



# Department of Health

**Questions and Answers  
For New York State Department of Health  
Strategic Assessment and Reorganization Services  
RFP # 20063**

**Issued: July 9, 2021**

1. Given that Responses to Written Questions will not be posted by the Department of Health (DOH) until on or about July 12, will DOH consider an extension for the Deadline for Submission of Proposals?  
**A. No**
2. Will the State share a list of organizations that submitted responses for this RFP?  
**A. This information will be contained in the bid opening checklist.**
3. Whether companies from Outside USA can apply for this? (like, from India or Canada)  
**A. Bidding entities need to be registered to do business in New York State.**
4. Can we perform the tasks (related to RFP) outside USA? (like, from India or Canada)  
**A. No, data and information gathered cannot leave the continental United States.**
5. Section 1.2 - Would the DOH be amenable to minimal clarifications to the terms and conditions of the contract during contract finalization?  
**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.**
6. Section 1.2 - We noted the lack of a limitation of liability on direct damages which is commercially standard in contracts of this nature and included in most NY State agency contracts. Would the DOH be amenable to adding such a clause to the contract, such as from another NY State RFP?  
**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.**

7. Timeline: Is there a target timeline for the deliverables noted in the RFP?
- For example, we could envision that the state has some target dates in mind, along the lines of: “The strategic plan needs to be done by MM/DD/202X, followed by completed/approved org design by MM/202x. These would then be followed by a change management program that would rollout thereafter.”
- A. The State does not have specific target dates in mind, but the entire project is for a five (5) month period, as stated in Section 2.3 of the RFP.
8. What is the anticipated timeline for this work, and are there any constraints or deadlines?
- A. As stated in Section 2.3 of the RFP, the project is for a five (5) month period.
9. What is driving the specific timeline of 5 months?
- A. That is the timeframe the State believes is needed for the scope of work detailed in this procurement.
10. Is there a specific milestone(s) or event(s) influencing the timeline?
- A. The State does not have specific targeted milestone dates in mind, that should be driven by the vendor’s workplan.
11. Section 2.3 Is there an opportunity for a scope checkpoint during the initial contract term?
- A. The State will use the workplan and reporting deliverables to ensure whether the project is proceeding as planned.
12. Base Information: Is there any publicly available data describing the scope and breadth of NYDOH in terms of sites, locations, FTEs and programs?
- A. DOH has approximately 4,500 staff statewide. See Exhibit A, DOH Organization Chart.
13. Future Scope: Clearly the intent of this effort is to take the learnings of the past 18 months and recast NYDOH for greater impact and responsiveness. How much work has already been accomplished on this topic? And, is there any available documentation around needed scope changes?
- A. This procurement is the first step taken by the DOH post COVID
14. Confirm that the project tenure is for five months, from September 1, 2021 to January 31, 2022. We understand that the start date is anticipated to be September 1<sup>st</sup> or upon approval of the contract by the State Office of the Comptroller.
- A. Confirmed. As stated in Section 2.3 of the RFP, the project is for a five (5) month period.
15. Would DOH provide an existing organization chart?
- A. See exhibit A, DOH Organizational Chart
16. Will NYSDOH commit to providing the latest organization charts for all existing office/program areas to accelerate the completion of the baseline organizational assessment?
- A. See response to question 15

