



Department of Health

Request for Proposals

RFP # 20245

New York State Donate Life Registry

Issued: January 23, 2024

DESIGNATED CONTACT:

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

Sue Mantica
Bureau of Contracts
New York State Department of Health
Corning Tower, Room 2827
Governor Nelson A. Rockefeller Empire State Plaza
Albany, New York 12237
Telephone: 518-474-7896
Email Address: sue.mantica@health.ny.gov

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.

Nancey P. Agard, RN, MS
Director, Organ Donation and Transplantation
New York State Department of Health
Division of Hospitals and Diagnostic and Treatment Centers
Office of Primary Care and Health Systems Management
875 Central Avenue
Albany, New York 12206
Telephone: 518-402-1004
Email Address: DonateLifeRegistry.RFP@health.ny.gov

TABLE OF CONTENTS

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

TABLE OF CONTENTS	2
1.0 CALENDAR OF EVENTS	4
2.0 OVERVIEW	4
2.1 Introductory Background	4
2.2 Important Information	5
2.3 Term of the Agreement	6
3.0 BIDDERS' QUALIFICATIONS TO PROPOSE	6
3.1 Minimum Qualifications	6
3.2 Preferred Qualifications	7
4.0 SCOPE OF WORK	7
4.1 Tasks/Deliverables	7
4.1.1 Project Strategic Goals	7
4.1.2 Registry Requirements and Functionality	8
4.1.3 Website Requirements and Functionality	11
4.1.4 Administration and Operational Support	12
4.1.5 Promotion of Registry Enrollment and Establishment of Registry Partners and Supporters	19
4.2 Staffing	20
4.2.1 Project Manager	20
4.2.2 Technical Staff	20
4.2.3 Quality Assurance Staff	20
4.2.4 Data Entry and Customer Service Staff	20
4.2.5 Other Staff	21
4.3 Reporting	21
4.4 Information Technology	22
4.4.1 System Security	22
4.4.2 System Reliability	23
4.4.3 Passing Test Percentages	23
4.4.4 System Ease of Use	23
4.4.5 System Performance	23
4.4.6 Beta/User Acceptance Program Entry and Exit Criteria	23
4.4.7 Technical Systems and User Documentation	24
4.4.8 Open Issues	24
4.4.9 Additional License and Ownership Rights	24
4.4.10 Change Orders	25
4.5 Security	26
4.6 Transition	26
4.7 Payment	27
4.8 Subcontracting	28
4.9 Contract Insurance Requirements	28
4.9.1 Professional Liability	28
4.10 Minority & Women-Owned Business Enterprise ("M/WBE") Requirements	28
4.11 Participation Opportunities for NYS Certified Service-Disabled Veteran-Owned Businesses	30
5.0 ADMINISTRATIVE INFORMATION	30
5.1 Restricted Period	30
5.2 Questions	31
5.3 Right to Modify RFP	31
5.4 DOH's Reserved Rights	31
5.5 Debriefing	32
5.6 Protest Procedures	32
5.7 Freedom of Information Law ("FOIL")	32
5.8 Piggybacking	32
5.9 Intellectual Property	32
6.0 PROPOSAL CONTENT	33
6.1 Administrative Proposal	33
6.2 Bidder's Disclosure of Prior Non-Responsibility Determinations	33
6.3 Freedom of Information Law – Proposal Redactions	33

6.4	Vendor Responsibility Questionnaire	33
6.5	Vendor Assurance of No Conflict of Interest or Detrimental Effect.....	34
6.6	M/WBE Forms	34
6.7	Encouraging Use of New York Businesses in Contract Performance	34
6.8	Bidder's Certified Statements.....	34
6.9	References	34
6.10	Diversity Practices Questionnaire	34
6.11	Executive Order 177 Prohibiting Contracts with Entities that Support Discrimination	34
6.12	Executive Order 16 Prohibiting Contracting with Businesses Conducting Business in Russia	34
6.13	State Finance Law Consultant Disclosure Provisions.....	34
6.14	Sales and Compensating Use Tax Certification (Tax Law, § 5-a)	35
6.15	Technical Proposal.....	35
6.16	Title Page	36
6.17	Table of Contents	36
6.18	Documentation of Bidder's Eligibility Responsive to Section 3.0 of RFP	36
6.19	Technical Proposal Narrative	37
6.20	Cost Proposal.....	40
7.0	PROPOSAL SUBMISSION.....	40
7.1	No Bid Form	42
8.0	METHOD OF AWARD	42
8.1	General Information	42
8.2	Submission Review	42
8.3	Technical Evaluation	42
8.4	Cost Evaluation	43
8.5	Composite Score.....	43
8.6	Best and Final Offers	43
8.7	Award Recommendation.....	43
9.0	ATTACHMENTS	44
	ATTACHMENT A	45
	ATTACHMENT B	9-1
10.0	EXHIBITS	10-3
10.1	Exhibit 1 – Current NYSDLR Registration Sources and Management Processes	10-3
10.2	Exhibit 2 – Business Continuity for System Downtime	10-8
10.3	Exhibit 3 – Quality Assurance Plan (“QAP”)	10-9
10.4	Exhibit 4 – Performance Improvement Plan (“PIP”).....	10-10
10.5	Exhibit 5 – Test Plan	10-11
10.6	Exhibit 6 – Security Requirements	10-12
10.7	Exhibit 7 – Data Breach Policy	10-19
10.8	Exhibit 8 – Technical Requirements.....	10-20
10.9	Exhibit 9 – Change Request Form	10-29

1.0 CALENDAR OF EVENTS

RFP 20245 – NEW YORK STATE DONATE LIFE REGISTRY	
<u>EVENT</u>	<u>DATE</u>
Issuance of Request for Proposals	January 23, 2024
Deadline for Submission of Written Questions	Questions Due By February 1, 2024 4:00 p.m. ET
Responses to Written Questions Posted by DOH	Responses Posted On or About February 15, 2024
Deadline for Submission of Proposals	Proposals Due On Or Before Date March 6, 2024 4:00 p.m. ET
<i>Anticipated</i> Contract Start Date	Date: May 1, 2024

2.0 OVERVIEW

Through this Request for Proposals (“RFP”), the New York State (“State” or “NYS”) Department of Health (the “Department” or “DOH”) is seeking competitive proposals from qualified Bidders that will assume responsibility for the operation and maintenance of the New York State Donate Life Registry (“NYSDLR” or “Registry”) as further detailed in [Section 4.0](#) (Scope of Work), under the Department’s direction and oversight. It is the Department’s intent to award one (1) contract from this procurement.

2.1 Introductory Background

Organ transplantation is a standard treatment for end-stage heart, liver and kidney disease. Unfortunately, the demand for donated organs far exceeds the supply. Data made available by the US Department of Health and Human Services Health Resources and Services Administration reveals that 17 people die each day in the US waiting for an organ transplant, while every nine minutes another person is added to the national transplant waiting list.

In New York State, the need is critical. Currently, there are approximately 8,000 people awaiting an organ transplant in the State. In NYS someone dies every seventeen (17) hours while waiting for an organ transplant. Historically, NYS has had one of the lowest donor registry enrollment (registration) rates per eligible population, referred to as Donor Designation Share (“DDS”), in the nation, with the State average enrollment rate significantly below the national average. The national average is 64% and NYS’s average is 46.66%. During 2022, approximately 40% of the organs recovered and 43.5% of the eyes and tissue recovered were authorized by registration in either the NYS Registry or national organ and tissue donor registries.

The NYS Department of Health and the New York State Department of Motor Vehicles (“NYSDMV”) established the New York State Life Pass it On Organ and Tissue Donor Registry in 2000 to increase the number of organ, eye and tissue donors. This registry recorded an individual’s “intent” to be an organ, eye, and tissue donor. However, because “intent” is not the same as “consent”, in the event of the registrant’s death, organ procurement organizations (OPOs) and eye and tissue recovery organizations were required by law to obtain next of kin’s permission in order for the donation of an anatomical gift to proceed.

Amendments to Article 43 of the Public Health Law (“PHL”) renamed the registry the New York State Donate Life Registry (“NYSDLR”) and recast it as a means of providing legal consent to organ, eye and tissue donation instead of simply expressing intent to donate. Consequently, now organ procurement organizations and eye and tissue banks can legally recover organs and tissues upon the death of an enrolled individual without the additional permission of their family/next of kin. Organ procurement organizations and eye and tissue banks access the NYSDLR when they receive a referral from a hospital of a person’s death or imminent death to determine if the referred individual has registered their consent to donation in the Registry.

Additional amendments to Article 43 of the PHL authorized the Commissioner of Health to enter into a multi-year contract with a not-for-profit organization for the operation and promotion of the NYSDLR.

The NYSDLR was originally administered by the Department of Health and the NYS Office of Information Technology Services (“OITS”). Since 2016, the NYSDLR has been maintained and operated under contract by the New York Alliance for Donation (“NYAD”) dba Donate Life New York State (“DLNYS”). In October 2017, <https://donatelife.ny.gov>, the direct online portal facilitating online Donate Life Registry registrations and access to information about organ donation, and Registry@donatelife.ny.gov were launched.

The NYSDLR is an electronic database. Access is restricted by law to the Administrative Users defined as:

1. Department staff whose job includes responsibility for the operation and management of the Registry and the oversight of the Registry Contract;
2. Contractor staff whose job responsibilities include tasks and activities related to the administration and operation of the Registry;
3. The following organizations for the sole purpose of determining potential donor status at or near the time of death: (a) organ procurement organizations certified by the federal Centers for Medicare and Medicaid Services (“CMS”); and (b) eye and tissue banks licensed by the Department; and
4. Other entities formally approved by the Commissioner of Health (to date no such additional entities have been authorized).

All Administrative Users access the NYSDLR through a secure portal that utilizes authentication method(s) acceptable to the NYS Office of Information Technology Services (“OITS”) such as multifactor authentication.

Individual registrants can access their own Registry Records through the website.

The promotion and advancement of the Registry is an integral part of Registry operations. Facilities, organizations, associations, and other entities, including organ procurement organizations and eye and tissue banks, that support the mission of promoting organ, eye and tissue donation and expand the “universe” of where members of the public can learn about donation and enroll in the Registry are viewed as Registry partners. Registry partners and supporters may post a trackable link or embed the Registry enrollment form on their website. Either method allows the partner/supporter, the Registry Contractor and the Department to track the number of Registry enrollments originating from that partner’s site.

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 include 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 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) of this RFP prior to the deadline for submission of written questions indicated in [Section 1.0](#) (Calendar of Events) of this RFP. 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 published on the DOH web site and will be available and applicable to all Bidders equally.

2.3 Term of the Agreement

The term of the Contract that will be entered into pursuant to this RFP between the Department and the successful Bidder is expected to be for a period five (5) years commencing on the date shown on the Calendar of Events in [Section 1.0](#) of this RFP subject to the availability of sufficient funding, successful Contractor performance, and approvals from the New York State Attorney General (AG) and the Office of the State Comptroller (OSC).

3.0 BIDDERS’ QUALIFICATIONS TO PROPOSE

3.1 Minimum Qualifications

The NYSDOH will accept bid proposals from Bidders who meet all minimum requirements:

- Bidder must be a not-for-profit organization; and
- Bidder must have a minimum of two (2) years’ experience working with organ, eye, and tissue procurement and recovery organizations; and
- Bidder must have a minimum of two (2) years’ experience promoting organ, eye, and tissue donation which included promoting enrollment in an organ, eye, and tissue donor registry; and
- Bidder must have a minimum of two (2) years’ experience working with the organ, eye, and tissue donation advocate community; and
- Bidder must have a minimum of two (2) years’ experience with program administration which includes quality assurance and performance improvement.

Experience acquired concurrently is considered acceptable.

For the purposes of this RFP, a “prime contractor” is defined as one who has the contract with the owner of a project or job and has full responsibility for its completion. A prime contractor undertakes to perform a complete contract and may employ (and manage) one or more subcontractors to carry out specific parts of the contract.

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

3.2 Preferred Qualifications

Bidders with the following experience are preferred:

- Three (3) years' experience collaborating with government agency(ies).
- Three (3) years' database experience including development, administration, management, and testing.

Experience acquired concurrently is acceptable.

4.0 SCOPE OF WORK

This Section describes the operational and promotional services that are required to be provided by the Contractor. The Contractor must be able to provide all of these services throughout the contract term.

The Contractor must adhere to all State policies and guidelines, including those of the Department, NYS Office of Information Technology Services ("OITS"), and the New York State Division of Homeland Security and Emergency Services.

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

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

4.1 Tasks/Deliverables

4.1.1 Project Strategic Goals

The Contractor will work collaboratively with the Department and must provide qualified personnel and other resources to execute the strategic goals of the NYSDLR.

