



Department of Health

Request for Proposals

RFP# 20012

Cost Study and Operation of Certified Public Expenditure (CPE) Reimbursement Methodology for the Preschool/School Supportive Health Services Program (SSHSP)

Issued: July 26, 2019

DESIGNATED CONTACT:

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

Elizabeth Wood
Bureau of Contracts
New York State Department of Health
Corning Tower, Room 2827
Albany, New York 12237
Telephone: 518-474-7896
Email Address: elizabeth.wood@health.ny.gov

PERMISSIBLE SUBJECT MATTER CONTACT:

Pursuant to State Finance Law § 139-j(3)(a), the Department of Health identifies the following allowable contact for communications related to the submission of written proposals, written questions, pre-bid questions, and debriefings.

Justin Seastrum
New York State Department of Health
Office of Health Insurance Programs
99 Washington Avenue, One Commerce Plaza Room 1450
Albany, NY 12210
Telephone: 518-408-6634
Email Address: OHIPcontracts@health.ny.gov

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1.0 CALENDAR OF EVENTS

RFP #20012– COST STUDY AND OPERATION OF CERTIFIED PUBLIC EXPENDITURE (CPE) REIMBURSEMENT METHODOLOGY FOR THE PRESCHOOL/SCHOOL SUPPORTIVE HEALTH SERVICES PROGRAM (SSHSP)	
<u>EVENT</u>	<u>DATE</u>
Issuance of Request for Proposals	July 26, 2019
Deadline for Submission of Written Questions	Questions Due By August 9, 2019 at 4:00 p.m. ET
Responses to Written Questions Posted by DOH	On or About August 29, 2019
Deadline for Submission of Proposals	Proposals Due On Or Before September 20, 2019 at 4:00 p.m. ET
<u>Anticipated</u> Contract Start Date	February 1, 2020

2.0 OVERVIEW

Through this Request for Proposals (“RFP”), the New York State (“State”) Department of Health (“DOH”) is seeking competitive proposals from a qualified organization to provide services as further detailed in [Section 4.0](#) (Scope of Work). It is the Department’s intent to award one (1) contract from this procurement.

2.1 Introductory Background

The New York State Department of Health (Department), as the single State agency for the Medicaid program, is seeking a contractor to conduct annual cost studies to determine actual direct and indirect costs incurred by public school districts and counties (preschools) for medical care, services, and supplies, including related special education services furnished to children with disabilities. In addition, this contractor will operate a certified public expenditure (CPE) reimbursement methodology for public school districts and counties for services delivered under the Preschool/School Supportive Health Services Program (collectively, “SSHSP”). Under the SSHSP, medically necessary school supportive health services are delivered to eligible preschool and school-age children with disabilities who also have an Individualized Education Program (IEP). The Department administers the School Supportive Health Services Program in conjunction with the New York State Education Department (SED). Depending on the cost study results, consideration may also be given to enhancing the services delivered under this program. Medicaid Administrative Claiming (MAC) will not be part of this RFP.

The School Supportive Health Services Program is authorized under a 1988 amendment to §1903 of subdivision (c) of the Social Security Act. New York State implemented the change in federal law in 1989 by amending Sections 368-d and 368-e of the Social Services Law to authorize payments of Medicaid funds for SSHSP services. SSHSP assists public school districts and counties in obtaining Medicaid reimbursement for special education services provided to students with disabilities. Certain special education services provided to school-age students from five (5) years of age up to their 21st birthday and to preschool students ages three (3) through four (4) years may be covered under SSHSP, if all Medicaid requirements are met.

Following a series of federal audits of SSHSP, a new State Plan amendment was developed and approved by the Centers for Medicare and Medicaid Services (CMS) on April 26, 2010, retroactive to September 1, 2009. The approved State Plan Amendment (SPA), [#09-61](#), used a benchmark of 75%

of the 2010 Medicare rates for the mid-Hudson region to establish reimbursement rates and included clarification of provider qualifications also changing the payment methodology from a monthly-based payment system to an encounter-based payment methodology for SSHSP services. Effective 7/1/2017 the benchmark became 100% of the 2017 Medicare rates for the mid-Hudson region in accordance with [SPA #17-0057](#). Public school districts and counties are responsible for the delivery of SSHSP services.

Medicaid-reimbursable services under New York's SSHSP, for children with disabilities who have an Individualized Education Program (IEP) are included in Table 1.

Table 1: SSHSP Medicaid Eligible Services

SSHSP Medicaid Eligible Services	
1.	Physical therapy
2.	Occupational therapy
3.	Speech therapy
4.	Psychological evaluations
5.	Psychological counseling
6.	Skilled nursing
7.	Medical evaluations
8.	Medical specialist evaluations
9.	Audiological evaluations
10.	Special transportation

To be Medicaid reimbursable, school supportive health services must be:

- Included in the SSHSP Medicaid Eligible Services table;
- Included in the State's plan and available under the Early and Periodic Screening, Diagnosis and Treatment (EPSDT) program to children up to age 21;
- Medically necessary as determined by a prescription, order or referral written by a Medicaid enrolled practitioner acting within his or her scope of practice;
- Included in the student's Individualized Education Program (IEP);
- Provided by Medicaid qualified professionals under contract with or employed by a school district or a county in the State or the City of New York; and
- Furnished in accordance with all requirements of the New York State Medicaid Program and other pertinent State and federal laws and regulations, including those regarding provider qualifications, comparability of services, freedom of choice and the amount, duration and scope provisions.

The Department has established rates, which were approved by the New York State Division of the Budget, for each of the covered SSHSP services listed above. Under [SPA #17-0057](#), rates for all services except for special transportation services became 100% of the 2017 Medicare rates for the mid-Hudson region. Special transportation rates were established based on a statistically valid cost study that was conducted in 1999 and trended forward based on the change in the Consumer Price Index between July 1999 and August 2009.

SSHSP uses the encounter-based methodology that began in April 2011. The total dollar amounts of claims submitted for SSHSP services for school years 2013 - 2016 are included in the chart below for reference purposes.

SSHSP Claims by Year of Service		
2013 - 2014 SCHOOL YEAR	SCHOOL DISTRICTS	\$79,149,437
	PRESCHOOLS	\$33,625,830
	TOTAL SSHSP PAID CLAIMS	\$112,775,267
	MEDICAID CLAIM COUNT	3,365,927
2014 - 2015 SCHOOL YEAR	SCHOOL DISTRICTS	\$94,551,551
	PRESCHOOLS	\$45,659,375
	TOTAL SSHSP PAID CLAIMS	\$140,210,926
	MEDICAID CLAIM COUNT	4,175,900
2015 - 2016 SCHOOL YEAR	SCHOOL DISTRICTS	\$116,380,651
	PRESCHOOLS	\$60,245,849
	TOTAL SSHSP PAID CLAIMS	\$176,626,500
	MEDICAID CLAIM COUNT	5,270,893

2.2 Important Information

The bidder is required to review, and is requested to have legal counsel review, [Attachment 8](#), the DOH Agreement as the Bidder must be willing to enter into an Agreement substantially in accordance with the terms of [Attachment 8](#) should the bidder be selected for contract award. Please note that this RFP and the awarded bidder's proposal will become part of the contract as Appendix B and C, respectively.

