

QUESTIONS AND ANSWERS- RFP #15917

Question #	RFP Reference	Bidders Question	Department of Health Response
1	Page 1, Section 2.0	How many nurse aide evaluators (NAEs) are currently utilized for the administration of this program? How many are needed overall to handle the NA program?	The contractor must determine how many NAE's are needed to achieve the RFP scheduling requirements.
2	Page 2, Section 2.1.	Must there be a separate "Abuse Registry" that must be maintained or is that all-inclusive in the NAR?	The NAR must be inclusive of findings and or convictions of resident abuse, mistreatment and misappropriations.
3	Page 5, Section 3.1.15	This requires the contractor to retrieve SSNs upon demand from DOH or other authorized government entity. Would the DOH be interested in a solution that would allow properly authorized DOH personnel to access SSNs directly without contract intervention?	The bidder may propose any solution that achieves the RFP requirements if they meet the information technology security policies and standards referenced in section 3.11.
4	Page 6, Section 3.2.5	Please confirm that it is acceptable to use test questions developed by subject matter experts from other states if the questions have been pre-tested in NY first.	Test question writers must have current NYS nursing experience. Both nurses with current NYS nursing licenses and NYS certified nursing home nurse aides can be utilized.
5	Page 7, Section 3.2.14 and 3.2.15	Please provide review criteria that will be used to evaluate whether the CEP test curriculum is analogous to the one used in NY.	Bidder's will get full credit for a curriculum that is 80% equivalent in the list of topics and minimum number of minutes allocated to those topics when compared to the current NYS curriculum provided in Attachment L.
6	Page 8, Section 3.3.11.	Is the computer-based written and/or oral examination required to be administered at the same site as the practical examination?	Yes, the WE/OE are required to be administered at the same site as the clinical skills exam.

QUESTIONS AND ANSWERS- RFP #15917

7	Page 8, Section 3.3.11.	Are contractor-owned computer-based test centers required for the WE/OE?	No
8	Page 8, Section 3.3.13	Please confirm that DOH will allow the contractor to submit revised pricing if the time allotted by DOH for the CSE differs from the contractor's proposed time.	No, revised pricing will not be permitted. See amendment page 8. Bidder should assume 30-45 minutes for administration of the CSE, however bidders will need to accommodate candidates who qualify for accommodation under the Americans with Disabilities Act.
9	Page 10, Section 3.4.4.	If the contractor can provide an electronic solution for collection of the application data from a candidate, will the paper application still be required?	The contractor must determine the best methodology to achieve the RFP requirements including collecting application data from a candidate. The Department would consider electronic solution for applications.
10	Page 10, Section 3.4. i	The Scope of Work requires a list of approved training programs be included in the handbook. Since there are hundreds of approved training programs, such a list would be quite long. Would the department consider an alternative method to providing this information, such as posting this information electronically on the vendor's webpage, to support a "greener" solution?	The contractor must determine the best methodology to achieve the RFP requirements. The department will consider alternate methods of posting the approved training programs on the vendor's webpage provided the website is listed in the Handbook and the website is kept up to date.
11	Page 11, Section 3.4.11, 3	Requires the contractor to mail, fax, or email the manual. Would DOH approve posting the manual online as an acceptable alternative?	The contractor must determine the best methodology to achieve the RFP requirements. The Department would

QUESTIONS AND ANSWERS- RFP #15917

			consider posting the manual online on the vendor's webpage as an acceptable alternative to mailing, faxing or emailing the manual.
12	Page 11, Section 3.4.11, 3.8.5vi,3.8.19,3.8.20,3.9.1g,3.9.1. j	Would DOH consider removing the requirement for faxing (from this paragraph and others) to ensure the highest level of security are provided for documents that frequently contain PII?	No. Per Appendix A of the contract, the awarded contractor shall comply with the provisions of the New York State Information Security Breach and Notification Act (General Business Law Section 899-aa; State Technology Law Section 208).
13	Page 12, Section 3.5.5	Do regional test sites only do written/oral exams, or are they required to have a skills lab to do skills exams?	Regional test sites must include a clinical skills lab.
14	Page 13, Section 3.6.3	Will the state allow a method for Training Programs to receive reports electronically via a web-based application?	See answer to question 23.
15	Page 14, Section 3.7.1	The RFP requires separate examination and SSN databases. Would a solution that stores SSNs in the examination database, masking them upon entry for security, be an acceptable alternative?	See RFP amendment #1 for the amended language to page 14, Section 3.7.1 (d). It is essential that access to the SSN not be available to unintended parties. Provided access to the examination database, included system-level access to that database, would not result in access to unencrypted SSN data, the SSN and related elements can be merged with the examination data. Typically, this would require encryption with keys stored external to the database, though other technical solutions which meet these requirements would be considered.