The strategic goals of the NYSDLR project are the following:

- a. Maintain the current functionality of the Registry as described in [Exhibit 1](#) (Current NYSDLR Registration Sources and Management Processes).
- b. Improve the effectiveness, efficiency and timeliness of organ, eye and tissue donor registration in the NYSDLR for all stakeholders involved in the process.
- c. Electronically and securely capture organ, eye and tissue donor registrations, modifications and removals in the NYSDLR, and process electronic transmission of data from existing and new registration sources using a secure, reliable, sustainable, and supportable web-based solution.
- d. Transition paper-based transactions to an electronic solution to NYSDLR registration, modification, and removal transactions from all sources whenever possible.
- e. Ensure twenty-four (24) hours per day, seven (7) days per week, three hundred sixty-five (365) days per year access to the Registry by authorized persons, including the Department, Contractor, organ procurement organizations, and eye and tissue bank staff.

- f. Facilitate organ, eye and tissue donations through the addition of new sources of registration and enhancement of Registry Partnerships.

4.1.2 Registry Requirements and Functionality

4.1.2.1 Facilitation, Management and Processing of Enrollments, Modifications and Revocations

The Contractor will manage, maintain and continue the functionality of the NYS Donate Life Registry, including hosting of the servers in which the Registry database is stored.

The Contractor will maintain a database designed to securely house the registration (enrollment) information of everyone that enrolls (registers), modifies (amends) or revokes (removes) their registration.

The Registry database must be capable of all of the following:

- Accepting and processing direct online registrations, amendments and revocations (removals) from the NYSDLR website including utilization of proven identity verification technologies twenty-four (24) hours per day, seven (7) days per week, three hundred sixty-five (365) days per year consistent with NYS law and OITS requirements for electronic signatures;
- Receiving and retrieving secure files containing registrant information from a variety of sources electronically and processing these files;
- Receiving and processing mailed, emailed, faxed and other forms of organ, eye and tissue donor registrations, amendments and revocations;
- Generating written notification of enrollment, modification, and removal of enrollment documents and transmitting those written notifications in accordance with PHL 4310 in-person or electronically by email whenever possible. Use of postal mail for transmittal of written notifications is permissible when in-person and electronic means of transmission are not possible;
- Producing reports based on cumulative or date range registry data by single and multiple defined variables as specified by the Administrative User.

The Contractor will operate a website as detailed in [Section 4.1.3](#) (Website Requirements and Functionality) of this RFP.

The Contractor must meet the requirements of applicable NYS law, regulation, policy, and guidelines regarding functionality and reporting, including the ability to exchange data with and accommodate receipt of data in electronic or written form from other entities involved in facilitating Registry enrollment including but not limited to the following:

- Members of the public;
- NYS Department of Motor Vehicles (“DMV”);
- NYS Board of Elections (“BOE”);
- NY State of Health (“NYSoH”) Insurance Marketplace;
- NYS Department of Environmental Conservation (“NYSDEC”);
- IDNYC Program; and
- Federally certified organ procurement organizations and eye and tissue banks licensed by the Department, and others as subsequently identified.

The Contractor will assure that the Registry meets the following business requirements:

- Accommodate registration of consent to make an anatomical gift through:
 - An indication made on a NYSDMV electronic or paper form application for a driver’s permit, license, or renewal, or a vehicle registration, or during certain other specified DMV

- transactions;
 - An indication made on an electronic or paper NYSDMV non-driver identification card application or renewal form;
 - An indication made on an electronic or paper voter registration form pursuant to Election Law § 5-210(5);
 - An indication made on an electronic or paper IDNYC non-driver identification card application or renewal form;
 - An indication made on an electronic or paper NY State of Health (“NYSoH”) Insurance Marketplace application or renewal form;
 - An online registration through the NYSDLR website or that of any Registry Partner that has embedded the NYSDLR registration form on its website(s);
 - An indication made on electronic, or paper forms completed by prospective donors when carrying out specified transactions with another State or local government agency;
 - An indication made on an electronic NYSDEC application for a permit, license and/or registrations; and
 - Any other method specified by law or identified and approved by the Commissioner of Health
- Accommodate and enter into the Registry mailed, emailed, and faxed registrations, and amendments or revocations of registrations.
- Accommodate a registrant’s wish to specify what organs and/or tissues they wish to donate.
- Accommodate a registrant’s wish to specify the purpose of their donation; whether donations are made for transplantation only, research only, or both transplantation and research.
- Provide identity assurance of NYSDLR online registrants via DOH and OITS approved provider(s).
- In compliance with the NYS Public Health Law and regulations adopted thereunder, provide written or electronic notification of registration consistent with NYS Public Health Law Section 4310 to all individuals enrolling in the NYSDLR. Written in-person and electronic notifications shall be utilized whenever possible to accomplish this requirement. Postal mail notifications may be used when in-person and email notification are not possible. Notice of registration to new registrants must be sent within one (1) week of receipt and processing of registration.
- Provide written notice acknowledging the processing of a request to modify or remove a registration from the NYSDLR. Written in-person and electronic notifications shall be utilized whenever possible to accomplish this requirement. Postal mail notifications may be used when in-person and email notification are not possible. Notice of modifications to or revocations of registrations must be sent to registrants within one (1) week of receipt and processing of the modification or revocation of their registration.
- Develop and implement a process to remove all registrants whose notification of registration, either written or electronic, is returned as undeliverable.
- Clearly identify individuals who registered in the NYSDLR before July 23, 2008, as having expressed intent to donate only. The registration of these registrants must remain as an intent record unless or until they re-enroll and/or file an amendment to their intent registration.
- Record sources of registration and re-registration in each registrant’s NYSDLR record.
- For Registry enrollments completed directly online, the Contractor must ensure that the NYSDLR

registration becomes active upon the Contractor sending the notice of registration to the registrant.

- Place registrations received through NYSDMV, IDNYC, NYSoH, NYSBOE, NYSDEC and any other sources determined by the Department, by means other than electronic signature, in a twenty-eight (28) day pending status to give the registrant time to receive their notice and address claims of erroneous registrations. If the registrant does not request removal from the Registry or modification of their donation during this period, the registration becomes active after the twenty-eight (28) day period has passed.
- Provide a system that can securely receive and/or retrieve registration data of individuals consenting to join the NYSDLR, from sources which include, but are not limited to, the following: NYSDMV, NYSoH, IDNYC, NYSBOE, NYSDEC and others approved by NYSDOH. This data transfer should occur no less often than once every seven (7) calendar days using secure electronic transfer or other methods approved by NYSDOH and NYS OITS.
- Provide a system that notifies the Contractor, the Department, the registration source, and others when appropriate, within no more than forty-eight (48) hours of the occurrence of an error and/or failure to receive, retrieve or process registration data from an established electronic source. Work must begin immediately to determine the cause(s) of such error and resolve it within forty-eight (48) hours of awareness of the error or the failure. If the error or failure continues beyond seven (7) calendar days from the date the Contractor initially becomes aware of the error or failure, the Contractor must involve the Department in seeking resolution of the error(s) or failure(s).
- Provide a system that records and displays the date, time, all changes, including type of change(s), made, and the person/source of all changes made to registration records of registrants in the NYSDLR.
- Provide a system that will search the NYSDLR for matching registrant record(s) and consider a match to be an update to the existing record, to reduce duplicates in the NYSDLR when certain conditions are met. "Matching criteria" are to be determined collaboratively by the Department and the Contractor.
- Provide a system that will not delete any records from the NYSDLR database but will make extensive use of history tables to store "removed" information viewable only by those with this permission.
- Provide the ability for individuals to register in the NYSDLR, or amend or revoke their registration, electronically with the use of an electronic signature, the process for which must meet identity and authentication assurance level 2 pursuant to New York State Electronic Signatures and Records Act ("ESRA") Guidelines (G04-001) and New York State Digital Identity Policy (NYS-P20-001) available at <https://its.ny.gov/document/digital-identity-policy> and consistent with any other applicable policies or guidelines of NYS OITS.
- Provide monthly registration datasets by county, birth year, zip code, and other variables identified by NYSDOH, if requested, for the Health Data NY website.
- Provide access to the NYSDLR to registrants for the purposes of allowing them to confirm the accuracy and validity of their registration, or to amend or revoke their registration, subject to reasonable procedures to verify the identity of the registrant seeking to make the inquiry, confirmation or change.
- Provide an audit trail to track when an organ procurement organization, an eye or tissue bank, the Department, the Contractor, an authorized subcontractor, or a registrant has accessed a NYSDLR record, what record was accessed, and what actions were taken while in the record.

- The ability to evaluate the functioning of the Registry processes and the data within it to identify errors, failures, and opportunities for improvement.

4.1.2.2 Determination of Donor Status and Facilitation of Organ, Eye and Tissue Donation

The Contractor must maintain and manage a user-friendly Administrative Portal to the NYSDLR in a manner that allows, permission based, immediate access to organ, eye and tissue records twenty-four (24) hours per day, seven (7) days per week, three hundred sixty-five (365) days per year to authorized Administrative Users as follows:

- The Contractor, organ procurement organizations, licensed eye and tissue banks and such other entities that may be approved by the Department shall have access for purposes of determining donor status at or near the time of death of an individual;
- The Department shall have access to the NYSDLR for any purpose at any time; and
- The Contractor shall have access to the NYSDLR for purposes of quality assurance and performance improvement, Registry operations, technical support, and donor services.

Permission based access to the Registry will be determined by the job responsibilities of the users. The Contractor must provide authorized Administrative Users with:

- Identity assurance via authentication method(s) acceptable to OITS such as multifactor authentication;
- Real-time donor designation information twenty-four (24) hours per day, seven (7) days per week, three hundred sixty-five (365) days per year from any computer with Internet access;
- The ability to query the database and search for a specific individual by their profile information; and
- The ability to indicate that a registrant has been identified as a potential donor and record whether a donation was made in their registration record

Additionally, the Contractor will work with the Department and designated registration sources to assist recovery agencies (organ procurement organizations, eye and tissue banks) in accessing original documents that are not in the Contractor's possession upon which NYSDLR registrants documented their written consent to join the Registry and become an organ, eye and/or tissue donation after death as allowed by law.

4.1.3 Website Requirements and Functionality

All website design and features must be approved by the Department.

The Contractor will maintain, update, and manage functionality of a publicly accessible website that serves as a twenty-four (24) hours per day, seven (7) days per week, three hundred sixty-five (365) days per year portal for online Registry enrollment and meets identity verification requirements consistent with New York State law and OITS requirements for use of electronic signatures. The website must also provide the ability for an individual to access their own registration record to amend or revoke their registration.

The website must meet the criteria established by Section 508 of the Rehabilitation Act (29 U.S.C. 794d), as amended by the Workforce Investment Act of 1998 (P.L. 105-220), and as otherwise subsequently amended.

Additionally, the website must also meet other NYS website requirements, including Accessibility and Security reviews (see [Home | Section508.gov](#)).

At a minimum, the website must contain the following:

- a. General information regarding organ, tissue and eye donation, donation and transplantation information, questions and answers regarding the NYSDLR, a glossary of terms, and links to further resources. All content, graphics, forms and translations must be reviewed and approved by the Department prior to posting.
- b. Printable Department approved forms for registration, amendment/modification and revocation of registration available in the languages identified in the NYS Language Access Plan. The list of required languages will be provided by the Department to the Contractor. All translation activity will be coordinated by the Department.

The website must have both an English and Spanish version. All translation activity will be coordinated by the Department.

The website must also make available translated printable informational materials deemed vital documents by DOH in the languages identified in the NYS Language Access Plan. The list of required languages will be provided by the Department to the Contractor. All translation activity will be coordinated by the Department.

There must be an easy to find and accessible way from the Registry website, donatelife.ny.gov, to reach the Registry@donatelife.ny.gov general email account for inquiries from the public. Inquiries to this email account regarding registration status and requests for removal or modification of registration must be responded to within twenty-four (24) hours unless the inquiry is entered on a non-business day. Inquiries posed on non-business days must be promptly responded to the next NYS business day. All other email inquiries must be handled within one (1) to two (2) business days. A notice describing the email response policy must be posted in a conspicuous location on the Registry website.

The website must include coding provided by the Department to allow for Google Analytics. Google Analytics will be used to assess functionality and to enhance the overall user experience of the NYSDLR website.

The look and content of the Registry website, donatelife.ny.gov, must be reviewed annually and updated as needed to stay current and improve efficiency, effectiveness, and user experience during the Contract Term. All changes must be discussed, reviewed, and approved by the Department prior to implementation. Typical requested changes include updates to the Frequently Asked Questions, resources, and website landing page.

4.1.4 Administration and Operational Support

The Contractor will assume activities required for the administration and operation of the NYSDLR. These include but are not limited to general requirements; assurance of confidentiality; data entry, receipt, retrieval, and storage; documentation; provision of an annual workplan and budget; quality assurance and testing; and customer service.