17. What other data points or documentation will the NYSDOH make available to the selected Bidder for purposes of this engagement?
- A. The DOH will work with the selected bidder to provide as much information and documentation requested to successfully complete the project.
18. Will there be engagement survey data available for interpretation?
- A. Survey data is not available.
19. Does DOH have a current (in progress) strategic plan? If so, can we please receive a copy of it?
- A. Yes, see [the 2018-2023 Strategic Plan](#) found on the DOH Website
20. Has any prior strategic assessment or reorganization study been conducted for the Department of Health?
- A. Yes, see [the 2018-2023 Strategic Plan](#) found on the DOH Website.
21. Has this work been done before? And if so, by whom?
- A. Yes, prior Strategic Plans have been conducted, the most recent is [the 2018-2023 Strategic Plan](#) found on the DOH Website.
22. How does this study interface with the 2018-2023 New York State Department of Health Strategic Plan?
- A. This project is to reassess the existing plan and realign the plan based upon what the selected bidder proposes in their Strategic Plan.
23. Were there organizational transformations already underway or being considered at NYSDOH when the pandemic began? If so, is there any existing artifacts that we will be able to leverage? What types?
- A. Besides the Strategic Plan referenced in question 15, there are not any transformation underway.
24. Section 3.0, the requirement that the vendor have “A minimum of two (2) years’ experience developing and implementing Strategic Plans for companies with 2,000 or more employees.” Is it possible to substitute that experience with working with public sector agencies?
- A. No.
25. Section 4 – What are some of NYSDOH's initial goals / hypotheses around KPIs associated with the mission and vision that you are trying to influence?
- A. This project is to reassess the existing plan, realign the plan based upon what the selected bidder proposes in their Strategic Plan.
26. Section 4-What are the primary organizational challenges uncovered by the pandemic?
- A. A goal of this project would be to assess the organizational challenges to ensure we can better align resources with the Strategic Plan

27. What did the pandemic reveal in terms of most pressing organizational challenges?
- A. This is something the Department anticipates this engagement will assess.
28. Where their organizational changes already initiated during the pandemic, and what were the outcomes?
- A. No.
29. Does the scope of this strategic assessment extend to other state agencies responsible for healthcare in New York, such as the Office of Mental Health, Office of Persons with Developmental Disabilities, and the Office of Addiction Services and Supports?
- A. No.
30. Section 4 - Does the scope of this strategic assessment extend to the interaction of the New York State Department of Health with the Local Departments of Social Services?
- A. Only as it relates to their input as Stakeholders.
31. Pursuant to Section 4.1, of the RFP, what is the current problem?
- A. The Department need to ensure priorities, activities and resources are inline with the Strategic Plan as it may be adjusted with the outcomes of this engagement.
32. Pursuant to Section 4.1, of the RFP, what has prompted the DOH to start this RFP Process?
- A. See response to question 31
33. Pursuant to Section 4.1, of the RFP, what are the goals of the project, and does it align with the goals for the department?
- A. See response to question 25
34. Pursuant to Section 4.1, of the RFP, does the DOH have a defined strategic roadmap?
- A. The most recent is [the 2018-2023 Strategic Plan](#) found on the DOH Website and part of this engagement is to assess that roadmap .
35. Pursuant to Section 4.1, of the RFP, what is the mission, vision, priorities, direction, and goals for the next four quarters look like?
- A. The most recent is [the 2018-2023 Strategic Plan](#) found on the DOH Website.
36. Pursuant to Section 4.1, of the RFP, Is the scope of this project a piece of a larger project?
- A. Not at this time.
37. Pursuant to Section 4.1, of the RFP, where can we find the DOH's most recent strategic plan?
- A. The most recent is [the 2018-2023 Strategic Plan](#) found on the DOH Website.

38. Pursuant to Section 4.1, of the RFP, has the DOH conducted an internal GAP analysis to understand its own;

- Capabilities
- Inefficiencies
- Challenges
- Risks

A. No

39. Pursuant to Section 4.1, of the RFP, what does the organizational structure look like in its current state?

A. See Exhibit A, DOH Organizational Chart

40. Pursuant to Section 4.1, of the RFP, is the executive level of the DOH ready for advice on organization structure and change?

A. Yes

41. Pursuant to Section 4.1, of the RFP, when it is all said and done, what does the vision look like at the end of this project?

A. The DOH is looking to the selected bidder to assist the Department in reviewing and assessing its priorities and recommend possible changes to underlying organizational structure to support the Department priorities.

42. Section 4.1: Provide a list of any current and ongoing DOH clinical programs or incentive programs providing funding support to NYS entities

A. A response to this question is not necessary to adequately respond to the current RFP.

43. Who do you anticipate being the primary stakeholders for this engagement?

A. DOH unit, program, bureau, division, center, office and executive level staff.

44. Whether we need to come over there for meetings?

A. Deliverables, such as Stakeholder interviews may require in-person interaction.

45. Is DOH expecting work to be performed onsite at DOH offices or is offsite work permissible?

A. DOH is expecting bidders to determine what needs to be conducted onsite, in person and what can be completed remotely. Additionally, see question number 4 for additional information on performance of work outside the Continental United States.

