



Department of Health

Request for Proposals

RFP # - 20012RR

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

Issued: March 28, 2024

DESIGNATED CONTACT:

Pursuant to State Finance Law §§ 139-j and 139-k, the New York State Department of Health (hereinafter referred to as the “**Department**” or as “**DOH**”) identifies the following designated person to whom all communications attempting to influence the Department’s conduct or decision regarding this procurement must be made.

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PERMISSIBLE SUBJECT MATTER CONTACT:

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

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TABLE OF CONTENTS

(Hyperlinked; click to go directly to desired topic.)

TABLE OF CONTENTS 2

1.0 CALENDAR OF EVENTS 3

2.0 OVERVIEW 3

 2.1 Introductory Background 3

 2.2 Important Information 5

 2.3 Term of the Agreement 6

3.0 BIDDERS' QUALIFICATIONS TO PROPOSE 6

 3.1 Minimum Qualifications 6

4.0 SCOPE OF WORK 7

 4.1 Tasks/Deliverables 7

 4.2 Staffing 11

 4.3 Reporting 12

 4.4 Information Technology 12

 4.5 Security 12

 4.6 Transition 13

 4.7 Payment 13

 4.8 Subcontracting 14

 4.9 Contract Insurance Requirements 15

 4.10 Minority & Women-Owned Business Enterprise (M/WBE) Requirements 15

 4.12 Participation Opportunities for NYS Certified Service-Disabled Veteran-Owned Businesses 16

5.0 ADMINISTRATIVE INFORMATION 17

 5.1 Restricted Period 17

 5.2 Questions 17

 5.3 Right to Modify RFP 17

 5.4 DOH's Reserved Rights 18

 5.5 Debriefing 19

 5.6 Protest Procedures 19

 5.7 Freedom of Information Law ("FOIL") 19

 5.8 Piggybacking 19

 5.9 Intellectual Property 19

6.0 PROPOSAL CONTENT 19

 6.1 Administrative Proposal 20

 6.1.1 Bidder's Disclosure of Prior Non-Responsibility Determinations 20

 6.1.2 Freedom of Information Law – Proposal Redactions 20

 6.1.3 Vendor Responsibility Questionnaire 20

 6.1.4 Vendor Assurance of No Conflict of Interest or Detrimental Effect 20

 6.1.5 M/WBE Forms 21

 6.1.6 Encouraging Use of New York Businesses in Contract Performance 21

 6.1.7 Bidder's Certified Statements 21

 6.1.8 References 21

 6.1.9 Diversity Practices Questionnaire 21

 6.1.10 Executive Order 177 Prohibiting Contracts with Entities that Support Discrimination 21

 6.1.11 Executive Order 16 Prohibiting Contracting with Businesses Conducting Business in Russia 21

 6.1.12 State Finance Law Consultant Disclosure Provisions 22

 6.1.13 Sales and Compensating Use Tax Certification (Tax Law, § 5-a) 22

 6.2 Technical Proposal 22

 6.2.1 Title Page 23

6.2.2 Table of Contents	23
6.2.3 Documentation of Bidder's Eligibility Responsive to Section 3.0 of RFP	23
6.2.4 Technical Proposal Narrative	23
6.3 Cost Proposal	26
7.0 PROPOSAL SUBMISSION	26
7.1 No Bid Form	26
8.0 METHOD OF AWARD	26
8.1 General Information	26
8.2 Submission Review	27
8.3 Technical Evaluation	27
8.4 Cost Evaluation	27
8.5 Composite Score	28
8.6 Reference Checks	28
8.7 Best and Final Offers	28
8.8 Award Recommendation	28
9.0 ATTACHMENTS	28

1.0 CALENDAR OF EVENTS

RFP #20012RR - COST STUDY AND OPERATION OF CERTIFIED PUBLIC EXPENDITURE (CPE) REIMBURSEMENT METHODOLOGY FOR THE PRESCHOOL/SCHOOL SUPPORTIVE HEALTH SERVICES PROGRAM (SSHSP)	
<u>EVENT</u>	<u>DATE</u>
Issuance of Request for Proposals	March 28, 2024
Deadline for Submission of Written Questions	April 12, 2024 by 4:00 p.m. ET
Responses to Written Questions Posted by DOH	On or About April 30 th , 2024
Deadline for Submission of Proposals	Proposals Due On Or Before May 23, 2024 by 4:00 p.m. ET
<u>Anticipated</u> Contract Start Date	November 1, 2024

2.0 OVERVIEW

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

2.1 Introductory Background

The New York State Department of Health (Department), as the single State agency for the Medicaid program, is seeking a contractor to conduct annual cost studies to determine actual direct and indirect costs incurred by public school districts and counties (preschools) for medical care, services, and supplies,

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

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

Following a series of federal audits of SSHSP, a new State Plan amendment was developed and approved by the Centers for Medicare and Medicaid Services (CMS) on April 26, 2010, retroactive to September 1, 2009. The approved State Plan Amendment (SPA), [#09-61](#), used a benchmark of 75% of the 2010 Medicare rates for the mid-Hudson region to establish reimbursement rates and included clarification of provider qualifications also changing the payment methodology from a monthly-based payment system to an encounter-based payment methodology for SSHSP services. Effective 7/1/2017 the benchmark became 100% of the 2017 Medicare rates for the mid-Hudson region in accordance with [SPA #17-0057](#). Public school districts and counties are responsible for the delivery of SSHSP services.

