



Department of Health

Request for Proposals

RFP # - 20338

Consulting Services for New York State's Health Insurance Programs and Waiver Initiatives

Issued: July 26, 2023

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.....	4
2.3 Term of the Agreement.....	5
3.0 BIDDERS' QUALIFICATIONS TO PROPOSE.....	5
3.1 Minimum Qualifications.....	5
4.0 SCOPE OF WORK.....	6
4.1 Tasks/Deliverables.....	7
4.2 Staffing.....	11
4.3 Task Order Process.....	12
4.4 Reporting.....	12
4.5 Information Technology.....	13
4.6 Security.....	13
4.7 Transition.....	13
4.8 Payment.....	14
4.9 Subcontracting.....	15
4.10 Contract Insurance Requirements.....	15
4.11 Minority & Women-Owned Business Enterprise (M/WBE) Requirements.....	16
4.12 Participation Opportunities for NYS Certified Service-Disabled Veteran-Owned Businesses.....	17
5.0 ADMINISTRATIVE INFORMATION.....	18
5.1 Restricted Period.....	18
5.2 Questions.....	18
5.3 Right to Modify RFP.....	18
5.4 DOH's Reserved Rights.....	19
5.5 Debriefing.....	19
5.6 Protest Procedures.....	20
5.7 Freedom of Information Law ("FOIL").....	20
5.8 Piggybacking.....	20
6.0 PROPOSAL CONTENT.....	20
6.1 Administrative Proposal.....	21
6.2 Technical Proposal.....	23
6.3 Cost Proposal.....	26
7.0 PROPOSAL SUBMISSION.....	27
7.1 No Bid Form.....	27
8.0 METHOD OF AWARD.....	28
8.1 General Information.....	28
8.2 Submission Review.....	28
8.3 Technical Evaluation.....	28
8.4 Cost Evaluation.....	28
8.5 Composite Score.....	29
8.6 Reference Checks.....	29
8.7 Best and Final Offers.....	29
8.8 Award Recommendation.....	29
9.0 ATTACHMENTS.....	30

1.0 CALENDAR OF EVENTS

RFP 20338– CONSULTING SERVICES FOR NEW YORK STATE’S HEALTH INSURANCE PROGRAMS AND WAIVER INITIATIVES	
<u>EVENT</u>	<u>DATE</u>
Issuance of Request for Proposals	July 26, 2023
Deadline for Submission of Written Questions	Questions Due By August 11, 2023 by 4:00 p.m. ET
Responses to Written Questions Posted by DOH	On or About August 30, 2023 Responses will be Posted
Deadline for Submission of Proposals	Proposals Due On Or Before September 18, 2023 by 4:00 p.m. ET
<i>Anticipated</i> Contract Start Date	June 1, 2024

2.0 OVERVIEW

Through this Request for Proposals (“RFP”), the New York State (“State”) Department of Health (“DOH” or “Department”) is seeking competitive proposals from qualified bidders to provide consulting services as further detailed in Section 4.0 (Scope of Work). This procurement consists of five (5) components, Component I-Component V. It is the Department’s intent to award two (2) contracts, a Primary and Secondary for each Component contained in this RFP.

2.1 Introductory Background

The Office of Health Insurance Programs (OHIP) is responsible for operating the State’s Medicaid program. OHIP is also responsible for administering the Child Health Plus (“CHP”) program, the Essential Plan (“EP”), the Medical Indemnity Fund (“MIF”), the Elderly Pharmaceutical Insurance Coverage (“EPIC”) program and health care financing programs, including the Disproportionate Share Hospital (“DSH”) program and the Health Care Reform Act (“HCRA”).

New York State’s Medicaid program provides health insurance coverage to the more than 7.74 million members and totals over \$90 billion annually, as of December 2022. Medicaid is largely governed by federal and State law and regulation and operates under a series of federal waiver authorities, including Section 1115 waivers and Section 1915(c) home and community based services waivers, and State Plan Amendments. DOH works in collaboration with other State agencies, including the NYS Office of Mental Health (“OMH”), the Office of Addiction Services and Supports (“OASAS”), the Office for People with Developmental Disabilities (“OPWDD”), and the Office of Children and Family Services (“OFCS”), among others, and with local governments (counties) and managed care organizations (“MCOs”) to administer certain aspects of the Medicaid program.

In 2011, a Medicaid Redesign Team (“MRT”) was convened, which was composed of health care stakeholders and experts to address the rising cost of Medicaid. Recommendations made by the MRT, including the establishment of a Medicaid Global Spending Cap (“Global Cap”), which requires the State share of Medicaid spending to be within the rolling 10-year average CPI, for several years allowed the State to maintain spending growth to an average of 2.2 percent as compared to a national average of 5.3 percent, savings New York taxpayers more than \$19 billion. To address growth in Medicaid spending, resulting largely from the cost of expanding Medicaid eligibility, the growth in managed long term care costs, State takeover of a larger amount of the cost of Medicaid from counties, and a decline in federal funding, the “MRT” II was established in February 2020 to develop a comprehensive set of new recommendations to:

- Address the drivers of greater-than-projected costs and growth in the Medicaid program;
- Develop models of healthcare delivery to improve care management for beneficiaries with complex health conditions;
- Modernize existing regulations, laws and programs that hinder the modernization or achieving efficiencies in the Medicaid program and for the healthcare industry;
- Develop ways to ensure the availability of a stable and appropriately skilled workforce, especially with respect to meeting the needs of an aging population;
- Strengthen the sustainability of safety net providers serving vulnerable populations, including through regulatory reform;
- Propose changes in the Medicaid program to achieve short-term solutions and long-term systemic changes that advance the State's successful healthcare reform strategy while restoring financial sustainability to ensure that benefits will always be available to those who need it;
- Assess whether any changes to the metric for calculating the Medicaid global cap are necessary;
- Introduce new data sets, data analytics and technologies to identify current and future trends and improve program oversight; and
- Develop policies to ensure the efficient and effective use of Medicaid dollars and reduce waste, fraud and abuse.