46. What portion of the work can be performed remotely?

A. See response to question 45.

47. What percentage of work will be on-site versus remote work?

A. See response to question 45.

48. In Section 4.1, page 4 of the RFP, can you identify the main interface by position for this engagement?

A. An Executive staff member will be designated by the DOH as the main interface; a specific staff member has not yet been identified.

49. How many DOH leaders do you expect the Bidder to consult with on a regular basis?
- A. This has not been determined, see response to question 48.
50. Does this engagement cover all Offices (8), Divisions (3), and Centers (4) in addition to the four (4) Regional Offices?
- A. Yes. See exhibit A DOH Organizational Chart
51. How many DOH program areas and employees within each are in scope for this engagement?
- B. See exhibit A, DOH Organizational Chart, there are approximately 4,500 staff statewide.
52. For the purposes of estimating travel expenses, does DOH expect the Contractor to conduct key stakeholder interviews for both the Central and Regional Offices in person? a. If so, will in-person interviews be required for all Regional Offices or a selection of Offices? b. Does DOH expect the Contractor to be onsite in Albany for any other purpose(s) (e.g., kick-off meeting, regular status meetings, etc.)?
- A. DOH is expecting bidders to determine what needs to be conducted onsite, in person and what can be completed remotely. Additionally, see question number 4 for additional information on performance of work outside the Continental United States.
53. Are vendors / contractors / non-employee personnel included in the scope of the Assessment and/or Operating Plan?
- A. Their input may be included to inform the assessment and play a role in the proposed Operating Plan.
54. What other non-DOG State agencies have been most involved with the COVID recovery efforts?
- A. Assumption: DOG is DOH as referenced in Section 4.3 of the RFP. Most New York State Agencies were involved, such as State Police, Office of General Services, Division of Budget, Division of Military and Naval Affairs, Division of Homeland Security and Emergency Services, Office of Mental Health.
55. Can you describe the stakeholders allocated to this engagement from the DOH? (FT, PT, ad hoc)
- A. The primary stakeholders are DOH unit, program, bureau, division, center, office and executive level staff, but other external stakeholders as mentioned in question 54 are also involved for input.
56. Is review of companion offices such as the Offices of Mental Health or Office of Persons with Developmental Disabilities in this scope or discussion regarding their interaction with the Department of Health?
- A. No, but as noted, their input may be included to inform the assessment and plan.
57. Pursuant to Section 4.2, of the RFP, what is the current project management methodology utilized at the DOH?
- A. At this time, we have not identified one project management methodology at DOH and will review what is proposed by bidders.
58. Pursuant to Section 4.2, of the RFP, is the DOH willing to participate in vendor-client meetings?
- A. Yes

59. Pursuant to Section 4.2, of the RFP, how many resources are dedicated to this initiative on the client-side? As a vendor, we want to ensure constant communication and collaboration with the vendor during the execution of agreed-upon services and deliverables; therefore, client participation and availability are a must for timely delivery.

A. DOH will identify a liaison for the project before the contract begins and provide Department resources necessary to assist with this engagement.

60. Pursuant to Section 4.2, of the RFP, if there are changes in the methodology a vendor must use to complete the project, how will the DOH handle that situation?

A. DOH does not anticipate a change in methodology.

61. Pursuant to Section 4.2, of the RFP, will the DOH provide a list of L1, L2, & L3 escalation resources to accommodate the vendor escalation plan?

A. DOH will identify resources for the project.

62. Pursuant to Section 4.2, of the RFP, if there are mitigations to risks that reside on the client-side, how will the DOH respond to those in a timely manner?

A. The selected contractor will work with the DOH liaison.

63. Pursuant to Section 4.2, of the RFP, what does the DOH expect the report to be submitted during and at the end of the project to look like?

