve complaints and answer inquiries." Does this mean that bidders may have websites for consumers that are not ADA compliant or user-friendly as long as they do not identify such website in their best practices?	No.
1241	Modification Request	Section 4.0: Scope of Work (Page 5 of RFP)	Request: Modify subcontractor experience for NYC Region from January 1, 2012 to January 1, 2018 which would represent 5 years of service provision experience.	The Department will not make this modification to the RFP.
1242	Modification Request	Section 4.0: Scope of Work (Page 5 of RFP)	Request: Expand the minimum number of required subcontractors to a minimum of 3 to a maximum of 5 per NYS DOH MLTC rate setting region.	The Department will not make this modification to the RFP.
1243	Modification Request	Section 4.5 Fiscal Intermediary Organizational Requirements (Page 8 of RFP)	Request: Eliminate the LHCSA/FI ownership and control preclusion for subcontracting.	The Department will not make this modification to the RFP.
1244	2012 Requirement	Section 4.0: Scope of Work, Paragraph 1 (Page 5 of RFP)	How will NYS determine which fiscal intermediaries were in operation since January 1, 2012 or earlier?	This question is not relevant to the development of a proposal under this RFP.

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1245	2012 Requirement	Section 4.0: Scope of Work, Paragraph 1 (Page 5 of RFP)	Will DOH provide a definition of "in operation" to mean filing of a specific incorporation document by January 1, 2012?	This question is not relevant to the development of a proposal under this RFP.
1246	Advisory Committee	Section 4.2: Best Practices, Bullet e) (Page 6 of RFP)	Why has DOH made this optional?	This question is not relevant to the development of a proposal under this RFP.
1247	Auditing	Section 4.3: Fiscal Intermediary Employment Related Responsibilities and Joint Employment Requirements, Bullet i) (Pages 6-7 of RFP)	How often will a consumer receive the results of such auditing of billing records?	This question is not relevant to the development of a proposal under this RFP.
1248	Auditing	Section 4.3: Fiscal Intermediary Employment Related Responsibilities and Joint Employment Requirements, Bullet i) (Pages 6-7 of RFP)	Will a consumer have the opportunity to contest or explain the results of the auditing of billing records?	This question is not relevant to the development of a proposal under this RFP.
1249	Auditing	Section 4.3: Fiscal Intermediary Employment Related Responsibilities and Joint Employment Requirements, Bullet i) (Pages 6-7 of RFP)	Will consumers receive a detailed description of billing records auditing process?	This question is not relevant to the development of a proposal under this RFP.
1250	Auditing	Section 4.3: Fiscal Intermediary Employment Related Responsibilities and Joint Employment Requirements, Bullet i) (Pages 6-7 of RFP)	Does the auditing of consumer billing records average out overtime hours over an entire care team of the individual?	This question is not relevant to the development of a proposal under this RFP.
1251	Award	Section 1.0: Calendar of Events (Page 3 of RFP)	Will DOH delay implementation of the Statewide FI if a contractor has been awarded?	This question is not relevant to the development of a proposal under this RFP.
1252	Award	Section 8.7: Award Recommendation (Page 27 of RFP)	Will the NYS Comptroller or any other office be required to review and approve the applicant selected by the Department for the contract award?	This question is not relevant to the development of a proposal under this RFP.
1253	Award	Section 8.7: Award Recommendation (Page 27 of RFP)	Is the Commissioner required to accept the recommendation of the Evaluation Committee?	This question is not relevant to the development of a proposal under this RFP.
1254	Award	Section 8.7: Award Recommendation (Page 27 of RFP)	If the Commissioner is not required to accept the recommendation of the Evaluation Committee, on what basis may the Commissioner reject the recommendation of the Evaluation Committee?	This question is not relevant to the development of a proposal under this RFP.
1255	Award	Section 8.7: Award Recommendation (Page 27 of RFP)	Will anyone other than the Evaluation Committee advise the Commissioner on the bid to be awarded?	This question is not relevant to the development of a proposal under this RFP.
1256	Award	Section 8.7: Award Recommendation (Page 27 of RFP)	May the Commissioner accept advice or recommendation from anyone other than the Evaluation Committee?	This question is not relevant to the development of a proposal under this RFP.
1257	Award	Section 8.7: Award Recommendation (Page 27 of RFP)	May a disappointed bidder appeal the award decision?	This question is not relevant to the development of a proposal under this RFP.
1258	Best Practices	Section 4.2: Best Practices (Page 6 of RFP)	How did the Department determine that the practices described in this section are best practices?	This question is not relevant to the development of a proposal under this RFP.
1259	Best Practices	Section 4.2: Best Practices (Page 6 of RFP)	Can the Department provide the specific statute and/or regulation sections and language that explicitly align with the best practices stated in RFP Section 4.2? A review of the current CDPAP statute and regulations does not reveal any best practice requirements or language corresponding to this section of the RFP.	This question is not relevant to the development of a proposal under this RFP.