The approximately 91 recommendations of the MRT II were enacted as part of the SFY 2020-21 State Budget and are being implemented by the DOH.

On March 29, 2022, the New York Health Equity Reform (NYHER) 1115 Waiver Amendment application was submitted to the NYS Register for Public Comment and published on April 13, 2022. The final amendment was submitted to CMS on September 2, 2022 and CMS provided a Letter of Completeness on September 15, 2022. As of February 2023, the State is in negotiations with CMS. The framework of this proposed five-year amendment requests \$13.52 billion to fund a new 1115 Waiver that addresses the inextricably linked health disparities and systemic health care delivery issues that have been both highlighted and intensified by the COVID-19 pandemic.

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 Contracts that will be entered into pursuant to this RFP between the Department and the successful Bidder(s) are expected to be for a period 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). This RFP consists of five (5) Components as identified in Section 4.1 below. It is the Department's intent to award two (2) contracts, a Primary and Secondary Contract, for each Component of this RFP.

The Department anticipates to award approximately 75% of the anticipated annual funding to each Component's Primary Contractor and approximately 25% of the anticipated annual funding will be reserved for the Secondary Contractor. However, there is no commitment by the Department that any Contractor will be requested to provide any services. See Section 8.8: Award Recommendation.

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.

PLEASE NOTE: Minimum qualifications are different for each Component.

3.1.1 Component I: Minimum Eligibility Requirements-Financial Advisory and Fee For Service Rate Development Services

- A minimum of three (3) years of experience conducting financial audits following the rules of GAAP **and** GAGAS;
- A minimum of three (3) years of experience conducting performance audits following the rules of GAAP **and** GAGAS;
- A Certified Public Accounting firm that employs at least one (1) Certified Public Accountant(s) licensed in New York; and
- A minimum of three (3) years of experience in providing financial advisory services to a Federal, State, **OR** local government agency.

3.1.2 Component II: Minimum Eligibility Requirements- Technical and Data Services

- A minimum of three (3) projects or initiatives providing:
 - Business **and** Technology Advisory Services; **OR**
 - System Integration Services for enterprise Information Technology system projects with a combined budget of more than \$15,000,000 per initiative, within the past ten (10) years.

3.1.3 Component III: Minimum Eligibility Requirements-1115 Waiver Design and Implementation Advisory

- A minimum of five (5) years of experience providing advisory consulting services on a Medicaid program to a Federal, State or Local Governmental agency;
- A minimum of three (3) years of experience consulting on projects related to 1115 waivers;
- A minimum of three (3) years of experience working directly with the Centers of Medicaid and Medicare Services (CMS);
- A minimum of three (3) years' experience convening and leading multistakeholder workgroups; and
- A minimum of three (3) years of experience with consulting on **and** measuring metrics established by the National Committee for Quality Assurance (NCQA) for Clinical **and** Claims based Quality Measurements **OR** value-based payment arrangements.

3.1.4 Component IV: Minimum Eligibility Requirements- Financially Distressed Provider Technical Assistance

- A minimum of five (5) years of experience providing consulting services **and** technical assistance related to health system transformations for hospitals or nursing homes;
- A minimum of three (3) years of experience with a State Medicaid program policy **and** financial strategy; and
- A minimum of five (5) years of experience working directly with the Centers of Medicaid and Medicare Services (CMS) in identifying new means of obtaining federal support in addressing financially distressed provider needs.

3.1.5 Component V: Minimum Eligibility Requirements-Business Process Improvement Consulting

- A minimum of five (5) years of experience with the implementation **and** oversight of Medicaid programs; and
- A minimum of three (3) years' experience:
 - Providing Project Management services according to the Project Management Body of Knowledge (PMBOK) to an external entity **OR** organization; **and**
 - Creating **and** customizing Project Management plans, **and**
 - Assisting organizations with Organizational Change Management for at least one (1) organization with over 500 staff.
 - Organizational Change Management is defined as preparing and guiding people for changes within their organization, related to the improvement of new technologies, processes, structures, or cultures.

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. A bidder may not leverage the experience of a planned subcontractor to meet the Minimum Qualifications as identified 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 Consulting services that are required to be provided by the selected bidders. The selected bidder must be able to provide all of these services throughout the contract term.

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 purpose of this RFP is to solicit proposals from advisory firms experienced in providing advisory services to states or large municipalities on an as-needed basis. At the time of the release of this RFP, actual assignments to be performed have not been identified, but the Department is anticipating the annual contractual spending for each of the following Components:

Component	Anticipated Annual Contractual Spending Per Component*
I. Financial Advisory and FFS Rate Development Services	\$8,500,000
II. Technical and Data Services	\$10,000,000
III. 1115 Waiver Design and Implementation Advisory	\$52,000,000
IV. Financially Distressed Provider Technical Assistance	\$10,000,000
V. Business Process Improvement Consulting	\$19,500,000

*The Anticipated Annual Contractual Spending Per Component is only an **estimated amount** to be used for planning purposes. The actual amount paid to each Contractor will be contingent upon the needs of the Department during the contract term as delineated in the approved SOW for each Task Order (See Section 4.3). These amounts do not represent any guarantee of work.

PLEASE NOTE: This RFP consists of five (5) Components as identified in Section 4.1 below. A bidder may respond to one (1) or more than one (1) Component of this RFP but will be required to provide responses that address all of the requirements of each applicable Component as part of its Technical Proposal (see Section 6.0: Proposal Content for additional information).

4.1 Tasks/Deliverables

4.1.1 Component I- Financial Advisory and Fee For Service Rate Development

The Contractor(s) will be responsible for providing financial advisory services, including auditing/financial reviews, technical assistance, guidance and advice on OHIP’s programs that are necessitated by new or revised provisions of State or federal regulations, new or revised reporting requirements, or standards imposed by regulatory authorities.