4.1.4.1 General Requirements

The Contractor shall:

- a. Ensure availability of the NYSDLR twenty-four (24) hours per day, seven (7) days per week, three hundred sixty-five (365) days a year. In the event that the Registry becomes unavailable, the Contractor will notify all Administrative Users within one (1) hour and follow Disaster Recovery Plans developed and approved by the Department. See [Exhibit 2](#) (Business Continuity for System Downtime) of this RFP.
- b. Develop and implement, in collaboration with the NYS DOH, a process to evaluate and determine the eligibility of organizations under PHL § 4310 that request access to the NYSDLR.

- c. Develop, implement, and enforce a user agreement applicable to all staff of the Contractor, Subcontractors, if any, and all Administrative Users with access to the NYSDLR database. At a minimum, this agreement must include confidentiality requirements, use responsibilities, Contractor's responsibilities and the potential consequences of non-compliance.
- d. Develop and implement ongoing training for NYSDLR Administrative Users as well as the provision of on-going technical support for such users.
- e. Develop and implement training for Contractor staff and Subcontractors when appropriate. Training should include general information regarding organ, eye and tissue donation, the NYSDLR, and confidentiality requirements. Training should be specific to job duties (e.g., data entry, customer service, mail house) and permissions granted. Training materials must be reviewed and approved by the Department prior to use.
- f. Develop and maintain within the Registry's administrative system and make available to the Department and other authorized users, monthly and cumulative aggregate data reports. At a minimum, the reports must include data by age, birth year, county, zip code, registration source, and partner/supporter organization.
- g. Submit quarterly and annual reports in accordance with the requirements set forth in [Section 4.3](#) of this RFP.
- h. Provide the Department updates on contract deliverables and progress toward workplan accomplishments at the monthly meetings.
- i. Respond to the Departments questions within five business days unless a shorter timeline is requested based on urgency of the Departments need for information.
- j. The Contractor shall meet with the State's interagency work group and Department no less frequently than monthly. These meetings will be held virtually, unless determined otherwise by the Department. In the event an in-person meeting is requested, the Contractor would travel to the state office located at 875 Central Ave in Troy NY.

4.1.4.2 Confidentiality

The Contractor will ensure the security and confidentiality of the NYSDLR and the information therein including, but not limited to the following:

- a. Registrants attempting to access their records electronically will have their identity validated prior to access being granted.
- b. All Administrative Users will be required to utilize OITS approved methods of authentication, such as multifactor authentication, when signing into the Registry.
- c. The Contractor will be required to develop and enforce a confidentiality agreement for all staff of the Contractor and any Subcontractor(s) associated with the NYSDLR.
- d. The Contractor will develop, implement, and enforce a user agreement for all Administrative Users of the NYSDLR database. At a minimum, this agreement must include confidentiality requirements, use responsibilities, Contractor's responsibilities and the potential consequences of non-compliance.

- e. Monitor compliance with and enforce the confidentiality agreement applicable to everyone with access to the Registry.

4.1.4.3 Data Entry, Receipt, Retrieval, and Record Storage

The Contractor will provide secure data entry and record storage that meets the following requirements:

- a. Includes a system to manage data entry of paper and receipt and retrieval of electronic registrations, amendments and revocations of registrations, from all approved sources.
- b. Ensures that data submitted or transferred electronically are stored permanently within the Registry.
- c. Ensures that paper forms and copies of original documentation received are either scanned or hand-entered into the Registry and attached to the Registry record.
 - 1. Paper forms and copies of original documentation that cannot be attached to the Registry record must be physically stored securely at all times in a location accessible within two (2) hours of when a request for them is made.
- d. Access will be limited to those that require access to the documents by virtue of their job responsibilities. See [Section 4.1.2.2](#) (Determination of Donor Status and Facilitation of Organ, Eye and Tissue Donation) of this RFP.

4.1.4.4 Registry Data Export

The Contractor will provide the Department with an export of all data in the Registry database no less often than monthly. This data export is to be transferred to the Department via Secure File Transfer Protocol ("SFTP"), or other means approved by DOH and OITS in a format acceptable to DOH, OITS and the Contractor (example: CSV).

4.1.4.5 Documentation

The Contractor will develop and/or maintain the documentation/manual/guides listed below. These documents, and all revisions to these documents, must be reviewed and approved by the Department and OITS. Each document listed below must be reviewed annually and revised as necessary by the Contractor:

- a. Registry User Guide/Manual. This is an operational guide of how to use the administrative portal and system within the Registry and its functionality.
- b. High-Level Technical Design Document. This is a technical document written for a non-technical audience. This aims to provide all with a bird's eye view of the solution architecture and design after implementation.
- c. Performance improvement and internal control plan(s) addressing all aspects of the NYSDLR and records of testing and monitoring. Plan(s) must include but are not limited to, the following
 - A schedule for continuous testing and evaluation of Registry imports and processing of imported data;
 - Monitoring of the accuracy of records created from imported, scanned and hand entered registrant data;
 - Monitoring of operations, controls, maintenance of confidentiality; and
 - Monitoring of utilization and use by authorized users with varying levels and types of permissions.
- d. Policy and Procedure manual. This manual must include policies and procedures that address all

aspects of Registry operations including, but not limited to the following:

- Receipt, import, processing, and management of enrollments, modifications, and requests for removal from the Registry from all registration sources received electronically and on paper;
- Receipt and management of Registry related postal and electronic mail;
- Data entry and storage;
- Notification of registrants;
- Access to and use of the Registry by Administrative Users;
- Maintenance of Registry security; and
- Assurance of the operational integrity of the Registry.

4.1.4.6 Workplan and Budget

For each year of the Contract, the Contractor will provide a detailed workplan that identifies plans and recommendations for the following:

- a. Registry development work;
- b. Quality assurance and performance improvement;
- c. Legislative and/or regulatory changes that would affect the Registry; and
- d. Registry administrative and operations policies

The workplan must contain identifiable milestones with anticipated timelines for accomplishment of the work within the year for which the plan applies. Forms will be provided by the Department and workplans must be approved by the Department prior to implementation.

- a. For each year of the Contract, the workplan shall be submitted to the Department no later than thirty (30) calendar days after the start of the contract year.
- b. The Department may seek clarifications of, revisions to, or reject proposed plans, budgets, documents, etc. associated with the Contract.
- c. If an anticipated timeline(s) is unable to be met, the Contractor must notify DOH as soon as possible after becoming aware that the timeline will not be met along with a revised timeline.
- d. In no circumstances shall the Contractor notify the Department after the date identified in the approved workplan has passed. A revised timeline for the work must be submitted and approved/agreed upon by the Department.

The Contractor will work with the Department's Division of Hospitals and Diagnostic and Treatment Centers ("DHDTC"), Bureau of Organ Donation and Transplantation to formulate and agree upon initiatives to enhance the operation and success of the Registry through changes in and additions to the laws of the State that would:

- a. Facilitate registration by prospective donors; and
- b. Streamline/enhance the efficiency of the operation/administration/management of the Registry.

The Contractor will provide a detailed budget for each year of the Contract Term, using forms provided by the Department.

- a. For the first year of the contract, the budget will be included in the executed Contract.
- b. For each subsequent year of the contract, the budget will be expected within thirty (30) calendar days after the start of the contract year.
- c. The Department may seek clarifications of, revisions to, or reject a proposed budget associated with the contract.
- d. Annual budgets must be approved by the Department.

4.1.4.7 Quality Assurance Plans, Performance Improvement Plans, Test Plans and Testing

The Contractor is required to provide and ensure continuous Registry data integrity and process functionality. The Contractor must develop and implement an effective quality assurance plan, performance improvement plan, test plans and testing designed for oversight and monitoring of all NYSDLR operations and functions and ensure data integrity.

4.1.4.7.A Annual Quality Assurance Plan (“QAP”)

A Quality Assurance Plan (“QAP”) must be developed and updated annually to ensure that products, services, or processes consistently meet predetermined quality standards and conform to established requirements. The QAP should be developed to prevent and detect defects, errors, or deviations from occurring and focus on maintaining quality and reliability of system functioning.

The QAP must be developed and submitted to the Department for approval each year of the contract term. The QAP is due to the Department at close of business on the last day of the first quarter of each contract year.

The QAP submitted by the Contractor must include the components described in [Exhibit 3](#) (Quality Assurance Plan (QAP)) of this RFP.

4.1.4.7.B Annual Performance Improvement Plan (“PIP”)

The Performance Improvement Plan (“PIP”) must be developed and submitted to the Department for approval each year of the contract term. The PIP is due to the Department at close of business on the last day of the first quarter of each contract year.

The PIP must focus on analyzing and enhancing the overall performance of the Registry and Website and processes associated with the administration and management of the Registry and Website. The PIP must seek to identify areas for improvement, optimize efficiency, and enhance effectiveness and user experience, through data-driven analysis. The PIP should focus on analyzing data, identifying areas for enhancement, and implementing changes to optimize overall performance.

The PIP submitted by the Contractor must include the components described in [Exhibit 4](#) (Performance Improvement Plan (“PIP”)) of this RFP.

4.1.4.7.C Test Plans – Registry/Website Development Work and Enhancements

The test plan is a technical document that contains a detailed description of the Contractor’s test strategy, goals, procedure, resources, schedule, and deliverables. Each test plan must include a clear explanation of how and what will be tested, the priorities and the expected results and acceptance criteria. The test plan ensures systematic and organized testing, leading to higher software quality and improved overall project success.

Prior to the commencement of Registry and Website development and enhancement work, the Contractor must provide the Department with a document that describes the change(s) being proposed, purpose of the proposed change(s); and timeframes for accomplishment of milestones

Proposed changes/enhancements and timelines must be approved by the Department prior to commencement of the work.

After proposed changes are approved by the Department, the Contractor must provide the Department with a test plan. The Department will respond to the Contractor's proposed test plans within seven (7) calendar days of their submission. Any changes to approved enhancements/changes and/or acceptance criteria must be approved by the Department.

Test Plans submitted by the Contractor must include the components described in [Exhibit 5](#) (Test Plan) of this RFP.

4.1.4.7.D Testing

After receiving approval from the Department for the Test Plans, the Contractor will be responsible for the following components during the testing phase:

1. **Testing in Pre-production Environment:** The Contractor will conduct testing of changes, enhancements, or development work within a pre-production environment. This includes evaluating the modifications and ensuring they perform as expected across various scenarios.
2. **Evaluation of Database and Website Changes:** The Contractor will thoroughly assess and test any changes or enhancements made to the database and website. This evaluation aims to verify that the modifications align with expectations and exhibit the desired behavior.
3. **Assurance of Expected Functionality:** The Contractor will verify that the changes or enhancements meet the expected look and behavior under multiple scenarios. This includes comprehensive testing that goes beyond scenarios where data is entered as expected. By simulating situations where incorrect information is provided, the testing process aims to evaluate how the system handles such inputs, identifies errors, and responds appropriately. This approach will ensure that the system can effectively handle unexpected or erroneous data, leading to enhanced reliability and ensure that the modifications perform correctly and deliver the intended functionality.
4. **Preservation of Registry and Website Functionality:** The Contractor will ensure that the changes or enhancements do not negatively impact the functioning of other components within the Registry or website. It is vital to maintain seamless integration and preserve overall system functionality.
5. **Safeguarding Data Integrity:** The Contractor will assess the changes or enhancements to prevent any adverse effects on data integrity. This evaluation ensures that the modifications do not compromise the accuracy, consistency, or security of the data within the system.
6. **Production Environment Implementation:** The implementation of changes or enhancements in the production environment will only proceed upon receiving approval from the Department. This step ensures that all necessary reviews, tests, and validations have been successfully completed before making any modifications live.

The implementation of Registry and Website enhancements and modifications in the production environment will occur solely upon submitting testing findings and results to the Department and acquiring Department approval.

4.1.4.8 Customer Service

The Contractor will provide customer service with the ability to respond to inquiries from the public as specified below.

4.1.4.8.A Management of Office of Children and Family Services Call Center Referrals

The Contractor shall respond to referrals from the Department of Health's Organ Donation Customer Call Center whose services are provided by the NYS Office of Children and Family Services ("OCFS"). Except in limited circumstances, calls received by the OCFS Call Center that require follow up and/or further assistance or action will be the responsibility of the Contractor to address and resolve. Callers who require immediate assistance with matters outside of OCFS's scope will be transferred from OCFS directly to the Contractor to handle. Inquiries from callers that are not of an immediate nature will be forwarded to the Contractor via the Registry@donatelife.ny.gov email on a formatted template identifying the request and caller information as they come in and are processed.

The Contractor's responsibilities are:

- a. Provide the Department and OCFS with the names and contact information (direct phone number and email addresses) of multiple contacts, no less than two (2), where referrals may be sent. This contact information is for the Department and OCFS and is not shared publicly.
- b. If changes are made to contact people or methods, this information should be provided to DOH and OCFS within twenty-four (24) hours of these changes.
- c. Respond to referrals from OCFS within twenty-four (24) hours from the time of referral during the business week (that is, Monday through Friday, excluding only State and Federal holidays) or the next business day.

DOH reserves the right to approve/disapprove Contractor contacts with OCFS.

