



Department of Health

Request for Proposals

RFP # - 20774

Environmental Modifications Evaluators for the New York State Medical Indemnity Fund

Issued: June 30, 2026

PERMISSIBLE SUBJECT MATTER CONTACT:

Pursuant to State Finance Law § 139-j(3)(a), the New York State Department of Health (hereinafter referred to as the “**Department**” or as “**DOH**”) identifies the following allowable person to contact for communications related to the submission of written bids, written questions, pre-bid questions, and debriefings.

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DESIGNATED CONTACT:

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

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1.0 CALENDAR OF EVENTS

RFP # 20774 - ENVIRONMENTAL MODIFICATIONS EVALUATORS FOR THE NEW YORK STATE MEDICAL INDEMNITY FUND	
<u>EVENT</u>	<u>DATE</u>
Issuance of Request for Proposals	June 30, 2026
Deadline for Submission of Written Questions	July 14, 2026 4:00 p.m. ET
Responses to Written Questions Posted by DOH	On or About August 4, 2026
Deadline for Submission of Proposals	August 18, 2026 4:00 p.m. ET
<u>Anticipated</u> Contract Start Date	June 1 st , 2027

2.0 OVERVIEW

Through this Request for Proposals (“RFP”), the New York State (“State”) Department of Health (the “Department” or “DOH”) is seeking competitive proposals from the following types of Offerors, including but not limited to: Independent Living Specialists, Independent Building Contractors, Occupational Therapists, Physical Therapists, Remodeling Contractors and Builders, Engineers, Rehabilitation Specialists, Case Managers, Public Health Nurses, Assistive Technology Specialists, Rehabilitation Evaluation Agencies, and Rehabilitative Specialists Services to provide services as further detailed in RFP [Section 4 Scope of Work](#).

It is the Department’s intent to award up to six (6) contracts per Region in Regions 4 and 5 and up to four (4) contracts per Region in Regions 1, 2, 3, and 6, as defined below.

NOTE: Offerors may submit proposals for one (1) or more counties within a designated region, however, proposals are not required to cover the region in its entirety. See [Section 7.0: Proposal Submission](#) for additional information.

The Offeror shall identify in their technical proposal which region(s) they are able to provide evaluation services within. At the discretion of the Department, and contingent upon the enrollee’s needs, the Fund Administrator and/or the Department may request the Offeror conduct an evaluation in a bordering Region or State. Offeror’s may submit proposals for partial regions and/or specific counties.

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

2.1 Introductory Background

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

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

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

- [69-10.1 Definitions](#)
- [69-10.7 Prior Approval Request for EMODs](#)
- [69-10.8 Conditional Prior Approval for EMODs to Prospective Primary Residences](#)

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

2.2 Important Information

The Offeror **must** review, and is requested to have its legal counsel review, [Attachment 8](#), the DOH Agreement (Standard Contract), a successful Offeror must be willing to enter into the Contract awarded pursuant to this RFP in the terms of [Attachment 8](#), **subject only to any amendments to the Standard Contract agreed by the Department during the Question and Answer Phase of this RFP** (see [Section 5.2](#)). Please note that this RFP and the awarded Offeror’s Bid will become part of the Contract as Appendix B and C, respectively.

It should be noted that Appendix A of [Attachment 8](#), “Standard Clauses for New York State Contracts,” contains important information, terms and conditions related to the Contract to be entered into as a result of this RFP and **will be incorporated, without change or amendment**, into the Contract entered into between DOH and the successful Offeror. By submitting a response to this RFP, the Offeror agrees to comply with all the provisions of the Contract, including all of the provisions of Appendix A.

Note, [Attachment 7](#), the Bidder’s Certified Statements, **must** be submitted by each Offeror and includes a statement that the Offeror accepts, **without any added conditions, qualifications or exceptions**, the contract terms and conditions contained in this RFP including any exhibits and attachments, including, without limitation, [Attachment 8](#). It also includes a statement that the Offeror acknowledges that, should any alternative proposals or extraneous terms be submitted with its Bid, such alternate proposals or extraneous terms will not be evaluated by the Department.

Any qualifications or exceptions proposed by a Offeror to this RFP should be submitted in writing using the process set forth in [Section 5.2](#) (Questions) prior to the deadline for submission of written questions indicated

in [Section 1.0](#) (Calendar of Events). Any such qualifications or exceptions that are not proposed prior to the deadline for the submission of written questions will not be considered by DOH after contract award. 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 Offerors equally.

2.3 Term of the Agreement

The term of the Contract(s) that will be entered into pursuant to this RFP between the Department and a successful Offeror(s) is expected to be for a period of five (5) years commencing on the date shown on the Calendar of Events in [Section 1.0](#), subject to the availability of sufficient funding, successful contractor performance, and approvals from the New York State Attorney General (AG) and the Office of the State Comptroller (OSC).

3.0 OFFERORS' QUALIFICATIONS TO PROPOSE

3.1 Minimum Qualifications

The Department will accept proposals from Offerors with the following types and levels of experience as a prime offeror:

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

Experience acquired concurrently is considered acceptable.

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

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

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

3.2 Preferred Qualifications

Preference will be given to organizations who are able to document the following qualifications and experience:

- An entity that currently employs Certified Environmental Access Consultants (C.E.A.C.) or Certified Aging-In-Place Specialists (C.A.P.S.) and has retained C.E.A.C. or C.A.P.S. for at least six (6) months
- An entity that currently employs and has retained for six (6) or months or longer physical therapy practitioners (Physical Therapist, Physical Therapy Assistant), occupational therapy practitioners (Occupational Therapist, Occupational Therapy Assistant), or licensed nurses (Registered Nurse, Licensed Practical Nurse)
- One (1) year of experience working with the Americans with Disabilities Act (ADA) building compliance, and service or installation of Assistive Technologies on one or more projects;
- One (1) year of experience working with public entities and/or not-for-profit organizations on one or more projects, utilizing concepts of universal design; or
- One (1) year of experience working with State and local building code(s), zoning laws and any applicable safety standards.

3.3 Definitions

Medical Indemnity Fund (MIF or the “Fund”)- Established for the purpose of paying or reimbursing the health care costs of individuals who have suffered birth-related neurological injuries, because of medical malpractice during a delivery admission.

Environmental Modification (EMOD)- An interior or exterior physical adaptation to the residence in which an enrollee lives that is necessary to ensure the health, welfare, and safety of the enrollee, enables them to function with greater independence in the community and/or helps avoid institutionalization, and has been ordered by a physician.

Enrollee- A qualified individual accepted into the Fund or for notification and decision-making purposes only, the person authorized to act on his or her behalf.

Fund Administrator- Any person or entity designated by the Department to administer the Medical Indemnity Fund.

Offeror- Is the entity who is submitting a competitive proposal to function as an Evaluator and perform evaluations of EMOD projects. If awarded the entity who submitted a competitive proposal becomes the one who has the contract with the owner of a project or job and has full responsibility for its completion.

Evaluator- Individual qualified to perform evaluations of enrollee’s homes and recommended EMODs to meet the enrollee’s needs.

General Contractor- Is the entity who may bid to provide the work listed in the EMOD evaluations.

4.0 SCOPE OF WORK

This section describes the services that are required to be provided by the selected Offeror. The selected Offeror must be able to provide all of these services throughout the contract term.

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

For purposes of this RFP, the use of the terms “shall,” “must” and “will” are used interchangeably when describing the Offeror’s duties. The terms “Offerors,” “vendors,” and “proposers” are also used interchangeably.

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

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

This procurement is for the following types of EMOD evaluations. An Offeror must be able complete each type

of EMOD evaluation and evaluations will be assigned or reassigned at the discretion of the Fund Administrator or the Department at any point during the EMOD evaluation process.