1260	Best Practices	Section 4.2: Best Practices (Page 6 of RFP)	If there are no specific statutory or regulatory references for the best practices outlined in Section 4.2, what legal authority does the Department have to enforce these best practices on the SFI and its subcontractors?	This question is not relevant to the development of a proposal under this RFP.

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Number	Subject	Corresponding RFP Section	Question	Answer
1261	Best Practices	Section 4.2: Best Practices (Page 6 of RFP)	How will the Department ensure that the best practices outlined in Section 4.2 are uniformly implemented and adhered to by the SFI and its subcontractors, given the lack of corresponding statutory or regulatory mandates?	This question is not relevant to the development of a proposal under this RFP.
1262	Best Practices	Section 4.2: Best Practices (Page 6 of RFP)	Can the Department detail the rationale behind including these specific best practices in the RFP, and how they were determined to be essential for the effective delivery of CDPAP services?	This question is not relevant to the development of a proposal under this RFP.
1263	Best Practices	Section 4.2: Best Practices (Page 6 of RFP)	In the event that the best practices outlined in Section 4.2 conflict with existing operational practices of current fiscal intermediaries, how will the Department resolve such conflicts to ensure seamless service delivery and compliance?	This question is not relevant to the development of a proposal under this RFP.
1264	Best Practices	Section 4.2: Best Practices (Page 6 of RFP)	How does the Department intend to address potential legal challenges that may arise from imposing these best practices without clear statutory or regulatory authority?	This question is not relevant to the development of a proposal under this RFP.
1265	Best Practices	Section 4.2: Best Practices (Page 6 of RFP)	Will there be a system for consumers and PA's to report deviations from the best practices?	This question is not relevant to the development of a proposal under this RFP.
1266	Best Practices	Section 4.2: Best Practices, Paragraph 1 (Page 6 of RFP)	What methodologies has the Department of Health used to include feedback, input, and suggestions from consumers when constructing this RFP in order to effectively evaluate whether submitted proposals will "best meet the needs of consumers" as specified within this section?	This question is not relevant to the development of a proposal under this RFP.
1267	Best Practices	Section 4.2: Best Practices (Page 6 of RFP)	How does the Department plan to measure and evaluate the adherence to the best practices listed in Section 4.2, and what metrics will be used to assess their impact on service quality and consumer satisfaction?	This question is not relevant to the development of a proposal under this RFP.
1268	CDPAP Current Consumers	General	How many CDPAP members also qualify for the PCA program?	This question is not relevant to the development of a proposal under this RFP.
1269	Complaints	Section 4.2: Best Practices (Page 6 of RFP)	Who will be held responsible if questions/complaints are submitted through the website or email system are not promptly answered or resolved?	This question is not relevant to the development of a proposal under this RFP.
1270	Compliance	Section 4.4: Statewide Fiscal Intermediary Compliance Requirements (Pages 7-8 of RFP)	If the statewide Fiscal Intermediary (FI) does not have an effective compliance program, considering it is the only FI, will all the claims be at risk for recoupment for that period, as outlined in Section 4.4 of the RFP	This question is not relevant to the development of a proposal under this RFP.
1271	Compliance	Section 5.4: Payment (Page 12 of RFP)	The regulation governing notice and payment of CDPAP Medicaid fee-for-service rates, 18 NYCRR §505.14 Personal Care Service, Section (h) Payment, Subdivision (7), Part (iii) Revision of Rates, Paragraph (a), mandates that "The department will notify each provider of its approved rates of payments at least 30 days prior to the beginning of an established rate period for which the rate is to become effective." The Department has consistently failed to comply with this regulation, notifying Fiscal Intermediary providers of their approved reimbursement rates well beyond the required 30-day period. Existing Fiscal Intermediary entities have faced significant delays in notification and payment of their actual rates for more than a decade, causing cash flow issues and financial hardships exacerbated by the inherent two-year lag within the rate-setting methodology, where providers' reported costs for one year are used to establish rates two years later. For instance, the formal notice for the 2022 rates, effective from January 1, 2022, was only provided on May 9, 2023, a delay of 493 days. Historical data shows notification delays ranging from 32 to 493 calendar days for rates effective between 2017 and 2022. These prolonged timelines and delayed payments place an undue burden on providers, jeopardizing their financial stability and operational capacity. Given this track record, how does the Department plan to ensure compliance with the existing regulation that mandates timely notifications and payments of reimbursement rates? Specifically, what measures will be implemented to guarantee that the Statewide FI receives timely and accurate rate notifications to prevent financial disruptions and ensure regulatory compliance?	This question is not relevant to the development of a proposal under this RFP.

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1272	Compliance	Section 5.7: Subcontracting (Pages 15-16 of RFP)	If additional requirements and restrictions are implemented by the Department, will additional components of the Statewide FI's contract be opened for renegotiation to compensate for resultant changes to associated costs or administrative functions?	This question is not relevant to the development of a proposal under this RFP.