Tasks may include but are not limited to:

1. Prepare information and analytical documents, as requested, on various finance topics, policies, and legislation;
2. Provide specific financial and policy advice;
3. Perform independent audit or financial reviews;
4. Perform cost reporting functions;
5. Conduct an analysis to ensure compliance with accounting and reporting of costs;
6. Assist with fee-for-service rate setting development and automation;
7. Assist with fee-for-service cost base and acuity/case mix updates;
8. Review and provide advice regarding new and emerging nationwide reimbursement methodologies, including acuity adjustments such as updates associated with Nursing Home Patient-Driven Payment Model;
9. Conduct Expenditure reviews and controls; and
10. Other fiscal activities, as required by the Department.

4.1.2 Component II- Technical and Data Services

Rapid global changes like the Public Health Emergency (PHE) and 1115 waiver require a level of response and analysis that exceeds the Department’s internal capacity to meet these needs while operating the existing

global enterprise and planning for its future. As a result, the Department has identified a need for heightened Business and Technology Advisory Services support.

The Contractor(s) will be assigned projects to provide Business and Technology Advisory services, including but not limited to: Advice, Analysis, Strategy, Design, Development, Implementation, Management, Governance, and Administration for OHIP.

These tasks may include but are not limited to the following Global IT areas:

1. Provide Project Management support;
2. Provide system build and delivery support;
3. Advise on State and Federal Legal and Compliance Advisory;
4. Provide Procurement Support;
5. Advise on Information Technology Infrastructure;
6. Conduct Analytics;
7. Prepare Business Organization Reporting for the Department; and
8. Provide Financial Management support.

4.1.3 Component III-1115 Waiver Design and Implementation Advisory

The Contactor(s) will be responsible for providing 1115 waiver consulting services to the State and will be assigned projects to provide advice, assistance, guidance, or analysis for programs within the Department.

Tasks may include but are not limited to:

1. Assist the Department in submitting fully vetted waiver amendment materials to CMS, including revisions to those materials based on internal, stakeholder, and CMS review;
2. Analyze concepts from past waiver amendment submissions and national efforts surrounding Medicaid 1115 waivers and emergency responses;
3. Analyze past and newly issued CMS policy initiatives;
4. Assist the Department with outreach communications to stakeholders, ensure the communications address CMS and State requirements regarding notice and comment, and assist in tracking, reviewing, and incorporating stakeholder feedback where required;
5. Provide technical drafting support and assistance in developing and revising waiver amendments;
6. Provide technical, subject matter expertise (SME) and staffing support to assist the Department in reviewing, responding, and negotiating with CMS;
7. Draft timelines, presentations, and other briefing documents to assist the Department with communications and progress with CMS to stakeholders, which will include but is not limited to, the Legislature, the Executive Chamber and other New York State divisions, offices or agencies;
8. Develop and implement communications plans, including draft timelines, presentations, and other briefing documents to assist with internal communications and progress toward meeting CMS reporting requirements as outlined in the Task Order;
9. Support the Department in developing budgets and assessing the budget neutrality of waiver amendment submissions to CMS;
10. Support the Department in coordinating and convening Stakeholder meetings:
 - a. Assist in the set up to convene stakeholder meetings and activities for Clinical Advisory Groups (CAG) for Value Based Payment Arrangements and assist in the Quality Measure review cycles as detailed in the developed Task Order (see Section 4.3);
 - b. Assist in coordinating, briefing, and engaging with, multi-sector stakeholders such as preparing written materials for public comment, gathering comments, and summarizing results for presentation to executive staff;
 - c. Provide project management support and other project management support throughout the implementation of the waiver;
11. Evaluate processes, developing plans, and implementing tools to support 1115 waiver goals;
 - a. Advise on the use of strategic tools, data analytics and other tools and processes that will support identifying and assessing the major current/future and internal/external issues facing quality measurement, program monitoring and analytics;

- b. Document practices related to the 1115 waiver that could be used more broadly throughout the State;

12. Project Management:

- a. Provide project management assistance focused on technical and operational implementation, internal and external work groups, and program development;
- b. Provide trained and certified Project Management Professionals (PMPs) to assist in the planning and execution of 1115 waiver amendment's submission and associated tasks, including tracking deliverable timeframes, assigning roles and responsibilities, conducting technical reviews for completeness and accuracy, and ensuring all CMS technical requirements for the 1115 waiver amendment submission are addressed;
- c. Track and report to the Department (and other stakeholders, as requested by the Department) on other States development and/or implementation of Medicaid waivers similar to 1115 waiver amendment submission, as well as advise the Department in terms of when to include features and language from other States' waivers into the Department's 1115 waiver amendment submissions;
- d. Design and evaluate strategies and policies to improve programmatic outcomes further defined in the waiver;
- e. Provide specific, clear, and concise recommendations to implement strategic plans, mitigate risks and ensure sustainable results after implementation of the waiver;
- f. Analyze operations, policies, and processes to measure performance, identify opportunities to improve waiver services, and increase efficiency;
- g. Conduct workflow analyses, to include the creation and development of communication tools and resources (i.e., e-mail updates, tables, and meeting summaries), as requested by the Department in the task order;
- h. Plan, create, and organize project materials including agendas and materials for facilitation of meetings as requested in the task order, and provide written summaries of those meetings; and
- i. Develop and execute effective communication plans that deliver a clear, unified message and establishing regular communication channels.

4.1.4 Component IV-Financially Distressed Provider Technical Assistance

The health care system has changed dramatically since the beginning of the pandemic. The workforce crisis continues, utilization of health care services — especially inpatient hospital services — is down, and the delivery of care is shifting, with increased adoption of digital, outpatient, and in-the-home services. Health care providers are struggling to keep up with this shift, and rural and urban providers are experiencing these trends differently. Total operating subsidies for hospitals have increased threefold since pre-pandemic levels, and nursing home needs continue to rise. The Department is developing several mitigation strategies, associated actions, and metrics to monitor progress that, when aggregated, will transform into more efficient, higher quality, sustainable healthcare delivery systems.

The Contractor(s) will be responsible for providing advisory and technical assistance services to support various strategies for the Department.