- a. **Initial Evaluation** – An Evaluator must review documentation provided by the Fund Administrator explaining the needs of the enrollee and must make an in-person visit to examine the home in its current state. The Offeror must determine whether the home needs modification in accordance with the regulations governing the MIF.
- b. **Bid Evaluation** – The Offeror must review all acceptable General Contractor bids provided (typically three), as defined by regulation, that have been submitted for the construction or installation of an EMOD(s) as approved by the Fund Administrator. This must include evaluation of the qualifications of the General Contractors.
- c. **Mid-Modification Evaluation** – At the discretion of the Department or Fund Administrator an Evaluator must make an evaluation of the construction progress, including any requested change orders. Evaluators must make an in-person visit during this evaluation if required.
- d. **Post-Modification Evaluation** – An Evaluator must make an in-person site visit to examine the completed EMOD to determine whether the EMOD as installed or constructed meets the enrollee's functional needs, and follows the initial evaluation, including adherence to safety and all applicable building code standards. An Evaluator must observe and assess the enrollee or representative test the EMOD and confirm that all approved EMODs are functional and complete.

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

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

4.1 Tasks/Deliverables

Upon assignment by the Fund Administrator or the Department, the Offeror must perform the following evaluations in their entirety in one (1) or more Regions as defined in RFP [Section 2.0](#) (Overview). Offerors are responsible for only the evaluations and are not responsible for the construction and/or installation of the requested EMOD. The following evaluations are required with each EMOD request:

A. Initial Evaluation

Within ten (10) business days of assignment by the Fund Administrator or the Department, contact must be made by the Offeror to schedule an in-person site visit for an Initial Evaluation. Upon scheduling the Initial Evaluation, the Offeror must submit an email notification within three business days to the Fund Administrator and the Department identifying when the initial evaluation will occur. An Initial Evaluation should take no longer than ten (10) hours to complete. Offerors will not be paid for more than ten (10) hours for the Initial Evaluation for each EMOD, unless otherwise written approval by the Department.

1. The Initial Evaluation must include:
 - a. Review of a Letter of Medical Necessity from the enrollee's ordering provider outlining the needs of the enrollee; and
 - b. Review of the EMOD request(s), a visit and examination of the home, in-person, to determine whether the requested modification is in accordance with all appropriate regulations as set forth in [10 NYCRR § 69-10.1](#) including adherence to safety and all applicable building code standards. Including adherence to safety and all applicable building code standards.
 - a. If the Evaluator identifies any changes required to the EMOD request, or identifies existing barriers to safety and function, the Evaluator must document and recommend potential solutions when reporting to the Fund Administrator and the Department. Identified changes to the EMOD request must have prior approval from the Fund Administrator and/or the Department.
2. Within fifteen (15) business days of the Initial Evaluation in person home visit, the Offeror must prepare and submit a report to the Fund Administrator and the Department, which at a minimum must include:
 - a. A description of the existing conditions of the home and why an EMOD is required to meet the needs of the enrollee.
 - b. A description of the recommended EMOD(s) with sufficient detail to allow a general contractor to create an accurate itemized cost estimate.
 - c. The reason the recommended EMOD(s) was selected.
 - d. Describe alternative EMOD options considered.
 - e. An outline of how the chosen approach was determined to be the most cost-effective in addressing the enrollees stated barriers to fulfill their need.
 - f. Identifying and describing any safety concerns or requested changes associated with the proposed EMOD(s) and how they will be addressed.
 - g. An explanation of how the construction materials to be used in the recommended EMOD(s) are cost effective in comparison to alternative materials.
 - h. Pre-modification photographs, measurements, and any applicable conditions set to change in the duration from pre-modification to post-modification.

B. Bid Evaluation

As part of a Bid Evaluation the Offeror must review all acceptable bids provided (typically three), as defined by regulation [10 NYCRR § 69-10.8 \(g\)](#) that have been submitted for the construction or installation of the EMOD(s) approved by the Fund Administrator. Bid Evaluations should not take longer than four (4) hours to complete and Offeror will not be reimbursed for more than four (4) hours for this task, unless the Department has provided written approval.

The Fund Administrator currently coordinates the bidding process. At the direction of the Department, the Offeror must assist in the bidding process.

A Bid Evaluation must include the following:

1. An evaluation of the qualifications of each bidding General Contractor. The evaluation of the qualifications must include, at minimum, a review of whether the bidding General Contractor has
 - a. Any outstanding judgements on file
 - b. Any complaints that have been upheld against the bidding General Contractor by the Better Business Bureau or the New York State Department of Law
 - c. Registered with the New York State Department of State, Division of Corporations
 - d. All applicable permits or licenses as required in the municipality or jurisdiction.
2. An evaluation of the content of each bid. The evaluation must be used to make a recommendation to the Fund Administrator whether the bid is acceptable.

- a. An acceptable bid is one that includes:
 - a. A description of the complete scope of work and specifications of the EMOD;
 - b. Proof of appropriate and adequate liability insurance as required by State law for the duration of the project; and
 - c. A statement signed by the bidding General Contractor, or a person duly authorized to sign for the General Contractor stating how the work will:
 - a. Be done in a workmanlike manner
 - b. Be done using cost-effective materials suitable for purposes of the project and the safety of the enrollee and household members
 - c. Comply with all applicable building and zoning laws
3. An evaluation to ensure that each bid provides for the complete scope of work and the proper construction of the EMOD, and that each bid relies upon the use of cost-effective materials. If required to complete the Bid Evaluation process an Evaluator must contact bidding General Contractors to seek clarification on their proposal or request additional information from the bidding General Contractors.
4. Within fifteen (15) business days of receipt of all bids, the Offeror must prepare and submit a report to the Fund Administrator and the Department, detailing at a minimum:
 - a. The Offeror's findings regarding the qualifications of all the bidding General Contractors;
 - b. The completeness of the bids (including scope of work), strengths and weaknesses, and whether each General Contractor has signed the required statement that the work will be done properly and safely in compliance with building and zoning laws; and
 - c. How the materials to be used in constructing the EMOD are cost-effective in comparison to alternative materials.
5. The Offeror must recommend a bidding General Contractor for selection based on their experience and expertise if asked to do so by the Department. When asked, the Offeror must complete a Conflict-of-Interest form prior to providing the recommendation.

C. Mid-Modification Evaluation

At the discretion of the Fund Administrator or the Department, a Mid-Modification Evaluation may be required and may or may not require an in-person site visit. Mid-Modification Evaluations should not take longer than four (4) hours to complete and Offerors will not be reimbursed for more than four (4) hours for this task, unless otherwise approved by the Department. The evaluation must include the following:

1. If applicable, an Evaluator must schedule a visit with the family to determine if the in-process EMOD aligns with the bid, is on schedule or requires a request for change.
2. Within fifteen (15) business days of completion of the Mid-Modification Evaluation, the Offeror must prepare and submit a report to the Fund Administrator and the Department, detailing at a minimum:
 - a. Alignment with the chosen bid;
 - b. Adherence to the schedule;
 - c. Adherence to safety and all applicable building code standards, including review of permits and inspections; and,
 - d. Provide label photos, if applicable
 - e. The need, if any, for a change order;
 - a. In the event that there is a subsequent request for change(s) (change order) to the specifications in terms of alternative or substitute equipment or the scope of work involved in the approved EMOD, the Evaluator must assess whether the changes are appropriate and reasonable and to report the findings.

- b. Unless otherwise pre-approved by the Department, only two (2) additional billable hours are allowable for the evaluation of change orders.

D. Post-Modification Evaluation

Within fifteen (15) business days of notification of EMOD completion, a Post-Modification Evaluation must occur requiring an Evaluator to make an in-person site visit to examine the completed EMOD. Post-Modification Evaluations should not take longer than two (2) hours to complete and the Offeror will not be reimbursed for more than two (2) hours for this task, unless otherwise approved by the Department.

1. Upon scheduling a Post-Modification in person site visit, the Offeror must send an email notification to the Fund Administrator and the Department identifying when the in person site visit will occur.
2. An Evaluator must determine whether the installed or constructed EMOD meets the requirements of the approved EMOD and meets the enrollee's functional needs by:
 - a. Conducting an in person site visit to evaluate the completed EMOD
 - b. Having the enrollee or caregiver demonstrate use of the EMOD;
3. Within fifteen (15) business days of the Post-Modification site visit, the Offeror must prepare and submit a report to the Fund Administrator and the Department, documenting at a minimum:
 - a. How the modification was tested.
 - b. A description of the completed modification.
 - c. Whether the completed work aligns with the approved modification, providing details and reasons if it does not comply in full with the approval.
 - d. Whether the completed modification is in adherence of all safety and applicable building code standards.
 - e. A review of permits and inspections;
 - f. A description of the enrollee's ability to use the modification and whether it meets their functional needs.
 - g. Photographs and measurements that illustrate the completed modification in comparison to the premodification photographs, measurements and conditions;
 - h. Revisions, clarifications, and additional documentation as required by the Department upon request.