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

Note, [Attachment 7](#), the Bidder's Certifications/Acknowledgements, should be submitted and includes a statement that the bidder accepts, without any added conditions, qualifications or exceptions, the contract terms and conditions contained in this RFP including any exhibits and attachments. It also includes a statement that the bidder acknowledges that, should any alternative proposals or extraneous terms be submitted with the proposal, such alternate proposals or extraneous terms will not be evaluated by the DOH.

Any qualifications or exceptions proposed by a bidder to this RFP should be submitted in writing using the process set forth in [Section 5.2](#) (Questions) prior to the deadline for submission of written questions indicated in [Section 1.0](#) (Calendar of Events). Any amendments DOH makes to the RFP as a result of questions and answers will be publicized on the DOH web sit

2.3 Term of the Agreement

This contract term is expected to be for a period of five (5) years commencing on the date shown on the Calendar of Events in [Section 1.0](#), subject to the availability of sufficient funding, successful contractor

performance, and approvals from the New York State Attorney General (AG) and the Office of the State Comptroller (OSC).

3.0 BIDDERS QUALIFICATIONS TO PROPOSE

3.1 Minimum Qualifications

NYSDOH will accept proposals from organizations with the following types and levels of experience as a prime contractor.

- A minimum of three (3) years of experience using the Certified Public Expenditure (CPE) reimbursement methodology
- A minimum of three (3) years of experience conducting random moment time studies.
- Experience must include implementation of a CPE reimbursement model in school-based programs in at least three (3) other states.

Experience acquired concurrently is considered acceptable.

For the purposes of this RFP, a prime contractor is defined as one who has the contract with the owner of a project or job and has full responsibility for its completion. A prime contractor 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.

4.0 SCOPE OF WORK

This Section describes the services that are required to be provided by the selected bidder. The selected bidder will assist the Department in operating a Certified Public Expenditure (CPE) Reimbursement model, conduct annual cost studies, provide training and support, provide quality assurance services and general requirements as noted below, throughout the contract term.

The Contractor is expected to meet with Department staff via conference call on a weekly basis and attend Department-sponsored meetings with external stakeholders in Albany, NY as needed (currently quarterly) to complete all deliverables and requirements of this RFP.

PLEASE NOTE: Significant “As Is” background documentation exists and is available to the Bidders in the Bidder’s Library. Library documents are intended only as a resource as bidders prepare their responses. They provide a window into current process and Department operational needs. It is highly recommended for potential bidders to review the **School Supportive Health Services Program Time Study Implementation Plan** located in the Bidder’s Library prior to reading any more of this RFP as it provides the necessary background for the services being procured.

If any materials, documentation, information, or data are discovered to be inaccurate or incomplete, such inaccuracy or incompleteness shall not constitute a basis for challenging the contract award, contract rejection, or renegotiation of any payment amount or rate either prior to or after contract award. All statistical information contained in the Bidder’s Library represents the best information available to the Department with regard to the current functioning at the time of bid preparation.

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

4.1 Tasks/Deliverables

The Contractor will assist the Department in operating a Certified Public Expenditure (CPE) reimbursement model which includes a Random Moment Time Study (RMTS), and Cost Study which includes the Cost Based Settlement Process. The Cost Based Settlement Process compares other schools, previous reports and RMTS percentages against allowable costs to calculate a net Medicaid cost. The Contractor will conduct studies and ensure rates fall into the currently approved reimbursement methodology for school supportive health services furnished to Medicaid-eligible students with disabilities in accordance with Medicaid SPAs [#11-39A, #11-39B, #11-39C, 11-39D, #17-27, and #17-28](#).

The CPE reimbursement methodology is designed to determine a federal share for public school districts and counties (preschools) participating in SSHSP for their cost of providing SSHSP services to Medicaid eligible students. The reimbursement methodology for interim direct service claiming is based on SSHSP service type, Current Procedural Terminology (CPT) codes and session length. A list of CPT codes and special transportation rates can be found in **Attachment D** and **Attachment E** in the Bidder's Library. Additional information about the CPE process can also be found at <http://www.oms.nysed.gov/medicaid/CPEs/home.html>.

4.1.1 General Requirements

The Contractor shall:

1. Within four (4) months of the contract start date or the contract approval date, whichever is later,
 - Provide a mechanism for administering the RMTS that is compliant with federal Medicaid claiming requirements, the relevant approved SPA, and the School Supportive Health Services Program Time Study Implementation Plan located in the Bidders Library.
 - Create a centralized, uniform, and CMS compliant system to capture cost data for purposes of quarterly reporting by public school districts and counties. This system will be used to collect cost data via cost reports from participating SSHSP providers in order to complete the Annual Cost Study outlined in Section 4.1.2.
2. Within six (6) months of the contract start date or the contract approval date, whichever is later, develop and conduct a statistically valid cost study to determine whether current SSHSP reimbursement rates provide appropriate compensation for medical services furnished under the SSHSP and for special transportation costs for the 2018-19 school year. The medical SSHSP services subject to a cost study will include, at a minimum, physical/speech/occupational therapy, nursing, psychology, audiological evaluations, and physician services. Special transportation services subject to a cost study are specially modified vehicles which transport the student to a day program and meet the need of the IEP.
3. Administer Random Moment Time Studies (RMTS) three quarters per year (October through June) in accordance with federal Medicaid claiming requirements, the relevant approved State Plan Amendments, and the NY State Time Study Implementation Plan. An average of October through June quarters is used for the quarter of July through September. The RMTS method polls participants on an individual basis at random time intervals over a given time and totals the results to determine work effort for the entire population of eligible staff over that same time period. The RMTS method provides a statistically valid means of determining what portion of the selected group of participants' workloads is spent performing activities that are reimbursable by Medicaid. The contractor's first RMTS will be performed for the 2019-20 School Year.
4. Conduct all activities necessary to generate RMTS results and submit a quarterly report to the Department no later than the last business day of the month following the end of the quarter. Activities include, but are not limited to:

- identifying total pool of time study participants and moments
 - randomly selecting moments; randomly matching each moment to a participant
 - notifying selected participants via email about their selection. Sampled participants will be notified of their sampled moment at the exact time of their moment.
 - providing technical assistance for districts with incomplete sampling as outlined in section 4.1.3,
 - providing ongoing technical assistance to ensure a 90% completion rate of RMTS for participating districts, at an individual participating entity level,
 - monitoring compliance for the returned moments,
 - coding of time study responses and compilation of responses
 - performing quality control to ensure coding of time study responses is consistent and in accordance with established rules
 - centrally code all moments submitted and randomly select a 5% sample of the coded responses to be submitted to the STATE each quarter for validation.
 - monitor the Local Education Agencies (LEAs) to ensure they are properly returning sample moments.
 - make changes to the RMTS as needed with DOH review and approval.
5. Calculate Medicaid allowable costs in accordance with Medicaid SPAs [#11-39A](#), [#11-39B](#), [#11-39C](#), [11-39D](#), [#17-27](#), and [#17-28](#) by collecting cost data, utilizing the centralized, uniform and CMS-approved system in #1 above, from each participating public school district and county (preschool) in a format to be recommended by the vendor and approved by the Department in consultation with the SED in accordance with section 4.1.2 Annual Cost Study. This cost data from each participating public school district and county comes in the form of a cost report (1 report per/public school district or county)
6. Provide Training and Support as outlined in Section 4.1.3.
7. Assist the Department with maintenance of
- the Medicaid SPAs [#11-39A](#), [#11-39B](#), [#11-39C](#), [11-39D](#), [#17-27](#), and [#17-28](#),
 - future State Plan Amendments
 - the School Supportive Health Services Program Time Study Implementation Plan
 - Guide to Cost Reporting
8. Assist the Department with correspondence as related to the SSHSP and Certified Public Expenditures with CMS, other federal agencies and Contractors.

Tables 2 and 3 below provide the number of public school districts and counties in New York State along with historical participation. All proposed changes to SSHSP reimbursement shall be compliant with applicable federal and State Medicaid laws and Individuals with Disabilities Education Act (IDEA) requirements and meet CMS' approval where required.

Table 2: Total Number of Public School Districts and Counties in New York State

Public School districts	671
Counties	58 (including NYC)
Total	729*

*Currently there are approximately 643 public school districts and counties who participate in SSHSP. This number is based on the 2016-17 school year and is subject to change.

Table 3: Historical Figures for Public School Districts and Counties participating in SSHSP

School Year	Public school districts	Counties
2001-2012	588	50
2012-2013	586	53
2013-2014	580	56
2014-2015	583	55
2015-2016	592	55

4.1.2 Annual Cost Study

The Contractor will determine whether current reimbursement for preschool and school supportive health services furnished in public school districts and counties in New York State reflects the actual cost of service delivery.

The Contractor will conduct a cost study and assist the Department in maintaining an annual cost reconciled and settled model for reimbursement of school supportive health services furnished in all public school districts and counties (including New York City (NYC)) using the CPE methodology under SPAs [#11-39A](#), [#11-39B](#), [#11-39C](#), [11-39D](#), [#17-27](#), and [#17-28](#).

To complete the annual cost study, in accordance with the School Supportive Health Services Program Time Study Implementation Plan, the Contractor will:

- Collect cost data, according to 4.1.1, from participating providers on an annual basis by December 31st.
- Review and validate cost reports submitted by each school district and county on an annual basis by April 30th of the following year.
- Perform an annual desk review on every cost report submitted by each school district and county by September 30th of the following year.
- Calculate cost settlement amounts for each school district and county on an annual basis by February 15th, two years following.
- Generate and submit cost settlement reports to the Department that meet applicable Federal and State requirements by February 15th on an annual basis after the first report. These include SPA and program implementation requirements.

Cost study for School Year 2017-2018 (October 2017- June 2018) Example	
Due Date	Action
12/31/18	Collect cost data from participating providers annually
04/30/19	Review and validate cost reports submitted by each school district and county
09/30/19	Perform annual desk review
02/15/20	Calculate cost settlement amounts for each school district and county Generate and submit cost settlement reports to DOH

4.1.3 Training and Technical Support

The Contractor will ensure that public school districts and counties are provided with the necessary training and technical support to participate in the RMTS and complete their cost reports by September 30th of each year; supporting CPE claiming.

1. Training:
 - Perform Departmental approved semi-annual web-based training for contract staff within public school districts and counties, the Department, and the SED on the Medicaid Cost Settlement Process including the implementation of the Random Moment Time Study (RMTS) and filing of annual cost reports under the CPE Model.
 - Agree with the Department and State Education Department on the specific school district and county staff to be trained (on a semi-annual basis)
 - Use only Departmental approved training materials when delivering web-based training to external groups.

2. Technical Support:
 - Provide technical assistance to public schools and counties at no additional cost to the State for the duration of the contract. Technical assistance may include authorizing public-school district and county staff as users of the RMTS mechanism/system and cost reporting system, assisting users utilizing the RMTS and/or cost reporting systems, answering questions about the RMTS, cost reporting and system functions. Technical assistance will be provided utilizing a toll-free state-wide hotline as described below.

 - Make reports available to public school districts and counties as needed to support the SSHSP via email or contractor website to support their school supportive health services programs, quality assurance and internal control activities including:
 - Random Moment Time Study response rates (weekly);
 - Cost Reports (annually);
 - Desk Review reports (as needed); and
 - Other reports as needed.

 - Operate and maintain a toll-free state-wide hotline for public school district and county RMTS questions. This toll-free hotline will be operated January through December, Monday through Friday from 9 AM to 5 PM excluding State Holidays. Over the past year (from June 1, 2018 through May 31, 2019) the current contractor has processed 2,188 calls.

Estimated number of calls processed monthly											
Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec
172	102	136	76	134	74	127	267	357	87	336	317

4.1.4 Quality Assurance

The Contractor will provide a written quality assurance (QA) plan within 60 days of the contract approval date. The QA plan will describe how the Contractor will ensure all services are delivered effectively, accurately and timely. The QA plan will also define the procedures and standards by which the Contractor will maintain and evaluate its performance.

4.2 Staffing

The Contractor will assign a full-time contract manager who will be the primary contact with the Department. The contract manager will have two (2) years' experience implementing/overseeing a CPE and RMTS project of similar nature, will manage the requirements of this contract and be available to meet with Department staff primarily in Albany, but may be asked to meet in another major metropolitan area within the State (Buffalo, Syracuse, Manhattan). The contract manager is expected to attend weekly conference calls or webinars and will be required to attend bi-annual meetings in person in Albany, NY. These frequencies are only estimates and the contract manager is expected to attend meetings on an as needed basis. The Contractor will supply a copy of the proposed contract manager's resume for review and approval by the Department prior to commencement of work on this project. The Department reserves the right to require an interview prior to issuing their approval.

The Contractor shall have Information technology staff available to facilitate and coordinate the migration of Department data files into the Contractor's data system. Department information technology staff will not be responsible for work outside of the creation of data files to be used in the migration.

The contractor shall ensure that all staff assigned to the project possess the required knowledge and experience to complete the specifications of the RFP.

4.3 Reporting

The Contractor shall submit all reports requested in an electronic format utilizing a template created by the Contractor and prior to use approved by the Department.

The Contractor shall produce an annual report with a format agreed upon by the Department detailing the cost settlement amount for each school district and county by February 15th.