Tasks may include but are not limited to:

1. Provide a full assessment and redevelopment of each healthcare provider's strategic plan to identify objectives that align with transformation at sustainable levels of support;
2. Advise the Department on various clinical integration opportunities and advantages of large system scale while minimizing balance sheet risk;
3. Conduct a full analysis of provider-reported financial performance to the State, including quality of earnings, to determine true earnings before interest, depreciation and amortization (EBIDA) and operating losses, thereby validating each provider's required projected financial need to maintain existing service capacity;
4. Conduct an analysis of providers' operating performance in every category of service to identify and advise the Department on how they may implement significant improvement with substantial savings;

5. Evaluate information technology platforms to ensure that they can support current and future healthcare delivery functionality, interoperability and requirements, as well as provide necessary data security;
6. Advise and provide recommendations on hospital infrastructure and program redesign that shifts care to the outpatient settings consistent with modern practices;
7. Advise and consult on Healthcare delivery network development necessary to support a redeveloped and typically smaller hospital infrastructure;
8. Assist with the preparation of alternative reimbursement structures that rely more heavily on value-based payment ("VBP") instead of occupancy , in addition to population health management capabilities;
9. Conduct an evaluation of future Public Health Emergency preparedness to identify and solve for gaps;
10. Assist the Department on the assessment and management of the policies surrounding change at the financial distressed provider;
11. Coordinate within New York State to ensure that the Budget includes sufficient funding to maintain operations; and conversely, working with the providers to make the necessary changes to operate within the amount of funding available under the Budget;
12. Conduct a thorough review of every operating discipline within the health care system to advise on best practices to enable diagnosing problems and potential resolutions.

4.1.5 Component V-Business Process Improvement Consulting

The Contractor(s) will be assigned projects to provide business process improvement consulting services.

Tasks may include but are not limited to:

1. Assist staff in the review and evaluation of programs and initiatives. Identify best practices, analytical techniques, change management or strategy development for programs or proposed initiatives;
2. Analyze operations, policies and processes to measure performance, identify opportunities to improve service, and increase efficiency by:
 - a. Analyzing and documenting current policies and processes;
 - b. Performing best practice research and benchmarking to other approaches at comparable entities;
 - c. Conducting workflow analyses; and
 - d. Designing accountability programs;
3. Assess the functions performed in OHIP to address operational improvement opportunities. This may include but are not limited to: examining statutory responsibilities, organizational structures, resources (budget, personnel, equipment, technology, facilities, and other assets) and workload;
4. Assist in the development of implementation plans, generating project cost estimates and providing implementation and support services that may include:
 - a. Provide program management support to facilitate project completion, including implementation steps;
 - b. Analyze Resource allocation;
 - c. Conduct Quality assurance activities;
 - d. Review of project schedules;
 - e. Monitor and manage issues and risks;
 - f. Create key performance indicators and management performance reports; and
 - g. Develop detailed baseline analytics;
5. Develop and execute enhanced program integrity measures, including active monitoring capabilities to alert the Department to cost avoidance opportunities and enable the Department to address programmatic or guidance adjustments in a timely fashion;
6. Advise on the use of strategic tools, data analytics and other tools and processes that will support the identification and assessment of program integrity opportunities;
7. Advise OHIP on public management matters, including modifications or conditions for which OHIP would be affected;
8. Identify ways to meet new Federal, State or other mandates, changes or requirements;
9. Develop an approach to procure required services/software/hardware to support the project;
10. Assist in the preparation of RFP(s) for services/technology/products needed as a result of the transformation project;

11. Assist in the development and implementation of a training plan to educate State staff on the new changes to processes and procedures as a result of the transformation project;
12. Develop and execute effective communication plans that deliver a clear, unified message and establishing regular communication channels to ensure that employees are engaged during this critical time of change;
13. Conduct analysis on the State and Federal policies and legislation that govern the business functions of the project.
14. Provide analysis and recommendations resulting from State decisions related to the business process and policy changes needed to support the projects as changes and improvement are made;
15. Provide project management support throughout the implementation of the task order deliverables. The Contractor is expected to implement Project Management Office (PMO)/Project Management practices, including methodologies, governance, benefits realization and developing strategic Key Performance Indicators (KPIs), Metrics and Performance Management plans.

4.2 Staffing

The Contractor(s) shall ensure that there are sufficient staff assigned to the assignment that are experienced and knowledgeable to complete the tasks outlined in the Task Order's specific Scope of Work. The Contractor(s)' staff must be able to meet the responsibilities detailed in the approved Task Order and Scope of work throughout the duration of the approved Task Order.

The following represents the general descriptions for the staffing categories to be utilized by the Contractor when preparing their Scope of work.

1. **Qualifications of Engagement Partners:** The Engagement Partners will oversee the Project Managers and will act as the main liaison with the Department's executive staff for each Task Order approved. The Engagement Partners should have at least fifteen (15) years' experience in leading projects for public health governmental agencies within the United States.
2. **Qualifications of Project Managers:** The Project Managers will coordinate and delegate the assignments to the Contractor's staff, and serve as the main point of contact for the Department regarding new issues, project status, meetings, and all deliverables. The Project Managers should have at least seven (7) years' experience in projects for public health governmental agencies within the United States. Additionally, the Project Managers should have a working knowledge of the proposed methodologies, tools and techniques.
3. **Qualifications of Senior Analysts:** The Senior Analysts working under the Project Managers will be responsible for performing the more complex analytical work, depending on the project, as well as day-to-day activities. The Senior Analysts will be expected to oversee a functional team and should have at least four (4) years' experience in projects for public health governmental agencies within the United States and should possess such experience in relationship to the scope of work in the requested Task Order. The Senior Analysts should also demonstrate experience in one or more of the following areas: Strategic Planning, Organizational Alignment, Change Management, Training, and Project Management.
4. **Qualifications of Associate Analysts:** The Associate Analysts will complete day-to-day project activities under the supervision of the Project Managers and the Senior Analysts. The Associate Analysts should have at least two (2) years' experience in public health projects for either public or private sector clients and should possess such experience in the scope of work in the requested Task Order.
5. **Qualifications of the Analysts:** The Analysts will assist in the completion of day-to-day project activities under the supervision of the Senior Analysts or Associate Analysts. The Analysts should possess experience in the scope of work in the requested Task Order.