QUESTIONS AND ANSWERS- RFP #15917

16	Page 15, Section 3.4.15	Would it be acceptable to send certificates to nurse aides via email to print their own certificates rather than mailing a hardcopy to their homes?	Nurse aide certificates must be sent hardcopy. It would not be acceptable to send certificates via email.
17	Page 15, Section 3.5	Can exams be given at any nursing home that meets test site criteria?	Yes, provided the Nursing Home is an approved testing site.
18	Page 15, Section 3.8.5. ii	Please clarify – are SSNs to be stored on the Registry?	See section 3.1.15 of the RFP. The contractor must store and collect the SSN of each tested candidate. However, contractor is prohibited from using the SSN for any purpose whatsoever. Per section 3.8.5ii, the contractor shall include the SSN field in the database but exclude SSN's from the registry.
19	Page 17, Section 3.8.7 & p.48, Section 4	Must there be Customer Service Staff only dedicated to New York State specific inquiries.	Customer Service staff must be thoroughly trained and conversant with requirements in 3.8.7 and pg. 48 Section 4 regarding NYS specific inquiries. There is no requirement that the Customer Service staff must only be dedicated to NYS specific inquiries.
20	Page 19, Section 3.8.24.	How can the contractor know when the last date of paid nurse aide work occurred (with a requirement that recertification needs to occur every two years from the last date of paid nurse aide work)?	The contractor must determine the best methodology to achieve the RFP requirements.
21	Page 19, Section 3.9	The RFP requires that new/modified reports be provided within 20 working days. Depending on the complexity of the requested new report or modification, that timeline could be	New/modified reports must be provided within 20 working days when requested unless DOH agrees to an alternative timeframe for a specific report at the time of the request.

		challenging. Would DOH consider modifying the requirements to allow a mutually agreeable timeframe to be set for each request?	
22	Page 20, Section d.	What is the breakdown of exams done in-facility programs vs. regional test sites?	In 2016 there were approximately 23,585 in-facility exams and 6570 regional test site exams administered.
23	Page 27, Section 3.9.6	The RFP specifies that reports to nursing homes and nurse aide employers be provided in “hard copy”. Could the reports be emailed instead of hard copies?	Yes, if this procedure is phased in and facilities are notified in advance.
24	Page 27, Section 3.9.7	The RFP requires the contractor to provide DOH a copy of the Registry database (and any databases that are linked to the NAR) Does DOH require only the database or the actual Registry application plus the database.	An accurate and complete electronic copy of the NAR and any databases collected, assigned or maintained by the contractor that are linked to the NAR must be provided to DOH. Registry application not required unless essential to interpret data in the database.
25	Page 29, Section 3.11 and Page 42, Section 6.2 III. A.3.	Sections refer to compliance with Appendix F, Technology. The bidder intends to use its proprietary Registry system and other proprietary systems to publish and deliver the examinations to meet the requirements of the RFP. Will the DOH confirm that bidder’s registry or other proprietary systems identified as such shall be not considered a Project Deliverable under Appendix F and is therefore not subject to ownership change or transfer	Please see Amendment #1 to the RFP. Appendix F has been revised to include proprietary systems used in the delivery of services under this contract. These shall not be considered property of DOH. The revised Appendix F replaces the originally published Appendix F.

QUESTIONS AND ANSWERS- RFP #15917

		of title at any time to the State or DOH?	
26	Page 33, Section 5.4.3	Please clarify the circumstances in which fees can be transferred	Fees can be transferred when the bidder is notified within the required notification period that a candidate will not be testing and another candidate is substituted for the scheduled testing date.
27	Page 42, Section 6.1.I.B	Is this page limit only for the referenced paragraph or does it apply to all of 6.2.I?	The 2-page limit applies to the referenced paragraph only
28	Page 43, Section 6.2.II.A.1 and 6.2.1. A.2	Please confirm that active test forms submitted for review will be kept confidential and will not be released under FOIL.	See section 5.11. Any portion of the proposal that a bidder and specifically believes constitutes proprietary information entitled to confidential handling, as an exception to the Freedom of Information Law (FOIL) must be clearly and specifically designated in the proposal as directed in section 6.1 (D) of the RFP.
29	Page 45, Section 6.2.II.9.iii	requires the contractor to “state the number of items in the bidder’s test item bank (this number should not include test items on test forms)”. Please provide additional information regarding the reasons behind removing test items on test forms from the count.	Test items on test forms are removed from the test item bank to indicate the number of new test items available.
30	Page 46, Section 5	Can the clinical skills and written exams be given on separate days?	The CSE and WE/OE may be administered on consecutive days if necessary provided the administration of