The Contractor will be required to file quarterly progress reports, with an annual progress report to be submitted with the annual vouchers. The quarterly progress reports will detail the work accomplished by the contractor regarding the deliverables listed in section 4.1 of this RFP. Quarterly progress reports will be due thirty (30) days after the end of the quarter. An annual summary report on all contract activities will be due within forty-five (45) days after each State Fiscal year. A final summary report on all contract activities will be due within forty-five (45) days after the contract term.

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 Contractor agrees to enter into a data exchange agreement with the Department. Pursuant to that agreement, the Department will provide the contractor with demographic, service and expenditure data appropriate to conduct the analysis in a format determined by the Department in conjunction with the contractor. The Contractor will be capable of accepting data including program participant data for utilization of services, eligibility data, and reimbursement rates for program services. The Contractor will be responsible for all work related to transferring data from the Department and performing quality assurance activities and providing the Department with reports that assure the accuracy of the transfer.

The Contractor will be responsible for maintaining the security of all data files and employ federally approved methods of data encryption to prevent theft of personally identifiable information. The Contractor will adhere to all requirements under the Health Insurance Portability and Accountability Act (HIPAA) and Family Educational Rights and Privacy Act (FERPA) for protection of data, including security, confidentiality and transactions requirements.

4.6 Transition

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

The contractor 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 of the school supportive health services program should that be required during or at the end of the contract.

The contractor shall manage and maintain the appropriate number of staff to meet all requirements listed in the RFP during the transition. All reporting and record requirements, security standards, and performance standards are still in effect during the transition period.

The contractor is required to develop a work plan and timeline to securely and smoothly transfer any data 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 plan and documentation must be submitted to the Department no later than six (6) months after the start date of the contract.

5.0 ADMINISTRATIVE INFORMATION

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

5.1 Restricted Period

“Restricted period” means the period of time commencing with the earliest written notice, advertisement, or solicitation of a Request for Proposals (“RFP”), Invitation for Bids (“IFB”), or solicitation of proposals, or any other method for soliciting a response from 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.

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.

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

5.2 Questions

There will be an opportunity available for submission of written questions and requests for clarification with regard to this RFP. All questions and requests for clarification of this RFP should cite the particular RFP Section and paragraph number where applicable and must be submitted via email to OHIPContracts@health.ny.gov. It is the bidder’s responsibility to ensure that email containing written questions and/or requests for clarification is received at the above address no later than the Deadline for Submission of Written Questions as specified in [Section 1.0](#) (Calendar of Events). Questions received after the deadline may **not** be answered.

5.3 Right to Modify RFP

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

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

If the bidder discovers any ambiguity, conflict, discrepancy, omission, or other error in this RFP, the Bidder shall immediately notify DOH of such error in writing at OHIPContracts@health.ny.gov and request clarification or modification of the document.

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

5.4 Payment

The contractor shall submit invoices and/or vouchers to the State's designated payment office:

Preferred Method: Email a .pdf copy of your signed voucher to the BSC at: AccountsPayable@ogs.ny.gov with a subject field as follows:

Subject: **Unit ID 3450437 Contract # TBD**

Alternate Method: Mail vouchers to BSC at the following U.S. postal address:

**NYS Department of Health
Unit ID 3450437
c/o NYS OGS BSC Accounts Payable
Building 5, 5th Floor
1220 Washington Ave.
Albany, NY 12226-1900**

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 <http://www.osc.state.ny.us/epay>.

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

Payment of such invoices and/or vouchers by the State (NYS Department of Health) shall be made in accordance with Article XI-A of the New York State Finance Law. Payment terms will be:

The selected contractor will be reimbursed for all deliverables upon completion via the all-inclusive deliverable price outlined in the Attachment B – Cost Proposal. **This all-inclusive deliverable price will reflect all costs related to materials, labor, profit, equipment, overhead, meetings, training,**

reporting, analysis, and any other costs required to complete all deliverables and adhere to all standards of this RFP. Transition expenses will not be reimbursed separately. Travel will be reimbursed for actual expenses and cannot exceed the amount allowed for state employee travel as outlined by the NYS Office for the State Comptroller. Additional information is available at: <http://www.osc.state.ny.us/agencies/travel/travel.htm>. All submitted deliverables are subject to the review and approval by the Department. Any corrections, updates, or edits requested by the Department to any submitted deliverables, will be completed by the contractor at no additional cost.

5.5 Minority & Woman-Owned Business Enterprise Requirements

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

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

Business Participation Opportunities for MWBEs

For purposes of this solicitation, DOH hereby establishes an overall goal of **30%** for MWBE participation, **15%** for Minority-Owned Business Enterprises (“MBE”) participation and **15%** for Women-Owned Business Enterprises (“WBE”) participation (based on the current availability of qualified MBEs and WBEs and outreach efforts to certified MWBE firms). A contractor (“Contractor”) on the subject contract (“Contract”) must document good faith efforts to provide meaningful participation by MWBEs as subcontractors or suppliers in the performance of the Contract and Contractor agrees that DOH may withhold payment pending receipt of the required MWBE documentation. For guidance on how DOH will determine “good faith efforts,” refer to 5 NYCRR §142.8.

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

By submitting a bid, a bidder agrees to complete an MWBE Utilization Plan ([Attachment 5](#), Form #1) of this RFP. DOH will review the submitted MWBE Utilization Plan. If the plan is not accepted, DOH may issue a notice of deficiency. If a notice of deficiency is issued, Bidder agrees that it shall respond to the notice of deficiency within seven (7) business days of receipt. DOH may disqualify a Bidder as being non-responsive under the following circumstances:

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

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

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

If the Contractor is found to have willfully and intentionally failed to comply with the MWBE participation goals set forth in the Contract, such finding will constitute a breach of Contract and DOH may withhold payment from the Contractor as liquidated damages.

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

New York State certified Minority- and Women-Owned Businesses (M/WBE) may request that their firm's contact information be included on a list of M/WBE firms interested in serving as a subcontractor for this procurement. The listing will be publicly posted on the Department's website for reference by the bidding community. A firm requesting inclusion on this list should send contact information and a copy of its NYS M/WBE certification to 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 contractor.

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

5.6 Equal Employment Opportunity (EEO) Reporting

By submission of a bid in response to this solicitation, the 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 EEO (Equal Employment Opportunity) policy statement in accordance with Section III of Appendix M in [Attachment 8](#).

Further, pursuant to Article 15 of the Executive Law (the "Human Rights Law"), all other State and Federal statutory and constitutional non-discrimination provisions, the 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 DOH with their bid or proposal.

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

Section 5-a of the Tax Law, as amended, effective April 26, 2006, requires certain 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 contractors' 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 Bidder must file a properly completed Form ST-220-CA with the Department of Health and Form ST-220-TD with the DTF. These requirements must be met before a contract may take effect. Further information can be found at the New York State Department of Taxation and Finance's website, available through this link: <http://www.tax.ny.gov/pdf/publications/sales/pub223.pdf>.