4.1.4.8.B Management of Phone Calls Made Directly to the Contractor

Calls made directly to the Contractor from the public should accomplish the following requirements.

- a. Phone lines must be answered live during normal business hours of 9:00 a.m. to 5:00 p.m., Eastern Standard Time, Monday through Friday, except for New York State and Federal holidays.
- b. A voice messaging service must be available after hours, on weekends, and on holidays, and must use scripts approved by the Department.
- c. Translation services must be provided for all individuals with limited English proficiency, regardless of language spoken.
- d. Consumer voice messages must be responded to within twenty-four (24) hours from the time of each call during the business week (that is, Monday through Friday, excluding only State and Federal holidays).
- e. Messages received after normal business hours or on weekends or holidays must be promptly handled the following NYS business day.
- f. A call log must be established and maintained that will record the date, time, caller's name and contact information, subject of the call, and outcome. The maintenance of the call log must include a plan for log review and analysis to determine patterns that might identify opportunities to improve NYSDLR operation and identify risks.

Calls made directly to the Contractor from the Recovery Agencies seeking assistance in accessing original documents that are not in the Contractor's possession, or with other questions regarding Registry Records, shall meet the following requirements.

- a. Phone lines must be answered live during normal business hours of 9:00 a.m. to 5:00 p.m., Eastern Standard Time, Monday through Friday, except for New York State and Federal holidays.

4.1.4.8.C Management of Registry@donatelife.ny.gov Email Account

The Contractor will maintain the Registry@donatelife.ny.gov email account. The email account must:

- a. Be able to receive messages twenty-four (24) hours a day, seven (7) days a week, three hundred sixty-five (365) days a year.
- b. Send an “out of office” message when staff are unavailable after hours and on weekends and holidays. The out of office message must be available in English and Spanish. Prior to translation of the out of office script into Spanish, the Department must review and approve the English version. The Spanish script must be procured through the New York State translation contract vendor and must be reviewed and approved by the Department prior to use.

The Contractor must have trained staff to respond to email inquiries according to the following requirements:

- a. Respond to emails received during normal business hours of 9:00 a.m. to 5:00 p.m., Eastern Standard Time, Monday through Friday, except for New York State and Federal holidays.
- b. Ensure provision of translation services for individuals with limited English proficiency. All translation activity will be coordinated by the Department and associated costs will be the responsibility of the Contractor and reimbursed by the Department.
- c. Ensure email messages are responded to within twenty-four (24) hours from the time each email is received during normal business hours of 9:00 a.m. to 5:00 p.m., Eastern Standard Time, Monday through Friday, except for New York State and Federal holidays.
- d. Ensure messages received after 5:00 p.m., Eastern Standard Time, Monday through Friday, or on weekends or holidays, must be responded to by the Contractor on the following NYS business day.
- e. Establish a system that facilitates review, analysis and reporting of the number, date, subject and outcome of the emails for use in identification of opportunities for improvement in Registry use and operations.

4.1.5 Promotion of Registry Enrollment and Establishment of Registry Partners and Supporters

The Contractor will develop and implement a plan to encourage organ, eye and tissue donation and enrollment in the NYSDLR through advancement and establishment of Registry partners and supporters. The Contractor will work to identify and seek the enlistment of third parties that support the mission and purpose of the Registry by partnering with the Department and the Contractor to accomplish this goal.

The objectives to be achieved are to:

- a. Increase the number of Registry Partnerships from year to year; and
- b. Increase the number of registrations in the NYSDLR year to year

The Contractor will work with Department to gain approval of Registry Partners and Supporters, assist in implementation of partner and supporter options, and report on the effectiveness of these activities in accomplishing stated goals during each year of the Contract.

4.2 Staffing

The Contractor must provide the staff to accomplish the deliverables identified in accordance with timelines included in this RFP, including but not limited to:

4.2.1 Project Manager

The Contractor must designate the equivalent of at least one full time (40 hours/week) Project Manager (“PM”). The PM will serve as the Department’s primary contact with the Contractor. This position must be filled by an employee or employees of the Contractor and cannot be filled by subcontractors or consultants. If one (1) PM is appointed, the PM needs to be dedicated to the Contract with DOH on a full time (100%) basis. If more than one (1) employee of the Contractor is assigned project management responsibilities, the total combined time they dedicate to the Registry Contract must equate to a minimum of one (1) full time (100%) employee.

The Project Manager will be responsible to ensure that all work conducted under the Contract is performed according to all Department policies, requirements, and standards of performance. The PM will be responsible for the overall quality, accuracy, and timeliness of all Contract work products and deliverables. This will include responsibility for: (a) the development and implementation of annual workplans and budgets, quality assurance and internal control plans; (b) ensuring that data systems supporting Contract activities are fully operational, modified and maintained in a timely manner consistent with Department and contractual requirements; (c) the development and implementation of quality assurance and performance improvement activities; and (d) providing training to and assuring satisfactory performance of staff and administrative uses of the system. The PM will work closely with DOH to successfully address any errors, failures or concerns regarding the implementation, operation or turnover of the project.

The Project Manager must be accessible by phone or e-mail during NYS business hours. The PM must acknowledge emails sent by the Department within twenty-four (24) hours of receipt. The PM shall be available to meet with NYSDOH staff in person, or virtually, for a minimum of monthly meetings throughout the contract term. The Contractor or the Department may request more frequent or additional meetings. Other select staff and/or subcontractors should be available to attend when appropriate.

4.2.2 Technical Staff

Technical staff responsibilities may be performed by subcontractor(s) under the supervision and oversight of the Project Manager or their designee. Technical staff are responsible for the technical architecture of the NYSDLR and ensuring that a solution is implemented to meet all system and security requirements, including testing, and for the development of technical procedures and documentation made available to the Contractor and the Department.

4.2.3 Quality Assurance Staff

Quality Assurance staff assist in the development and execution of quality assurance and performance improvement plans for monitoring system and operational performance, identification of defects, errors, failures, etc., testing of new features and system releases, and analyzing end user requirements, experiences and reported defects to ensure quality of the system and operational performance.

4.2.4 Data Entry and Customer Service Staff

Data entry and customer service staff are responsible for scanning and data entry of paper NYSDLR registration forms, including reviewing all data entries for accuracy, answering phone calls and emails, and responding to questions and assisting those calling and emailing with resolution of their questions, concerns or difficulties with the NYSDLR application.

4.2.5 Other Staff

Additional staff may be required to advance the establishment of Registry Partnerships and support the Contractors accomplishment of contract deliverables.

The Department reserves the right to review resumes of all staff proposed, interview key staff assigned to this endeavor, and request that the Contractor replace any key staff member whose performance of their responsibilities under the Contract is determined by the Department, in its sole discretion, to be inadequate within two (2) weeks.

4.3 Reporting

The Contractor shall submit the quarterly and annual reports to:

Bureau of Organ Donation and Transplantation
Division of Hospitals and Diagnostic and Treatment Centers
Office of Primary Care and Health Systems Management
New York State Department of Health
875 Central Avenue,
Albany, NY 12206 and
Email: donorreg@health.ny.gov

The Contractor will be required to submit quarterly reports within thirty (30) calendar days of the end of quarter or year, respectively, of activities being conducted in accordance with the deliverables of the Contract and Workplan that include, but are not limited to, monthly measurements of:

- a. Number, type (e.g., enrollments, revocations, amendments), source (e.g., DMV, BOE, IDNYC, etc.) and means (e.g., paper, electronic, SFTP, etc.) of NYSDLR transactions received, processed, and pending processing.
- b. Number and percent of NYSDLR transactions processed within contractual timeframes and reasons for not meeting contractually established timeframes for processing if, and when, this occurs.
- c. Number of NYSDLR registrations, with pertinent data with respect to each new registration, including, but not limited to birth year, county of residence, zip code and enrollment source for each registrant.
- d. Number and topic or type of issue/problem provoking requests for assistance received by phone call and email generated from the Registry website, Call Center and Contractor website, and other relevant sources.
- e. Number of requests for assistance, by phone and email, requiring translator-assistance.
- f. Number of monthly website visits and Google Analytics data and analysis from the donatelifeny.gov and the Donate Life Registry enrollment form site. This section should also include but is not limited to the identification of opportunities for improvement and the ease of use opportunities.
- g. Analysis of factors contributing to increases/decreases/changes to Registry enrollments and removals during reporting period.
- h. Minutes of downtime in the reporting cycle, including the nature, cause, date, time, duration, and resolution of each outage for both the NYSDLR website and application/database.
- i. Number of time delays experienced, and cause(s) associated with incidences involving error(s) or failure(s) of enrollment data pick-up, transfer, acquisition, or processing per reporting period.

- j. Status updates on efforts, outcomes, and impact of identifying and establishing Registry partners and supporters.
- k. An accounting of expenditures broken out by personal and non-personal services as identified on the yearly workplan and budget related to the accomplishment of Contract deliverables during the reporting period. Expanded detail and proof of expenditures must be provided to the Department upon request.
- l. Report on lobbying efforts and the status of any legislative initiatives being pursued by the Contractor that could potentially affect the Registry, its operation or the deliverables of this contract.
- m. Quality Assurance Plans - activities and evaluations including but not limited to: (1) Quality Assurance (“QA”) activities carried out; (2) a description of what is being assessed/evaluated; (3) frequency with which QA activities are carried out; (4) what metrics are used; (5) findings of evaluations including functions and/or processes identified as not functioning/performing as expected/intended; (6) opportunities/plans for improvement; (7) actions taken; and (8) timelines for accomplishing improvements to address any identified gaps/shortfalls. (see [Exhibit 3](#) – Quality Assurance Plan (“QAP”)) of this RFP.

The Contractor will prepare and submit annual written reports. The annual report will be due within thirty (30) calendar days of the end of the contract year, and at a minimum, include the following:

- a. A summary of items required in quarterly reports;
- b. The annual dollar amount of voluntary contributions received by the Contractor for the purposes of maintaining the NYSDLR and pursuing Registry partners and supporters; and
- c. An accounting of expenditures broken out by personal and non-personal services as identified on the yearly workplan and budget related to the accomplishment of Contract deliverables during the reporting period. Expanded detail and proof of expenditures must be provided to the Department upon request.

To the extent possible, the Department will limit requests for reporting of additional information beyond the items identified in this section.

4.4 Information Technology

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

4.4.1 System Security

The Contractor will adhere to and maintain all relevant technical and security requirements as found at <http://its.ny.gov/tables/technologypolicyindex.htm> and in [Exhibit 2](#) (Business Continuity for System Downtime), [Exhibit 6](#) (Security Requirements), [Exhibit 7](#) (Data Breach Policy), and [Exhibit 8](#) (Technical Requirements) of this RFP, unless the Department approves (an) alternative mechanism(s) to accomplish the goal of the requirement(s) as stated.

The “system security” quality goal is a positive security risk assessment by NYS OITS with no outstanding critical incidents. Specific goals may vary.

Security assessment may generally follow this guidance:

- a. Achievement of specific security test plans;
- b. Independent assessment of system security by the NYS OITS Chief Information Security Officer (“CISO”) or designated staff; this assessment may include, but is not limited to, discussions highlighting weaknesses, unaddressed risks, or questionable areas of the solution in the context of exploit and security breach; and
- c. To the extent that any services provided by the Contractor to the Department under this Contract are mutually determined by the Department, NYS OITS and the Contractor to constitute cloud services, within thirty (30) days of OITS request, the Contractor will provide to OITS a Consensus Assessment Initiative Questionnaire (“CAIQ”) for OITS' review. Thereafter, on an annual basis, the Contractor will provide a current CAIQ for OITS' review. The form is available at Cloud Security Alliance (<https://cloudsecurityalliance.org/>). The completion of this requirement is at the Contractor's expense with no additional cost to the State.

4.4.2 System Reliability

The “system reliability” quality goal is: 99.5% passing tests with no critical incidents outstanding. Specific goals may vary.

Note: A passing test is one that can be run in its entirety without error. A test that cannot be run because it or the feature it tests is not implemented or fully implemented will be counted as a failure.

4.4.3 Passing Test Percentages

< 80.0%	Not ready for NYS OITS acceptance.
> 80.0% - < 99.5%	Ready for open issues review and discussion with NYS OITS; review of critical issues with OITS. OITS may, at its discretion, not accept the technical solution.
> 99.5%	Department acceptance (excepting critical incidents).

4.4.4 System Ease of Use

The “system ease of use” quality goal is, a correction of all reported ease of use issues, and a positive ease of use defect discovery trend per ongoing inspection, with no outstanding critical incidents.

4.4.5 System Performance

The “system performance” quality goal is a positive assessment proving demonstrated achievement of system performance goals and requirements.

4.4.6 Beta/User Acceptance Program Entry and Exit Criteria

Specific criteria to qualify for OITS authorization to begin the beta/user acceptance program will be determined cooperatively during the project and will depend, minimally, on the following factors:

- a. Reliability and stability of the system;
- b. Achievement of requirements necessary for meaningful user involvement; and

- c. Availability of users for participation.