***Please note: Authority to operate the CPE under SSHSP outlined in this RFP is contingent upon approval of SPA 23-0072 and future work may be contingent upon additional SPA approvals.**

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

Table 1: SSHSP Medicaid Eligible Services

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

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

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

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

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

SSHSP and PSSHSP Claims by Year of Service		
2018 - 2019 SCHOOL YEAR	SCHOOL DISTRICTS	\$138,237,450
	PRESCHOOLS	\$242,785,353
	TOTAL SSHSP PAID CLAIMS	\$381,022,803
	MEDICAID CLAIM COUNT	8,203,602
2019 - 2020 SCHOOL YEAR	SCHOOL DISTRICTS	\$98,429,887
	PRESCHOOLS	\$183,480,874
	TOTAL SSHSP PAID CLAIMS	\$281,910,761
	MEDICAID CLAIM COUNT	5,976,080
2020- 2021 SCHOOL YEAR	SCHOOL DISTRICTS	\$113,924,023
	PRESCHOOLS	\$140,834,086
	TOTAL SSHSP PAID CLAIMS	\$254,758,109
	MEDICAID CLAIM COUNT	4,887,761
2021- 2022 SCHOOL YEAR	SCHOOL DISTRICTS	\$134,271,439
	PRESCHOOLS	\$218,132,340
	TOTAL SSHSP PAID CLAIMS	\$352,403,779
	MEDICAID CLAIM COUNT	7,242,701

2.2 Important Information

The Bidder **must** review, and is requested to have its legal counsel review, [Attachment 8](#), the DOH Agreement (Standard Contract), as the successful Bidder must be willing to enter into the Contract

awarded pursuant to this RFP in the terms of [Attachment 8](#), **subject only to any amendments to the Standard Contract agreed by the Department during the Question and Answer Phase of this RFP** (see, [Section 5.2](#)). Please note that this RFP and the awarded Bidder's Bid will become part of the Contract as Appendix B and C, respectively.

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

Note, [Attachment 7](#), the Bidder's Certified Statements, **must** be submitted by each Bidder 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, including, without limitation, [Attachment 8](#). It also includes a statement that the Bidder acknowledges that, should any alternative proposals or extraneous terms be submitted with its Bid, such alternate proposals or extraneous terms will not be evaluated by the 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](#). (Calendar of Events). Any such qualifications or exceptions that are not proposed prior to the deadline for the submission of written questions will not be considered by DOH after contract award. Any amendments DOH makes to the RFP as a result of questions and answers will be publicized on the DOH web site and will be available and applicable to all Bidders equally.

2.3 Term of the Agreement

The term of the Contract that will be entered into pursuant to this RFP between the Department and the successful Bidder is expected to be for a period of *five (5) years* commencing on the date shown on the Calendar of Events in [Section 1](#), subject to the availability of sufficient funding, successful Contractor performance, and approvals from the New York State Attorney General (AG) and the Office of the State Comptroller (OSC).

3.0 BIDDERS' QUALIFICATIONS TO PROPOSE

3.1 Minimum Qualifications

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

- A minimum of three (3) years of experience using the Certified Public Expenditure (CPE) reimbursement methodology and conducting random moment time studies. Experience must include operation of a CPE reimbursement model in school-based programs in at least two (2) states/territories/government agencies located within the United States.

Experience acquired concurrently is considered acceptable.

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

complete contract and may employ (and manage) one or more subcontractors to carry out specific parts of the contract.

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

4.0 SCOPE OF WORK

This Section describes the CPE related consulting 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.

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

The selected bidder will assist the Department in operating a Certified Public Expenditure (CPE) Reimbursement model, conduct annual cost studies, provide training and support, provide quality assurance services and general requirements as noted below, throughout the contract term.

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

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

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

4.1 Tasks/Deliverables

The Contractor will assist the Department in operating a Certified Public Expenditure (CPE) reimbursement model under SSHSP, which includes a Random Moment Time Study (RMTS), and Cost Study which includes the Cost Based Settlement Process. The Cost Based Settlement Process compares other schools, previous reports and RMTS percentages against allowable costs to calculate a net Medicaid cost. The Contractor will conduct studies and ensure rates fall into the currently approved reimbursement methodology for school supportive health services furnished to Medicaid-eligible students with disabilities in accordance with Medicaid SPAs [#11-39A](#), [#11-39B](#), [#11-39C](#), [11-39D](#), [#17-27](#), [#17-28](#), and [#20-59](#).