Forms are available through these links:

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

5.8 Contract Insurance Requirements

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

5.9 Subcontracting

Bidder's may propose the use of a subcontractor. The Contractor shall obtain prior written approval from NYSDOH before entering into an agreement for services to be provided by a subcontractor. The Contractor is solely responsible for assuring that the requirements of the RFP are met. All subcontracts shall contain provisions specifying that the work performed by the subcontractor must be in accordance with the terms of the prime contract, and that the subcontractor specifically agrees to be bound by the confidentiality provisions set forth in the agreement between the DOH and the Contractor. DOH reserves the right to request removal of any bidder's staff or subcontractor's staff if, in DOH's discretion, such staff is not performing in accordance with the Agreement. Subcontractors whose contracts are valued at or above \$100,000 will be required to submit the Vendor Responsibility Questionnaire upon selection of the prime contractor.

5.10 DOH's Reserved Rights

The Department of Health reserves the right to:

1. Reject any or all proposals received in response to the RFP;
2. Withdraw the RFP at any time, at the agency's sole discretion;
3. Make an award under the RFP in whole or in part;
4. Disqualify any bidder whose conduct and/or proposal fails to conform to the requirements of the RFP;
5. Seek clarifications and revisions of proposals;
6. Use proposal information obtained through site visits, management interviews and the state's investigation of a bidder's qualifications, experience, ability or financial standing, and any material or information submitted by the bidder in response to the agency's request for clarifying information in the course of evaluation and/or selection under the RFP;
7. Prior to the bid opening, amend the RFP specifications to correct errors or oversights, or to supply additional information, as it becomes available;
8. Prior to the bid opening, direct bidders 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 bidders;
11. Waive any requirements that are not material;
12. Negotiate with the successful bidder within the scope of the RFP in the best interests of the state;
13. Conduct contract negotiations with the next responsible bidder, should the Department be unsuccessful in negotiating with the selected bidder;
14. Utilize any and all ideas submitted in the proposals received;
15. Every offer shall be firm and not revocable for a period of three hundred and sixty-five days from the bid opening, to the extent not inconsistent with section 2-205 of the uniform commercial code. Subsequent to such three hundred and sixty-five days, any offer is subject to withdrawal communicated in a writing signed by the offerer; and,
16. Require clarification at any time during the procurement process and/or require correction of arithmetic or other apparent errors for the purpose of assuring a full and complete understanding of an offerer's proposal and/or to determine an offerer's compliance with the requirements of the solicitation.

5.11 Freedom of Information Law ("FOIL")

All proposals may be disclosed or used by DOH to the extent permitted by law. DOH may disclose a proposal to any person for the purpose of assisting in evaluating the proposal or for any other lawful purpose. All proposals will become State agency records, which will be available to the public in accordance with the Freedom of Information Law. **Any portion of the proposal that a Bidder believes constitutes proprietary information entitled to confidential handling, as an exception to the Freedom of Information Law, must be clearly and specifically designated in the proposal as directed in [Section 6.1 \(D\)](#) of the RFP.** If DOH agrees with the proprietary claim, the designated portion of the proposal will be withheld from public disclosure. Blanket assertions of proprietary material will not be accepted, and failure to specifically designate proprietary material may be deemed a waiver of any right to confidential handling of such material.

5.12 Lobbying

Chapter 1 of the Laws of 2005, as amended by Chapter 596 of the Laws of 2005, made significant changes as it pertains to development of procurement contracts with governmental entities. The changes included:

- a) made the lobbying law applicable to attempts to influence procurement contracts once the procurement process has been commenced by a state agency, unified court system, state legislature, public authority, certain industrial development agencies and local benefit corporations;

- b) required the above mentioned governmental entities to record all contacts made by lobbyists and contractors about a governmental procurement so that the public knows who is contacting governmental entities about procurements;
- c) required governmental entities to designate persons who generally may be the only staff contacted relative to the governmental procurement by that entity in a restricted period;
- d) authorized the New York State Commission on Public Integrity, (now New York State Joint Commission on Public Ethics), to impose fines and penalties against persons/organizations engaging in impermissible contacts about a governmental procurement and provides for the debarment of repeat violators;
- e) directed the Office of General Services to disclose and maintain a list of non-responsible bidders pursuant to this new law and those who have been debarred and publish such list on its website;
- f) required the timely disclosure of accurate and complete information from offerers with respect to determinations of non-responsibility and debarment; (Bidders responding to this RFP should submit a completed and signed [Attachment 1](#), "Prior Non-Responsibility Determination".)
- g) increased the monetary threshold which triggers a lobbyist's obligations under the Lobbying Act from \$2,000 to \$5,000; and
- h) established the Advisory Council on Procurement Lobbying.

Subsequently, Chapter 14 of the Laws of 2007 amended the Lobbying Act of the Legislative Law, particularly as it related to specific aspects of procurements as follows: (i) prohibiting lobbyists from entering into retainer agreements on the outcome of government grant making or other agreement involving public funding; and (ii) reporting lobbying efforts for grants, loans and other disbursements of public funds over \$15,000.

The most notable, however, was the increased penalties provided under Section 20 of Chapter 14 of the Laws of 2007, which replaced old penalty provisions and the addition of a suspension option for lobbyists engaged in repeated violations. Further amendments to the Lobbying Act were made in Chapter 4 of the Laws of 2010.

Questions regarding the registration and operation of the Lobbying Act should be directed to the New York State Joint Commission on Public Ethics.

5.13 State Finance Law Consultant Disclosure Provisions

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

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

State Consultant Services Form A: Contractor's Planned Employment and Form B: Contractor's Annual Employment Report may be accessed electronically at: <http://www.osc.state.ny.us/agencies/forms/ac3271s.doc> and

<http://www.osc.state.ny.us/agencies/forms/ac3272s.doc>.

5.14 Debriefing

Once an award has been made, bidders may request a debriefing of their proposal. Please note the debriefing will be limited only to the strengths and weaknesses of the bidder's proposal, and will not include any discussion of other proposals. Requests must be received no later than fifteen (15) calendar days from date of award or non-award announcement.

5.15 Protest Procedures

In the event unsuccessful bidders wish to protest the award resulting from this RFP, bidders should follow the protest procedures established by the Office of the State Comptroller (OSC). These procedures can be found in Chapter XI Section 17 of the Guide to Financial Operations (GFO). Available on-line at:

<http://www.osc.state.ny.us/agencies/guide/MyWebHelp/>

5.16 Iran Divestment Act

By submitting a bid in response to this solicitation or by assuming the responsibility of a Contract awarded hereunder, Bidder/Contractor (or any assignee) certifies that it is not on the "Entities Determined To Be Non-Responsive Bidders/Offerers Pursuant to The New York State Iran Divestment Act of 2012" list ("Prohibited Entities List") posted on the OGS website (currently found at this address: <http://www.ogs.ny.gov/about/regs/docs/ListofEntities.pdf>) and further certifies that it will not utilize on such Contract any subcontractor that is identified on the Prohibited Entities List. Additionally, Bidder/Contractor is advised that should it seek to renew or extend a Contract awarded in response to the solicitation, it must provide the same certification at the time the Contract is renewed or extended.