A. The final report should summarize activities, findings, recommendations, and implementation timelines.

64. Pursuant to Section 4.2, of the RFP, does the DOH have an established EPMO?

A. Yes, see Exhibit A, DOH Organization Chart.

65. Pursuant to Section 4.2, of the RFP, what is your established technology suite for project management?

A. DOH technology varies among users, no one established technology suite exists.

66. Section 4.3 -To what extent might the rules, regulations, and policies impact the possibility to make organizational changes?

A. DOH is unsure and will rely on the selected vendor to determine during assessment.

67. Section 4.3 -Are there specific elements of the rules, regulations, and policies that should be considered in particular or that might have most impact on the organizational change?

A. See response to question 66

68. Section 4.3: The RFP mentions that the Health Information or individual IT functions may not be included in the Discovery Phase, but that existing baseline materials will be provided. Can you describe what access to stakeholders will be available and can technology SMEs be available to be interviewed if needed?

A. The DOH liaison will work with the selected contractor to obtain materials requested.

69. Section 4.3: How many employees will be included?

A. DOH has approximately 4,500 employees statewide

70. Section 4.3: How many regional offices will be included?

A. There are three (3) Regional Office

71. Section 4.3 Does the DOH have an established and documented current operating model?

A. Documentation varies among operating units.

72. Section 4.3 Is there an existing process inventory to start from?

A. Documentation varies among programs.

73. Section 4.3: mentions review of existing documentation, materials, and data. Will the documentation provided include the Department's most recent organizational charts?

A. Yes, see Exhibit A, DOH Organizational Chart

74. The note in section 4.3 indicates other non-DOH State agencies may be included to inform the assessment. Has DOH taken steps to inform the other agencies and has there been communication to the DOH staff regarding the strategic assessment and reorganization efforts?

A. Yes.

75. The RFP notes that scope does not include a baseline assessment of the DOH Office of Health Information or IT Functions. Will the firm selected have access to the leaders and be able to request data from these organizational units?

A. The DOH liaison will work with the selected bidder to obtain needed resources.

76. What departments are included in the organizational assessment?

A. See Exhibit A, DOH Organizational Chart for current list

77. Which bargaining units represent employees involved in the organizational assessment?

A. The major bargaining unions are Public Employees Federation (PEF) and Civil Service Employee Association (CSEA)

78. Section 4.3: Provide a list of current in scope DOH departments as referred to by "unit, program, bureau, division, center, office and executive level at both the Central and Regional Offices". OR please provide a current organizational chart for in scope departments.

A. See Exhibit A DOH Organization Chart

79. What metrics do you currently use to quantify programmatic success?

A. Metrics vary among programs.

80. Pursuant to Section 4.3, of the RFP, has the DOH conducted an internal baseline assessment already?

A. No.

81. Pursuant to Section 4.3, of the RFP, what are departments of the DOH included in the internal assessment?
- A. All, See Exhibit A DOH Organization Chart
82. Pursuant to Section 4.3, of the RFP, will the DOH require discovery interviews to be conducted in person or remotely?
- A. DOH is expecting bidders to determine what needs to be conducted onsite, in person and what can be completed remotely.
83. Pursuant to Section 4.3, of the RFP, at the end of the discovery phase, we produce a discovery read-out that discusses "What we learned"; Is there a review and approval process of the results from the discovery?
- A. The DOH liaison will control this process.
84. Pursuant to Section 4.3, of the RFP, do you have the technology to manage the process? If so, what is the technology being utilized?
- A. No specific technology is being utilized.
85. Pursuant to Section 4.4, of the RFP, will the DOH provide the vendor a clear understanding of what its established mission and goals are? Or are we looking to establish the vision, mission, and goal as part of this engagement?
- A. This project is to reassess the existing plan, recommend realignment the plan based upon what the selected bidder proposes and recommended organizational changes to support the strategic plan.
86. Pursuant to Section 4.4, of the RFP, has the DOH operated on a multi-year strategic plan in the past?
- A. Yes
87. Pursuant to Section 4.4, of the RFP, has the DOH worked with finance to develop a budget to accommodate a past multi-year strategic plan?
- A. Not applicable to this procurement.
88. Pursuant to Section 4.4, of the RFP, will, the vendor work with finance to establish a budget for the three-year strategic plan?
- A. Not applicable to this procurement.
89. Pursuant to Section 4.4, of the RFP, does the DOH have organizational process owners?
- A. Multiple, see Exhibit A DOH Organization Chart
90. Pursuant to Section 4.4, of the RFP, has the DOH considered identifying critical failure factors in the past and planned for failure prevention?
- A. The selected bidder should decide what to recommend based upon their assessment.
91. Pursuant to Section 4.4, of the RFP, what is the current operating model?
- A. Exhibit A DOH Organization Chart

