



# Department of Health

## Request for Proposals

**RFP# 20038**

## Asset Verification System

**Issued: February 10, 2020**

### **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.

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### **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.

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**1.0 CALENDAR OF EVENTS**

<b>RFP #20038 – ASSET VERIFICATION SYSTEM</b>	
<u>EVENT</u>	<u>DATE</u>
Issuance of Request for Proposals	February 10, 2020
Deadline for Submission of Written Questions	February 21, 2020 <b>4:00 p.m. ET</b>
Responses to Written Questions Posted by DOH	<b>On or About</b> March 17, 2020
Deadline for Submission of Proposals	April 17, 2020 <b>4:00 p.m. ET</b>
<i>Anticipated</i> Contract Start Date	February 1, 2021

**2.0 OVERVIEW**

Through this Request for Proposals (“RFP”), the New York State (“State”) Department of Health (“Department” or “DOH”) is seeking competitive proposals for an Asset Verification System 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**

Section 1940 of the Social Security Act (42 U.S.C. § 1396w) requires all states to implement an electronic system for verifying disclosed and undisclosed assets for purposes of determining and re-determining Medicaid eligibility for aged (age 65 or over), certified blind and certified disabled applicants and recipients, referred to as the SSI-related population. “SSI” refers to the federal Supplemental Security Income program. The New York State Department of Health’s (Department) Office of Health Insurance Programs (OHIP), Division of Eligibility and Marketplace Integration (DEMI) is soliciting proposals for the development, implementation, and operation of a web-based Asset Verification System (AVS) for the New York State Medicaid program. The AVS will identify assets held at various financial institutions and conduct searches for real property owned by selected Medicaid applicants and recipients and/or their spouses.

By procuring the services of a contractor, the Department of Health will:

- Provide for enrollment integrity by verifying the assets and real property of the population applying for or receiving Medicaid in accordance with federal requirements;
- Provide flexibility, security, and automation that allows the Department of Health to manage and act upon verification results in a timely manner; and
- Reduce fraud and abuse.

**New York State’s Medicaid Program**

The Department is the State’s single state agency charged with overseeing New York’s Medicaid program. New York’s Medicaid program is the State’s largest payer of health care and long-term care. Each month, more than six (6) million Medicaid enrollees receive services through a network of more than 60,000 health care providers and more than 16 managed care plans.

### **The Office of Health Insurance Programs, Division of Eligibility and Marketplace Integration**

The Department's mission is to ensure high quality health services are available to New York residents. Consistent with this mission, the Department assures comprehensive health care and long-term care coverage for low and middle-income individuals and families through Medicaid, Child Health Plus (CHP), and the Elderly Pharmaceutical Insurance Coverage (EPIC) programs. These programs are operated through OHIP, which oversees the administration of New York's Medicaid program, among other responsibilities. DEMI is the office within OHIP that is responsible for the establishment and implementation of eligibility and enrollment policies and operations for Medicaid and other programs. DEMI also oversees Medicaid administration by State agencies and 58 local departments of social services (LDSS) located in each county of the state. In New York City, the LDSS is the Human Resources Administration (HRA), comprised of the five (5) boroughs of Manhattan, Brooklyn, Queens, the Bronx, and Staten Island.

### **Medicaid Applications**

For certain Medicaid categories, including the SSI-related population, applications are made through the LDSS, which processes the applications and subsequent renewals of Medicaid enrollees. Medicaid applications are processed to assess eligibility under program rules, and eligible individuals are subject to annual renewals to demonstrate continued eligibility. The Asset Verification System is used to obtain resource information for both the applicant and the applicant's spouse at initial application and redetermination. The LDSSs have 45 calendar days from the date of initial application to make an eligibility determination.

### **Current New York State Medicaid Eligibility Data Systems**

The Department utilizes a data system called the Welfare Management System (WMS) to house Medicaid eligibility information for the SSI-related population. Information from WMS is transmitted to the State's Medicaid Management Information System (MMIS). WMS consists of two (2) mainframes – a downstate system for the New York City HRA, and an upstate system for the rest of the state. Both the upstate and downstate WMS mainframes are computerized data systems that receive, maintain, and process information for Medicaid eligibility purposes. New York City HRA uses an additional system, Eligibility Data Image and Transfer System (EDITS), to receive and process Medicaid applications before transmitting the information to the downstate WMS. The LDSSs have terminals linked to the mainframe and new eligibility data is entered in WMS by data entry unit staff and updated by nightly batches.

Asset and real property verification requests sent to the AVS are generated from each mainframe and submitted through end-of-day batch files. Data results for each request in the form of financial institution records, deeds, and various other asset verification records are posted electronically in the AVS portal for review and storage. The AVS portal is a web-based portal maintained by the Contractor and is housed outside of the WMS systems. In addition to the results returned to the portal, the Department may also require that data results for Downstate cases be sent to the Downstate EDITS System via batch file for review and storage within its system. The Department expects to implement a new data system for Medicaid eligibility data sometime during this contract period, which may require the selected Contractor to return AVS responses to the AVS portal, the Downstate EDITS System and a new data system simultaneously for an interim period. It is anticipated that once a new system is used for eligibility determinations, AVS responses will be returned to the new system.

## **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 website.

### **2.3 Term of the Agreement**

This contract term is expected to be for a period of 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).

The pricing for years four (4) and five (5) of the contract is subject to an annual increase or decrease as described in [Section 5.4.](#)

## **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 five (5) years of experience working with a State Medicaid program in the area of financial eligibility, or an equivalent means-tested social services program.

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. However, a prime contractor may not leverage the experience of a planned subcontractor to meet the minimum qualifications stated above.