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

4.1.1 General Requirements

Under the SSHSP, the Contractor shall:

1. Within four (4) months of the contract start date or the contract approval date, whichever is later,
 - Provide a mechanism for administering the RMTS that is compliant with federal Medicaid claiming requirements, the relevant approved SPA, and Attachment C School Supportive Health Services Program Time Study Implementation Plan.
 - Create a centralized, uniform, and CMS compliant system to capture cost data for purposes of quarterly reporting by public school districts and counties. Throughout the course of the resulting contract, the Contractor may be required to update methods and systems to comply with any new CMS requirements resulting from future and currently pending State Plan Amendments. This system will be used to collect cost data via cost reports from participating SSHSP providers in order to complete the Annual Cost Study outlined in Section 4.1.2.
2. Within six (6) months of the contract start date or the contract approval date, whichever is later, develop and conduct a statistically valid cost study to determine whether current SSHSP reimbursement rates provide appropriate compensation for medical services furnished under the SSHSP and for special transportation costs for the 2023-24 school year. The medical SSHSP services subject to a cost study will include, at a minimum, physical/speech/occupational therapy, nursing, psychology, audiological evaluations, and physician services. Special transportation services subject to a cost study are specially modified vehicles which transport the student to a day program and meet the need of the IEP.
3. Administer Random Moment Time Studies (RMTS) in accordance with federal Medicaid claiming requirements, the relevant approved State Plan Amendments, and the NY State Time Study Implementation Plan. The RMTS method polls participants on an individual basis at random time intervals over a given time and totals the results to determine work effort for the entire population of eligible staff over that same time period. The RMTS method provides a statistically valid means of determining what portion of the selected group of participants' workloads is spent performing activities that are reimbursable by Medicaid. The contractor's first RMTS will be performed during the 2024-25 School Year.
4. Conduct all activities necessary to generate RMTS results and submit a quarterly report to the Department no later than the last business day of the month following the end of the quarter. Activities include, but are not limited to:
 - identifying total pool of time study participants and moments
 - randomly selecting moments; randomly matching each moment to a participant
 - notifying selected participants via email about their selection. Sampled participants will be notified of their sampled moment at the exact time of their moment.
 - providing technical assistance for districts with incomplete sampling as outlined in section 4.1.3,
 - providing ongoing technical assistance to ensure a 90% completion rate of RMTS for participating districts, at an individual participating entity level,
 - monitoring compliance for the returned moments,

- coding of time study responses and compilation of responses
 - performing quality control to ensure coding of time study responses is consistent and in accordance with established rules
 - centrally code all moments submitted and randomly select a 5% sample of the coded responses to be submitted to the STATE each quarter for validation.
 - monitor the Local Education Agencies (LEAs) to ensure they are properly returning sample moments.
 - make changes to the RMTS as needed with DOH review and approval.
5. Calculate Medicaid allowable costs in accordance with Medicaid SPAs [#11-39A](#), [#11-39B](#), [#11-39C](#), [11-39D](#), [#17-27](#), [#17-28](#), and [#20-59](#).
6. by collecting cost data, utilizing the centralized, uniform and CMS-approved system in #1 above, from each participating public school district and county (preschool) in a format to be recommended by the vendor and approved by the Department in consultation with the SED in accordance with Section 4.1.2 Annual Cost Study. This cost data from each participating public school district and county comes in the form of a cost report (1 report per/public school district or county)
7. Provide Training and Support as outlined in Section 4.1.3.
8. Assist the Department with maintenance of
- the Medicaid SPAs [#11-39A](#), [#11-39B](#), [#11-39C](#), [11-39D](#), [#17-27](#), [#17-28](#), and [#20-59](#).
 - future State Plan Amendments
 - the School Supportive Health Services Program Time Study Implementation Plan
 - Guide to Cost Reporting
9. Assist the Department with correspondence as related to the SSHSP and Certified Public Expenditures with CMS, other federal agencies and Contractors.

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

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

Public School districts	678
Counties	58 (including NYC)
Total	736*

***Currently there are approximately 647 public school districts and counties who participate in SSHSP. This number is based on the 2021-22 school year and is subject to change.**

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

School Year	Public school districts	Counties
2018-2019	585	56
2019-2020	587	56
2020-2021	592	56
2021-2022	592	55

4.1.2 Annual Cost Study

The Contractor will determine whether current reimbursement for preschool and school supportive health services furnished in public school districts and counties in New York State reflects the actual cost of service delivery. The Contractor will conduct a cost study and assist the Department in maintaining an annual cost reconciled and settled model for reimbursement of school supportive health services furnished in all public school districts and counties (including New York City (NYC)) using the CPE methodology under SPAs [#11-39A](#), [#11-39B](#), [#11-39C](#), [11-39D](#), [#17-27](#), [#17-28](#), and [#20-59](#).