92. Pursuant to Section 4.4, of the RFP, does the DOH have an established pricing model?

A. No.

93. Pursuant to Section 4.4, of the RFP, does the DOH have strategic collaboration partners?

A. See response to question 54 for a sample

94. Section 4.4: Could you elaborate around the type of planning that would be required under the scope of services, for each of the following items

- a. Clinical care
- b. Operations
- c. Finance
- d. Market analysis / research
- e. Branding
- f. Public relations

A. This engagement is to assess the overall priorities of the Department and how those priorities impact these business areas.

95. Section 4.4: Are there financial guidelines for the strategic plan?

A. No.

96. Does the DOH have a target spending plan in mind for its 3-5 year plan?

A. No.

97. What are the specific pillars or guiding principles that define the growth strategy and innovation goals?

A. The Department anticipates the selected bidder to recommend.

98. Pursuant to Section 4.5, of the RFP Does DOH use a specific organizational change management (OCM) methodology? If so, what methodology is currently in use?

A. No.

99. Can NYSDOH please confirm that the change management plan referenced in the deliverables table of Attachment B - Cost Proposal and 4.5.d is an organizational / behavioral change management plan focused on transitioning the organization, rather than a programmatic change management plan related to updates to the Operating Plan required as part of 4.5?

A. Confirmed

100. Pursuant to Section 4.5, of the RFP, does the DOH utilize KPI tools? If so, which tool?

A. DOH is expecting bidders to determine which tool to utilize that best fits this scope of work.

101. Pursuant to Section 4.5, of the RFP, is there a change strategy advisory team at the DOH that the vendor will be collaborating with?

A. An Executive staff member will be designated by the DOH as the main interface; a specific staff member has not yet been identified and additional resources will be identified as needed.

102. Is this organization chart mentioned in 4.6 Staffing required to be submitted as part of the bidder's proposal, or is this a deliverable that will be developed and delivered during the contract term?

A. An organizational chart outlining the roles and responsibilities of the Project Manager and Key staff should be included in the bidder's proposal, as stated in Section 6.2.g) Staffing of the RFP

The selected bidder will provide an updated organizational chart depicting each component of the project, all cross-cutting functional units of the organization/project, numbers and types of staff for each component/function, and identified lines of authority governing the interaction of staff, and relationships with subcontractors. The names of proposed personnel and demonstration of their experience and expertise must be shown on the organization chart pursuant to Section 4.6 of the RFP.

103. Can NYSDOH please confirm that providing proposed personnel names that are representative for the roles required to complete the work outlined in the Scope of Work is sufficient unless identified as a key resource?

A. Section 6.2 g) Staffing request the bidder to submit a narrative outlining the roles and responsibilities of the Project Manager and other key staff to the project but does not request resumes.

Then as part of the scope, the selected bidder will provide the names of proposed personnel and demonstration of their experience and expertise pursuant to Section 4.6 of the RFP.

104. Pursuant to Section 4.7, of the RFP, Project Quality Management is at the core of our project management methodology; Does DOH have a quality management sign-off procedure?

A. The DOH liaison will control this process.

105. Pursuant to Section 4.7, of the RFP, does the DOH have a dedicated PQM team within the EPMO structure that will engage with the vendor?

A. Not currently.

106. Seeing that the Management Reports required in section 4.7 align to the required deliverables, can NYSDOH advise if there is something in addition to the submission of the deliverables that you are in looking for in a management report for each one?