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 must be able to provide all of these services throughout the contract term.

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

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

The contractor shall be consistent with current New York Medicaid policies, and federal and state law.

## 4.1 Tasks/Deliverables

### 1. Implementation Plan and Timeline

All Bidders will be requested to prepare and submit a draft implementation plan for evaluation. The selected Contractor from this RFP shall be responsible for the preparation and execution of a final implementation plan. This plan shall be based upon the requirements of this RFP and coordinated and approved by the Department to ensure readiness to complete required tasks by the implementation date. The implementation plan shall indicate roles, responsibilities, objectives, estimated timeframes for task completions, testing, and areas where complications may be expected and mitigation strategies. It should also include key activities such as training and filling staff positions, report configuration, system development, etc. This implementation plan is due no later than 30 days after the contract start date and is subject to the review and approval by the Department. This plan will outline in detail all steps necessary to begin program operations.

### 2. Asset Verification System

The Department requires the selected Contractor to establish an Asset Verification system which will search for and provide verification of assets and real property that are owned by Medicaid applicants and recipients and/or their spouses. The Asset Verification System shall electronically verify accounts held in financial institutions, and conduct searches on real property, owned by the applicant or recipient and/or the applicant/recipient's spouse for the month of application and a three-(3) month retroactive period. For individuals applying for Medicaid coverage of nursing home care, the verification system will:

- Verify the individual's and the spouse's accounts held in financial institutions for the month of application and the 60-month look back period, and the month(s) between the application date and the request date, including accounts that were closed during this period. The information should include the account balance as of the first minute of the first day of the month, average daily balance, and interest earned for each month of the look-back period;
- Identify months in which a potential transfer of assets is detected as determined based on criteria approved by the State; and
- Conduct searches on real property owned by the individual or the individual's spouse during the month of application and the 60-month look-back period, including any real property that was sold or transferred during this period.

The Contractor will be able to conduct Asset Verification searches for other individuals as established by the Department for a look-back period to be determined by the Department but not to exceed 60-months prior to the date of application.

The Contractor will utilize one (1) integrated system to find/verify both assets and real property resources. This solution will utilize secure web-based techniques to identify assets and real property that might otherwise not be discovered or are not disclosed through the Medicaid application or recertification process. The Contractor is expected to process all asset and property verification requests and deliver the search results within ten (10) calendar days from the date of the request.

In order to implement and effectively operate this system the Contractor shall:

1. Establish a robust network of Financial Institutions (FIs), and real property data sources;
2. Develop tracking tools and report on verification activity;
3. Account for levels of system flexibility to accommodate current Medicaid eligibility data systems and future changes to those systems; and
4. Process high volume transaction requests accurately and timely and accommodate approximately 3,000 system users.

### 3. Minimum System Requirements

#### i. General Requirements

The Contractor shall provide, at a minimum, an Asset Verification System that meets all the requirements in Section 1940 of the Social Security Act (42 U.S.C. § 1396w). This system shall allow for secure electronic transmission of

information from and to the Department or their designees and shall send verification inquiries electronically via the internet or similar means to the financial institutions. The system cannot be solely based on mailing or faxing paper-based requests.

The Asset Verification System and customer service support will be available to all users for utilization and accommodate any transaction volume 24 hours / 7 days a week. Currently, there are approximately 1,500 system users comprised of the Department and LDSS personnel working any time of the day and any day of the week. The number of system users is expected to increase to 3,000.

#### ii. Financial Institution Verification Component

The Asset Verification System shall have the capability to provide for both electronic submission of requests to financial institutions, and electronic receipts of responses from financial institutions. The Asset Verification System shall include, at a minimum, information pertaining to checking, savings, and investment accounts, Individual Retirement Accounts (IRAs), treasury notes, certificates of deposit (CDs), annuities and any other assets that may be held or managed by any Financial Institution. The Asset Verification System shall request information concerning both open and closed accounts going back for a period up to 60-months from the date of the application through the date of request, to determine if the name of the applicant or recipient, or spouse thereof, appeared on any account as a single or joint owner during the transfer of assets look-back period.

The Asset Verification System shall allow for verification requests to be sent to financial institutions other than those identified by the applicant or recipient. The financial institutions queried shall be based on logic defined by the Contractor such as geographic proximity to the applicant's/recipient's home address, or other reasonable factors. The Asset Verification System shall allow/provide an option for the Department or its designees to specify the financial institution(s) to be included in the query. The Asset Verification System shall provide for cross state matching of assets to include financial institutions located outside of New York State. The Asset Verification System shall analyze the information gathered from the financial institutions to determine if the eligibility threshold was exceeded and/or if a transfer of assets has potentially occurred based on criteria provided by the Department. The AVS shall flag occurrences that meet the criteria in the system and electronically notify the Department or its designees through the AVS portal, via a batch file sent to the Downstate EDITS system, and through a new eligibility data system

#### iii. Real Property Verification Component

The Real Property Verification system component shall be able to search and verify real property by a combination of name(s), with date(s) of birth or Social Security Number(s). The system shall conduct searches on real property owned by the individual and/or the individual's spouse during the month of application and the 60-month look-back period, including any property that was sold or transferred during this period. The Contractor shall detail the data sources to be searched and the process to be followed to obtain the resource and transfer information. The data sources and process are subject to the Department's approval. The AVS shall flag occurrences that meet the criteria in the system and electronically notify the Department or its designees through the AVS portal, via a batch file sent to the Downstate EDITS system, and through a new eligibility data system.

#### iv. Other System Requirements

The Asset Verification System shall accommodate and implement system access and rights, including restrictions to functionalities by categories of users, roles and/or permissions based on criteria provided by the Department.