Specific criteria to qualify for conclusion of the beta/user acceptance program will be determined cooperatively during the project and will depend, minimally, on the following factors:

- a. Decreasing rates of user feedback; and
- b. Decreasing issue discovery trend per ongoing user participation.

4.4.7 Technical Systems and User Documentation

The “technical systems and user documentation” quality goal is a positive assessment with no outstanding critical incidents. Specific goals may vary.

The documentation assessment may generally follow this guidance:

- a. Achievement of specific documentation test plans; and
- b. Independent review and assessment of documentation deliverables by NYS OITS staff or their designee; this assessment may include, but is not limited to, discussions highlighting strengths, weaknesses, missing or incomplete information, accuracy, adherence to style or other guidelines, and visual presentation.

4.4.8 Open Issues

The Contractor is required to establish and maintain, on a platform accessible to both the Contractor and the Department, an ongoing log of open and emerging issues and their status that is updated every other week by the Contractor and as needed by the Department. The frequency with which the issues captured in the log will be reviewed will be guided by the urgency/risk and priority of the issues contained within it, but no less frequently than quarterly, the final determination of which will be made by the Department. The open issues log will serve as the focus for discussion, determination of outstanding risk and the plan to address the open issues and outstanding work beyond achieved quality goals.

The Department reserves the right to request additional information regarding these issues and require further corrections based on the information gained during review of the log.

4.4.9 Additional License and Ownership Rights

To ensure the safety and confidentiality of information used during the Contract, all software, source code, databases, data, hardware or firmware, reports, documents, and other materials developed, purchased, or otherwise obtained in the course of the NYSDLR project by the Contractor, including data backups, archives, and version and revision controls, must be returned as specified by the Department.

All source code must be periodically sent to the Department for testing and/or archiving purposes.

The Department recognizes that some solutions may incorporate third party technologies, which have associated licensing requirements. In this case, such third-party technologies and their licensing requirements – including costs – must be documented and will not be reimbursed by the State, except when specifically agreed to by the parties. If the Contractor is uncertain whether a third-party technology included in its solution is considered by the Department to be “standard IT environment technology”, the Contractor should ask for clarification from the Department.

Title to, and ownership of, Existing Software Product(s) delivered by the Contractor under the Contract that is normally commercially distributed on a license basis by the Contractor or other independent software vendor proprietary owner ("Existing Licensed Product"), whether or not embedded in, delivered or operating in conjunction with hardware or Custom Products, shall remain with the Contractor or the other independent software vendor(s) ("proprietary owner"). Effective upon acceptance by the Department of such software as part of the solution provided by the Contractor under the Contract, such Product shall be licensed to the Department in accordance with the Contractor's or Independent software vendor ("ISV") owner's standard license agreement; provided, however, that such standard license, must, at a minimum: (a) grant the Department a non-exclusive, perpetual license to use, execute, reproduce, display, perform, adapt (unless the Contractor advises the Department as part of the Contractor's solution that adaptation will violate existing agreements or statutes and the Contractor demonstrates such to the Department's satisfaction) and distribute Existing Licensed Product to the Department up to the license capacity and with all other license rights necessary to fully effect the general business purpose(s) required by the terms of the Contract and the Department's acceptance of such software solution and (b) recognize the State of New York as the licensee.

In all other respects and cases, the Contract entered into pursuant to this RFP shall be considered a "Work for Hire" Contract. The Department and the State of New York will be the sole owners of: (a) all source code and any software developed for use in any application software provided to the Department as part of or in connection with the performance of the Contract; (b) any publishable or otherwise reproducible material developed under or in the course of performing the Contract; and (c) all reports, data sheets, documents, and other data and materials generated under the Contract, by the Contractor, any subcontractor, or any of their employees or agents, and the Contractor shall have no right to use or disclose any such software, source code, document or data for any purpose whatsoever without the prior written permission of the Department or its authorized agent.

4.4.10 Change Orders

A "change order" is any modification, addition, or deletion to the work as described in the Contract and/or annual workplan, with exception of emergency work identified by the Department. Change orders can be requested, in writing, by either the Department or the Contractor, and presented using [Exhibit 9](#) (Change Request Form) of this RFP. The work identified in any change order will be provided by the Contractor with adjustment to the project schedule, other deliverables when applicable, and required timeframes as appropriate. Fulfillment of change orders will be the responsibility of the Contractor.

Change order activities will be subject to negotiation and approval by the Department and will be subject to the approval of OSC.

- a. The contents of change orders shall include at a minimum:
 - i. A description of the requested change that includes the purpose and justification for the change, a test plan, test acceptance criteria and a timeline for completion of the change; and
 - ii. A description of the impact to the then-current schedule, project scope, annual workplan, and budget, and quality of the NYSDLR.
- b. Change orders required after Contract execution will include fixed time estimates in which the work will be completed. The scope of the project, including schedule, may be adjusted commensurately according to the estimate. All work necessary to achieve completion of the change order must be completed within the timeframe of the provided estimate.
- c. Change orders will be reviewed quarterly; implementation of change orders, except for emergency work identified by the Department, will be completed within four (4) months of their proposal or before Contract end, whichever comes first.

- d. No work shall commence on any change order without written agreement between the parties and approval from the Department.
- e. All change orders must be represented on all project reports, clearly indicating progress and their status.

4.5 Security

The selected Contractor shall comply with all privacy and security policies and procedures of the Department (https://its.ny.gov/system/files/documents/2022/10/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 to Attachment 8) 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 Registry data. 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 the Contractor who stores, processes, analyzes or transmits machine control data (“MCD”) on behalf of the Contractor has the appropriate security requirements in place. The 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.

The Contractor will develop and maintain adequate fully trained staff to respond to 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 DOH as well as with all applicable State and Federal requirements, in performance of the Contract.

4.6 Transition

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

The Contractor shall ensure that any transition to the Department, Departmental agency or successor contractor be done in a way that provides the Department with uninterrupted Registry and website 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 to, and provide for the assumption of all contract requirements by, 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 workplan 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 the Contract. The plan and documentation must be submitted to the Department no later than twelve (12) months before the last day of it's the Contract with the Department of Health or upon request of the Department.

4.7 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 successful Bidder awarded the Contract pursuant to the terms of this RFP (the "Contractor") shall submit invoices and/or vouchers to the State's designated payment office:

Preferred Method: Email a .pdf copy of Contractor's signed voucher to the Business Services Center ("BSC") at: AccountsPayable@ogs.ny.gov with a subject field as follows:

Subject: <<Unit ID: 3450462>> <<Contract #>>

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

NYS Department of Health
Unit ID 3450462
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. The Contractor acknowledges that it will not receive payment on any invoices and/or vouchers submitted under the 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

Vendor may voucher:

- In twelve (12) equal increments per year for fixed cost items related to Contract deliverables that are approved by the Department; and
- Monthly or quarterly for the cost of expenditure-based items related to Contract deliverables approved by the Department

Items included in the fixed cost payments and those included in the expenditure-based payments will be established in the Contract and may be changed periodically by written agreement between the Contractor and the Department.

Full payment of vouchers may be impacted and/or delayed by the Department based on assessments by the Department of the Contractor's progress toward satisfactory accomplishment of Contract deliverables and established timelines.

4.8 Subcontracting

Bidder's may propose the use of a subcontractor. The Contractor shall obtain prior written approval from NYSDOH before entering into an agreement for services to be provided by a subcontractor. The Contractor is solely responsible for assuring that all the requirements of this RFP are met. All subcontracts shall contain provisions specifying that the work performed by the subcontractor must be in accordance with the terms of the prime Contract, and that the subcontractor specifically agrees to be bound by the confidentiality provisions set forth in the agreement between 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 a Vendor Responsibility Questionnaire upon selection of the prime Contractor.

4.9 Contract Insurance Requirements

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

4.9.1 Professional Liability

The Contractor, and any subcontractor retained by the Contractor to work on the Contract to which such insurance coverage may be applicable, shall procure and maintain during and for a period of three (3) years after completion of the Contract, Professional Liability Insurance/Errors and Omissions Liability Insurance in the amount of \$2,000,000 issued to, and covering damage for liability imposed on, the Contractor (or applicable subcontractor) by the Contract or law arising out of any negligent act, error, or omission in the rendering of or failure to render professional services required by the Contract. The Professional Liability Insurance/Errors and Omissions Liability Insurance may be issued on a Claims-Made Policy form, in which case the Contractor (or applicable subcontractor) shall purchase, at its sole expense, Tail Coverage of up to three (3) years after work is completed if coverage is cancelled or not renewed.

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

Pursuant to New York State Executive Law Article 15-A, the Department recognizes its obligation to promote opportunities for maximum feasible participation of certified minority- and women-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 by 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) of 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 with 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 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 Business Enterprise (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 DonateLifeRegistry.RFP@health.ny.gov before the Deadline for Questions as specified in [Section 1](#) (Calendar of Events) of this RFP. 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.

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

Pursuant to State Finance Law §§ 139-j and 139-k, the Department of Health identifies designated contacts on the 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 1.0](#) (Calendar of Events) of this RFP. All questions and requests for clarification of this RFP should cite the relevant RFP, including the RFP number and title 20245 – New York State Donate Life Registry, 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 DonateLifeRegistry.RFP@health.ny.gov no later than the Deadline for Submission of Written Questions specified in [Section 1.0](#) (Calendar of Events) of this RFP. 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 DonateLifeRegistry.RFP@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) of this RFP. 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 DonateLifeRegistry.RFP@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 sixty-five (365) days from the bid opening, to the extent not inconsistent with section 2-205 of the uniform commercial code. Subsequent to such three hundred sixty-five (365) 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 6.3](#) 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) 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 (see also <https://ogs.ny.gov/procurement/piggybacking-using-other-existing-contracts-0>).

5.9 Intellectual Property

Except as otherwise specifically provided in Section 4.4.9 of this RFP, any work product created pursuant to this RFP and the Contract awarded hereunder and any subcontract shall become the sole and exclusive

property of the New York State Department of Health and the State of New York, which shall have all rights of ownership and authorship in such work product.

6.0 PROPOSAL CONTENT

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

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

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

6.1 Administrative Proposal

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

6.2 Bidder's Disclosure of Prior Non-Responsibility Determinations

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

6.3 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).

6.4 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 of this RFP](#).

6.5 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.

6.6 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".

6.7 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.

6.8 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.

6.9 References

Provide three references using [Attachment 9](#), (References) confirming the Bidder's level of experience. Provide firm names, addresses, contact names, telephone numbers, and email addresses.

6.10 Diversity Practices Questionnaire

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

6.11 Executive Order 177 Prohibiting Contracts with Entities that Support Discrimination

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

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

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

6.13 State Finance Law Consultant Disclosure Provisions

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

The successful Bidder for procurements involving consultant services must complete a "State Consultant Services Form A, Contractor's Planned Employment From Contract Start Date through End of Contract Term" in order to be eligible for a contract.

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

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

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

Section 5-a of the Tax Law, as amended, effective April 26, 2006, requires certain Contractors awarded state contracts for commodities, services and technology valued at more than \$100,000 to certify to the Department of Tax and Finance ("DTF") that they are registered to collect New York State and local sales and compensating use taxes. The law applies to contracts where the total amount of such contractor's sales delivered into New York State are in excess of \$300,000 for the four (4) 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 (4) 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

6.15 Technical Proposal

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

A Technical Proposal that is incomplete in any material respect may be eliminated from consideration. The following outlines the information requested to be provided by Bidders. The information requested should be provided in the prescribed format. Responses that do not follow the prescribed format may be eliminated from consideration. All responses to the RFP may be subject to verification for accuracy.

While additional data may be presented, the following should be included. Please provide the information in the same order in which it is requested. Your Proposal should contain sufficient information to assure DOH of its accuracy. Failure to follow these instructions may result in disqualification.

Pricing information contained in the Cost Proposal cannot be included in the Technical Proposal documents.

6.16 Title Page

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

6.17 Table of Contents

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

6.18 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 this RFP. The Bidder must submit documentation that provides sufficient evidence of meeting the criterion/criteria set forth in Section 3.0 of this RFP. This documentation may be in any format needed to demonstrate how the Bidder meets the minimum qualifications to propose.

Minimal Qualifications

Bidders must meet all minimum qualifications stated in [Section 3.1](#) of the RFP. The Bidder must clearly document their type(s) and level of experience and submit documentation that provides evidence of meeting the minimum qualifications. For each minimum qualification, provide clear and concise evidence demonstrating how your organization meets that requirement. Bidders are requested to provide specific examples, project names, dates and a brief synopsis of each project in the form of a table to help clearly demonstrate eligibility.

- Bidder must be a not-for-profit organization; and
- Bidder must have a minimum of two (2) years' experience working with organ, eye, and tissue procurement and recovery organizations; and
- Bidder must have a minimum of two (2) years' experience promoting organ, eye, and tissue donation which included promoting enrollment in an organ, eye, and tissue donor registry; and
- Bidder must have a minimum of two (2) years' experience working with the organ, eye, and tissue donation advocate community; and
- Bidder must have a minimum of two (2) years' experience with program administration which includes quality assurance and performance improvement.