E. Serve as a Witness

1. When requested by the Fund Administrator or the Department, an Evaluator must appear and testify as a witness on behalf of the Department in relation to evaluations performed pursuant to the Contract Agreement resulting from this RFP, including attendance at administrative hearings involving review of EMOD(s) request for which the Evaluator prepared an evaluation report. The Evaluator must not appear and testify as a witness on behalf of a fund enrollee or their representative.
2. Evaluators must remain current and up to date on all applicable regulations for the life of the contract. Evaluators must remain knowledgeable and able to refer to and apply the provisions of the current and future New York State MIF Regulations set forth in [10 NYCRR § 69-10.1](#) that apply to environmental modifications. Evaluators must become familiar and comply with changes to the regulations that pertain to environmental modifications immediately after such changes become effective. In the event of any conflict between the regulations as amended from time-to-time, and the duties set forth herein, Evaluators must comply with the regulation.

F. Re-Assigned Evaluations

1. If an evaluation is reassigned, the Offeror must cooperate with the reassignment by providing the succeeding evaluator with a copy of all relevant documents in the Offeror's possession, and by consulting with the succeeding evaluator.

G. Training

1. Evaluators must attend an online training prior to the assignment of their first evaluation and must also attend additional training as determined by the Fund. These are one-hour trainings scheduled at the convenience of the Evaluator.

4.2 Staffing

Offerors must identify and provide a list of all staff, including titles and resumes, to the Department of all staff proposed to perform scope as defined in RFP [Section 4.1](#) (Tasks/Deliverables). The Offeror must notify the Department immediately of any proposed changes to the staff performing the scope of services as defined in RFP [Section 4.1](#) (Tasks/Deliverables).

4.3 Reporting

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

A. Initial Evaluation Report

Within fifteen (15) business days of the Initial Evaluation in person home visit, the Offeror must prepare and submit a report to the Fund Administrator and the Department. The report must at a minimum include the following:

- a. A description of the existing conditions to include labeled photos with measurements that illustrate why an EMOD is required to meet the needs of the enrollee.
- b. Recommended EMOD(s) with sufficient detail to allow a General Contractor to create an accurate itemized cost estimate.
- c. A visual representation of the recommended EMOD(s) to include photos of the proposed location, measurements, diagrams, and/or labeled floor plans.
- d. The reason the proposed EMOD(s) was selected and whether it is the most cost-effective approach using the most cost-effective materials to meet the enrollees stated need. Explain how the materials to be used in constructing the EMODs are cost-effective in comparison to alternative materials.
- e. Alternative EMOD options considered.
- f. Identification and description of any safety concerns associated with the proposed EMOD(s) and how they will be addressed.

If an Evaluator identifies any changes required to the EMOD request, or identifies existing barriers to safety and function, the Evaluator must document and recommend potential solutions when reporting to the Fund Administrator and the Department. Identified changes to the EMOD request must have prior approval by the Fund Administrator and/or Department.

The Initial Evaluation Report can be expected to require multiple pages, given the amount of information and detail required.

B. Bid Evaluation Report

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

- a. The findings regarding the qualifications of all the bidding General Contractors, including but not limited to:
 - i. Their commitment to completing the project in a workmanlike manner
 - ii. Using materials suitable for purposes of the project and the safety of the enrollee and household members.
- b. The acceptability and completeness of the bids (including scope of work), and whether each General Contractor signed the required statement that the work will be done properly and safely in compliance with building and zoning laws; and
- c. How the materials to be used in constructing the EMOD are cost-effective in comparison to alternative materials.

C. Mid-Modification Evaluation Report

Within fifteen (15) business days of completion of the Mid-Modification Evaluation, the Offeror must prepare and submit a report to the Fund Administrator and the Department, detailing at a minimum:

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

D. Post-Modification Evaluation Report

Within fifteen (15) business days of the Post-Modification in person site visit, the Offeror must prepare and submit a report to the Fund Administrator and the Department, detailing at a minimum:

- a. If the modification meets the requirements outlined in the initial evaluation, the Offeror must prepare a report detailing at a minimum:
 - i. How the modification was tested.
 - ii. How the modification aligns with the initial evaluation; including adherence to safety and all applicable building code standards; or,
- b. If the modification does not meet these requirements outlined in the initial evaluation, the Offeror must prepare a report describing the reasons that the modification is not in compliance.
- c. Photographs and measurements that illustrate the completed modification in comparison to the premodification photographs, measurements and conditions.

4.4 Information Technology

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

4.5 Security

The selected Contractor shall comply with all privacy and security policies and procedures of the Department (<https://its.ny.gov/policies>) and applicable State and Federal law and administrative guidance with respect to the performance of the Contract. The Contractor is required, if applicable, to execute a number of security and

privacy agreements with the Department including a Business Associate Agreement (Appendix H) and a Data Use Agreement (DUA) at contract signing.

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

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

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

The Contractor will comply fully with all current and future updates of the security procedures of the Department as well as with all applicable State and Federal requirements, in performance of the Contract.

4.6 Transition

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

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

The Offeror shall ensure that any transition to the Department, Departmental agency or successor be done in a way that provides the Department with uninterrupted services. This includes a complete and total transfer of all data, files, reports, and records generated from the inception of the contract through the end of the contract to the Department or another Department agent should that be required during, or upon expiration of, its contract.

The Offeror shall provide technical and business process support as necessary and required by the Department to transition and assume contract requirements to the Department or another Department agent should that be required during, or at the end of, the contract.

4.7 Payment

Payment of invoices and/or vouchers submitted by the successful Offeror pursuant to the terms of the Contract entered into pursuant to this RFP by the Department shall be made in accordance with Article XI-A of the New York State Finance Law. Payment terms will be:

Payment will be made to Offerors based on their hourly bid prices, specific to each region bid or bordering States or Regions, included in their submitted [Attachment B](#): Cost Proposal. In the event Offeror is awarded multiple regions, for work performed in a bordering state the lowest hourly rate will be used. Offerors shall bill only for actual hours used to complete each evaluation and the required accompanying report. Travel time, tolls and mileage are not billable outside of contracted rates. Hourly rates should be inclusive of all anticipated costs.

Unless otherwise pre-approved by the Department, for each EMOD:

- a. Offerors will be paid for no more than ten (10) hours for an Initial Evaluation.
- b. Offerors will be paid for no more than four (4) hours for a Bid Evaluation.
- c. Offerors will be paid for no more than four (4) hours for a Mid-Modification Evaluation.
- d. Offerors will be paid for no more than two (2) hours for a Post-modification Evaluation.
- e. Offerors will be paid for no more than two (2) hours for the Evaluation of Change Orders.

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

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

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

[Attachment C](#) outlines Service Level Agreements (SLAs) and the corresponding liquidated damages assessed if these SLAs are not met. If liquidated damages must be assessed, a credit to the Department in the defined amount shall be noted on the Offeror's invoice submission.

The Offeror must submit an invoice submission form (to be provided upon contract execution), a copy of any pre-authorizations issued and approved/accepted reports in an electronic format to:

MIFContracts@health.ny.gov

Entities to be carbon copied on invoice submission will be identified upon contract execution by the Department.

Payment for invoices and/or vouchers submitted by the CONTRACTOR shall only be rendered electronically unless payment by paper check is expressly authorized by the Commissioner, in the Commissioner's sole discretion, due to extenuating circumstances. Such electronic payment shall be made in accordance with ordinary State procedures and practices. The CONTRACTOR shall comply with the State Comptroller's procedures to authorize electronic payments. Authorization forms are available at the State Comptroller's website at www.osc.state.ny.us/epay/index.htm, by email at epayments@osc.state.ny.us or by telephone at 518-474-6019. CONTRACTOR acknowledges that it will not receive payment on any invoices and/or vouchers submitted under this Contract if it does not comply with the State Comptroller's electronic payment procedures, except where the Commissioner has expressly authorized payment by paper check as set forth above.