The Contractor shall be capable of receiving data requests from the two (2) current WMS mainframes and EDITS and shall accommodate any change(s) the Department makes to its Medicaid data system in the contract period and adjust the Asset Verification System accordingly. The Contractor shall maintain system flexibility to accommodate any Department system changes adequately and efficiently.

The Asset Verification System shall accept requests at any frequency which includes batch files, or "ad-hoc" requests from the Department or its designees. These ad-hoc requests may involve the Department's direct access into the AVS at any given time.

The Asset Verification System shall attempt to limit the summary response to a single page and shall be made available to the Department or its designees as needed through the AVS portal, via a batch file sent to the Downstate



EDITS system, and through a new eligibility data system. The response format shall support federal and state eligibility provisions and a platform that is easily accessed by the Department and its designees. This response format and platform will be approved by the Department prior to use.

The Contractor shall propose a response process to ensure requests and results are correctly and timely (approximately 10 calendar days) routed to the appropriate location/person, which is subject to approval by the Department.

The Asset Verification System shall provide documentary evidence that the search was conducted, and the specific financial institutions included in the query even if no assets or real property resources are found.

The Contractor shall assure seamless coordination between the Department and its designees and assignees, financial institutions and other systems as necessary.

#### **4. Financial Institution Network**

The Contractor shall establish and maintain a network of financial institutions that will participate in the Asset Verification System and will continuously utilize innovative and creative strategies to recruit financial institutions. The network shall be geographically diverse and include matching with financial institutions located outside of New York State.

The Asset Verification System shall allow for verification requests to be sent to financial institutions based on the individual's disclosure and DOH's selection of possible financial activity. In addition, the AVS shall allow for verification requests to be sent to financial institutions nationally, other than those identified by the individual, and based on selection logic such as geographic proximity to the individual's residence address.

The Bidder shall submit with its proposal, plans for recruiting financial institutions and a listing of financial institutions that have existing relationships with the Bidder. The list shall indicate the type of communication (electronic, mail, fax) with the financial institution. This information should include the data to be provided (i.e. account type, monthly balance, interest income, average daily balance), whether communication is electronic or some other format, and the average time in which responses to requests for information are received.

#### **5. System Security Requirements**

The Asset Verification System shall be secure, based on a recognized industry standard of security (for example, as defined by the U.S. Commerce Department's National Institute of Standards and Technology (NIST)). The Contractor shall comply with the security and confidentiality requirements of the Health Insurance Portability and Accountability Act (HIPAA) and the rules and regulations promulgated by the Centers for Medicare & Medicaid Services, including but not limited to those pertaining to the confidentiality of information pursuant to 42 CFR Part 431, Subpart F, Safeguarding Information on Applicants and Beneficiaries. The Contractor shall establish and maintain back-up and recovery procedures that meet industry standards.

#### **6. Training and Customer Support**

The Contractor shall provide training to the Department and LDSS users in order to complete implementation and as a result of significant system changes. The contractor shall propose a training plan to the Department, subject to Department approval, within 30 days after contract approval. These trainings may include web-ex conferences or in person presentations. During implementation, each county will need to be trained once. The Department estimates the Contractor to provide the Department and LDSS users approximately four (4) to five (5) one-hour trainings per year in regard to significant system changes.

The Contractor shall provide continual and ongoing customer support to the Department (approximately 30 staff) and its designees (58 Local Department of Social Services (LDSS)) offices, multiple State agencies and their approximately 3,000 users) and shall propose a customer support plan within 30 days after contract approval. This support shall include an email helpdesk and also a telephone number for emergency situations 24 hours a day, 7 days a week.

#### **7. Confidentiality and Security of Files**

The Contractor shall establish policies and processes to maintain client confidentiality and ensure no client-specific information is disclosed to any party outside those officially involved in the performance of the tasks critical to this project. The Contractor shall ensure that all project staff adhere to such policies and processes, including all federal and state requirements governing the confidentiality and privacy of information, including but not limited to the security and confidentiality requirements of the Health Insurance Portability and Accountability Act (HIPAA) and the rules and regulations promulgated by the Centers for Medicare & Medicaid Services pertaining to the confidentiality of information pursuant to 42 CFR Part 431, Subpart F, Safeguarding Information on Applicants and Beneficiaries.

The Contractor shall develop a process to securely store information regarding asset verification requests submitted to the AVS and responses to requests, hard copy and electronic project information and work products that contain confidential data, at all stages of the project, which includes any period of time beyond the contract term that applies due to the Record Retention Requirements until turned over to the Department, or until the end of the contract or date beyond the contract term that applies due to the Record Retention Requirements, whichever is later.

#### **8. Costs and Charges**

The Contractor shall be responsible for any charges associated with the transfer of data. This includes, but is not limited to, cartridges, data communications equipment, lines, messenger services, mail, etc. The Contractor shall be responsible for all charges associated with the storage and processing of any data or equipment necessary to fulfill this contract, including back-up and recovery procedures. The Contractor shall be responsible for the cost of routine maintenance of all systems within its control, inclusive of defect correction, system changes required to reflect changes in state and federal statutes and regulations and production control activities. The Contractor shall assume all cost related to updates in scalability and/or interoperability with newly developed systems.

#### **9. Ownership of Data**

The Department shall be the sole owner of all data generated during the project, including all records pertaining to financial institution and real property search results, and shall continue to be the owner of all data generated during the project for any period of time beyond the contract term that applies due to the Record Retention Requirements.