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

- Collect cost data, according to Section 4.1.1, from participating providers on an annual basis by December 31st. **Please note: This will not be required of the Contractor for School Year 2023-2024 as outlined in the table below.**
- Review and validate cost reports submitted by each school district and county on an annual basis by April 30th of the following year.
- Perform an annual desk review on every cost report submitted by each school district and county by September 30th of the following year.
- Calculate cost settlement amounts for each school district and county on an annual basis by February 15th, two years following.
- Generate and submit cost settlement reports to the Department that meet applicable Federal and State requirements by February 15th on an annual basis after the first report. These include SPA and program implementation requirements.

Cost study for School Year 2023-2024 (July 2023- June 2024)	
Due Date	Action
04/30/2025	Review and validate cost reports submitted by each school district and county
09/30/2025	Perform annual desk review
02/15/2026	Calculate cost settlement amounts for each school district and county Generate and submit cost settlement reports to DOH

Cost study for School Years Beginning With 2024-2025 (July 2024- June 2025)	
Due Date	Action
12/31/2025	Collect annual cost data from participating providers
04/30/2026	Review and validate cost reports submitted by each school district and county
09/30/2026	Perform annual desk review
02/15/2027	Calculate cost settlement amounts for each school district and county Generate and submit cost settlement reports to DOH

4.1.3 Training and Technical Support

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

1. Training:

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

2. Technical Support:

- Provide technical assistance to public schools and counties at no additional cost to the State for the duration of the contract. Technical assistance may include authorizing public-school district and county staff as users of the RMTS mechanism/system and cost reporting system, assisting users utilizing the RMTS and/or cost reporting systems, answering questions about the RMTS, cost reporting and system functions. Technical assistance will be provided utilizing a toll-free state-wide hotline as described below.
- Make reports available to public school districts and counties as needed to support the SSHSP via email or contractor website to support their school supportive health services programs, quality assurance and internal control activities including:
 - Random Moment Time Study response rates (weekly);
 - Cost Reports (annually);
 - Desk Review reports (as needed);
 - and Other reports as needed.
- Operate and maintain a toll-free state-wide hotline for public school district and county RMTS questions. This toll-free hotline will be operated January through December, Monday through Friday from 9 AM to 5 PM excluding State Holidays. Over the past year (from June 1, 2020 through May 31, 2021) the current contractor has processed 2,188 calls.

4.1.4 Quality Assurance

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

4.2 Staffing

The Contractor will assign a full-time contract manager who will be the primary contact with the Department. The contract manager will have two (2) years' experience implementing/overseeing a CPE and RMTS project of similar nature, will manage the requirements of this contract and be available to meet with Department staff primarily in Albany, but may be asked to meet in another major metropolitan area within

the State (Buffalo, Syracuse, Manhattan). The contract manager is expected to attend weekly conference calls or webinars and will be required to attend bi-annual meetings in person in Albany, NY. These frequencies are only estimates and the contract manager is expected to attend meetings on an as needed basis. The Contractor will supply a copy of the proposed contract manager's resume for review and approval by the Department prior to commencement of work on this project. The Department reserves the right to require an interview prior to issuing their approval.

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

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

4.3 Reporting

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

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

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

4.4 Information Technology

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

4.5 Security

The selected Contractor shall comply with all privacy and security policies and procedures of the Department (<https://its.ny.gov/eiso/policies/security>) and applicable State and Federal law and administrative guidance with respect to the performance of the Contract. The Contractor is required, if applicable, to execute a number of security and privacy agreements with the Department including a Business Associate Agreement (Appendix H) and a Data Use Agreement (DUA) at contract signing.

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

Language for Third Parties section of the DUA. If any breach or suspected breach of the data or confidentiality occurs, whether the breach occurred with the Contractor or Subcontractor, DOH must be notified immediately.

The Contractor is required to maintain and provide to the Department upon request their data confidentiality plans and procedures for meeting security requirements as they relate to the deliverables and services within this RFP, including all plans as they relate to subcontractor work where applicable. Contractor will develop and maintain adequate fully trained staff to respond to all stakeholder inquiries while protecting confidentiality and maintaining the security and integrity of all systems. Staff must be trained to understand and observe requirements related to confidentiality and operating guidelines for functions included in this RFP.

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

4.6 Transition

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

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

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

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

Contractor is required to develop a work plan and timeline to securely and smoothly transfer any data and records generated from the inception of the Contract through the end of the Contract to the Department or another Department agent should that be required during or upon expiration of its Contract. The plan and documentation must be submitted to the Department no later than twelve (12) months before the last day of its Contract with the Department of Health or upon request of the Department.

4.7 Payment

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

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

Subject: **Unit ID 3450437 Contract # C035368**

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

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

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

In addition to the Electronic Payment Authorization Form, a Substitute Form W-9 must be on file with the Office of the State Comptroller, Bureau of Accounting Operations. Additional information and procedures for enrollment can be found at <http://www.osc.state.ny.us/epay>.