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

NYS Office of the State Comptroller Bureau of Accounting Operations Warrant & Payment Control Unit
110 State Street, 9th Floor
Albany, NY 12236

4.8 Subcontracting

Offerors may propose the use of a subcontractor to perform in or out-of-state EMOD evaluations. Unless identified in the initial vendor proposal, the Offeror shall obtain prior written approval from the Department before entering into an agreement for services to be provided by a subcontractor. The Offeror shall obtain prior

written approval from DOH before entering into an agreement for services to be provided by a subcontractor. The Offeror is solely responsible for assuring that all the requirements of this RFP are met. All subcontracts shall contain provisions specifying that the work performed by the subcontractor must be in accordance with the terms of the prime contract, and that the subcontractor specifically agrees to be bound by the confidentiality provisions set forth in the agreement between the DOH and the Offeror. DOH reserves the right to request removal of any Offeror's staff or subcontractor's staff if, in DOH's discretion, such staff is not performing in accordance with the Contract.

NOTE: Subcontractors whose contracts are valued at, or above \$100,000, will be required to submit the Vendor Responsibility Questionnaire upon selection of the prime Offeror.

4.9 Contract Insurance Requirements

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

4.10 Minority & Women-Owned Business Enterprise (M/WBE) Requirements

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

Business Participation Opportunities for M/WBEs

For purposes of this RFP, DOH hereby establishes an overall goal of 0% for M/WBE participation, 0% for Minority-Owned Business Enterprises ("MBEs") participation and 0% for Women-Owned Business Enterprises ("WBEs"), based on the current availability of qualified MBEs and WBEs and outreach efforts to certified M/WBE firms. The successful Offeror who becomes the Successful Contractor under the Contract entered into with the Department pursuant to this RFP must document good faith efforts to provide meaningful participation by M/WBEs as subcontractors or suppliers in the performance of the Contract consistent with the M/WBE participation goals established for this procurement, and Contractor must agree that DOH may withhold payment pending receipt of the required M/WBE documentation. For guidance on how DOH will determine "good faith efforts", refer to 5 NYCRR §142.8.

The directory of New York State Certified M/WBEs can be viewed at: <https://ny.newnycontracts.com>. The directory is found in the upper right-hand side of the webpage under "Search for Certified Firms" and accessed by clicking on the link entitled "MWBE Directory". Engaging with firms found in the directory with like product(s) and/or service(s) is required, and all communication efforts and responses should be well documented to establish Contractor's "good faith efforts."

By submitting a Bid in response to this RFP, for contracts with an MWBE goal above, an Offeror agrees to complete and submit an M/WBE Utilization Plan ([Attachment 5](#), Form #1) prior to award. DOH will review the submitted M/WBE Utilization Plan. If the Plan is not accepted, DOH may issue a notice of deficiency. If a notice of deficiency is issued, Offeror agrees that it shall respond to the notice of deficiency within seven (7) business days after Offeror's receipt of such notice.

DOH may disqualify an Offeror as being non-responsive to this RFP under the following circumstances:

- a) If an Offeror fails to submit a M/WBE Utilization Plan;
- b) If an Offeror fails to submit a written remedy to a notice of deficiency;
- c) If an Offeror fails to submit a request for waiver (if applicable); or

d) If DOH determines that the Offeror has failed to document good-faith efforts to provide meaningful participation by M/WBEs under the Contract in accordance with the goals for this RFP established by the Department.

The Contractor will be required to attempt to utilize, in good faith, any MBE or WBE identified in its M/WBE Utilization Plan, during the performance of the Contract. Requests for a partial or total waiver of established goal requirements made subsequent to Contract Award may be made at any time during the term of the Contract to DOH but must be made no later than prior to the submission of a request for final payment on the Contract.

The Contractor will be required to submit an Offeror's Quarterly M/WBE Contractor Compliance & Payment Report to the DOH, by the 10th day following each end of quarter over the term of the Contract documenting the progress made toward achievement of the M/WBE goals of the Contract.

If (a) the Department determines that the Offeror is not in compliance with the M/WBE requirements of the Contract and the Offeror refuses to comply with such requirements, or (b) the Department finds that the Offeror has willfully and intentionally failed to comply with the M/WBE participation goals established in the Contract, the Offeror may be required to pay to the Department liquidated damages and will be considered during future Vendor Responsibility Profile reviews should the Offeror bid on future opportunities with the Department.

Such liquidated damages shall be calculated as an amount equaling the difference between: (1) all sums identified for payment to M/WBEs had the Offeror achieved the contractual M/WBE goals; and (2) all sums actually paid to M/WBEs for work performed or materials supplied under the Contract.

A New York State certified Minority- and Women-Owned Businesses (M/WBE) may request that their firm's contact information be included on a list of M/WBE firms interested in serving as a subcontractor for this procurement. The listing will be publicly posted on the Department's website for reference by the bidding community. A firm requesting inclusion on this list should send contact information and a copy of its NYS M/WBE certification to OHIPcontracts@health.ny.gov before the Deadline for Questions as specified in [Section 1.0](#) (Calendar of Events). Nothing prohibits an M/WBE Vendor from proposing as a prime Offeror.

Please Note: Failure to comply with the foregoing requirements may result in a finding of non-responsiveness, non-responsibility and/or a breach of the Contract, leading to the withholding of funds, suspension or termination of the Contract or such other actions or enforcement proceedings as allowed by the Contract.

4.11 Equal Employment Opportunity ("EEO") Reporting

By submission of a bid in response to this solicitation, the Bidder agrees with all of the terms and conditions of [Attachment 8](#), Appendix A, including Clause 12 - Equal Employment Opportunities for Minorities and Women. Additionally, the successful bidder will be required to certify they have an acceptable Equal Employment Opportunity ("EEO") policy statement in accordance with Section III of Appendix M in [Attachment 8](#).

Further, pursuant to Article 15 of the Executive Law (the "Human Rights Law"), all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor and sub-contractors will not discriminate against any employee or applicant for employment because of race, creed (religion), color, sex, national origin, sexual orientation, military status, age, disability, predisposing genetic characteristic, marital status or domestic violence victim status, and shall also follow the requirements of the Human Rights Law with regard to non-discrimination on the basis of prior criminal conviction and prior arrest.

The Contractor is required to ensure that it and any subcontractors awarded a subcontract over \$25,000 for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon (the "Work"), except where the Work is for the beneficial use of the Contractor, undertake or continue programs to ensure that minority group members and women are afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age,

disability or marital status. For these purposes, equal opportunity shall apply in the areas of recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff, termination, and rates of pay or other forms of compensation. This requirement does not apply to: (i) work, goods, or services unrelated to the Contract; or (ii) employment outside New York State.

To ensure compliance with this Section, the Bidder should submit, with the bid or proposal, an Equal Employment Opportunity Staffing Plan ([Attachment 5](#), Form #4) identifying the anticipated work force to be utilized on the Contract. Additionally, the Bidder should submit a Minority and Women-Owned Business Enterprises and Equal Employment Opportunity Policy Statement ([Attachment 5](#), Form # 5), to the Department with their bid.

4.12 Participation Opportunities for NYS Certified Service-Disabled Veteran-Owned Businesses

Article 17-B of the New York State Executive Law provides for more meaningful participation in public procurement by NYS-certified Service-Disabled Veteran-Owned Businesses (“SDVOBs”), thereby further integrating such businesses into New York State’s economy. DOH recognizes the need to promote the employment of service-disabled veterans and to ensure that certified service-disabled veteran-owned businesses have opportunities for maximum feasible participation in the performance of DOH contracts.

In recognition of the service and sacrifices made by service-disabled veterans and in recognition of their economic activity in doing business in New York State, Offerors/Successful Contractors are strongly encouraged and expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles.