A. Not specifically.

107. When will timelines for submission of deliverables be due to NYSDOH?

A. Timelines for submission of deliverables will coincide with the selected bidders project narrative, including a detailed timeline for all activities, specifying the time frame for each task, including due dates for deliverables

108. Pursuant to Section 4.8, of the RFP can the DOH confirm if it wants the Bidder to provide training or if it prefers the Bidder to provide training materials and train-the-trainer sessions so DOH trainers can administer the training? Additionally, if DOH desires the Bidder to provide training, what level of staff will attend trainings (e.g., DOH leadership or all staff within DOH)?

A. The selected bidder, through the knowledge gained during the contract terms, should determine and put in the Evaluation Plan the level of training required for the project to be successful.

109. Section 4.8 of the RFP, Is DOH open to virtual training sessions, if needed?

A. Yes

110. Pursuant to Section 4.8, of the RFP, our project monitoring activities are included in our project report; Does the DOH have an alternative evaluation process?

A. No

111. Pursuant to Section 4.8, of the RFP, because project outcomes are also contingent on client involvement and participation; Can the vendor conduct client evaluation in conjunction?

A. The bidder can propose

112. We note notes the provisions to address security, technology and confidentiality listed at <https://its.ny.gov/eiso/policies/security> are broad in nature and many do not seem to be applicable to this scope of work. Will the Department discuss the listed policies with the vendor upon award to mutually agree on those policies that are applicable to performance of the scope of work?

A. The selected bidder must be willing to be in compliance with the provision listed.

113. Are the work, the findings, and the recommendations bound by the same confidentiality requirements outlined in 4.9 Security, or are there specific confidentiality protocols we should anticipate in our working model?

B. Yes.

114. Pursuant to Section 4.10, of the RFP, does the DOH have a transition management office established?

A. No.

115. Pursuant to Section 4.10, of the RFP, does the DOH have a deliverables sign-off procedure at the end of the engagement?

A. The DOH liaison will control this process.

116. Pursuant to Section 4.10, of the RFP, how does the DOH plan to support itself after the vendor-client transition?

A. Bidders should propose the transition process.

117. Pursuant to Section 4.10, of the RFP, does the DOH have a vendor-client portal for post-transition support?

A. No.

118. There is no specified WMBE goal specified in the RFP; can that be interpreted as there being no set goal for this contract?

A. No

119. Are there any MBE/WBE goals?

B. No

120. Does this response have a MBE, WBE, or SDVOB participation goal?

A. No

121. Are there any preclusions downstream if not mentioned in the RFP?

A. No

122. What will the budget be?

A. Bidders are to use Attachment B to their propose a cost for each deliverable listed. As stated in Section 6.2 of the RFP, the bid price posed by bidders must be all inclusive of the cost of furnishing all the said services as detailed in Section 4.0 of the RFP.

123. What is the budget that has been approved or allocated for this effort?

A. See response to Question 122

124. Has the DOH set a budget for this project? Is there a dollar amount the DOH wishes not to exceed?

A. See response to Question 122

125. Can we submit the proposal in PowerPoint format?

A. Bidders can choose the software format (MS Office Suite, PDF, HTML) utilized for submission.

126. Can we submit the proposals via email?

A. Yes, see Section 7.0 of the RFP for proposal submission instructions.

127. Cost Proposal - Strategic Plan is listed as a deliverable twice within the Cost Proposal. Can NYSDOH please provide more detail in order to differentiate between b) Strategic Plan and g) Strategic Plan?

A. The first Strategic Plan listed on the cost proposal relates to Section 4.4, and 4.7 b of the RFP and the second Strategic Plan relates Section 4.7 g), specifically the Strategic Plan implementation timelines and report out structure.

128. Is required deliverable d) Organization Chart on the cost proposal in reference to the organizational chart referenced in section 4.6 Staffing ("Provide...an organization chart, depicting each component of the project, all cross-cutting functions...etc.) or a final organization chart as an outcome of the organization structure changes outlined in 4.4.e?