#### **10. Record Retention and Access to Records Requirements**

The Contractor shall maintain detailed records evidencing the provision of services under the contract for the purpose of audit and evaluation by the Department and other federal or State personnel. All records pertaining to the contract, including reports, financial institution and real property search results, and training records, shall be readily retrievable and delivered or made accessible within three (3) workdays for review at the request of the Department and its authorized representatives. All records shall be kept by the Contractor for the balance of the calendar year in which they were made and for six (6) additional years thereafter, regardless of the term of the contract, until such time as records are turned over to the Department in accordance with Section 4.6 Transition.

### **4.2 Project Organization and Staffing**

All Bidders will be requested to provide a Project Organization and Staffing plan for evaluation. The selected Contractor shall provide a final Project Organization and Staffing plan, due 30 days after contract approval, which shall include project team organization, charts of proposed personnel and positions, estimates of the staff-hours by major task(s) to be provided by proposed positions, and if known, resumes of all management and key professional personnel as required in this solicitation. This final Project Organization and Staffing plan is subject to the review and approval by the Department. At any time throughout the course of the contract, the Department reserves the right to approve or disapprove the contractor's proposed staffing, including consultants or subcontractors and may request a replacement of such staffing, consultant or subcontractor, if needed. The Department reserves the right to approve and disapprove any proposed staff.

The plan shall show organization and staffing during the development, implementation and operation phases as described in the solicitation including backup which denotes the full-time, part-time and temporary status of all employees. Similar information should be submitted for any subcontractor that has a major role in the fulfillment of the Asset Verification System.

### **4.3 Reporting**

1. The Asset Verification System shall allow for the flexible development of detailed reports on verification activity including, but not limited to, information such as the number of requests, number of responses, value and asset information of undisclosed assets found in any verification, number of instances the Medicaid eligibility threshold was exceeded or a potential transfer of assets was identified based on criteria established by the Department, and for purposes of auditing, usage of the Asset Verification System portal functions, among others.

## 2. Format of Reports

The Contractor shall provide the following reports electronically in the format and frequency as approved by DOH:

- (i) Weekly summary of requests, responses, real property and other asset amounts (both disclosed and undisclosed) identified by financial institutions, other data sources and by applicant;
- (ii) Monthly summary of data collected for each applicant from all respondents;
- (iii) Response rate analysis by financial institution;
- (iv) Ad hoc reports as requested by the Department; and
- (v) Reports to confirm contract compliance and vendor invoices.

## 3. Documentary Evidence of Search

The Asset Verification System shall provide documentary evidence that the search was completed even if no assets or real property are located.

## 4.4 Information Technology

Any applications and all systems and components supporting this contract, 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 and Privacy Requirements

The New York State Department of Health (the "Department" or "DOH") requires that vendors providing information technology (IT) and application services to the Department comply with the security and privacy policies and controls outlined in this RFP and all other applicable New York State and federal laws, regulations, policies, and standards for IT systems that transfer, process, or store Department data, including but not limited to the Health Insurance Portability and Accountability Act (HIPAA) Omnibus Final Rule. Vendors are required to verify compliance with security and privacy requirements by providing the Department with documentation and artifacts that validate applicable standards and controls are in place.

### ***Moderate-Plus Security Controls Baseline***

The Department has defined a *Moderate-Plus Security Controls Baseline* based on, and consistent with the security provisions described in Centers for Medicare and Medicaid Services (CMS) Acceptable Risk Safeguards (ARS) and National Institute of Standards and Technology (NIST) Special Publication (SP) 800-53 at the Moderate level. Additionally, the Department has augmented these federal standards with New York State Policies and Standards. The *Moderate-Plus Security Controls Baseline* includes a System Overview document. All bidders shall complete Attachment C - System Overview document – which is attached to this RFP – to thoroughly and accurately describe the technical security environments that will support the proposed system.

### **System Security Plan (SSP)**

The Department requires the selected bidder/vendor to maintain a System Security Plan (SSP) that aligns with the *Moderate-Plus Security Controls Baseline* for any system that will transfer, process, or store Department data. The Department considers bidder responses to represent a commitment by the bidder to adhere to, and demonstrate compliance with, the *Moderate-Plus Security Controls Baseline*. The Department will provide necessary templates and guidelines with respect to SSP format to the selected bidder/vendor upon contract award.

### **Data Use Agreement (DUA) and Business Associate Agreement (BAA)**

Selected bidder/vendor shall execute a Data Use Agreement (DUA) and Business Associate Agreement (BAA) and submit a System Security Plan (SSP) Attestation to the Department upon contract award. The SSP Attestation requires the selected bidder/vendor to certify to the Department that the selected bidder/vendor system adheres to the *Moderate-Plus Security Controls Baseline*.

#### **Demonstration of Compliance with *Moderate-Plus Security Controls Baseline***

Prior to the Department permitting release of Departmental data consisting of Medicaid Confidential Data (MCD) or Protected Health Information (PHI) into the vendor system, the selected bidder/vendor shall demonstrate compliance with the *Moderate-Plus Security Controls Baseline* to the Department's satisfaction. The selected bidder/vendor may demonstrate compliance by (i) completing SSP workbook templates provided by the Department, or (ii) retaining an independent third-party assessor to complete a security assessment review and validate that the controls described in the SSP are implemented correctly, operating as intended, and producing the desired outcome, or (iii) by demonstrating compliance with an external, independent, framework that aligns with the *Moderate-Plus Security Controls Baseline*.

#### **Plan of Actions and Milestones (POA&M)**

Selected bidder/vendor shall also submit a Plan of Actions and Milestones (POA&M) that addresses any deficient controls in its SSP. The POA&M shall provide target implementation dates for any control that is not fully implemented. Deficient controls shall be prioritized and mitigated with compensating controls consistent with federal and State policies and standards.