For purposes of this procurement, DOH conducted a comprehensive search and determined that the Contract does not offer sufficient opportunities to set specific goals for participation by SDVOBs as subcontractors, service providers, and suppliers to Contractor. Nevertheless, Offeror/Successful Contractor is encouraged to make good faith efforts to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials. The directory of New York State Certified SDVOBs can be viewed at: <https://ogs.ny.gov/veterans/>.

Offerors are encouraged to contact the Office of General Services’ Division of Service-Disabled Veteran’s Business Development at 518-474-2015 or VeteransDevelopment@ogs.ny.gov to discuss methods of maximizing participation by SDVOBs on the Contract.

5.0 ADMINISTRATIVE INFORMATION

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

5.1 Restricted Period

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

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

This prohibition applies to any oral, written, or electronic communication under circumstances where a reasonable person would infer that the communication was intended to influence this procurement. Violation of any of the requirements described in this Section may be grounds for a determination that the bidder is non-

responsible and therefore ineligible for this contract award. Two (2) violations within four (4) years of the rules against impermissible contacts during the “restricted period” may result in the violator being debarred from participating in DOH procurements for a period of four (4) years.

5.2 Questions

Potential Offerors may submit written questions and requests for clarification pertaining to this RFP between the issuance of this RFP and the deadline for the submission of written questions specified in [Section 1.0](#) (Calendar of Events). All questions and requests for clarification of this RFP should cite the relevant RFP, including the RFP number and title (RFP# 20774 EMOD Evaluators for NYS MIF), the section and paragraph number of this RFP or of the Attachment to this RFP to which the question relates, where applicable, and must be submitted via email to OHIPcontracts@health.ny.gov no later than the Deadline for Submission of Written Questions specified in [Section 1.0](#) (Calendar of Events). Questions received after the deadline **may not** be answered.

If a potential Offeror discovers any ambiguity, conflict, discrepancy, omission, or other apparent error in this RFP, the Offeror shall immediately notify DOH of such error in writing at OHIPcontracts@health.ny.gov and request that DOH clarify or modify the Terms of this RFP. If, prior to the deadline for the Submission of Bids, an Offeror fails to notify DOH of a known error or an error that reasonably should have been known, the Offeror shall assume the risk of bidding notwithstanding such apparent ambiguity, conflict, discrepancy, omission or other error. If awarded the Contract pursuant to the terms of this RFP, the Offeror shall not be entitled to an amendment to the terms of the Contract to correct or clarify any such ambiguity, conflict, discrepancy, omission or other error nor to any additional compensation by reason of the error or its correction.

5.3 Right to Modify RFP

DOH reserves the right to modify any part of this RFP, including but not limited to, the date and time by which proposals must be submitted and received by DOH, at any time prior to the Deadline for Submission of Proposals specified in [Section 1.0](#) (Calendar of Events). Modifications to this RFP shall be made by issuance of amendments and/or addenda.

Prior to the Deadline for Submission of Proposals, any such clarifications or modifications as deemed necessary by DOH will be posted to the DOH website.

If a prospective Offeror discovers any ambiguity, conflict, discrepancy, omission, or other error in this RFP, the Offeror shall immediately notify DOH of such error in writing at OHIPcontracts@health.ny.gov and request clarification or modification of the Request for Proposals.

If, prior to the Deadline for Submission of Proposals, an Offeror fails to notify DOH of a known error or an error that reasonably should have been known, the Offeror shall assume the risk of proposing. If awarded the Contract, the Offeror shall not be entitled to additional compensation by reason of the error or its correction.

5.4 DOH’s Reserved Rights

The Department of Health reserves the right to:

1. Reject any or all proposals received in response to the RFP;
2. Withdraw the RFP at any time, at the Department’s sole discretion;
3. Make an award under the RFP in whole or in part;
4. Disqualify any Offeror whose conduct and/or proposal fails to conform to the requirements of the RFP;
5. Seek clarifications and revisions of proposals;
6. Use proposal information obtained through site visits, management interviews and the State’s investigation of an Offeror’s qualifications, experience, ability or financial standing, and any material or information submitted by the Offeror in response to the Department’s request for clarifying information in the course of evaluation and/or selection under the RFP;

7. Prior to the bid opening, amend the RFP specifications to correct errors or oversights, or to supply additional information, as it becomes available;
8. Prior to the bid opening, direct Offerors to submit proposal modifications addressing subsequent RFP amendments;
9. Change any of the scheduled dates;
10. Eliminate any mandatory, non-material specifications that cannot be complied with by all of the prospective Offerors;
11. Waive any requirements that are not material;
12. Negotiate with the successful Offeror within the scope of the RFP in the best interests of the State;
13. Conduct contract negotiations with the next responsible Offeror, should the Department be unsuccessful in negotiating with the selected Offeror;
14. Utilize any and all ideas submitted in the proposals received;
15. Every offer shall be firm and not revocable for a period of three hundred and sixty-five days from the bid opening to the extent not inconsistent with section 2-205 of the uniform commercial code. Subsequent to such three hundred and sixty-five days, any bid is subject to withdrawal communicated in a writing signed by the Offeror; and,
16. Require clarification at any time during the procurement process and/or require correction of arithmetic or other apparent errors for the purpose of assuring a full and complete understanding of a Offeror's proposal and/or to determine a Offeror's compliance with the requirements of the solicitation.

5.5 Debriefing

Pursuant to Section 163(9)(c) of the State Finance Law, once an award has been made, any unsuccessful Offeror may request a debriefing regarding the reasons that the proposal or bid submitted by the Bidder was not selected for award. The debriefing will be limited solely to the Offeror's own Bid and will not include any discussion of other bids. Requests for a debriefing must be made within fifteen (15) calendar days of release of the written or electronic notice by the Department that the Bid submitted by the Bidder was not selected for award. Requests should be submitted in writing to a designated contact identified in the award/non-award letter.

5.6 Protest Procedures

In the event an unsuccessful Offeror wishes to protest the award resulting from this RFP, the protesting Offeror must follow the protest procedures established by the Office of the State Comptroller (OSC). These procedures can be found in Chapter XI Section 17 of the OSC's Guide to Financial Operations, which is available on-line at: <http://www.osc.state.ny.us/agencies/guide/MyWebHelp/>.

5.7 Freedom of Information Law ("FOIL")

All Bids may be disclosed or used by the Department to the extent permitted by law. The Department may disclose a Bid to any person for the purpose of assisting in evaluating the Bid or for any other lawful purpose. All Bids will become State agency records, which will be available to the public in accordance with the New York State Freedom of Information Law. **Any portion of the Bid that an Offeror believes constitutes proprietary information entitled to confidential handling, as an exception to the Freedom of Information Law, must be clearly and specifically designated in the Bid as specified in [Section 6.1.2](#) of this RFP.** If the Department agrees with the proprietary claim, the designated portion of the Offeror's Bid will be withheld from public disclosure. Blanket assertions of proprietary material will not be accepted, and failure to specifically designate proprietary material may be deemed a waiver of any right to confidential handling of such material.

5.8 Piggybacking

New York State Finance Law section 163(10)(e) (see also <https://ogs.ny.gov/procurement/piggybacking-using-other-existing-contracts-0>) allows the Commissioner of the NYS Office of General Services to consent to the use of the Contract entered into pursuant to this RFP by other New York State Agencies, and other authorized purchasers, subject to conditions and the Contractor's consent.

6.0 PROPOSAL CONTENT

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

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

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

6.1 Administrative Proposal

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

6.1.1 Bidder's Disclosure of Prior Non-Responsibility Determinations

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

6.1.2 Freedom of Information Law – Proposal Redactions

Offerors must clearly and specifically identify any portion of their proposal that a Offeror believes constitutes proprietary information entitled to confidential handling as an exception to the Freedom of Information Law. See [Section 5.7](#), (Freedom of Information Law).

6.1.3 Vendor Responsibility Questionnaire

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

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

Offerors opting to complete and submit a paper questionnaire can obtain the appropriate questionnaire from the VendRep website, www.osc.state.ny.us/vendrep, or may contact the Office of the State Comptroller's Help Desk for a copy of the paper form. Offerors should complete and submit the Vendor Responsibility Attestation, [Attachment 3](#).