Experience acquired concurrently is considered acceptable.

Preferred Qualifications

Bidders should submit documentation that demonstrates their experience with the following preferred qualifications as stated in Section 3.2 of this RFP. The Bidder must clearly document their type (s) and level of experience and submit documentation that provides evidence of meeting the preferred qualifications. For each preferred qualification, provide clear and concise evidence demonstrating how your organization meets that requirement. Bidders are requested to provide specific examples, project names, dates and a brief synopsis of each project in the form of a table to help clearly demonstrate eligibility.

Bidders with the following experience are preferred:

- Three (3) years' experience collaborating with government agency(ies).
- Three (3) years' database experience including development, administration, management, and testing.

Experience acquired concurrently is acceptable.

6.19 Technical Proposal Narrative

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

D1. Experience – Performing Tasks/ Deliverables

D.1.1 Project Strategic Goals (see “Scope of Work”, [Section 4.1.1](#))

Describe the Bidder's proposed approach and capabilities to work with the Department to execute the project strategic goals of the NYSDLR as described in this RFP, and specifically describe their proposed to ensure the continuation of all current registration sources and management processes as described in [Exhibit 1](#) (Current NYSDLR Registration Sources and Management Processes) of this RFP.

D.1.2 Registry Requirements and Functionality (see “Scope of Work”, [Section 4.1.2](#))

The Bidder should describe their proposed approach to the general facilitation, management and processing of enrollments, modifications and revocations as detailed in [Section 4.1.2.1](#) (Facilitation, Management and Processing of Enrollments, Modifications and Revocations) of this RFP.

The bidder should describe in detail their experience with databases, including but not limited to the design, management, and maintenance of databases, and their proposed approach to maintain the NYSDLR database designed to house the registration (enrollment) information of everyone that enrolls (registers), modifies (amends) or revokes (removes) their registration.

The Bidder should describe in detail their proposed approach to ensure that they meet the requirements of applicable NYS law, regulation, policy and guidelines regarding functionality and reporting of the NYSDLR, including the ability to exchange data with and accommodate receipt of data in electronic or written form, from other entities involved in facilitating Registry enrollment.

The Bidder should describe in detail their proposed approach to ensure the Registry meets the business requirements as described in this section.

The Bidder should describe in detail their proposed approach to ensure individuals may register in the NYSDLR, or amend or revoke their registration, electronically with the use of an electronic signature.

The bidder should describe their proposed approach to ensuring permissions-based access to the Registry for authorized Administrative Users 24/7/365 for the purposes of determining donor designation status as described in [Section 4.1.2.2](#) (Determination of Donor Status and Facilitation of Organ, Eye and Tissue Donation) of this RFP.

The Bidder must describe their proposed approach to working with the Department and designated registration sources to assist recovery agencies (i.e., organ procurement organizations, eye and tissue banks) in accessing original documents as described in [Section 4.1.2.2](#) (Determination of Donor Status and Facilitation of Organ, Eye and Tissue Donation) of this RFP.

D.1.3 Website Requirements and Functionality (see “Scope of Work”, [Section 4.1.3](#))

The Bidder should describe their experience with and/or proposed approach to maintaining, updating, and managing functionality of a website as described in this section.

The Bidder must describe their process to ensure that the NYSDLR website meets the criteria established by Section 508 of the Rehabilitation Act (29 U.S.C. 794d), as amended by the Workforce Investment Act of 1998 (P.L. 105-220), and as otherwise subsequently amended.

The Bidder must describe their proposed process to ensure the NYSDLR website meets all of NYS website requirements, including Accessibility and Security reviews (see [Home | Section508.gov](#)). The Bidder should describe a process to ensure continued compliance with these policies and policy changes and updates.

The Bidder should describe their experience with and/or approach to incorporating coding for Google Analytics and how this functionality would be used to enhance the overall user experience of the NYSDLR website.

D.1.4 Administration and Operational Support (see “Scope of Work”, [Section 4.1.4](#))

The Bidder should describe their proposed approach to assume activities required for the administration and operation of the NYSDLR. These include but are not limited to general requirements; assurance of confidentiality; data entry, receipt, retrieval, and storage; documentation; provision of an annual workplan and budget; quality assurance and testing; and customer service.

The Bidder’s response must include at a minimum, but not be limited to the following:

- The Bidder must describe how they will maintain and adhere to all general requirements as described in [Section 4.1.4.1](#) (General Requirements), and ensure confidentiality as described in [Section 4.1.4.2](#) (Confidentiality).
- The Bidder must explain their proposed approach to maintain the NYSDLR database, including data entry, receipt, retrieval, and record Storage as described in [Section 4.1.4.3](#) (Data Entry, Receipt, Retrieval, and Record Storage).
- The Bidder must provide a proposed plan to ensure the Department receives a monthly copy of the Registry database as described in [Section 4.1.4.4](#) (Registry Database).
- The Bidder must provide a proposed approach to the development, maintenance, frequency of review and updates of all required documents including a Registry User Manual, High Level Technical Design Document, Policy and Procedure Manual and Performance Improvement and Internal Control Plan(s). This should also include their plan for sharing these documents with the Department for review and approval as described in [Section 4.1.4.5](#) (Documentation).
- The Bidder must include a proposed approach or sample of a yearly workplan and budget to the Department. The Bidder must describe what information will be included in each workplan and describe their proposed process for working collaboratively with the Department to achieve milestones within anticipated timelines and the proposed budget as described in [Section 4.1.4.6](#) (Workplan and Budget).
- The Bidder must provide a proposed approach demonstrating how they plan to provide and ensure continuous Registry data integrity and process functionality as described in detail in each subsection of [Section 4.1.4.7](#) (Quality Assurance Plans, Performance Improvement Plans, Test Plans and Testing).
- The Bidder must provide their proposed approach to providing customer service including management of OCFS Organ Donor Call Center referrals, phone calls made directly to the Bidder, and correspondence sent to the Registry@donatelifeny.gov email account as described in [Section 4.1.4.8](#) (Customer Service).

D.1.5 Promotion of Registry Enrollment and the Establishment of Registry Partners and Supporters (see “Scope of Work”, [Section 4.1.5](#))

The Bidder should describe their ability and experience with organ, eye, and tissue donation promotion, specifically with regards to promotion in enrollment in the NYSLR. The bidder will develop and implement a

plan to encourage organ, eye and tissue donation and enrollment in the NYSDLR through advancement and establishment of Registry partners and supporters as described in [Section 4.1.5](#).

D2. Staffing and Qualifications (see “Scope of Work”, [Section 4.2](#))

The Bidder should describe their proposed approach to obtain, train and retain staff as identified in [Section 4.2](#) (Staffing), with the knowledge and skill needed to ensure fulfillment of the NYSDLR contract deliverables as described in [Section 4](#) (Scope of Work).

The Bidder should provide a staffing plan for completion of services that includes the following:

- a. An organizational chart that delineates the titles of the staff responsible for fulfilling the tasks/deliverable detailed in [Section 4.0](#) (Scope of Work), and their lines of communications, and demonstrates how the Bidder intends to organize staff and management for this project;
- b. Job description and the required qualifications for each position/title identified in [Section 4.2](#) (Staffing) and delineated on the organizational chart;
- c. Number of staff per title;
- d. The Bidder’s plan to provide management and project staff necessary to accomplish the tasks and deliverables associated with the project scope of work;
- e. The Bidder’s plan and process for ensuring all Contractor and Subcontractor staff and Administrative Users are appropriately trained and kept up to date as changes occur and/or new technologies are introduced in areas relevant to their job responsibilities and contract deliverables.

D3. Reporting (see “Scope of Work”, [Section 4.3](#))

The Bidder should describe their proposed approach to ensure that the required quarterly and annual reports are submitted within thirty (30) calendar days of the end of quarter or year they represent, respectively, and at a minimum include all activities conducted in accordance with the deliverables of the Contract and Workplan as described in [Section 4.3](#) (Reporting).

D4. Information Technology (see “Scope of Work”, [Section 4.4](#))

The Bidder should describe the proposed approach to adhere to and maintain all relevant technical and security requirements as found at <http://its.ny.gov/tables/technologypolicyindex.htm> and in [Exhibit 2](#) (Business Continuity for System Downtime), [Exhibit 6](#) (Security Requirements), [Exhibit 7](#) (Data Breach Policy), and [Exhibit 8](#) (Technical Requirements), as stated in [Section 4.4.1](#) (System Security).

The Bidder should describe the proposed approach to maintain system reliability and stay within the OITS guidelines as described in [Section 4.4.2](#) (System Reliability) and [Section 4.4.3](#) (Passing Test Percentages).

The Bidder should describe the proposed approach to ensure ease of use and system performance of the Registry as outlined in [Section 4.4.4](#) (System Ease of Use), [Section 4.4.5](#) (System Performance) and [Section 4.4.6](#) (Beta/User Acceptance Program and Entry and Exit Criteria). This should also include a brief description of how they will assess the technical system and user documentation as outlined in [Section 4.4.7](#) (Technical Systems and User Documentation).

The Bidder should describe the proposed approach and/or method that will be used to establish and maintain the required log of open and emerging issues as stated in [Section 4.4.8](#) (Open Issues). This should include, but not be limited to, describing the frequency with which the issues will be captured, timeframes for review of issues, how issues will be prioritized, how risk will be determined, and plan(s) made to address the open issues and outstanding work.

D5. Security (see “Scope of Work”, [Section 4.5](#))

The Bidder should describe their proposed approach to comply with all privacy and security policies and procedures of the Department (https://its.ny.gov/system/files/documents/2022/10/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 Bidder should describe their proposed approach for secure and confidential backups, storage and transmission for hard copy and electronically stored Registry data.

The Bidder should describe their proposed process to develop and maintain data confidentiality plans and procedures for meeting security requirements as they relate to the deliverables and services. This proposal must include all plans as they relate to subcontractor work where applicable as described within this RFP.

D6. Transition (see “Scope of Work”, [Section 4.6](#))

The Bidder should describe their proposed approach to ensure that any transition to the Department, Departmental agency or successor contractor be done in a way that provides the Department with uninterrupted Registry and website services, including 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 Bidder should describe their proposed approach to how they will ensure that all technical and business process are provided to the Department during or at the end of the Contract as described in [Section 4.6](#) (Transition).

6.20 Cost Proposal

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

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

7.0 PROPOSAL SUBMISSION

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

A proposal consists of three (3) distinct parts: (1) the Administrative Proposal, (2) the Technical Proposal, and (3) the Cost Proposal. The table below outlines the requested format and volume for submission of each part. Proposals should be submitted in all formats as prescribed below.

The proposal must be received electronically by DOH's email, DonateLifeRegistry.RFP@health.ny.gov via three (3) separate searchable password protected PDF files. The Subject Line “RFP# 20245 New York State Donate Life Registry (Administrative) (Technical) or (Cost Proposal)”. The body of the email submitted must include the password and indicate the number of total pages intended, and where indicated each subset of pages listed.

All electronic proposal submissions should be clear and include page numbers on the bottom of each page.

NOTE: You should request a receipt containing the time and date received. Submission of proposals in a manner other than as described in these instructions (e.g., fax) will not be accepted.

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.

	Electronic Submission
Administrative Proposal	<p>Subject Line: <Bidder Name>, RFP# 20245 New York State Donate Life Registry (Administrative Proposal)</p> <p>“Administrative Proposal” containing a standard searchable password protected PDF file with copy/read permissions only.</p> <p>The Body of the email must include the password to open the attached PDF document and indicate the number of total pages intended.</p>
Technical Proposal	<p>Subject Line: <Bidder Name>, RFP# 20245 New York State Donate Life Registry (Technical Proposal)</p> <p>“Technical Proposal” containing a standard searchable password protected PDF file with copy/read permissions only.</p> <p>The Body of the email must include the password to open the attached PDF document and indicate the number of total pages intended.</p>
Cost Proposal	<p>Subject Line: <Bidder Name>, RFP# 20245 New York State Donate Life Registry (Cost Proposal)</p> <p>“Cost Proposal” containing standard searchable password protected PDF file(s) with copy/read permissions only.</p> <p>The Body of the email must include the password to open the attached PDF document and indicate the number of total pages intended.</p>

1. All proposal materials **must be clearly page numbered on the bottom of each page with appropriate header and footer information.** A font size of eleven (11) points or larger should be used. The Technical Proposal materials should be presented separate from the Cost Proposal.
2. Where signatures are required, the proposals designated as originals should have a handwritten signature and be signed in blue ink. The hand signed documents may then be scanned as a PDF file and included in the email proposal submissions. The Department reserves the right to request hardcopy originals of all signature pages at any time.
3. NYSDOH discourages overly lengthy proposals. Therefore, marketing brochures, user manuals or other materials, beyond that sufficient to present a complete and effective proposal, are not desired. Elaborate artwork or expensive paper is not necessary or desired. In order for NYSDOH to evaluate proposals fairly and completely, proposals should follow the format described in this RFP and provide all requested information. The Bidder should not repeat information in more than one section of the proposal. If information in one section of the proposal is relevant to a discussion in another section, the Bidder should make specific reference to the other section rather than repeating the information.
4. Audio and/or videotapes are not allowed. Any submitted audio or videotapes will be ignored by the evaluation team.
5. In the event that a discrepancy is found between the electronic and hardcopy proposal, the original hardcopy will prevail.