During the term of the Contract, should DOH receive information that a person (as defined in State Finance Law §165-a) is in violation of the above-referenced certifications, DOH will review such information and offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in the investment activity which is in violation of the Act within 90 days after the determination of such violation, then DOH shall take such action as may be appropriate and provided for by law, rule, or contract, including, but not limited to, seeking compliance, recovering damages, or declaring the Contractor in default. DOH reserves the right to reject any bid, request for assignment, renewal or extension for an entity that appears on the Prohibited Entities List prior to the award, assignment, renewal or extension of a contract, and to pursue a responsibility review with respect to any entity that is awarded a contract and appears on the Prohibited Entities list after contract award.

5.17 Piggybacking

New York State Finance Law section 163(10)(e) (see also <http://www.ogs.ny.gov/purchase/snt/sfixi.asp>) allows the Commissioner of the NYS Office of General Services to consent to the use of this contract by other New York State Agencies, and other authorized purchasers, subject to conditions and the Contractor's consent.

5.18 Encouraging Use of New York Businesses in Contract Performance

Public procurements can drive and improve the State's economic engine through promotion of the use of New York businesses by its contractors. New York State businesses have a substantial presence in State contracts and strongly contribute to the economies of the state and the nation. In recognition of their economic activity and leadership in doing business in New York State, bidders/proposers for this contract for commodities, services or technology are strongly encouraged and expected to consider New York State businesses in the fulfillment of the requirements of the contract. Such partnering may be as subcontractors, suppliers, protégés or other supporting roles. All bidders should complete [Attachment 6](#), Encouraging Use of New York Businesses in Contract Performance, to indicate their intent to use/not use New York Businesses in the performance of this contract.

5.19 Diversity Practices Questionnaire

Diversity practices are the efforts of contractors to include New York State-certified Minority and Women-owned Business Enterprises (“MWBES”) in their business practices. Diversity practices may include past, present, or future actions and policies, and include activities of contractors on contracts with private entities and governmental units other than the State of New York. Assessing the diversity practices of contractors enables contractors to engage in meaningful, capacity-building collaborations with MWBEs.

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

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

In recognition of the service and sacrifices made by service-disabled veterans and in recognition of their economic activity in doing business in New York State, Bidders/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, Bidder/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/>

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

5.21 Intellectual Property

Any work product created pursuant to this agreement and any subcontract shall become the sole and exclusive property of the New York State Department of Health, which shall have all rights of ownership and authorship in such work product.

5.22 Vendor Assurance of No Conflict of Interest or Detrimental Effect

All bidders responding to this solicitation should submit [Attachment 4](#) to attest that their performance of the services outlined in this IFB does not create a conflict of interest and that the bidder will not act in any manner that is detrimental to any other State project on which they are rendering services.

5.23 Executive Order 177 Prohibiting Contracts with Entities that Support Discrimination

The New York State Human Rights Law, Article 15 of the Executive Law, prohibits discrimination and harassment based on age, race, creed, color, national origin, sex, pregnancy or pregnancy-related conditions, sexual orientation, gender identity, disability, marital status, familial status, domestic violence victim status, prior arrest or conviction record, military status or predisposing genetic characteristics. In accordance with Executive Order No. 177, the Offeror certifies that they do not have institutional policies or practices that fail to address those protected status under the Human Rights Law.

6.0 PROPOSAL CONTENT

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

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

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

6.1 Administrative Proposal

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

A. Bidder's Disclosure of Prior Non-Responsibility Determinations

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

B. Freedom of Information Law – Proposal Redactions

Bidders must clearly and specifically identify any portion of the proposal that a Bidder believes constitutes proprietary information entitled to confidential handling as an exception to the Freedom of Information Law. See [Section 4.10](#), (Freedom of Information Law)

C. Vendor Responsibility Questionnaire

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

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

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

D. Vendors Assurance of No Conflict of Interest or Detrimental Effect

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

E. M/WBE Forms

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

F. Encouraging Use of New York Businesses in Contract Performance

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

G. Bidder's Certified Statements

Submit [Attachment 7](#), "Bidder's Certified Statements", which includes information regarding the Bidder. Attachment A must be signed by an individual authorized to bind the Bidder contractually. Please indicate the title or position that the signer holds with the Bidder. DOH reserves the right to reject a proposal that contains an incomplete or unsigned [Attachment 7](#) or no [Attachment 7](#).

H. References

Provide references using [Attachment 9](#), (References) from three state agencies where a CPE Reimbursement Model in a school-based program was either maintained or implemented in the last 10 years. Provide firm names, addresses, contact names, telephone numbers, and email addresses.

I. Diversity Practices Questionnaire

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

J. Executive Order 177 Prohibiting Contracts with Entities that Support Discrimination

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

6.2 Technical Proposal

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

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

A. Title Page

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

B. Table of Contents

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

C. Documentation of Bidder's Eligibility Responsive to Section 3.0 of RFP

Bidders must be able to meet all the requirements stated in Section 3.0 of the RFP. The bidder must submit documentation that provides sufficient evidence of meeting the criterion. This documentation may be in any format needed to demonstrate how they meet the minimum qualifications to propose.

Describe how you meet the minimum of three (3) years of experience using the Certified Public Expenditure (CPE) reimbursement methodology and three (3) years conducting random moment time studies. This experience must include implementation of a CPE reimbursement model in school based programs in at least three (3) other states.

D. Technical Proposal Narrative

The technical proposal should provide satisfactory evidence of the Bidder's ability to meet, and expressly respond to, each element listed below.

Elements of the technical proposal are as follows:

D.1 Organizational Background and Experience

a. Provide a brief history and description of your organization including its business mission, headquarters and branch office locations, parent and subsidiary organizations, and the relationship between the bidder's organization and any parent or subsidiary.

b. Describe in detail the bidder's experience performing analysis of health care, disability or educational payment systems. Summarize the bidders procedure to assist the Department's effort to assess the current reimbursement methodology, and how the bidder plans to maintain a Certified Public Expenditure (CPE) reimbursement methodology for the SSHSP. The bidder should include experience with any of the following: Part B IDEA regulations, NYS School Supportive Health Services Program procedures and requirements, the Medicaid Program, and similar types of service systems, such as those delivered under the auspices of the Office for People with Developmental Disabilities, Office of Mental Health, and State Education Department.

c. Describe your ability to meet the performance requirements as described in Sections 4.1 through 4.8 (Scope of Work) of the RFP including technologies, special techniques, skills or abilities of the organization.

d. Provide a list of three (3) projects similar to the size and scope of the services outlined in Section 4.0 of this RFP. The projects referenced should be specifically identified and the name of the customer shown, including the name, address and telephone number of the responsible official of the customer, company or agency who may be contacted by the State.

e. Describe how you intend to hire and train the necessary staff to ensure all deliverables under this RFP are completed in a timely manner. The bidder should include a staffing plan or organizational chart necessary to accomplish the contract requirements.

f. Provide a brief description including details of the technical and administrative resources to be used to accomplish the requirements of the contract resulting from this RFP such as database development and maintenance and reporting to the Department.

g. Describe your knowledge and experience with assisting and maintaining Medicaid State Plan Amendments.