Actual staffing commitments are contingent upon the task order(s) assigned within each contract. All task orders are subject to the review and approval of the Department prior to commencement of work and will be established through the Task Orders Process. (see Section 4.3).

The Department reserves the right to reject any proposed personnel based on inadequate qualifications, poor references, or knowledge of previous inadequate performance. In addition, the Department may request changes in staff based on performance and quality and require a replacement of equal or stronger qualifications. In the event a replacement staff is requested by the Department, the Contractor will have one (1) week to identify a replacement staff member. Upon approval of the Department of the replacement staff member, the individual must be able to begin work within two (2) weeks under the contract.

4.3 Task Order Process

At the onset of each project, the Department will develop a Task Order Request. The Primary Contractor shall be given the first opportunity to accept an assignment and develop a resulting Task Order, which will detail the required services, task(s)/deliverable(s), timeframe for completion, reporting requirements, estimated hours per category of staff, and not-to-exceed costs for the project.

The Contractor will also be expected to maintain adequate documentation of its work, to work under the direction of the Department, and to satisfy all of its obligations under the Task Order. The Department will award assignments to the Secondary Contractor under certain conditions detailed in Section 8.8: Award Recommendation.

The Department will initiate the Task Order Request utilizing the process detailed below:

1. The Department will submit the Task Order Request via email to the Primary Contractor;
2. The Task Order Request will include specific task(s)/deliverable(s) requested, reporting requirements, staffing requirements, and an expected, completed project timeframe;
3. The Contractor must draft a statement of work (SOW) to complete the deliverable(s) requested in the Task Order Request;
 - a. The SOW must include an estimated number of hours to complete the deliverable(s), staffing resources being utilized per category of staff, hourly bill rate per category of staff, which cannot exceed the hourly bill rates approved in the Contractor's Attachment B, Cost Proposal and a timeline for completion the deliverable(s); and
 - b. The SOW must be received one (1) week after the Department initiates the Task Order Request;
4. Upon receipt of the SOW, the Department will review the SOW and negotiate any changes deemed necessary prior to the Department's final approval; and
5. The Contractor's SOW in response to the Task Order Request must be approved in writing by the Department prior to commencement of any work on a Task Order Request.

4.4 Reporting

Due to the fluctuation in Federal and State rules, regulation, policies and funding it is important to note that assignments under the contracts will vary, may arise quickly and, in many cases, require intensive involvement of the Contractor(s) over a relatively short period of time. Other projects may involve work by the Contractor over several months. The work product/deliverables expected from the Contractor(s) may vary from project to project depending on the nature of the assignment. In some cases, the Contractor(s) may be asked for an independent written report or assessment, including findings and recommendations. In other cases, the Contractor(s) may be asked to supplement staff in performing the work required and to develop joint recommendations. In all cases, and at the onset of each project, the Contractor(s) and Department will develop a Task Order as identified in Section 4.3.

4.5 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>.

4.6 Security

The selected Contractor shall comply with all privacy and security policies and procedures of the Department ([nys-p03-002_information_security_policy.pdf](#)) 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.

4.7 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.

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.

The contractor is required to develop a work plan and timeline to securely and smoothly transfer any data and records generated from the inception of the Contract through the end of the contract to the Department or another Department agent should that be required during or upon expiration of its contract. The plan and documentation must be submitted to the Department no later than six (6) months before the last day of its contract with the Department of Health or upon request of the Department.

4.8 Payment

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

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

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

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

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

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

Payment for invoices and/or vouchers submitted by the CONTRACTOR shall only be rendered electronically unless payment by paper check is expressly authorized by the Commissioner, in the Commissioner's sole discretion, due to extenuating circumstances. Such electronic payment shall be made in accordance with ordinary State procedures and practices. The CONTRACTOR shall comply with the State Comptroller's procedures to authorize electronic payments.

Authorization forms are available at the State Comptroller's website at <https://www.osc.state.ny.us/state-vendors> by email at epayments@osc.state.ny.us or by telephone at 518-474-6019. CONTRACTOR acknowledges that it will not receive payment on any invoices and/or vouchers submitted under this Contract if it does not comply with the State Comptroller's electronic payment procedures, except where the Commissioner has expressly authorized payment by paper check as set forth above.

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

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

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

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:

1. The Contractor will be paid the hourly rate per staffing category submitted in the Scope of Work contained within approved Task Order, not to exceed the hourly bill rates approved in the Contractor's

- Attachment B, Cost Proposal and the actual hours worked, not to exceed the number of hours per staffing category approved in the associated Task Order;
2. To receive payment for services provided as a result of each Task Order entered, the Contractor will submit monthly invoices that include:
 - a. An identification of the task order number;
 - b. The approved hourly rates per category of staff for the associated task order;
 - c. A total of actual number of hours worked for each staff assigned, not to exceed the number of hours approved in the associated Task Order; and
 - d. A summary of tasks/milestones completed under the specific Task Order.
 3. The Contractor's prices in Attachment B reflects a not-to exceed all-inclusive hourly rate that includes all costs related to materials, labor, equipment, profit, overhead, meetings, reporting, analysis, training, and any other costs required to complete the required services excluding travel (See bullet 5. below);
 4. The Contractor will not be reimbursed for any costs outside of hourly rates provided in their approved Task Order and Scope of work, which cannot exceed the hourly rates contained in Attachment B, Cost Proposal, excluding travel. Payment shall be contingent upon the full and proper performance to the satisfaction of the Department, by the Contractor, of activities specified in the approved Task Orders. Payment resulting from Task Orders will be made in accordance with the actual number of hours worked, not to exceed the amount agreed upon by staffing category in the approved Task Order SOW;
 5. Travel costs will be reimbursed separately to the Contractor by the State based upon actual expenses incurred, not to exceed the rate approved by the Office of the State Comptroller. Rules and regulations related to the reimbursement of travel expenses can be found at: www.osc.state.ny.us/state-agencies/travel.