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

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 70% of a proposal's total score and the information contained in the Cost Proposal will be weighted 30% of a proposal's total score.

Bidders may be requested by DOH to clarify the contents of their proposals. Other than to provide such information as may be requested by DOH, no Bidder will be allowed to alter its proposal or add information after the Deadline for Submission of Proposals listed in [Section 1.0](#) (Calendar of Events).

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

- (1) Lowest cost and
- (2) Proposed percentage of M/WBE participation.

8.2 Submission Review

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

8.3 Technical Evaluation

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

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

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

The Technical Evaluation is **70% (up to 70 points)** of the final score.

8.4 Cost Evaluation

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

The Cost Proposals will be scored based on a maximum cost score of 30 points. The maximum cost score will be allocated to the Cost Proposal with the lowest all-inclusive not-to-exceed maximum price. All other responsive proposals will receive a proportionate score based on the relation of their Cost Proposal to the Cost Proposal(s) offered at the lowest final cost, using this formula:

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

A is Total price of lowest Cost Proposal;

B is Total price of Cost Proposal being scored; and

C is the Cost score.

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

8.5 Composite Score

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

8.6 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.

8.7 Award Recommendation

The Evaluation Committee will submit a recommendation for award to the Bidder(s) with the highest composite score(s) whose experience and qualifications have been verified.

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

9.0 ATTACHMENTS

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

1. [Bidder's Disclosure of Prior Non-Responsibility Determinations](#)
2. [No-Bid Form](#)
3. [Vendor Responsibility Attestation](#)
4. [Vendor Assurance of No Conflict of Interest or Detrimental Effect](#)
5. [Guide to New York State DOH M/WBE Required Forms & Forms](#)
6. [Encouraging Use of New York Businesses in Contract Performance](#)
7. [Bidder's Certified Statements](#)
8. [DOH Agreement](#) (Standard Contract)
9. [References](#)
10. [Diversity Practices Questionnaire](#)
11. [Executive Order 177 Prohibiting Contracts with Entities that Support Discrimination](#)
12. [Executive Order 16 Prohibiting Contracting with Business Conducting Business in Russia](#)

The following attachments are attached and included in this RFP:

- A. [Proposal Document Checklist](#)
- B. [Cost Proposal](#)
- C. Exhibits
 - [Exhibit 1 – Current NYSDLR Registration Sources and Management Processes](#)
 - [Exhibit 2 – Business Continuity for System Downtime](#)
 - [Exhibit 3 – Quality Assurance Plan](#)
 - [Exhibit 4 – Performance Improvement Plan](#)
 - [Exhibit 5 – Test Plan](#)
 - [Exhibit 6 – Security Requirements](#)
 - [Exhibit 7 –Data Breach Policy](#)
 - [Exhibit 8 – Technical Requirements](#)
 - [Exhibit 9 – Change Request Form](#)

**ATTACHMENT A
PROPOSAL DOCUMENT CHECKLIST**

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

RFP #20245 – New York State Donate Life Registry		
FOR THE ADMINISTRATIVE PROPOSAL		
RFP §	SUBMISSION	INCLUDED
§ 6.2	Attachment 1 - Bidder's Disclosure of Prior Non-Responsibility Determinations	<input type="checkbox"/>
§ 6.3	Freedom of Information Law – Proposal Redactions (If Applicable)	<input type="checkbox"/>
§ 6.4	Attachment 3 - Vendor Responsibility Attestation	<input type="checkbox"/>
§ 6.5	Attachment 4 - Vendor Assurance of No Conflict of Interest or Detrimental Effect	<input type="checkbox"/>
§ 6.6	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"/>
§ 6.7	Attachment 6 - Encouraging Use of New York Businesses	<input type="checkbox"/>
§ 6.8	Attachment 7 - Bidder's Certified Statements	<input type="checkbox"/>
§ 6.9	Attachment 9 - References	<input type="checkbox"/>
§ 6.10	Attachment 10 - Diversity Practices Questionnaire	<input type="checkbox"/>
§ 6.11	Attachment 11 - EO 177 Prohibiting Contracts with Entities that Support Discrimination	<input type="checkbox"/>
§ 6.12	Attachment 12 - EO 16 Contracting with Businesses Conducting Business in Russia	<input type="checkbox"/>
§ 6.13	State Finance Law Consultant Disclosure	<input type="checkbox"/>
§ 6.14	Sales and Compensating Use Tax Certification	<input type="checkbox"/>
FOR THE TECHNICAL PROPOSAL		
RFP §	SUBMISSION	INCLUDED
§ 6.16	Title Page	<input type="checkbox"/>
§ 6.17	Table of Contents	<input type="checkbox"/>
§ 6.18	Documentation of Bidder's Eligibility (Requirement)	<input type="checkbox"/>
§ 6.19	Technical Proposal Narrative	<input type="checkbox"/>
FOR THE COST PROPOSAL REQUIREMENT		
RFP §	REQUIREMENT	INCLUDED
§ 6.20	Attachment B - Cost Proposal	<input type="checkbox"/>

**ATTACHMENT B
 COST PROPOSAL
 RFP #20245 New York State Donate Life Registry**

Page 1 of 2

The Bidder must submit a completed signed Attachment B- Cost Proposal. The bidder must use the Attachment B- Cost Proposal and shall comply with the format and content requirements as detailed in this document. Failure to comply with the format and content requirements may result in disqualification. A Complete Cost Proposal consists of a signed Cost Proposal containing a single bid price per unit for each Deliverable listed below based on the instructions contained in this attachment. Incomplete Cost Proposals, that do not include pricing for all deliverables will be disqualified.

The cost/unit pricing shall cover all costs as outlined on the bid price page(s) herein. All pricing submitted pursuant to this Request for Proposal (RFP) shall include all direct and indirect (physical and administrative) costs for the performance of services; including, but not necessarily limited to, all administrative, reporting or other requirements (such as current/future minimum wage levels, benefits, etc. set by law); overhead, fees, taxes, travel, profit and any other ancillary fees and costs including permits, licenses, insurance, etc.; and services not explicitly stated in the RFP, but necessarily attendant thereto as and as applicable to the associated item for which the rate is being quoted.

Quoted values should be expressed in decimals, not to exceed two places for each item quoted. All green highlighted fields must be completed.

Bidder's Organization Name _____

Bidders must provide an all-inclusive price for the Registry Requirements and Functionality as well as Website Requirements and Functionality for each year of the contract. In total the bidder would be submitting ten prices. The all-inclusive prices must include all transition; enhancement; data entry, receipt, retrieval, and storage of electronic records; information technology; and security requirements included in this RFP.					
Deliverable	Cost				
	Year 1	Year 2	Year 3	Year 4	Year 5
Registry Requirements and Functionality					
Website Requirements and Functionality					

Continued on next page.

**ATTACHMENT B
 COST PROPOSAL
 RFP #20245 New York State Donate Life Registry**

Page 2 of 2

Bidder's Organization Name _____

Bidders must provide an all-inclusive price for the Administrative and Operational Support requirements for each year of the contract. In total the bidder would be submitting thirty-five prices. The all-inclusive prices must include all overhead, labor, equipment, materials, and travel to accomplish work identified in this RFP.

Deliverable		Cost				
		Year 1	Year 2	Year 3	Year 4	Year 5
Administration and Operational Support	Staff and Administrative User Training and Oversight					
	Data Entry, Receipt, Retrieval and Record Storage of Paper Records.					
	Development, maintenance, and implementation of Required Documentation					
	Development and Implementation of Workplans, Quality Assurance Plan, Performance Improvement Plan, Test Plans and Testing					
	Customer Service					
	Promotion of Registry and Registry Partnerships					
	Reporting					

By signing this Cost Proposal, bidder attests that the following information is true and accurate to the best of my knowledge and that the Bidder organization(s) agrees to abide by the terms of the approved proposal and is fully able and willing to carry out the deliverable contained herein.

A price MUST be submitted for all of the above deliverable categories (highlighted in green). Cost Proposals that do not include a price for each category will be disqualified.

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

Date	
Authorized Signature	
Print Name	
Title	

10.0 EXHIBITS

10.1 Exhibit 1 – Current NYSDLR Registration Sources and Management Processes

Individuals 16 years of age or older can register their consent to become an organ, eye and/or tissue donor upon their death by enrolling in the NYSDLR through the following ways:

- a. Online at the DonateLife.ny.gov website. Members of the public can enroll electronically by submitting the required information online directly to the Registry. An electronic, or online enrollment is accepted after the identity of the person seeking to enroll is verified.
- b. Signing the organ, eye and tissue donor consent section of a NYSDMV application for an initial or renewed driver license, non-driver identification card or learner's permit. The enrollee information is electronically transferred to the Department as a secure automated bulk file transfer for inclusion in the NYSDLR.
- c. Online through the MyDMV system. In the "Other Services" section, selecting "Become an Organ, Eye and Tissue Donor" and then "Register Now" will take the user to the Registry enrollment form pre-populated with your information from DMV.
- d. Completing the Donate Life Registry enrollment section of the New York State Board of Elections ("NYSBOE") voter registration form. The Registry enrollment section of voter registration forms from BOE offices throughout the State are mailed to the Registry. Data from these paper forms are either scanned or manually entered into the NYSDLR. Note: NYSBOE will be transitioning to an electronic voter registration process during this contract term. When the transition to electronic registration is completed, information will be collected from those identified as consenting to enrollment in the Registry during the voter registration process and will be sent to the NYSDLR to be imported into the database through a Secure File Transfer Protocol ("SFTP").
- e. Consenting to join the Registry and becoming a donor when applying for or renewing an identification card through the IDNYC program. The donor information is electronically transferred to the Registry for inclusion in the NYSDLR.
- f. Consenting to join the Registry and becoming a donor when applying for health care insurance through the NY State of Health Insurance Marketplace. The donor information is electronically transferred to the Registry for inclusion in the NYSDLR.
- g. Completing an electronic enrollment form or following a link found on the websites of NYSDLR Partners.
- h. Completing a NYSDLR paper registration form available on the Registry website and from organ procurement organizations, eye or tissue banks, advocacy organizations, Registry Partners and any number of other ways. The signed and dated paper forms are mailed or emailed to the Registry Contractor, for entry into the NYSDLR database.
- i. When applicable, completing the NYSDLR registration section included in forms associated with licensure and/or certification for funeral directing, cosmetology, and other professions and trades under the jurisdiction of NYSDOH and Department of State.

Average Monthly Registrations

Type:	Registration Source:	Average Monthly Enrollments:
Online	Enroll directly online or through a referral link. Requires identity verification and electronic signature.	
	NYSDLR Website (including through Registry Partners)	
	NYSDMV's MyDMV *Note: Enrollment link in MyDMV application directs the individual seeking enrollment to the NYSDLR enrollment site with information pre-populated. The individual must complete/submit enrollment form.	
	Average Monthly Online Enrollments: 1,000 to 1,700	
Secure File Transfer Protocol (SFTP)	Individuals are asked if they would like to be added to the Donate Life Registry as part of the primary application/registration processes carried out with NYS DMV, the IDNYC Program and NYS Health Insurance Exchange. These registration sources collate the information of those who consent to enrollment in the Registry during transactions with these agencies and programs and it is sent via SFTP to the NYSDLR to be imported into the database. Identity verification is carried out as part of primary application process.	
	NYSDMV – Scheduled data downloads	
	NYSDMV Vehicle Registration – Scheduled data downloads	
	NYC Municipal ID Card – Scheduled web service retrieval	
	NYS Health Exchange – Scheduled data downloads	
	Average Monthly SFTP Records: 28,000 to 45,000	
Paper Forms	A paper enrollment form and/or section of a form are completed, signed, dated and then mailed to the NYSDLR. The form is scanned into the NYSDLR database using Optical Character Recognition (“OCR”) scanning and import. OCR software is used to efficiently integrate data provided on printed enrollment forms.	
	NYS Donate Life Registry: Printed Forms	
	Board Of Elections (“BOE”) Voter Registration *Note: NYSBOE will be transitioning to an electronic voter registration process during this contract term. When the transition to electronic registration is completed, information will be collected from those identified as consenting to enrollment in the Registry during the voter registration process and will be sent to the NYSDLR to be imported into the database through an SFTP.	
	Local organ procurement organizations or eye and tissue banks	
	NYS Dept of State professional licenses/registrations	

	Other	
	Average Monthly Paper Forms:	1,200 to 3,500
	Total Average Monthly Enrollments (all sources):	30,200 to 50,200

****Note: Additional sources may have been added by the time the Contract is awarded and commences.**

The NYSDLR Confirmation, Amendment and Revocation Process

Once a registration is received and processed:

- a. As required by Article 43 of the Public Health Law (“PHL”), registrants are provided notification of enrollment in the NYSDLR via email or postal mail. This notification provides the registrant with detailed information including their Donor Number, organs and tissues donated, purpose(s) for which donation(s) can be used, and how they can amend or revoke their registration if desired. In most cases, when a person initially registers in the NYSDLR, the person gives legal consent to the donation of all organs, eyes and tissues. The letter explains what they need to do if they wish to amend this donation (e.g., only donate for transplant, not research, or limit the organs, eyes or tissue to be donated) or revoke their registration. Registrants with email addresses on record are emailed their notification of enrollment and Document of Gift. Registrants without email addresses on record are sent their notifications via postal mail.
- b. Registrants can choose to download an electronic version of their welcome letter and/or Document of Gift from the Registry website.
- c. Registrants can make changes to their registration at any time by going online to access their registration from the Registry website, by completing a removal or modification of registration form or returning their welcome letter with their request written on it. Registrants making verbal requests to revoke their registration in the NYSDLR are instructed to follow up their verbal request in a writing including the registrant’s signature.
- d. Registrants without email addresses on record whose postal notification of registration are returned as undeliverable are removed from the NYSDLR database due to the failure to carry out the statutory requirement to notify registrants of their enrollment. Registrants whose notifications of registration are sent by email that are undeliverable have their notifications resent by postal mail.