Completed W-9 forms should be submitted to the following address:

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

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

The selected contractor will be reimbursed on a monthly basis for all deliverables upon completion via the all-inclusive deliverable price outlined in the Attachment B – Cost Proposal. **This all-inclusive deliverable price will reflect all costs related to materials, labor, profit, equipment, overhead, meetings, training, reporting, analysis, travel, and any other costs required to complete all deliverables and adhere to all standards of this RFP. Transition expenses will not be reimbursed separately.** All submitted deliverables are subject to the review and approval by the Department. Any corrections, updates, or edits requested by the Department to any submitted deliverables, will be completed by the contractor at no additional cost.

4.8 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 all the requirements of this RFP is 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 Contract.

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

4.9 Contract Insurance Requirements

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

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

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

4.11 Business Participation Opportunities for M/WBEs

For purposes of this RFP, DOH hereby establishes an overall goal of *Insert 30%* for M/WBE participation, **15%** for Minority-Owned Business Enterprises (“MBEs”) participation and **15%** for Women-Owned Business Enterprises (“WBEs”), based on the current availability of qualified MBEs and WBEs and outreach efforts to certified M/WBE firms. The successful Bidder who becomes the Contractor under the Contract entered into with the Department pursuant to this RFP must document good faith efforts to provide meaningful participation by M/WBEs as subcontractors or suppliers in the performance of the Contract consistent with the M/WBE participation goals established for this procurement, and Contractor must agree that DOH may withhold payment pending receipt of the required M/WBE documentation. For guidance on how DOH will determine “good faith efforts,” refer to 5 NYCRR §142.8.

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

By submitting a Bid in response to this RFP, a Bidder agrees to complete an M/WBE Utilization Plan ([Attachment 5](#), Form #1) for this RFP. DOH will review the submitted M/WBE Utilization Plan. If the Plan is not accepted, DOH may issue a notice of deficiency. If a notice of deficiency is issued, Bidder agrees that it shall respond to the notice of deficiency within seven (7) business days after Bidder’s receipt of such notice. DOH may disqualify a Bidder as being non-responsive to this RFP under the following circumstances:

- a) If a Bidder fails to submit a M/WBE 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 to provide meaningful participation by M/WBEs under the Contract in accordance with the goals for this RFP established by the Department;

The Contractor will be required to attempt to utilize, in good faith, any MBE or WBE identified in its M/WBE Utilization Plan, during the performance of the Contract. Requests for a partial or total waiver of

established goal requirements made subsequent to Contract Award may be made at any time during the term of the Contract to DOH but must be made no later than prior to the submission of a request for final payment on the Contract.

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

If (a) the Department determines that the Contractor is not in compliance with the M/WBE requirements of the Contract and the Contractor refuses to comply with such requirements, or (b) the Department finds that the Contractor has willfully and intentionally failed to comply with the M/WBE participation goals established in the Contract, the Contractor may be required to pay to the Department liquidated damages.

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

A New York State certified Minority- and Women-Owned Businesses (M/WBE) may request that their firm's contact information be included on a list of M/WBE firms interested in serving as a subcontractor for this procurement. The listing will be publicly posted on the Department's website for reference by the bidding community. A firm requesting inclusion on this list should send contact information and a copy of its NYS M/WBE certification to OHIPContracts@health.ny.gov before the Deadline for Questions as specified in [Section 1](#). (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.)

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

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

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

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

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

5.0 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 ("RFP"), or solicitation of proposals, or any other method for soliciting a response from bidders intending to result in a procurement contract with DOH and ending with the final contract award and approval by DOH and, where applicable, final contract approval by the Office of the State Comptroller.

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

This prohibition applies to any oral, written, or electronic communication under circumstances where a reasonable person would infer that the communication was intended to influence this procurement. Violation of any of the requirements described in this Section may be grounds for a determination that the bidder is non-responsible and therefore ineligible for this contract award. Two (2) violations within four (4) years of the rules against impermissible contacts during the "restricted period" may result in the violator being debarred from participating in DOH procurements for a period of four (4) years.

5.2 Questions

Potential Bidders may submit written questions and requests for clarification pertaining to this RFP between the issuance of this RFP and the deadline for the submission of written questions specified in [Section 1](#) (Calendar of Events). All questions and requests for clarification of this RFP should cite the relevant RFP, including the RFP number and title (RFP #20012RR: Cost Study and Operation of Certified Public Expenditure (CPE) Reimbursement Methodology for the Preschool/School Supportive Health Services Program (SSHSP)), the section and paragraph number of this RFP or of the Attachment to this RFP to which the question relates, where applicable, and must be submitted via email to OHIPContracts@health.ny.gov no later than the Deadline for Submission of Written Questions specified in [Section 1](#). (Calendar of Events). Questions received after the deadline **may not** be answered.

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

5.3 Right to Modify RFP

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

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

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

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

5.4 DOH's Reserved Rights

The Department of Health reserves the right to:

1. Reject any or all proposals received in response to the RFP;
2. Withdraw the RFP at any time, at the Department's sole discretion;
3. Make an award under the RFP in whole or in part;
4. Disqualify any 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 Department's request for clarifying information in the course of evaluation and/or selection under the RFP;
7. Prior to the bid opening, amend the RFP specifications to correct errors or oversights, or to supply additional information, as it becomes available;
8. Prior to the bid opening, direct 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 bid is subject to withdrawal communicated in a writing signed by the bidder; and,
16. Require clarification at any time during the procurement process and/or require correction of arithmetic or other apparent errors for the purpose of assuring a full and complete understanding of a bidder's proposal and/or to determine a bidder's compliance with the requirements of the solicitation.