6.1.4 Vendor Assurance of No Conflict of Interest or Detrimental Effect

Submit [Attachment 4](#), Vendor Assurance of No Conflict of Interest or Detrimental Effect, which includes information regarding the Offeror, members, shareholders, parents, affiliates and subcontractors. [Attachment 4](#) must be signed by an individual authorized to bind the Offeror contractually.

6.1.5 M/WBE Forms

Submit completed Form #1 and/or Form #2, Form #4 and Form #5 as directed in [Attachment 5](#), “Guide to New York State DOH M/WBE RFP Required Forms.”

6.1.6 Encouraging Use of New York Businesses in Contract Performance

Submit [Attachment 6](#), “Encouraging Use of New York State Businesses in Contract Performance” to indicate the New York Businesses you will use in the performance of the Contract.

6.1.7 Bidder’s Certified Statements

Complete, sign and submit [Attachment 7](#), “Bidder’s Certified Statements,” which includes information regarding the Offeror. [Attachment 7](#) must be signed by an individual authorized to bind the Offeror contractually. Please indicate the title or position that the signer holds with the Offeror.

6.1.8 References

Provide references using [Attachment 9](#), (References) for three entities for which you performed assessments or evaluations in the construction or installation of environmental modifications. Provide firm names, addresses, contact names, telephone numbers, and email addresses.

6.1.9 Diversity Practices Questionnaire

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

6.1.10 Executive Order 177 Prohibiting Contracts with Entities that Support Discrimination

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

6.1.11 Executive Order 16 Prohibiting Contracting with Businesses Conducting Business in Russia

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

6.1.12 State Finance Law Consultant Disclosure Provisions

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

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

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

Submit "State Consultant Services" Form A: Contractor's Planned Employment and Form B: Contractor's Annual Employment Report, available at: <http://www.osc.state.ny.us/agencies/forms/ac3271s.doc> and <http://www.osc.state.ny.us/agencies/forms/ac3272s.doc>.

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

Section 5-a of the Tax Law, as amended, effective April 26, 2006, requires certain Contractors awarded State contracts for commodities, services and technology valued at more than \$100,000 to certify to the Department of Tax and Finance (DTF) that they are registered to collect New York State and local sales and compensating use taxes. The law applies to contracts where the total amount of such contractor's sales delivered into New York State are in excess of \$300,000 for the four quarterly periods immediately preceding the quarterly period in which the certification is made, and with respect to any affiliates and subcontractors whose sales delivered into New York State exceeded \$300,000 for the four quarterly periods immediately preceding the quarterly period in which the certification is made.

This law imposes upon certain contractors the obligation to certify whether or not the contractor, its affiliates, and its subcontractors are required to register to collect State sales and compensating use tax, and contractors must certify to DTF that each affiliate and subcontractor exceeding such sales threshold is registered with DTF to collect New York State and local sales and compensating use taxes. The law prohibits the State Comptroller, or other approving agencies, from approving a contract awarded to an offeror meeting the registration requirements but who is not so registered in accordance with the law.

The successful Offeror must file a properly completed Form ST-220-CA with the Department and Form ST-220-TD with the Department of Tax and Finance. These requirements must be met before a contract may take effect. Further information can be found at the New York State Department of Taxation and Finance's website, available through this link: <http://www.tax.ny.gov/pdf/publications/sales/pub223.pdf>.

Submit these Forms, available through these links:

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

6.1.14 Gender-Based Violence and the Workplace Certification

[New York State Finance Law §139-M](#) requires bidders on competitive state procurements to certify that they have a written policy addressing gender-based violence and the workplace and that such policy meets the minimum requirements outlined on [Attachment 14](#). Bidders should review, sign, date and include as part of their submission [Attachment 14](#).

6.2 Technical Proposal

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

A Technical Proposal that is incomplete in any material respect may be eliminated from consideration. The following outlines the information requested to be provided by Offerors. The information requested should be

provided in the prescribed format. Responses that do not follow the prescribed format may be eliminated from consideration. All responses to the RFP may be subject to verification for accuracy.

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

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

6.2.1 Title Page

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

6.2.2 Table of Contents

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

6.2.3 Documentation of Offeror's Eligibility Responsive to Section 3 of RFP

Offerors must be able to meet all the requirements stated in [Section 3.1](#) of the RFP. The Offeror must submit documentation that provides sufficient evidence of meeting the criterion/criteria set forth in RFP [Section 3.0](#). This documentation may be in any format needed to demonstrate how the Offeror meets the minimum qualifications to propose.

- One (1) year of experience performing assessments or evaluations in the construction or installation of environmental modifications; and
- One (1) year of experience contracting with State or federal government agencies, or programs for individuals with disabilities.
- **NOTE:** Any vendor that is currently performing, or has performed, any Fund Administrator functions for MIF are ineligible to bid on this RFP. Any EMOD Evaluator awarded a contract under this RFP will be ineligible to bid on any future RFP to perform Fund Administrator functions for MIF in perpetuity.

Offerors who possess any or all of the preferred qualifications stated in RFP [Section 3.2](#) should submit documentation that provides sufficient evidence of meeting the criterion. This documentation may be in any format needed to demonstrate how they meet the minimum qualifications to propose.

Offerors who demonstrate the following experience are preferred:

- An entity that currently employs Certified Environmental Access Consultants (C.E.A.C.) or Certified Aging-In-Place Specialists (C.A.P.S.) and has retained C.E.A.C. or C.A.P.S. for at least six (6) months
- An entity that currently employs and has retained for six (6) or months or longer physical therapy practitioners (Physical Therapist, Physical Therapist Assistant), occupational therapy practitioners (Occupational Therapist, Occupational Therapist Assistant), or licensed nurses (Registered Nurse, Licensed Practical Nurse)
- One (1) year of experience working with the Americans with Disabilities Act (ADA) building compliance, and service or installation of Assistive Technologies on one or more projects;
- One (1) year of experience working with public entities and/or not-for-profit organizations on one or more projects, utilizing concepts of universal design; or
- One (1) year of experience working with State and local building code(s), zoning laws and any applicable safety standards.

6.2.4 Technical Proposal Narrative

The Technical Proposal should provide satisfactory evidence of the Offeror's ability to meet and expressly respond to each element listed below.

Elements of the Technical Proposal are as follows:

6.2.4.1. Tasks/ Deliverables

A. Initial Evaluation

Offerors should, in narrative format:

- a. Summarize their proposed process for scheduling an initial evaluation, ensuring it's within ten (10) business days of assignment;
- b. Describe their proposed process for submitting an email notification to the Fund Administrator and the Department identifying the date of the initial evaluation;
- c. Describe their proposed process for:
 - i. Reviewing a letter of medical necessity from the enrollee's ordering provider outlining the needs of the enrollee;
 - ii. Reviewing the EMOD Request(s) and
 - iii. Visiting and examining the home and determination of whether the requested modification is in accordance with all appropriate regulations
- d. Describe their proposed process of documenting and recommending a potential solution to report to the Fund Administrator and the Department should the modification not meet all appropriate regulations.
- e. Describe their proposed plan to prepare and submit a report for approval by the Fund Administrator and the Department within fifteen (15) business days of the initial evaluation home visit.

B. Bid Evaluation

Offerors should, in narrative format:

- a. Identify their proposed plan for receiving and reviewing all General Contractor bids provided (typically three), as defined by regulation, that have been submitted for the construction or installation of any EMOD(s) approved by the Fund Administrator;
- b. Describe their proposed plan for evaluating the qualifications of each bidding General Contractor;
- c. Describe their proposed plan for evaluating the content of each bid to make a recommendation to the Fund Administrator whether it is acceptable, as outlined in [Section 4.1.B](#) of this RFP;
- d. Describe their proposed process to ensure that each bid provides for the complete scope of work and the proper construction of the EMOD, and that each bid relies upon the use of cost-effective materials; and
- e. Describe their proposed process for recommending a bidding General Contractor for selection based on their experience and expertise.