1273	Compliance	Section 4.4: Statewide Fiscal Intermediary Compliance Requirements (Pages 7-8 of RFP)	Page 7 of the RFP, section 4.4 "Statewide Fiscal Intermediary Compliance Requirements" states that the statewide FI must comply with all applicable State and federal laws, rules, regulations, and guidance. If a company has an outstanding OMIG report, why is that company not allowed to continue its business due to the parameters of the RFP?	This question is not relevant to the development of a proposal under this RFP.
1274	Compliance	Section 4.4: Statewide Fiscal Intermediary Compliance Requirements (Pages 7-8 of RFP)	What mechanisms will the Department implement to ensure that an out-of-state SFI, once enrolled as a New York State Medicaid provider, maintains ongoing compliance with all state-specific regulations and standards?	This question is not relevant to the development of a proposal under this RFP.
1275	Compliance	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet d) (Page 8 of RFP)	Why doesn't the list of restrictions relating to ownership suggesting a conflict of interest include that of a current privately owned Fiscal Intermediary?	This question is not relevant to the development of a proposal under this RFP.
1276	Conflict of Interest	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet d) (Page 8 of RFP)	Why is there any suggestion that ownership or control of a fiscal intermediary by a LHCSA or vice versa could be a conflict of interest when Social Services Law section 365-f as originally enacted explicitly listed LHCSAs as entities eligible to be fiscal intermediaries, and LHSCAs continue to be authorized to own and operate fiscal intermediaries?	This question is not relevant to the development of a proposal under this RFP.
1277	Conflict of Interest	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet d) (Page 8 of RFP)	Why is there any suggestion that ownership or control of a fiscal intermediary by a LHCSA or vice versa could be a conflict of interest when such a restriction was proposed and rejected by the Legislature?	This question is not relevant to the development of a proposal under this RFP.
1278	Conflict of Interest	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet d) (Page 8 of RFP)	Ultimately, the final NYS budget rejected conflict language related to FI/LHCSA ownership and FI/LHCSA/MCO. Is the inclusion of the concept in the RFP binding?	This question is not relevant to the development of a proposal under this RFP.
1279	Conflict of Interest	Section 4.5: Fiscal Intermediary Organizational Requirements (Page 8 of RFP)	The RFP states that the awarded Statewide FI must "Ensure the avoidance of actual or perceived conflicts of interest while operating as the Statewide FI." This is further defined to include "An entity that is owned or controlled by a Licensed Home Care Services Agency (LHCSA) or a Managed Care Organization (MCO) in New York State or that owns or holds the controlling interest in a LHCSA or MCO in New York State." Under what legal authority does the Department determine that a FI operating a MLTC or LHCSA is a conflict of interest given that this provision was rejected by the Legislature as part of the SFY 2024-25 Budget?	This question is not relevant to the development of a proposal under this RFP.
1280	Conflict of Interest	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet d) (Page 8 of RFP)	Please elaborate on why the State deems it a conflict of interest to be the single statewide FI and also an entity that is owned or controlled by a Licensed Home Care Services Agency (LHCSA) or a Managed Care Organization (MCO) in New York State or that owns or holds the controlling interest in a LHCSA or MCO in New York State?	This question is not relevant to the development of a proposal under this RFP.
1281	Conflict of Interest	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet d) (Page 8 of RFP)	We understand that entities owned or controlled by a Licensed Home Care Services Agency (LHCSA) are mentioned as potentially having a conflict of interest in Section 4.5.d. Given our long-term track record of compliance with DOH audits, established caps on LHCSA expansion, and extensive history in providing home care, we believe LHCSAs bring significant benefits as a fiscal intermediary. Can you provide concrete examples of why a LHCSA as a fiscal intermediary is considered a conflict of interest?	This question is not relevant to the development of a proposal under this RFP.
1282	Conflict of Interest	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet d) (Page 8 of RFP)	What specific statutory or regulatory authority does the RFP rely on for the conflict of interest provisions for LHCSA's and MCOs?	This question is not relevant to the development of a proposal under this RFP.
1283	Conflict of Interest	Section 4.5: Fiscal Intermediary Organizational Requirements (Page 8 of RFP)	Under 4.5 d, what legal authority do you have to include this subsection? Especially when the legislature specifically rejected the same proposal in the 2024 legislative section.	This question is not relevant to the development of a proposal under this RFP.
1284	Consumer responsibilities	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet a) (Page 8 of RFP)	If the selected FI refuses to serve a Consumer, will the Consumer be entitled to a fair hearing?	This question is not relevant to the development of a proposal under this RFP.

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1285	Consumer responsibilities	Section 4.5: Fiscal Intermediary Organizational Requirements, Bullet a) (Page 8 of RFP)	If the selected FI terminates services to a Consumer, will the Consumer be entitled to a fair hearing?	This question is not relevant to the development of a proposal under this RFP.
1286	Consumer responsibilities	Section 4.1: Required Fiscal Intermediary Services, Bullet g) (Page 5 of RFP)	Will the consumer be able to contest/appeal the decision?	This question is not relevant to the development of a proposal under this RFP.