5.5 Debriefing

Once an award has been made, a Bidder may request a debriefing of their Bid. The debriefing will be limited solely to the Bidder's own Bid and will not include any discussion of other bids. A Bidder's request for a debriefing must be received by the Department no later than fifteen (15) business days after the date of the award notification to the successful Bidder or non-award announcement to the unsuccessful Bidder, depending upon whether the Bidder requesting the debriefing is the successful Bidder or an unsuccessful Bidder.

5.6 Protest Procedures

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

5.7 Freedom of Information Law ("FOIL")

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

5.8 Piggybacking

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

5.9 Intellectual Property

Any work product created pursuant to this RFP and the Contract awarded hereunder 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.

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

6.1.1 Bidder's Disclosure of Prior Non-Responsibility Determinations

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

6.1.2 Freedom of Information Law – Proposal Redactions

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

6.1.3 Vendor Responsibility Questionnaire

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

Bidders 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.

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

6.1.4 Vendor Assurance of No Conflict of Interest or Detrimental Effect

Submit [Attachment 4](#), Vendor Assurance of No Conflict of Interest or Detrimental Effect, which includes information regarding the Bidder, members, shareholders, parents, affiliates and

subcontractors. [Attachment 4](#) must be signed by an individual authorized to bind the Bidder contractually.

6.1.5 M/WBE Forms

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

6.1.6 Encouraging Use of New York Businesses in Contract Performance

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

6.1.7 Bidder’s Certified Statements

Complete, sign and submit [Attachment 7](#), “Bidder’s Certified Statements”, which includes information regarding the Bidder. [Attachment 7](#) 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.

6.1.8 DOH Agreement

The bidder must review, and is requested to have its legal counsel review, [Attachment 8](#), the DOH Agreement (Standard Contract), as the successful bidder must be willing to enter into the Contract awarded pursuant to this RFP in the terms of [Attachment 8](#).

6.1.9 References

Provide references using [Attachment 9](#), (References) for three (3) similar engagements. Provide firm names, addresses, contact names, telephone numbers, and email addresses.

6.1.10 Diversity Practices Questionnaire

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

6.1.11 Executive Order 177 Prohibiting Contracts with Entities that Support Discrimination

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

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

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

6.1.13 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, the Office of the State Comptroller, and Department of Civil Service.

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

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

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

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

The successful Bidder must file a properly completed Form ST-220-CA with the Department 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>.

Submit these Forms, available through these links:

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

6.2 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.

6.2.1 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.

6.2.2 Table of Contents

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

6.2.3 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/criteria set forth in Section 3.0. This documentation may be in any format needed to demonstrate how the Bidder meets the minimum qualifications to propose.

- A minimum of three (3) years of experience using the Certified Public Expenditure (CPE) reimbursement methodology and conducting random moment time studies. Experience must include operation of a CPE reimbursement model in school-based programs in at least two (2) states/territories/government agencies located within the United States.

Experience acquired concurrently is considered acceptable.

6.2.4 Technical Proposal Narrative

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

Elements of the Technical Proposal are as follows:

D.1 Organizational Background and Experience

- a. Provide a brief history and description of your organization including its business mission, headquarters and branch office locations, parent and subsidiary organizations, and the relationship between the bidder's organization and any parent or subsidiary.
- b. Describe in detail the bidder's experience performing analysis of health care, disability or educational payment systems. The bidder should include experience with any of the following: Part B IDEA regulations, NYS School Supportive Health Services Program procedures and requirements, the Medicaid Program, and similar types of service systems, such as those delivered under the auspices of the Office for People with Developmental Disabilities, Office of Mental Health, and State Education Department.
- c. Provide a list and full description of three (3) projects and explain how they are similar to the size and scope of the services outlined in Section 4.0 of this RFP. The projects referenced should be specifically identified and the name of the customer shown, including the name, address and telephone number of the responsible official of the customer, company or agency who may be contacted by the State.
- d. Provide a brief description including details of the technical and administrative resources to be used to accomplish the requirements of the contract resulting from this RFP such as database development and maintenance and reporting to the Department.
- e. Describe your knowledge and experience with assisting and maintaining Medicaid State Plan Amendments.