C. Mid-Modification Evaluation

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

D. Post-Modification Evaluation

Offerors should, in narrative format:

- a. Attest to their commitment to within fifteen (15) business days of EMOD completion, a post-modification evaluation must occur and that, upon scheduling a post-modification site visit, the Offeror will send an email notification to the Fund Administrator and the Department identifying when the site visit will occur;

- b. Describe their proposed process to determine whether the installed or constructed EMOD meets the enrollee's functional needs as outlined in [Section 4.1.D](#) of this RFP; and
- c. Describe their proposed process for preparing and submitting a Post-Modification Evaluation report for approval by the Fund Administrator and the Department; and

E. Serve as a Witness

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

F. Re-Assigned Evaluations

Offerors should provide a written attestation that, in the event an evaluation is reassigned, they agree to provide the succeeding evaluator with a copy of all relevant documents in the Offeror's possession and by consulting the succeeding evaluator.

G. Training

Offers should provide a written attestation that they will have their Evaluators attend an online training prior to the assignment of their first evaluation and any additional training as determined by the Fund, scheduled at the convenience of the Evaluator.

6.2.4.2. Staffing and Qualifications

Offerors must identify and provide a list of all staff, including titles and resumes, including any proposed subcontractors they will utilize to perform the scope of work as defined in [Section 4.1](#) (Tasks/Deliverables).

6.2.4.3. Reporting

A. Initial Evaluation

Offerors should describe in narrative format, their proposed process for preparing and submitting an Initial Evaluation Report for approval within fifteen (15) business days of the initial evaluation home visit including all details listed in RFP [Section 4.3](#).

B. Bid Evaluation

Offerors should describe in narrative format, their process for preparing and submitting a Bid Evaluation Report within fifteen (15) business days of receipt of all bids, for approval by the Fund Administrator and the Department including all details listed in RFP [Section 4.3](#).

C. Mid-Modification Evaluation

Offerors should describe in narrative format, their proposed process for preparing and submitting Mid-Modification Evaluation Report(s) within fifteen (15) business days of completion of the Mid-Modification Evaluation, as outlined in RFP [Section 4.3](#).

D. Post-Modification Evaluation

Offerors should summarize their process for preparing and submitting a Post-Modification Evaluation Report within fifteen (15) business days of the Post-Modification Evaluation in person site visit including all details outlined in RFP [Section 4.3](#).

6.2.4.4. Information Technology

Offerors should describe in narrative format, their proposed process for complying with all NYS security policies and standards as described in RFP [Section 4.4](#).

6.2.4.5. Security

Offerors should describe in narrative format, their proposed process for complying with all applicable privacy and security policies and procedures as described in RFP [Section 4.5](#).

6.2.4.6 Transition

- A. Offerors should describe in narrative format, their process for turning over supporting documentation and reports on all in-process or incomplete evaluation to the Fund Administrator to the Department, with proprietary information redacted, within thirty days prior to contract expiration.
- B. Offerors should provide a written attestation confirming their acceptance to ensure that any transition to the Department, Departmental agency or successor vendor be done in a way that provides the Department with uninterrupted services including but not limited to:
 - a. 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; and
 - b. Providing technical and business process support as necessary and required by the Department to transition and assume contract requirements to the Department or another Department agent should that be required during or at the end of the contract.

6.3 Cost Proposal

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

The bid price is to cover the cost of furnishing all of the product(s)/ services sought to be procured, including but not limited to travel, materials, equipment, overhead, profit and labor to the satisfaction of the Department and the performance of all work set forth in said specifications.

NOTE: A separate Cost Proposal shall be submitted for each Region bid. The Cost Proposal must identify the Region for which the Offeror is submitting the proposal to provide EMOD evaluation services.

Only one hourly rate is acceptable for all Regions and for serving as a witness. In the event there is a discrepancy in the hourly rate submitted on Cost Proposals for the different Regions or State, the lowest hourly proposed rate will be used for all Regions awarded. In the event Offeror is awarded multiple regions, for work performed in a bordering State or Region the lowest hourly rate will be used.

Offerors should bid an hourly rate that is inclusive of all anticipated costs. Travel time, tolls, and mileage are not billable outside of contracted hourly rates.

Unless otherwise pre-approved by the Department:

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

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

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

7.0 PROPOSAL SUBMISSION

A proposal consists of three distinct parts: (1) the Administrative Proposal, (2) the Technical Proposal, and (3) the Cost Proposal. The table below outlines the requested format and volume for submission of each part.

For the sake of clarity, Offerors are required to submit one (1) separate Cost Proposal for each region bid (i.e. six [6] total Cost Proposals if Offeror is bidding on all regions). Offerors are required to submit a total of one (1) Technical Proposal and one (1) Administrative Proposal, regardless of number of region(s) bid.

Proposals should be submitted in all formats as prescribed below.

	Electronic Submission
Administrative Proposal	1 email PDF(s) labeled "Administrative Proposal" containing a standard searchable PDF file with copy/read permissions only.
Technical Proposal	1 email PDF(s) labeled "Technical Proposal" containing a standard searchable PDF file with copy/read permissions only.
Cost Proposal	1 email PDF(s) "Cost Proposal" containing standard searchable PDF file(s) with copy/read permissions only.

1. Submit three (3) separate, searchable, and open and permission password protected, PDF proposals in three (3) separate emails to: OHIPcontracts@health.ny.gov Use this naming convention for the subject line of each email: <Type of Proposal Submission, Offeror Name, RFP#XXXXX>.
2. Include, as attachment to each email, the distinct PDF file labeled "Administrative Proposal," "Technical Proposal," or "Cost Proposal" followed by Company name and RFP number. Example: "Technical Proposal Submission, ABC Company, RFP#12345."
3. All electronic bid submissions should be clear and include page numbers at the bottom of each page.
4. All electronic bid submissions should be in PDF Optical Character Recognition (OCR) searchable format.
5. The body of the email should also include the password to the file, contact information, and indicate the total number of pages intended, and, where indicated, each subset of pages listed. **Example: Administrative Proposal 14 pages total, Attachment 3 – 1 page.**
6. A font size of eleven (11) points or larger should be used. All submitted documents should contain appropriate header and footer information.
7. In the event an electronic submission cannot be read by the Department, the Department reserves the right to request a hard copy and/or electronic resubmission of any unreadable files. Offeror shall have two (2) business days to respond to such requests and must certify the resubmission is identical to the original submission.
8. Where signatures are required, the proposals should have a handwritten signature (wet ink) and be signed in blue ink. A scan of the handwritten (wet ink) signature can be used for electronic submission in the PDF. The Department reserves the right to request hard copy originals of all signature pages at any time.
9. The Department discourages overly lengthy Bids. Therefore, marketing brochures, user manuals or other materials beyond that sufficient to present a complete Bid, are not desired and will not be reviewed or evaluated. Elaborate artwork or expensive paper is not necessary or desired. In order for the Department to evaluate bids fairly and completely, all Bids should follow the format described in this RFP and provide all requested information and no extraneous or additional information or material.
10. Audio and/or videotapes are not allowed. Any submitted audio or videotapes will be ignored by the Evaluation Teams.

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

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

7.1 No Bid Form

Offerors choosing not to bid are requested to complete the No-Bid form, [Attachment 2](#). Although not mandatory, such information helps the Department direct solicitations to the correct bidding community.

8.0 METHOD OF AWARD

8.1 General Information

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

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

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

Offerors may be requested by DOH to clarify the contents of their proposals. Other than to provide such information as may be requested by DOH, no Offeror will be allowed to alter its proposal or add information after the Deadline for Submission of Proposals listed in [Section 1](#) (Calendar of Events).

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

- (1) lowest cost and;
- (2) highest ranking score in the “Background/Experience” section.

8.2 Submission Review

DOH will examine all proposals that are received in a proper and timely manner to determine if they meet the proposal submission requirements, as described in [Section 6](#) (Proposal Content) and [Section 7](#) (Proposal Submission), including documentation requested for the Administrative Proposal, as stated in this Request for Proposals. Proposals that are materially deficient in meeting the submission requirements or have omitted material documents, in the sole opinion of DOH, may be rejected.

8.3 Technical Evaluation

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

Proposals will undergo a preliminary evaluation to verify Minimum Qualifications to Propose ([Section 3](#)).