1287	Contracting	Section 2.3: Term of the Agreement and Termination Provisions (Page 4 of RFP)	The RFP provides for termination of the contract with the Statewide FI in limited circumstances. In the event that the Department of Health had to exercise its authority under this section and terminate the contract of the Statewide FI, what contingency plans are in place to ensure that the 250,000 consumers receive services?	This question is not relevant to the development of a proposal under this RFP.
1288	Contracting	Section 2.3: Term of the Agreement and Termination Provisions (Page 4 of RFP)	The RFP provides for termination of the contract with the Statewide FI in limited circumstances. In the event that the Department of Health had to exercise its authority under this section and terminate the contract of the Statewide FI, what contingency plans are in place to ensure that the approximately 350,000 consumer directed personal assistants continue to be paid for their work?	This question is not relevant to the development of a proposal under this RFP.
1289	Contracting	General	What is the justification or rationale for awarding a contract of this magnitude without the oversight of the New York State Comptroller and outside of the state's usual contracting process?	This question is not relevant to the development of a proposal under this RFP.
1290	Contracting	General	If the state does not receive any valid proposals for the statewide FI role, will the process start over, or the deadline be extended?	This question is not relevant to the development of a proposal under this RFP.
1291	Contracting	General	What is the role of the comptroller in the approval process?	This question is not relevant to the development of a proposal under this RFP.
1292	Contracting	General	What is the justification or rationale for awarding a contract of this magnitude without the oversight of the New York State Comptroller and outside of the state's usual contracting process?	This question is not relevant to the development of a proposal under this RFP.
1293	Contracting	Section 1.0: Calendar of Events (Page 3 of RFP)	Will alternate timelines for vendor startup and consumer transition be considered?	This question is not relevant to the development of a proposal under this RFP.
1294	Contracting	Section 1.0: Calendar of Events (Page 3 of RFP)	How can the bid become effective without comptrollers' office involvement?	This question is not relevant to the development of a proposal under this RFP.
1295	Contracting	Section 2.3: Term of the Agreement and Termination Provisions (Page 4 of RFP)	The RFP indicates that the five-year contract term commences on the date the contract is approved by the Commissioner of Health. Please confirm that there will be no Comptroller review and approval prior to the execution of the contract. What will the scope of the Comptroller's oversight be after implementation of the contract?	This question is not relevant to the development of a proposal under this RFP.
1296	Contracting	Section 2.3: Term of the Agreement and Termination Provisions (Page 4 of RFP)	Will an FI have any administrative appeal rights prior to contract suspension/termination/limitation of rights and privileges by the Department?	This question is not relevant to the development of a proposal under this RFP.
1297	Contracting	Section 2.3: Term of the Agreement and Termination Provisions (Page 4 of RFP)	The contract term is identified as five years. How was this time frame arrived at?	This question is not relevant to the development of a proposal under this RFP.
1298	Contracting	Section 2.3: Term of the Agreement and Termination Provisions (Page 4 of RFP)	To address concerns of the Disability Community that this contract is being developed to further reduce access to consumer directed home and community-based services, is there an amendment procedure for the Statewide FI contract if it is determined that their ability to fully execute the terms of the contract changes within the 5-year term?	This question is not relevant to the development of a proposal under this RFP.
1299	Contracting	Section 2.3: Term of the Agreement and Termination Provisions (Page 4 of RFP)	What is the appeal process for termination of the Statewide FI contract?	This question is not relevant to the development of a proposal under this RFP.
1300	Contracting	Section 2.3: Term of the Agreement and Termination Provisions (Page 4 of RFP)	How would the state proceed with finding another agency to replace the Statewide FI if their contract is terminated?	This question is not relevant to the development of a proposal under this RFP.

**New York State Department of Health
Request For Proposals (RFP) #20524
New York State Fiscal Intermediary Services
Questions and Answers - August 7, 2024**

Number	Subject	Corresponding RFP Section	Question	Answer
1301	Contracting	Section 4.4: Statewide Fiscal Intermediary Compliance Requirements, Bullet a) (Pages 7-8 of RFP)	There is a significant backlog of Medicaid Provider Enrollments and an application takes months for the Department to process. If the expected contract award date is October 1, 2024 and FI applications are to be submitted by August 2, 2024, if a successful bidder is not enrolled as a Medicaid Provider, will the Department process the Medicaid Provider Enrollment Application in a timely manner to meet the October 1st deadline?	This question is not relevant to the development of a proposal under this RFP.
1302	Contracting	Section 4.4: Statewide Fiscal Intermediary Compliance Requirements (Pages 7-8 of RFP)	What is the timeline for enrolling the SFI as a Medicaid provider (if not currently enrolled)? What happens if the selected FI cannot meet the timeline?	This question is not relevant to the development of a proposal under this RFP.