Invoices must be submitted to the Department within thirty (30) calendar days from the close of the preceding month. If the invoice is not received within 30 calendar days from the close of the preceding month, a 10% reduction penalty will be enacted on the subject invoice. If an invoice is rejected due to a material issue and a revision is required by the Contractor, a 0.5% penalty of the invoice amount may be assessed at the Department's discretion. In the event the invoice is rejected a second time for any material issue that requires a resubmission, then DOH may reduce the invoice by an additional 2% of the invoice amount. DOH will pay the Contractor the fully reduced invoice amount per the payment terms of the Agreement.

4.9 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 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.

4.10 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 the below:

- **Professional Liability Insurance:**
 - The Contractor and any subcontractor retained by the Contractor to work on the contract shall procure and maintain during and for a period of three (3) years after completion of this contract,

Professional Liability Insurance in the amount of \$2,000,000 issued to and covering damage for liability imposed on the Contractor by this contract or law arising out of any negligent act, error, or omission in the rendering of or failure to render professional services required by this contract. The professional liability insurance may be issued on a claims made policy form, in which case the Contractor shall purchase, at its sole expense, extended Discovery Clause coverage of up to three (3) years after work is completed if coverage is cancelled or not renewed.

- **Limitation of Liability**

- Except as otherwise set forth in the Indemnification Provisions J and K of the New York State Health Department Contract, the limit of liability shall be as follows:
 - a) Contractor's liability for any claim, loss or liability arising out of, or connected with the Products and services provided, and whether based upon default, or other liability such as breach of contract, warranty, negligence, misrepresentation or otherwise, shall in no case exceed direct damages in: (i) an amount equal to two (2) times the original contract value exclusive of renewals, for the Products and services, or parts thereof forming the basis of the Department's claim, or (ii) one million dollars (\$1,000,000), whichever is greater.
 - b) The Department may retain such monies from any amount due Contractor as may be necessary to satisfy any claim for damages, costs and the like asserted against the Department unless Contractor at the time of the presentation of claim shall demonstrate to the Department's satisfaction that sufficient monies are set aside by the Contractor in the form of a bond or through insurance coverage to cover associated damages and other costs.
 - c) Notwithstanding the above, neither the Contractor nor the Department shall be liable for any consequential, indirect or special damages of any kind which may result directly or indirectly from such performance, including, without limitation, damages resulting from loss of use or loss of profit by the Department, the Contractor, or by others.

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

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

Business Participation Opportunities for M/WBEs

For purposes of this RFP, DOH hereby establishes an overall goal of **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 #20338: Consulting Services for New York State's Health Insurance Programs and Waiver Initiatives), 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.

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 the Component(s) of the RFP the Bidder is responding to. 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. 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.

This RFP contains five (5) separate bidding Components (I-V). Bidders may bid for one (1) or more Components of this RFP. Bidders should submit the Administrative, Technical and Cost proposals separately for each Component. If the Bidder is responding to more than one (1) Component, each Component's Administrative, Technical and Cost proposal should be submitted as a separate bid package.

For example: Organization 1 applies for Component I and should submit one email with the Administrative proposal, one email with the Technical proposal and one email with the Cost proposal.

Organization 2 chooses to submit a proposal for Component I and II and should submit one bid package for Component 1 with separate Administrative, Technical and Cost proposal emails and a

separate bid package for Component II with its own separate Administrative, Technical and Cost proposal emails.

In this example, Organization 1 will be sending three (3) separate emails and Organization 2 will be sending six (6) separate emails to New York State as further detailed in Section 7.0: Proposal Submission.

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 References

Provide references using [Attachment 9](#), (References) for three clients in which the Bidder provided similar services. Provide firm names, addresses, contact names, telephone numbers, and email addresses.

6.1.9 Diversity Practices Questionnaire

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

6.1.10 Executive Order 177 Prohibiting Contracts with Entities that Support Discrimination

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.

6.1.11 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.

6.1.12 State Finance Law Consultant Disclosure Provisions

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

The successful 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>.

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

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

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

The successful 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.

Bidders can choose to submit a proposal for one or more Components of this RFP, however, a Bidder must submit a separate Technical Proposal for each Component of the RFP they are submitting a proposal for.

The Department established a suggested page limit for each section of the Technical Proposal below. Although preferred, it is not a requirement of the bidder to stay within the suggested page limits.

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, the date of the Proposal, and the specific Component the Bidder is submitting a proposal for

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 for the Component the Bidder is submitting a proposal for. 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.

6.2.3.1 Component I: Minimum Eligibility Requirements-*Financial Advisory and Fee For Service Rate Development Services*

- A minimum of three (3) years of experience conducting financial audits following the rules of GAAP **and** GAGAS;
- A minimum of three (3) years of experience conducting performance audits following the rules of GAAP **and** GAGAS;
- A Certified Public Accounting firm that employs at least one (1) Certified Public Accountant(s) licensed in New York; and
- A minimum of three (3) years of experience in providing financial advisory services to a Federal, State, **OR** local government agency.

6.2.3.2 Component II: Minimum Eligibility Requirements- *Technical and Data Services*

- A minimum of three (3) projects or initiatives providing:
 - Business **and** Technology Advisory Services; **OR**
 - System Integration Services for enterprise Information Technology system projects with a combined budget of more than \$15,000,000 per initiative, within the past ten (10) years.

6.2.3.3 Component III: Minimum Eligibility Requirements-*1115 Waiver Design and Implementation Advisory*

- A minimum of five (5) years of experience providing advisory consulting services on a Medicaid program to a Federal, State or Local Governmental agency;
- A minimum of three (3) years of experience consulting on projects related to 1115 waivers;
- A minimum of three (3) years of experience working directly with the Centers of Medicaid and Medicare Services (CMS);
- A minimum of three (3) years' experience convening and leading multistakeholder workgroups; and
- A minimum of three (3) years of experience with consulting on **and** measuring metrics established by the National Committee for Quality Assurance (NCQA) for Clinical **and** Claims based Quality Measurements **OR** value-based payment arrangements.