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

The scores will be normalized by using the following formulas:

$$Z = (X/Y) * 70\%$$

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

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

Z is the Total Technical Score.

The technical evaluation is 70% of the final score.

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

8.4 Cost Evaluation

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

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

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

A is Total price of lowest Cost Proposal;

B is Total price of Cost Proposal being scored; and,

C is the Cost score.

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

8.5 Composite Score

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

8.6 Reference Checks

The Offeror should submit references using [Attachment 9](#) (References). At the discretion of the Evaluation Committee, references may be checked at any point during the process to verify Offeror's qualifications to propose ([Section 3.0](#)).

8.7 Best and Final Offers

DOH reserves the right to request best and final offers. In the event DOH exercises this right, all Offerors that submitted a proposal that are susceptible to award will be asked to provide a best and final offer. Offerors will be informed that should they choose not to submit a best and final offer, the offer submitted with their proposal will be construed as their best and final offer.

8.8 Award Recommendation

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

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

9.0 ATTACHMENTS

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

1. [Bidder's Disclosure of Prior Non-Responsibility Determinations](#)
2. [No-Bid Form](#)
3. [Vendor Responsibility Attestation](#)
4. [Vendor Assurance of No Conflict of Interest or Detrimental Effect](#)
5. [Guide to New York State DOH M/WBE Required Forms & Forms](#)
6. [Encouraging Use of New York Businesses in Contract Performance](#)
7. [Bidder's Certified Statements](#)
8. [DOH Agreement](#) (Standard Contract)
9. [References](#)
10. [Diversity Practices Questionnaire](#)
11. [Executive Order 177 Prohibiting Contracts with Entities that Support Discrimination](#)
12. [Executive Order 16 Prohibiting Contracting with Businesses Conducting Business in Russia](#)
13. [Attachment 14 - State Finance Law 139M Attestation Gender Based Violence](#)

The following are attached and included in this RFP:

- A. [Proposal Document Checklist](#)
- B. [Cost Proposal](#)
- C. [Service Level Agreements](#)

ATTACHMENT A
PROPOSAL DOCUMENT CHECKLIST

Please reference [Section 7.0](#) for the appropriate format and quantities for each proposal submission.

RFP# 20774 EMOD Evaluators for NYS MIF		
FOR THE ADMINISTRATIVE PROPOSAL		
RFP §	SUBMISSION	INCLUDED
§ 6.1.1	Attachment 1 - Bidder's Disclosure of Prior Non-Responsibility Determinations	☐
§ 6.1.2	Freedom of Information Law – Proposal Redactions (If Applicable)	☐
§ 6.1.3	Attachment 3 - Vendor Responsibility Attestation	☐
§ 6.1.4	Attachment 4 - Vendor Assurance of No Conflict of Interest or Detrimental Effect	☐
§ 6.1.5	M/WBE Participation Requirements:	☐
	Attachment 5 - Form 1	☐
	Attachment 5 - Form 2 (If Applicable)	☐
	Attachment 5 - Form 4	☐
	Attachment 5 - Form 5 (If Applicable)	☐
§ 6.1.6	Attachment 6 - Encouraging Use of New York Businesses	☐
§ 6.1.7	Attachment 7 - Bidder's Certified Statements	☐
§ 6.1.8	Attachment 9 – References	☐
§ 6.1.9	Attachment 10 - Diversity Practices Questionnaire	☐
§ 6.1.10	Attachment 11 - EO 177 Prohibiting Contracts with Entities that Support Discrimination	☐
§ 6.1.11	Attachment 12 – EO 16 Contracting with Businesses Conducting Business in Russia	☐
§ 6.1.12	State Finance Law Consultant Disclosure	☐
§ 6.1.13	Sales and Compensating Use Tax Certification	☐
§ 6.1.14	Attachment 14 - Gender-Based Violence and the Workplace Certification	☐
FOR THE TECHNICAL PROPOSAL		
RFP §	SUBMISSION	INCLUDED
§ 6.2.1	Title Page	☐
§ 6.2.2	Table of Contents	☐
§ 6.2.3	Documentation of Offeror's Eligibility (Requirement)	☐
§ 6.2.4	Technical Proposal Narrative	☐
FOR THE COST PROPOSAL REQUIREMENT		
RFP §	REQUIREMENT	INCLUDED
§ 6.3	Attachment B- Cost Proposal	☐

ATTACHMENT B
COST PROPOSAL *Page 1 of 2*
RFP# 20774 EMOD Evaluators for NYS MIF

Offeror's Name: _____

Bidding Region: Choose an item. ☐ **All Counties within Bidding Region** ☐ **Select Counties within Bidding Region**

Please specify applicable select counties: _____

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

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

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

Cost proposals must be submitted using the format below:

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

ATTACHMENT B
COST PROPOSAL *Page 2 of 2*
RFP# 20774 EMOD Evaluators for NYS MIF

Offeror's Name: _____

Bidding Region: Choose an item. ☐ **All Counties within Bidding Region** ☐ **Select Counties within Bidding Region**

Please specify applicable select counties: _____

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

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

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

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

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

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

(Offeror's Signature)

(Date)

(Title)

(Phone)

ATTACHMENT C**Service Level Agreements (SLAs)****RFP# 20774 EMOD Evaluators for NYS MIF**

SLA Name	SLA*	Liquidated Damages*
MIF EMOD SLA 01	As defined in RFP Section 4.1.A, within ten (10) business days of assignment by the Fund Administrator or the Department, contact should be made by the Offeror to schedule a site visit for an initial evaluation.	5% reduction of invoiced costs per calendar day to begin on the eleventh (11th) business day from the assignment of the evaluation from the Fund Administrator or the Department.
MIF EMOD SLA 02	As defined in RFP Section 4.1.D, within fifteen (15) business days of EMOD completion, a post-modification evaluation must occur requiring an Evaluator to make a site visit to examine the completed EMOD.	5% reduction of invoiced costs per calendar day to begin on the sixteenth (16th) business day from the completion of the EMOD.
MIF EMOD SLA 03	As defined in RFP Section 4.1.G, Evaluators must attend annual online training as required by the Fund.	No Damages
MIF EMOD SLA 04	As defined in RFP Section 4.3, the: 1. Initial Evaluation Report must be received within fifteen (15) business days of the initial home visit; 2. Bid Evaluation Report must be received within fifteen (15) business days of the receipt of all bids; 3. Mid-Modification Evaluation Report, if applicable, must be received within fifteen (15) business days of completion of the Mid-Modification Evaluation; 4. Post Modification Evaluation Report must be received within fifteen (15) business days of the Post Modification site visit.	5% reduction of invoiced costs per calendar day to begin on the sixteenth (16th) business day from the initial home visit; receipt of all bids; from the completion of the Mid-Modification Evaluation; or from the Post-Modification site visit.
MIF EMOD SLA 05	As defined in RFP Section 4.6, Thirty (30) calendar days prior to contract expiration, all in-process or incomplete evaluations, supporting documentation and reports must be turned over to the Fund Administrator or the Department.	No payment will be made for work performed on any un-invoiced, in-process or incomplete evaluations if not turned over to the Fund Administrator or the Department within thirty (30) calendar days prior to contract expiration.
MIF EMOD SLA 06	As defined in RFP Section 5.4, invoices shall be submitted within thirty (30) days of the acceptance by the Department for each evaluation report (Initial, Bid, Mid-Modification, and Post Modification).	5% reduction of invoiced costs per calendar day to begin on the thirty first (31st) business day from acceptance by the Department of each evaluation report (Initial, Bid, Mid-Modification, and Post Modification).

****At the Department's discretion, the Department may waive the referenced timelines and associated penalties for delays incurred outside of the Contractor's control within scope of the contract. For such situations, the Contractor must first notify the Department in writing prior to the deadline(s) established in the SLA(s) and describe the reason for the delay.***

In order for penalties to be waived, the Department's approval must be obtained. If the Contractor fails to timely notify the Department of such delays and does not obtain approval prior to the SLA deadline, the Liquidated Damages may not be waived on the subsequent invoice(s).