D.2 Project Approach (see Scope of Work Section 4.1-4.5)

a. Describe your approach to assist the Department in operating a certified public expenditure (CPE) reimbursement model as described in Section 4.1 of the RFP. Describe how you will maintain the currently approved reimbursement methodology for school supportive health services furnished to Medicaid-eligible students with disabilities in accordance with Medicaid State Plan Amendment #11-39A, #11-39B, #11-39C, #11-39D, #17-27, and #17-28.

b. Describe your approach and experience with conducting Random Moment Time Studies (RMTS). Describe your knowledge and experience with federal Medicaid claiming requirements, relevant approved State Plan Amendments, and the NYS Time Study Implementation Plan. Describe any current or developing systems to be used conducting RMTS.

c. Describe your approach/method of collecting cost data from each participating school district and county and calculating Medicaid allowable costs in accordance with the methodology in Medicaid State Plan Amendments #11-39A, #11-39B, #11-39C, #11-39D, #17-27, and #17-28. Describe any current or developing systems to be used to collect data.

d. Describe your approach/method in conducting annual cost studies and assisting the Department in maintaining an annual cost reconciled and settled model for reimbursement of school supportive health services furnished in all public school districts and counties (including NYC) using the Certified Public Expenditures methodology under State Plan Amendments #11-39A, #11-39B, #11-39C, #11-39D #17-27, and #17-28. This should include:

- Collecting cost data from participating providers
- Reviewing and validating cost reports
- Performing annual audits on every cost report
- Calculating cost settlement amounts
- Provide technical assistance when needed
- Generate cost settlement reports

e. Describe your approach/method to complete data analysis to determine whether current reimbursement for preschool and school supportive health services furnished in public school districts and counties in New York State reflects the actual cost of service delivery.

f. Describe your approach to ensure public school districts and counties have the necessary resources to participate in the Random Moment Time Study (RMTS) and complete their cost reports which will support CPE claiming. This should be accomplished by the provision of web-based training and training materials, offering technical assistance, providing data and reports as needed to support SSHSP, and maintaining a toll-free hotline for school district and county RMTS questions. Describe your approach to establishing and maintaining a toll-free statewide telephone number to provide technical assistance to the public school districts and counties.

g. Describe your approach on training employees and contract staff within public school districts and counties, the Department of Health, and the State Education Department on the Medicaid Cost Settlement Process including the implementation of the RMTS and filing of annual cost reports under the CPE model (see section 4.1.3).

h. Briefly describe your Quality Assurance plan (section 4.1.4) which describes how you will ensure that all services will be delivered effectively and accurately. The QA plan should define the procedures and standards by which you will maintain and evaluate performance.

D.3 Transition (see Section 4.6)

The bidder should describe its approach for transitioning operational and technical support activities that have been maintained and operated by the Contractor to the Department or designee. The bidder should describe the procedures that it plans to use for an orderly, complete and controlled transition process.

6.3 Cost Proposal

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

The bid price is to cover the cost of furnishing all of the said services, including but not limited to materials, labor, profit, equipment, overhead, meetings, training, reporting, analysis, and any other costs required to complete all deliverables and adhere to all standards of this RFP to the satisfaction of the Department of Health and the performance of all work set forth in said specifications.

Bid prices quoted must be an all-inclusive price which shall include all costs related to materials, labor, profit, equipment, overhead, meetings, training, reporting, analysis, and any other costs required to complete all deliverables and adhere to all standards of this RFP. Only travel will be reimbursed for actual expenses and cannot exceed the amount allowed for state employee travel as outlined by the NYS Office for the State Comptroller.

To complete the Cost Proposal Form (Attachment B), bidders are required to propose separate costs for each deliverable:

- For Section A, Cost Proposal by Deliverable Summary, Bidders must provide an all-inclusive annual price per school year for each Cost Study and an all-inclusive quarterly price per school year for each Random Moment Time Study.
- For Section B, Cost Proposal Cost by Deliverable, Bidders must provide an all-inclusive price per deliverable.

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. Proposals should be submitted in all formats as prescribed below.

	Electronic Submission	Paper Submission
Administrative Proposal	2 dedicated flash drives or CDs labeled "Administrative Proposal" containing a standard searchable PDF file with copy/read permissions only.	4 Originals 6 Copies
Technical Proposal	2 dedicated flash drives or CDs labeled "Technical Proposal" containing a standard searchable PDF file with copy/read permissions only.	4 Originals 6 Copies
Cost Proposal	2 dedicated flash drives or CDs labeled "Cost Proposal" containing standard searchable PDF file(s) with copy/read permissions only.	4 Originals 6 Copies

1. All hard copy proposal materials should be printed on 8.5" x 11" white paper (single-sided) and **be clearly page numbered on the bottom of each page with appropriate header and footer information.** A font size of eleven (11) points or larger should be used. The Technical Proposal materials should be presented separate from the sealed Cost Proposal. The sealed Cost Proposal should also be presented in separate three-ring binder(s);
2. Where signatures are required, the proposals designated as originals should have a handwritten signature and be signed in blue ink.
3. The NYSDOH discourages overly lengthy proposals. Therefore, marketing brochures, user manuals or other materials, beyond that sufficient to present a complete and effective proposal, are not desired. Elaborate artwork or expensive paper is not necessary or desired. In order for the NYSDOH to evaluate proposals fairly and completely, proposals should follow the format described in this RFP to provide all requested information. The Bidder should not repeat information in more than one section of the proposal. If information in one section of the proposal is relevant to a discussion in another section, the Bidder should make specific reference to the other section rather than repeating the information;
4. Audio and/or videotapes are not allowed. Any submitted audio or videotapes will be ignored by the evaluation team; and
5. In the event that a discrepancy is found between the electronic and hardcopy proposal, the original hardcopy will prevail.

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

Proposals should be submitted in three (3) separate, clearly labeled packages: (1) Administrative Proposal, (2) Technical Proposal and (3) Cost Proposal, prepared in accordance with the requirements stated in this RFP. Mark the outside envelope of each proposal as "RFP#20012 Cost Study and Operation of Certified Public Expenditure (CPE) Reimbursement Methodology for the Preschool/School Supportive Health Services Program (SSHSP) – (Administrative) (Technical) or (Cost) Proposal submitted by (Bidder's name)". The three (3) sealed proposals may be combined into one (1) mailing, if desired.