1303	Contracting	Section 4.4: Statewide Fiscal Intermediary Compliance Requirements (Pages 7-8 of RFP)	Can the Department outline the specific process and estimated timeline for enrolling an SFI as a New York State Medicaid provider if they are not currently enrolled? What criteria and documentation will be required to determine and finalize the SFI's status as a Medicaid-enrolled provider?	This question is not relevant to the development of a proposal under this RFP.
1304	Contracting	Section 4.4: Statewide Fiscal Intermediary Compliance Requirements (Pages 7-8 of RFP)	In the event that an out-of-state SFI fails to meet the Medicaid enrollment criteria within the specified timeframe, what alternative plans does the Department have to ensure continuity of care and service delivery for consumers in New York State?	This question is not relevant to the development of a proposal under this RFP.
1305	Credit	Section 5.6.2: Revolving Credit Facility (Pages 14-15 of RFP)	How was the amount of \$100,000,000 for the Line of Credit determined?	This question is not relevant to the development of a proposal under this RFP.
1306	Credit	Section 5.6.2: Revolving Credit Facility (Pages 14-15 of RFP)	How did the Department determine the required amount for the line of credit?	This question is not relevant to the development of a proposal under this RFP.
1307	Credit	Section 5.6.2: Revolving Credit Facility (Pages 14-15 of RFP)	What is the \$100 million figure for a required line of credit based on?	This question is not relevant to the development of a proposal under this RFP.
1308	Credit	Section 5.6.2: Revolving Credit Facility (Pages 14-15 of RFP)	Why the \$100 million line of credit? And what authority does NYSDOH have to impose a line of credit? How did you pick that number?	This question is not relevant to the development of a proposal under this RFP.
1309	Eligibility	Section 3.1: Minimum Qualifications (Page 4 of RFP)	Can the Department provide a rationale for the requirement that the minimum Statewide FI qualification, "as of April 1, 2024, is providing services as a fiscal intermediary on a statewide basis in at least one other state," effectively excludes entities performing statewide CDPAP fiscal intermediary services solely in New York State? If New York-based entities can demonstrate their ability to fulfill "fiscal intermediary service" requirements (as specified in the current statute, regulation, and RFP #20524) on a statewide basis within New York State, why are these entities excluded from qualifying as a Statewide FI simply because they do not operate in another state? Does this exclusion undermine the Equal Protection Law and contradict New York State's commitment to supporting and encouraging New York/local businesses, especially those already providing capable and comprehensive fiscal intermediary services statewide within New York?	This question is not relevant to the development of a proposal under this RFP.
1310	Eligibility	Section 3.1: Minimum Qualifications, Bullet a) (Page 4 of RFP)	Section 3.1a) states in part that entities eligible to submit a bid include "[a]n entity ... [that] as of April 1st, 2024, is providing services as a fiscal intermediary on a statewide basis in at least one other state." As written, this provision is unduly restrictive and illogical, having no rational correlation to an entity's ability to provide the services contemplated by the RFP. The provision precludes an entity from qualifying, even when the entity has been providing fiscal intermediary services in the state of New York for years, unless the entity also provides such services to another state. Accordingly, we request that the language be amended as follows: "an entity [that] as of April 1st 2024, was providing services as a fiscal intermediary IN NEW YORK or in at least one other state." If for any reason DOH actually intends to exclude New York fiscal intermediary experience from eligibility consideration, please state the reason why.	This question is not relevant to the development of a proposal under this RFP.
1311	Eligibility	Section 4.0: Scope of Work (Page 5 of RFP)	If an agency has a proven record of delivering services to individuals with disabilities, the senior population and to a diverse population, maintains a local presence in a widespread geographic area, and was awarded Lead Fiscal Intermediary status in the first round of the 2021 RFO, why should the agency be excluded from being awarded the state FI contract other than not being an FI prior to January 1, 2012?	This question is not relevant to the development of a proposal under this RFP.

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New York State Fiscal Intermediary Services
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Number	Subject	Corresponding RFP Section	Question	Answer
1312	Eligibility	Section 5.4: Payment (Page 12 of RFP)	Can providers other than the SFI act as the FI for Consumer Directed programs that are funded outside of Medicaid, such as those funded through EISEP?	This question is not relevant to the development of a proposal under this RFP.
1313	Eligibility	Section 8.1: General Information (Pages 25-26 of RFP)	If a bidder is deemed ineligible for award as the Statewide FI due to insufficient ability to meet the requirements specified within this RFP, how will they be notified? Will non-awardees be provided with details regarding the exact nature of their ineligibility, including specific criteria they failed to meet?	This question is not relevant to the development of a proposal under this RFP.
1314	Eligibility	Section 5.5: Minority & Women-Owned Business Enterprise (M/WBE) Requirements and Equal Employment Opportunity (EEO) Reporting (Page 13 of RFP)	Who has the Department identified as likely bidders?	This question is not relevant to the development of a proposal under this RFP.
1315	Evaluation	Section 3.1: Minimum Qualifications, Bullet a) (Page 4 of RFP)	How will the Department determine whether a bidder performed statewide FI services in another state?	This question is not relevant to the development of a proposal under this RFP.