Selected bidder/vendor shall update and resubmit the POA&M to the Department each quarter throughout the term of the contract to demonstrate progress and assure the timely mitigation of deficient security controls and any third-party assessor findings.

Selected bidder shall submit an updated SSP Attestation to the Department on an annual basis, and when there is any significant change to the system. A significant change is one that is likely to affect the security state of the information system<sup>1</sup>. The Department reserves the right to require the vendor to retain, at the vendor's expense, a third-party firm to perform additional security assessments at any time.

#### **FedRAMP Certified Cloud Solutions**

If the selected vendor solution utilizes a FedRAMP Certified cloud solution, the vendor shall indicate how such cloud services are utilized, including the type of cloud service utilized (e.g. Infrastructure as a Service (IaaS), Platform as a Service (PaaS), and/ or Software as a Service (SaaS)).

Additionally, vendor shall provide a matrix that illustrates whether the vendor, or the cloud service provider, is responsible for each security control. Vendor shall also indicate if responsibility for a given control is shared between the vendor and the cloud service provider.

Selected vendor shall also provide evidence to the Department that the cloud service offerings have been certified against criteria consistent with the *Moderate-Plus Security Controls Baseline*. The scope of this certification shall include all locations that store, process, connect to, or provide access to Department data, whether at rest or in transit.

The Department reserves the right to request documentation to verify compliance with FedRAMP and FISMA Authorizations including but not limited to:

- System Security Plans
- Cloud Security Alliance ASA certification reports
- SOC audit reports
- Other independent security assessment results
- Artifacts employed in support of cloud provider certification

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<sup>1</sup> NIST SP 800-37, *Revision 1, Guide for Applying the Risk Management Framework to Federal Information Systems: A Security Life Cycle Approach* (Appendix F, Section F.6, Page F-8)

- Identification of cloud provider supply chain vendors and associated contracts as applicable

### **Department Templates**

The DUA, BAA, SSP Attestation, *Moderate-Plus Security Controls Baseline* SSP templates, and POA&M templates will be provided to the selected bidder/vendor by the Department upon contract award.

### **Legal and Regulatory Compliance**

Bidders/vendors should familiarize themselves with all applicable New York State and federal laws, regulations, policies, and standards for IT systems that transfer, process, or store Department data.

## **4.6 Transition**

The transition represents a period when the current contract activities performed by the Contractor must continue during a period when records are to be turned over to the Department, the Department's agent or a successor Contractor at the end of the contract or during the contract period in the event the contract is terminated.

The Contractor shall ensure that any transition to the Department, Department agent or designee, or successor Contractor be done in a way that provides the Department with an uninterrupted and fully functional Asset Verification System. This includes a complete and total transfer of all data, files, reports, and records generated from the inception of the contract through the end of the contract to the Department or another Department agent should that be required during or upon expiration of its contract. These include records of the contract including reports, financial institution and real property search results, and training records.

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 the Department's agent 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/contract during the transition. All reporting and recordkeeping requirements, security standards, and performance standards remain in effect during the transition period.

Upon receipt of notification of the Department's intent to transfer the contract functions to another contractor or other designated agent, the Contractor shall provide a Turnover Plan to the Department within 6 months before the end of the contract period. Timelines for turnover activities will be specified by the Department. The Turnover Plan shall include, but is not limited to, the following:

- Proposed approach to turnover;
- Tasks and subtasks for turnover;
- Schedule for turnover;
- Transfer of all records of the contract; and
- Transfer of documentation regarding the existing system to the Department or its designated agent.

Deliverables related to transition shall be produced in an organized manner and submitted to the Department in a form and condition that is satisfactory to the Department and in the timeframes specified by the Department.

The Department reserves the right to hold the final invoice payment under this agreement until all Transition activities have been completed to the satisfaction of the Department. The Contractor will not be reimbursed separately for any and all activities or deliverables related to Transition.

## **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 the 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](mailto: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 email 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 **will 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 in [Section 1.0](#) (Calendar of Events), any such clarifications or modifications as deemed necessary by DOH will be posted to the DOH website.

If a 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](mailto:OHIPContracts@health.ny.gov) and request clarification or modification of the document.

If, prior to the Deadline for Submission of Proposals in [Section 1.0](#) (Calendar of Events), 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 and Pricing**

### **A. Payment**

The selected 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 Business Services Center (BSC) at: [AccountsPayable@ogs.ny.gov](mailto:AccountsPayable@ogs.ny.gov) with a subject field as follows:

Subject: Unit ID: 3450406 Contract # TBD

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

**NYS Department of Health  
Unit ID 3450406  
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 of the Department of Health, 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](http://www.osc.state.ny.us/epay/index.htm), by email at [epayments@osc.state.ny.us](mailto:epayments@osc.state.ny.us) or by telephone at 518-474-6019. The 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, 9<sup>th</sup> 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 Contractor will submit invoices to the Department on a monthly basis. These invoices shall detail the number of all completed asset and real property verification requests in accordance with the approved bid prices set forth in Attachment B – Cost Proposal. A request is considered to be completed when the Department or its designee receives notification that the search for assets and real property resources has been conducted and documentary evidence of the search is provided by the Contractor. Bid prices for asset and real property verification requests are considered all-inclusive and must include all expenses related to materials, labor, equipment, profit, overhead, meetings, reporting and analysis and any other costs required to complete verification requests as outlined in this RFP. Bid prices for asset and real property verification requests will remain consistent for contract years 1 – 3. Years 4 and 5 are subject to CPI increases as outlined in the Section labeled “Price Adjustment Clause” below.