Proposals must be submitted, by U.S. Mail, by courier/delivery service (e.g., FedEx, UPS, etc.) or by hand as noted below, in a sealed package to:

Department of Health (RFP # 20012)
 Attention: Office of Health Insurance Programs, Justin Seastrum
 99 Washington Avenue, One Commerce Plaza Room 1450
 Albany, NY 12210

NOTE: You should request a receipt containing the time and date received and the signature of the receiver for all hand-deliveries and ask that this information also be written on the package(s).

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

7.1 No Bid Form

Bidders choosing not to bid are requested to complete the No-Bid form [Attachment 2](#).

8.0 METHOD OF AWARD

8.1 General Information

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

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

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

Bidders 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 Bidder will be allowed to alter its proposal or add information after the Deadline for Submission of Proposals listed in [Section 1.0](#) (Calendar of Events).

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

- (1) lowest cost and
- (2) proposed percentage of MWBE participation.

8.2 Submission Review

DOH will examine all proposals that are received in a proper and timely manner to determine if they meet the proposal submission requirements, as described in [Section 6.0](#) (Proposal Content) and [Section 7.0](#) (Proposal Submission), including documentation requested for the Administrative Proposal, as stated in this RFP. Proposals that are materially deficient in meeting the submission requirements or have omitted material documents, in the sole opinion of DOH, may be rejected.

8.3 Technical Evaluation

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

Proposals will undergo a preliminary evaluation to verify Minimum Qualifications to Propose (Section 3.0).

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

The technical 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 proposal with the lowest all-inclusive not-to-exceed maximum price. All other responsive proposals will receive a proportionate score based on the relation of their Cost Proposal to the proposals offered at the lowest final cost, using this formula:

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

A is Total price of lowest cost proposal;
B is Total price of cost proposal being scored; and
C is the Cost score.

The cost evaluation is **30% (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 points awarded. Finalists will be determined based on composite scores.

8.6 Reference Checks

The Bidder 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 bidder qualifications to propose (Section 3.0).

8.7 Best and Final Offers

NYSDOH reserves the right to request best and final offers. In the event NYSDOH exercises this right, all bidders that submitted a proposal that are susceptible to award will be asked to provide a best and final offer. Bidders 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 Finalist(s) with the highest composite score(s) whose experience and qualifications have been verified.

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

ATTACHMENTS

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

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

The following attachments are attached and included in this RFP:

- A. Proposal Document Checklist
- B. Cost Proposal
- C. School Supportive Health Services Program Time Study Implementation Plan
- D. CPT Codes
- E. Special Transportation Rates

**ATTACHMENT A
PROPOSAL DOCUMENT CHECKLIST**

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

RFP #20012 – Cost Study and Operation of Certified Public Expenditure (CPE) Reimbursement Methodology for the Preschool/School Supportive Health Services Program (SSHSP)		
FOR THE ADMINISTRATIVE PROPOSAL		
RFP §	SUBMISSION	INCLUDED
§ 6.1.A	Attachment 1 – Bidder’s Disclosure of Prior Non-Responsibility Determinations, completed and signed.	<input type="checkbox"/>
§ 6.1.B	Freedom of Information Law – Proposal Redactions (If Applicable)	<input type="checkbox"/>
§ 6.1.C	Attachment 3- Vendor Responsibility Attestation	<input type="checkbox"/>
§ 6.1.E	Attachment 4 - Vendor Assurance of No Conflict of Interest or Detrimental Effect	<input type="checkbox"/>
§ 6.1.f	M/WBE Participation Requirements:	<input type="checkbox"/>
	Attachment 5 Form 1	<input type="checkbox"/>
	Attachment 5 Form 2 (If Applicable)	<input type="checkbox"/>
§ 6.1.g	Attachment 6- Encouraging Use of New York Businesses	<input type="checkbox"/>
§ 6.1.H	Attachment 7 - Bidder’s Certified Statements, completed & signed.	<input type="checkbox"/>
§ 6.1.I	Attachment 9 – References	<input type="checkbox"/>
§ 6.1.J	Attachment 10 - Diversity Practices Questionnaire	<input type="checkbox"/>
§ 6.1.K	Attachment 11 - Executive Order 177 Prohibiting Contracts with Entities that Support Discrimination	<input type="checkbox"/>
FOR THE TECHNICAL PROPOSAL		
RFP §	SUBMISSION	INCLUDED
§ 6.2.A	Title Page	<input type="checkbox"/>
§ 6.2.B	Table of Contents	<input type="checkbox"/>
§ 6.2.C	Documentation of Bidder’s Eligibility (Requirement)	<input type="checkbox"/>
§ 6.2.D	Technical Proposal Narrative	<input type="checkbox"/>
FOR THE COST PROPOSAL REQUIREMENT		
RFP §	REQUIREMENT	INCLUDED
§ 6.3	Attachment B- Cost Proposal	<input type="checkbox"/>

ATTACHMENT B
COST PROPOSAL
RFP #20012

The Bidder is required to provide an all-inclusive deliverable price for all items outlined below. This all-inclusive deliverable price will reflect all costs related to materials, labor, profit, equipment, overhead, meetings, training, reporting, analysis, and any other costs required to complete all deliverables and adhere to all standards of this RFP. Transition costs will not be reimbursed separately. Travel will be reimbursed for actual expenses and cannot exceed the amount allowed for state employee travel as outlined by the NYS Office for the State Comptroller. Additional information is available at: <http://www.osc.state.ny.us/agencies/travel/travel.htm>.

Deliverables

Annual Cost Study	Deliverable Price
Cost Study – 17/18 School Year (Estimated completion date – February 15, 2020)	\$
Cost Study – 18/19 School Year (Estimated completion date – February 15, 2021)	\$
Cost Study – 19/20 School Year (Estimated completion date – February 15, 2022)	\$
Cost Study – 20/21 School Year (Estimated completion date – February 15, 2023)	\$

Random Moment Time Study (RMTS)	Quarter One Deliverable Price	Quarter Two Deliverable Price	Quarter Three Deliverable Price
RMTS – 2019/20 School Year	\$	\$	\$
RMTS – 2020/21 School Year	\$	\$	\$
RMTS – 2021/22 School Year	\$	\$	\$
RMTS – 2022/23 School Year	\$	\$	\$

Deliverable	Deliverable Price
Cost Study for Special Transportation Costs for the 2018-19 School Year (Due within 6 months of the contract start date or contract approval date, whichever is later)	
Create a centralized, uniform and CMS-approved system in place to capture RMTS for purposes of quarterly reporting by school districts and counties (Due within four (4) months of the contract start date or contract approval date, whichever is later)	
Written Quality Assurance (QA) plan (Due within 60 days of the contract start date or contract approval date, whichever is later)	