1316	Evaluation	Section 8.6: Best and Final Offers (Page 26 of RFP)	Will Bidders who are requested to provide a Best and Final Offer be informed of current cost proposal bids or the lowest bid?	This question is not relevant to the development of a proposal under this RFP.
1317	Evaluation	Section 8.6: Best and Final Offers (Page 26 of RFP)	Please define "proposal that are susceptible to award".	This question is not relevant to the development of a proposal under this RFP.
1318	Evaluation	Section 8.1: General Information (Pages 25-26 of RFP)	Can the Department provide specific examples or case studies where the "Best Value" concept has been successfully applied in similar contexts to ensure clarity on its practical application?	This question is not relevant to the development of a proposal under this RFP.
1319	Evaluation	Section 8.1: General Information (Pages 25-26 of RFP)	The statute allows for a competitive bidding process that oversteps typical state procurement laws. How will the Department ensure transparency and fairness in the selection process of the Statewide Fiscal Intermediary, given the "Notwithstanding" clause in the state finance law? What safeguards are in place to prevent conflicts of interest and ensure the best value for consumers and the state?	This question is not relevant to the development of a proposal under this RFP.
1320	Evaluation	Section 8.1: General Information (Pages 25-26 of RFP)	Given the confidentiality of the evaluation process, how will the Department of Health ensure transparency and fairness in the scoring and selection of the winning proposal?	This question is not relevant to the development of a proposal under this RFP.
1321	Evaluation	Section 8.1: General Information (Pages 25-26 of RFP)	Under Section 8.1, what does DOH mean by an evaluation process conducted in a "comprehensive and impartial manner"? What, if any, guidelines or oversight will DOH implement to ensure that the "evaluation process will be conducted in a comprehensive and impartial manner"?	This question is not relevant to the development of a proposal under this RFP.
1322	Evaluation	Section 8.1: General Information (Pages 25-26 of RFP)	Can the Department of Health explain the reasoning behind weighing the Cost Proposal at 35% of the proposal's total score? How is the State planning to ensure that the "Best Value" concept described in Section 8.1 doesn't encourage Cost Proposal bids that undercut a Fiscal Intermediaries' ability to provide quality services with as little disruption to consumers and PAs as possible?	This question is not relevant to the development of a proposal under this RFP.
1323	Evaluation	Section 8.3: Technical Evaluation (Page 26 of RFP)	Has the Department prepared a scoring methodology?	This question is not relevant to the development of a proposal under this RFP.
1324	EVV	General	Does NYS intend to create policies to assist with EVV Compliance?	This question is not relevant to the development of a proposal under this RFP.
1325	EVV	Section 4.4: Statewide Fiscal Intermediary Compliance Requirements, Bullet i) (Pages 7-8 of RFP)	Not all Consumers or PAs comply with EVV requirements. How will the selected bidder be measured for EVV compliance?	This question is not relevant to the development of a proposal under this RFP.
1326	EVV	Section 4.6: Fiscal Monitoring and Oversight Requirements, Bullet h) (Page 9 of RFP)	What information should be included in the quarterly report, and what format should the report be in?	This question is not relevant to the development of a proposal under this RFP.
1327	EVV	Section 4.6: Fiscal Monitoring and Oversight Requirements, Bullet h) (Page 9 of RFP)	Will the quarterly EVV compliance report be made available to the public?	This question is not relevant to the development of a proposal under this RFP.

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Number	Subject	Corresponding RFP Section	Question	Answer
1328	EVV	Section 4.6: Fiscal Monitoring and Oversight Requirements, Bullet h) (Page 9 of RFP)	What information should be included in the quarterly report, and what format should the report be in?	This question is not relevant to the development of a proposal under this RFP.
1329	EVV	Section 4.6: Fiscal Monitoring and Oversight Requirements, Bullet h) (Page 9 of RFP)	RFP Section 4.6: h) Provide the Department with a quarterly report regarding the Contractor's EVV compliance with section 12006(a) of the 21st Century Cures Act and the bidder's EVV system's completeness and accuracy as required by 18 NYCRR Part 514. What is the minimum percentage of successful EVV compliance on a weekly or monthly basis? If a PA forgets to clock in/out, the successful percentage can decrease; therefore, understanding the minimum percentage expectation is important. If using GPS to capture the location of service, what is the acceptable feet/distance from the consumer's location?	This question is not relevant to the development of a proposal under this RFP.
1330	Fiscal Oversight	Section 4.6: Fiscal Monitoring and Oversight Requirements, Bullet a) (Page 9 of RFP)	Will the annual cost report information be available to the public?	This question is not relevant to the development of a proposal under this RFP.
1331	Fiscal Oversight	Section 4.6: Fiscal Monitoring and Oversight Requirements, Bullet a) (Page 9 of RFP)	Will the public have an opportunity to comment on the annual cost reports?	This question is not relevant to the development of a proposal under this RFP.