The Contractor will submit an invoice for both the upstate and downstate systems once implementation has been completed. The Contractor will be reimbursed one (1) all-inclusive deliverable price for implementation of both the upstate and the downstate system throughout the length of this agreement. The Contractor will not be reimbursed for any other implementation expenses outside of the proposed and approved deliverable prices outlined in Attachment B – Cost Proposal. System implementation is considered complete when the system is able to accept and send a file (request for verification) and post to the AVS portal, is accessible throughout every county in the respective region, and all counties have been trained on utilizing the Asset Verification System. These deliverable prices are not subject to any CPI increases.

The Contractor will submit invoices on Department directed System Change Requests and subsequent trainings, if applicable, (outside of training regarding implementation) in the month following the completion of a Department directed System Change Request. Prior to the initiation of a System Change Request, the Contractor will propose

an estimated budget to the Department for review and approval. The Contractor will not be permitted to invoice for any expenses outside of the System Change Request budget approved by the Department. These invoices will detail the number of hours spent on System Change Requests and training(s) and shall be consistent with the not-to-exceed hourly rate set forth in Attachment B- Cost Proposal. The Department will not reimburse the Contractor on any internal or external system updates or changes that have not been directed and approved by the Department. The not-to-exceed hourly rate will remain consistent for contract years 1 – 3. Years 4 and 5 are subject to CPI increases as outlined in the Section labeled “Price Adjustment Clause” below.

The Contractor will submit invoices on a monthly basis for any travel expenses related to training throughout New York State. Requests for travel must be submitted, reviewed, and approved by the Department prior to invoicing. The Department will not reimburse the Contractor for any travel expenses not submitted, reviewed or approved by the Department.

### **Price Adjustment Clause**

The pricing for years four (4) and five (5) of the contract is subject to an annual increase or decrease of the lesser of three percent (3%) or the percent increase or decrease in the National Consumer Price Index for All Urban Consumers (CPI-U) CUURS12AS as published by the United States Bureau of Labor Statistics, Washington, D.C., 20212 for the 12 month period ending ninety (90) days prior to the renewal date for years *four (4) and five (5) of the contract*.

### **5.5 Minority & Woman-Owned Business Enterprise Requirements**

Pursuant to New York State Executive Law Article 15-A, 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 state agencies such as 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.

#### **A. 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 10<sup>th</sup> 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](mailto: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 subcontractors will not discriminate against any employee or applicant for employment because of race, creed (religion), color, sex, national origin, sexual orientation, gender identity, military status, age, disability, predisposing genetic characteristic, marital/family status, domestic violence victim status and/or retaliation, 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 (religion), 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 its bid or proposal.

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

Section 5-a of the New York State 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 offerer 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](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](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 offerors 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 obligation 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/Offerors 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/sfxi.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](mailto: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 5.11, (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](mailto: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](http://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. Bidders 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. 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](#).

#### **G. 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.

#### **H. References**

Provide references using [Attachment 9](#), (References) for three similar engagements to the services required in this RFP. One reference should be from another State program for similar services. 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.

#### **K. System Overview Document**

Submit Attachment C to thoroughly and accurately describe the technical security environments that will support the proposed system.

### **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.

- A minimum of five (5) years of experience working with a State Medicaid program in the area of financial eligibility, or with another means-tested social services program.

#### **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. Bidders are encouraged to propose innovative solutions to meet or exceed the requirements of this solicitation. Proposals should be consistent with current New York Medicaid policies, and federal and state.

Elements of the technical proposal are as follows:

##### **D.1 Implementation Plan and Timeline**

Submit a draft implementation plan for review by the Department. This plan should be based upon the requirements of this RFP and outline in detail all steps necessary to begin program operations. This plan should indicate roles, responsibilities, objectives, estimated timeframes for task completions, testing, and areas where complications may be expected and mitigation strategies. This plan should also include key activities such as training and filling staff positions, report configuration, system development, etc. This plan should include an overall timeline for system implementation.

Bidders will propose using one (1) integrated system to find/verify both assets and real property resources.

Describe your Asset Verification System which utilizes secure web-based techniques to identify assets and real property that might otherwise not be discovered or are not disclosed through the Medicaid application or recertification process. This description should address the following:

- a) Establishment of a robust network of Financial Institutions (FIs), and real property data sources;
- b) Ongoing operation of a secure electronic Asset Verification System;
- c) Development of tracking tools and reporting of verification activity;
- d) System flexibility to accommodate current Medicaid eligibility data systems and future changes to those systems; and
- e) Processing high volume transaction requests accurately and timely and accommodating approximately 3,000 system users.

## **D.2 Minimum System Requirements**

### General Requirements

Describe how your proposed Asset Verification System meets all requirements in Section 1940 of the Social Security Act (42 U.S.C. § 1396w).

Describe how your proposed Asset Verification System shall meet the following minimum requirements:

- a) Verification inquiries and responses will be sent and received electronically through a secure internet or similar system;
- b) Verification requests shall be sent to financial institutions nationally and locally based on logic that includes a financial institution's geographic proximity to the individual's home address, or other reasonable factors;
- c) The inquiries shall include a request for information on both open and closed accounts, going back up to 60 months as established by the State's criteria; and
- d) Conduct searches of real property data sources to verify property currently owned by the applicant or recipient or the individual's spouse and during the 60-month look-back period, including any property that was sold or transferred during this period.
- e) Conduct Asset Verification searches for other individuals as established by the Department for a look-back period to be determined by the Department but not to exceed 60-months prior to the date of application.