D.2 Project Approach (see Scope of Work Section 4.1.1-4.1.4)

In response to the following criteria, bidders should include any technologies, special techniques, skills or abilities planned to be utilized by the bidder in relation to each bullet below:

- a. Describe your approach to assist the Department in operating a certified public expenditure (CPE) reimbursement model as described in Section 4.1 of the RFP. Describe how you will maintain the currently approved reimbursement methodology for school supportive health services furnished to Medicaid-eligible students with disabilities in accordance with Medicaid State Plan Amendment #11-39A, #11-39B, #11-39C, #11-39D, #17-27, #17-28, and #20-59.
- b. Describe your approach and experience with conducting Random Moment Time Studies (RMTS) as outlined in section 4.1.1.3. Describe your knowledge and experience with federal Medicaid claiming requirements, relevant approved State Plan Amendments, and the NYS Time Study Implementation Plan. Describe any current or developing systems to be used conducting RMTS.
- c. Describe your approach/method of collecting cost data from each participating school district and county and calculating Medicaid allowable costs in accordance with the methodology in Medicaid State Plan Amendments #11-39A, #11-39B, #11-39C, #11-39D, #17-27, #17-28, and #20-59. Describe any current or developing systems to be used to collect data as outlined in section 4.1.1.
- d. Describe your approach/method in conducting annual cost studies and assisting the Department in maintaining an annual cost reconciled and settled model for reimbursement of school supportive health services furnished in all public school districts and counties (including NYC) using the Certified Public Expenditures methodology under State Plan Amendments #11-39A, #11-39B, #11-39C, #11-39D, #17-27, #17-28, and #20-59 as outlined in 4.1.2. This should include:
 - Collecting cost data from participating providers
 - Reviewing and validating cost reports

- Performing annual desk reviews on every cost report
 - Calculating cost settlement amounts
 - Generate cost settlement reports
- e. Describe your approach/method to complete data analysis to determine whether current reimbursement for preschool and school supportive health services furnished in public school districts and counties in New York State reflects the actual cost of service delivery.
- f. Describe your approach to ensure public school districts and counties have the necessary Training and Technical Support to participate in the RMTS and complete their cost reports timely. Specifically:
- Describe your approach for conducting semi-annual web-based trainings for contract staff within public school districts and counties, the Department, and the SED on the Medicaid Cost Settlement Process including the implementation of the RMTS and filing of annual cost reports under the CPE model (see section 4.1.3.1).
 - Describe your approach to establishing and maintaining a toll-free statewide telephone number to provide technical assistance to the public school districts and counties and your approach to make reports available to public school districts and counties as needed to support SSHSP via email or contractor website to support their school supportive health services programs, quality assurance and internal control activities (see section 4.1.3.2).
- g. Describe your Quality Assurance plan (section 4.1.4) which describes how you will ensure that all services will be delivered effectively and accurately. The QA plan should define the procedures and standards by which you will maintain and evaluate performance.

D.3 Staffing (See Section 4.2)

- a. Describe your ability to provide a full-time contract manager who will be the primary contract with the Department as described in section 4.2.
- b. Describe your ability to ensure Information technology staff are available to facilitate and coordinate the migration of Department data files into the Contractor's data system.
- c. Describe how you intend to recruit and maintain staff for this project who possess the required knowledge and experience to ensure all deliverables under this RFP are completed in a timely manner. The bidder should include a staffing plan or organizational chart necessary to accomplish the contract requirements.

D.4 Reporting (see Section 4.3)

- a. Describe your approach to submit all reports requested in an electronic format utilizing a template created by the Contractor.
- b. Describe your approach to produce annual reports with a format agreed upon by the Department detailing the cost settlement amount for each school district and county by February 15th of each year.
- c. Describe your approach to provide quarterly progress reports, with an annual progress report to be submitted with the annual vouchers as further detailed in section 4.3.

D.5 Transition (see Section 4.6)

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

6.3 Cost Proposal

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

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

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

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

7.0 PROPOSAL SUBMISSION

A proposal consists of three distinct parts: (1) the Administrative Proposal, (2) the Technical Proposal, and (3) the Cost Proposal. Proposals should be submitted in all formats as prescribed below.

Submit a complete Proposal via email to: OHIPContracts@health.ny.gov with the subject “Offer RFP #20012RR: Cost Study and Operation of Certified Public Expenditure (CPE) Reimbursement Methodology for the Preschool/School Supportive Health Services Program (SSHSP)”. Include, as attachments to the email, three complete distinct PDF files labeled “Administrative Offer”, “Technical Offer” and “Cost Proposal” In the event an electronic submission cannot be read by the Department, the Department reserves the right to request a hard copy and/or electronic resubmission of any unreadable files. The Bidder shall have 2 business days to respond to such requests and must certify the resubmission is identical to the original submission. 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.

7.1 No Bid Form

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

8.0 METHOD OF AWARD

8.1 General Information

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

DOH, at its sole discretion, will determine which proposal(s) best satisfies its requirements. DOH reserves all rights with respect to the award. All proposals deemed to be responsive to the requirements of this procurement will be evaluated and scored for technical qualities and cost. Proposals failing to meet the requirements of this RFP may be eliminated from consideration. The evaluation process will include separate technical and cost evaluations, and the result of each evaluation shall remain confidential until evaluations have been completed and a selection of the winning proposal 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 M/WBE 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 Proposal evaluation is **70% (up to 70 points)** of the final score.