1332	Fiscal Oversight	Section 4.6: Fiscal Monitoring and Oversight Requirements, Bullet b) (Page 9 of RFP)	Will the written fiscal procedures be published or made available to the public to review?	This question is not relevant to the development of a proposal under this RFP.
1333	Fiscal Oversight	Section 4.6: Fiscal Monitoring and Oversight Requirements, Bullet d) (Page 9 of RFP)	How can a statewide FI contractor objectively oversee and investigate itself for fiscal integrity?	This question is not relevant to the development of a proposal under this RFP.
1334	Fiscal Oversight	Section 4.6: Fiscal Monitoring and Oversight Requirements, Bullet a) (Page 9 of RFP)	What safeguards will the Department implement to ensure that the single statewide FI does not prioritize cost-cutting over service quality, potentially leading to reduced wages and benefits for personal assistants and lower standards of care for consumers?	This question is not relevant to the development of a proposal under this RFP.
1335	Fiscal Oversight	Section 4.6: Fiscal Monitoring and Oversight Requirements, Bullet a) (Page 9 of RFP)	Will cost reports continue to be processed through DOH/KPMG?	This question is not relevant to the development of a proposal under this RFP.
1336	Fraud	General	In what ways does this RFP further the goal of curbing fraud, waste, and abuse when there already exists appropriate investigative authority in the New York State Office of Medicaid Inspector General and Medicaid Fraud Control Unit?	This question is not relevant to the development of a proposal under this RFP.
1337	Fraud	Section 4.6: Fiscal Monitoring and Oversight Requirements (Page 9 of RFP)	Recent accusations of widespread fraud within CDPAP have cast a shadow over the program. What specific information or data, relevant to other in-state and out-of-state programs, can the Department provide to support CDPAP has more fraudulent activity in relation to program-population size?	This question is not relevant to the development of a proposal under this RFP.
1338	Health Assessment	Section 4.1: Required Fiscal Intermediary Services, Bullet d) (Page 5 of RFP)	Will the fiscal intermediary need to perform health assessments of each PA prior to service delivery?	This question is not relevant to the development of a proposal under this RFP.
1339	Joint Employer	Section 4.2: Best Practices, Bullet b), c), and d) (Page 6 of RFP)	Why is it a better practice to visit a consumer's home, conduct orientation for PAs, or engage in activities such as the supporting of recruiting and terminating PAs, if it is not the responsibility of the statewide FI to provide these or any personal care services as per RFP section 4.1 Required Fiscal Intermediary Services?	This question is not relevant to the development of a proposal under this RFP.
1340	Joint Employer	Section 4.3: Fiscal Intermediary Employment Related Responsibilities and Joint Employment Requirements (Pages 6-7 of RFP)	Considering the anticipated joint employer status of the Statewide FI and the consolidation of numerous existing FI entities into a single Statewide FI, how does the Department plan to accurately project the overall costs and anticipated savings, including potential increases in direct care expenses and liabilities associated with the joint employer status?	This question is not relevant to the development of a proposal under this RFP.

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Number	Subject	Corresponding RFP Section	Question	Answer
1341	Joint Employer	Section 4.3: Fiscal Intermediary Employment Related Responsibilities and Joint Employment Requirements (Pages 6-7 of RFP)	Why has the State and/or Department not included the specific joint employer language in the statute or regulation?	This question is not relevant to the development of a proposal under this RFP.
1342	Marketing	Section 4.4: Statewide Fiscal Intermediary Compliance Requirements, Bullet j) (Pages 7-8 of RFP)	Will the Department guidance, etc. regarding marketing and marketing materials conform to state and federal constitutional standards regarding the limitations of speech?	This question is not relevant to the development of a proposal under this RFP.
1343	Marketing	Section 4.4: Statewide Fiscal Intermediary Compliance Requirements, Bullet j) (Pages 7-8 of RFP)	Will subcontractors be subject to DOH guidance regarding marketing of FI services	Department projections will not be provided. Bidders should review historic and publicly available information to inform their own assumptions.
1344	Marketing	Section 4.4: Statewide Fiscal Intermediary Compliance Requirements, Bullet j) (Pages 7-8 of RFP)	Will DOH guidance concerning marketing be made available to the public?	This question is not relevant to the development of a proposal under this RFP.
1345	Marketing	Section 4.4: Statewide Fiscal Intermediary Compliance Requirements, Bullet j) (Pages 7-8 of RFP)	Will the Department commit that it will not issue guidance, etc. regarding marketing and marketing materials that intentionally violate state and federal standards regarding the limitations of speech?	This question is not relevant to the development of a proposal under this RFP.
1346	Marketing	Section 4.4: Statewide Fiscal Intermediary Compliance Requirements (Pages 7-8 of RFP)	In 4.4(j), the Statewide FI is identified as being responsible for complying with "Department issued guidance and directives, and any other guidance, templates or directives the Department may issue with respect to marketing and marketing materials." What guidance and directives currently exist in relation to marketing and marketing materials?	This question is not relevant to the development of a proposal under this RFP.