## **D.3 Financial Institution Verification Component**

Describe how your proposed Asset Verification System will satisfy the following requirements:

- a) Capability to provide for both electronic submission of requests to financial institutions, and electronic receipts of responses from financial institutions. The Asset Verification System shall include, at a minimum, information pertaining to checking, savings, and investment accounts, Individual Retirement Accounts (IRAs), treasury notes, certificates of deposit (CDs), annuities and any other assets that may be held or managed by any Financial Institution.
- b) Request information concerning both open and closed accounts going back for a period up to 60-months from the date of the application through the date of request to determine if the name of the applicant or recipient, or spouse thereof, appeared on any account as a single or joint owner during the transfer of assets look-back period.
- c) Allow for verification requests to be sent to financial institutions other than those identified by the applicant or recipient. These queries shall be based on some logic such as geographic proximity to the applicant's/recipient's home address, residential history or other reasonable factors.
- d) Allow/Provide an option for the Department or its designees to specify the financial institution(s) to be included in the query.
- e) Provide for cross state matching of assets to include financial institutions located outside of New York State.
- f) Analyze the information gathered from the financial institutions to determine if the eligibility threshold was exceeded and/or if a transfer of assets has potentially occurred based on criteria provided by the Department, and flag occurrences that meet the criteria in the system and electronically notify the Department or its designees through the AVS portal, via a batch file sent to the Downstate EDITS system, and through a new eligibility data system.
- g) Describe the data sources that will be searched, and the process followed to obtain the resource and transfer information.

- h) Describe how flags displayed on information results will be presented to the LDSS eligibility worker/system user in the AVS system in a comprehensive, easily understood manner.
- i) Provide photographs or screenshots of the main pages/dashboards of your proposed AVS System and Portal. If the portal has yet to be developed, provide designs for the main pages/dashboards of the AVS System and Portal.

#### **D.4 Real Property Verification Component**

Describe how your proposed Asset Verification system will satisfy the following requirements:

- a) Search and verify real property by a combination of name(s), with date(s) of birth or Social Security Number(s).
- b) Conduct searches on real property owned by the individual and/or the individual's spouse during the month of application and the 60-month look-back period, including any property that was sold or transferred during this period.
- c) Describe the data sources that will be searched and the process followed to obtain the resource and transfer information.
- d) Analyze the information gathered and flag occurrences that meet the criteria in the system and electronically notify the Department or its designees through the AVS portal, via a batch file sent to the Downstate EDITS system, and through a new eligibility data system.

#### **D.5 Other System Requirements**

Describe how the system will accommodate and implement access and rights, including restrictions to functionalities by categories of users, roles and/or permissions based on criteria provided by DOH.

Describe your approach to receiving data requests from the two (2) current WMS mainframes and EDITS and accommodate any change the Department makes to its Medicaid data system in the contract period.

Describe your approach to maintain system flexibility to accommodate any Department system changes adequately and efficiently.

Describe the format of your system's summary response that meets the federal and state eligibility provisions and a platform that is easily accessed by the Department and its designees.

Describe how your system will accept requests at any frequency which includes batch files, or "ad-hoc" requests from DOH or its designees.

Describe how your response process will ensure requests and results are correctly and timely routed to the appropriate location/person.

Describe how your proposed Asset Verification System shall provide documentary evidence that the search was conducted, and the specific financial institutions included in the query even if no assets or real property resources are found.

#### **D.6 Financial Institution Network**

Describe and detail your established network of financial institutions that will participate in the Asset Verification System. This network should be geographically diverse and should include matching with financial institutions

located outside of New York State. This list of financial institutions should indicate your current level of access and communication with the financial institution.

Describe the data to be provided (i.e. monthly balance, interest paid, average daily balance), and whether communication is electronic or some other format, and the average time in which responses to requests for information are received.

Describe your system and approach for recruiting financial institutions.

#### **D.7 System Security Requirements**

Describe how your proposed Asset Verification System is secure and based on a recognized industry standard of security (for example, as defined by the U.S. Commerce Department's National Institute of Standards and Technology (NIST)). Please detail your proposed security elements in this response.

Describe how you will comply with the security and confidentiality requirements of the Health Insurance Portability and Accountability Act (HIPAA) and the rules and regulations promulgated by the Centers for Medicare & Medicaid Services, including but not limited to those pertaining to the confidentiality of information pursuant to 42 CFR Part 431, Subpart F, Safeguarding Information on Applicants and Beneficiaries.

Describe how you will assure seamless coordination between DOH and its designees and assignees, financial institutions and other systems as necessary.

Describe how you will establish and maintain back-up and recovery procedures that meet industry standards.

#### **D.8 Project Organization and Staffing**

Per section 4.2, provide your Project Organization and Staffing plan to carry out all tasks and deliverables of this RFP. This plan should include project team organization, charts of proposed personnel and positions, estimates of the staff-hours by major task(s) to be provided by proposed positions, and any proposed subcontractors as part of this engagement.

This plan should show organization and staffing during the development, implementation, and operation phases as described in this RFP including backup which denotes the full-time, part-time and temporary status of all employees. Similar information should be submitted for any subcontractor that has a major role in the fulfillment of the Asset Verification System.

#### **D.9 Reporting**

Per section 4.3, describe how your proposed Asset Verification System shall allow for the flexible development of detailed reports on verification activity including, but not limited to, information such as the number of requests, number of responses, value and asset information of undisclosed assets found in any verification, number of instances the Medicaid eligibility threshold was exceeded or a potential transfer of assets was identified based on criteria established by the Department, and, for purposes of auditing, usage of the Asset Verification System portal functions, among others.

Provide a sample summary report from a similar engagement to the services outlined in this RFP.