QUESTIONS AND ANSWERS- RFP #15917

			the entire CEP takes place during a single testing session.
31	Page 46, Section 5.	Please clarify what “test sessions” means (one day vs. “single test session”)?	Test sessions are reported per individual test event.
32	Page 52, Section 8.3	Technical Evaluation. Can the Department provide more detail regarding the points or percentage weight assigned to each of the sections of the Technical proposal?	The Department will not release the weights of individual technical criteria.
33	Page 23, Section 3.7.7	Please confirm that it is not DOH’s intent to have live access to the database but rather to request that the contractor provide any necessary information available in the database upon request from DOH.	The Department does not require live access to the exam database.
34	Appendix F – Technology Provisions	This appendix is generally intended for purposes where a Contractor will create or develop Agency specific software or hardware technology products for the Department. Is Appendix F required as part of this solicitation?	Yes. Please see revised Appendix F, which is part of amendment #1 to this RFP and replaces the original Appendix F.
35	General	Please confirm that all date references in the RFP are business days rather than calendar days unless specifically stated otherwise.	They are business days.
36	Contractor Intellectual Property	In the performance of the services under any resulting contract awarded, the contractor will use existing proprietary computer programs, source codes, materials, test items, tests and intellectual property that has been	The Department will not claim ownership of any intellectual property of the vendor however, the Department shall have a non-exclusive, non-transferrable, right to use any Contractor’s intellectual property to

		previously developed by the contractor. Will the Department confirm that the contractor will retain all Intellectual Property rights and the State will not be able to disclose or assume ownership rights of, or provide any such property to another person not a party to this agreement?	properly utilize the deliverables under this contract and in performance of the Department's government function. The Department shall not disclose any intellectual property to a third party unless required to transition databases to a new vendor at the termination of the contract or required under New York State Law.
37	General	Please provide a copy of all amendments to the current contract for these services, including any renewals and/or extensions.	The Department does not release documents as part of the Q&A. The requested information may be requested under the Freedom of Information Law. (FOIL). To submit a FOIL request, please contact the Departments Records officer at FOIL@health.ny.gov.
38	General	Please provide statistical data to include number of candidates tested at each regional test site, broken down between practical, written and oral examinations for calendar years 2015 and 2016	2016 – Clinical 3,084, Written – 2,967, Oral – 121. 2015 – Clinical – 3,209, Written – 3085, Oral - 120
39	General	Please provide the pass rate by written, practical, and oral examination for the most current year	Clinical 81%, Written – 79%, Oral – 67%
40	General	Are there any statutory fee caps on the services required by the solicitation?	Yes. New York State Public Health Law Section 3802(j) sets a cap on the fees that are to be charged to the public. The Department establishes this fee schedule in accordance with the statutory cap. The 2018 fee schedule for the public will be made available to the

			<p>public and the successful bidder after an award is made pursuant to this RFP.</p>
41	General	Are any fees to be remitted to the state	<p>Yes, per section 5.4.1 of the RFP:</p> <p>“On behalf of the Department of Health, the contractor shall accept payments from the public, e.g., nursing homes, approved nurse aide training programs, students, certified nurse aides, etc., for services rendered according to a fee schedule established by the Department. These fees shall represent payment in full for the services regardless of who is paying the contractor. All money orders, checks and other payment instruments shall be made out to the New York State Department of Health unless otherwise determined by the Department. <u>The contractor shall deposit all fees, partial fees and finance charges into a bank account designated and owned by the State of New York within two business days of receipt.</u> Day of receipt is day one. The next business day is day two. This requirement applies regardless of whether the service associated with the fee has been rendered. The Department reserves the option to require the contractor to use a bank lock box and/or to deposit all fees on the day of receipt.”</p> <p>The contractor’s fee will be paid in accordance with the competitive bid pricing included in their cost proposal (Attachment C).</p>

QUESTIONS AND ANSWERS- RFP #15917

42	General	Do candidates get to choose to take an electronic or “paper” written exam or is this based on where the exam is delivered (In-facility or regional)?	All testing sites must have computers for electronic testing.
43	p. 46 #6i. and p. 45 #10i.	RFP indicates the bidders should provide number of years in the past five years (2010-2014). Is this the proper period?	See Amendment #1 for changes to the technical proposal directions.