1347	MCO Contracting	Section 4.0: Scope of Work, Third Bullet (Page 5 of RFP)	MLTC's were not effective until after 2013. How can any FI have a contract with an MLTC for Consumer Directed Services as of January 1, 2012 or earlier if MLTC's did not provide this service until after 2012.	This question is not relevant to the development of a proposal under this RFP.
1348	MCO Contracting	Section 4.1: Required Fiscal Intermediary Services, Bullet h) (Page 5 of RFP)	Will DOH annually review the contracts the Single FI must enter into with the MCO's?	This question is not relevant to the development of a proposal under this RFP.
1349	Monopoly	Section 4.7: Quality Monitoring and Reporting Requirements (Page 9 of RFP)	Consolidating fiscal intermediaries into a single entity raises significant concerns regarding monopoly, legal protections, and accountability in CDPAP. Has the Department evaluated these risks, and what safeguards will be implemented to protect consumers from potential abuses of power?	This question is not relevant to the development of a proposal under this RFP.
1350	Monopoly	Section 4.7: Quality Monitoring and Reporting Requirements (Page 9 of RFP)	How does the Department plan to maintain accountability and innovation in service delivery if competition among fiscal intermediaries is eliminated, potentially leading to stagnation in service quality and efficiency?	This question is not relevant to the development of a proposal under this RFP.
1351	Monopoly	Section 4.7: Quality Monitoring and Reporting Requirements (Page 9 of RFP)	What specific analyses and data does the Department have to support the assertion that a single fiscal intermediary will not exploit its position to lobby for regulations that serve its interests or cut corners in service provision, potentially harming consumers and personal assistant workers?	This question is not relevant to the development of a proposal under this RFP.
1352	Monopoly	Section 4.7: Quality Monitoring and Reporting Requirements (Page 9 of RFP)	How will the Department monitor and enforce quality standards for the single statewide FI to ensure that the level of service remains consistent with the current multi-FI model?	Bidders should review historic and publicly available information to inform their own assumptions.
1353	Monopoly	Section 4.4: Statewide Fiscal Intermediary Compliance Requirements (Pages 7-8 of RFP)	What measures will be put in place to prevent potential monopolistic practices and ensure fair competition among subcontractors in the single statewide FI model?	This question is not relevant to the development of a proposal under this RFP.

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Number	Subject	Corresponding RFP Section	Question	Answer
1354	MWBE	Section 5.5: Minority & Women-Owned Business Enterprise (M/WBE) Requirements and Equal Employment Opportunity (EEO) Reporting (Page 13 of RFP)	The MWBE Requirement for this opportunity has been identified as 0%. Why has the Department determined that this contract is not subject to the terms of the MWBE policy for contracting and subcontracting?	This question is not relevant to the development of a proposal under this RFP.
1355	No Subcontractors	Section 4.0: Scope of Work (Page 5 of RFP)	What happens if the selected FI does not contract with one or more independent living centers?	This question is not relevant to the development of a proposal under this RFP.
1356	No Subcontractors	Section 4.0: Scope of Work (Page 5 of RFP)	What happens if the selected FI does not contract with at least one entity per NYS DOH MLTC rate setting region that has a proven record of delivering services to individuals with disabilities and the senior population and has been providing fiscal intermediary services since January 1, 2012, or earlier?	This question is not relevant to the development of a proposal under this RFP.
1357	Overtime	General	With the single FI, Overtime will skyrocket. Is the state going to create regulations to set the rules regarding it?	This question is not relevant to the development of a proposal under this RFP.
1358	Overtime	Section 4.1: Required Fiscal Intermediary Services, Bullet b) (Page 5 of RFP)	As scheduling is the responsibility of the consumer, how will the usage of overtime be handled?	This question is not relevant to the development of a proposal under this RFP.
1359	Overtime	Section 4.1: Required Fiscal Intermediary Services, Bullet a) (Page 5 of RFP)	Will the consumer need to get permission to use overtime?	This question is not relevant to the development of a proposal under this RFP.
1360	Overtime	Section 4.4: Statewide Fiscal Intermediary Compliance Requirements (Pages 7-8 of RFP)	If the Statewide FI cannot limit the amount of overtime a Consumer can schedule, how will the Department ensure that rates are sufficient to pay the required overtime?	This question is not relevant to the development of a proposal under this RFP.
1361	Overtime	Section 4.4: Statewide Fiscal Intermediary Compliance Requirements, Bullet f) (Pages 7-8 of RFP)	Will Plans be required to compensate the selected FI for PA overtime?	This question is not relevant to the development of a proposal under this RFP.
1362	Overtime	Section 4.4: Statewide Fiscal Intermediary Compliance Requirements, Bullet e) (Pages 7-8 of RFP)	If overtime is allowed, who is responsible for funding the overtime pay when the consumer schedules their PAs' overtime? Will overtime pay be reimbursed to the statewide fiscal intermediary?	This question is not relevant to the development of a proposal under this RFP.