#### **D.10 Transition**

Provide a draft Turnover Plan which describes your process to transfer the responsibilities, functions, and records of the contract, including reports, financial institution and real property search results, and training records, to another contractor or the Department at the end of the contract period, or during the contract period in the event the contract is terminated.

The draft Turnover Plan should include, but is not limited to, the following:

- Proposed approach to turnover;
- Tasks and subtasks for turnover;
- Schedule for turnover;
- Transfer of all records of the contract; and
- Transfer of documentation regarding the existing system to DOH or its designated agent.

### 6.3 Cost Proposal

Submit a completed and signed **Attachment B – Cost Proposal**. The Cost Proposal shall comply with the format and content requirements as detailed in this 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 travel, materials, equipment, overhead, profit and labor to the satisfaction of the Department of Health and the performance of all work set forth in said specifications.

### 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.

	<b>Electronic Submission</b>	<b>Paper Submission</b>
<b>Administrative Proposal</b>	2 dedicated flash drives or CDs labeled “Administrative Proposal” containing a standard searchable PDF file with copy/read permissions only.	4 Originals 6 Copies
<b>Technical Proposal</b>	2 dedicated flash drives or CDs labeled “Technical Proposal” containing a standard searchable PDF file with copy/read permissions only.	4 Originals 6 Copies
<b>Cost Proposal</b>	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# (Asset Verification System) – (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 # 20038)  
Attention: Justin Seastrum, Health Program Administrator  
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 offerors" shall be selected for award (State Finance Law, Article 11, §163(1)(j)).

DOH at its sole discretion, will determine which proposal(s) best satisfies its requirements. DOH reserves all rights with respect to the award. All proposals deemed to be responsive to the requirements of this procurement will be evaluated and scored for technical qualities and cost. Proposals failing to meet the requirements of this 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 Interviews**

For all bids, and as part of the bid review process, the Department reserves the right to interview proposed project participants. The purpose of an interview is to allow the evaluators to validate the Bidder's experience and qualifications.

## **8.7 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).

### **8.8 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.

### **8.9 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. System Overview Document



**ATTACHMENT A  
PROPOSAL DOCUMENT CHECKLIST**

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

<b>RFP 20038 – Asset Verification System</b>		
<b>FOR THE ADMINISTRATIVE PROPOSAL</b>		
<b>RFP §</b>	<b>SUBMISSION</b>	<b>INCLUDED</b>
§ 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.D	Attachment 4 - Vendor Assurance of No Conflict of Interest or Detrimental Effect	<input type="checkbox"/>
§ 6.1.E	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.F	Attachment 6- Encouraging Use of New York Businesses	<input type="checkbox"/>
§ 6.1.G	Attachment 7 - Bidder’s Certified Statements, completed & signed.	<input type="checkbox"/>
§ 6.1.H	Attachment 9 – References	<input type="checkbox"/>
§ 6.1.I	Attachment 10 - Diversity Practices Questionnaire	<input type="checkbox"/>
§ 6.1.J	Attachment 11 - Executive Order 177 Prohibiting Contracts with Entities that Support Discrimination	<input type="checkbox"/>
§ 6.1.K	Attachment C – System Overview Document	
<b>FOR THE TECHNICAL PROPOSAL</b>		
<b>RFP §</b>	<b>SUBMISSION</b>	<b>INCLUDED</b>
§ 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"/>
<b>FOR THE COST PROPOSAL REQUIREMENT</b>		
<b>RFP §</b>	<b>REQUIREMENT</b>	<b>INCLUDED</b>
§ 6.3	Attachment B- Cost Proposal	<input type="checkbox"/>

**ATTACHMENT B  
COST PROPOSAL  
RFP #20038**

*Section A – Asset and Real Property Verifications*

Bidders must enter an all-inclusive deliverable price for both completed Asset Verification Requests and Real Property Verification Requests. This all-inclusive deliverable price must include all expenses related to materials, labor, equipment, profit, overhead, meetings, reporting and analysis and any other costs required to complete verification requests as outlined in this RFP. These prices will remain consistent for contract years 1- 3. Year 4 and 5 prices are subject to CPI increases as outlined in the Section labeled “Price Adjustment Clause.” Failure to include a price in either category will result in the Bidder’s disqualification.

<b>Asset Verification Price per Completed Request</b>	<b>Real Property Verification Price per Completed Request</b>
\$	\$

Volume Estimates\*:

Asset Verifications per Month	25,000
<u>Real Property Verifications per Month</u>	<u>25,000</u>
Total Verifications per Month	50,000

\*These figures are only an estimation and do not guarantee level of work on a monthly basis

*Section B – Asset and Real Property Resource System Implementation*

Bidders must enter an all-inclusive deliverable price for implementation expenses for both the Upstate and Downstate components of the Asset Verification and Real Property Resource System, to include implementation training costs for all LDSS and Department staff. Failure to include a price in either category will result in the Bidder’s disqualification. **The Downstate system will only include the 5 boroughs of New York City. The Upstate system will include all other areas of New York State.**

**Asset Verification System Implementation**

<b>Upstate</b>	\$
<b>Downstate</b>	\$

*Section C – System Change Requests and Training*

Bidders must enter an all-inclusive not-to-exceed hourly rate for any Department instructed System Change Requests and trainings deemed relevant and appropriate by the Department. This hourly rate will remain consistent for contract years 1- 3. Year 4 and 5 prices are subject to CPI increases as outlined in the Section labeled “Price Adjustment Clause.” Failure to include an hourly rate will result in the Bidder’s disqualification.

<b>System Change Requests and Training Hourly Rate</b>	<b>Estimated Annual Hours</b>
\$	<b>200</b>

Company Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Authorized Signature: \_\_\_\_\_