8.4 Cost Evaluation

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

The Cost Proposals will be scored based on a maximum cost score of XX points. The maximum cost score will be allocated to the Cost Proposal with the lowest all-inclusive not-to-exceed maximum price. All

other responsive proposals will receive a proportionate score based on the relation of their Cost Proposal to the Cost Proposal(s) offered at the lowest final cost, using this formula:

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

A is Total price of lowest Cost Proposal;

B is Total price of Cost Proposal being scored; and

C is the Cost score.

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

8.5 Composite Score

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

8.6 Reference Checks

The 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's qualifications to propose (Section 3.0).

8.7 Best and Final Offers

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

8.8 Award Recommendation

The Evaluation Committee will submit a recommendation for award to the Bidder(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 Contract substantially in accordance with the terms of Attachment 8, DOH Agreement, to provide the required product(s) or services as specified in this RFP. The resultant Contract shall not be binding until fully executed and approved by the New York State Office of the Attorney General and the Office of the State Comptroller.

9.0 ATTACHMENTS

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

1. [Bidder's Disclosure of Prior Non-Responsibility Determinations](#)
2. [No-Bid Form](#)
3. [Vendor Responsibility Attestation](#)
4. [Vendor Assurance of No Conflict of Interest or Detrimental Effect](#)
5. [Guide to New York State DOH M/WBE Required Forms & Forms](#)
6. [Encouraging Use of New York Businesses in Contract Performance](#)
7. [Bidder's Certified Statements](#)

8. [DOH Agreement](#) (Standard Contract)
9. [References](#)
10. [Diversity Practices Questionnaire](#)
11. [Executive Order 177 Prohibiting Contracts with Entities that Support Discrimination](#)
12. [Executive Order 16 Prohibiting Contracting with Business Conducting Business in Russia](#)

The following attachments are attached and included in this RFP:

- A. Proposal Document Checklist
- B. Cost Proposal

The following attachments have been posted as a bidder's library along with this RFP at <https://www.health.ny.gov/funding>:

- C. School Supportive Health Services Program Time Study Implementation Plan
- D. CPT Codes
- E. Special Transportation Rates

**ATTACHMENT A
PROPOSAL DOCUMENT CHECKLIST**

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

RFP 20012RR – Cost Study and Operation of Certified Public Expenditure (CPE) Reimbursement Methodology for the Preschool/School Supportive Health Services Program (SSHSP)		
FOR THE ADMINISTRATIVE PROPOSAL		
RFP §	SUBMISSION	INCLUDED
§ 6.1.1	Attachment 1 - Bidder's Disclosure of Prior Non-Responsibility Determinations	<input type="checkbox"/>
§ 6.1.2	Freedom of Information Law – Proposal Redactions (If Applicable)	<input type="checkbox"/>
§ 6.1.3	Attachment 3 - Vendor Responsibility Attestation	<input type="checkbox"/>
§ 6.1.4	Attachment 4 - Vendor Assurance of No Conflict of Interest or Detrimental Effect	<input type="checkbox"/>
§ 6.1.5	M/WBE Participation Requirements:	<input type="checkbox"/>
	Attachment 5 - Form 1	<input type="checkbox"/>
	Attachment 5 - Form 2 (If Applicable)	<input type="checkbox"/>
	Attachment 5 - Form 4	<input type="checkbox"/>
	Attachment 5 - Form 5 (If Applicable)	<input type="checkbox"/>
§ 6.1.6	Attachment 6 - Encouraging Use of New York Businesses	<input type="checkbox"/>
§ 6.1.7	Attachment 7 - Bidder's Certified Statements	<input type="checkbox"/>
§ 6.1.8	Attachment 8 – DOH Agreement	<input type="checkbox"/>
§ 6.1.9	Attachment 9 - References	<input type="checkbox"/>
§ 6.1.10	Attachment 10 - Diversity Practices Questionnaire	<input type="checkbox"/>
§ 6.1.11	Attachment 11 - EO 177 Prohibiting Contracts with Entities that Support Discrimination	<input type="checkbox"/>
§ 6.1.12	Attachment 12 – EO 16 Contracting with Businesses Conducting Business in Russia	<input type="checkbox"/>

§ 6.1.13	State Finance Law Consultant Disclosure	<input type="checkbox"/>
§ 6.1.14	Sales and Compensating Use Tax Certification	<input type="checkbox"/>
FOR THE TECHNICAL PROPOSAL		
RFP §	SUBMISSION	INCLUDED
§ 6.2.1	Title Page	<input type="checkbox"/>
§ 6.2.2	Table of Contents	<input type="checkbox"/>
§ 6.2.3	Documentation of Bidder's Eligibility (Requirement)	<input type="checkbox"/>
§ 6.2.4	Technical Proposal Narrative	<input type="checkbox"/>
FOR THE COST PROPOSAL REQUIREMENT		
RFP §	REQUIREMENT	INCLUDED
§ 6.3	Attachment B- Cost Proposal	<input type="checkbox"/>