A. An organizational chart outlining the roles and responsibilities of the Project Manager and Key staff should be included in the bidder's proposal, as stated in Section 6.2.g) Staffing of the RFP

The selected bidder will provide and updated organizational chart depicting each component of the project, all cross-cutting functional units of the organization/project, numbers and types of staff for each component/function, and identified lines of authority governing the interaction of staff, and relationships with subcontractors. The names of proposed personnel and demonstration of their experience and expertise must be shown on the organization chart pursuant to Section 4.6 of the RFP.

129. Would the department consider expanding the Force Majeure to include epidemics and pandemics?

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.

130. Modification of the form of contract – Will there be an opportunity to provide modifications to the form of contract as well as “Appendix A, Standard Clauses for New York State Contracts” to address specific needs of the bidding organization

A. Appendix A is governed by the Office of the Attorney General and as such the Department cannot entertain modifications to the terms and conditions contained within.

131. Vendor reserves its right to negotiate the awarded contract, including any standard NYS legal provisions. For your review and consideration, Vendor will provide its standard legal terms and conditions with its proposal. Contract terms and conditions

A. This is not an actual question. 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.

132. Upon review of the Request for Proposal (RFP) No. #20063, titled Strategic Assessment and Reorganization Services, issued by the New York State Department of Health (DOH) on June 29, 2021, we noted that it does not include a limitation of liability (LOL) provision. Is it possible for NYSDOH and contractor to leverage contractual insurance requirements previously negotiated and currently included within an existing contract between DOH and contractor?

We request your consideration of a Limitation of Liability (LOL) provision. Large firms or partnerships are particularly disadvantaged by not having a LOL provision and therefore there are unintended consequences of limiting competition based on size or corporate structure. LOL provisions are common in the industry, and the effectiveness and enforceability of such a provision has been noted many times in New York legal decisions. The basic principle of a LOL is to cap a contractor’s liability commensurate with the fees to be paid. The clause allows the parties to equitably assess the risks relevant to the particular project, and its inclusion is beneficial to the State as well as to businesses, both large and small. First, a LOL allows a business to evaluate risk and potentially take on more risk than normal because there is some contractual relief available. Second, when an appropriate LOL is negotiated, the State maintains a level of comfort with respect to potential liability that may exist relative to the project. Third, inclusion of a LOL helps promote competition as the pool of offerors will likely increase when potential liability is capped proportional to the project. Thus, the use of a LOL helps protect the State’s interests in obtaining a “best value” while encouraging greater participation by small and large businesses to share in the project’s associated risks.

Based on the foregoing, we respectfully request your consideration of a Limitation of Liability provision. This could be accomplished in a couple of ways:

-Option 1: Issue an addendum to the RFP prior to the Q&A that includes a LOL provision.

A. This is not an actual question. 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.

-Option 2: DOH considers waiting to take a position on the acceptability of an LOL until the evaluation of proposals in response to RFP No. 18695, and allow the parties to propose subject to such a provision if they so choose. By doing so, the State will have the opportunity to weigh a vendor’s requested LOL in connection with the benefits of the vendor’s proposal as well as the risks associated with the vendor’s business structure and capitalization. Further, by weighing acceptability of a LOL as part of the evaluation process, the State may obtain greater competition, which furthers “best value

procurement goals.” If Option 2 is considered an addendum should be issued prior to the QA with the appropriate updates to Section 2 Important Information.

A. This is not an actual question. 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.

133. Section 6.2 mentions a COVID-19 Vaccination call center, what other call centers, if any, are in scope?

A. Please disregard reference to call centers, it is a typographical error and Amendment 1 will be issued to correct.

134. Paragraph 5 requires a “narrative on how the bidder intends [sic] to manage all aspects of the COVID-19 Vaccination call center described in Section 4. Scope of Work.” However, Section 4. Scope of Work does not reference a COVID-19 Vaccination call center. Can DOH please confirm whether this statement is an error or provide additional detail on the COVID-19 Vaccination call center?

A. See response to question 133

135. Page 15, Section 6.2, Paragraph 5 Can NYSDOH please confirm that the reference to managing a COVID-19 Vaccination call center is in error and not a requirement for the Bidder set forth by this Scope of Work?

A. See response to question 133