6.2.3.4 Component IV: Minimum Eligibility Requirements- *Financially Distressed Provider Technical Assistance*

- A minimum of five (5) years of experience providing consulting services **and** technical assistance related to health system transformations for hospitals or nursing homes;
- A minimum of three (3) years of experience with a State Medicaid program policy **and** financial strategy; and
- A minimum of five (5) years of experience working directly with the Centers of Medicaid and Medicare Services (CMS) in identifying new means of obtaining federal support in addressing financially distressed provider needs.

6.2.3.5 Component V: Minimum Eligibility Requirements-*Business Process Improvement Consulting*

- A minimum of five (5) years of experience with the implementation **and** oversight of Medicaid programs; and
- A minimum of three (3) years' experience:
 - Providing Project Management services according to the Project Management Body of Knowledge (PMBOK) to an external entity **OR** organization; **and**
 - Creating **and** customizing Project Management plans, **and**
 - Assisting organizations with Organizational Change Management for at least one (1) organization with over 500 staff.
 - Organizational Change Management is defined as preparing and guiding people for changes within their organization, related to the improvement of new technologies, processes, structures, or cultures.

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 for the specific Component the Bidder is submitting a proposal for. **A separate Technical Proposal is required for each Component you are submitting a proposal.**

Elements of the Technical Proposal are as follows and may differ based on the Component being bid on:

D1. Experience – Performing Tasks/ Deliverables (*Suggested Section Page Limit: Fifteen [15] Pages*)

1. **All Components:** Provide an overview of the Bidder's experience related to the Component's Scope of Work that demonstrates the Firm's capabilities and expertise.
2. **If submitting a proposal to Components I, II, and IV:** Bidders should provide a detailed description of direct experience with three (3) similar engagements within the last five (5) years of actual client projects that demonstrate the depth and breadth of the Proposer's expertise and experience. Please indicate for each of the three (3) client projects the following:
 - a. Name of client organization;
 - b. Role of the Bidder;
 - c. Type of client (e.g., governmental entity, private company, etc.);
 - d. Project description;
 - e. Project duration including start/end dates;
 - f. Number of FTEs involved; and
3. **If submitting a proposal to Components III and V:** Provide two (2) detailed case studies of notable projects handled by the Bidder for a Fortune 100 company **OR** any type of geographic territory (State/Region/County/etc.) with a population of greater than 250,000. The projects selected for the two (2) case studies should be focused on a major health care project. Each case study should be limited to five (5) pages, provide sufficient detail to demonstrate the nature and extent of your Firm's expertise, and include the following

- a. The problem that was presented to the Bidder;
- b. The approach taken by the Bidder to solve the problem;
- c. The strategic, operational, organizational, and customer experience impacts of the project;
- d. Measurable key performance indicators used to demonstrate the project's success; and
- e. A description of the lessons learned, including what went well, what did not go well and why, and what you would do differently.

D2. Staffing and Qualifications *(Suggested Section Page Limit: Five [5] Pages)*

Bidders should respond to all of the following criteria for the specific Component being bid on.

1. Describe the Bidder's proposed staffing plan, including any and all subcontractors, they plan to utilize to adequately meet the project activities and deliverables. This plan should include an organizational chart depicting lines of communication between staff, including subcontractors, if applicable.
2. Describe the qualifications and experience of the proposed Engagement Partners and Project Managers anticipated to be assigned to the Component being bid on.
3. Describe the qualifications and experience of the pool of staff the Bidder is able to draw upon under this engagement.
4. Explain the Bidder's approach for identifying and proposing individuals for each task order, including detailed steps they will take, and the criteria considered when forming teams for each task order.
5. Describe the Bidder's ability to respond rapidly to staffing requests for each task order and plan to ensure such staff are able to begin work under the engagement timely and effectively.
6. Describe the Bidder's process for recruiting, training, and retaining staff under this engagement and the Bidder's plan to ensure an adequate level of staff is made available throughout the contract period.

D3. Project Approach *(Suggested Section Page Limit: Ten [10] Pages)*

Bidders should respond to all of the following criteria for the specific Component being bid on.

1. Provide a detailed narrative describing the unique approach the Bidder would utilize in providing the consulting services outlined for the specific component being bid on. The narrative should outline the Bidder's approach to short-term consulting projects and contain information about the Bidder's ability to provide successful and timely services to the Department. This section should address why the proposed approach is appropriate and suited for New York State.
2. Describe fully how the above approach has been applied successfully by the Bidder in consulting projects for public and private sector organizations, including specific examples of such projects. This description should include enough information for the evaluators to ascertain the success of the projects accomplished by the Bidder, and include the metrics and factors used to demonstrate that those projects and the Bidder's approach was indeed successful.

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. **Please note: Bidders must submit a separate Cost Proposal for each Component being bid on.**

The Bidder must include an hourly Bill Rate for each Staff Title and Contract Year outlined in Attachment: Cost Proposal. See Section 4.0: Scope of Work for information related to resulting contract values. The anticipated

volume of hours will be contingent upon the Department's need, which will be delineated in the SOW to each Task Order.

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 materials, equipment, overhead, profit and labor to the satisfaction of the Department and the performance of all work set forth in said specifications.

Travel costs will be reimbursed separately to the Contractor by the State based upon actual expenses incurred, not to exceed the rate approved by the Office of the State Comptroller. Rules and regulations related to the reimbursement of travel expenses can be found at: www.osc.state.ny.us/state-agencies/travel.

Please note:

- The Contractual Hourly Bill Rates for Contract Year 4 may not exceed a 3% increase from the Hourly Bill Rates in Contracts Years 1-3.
- The Contractual Hourly Bill Rates for Contract Year 5 may not exceed a 3% increase from the Hourly Bill Rates in Year 4.

7.0 PROPOSAL SUBMISSION

A proposal consists of three distinct parts: (1) the Administrative Proposal, (2) the Technical Proposal, and (3) the Cost Proposal.

Bidders should submit the Administrative, Technical and Cost proposals separately for each Component. If the Bidder is responding to more than one (1) Component, each Component's Administrative, Technical and Cost proposal should be submitted as a separate bid package.

Proposals should be submitted in all formats as prescribed below.

Using email, attach password protected, PDF proposals in three separate emails to:

OHIPcontracts@health.ny.gov, with the Subject Line:

"RFP #20338, <Administrative, Technical, OR Cost> Proposal Submission, <Bidder Name>-Component <X>". Include, as an attachment to each email, the distinct PDF file(s) labeled "Administrative Proposal, <Bidder Name>-Component <X>", "Technical Proposal, <Bidder Name>-Component <X>" or "Cost Proposal, <Bidder Name>-Component <X>".

- Example Subject Line: "RFP #20338, Technical Proposal Submission, ABC Company-Component I

All electronic proposal submissions should be clear and include page numbers on the bottom of each page. The body of the email submitted should also include the password and indicate the number of total pages intended, and where indicated, each subset of pages listed.

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 two (2) business days to respond to such requests and must certify the resubmission is identical to the original submission. Hardcopy will prevail.

The proposal(s) must be received by the NYSDOH in three (3) separate emails for each Component, 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 offerers” shall be selected for award (State Finance Law, Article 11, §163(1)(j)).

DOH, at its sole discretion, will determine which proposal(s) best satisfies its requirements. DOH reserves all rights with respect to the award. All proposals deemed to be responsive to the requirements of this procurement will be evaluated and scored for technical qualities and cost. Proposals failing to meet the requirements of this 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 **75%** of a proposal’s total score and the information contained in the Cost Proposal will be weighted **25%** 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 **75% (up to 75 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 25 points, based on the calculated Weighted Hourly Rate for each Bidder. To arrive at each bidder's Weighted Hourly Rate, the Department will calculate an Average Hourly Bill Rate for the Full Contract Term for each Staff Title, based on the Hourly Bill Rates provided by each Bidder (see Attachment B: Cost Proposal). This average rate will then be multiplied by the Department's predetermined weights per staff title, arriving at a Weighted Hourly Rate Per Staff Title. The Weighted Hourly Rates Per Staff Title will then be summed to arrive at each bidder's Weighted Hourly Rate.

The maximum cost score will be allocated to the Cost Proposal with the lowest Weighted Hourly Rate. 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 Weighted Hourly Rate, using this formula:

$$C = (A/B) * 25\%$$

A is Lowest Weighted Hourly Rate;

B is Weighted Hourly Rate being scored; and

C is the Cost score.

The Cost Proposal evaluation is **25% (up to 25 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 for each Component to the Primary and Secondary Finalists with the highest composite scores whose experience and qualifications have been verified.

The Department will notify the awarded Bidders and Bidders not awarded. The awarded Bidders 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.

The Primary Contract shall be given first opportunity to accept an assignment, unless in the case of a condition noted below. There is no commitment by the Department that the Secondary Contractor will be requested to provide any services. The Department will award assignments to the Secondary Contractor if one of more of the following conditions apply:

- A. The Primary Contractor has an actual or potential conflict of interest that, in the sole determination of the Department, could prevent the Contractor from satisfactorily or ethically performing the assignment;

- B. The Secondary Contractor has a demonstrated expertise that, in the sole determination of the Department, is superior to that of the Primary Contractor for purposes of a particular assignment;
- C. The Department determines that the Primary Contractor cannot undertake or complete an assignment or make appropriate staff available within the time frames and costs established by the Department for the assignment;
- D. The Department and the Primary Contractor are unable to come to agreement on the requirements and/or cost to complete an assignment;
- E. The Primary Contractor and the Department mutually agree that work on a specific project be performed by the Secondary Contractor;
- F. The Primary Contractor fails to provide the SOW to the Department within one (1) week of the Department initiating the Task Order Request (See Section 4.3).

Further, the Secondary Contractor entering into this contract with the Department does so with the understanding that the Department may or may not engage the Secondary Contractor during the course of the contract period. At the time of the release of this Request for Proposals, actual assignments to be performed under this contract have not been identified.

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

**ATTACHMENT A
PROPOSAL DOCUMENT CHECKLIST**

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

RFP #20338– Consulting Services for New York State’s Health Insurance Programs and Waiver Initiatives		
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 9 - References	<input type="checkbox"/>
§ 6.1.9	Attachment 10 - Diversity Practices Questionnaire	<input type="checkbox"/>
§ 6.1.10	Attachment 11 - EO 177 Prohibiting Contracts with Entities that Support Discrimination	<input type="checkbox"/>
§ 6.1.11	Attachment 12 – EO 16 Contracting with Businesses Conducting Business in Russia	<input type="checkbox"/>
§ 6.1.12	State Finance Law Consultant Disclosure	<input type="checkbox"/>
§ 6.1.13	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"/>

**ATTACHMENT B
COST PROPOSAL
RFP #20338**

Bidder: _____

Component: _____

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. **Please note: Bidders must submit a separate Cost Proposal for each Component being bid on.**

The Bidder must include a single not to exceed Hourly Bill Rate for each Staff Title and Contract Year outlined below. Ranges of hourly Bill Rates will not be accepted. The single hourly rates will cover the cost of furnishing all of the said services, including but not limited to 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.

Travel costs will be reimbursed separately to the Contractor by the State based upon actual expenses incurred, not to exceed the rate approved by the Office of the State Comptroller. Rules and regulations related to the reimbursement of travel expenses can be found at: www.osc.state.ny.us/state-agencies/travel.

See Section 4.0: Scope of Work for information related to estimated Hourly Bill Rates by Component. There is no guarantee of work. The actual volume of hours will be contingent upon the Department's needs, which will be delineated in the approved SOW to each Task Order.

Staff Title	Hourly Bill Rate Contract Years 1-3	Hourly Bill Rate Contract Year 4*	Hourly Bill Rate Contract Years 5**
Engagement Partner			
Project Manager			
Senior Analyst			
Associate Analyst			
Analyst			

*The Contractual Hourly Bill Rates for Contract Year 4 may not exceed a 3% increase from the Hourly Bill Rates in Contracts Years 1-3.

**The Contractual Hourly Bill Rates for Contract Year 5 may not exceed a 3% increase from the Hourly Bill Rates in Year 4.

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

Name (please print)

Company

Signature

Date