NYSDLR Workload

Description	Monthly Average
Notification letters mailed or emailed to registrants (Batch emails are sent using an Email Service Provider ("ESP"))	20,000 to 23,000
Registration amendment/revocation requests	200-250

Enrollment Forms Received (BOE)	1,400-1,500
Enrollment Forms Received (Non-BOE)	100-150

Customer Service

Call Center

A customer service call center supports Registry operations. Currently, call center services are provided by the Office of Children and Family Services (“OCFS”) under contract with the Department of Health.

The OCFS Call Center contract provides:

- a. Phone lines answered live during normal business hours of 9:00 a.m. to 5:00 p.m., Eastern Standard Time, Monday through Friday, except for State and Federal holidays.
- b. A voice messaging service that is available after hours, on weekends and holidays and includes use of messaging scripts developed collaboratively by DOH, OCFS and the Contractor. Scripts are available in English and Spanish.
- c. Translation services provided for all individuals with limited English proficiency, regardless of language spoken.
- d. Consumer voice messages responded to within twenty-four (24) hours from the time of each call during the business week (that is, Monday through Friday, excluding only State and Federal holidays).
- e. Messages received after hours or on weekends or holidays promptly handled the following NYS business day.
- f. Maintenance of a call log for the toll-free customer service center that records the date, time, caller’s name and contact information, subject of the call and outcome. The maintenance of the call log must include a plan for log review and analysis to determine patterns that might identify opportunities to improve NYSDLR operation and identify risks.

OCFS reports receiving 450-650 calls per month to the organ donor call center line. Historically, approximately 50 to 60% of these calls are addressed by recorded messages collaboratively developed by DOH and OCFS, approximately 35-45% are answered and addressed by OCFS staff using scripts collaboratively developed by DOH and OCFS, and 2-5% are abandoned. A small percent of calls, 5-7%, require transfer out to the Department or the Registry Contractor for assistance.

Other routes of Customer Service Communication

Description	Monthly Average
Emails to Registry@donatelifenyc.gov	90-100

Calls Transferred from OCFS to Contractor for follow up	30-50
Call Center Requests sent to Contractor for follow up	50-70

Determination of Donor Status and Facilitation of Organ, Eye and Tissue Donation

The Contractor maintains and manages a user-friendly Administrative User Portal to the NYSDLR in a manner that allows permission based, immediate access to organ, eye and tissue donor records twenty-four (24) hours per day, seven (7) days per week, three hundred sixty-five (365) days a year to authorized Administrative Users as follows:

- a. The Contractor, organ procurement organizations, licensed eye and tissue banks and such other entities that may be approved by the Department shall have access for purposes of determining donor status at or near the time of death of an individual;
- b. The Department shall have access to the NYSDLR for any purpose at any time;
- c. The Contractor shall have access to the NYSDLR for purposes of quality assurance and performance improvement, Registry operations, technical support, and donor services; and
- d. Other entities approved by the Department shall have access for purposes consistent with Article 43 of the PHL.

The Contractor ensures that Administrative Users are trained appropriately to their role(s) and permission(s) relative to the NYSDLR Administrative Portal and policies and procedures are followed regarding identification verification of users and their access and use of the Registry.

The Contractor must provide organ procurement organizations and eye and tissue banks licensed by the Department with the ability to indicate that a registrant has been identified as a potential donor and record whether a donation was made in their registration record.

Additionally, the Contractor may act as a resource to the recovery agencies, organ procurement organizations, and eye and tissue banks, when they seek to identify whether a potential donor has enrolled in the Registry and, if necessary, upon request of the recovery agency(s), work to provide/obtain original consent documentation from registration source(s) in possession of such written documents.

10.2 Exhibit 2 – Business Continuity for System Downtime

The Bidder is required to maintain the NYSDLR in a manner that allows immediate access to organ, eye and tissue records twenty-four (24) hours per day, seven (7) days per week, three hundred sixty-five (365) days a year to the Bidder, the Department, organ procurement organizations, licensed eye and tissue banks and such other entities, which may be approved by the Department for purposes consistent with Section 4310 and Article 43-B of the Public Health Law.

In the event that an incident occurs, which requires or results in the system being shut down and offline – the Department requires that the Bidder take the necessary steps to identify the nature of the incident, protect the integrity and confidentiality of the information, and finally, to provide access to the information as soon as practicable in a manner that continues to ensure the confidentiality and integrity of the information is maintained. The Bidder will make all efforts to contact the Department about the incident within thirty-six (36) hours of the incident.

If the incident requires that the NYSDLR be offline for any duration of time which would impede access to those authorized to access the system, the Bidder will be responsible for the following:

1. Providing notification to all authorized users that the system will be offline and the estimated duration of such downtime;
2. Restoring access to the data in the most efficient and effective manner; and
3. Investigating the circumstances surrounding the downtime and determine whether there was any breach in the confidential information contained in the NYSDLR

Routine maintenance must be performed in a manner that allows for continued access to the system as prescribed by law. Any routine maintenance that is performed on the system that causes unintended downtime must adhere to the protocol above.

All costs associated with the downtime and subsequent mitigations shall be the Bidder's responsibility.

The Bidder agrees to provide the Department with a written summary on the incident detailing the results of such investigation and the steps taken to mitigate, if any, the resulting damages.

10.3 Exhibit 3 – Quality Assurance Plan (“QAP”)

Focus and Purpose:

- QAP concentrates on ensuring that products, services, and processes consistently meet quality standards. The QAP activities aim to prevent defects, errors, or deviations from occurring, detect them if they do and focus on maintaining the desired level of quality.

Time Frame and Scope:

- QAP focuses on ongoing monitoring, evaluation, assurance and control of quality standards during the execution of specific tasks or projects. It ensures that established quality benchmarks are met consistently.

Methods and Approaches:

- QAP relies on established quality control measures, standardized processes, and compliance frameworks to ensure adherence to predefined standards. It often involves quality inspections, audits, checklists, and documented procedures to minimize deviations and errors.

Continuous Improvement and Compliance:

- QAP should primarily be concerned with maintaining compliance with established quality standards, industry regulations, and customer requirements. It should focus on preventing defects and ensuring that products or services consistently meet the desired level of quality.

The QAP should include, but not be limited to, the following components:

a. Scope and Objectives:

- Clearly define the scope of the Quality Assurance Plan, specifying the areas of focus and the intended outcomes.

b. Quality Standards and Metrics:

- Identify the relevant quality standards and regulatory and contractual requirements applicable to the Registry.
- Define key performance indicators (“KPIs”) and metrics that will be used to assess the quality of deliverables.

c. Quality Control Processes:

- Outline the processes and procedures for quality control throughout the project lifecycle.
- Define the roles and responsibilities of team members involved in quality assurance activities.
- Specify the methodologies, tools, and techniques that will be utilized to monitor and ensure quality.

d. Defect Management:

- Develop a framework for identifying, reporting, and resolving defects, errors or deviations from standards and expectations.
 - Establish procedures for documenting, tracking, and managing defects, errors and deviations in a systematic manner.
- e. Continuous Improvement:
- Propose mechanisms for continuous improvement of processes and practices.
 - Outline plans for conducting regular audits, reviews, and assessments to identify areas for improvement.
- f. Training and Knowledge:
- Include provisions for training team members on quality assurance best practices.
- g. Risk Management:
- Identify real and potential risks that could or have impacted the Registry functioning as expected and service quality and propose risk mitigation strategies.
 - Develop contingency plans for addressing unforeseen quality issues.
- h. Monitoring and Notification:
- Include procedures for monitoring of the of the Registry looking for any unexpected events and functionality not worked as expected.
 - Define the issue notification structure and frequency for quality-related metrics and progress updates to the Department.
 - Establish communication channels to facilitate timely and effective information sharing with the Department in addition to reporting issues in the quarterly reports described in Section 4.3.

10.4 Exhibit 4 – Performance Improvement Plan (“PIP”)

The Performance Improvement Plan (“PIP”) should include, but not be limited to, the following components:

1. Focus and Purpose:
 - Focuses on analyzing and enhancing the overall performance of an organization, system, or process. It seeks to identify areas for improvement, optimize efficiency, and enhance effectiveness, often through data-driven analysis, problem-solving, and targeted interventions.
2. Time Frame and Scope:
 - Takes a broad and longer-term perspective, addressing systemic issues and seeking continuous enhancements across the organization or specific departments. It involves an approach to identify root causes, implement strategic changes, and drive sustainable improvement over time.
3. Methods and Approaches:

- Employs various methodologies, such as data analysis, benchmarking, performance measurement, and process reengineering, to identify areas of improvement. It emphasizes data-driven decision-making, performance metrics, and a systematic approach to identify and address performance gaps.

4. Continuous Improvement:

- The PIP should place an emphasis on continuous improvement. It should seek to identify and implement changes that optimize performance, increase efficiency, enhance customer satisfaction, and drive innovation within the organization.

The Contractor must also incorporate analysis of Google Analytics data from the donatelifeny.gov site and the Donate Life Registry enrollment page as part of its overall PIP.

The Contractor will use Google Analytics to provide the Department with user information for the following:

- a. The total count of users (new and existing) who accessing the enrollment form, their registration record and other relevant pages.
- b. The number of users who successfully complete the enrollment form to analyze the conversion rate and effectiveness of the enrollment process.
- c. Potential errors encountered by users during the enrollment process will be captured and reported. This data allows for identification and resolution of issues that may hinder a smooth enrollment experience.
- d. Other relevant data necessary for streamlining and enhancing the enrollment process and overall website engagement must be collected and analyzed. This may include user behavior patterns, bounce rates, page navigation data, or any other relevant metrics to identify areas of improvement and optimize the overall user experience.

Contractors must review and analyze this data no less often than quarterly to identify opportunities for improvement in the ease of use and other factors that may increase electronic enrollments in the Registry. The results of website analysis and associated opportunities for improvement must be reported to the Department quarterly.

10.5 Exhibit 5 – Test Plan

A test plan will serve multiple purposes, including, but not limited to:

- **Framework for Verification:** It must provide a structured framework to assess if the developed system aligns with its intended design and objectives. This ensures that the system functions as intended and meets the desired specifications.
- **Bug Identification and Resolution:** By executing the defined test cases, it facilitates the identification and detection of bugs or defects within the system. This allows for timely bug fixing and addressing any issues before the changes are released to production.
- **Documentation of Limitations:** The test plan documents any limitations or constraints associated with the product. This includes capturing areas where the system may not fully meet certain requirements or may have specific operational constraints. Such documentation aids in managing expectations and provides valuable insights for stakeholders.

Test plans must contain testing schedules, benchmarks, activities, and templates. A comprehensive test plan should include several key components to ensure thorough and effective testing of software applications or systems. These components typically include, but are not limited to:

1. **Test Objectives:** must contain clearly defined objectives of the testing effort, such as validating functionality, assessing performance, or ensuring compliance with specifications. These objectives will serve as the foundation for the entire test plan.
2. **Test Scope:** must specify the boundaries and limitations of the testing, outlining the features, modules, or components that will be included or excluded from the testing scope. This will help ensure that testing efforts are focused and aligned with project requirements.
3. **Test Strategy:** must describe the overall approach to testing, including the testing techniques, methodologies, and tools that will be employed. The test strategy outlines the high-level plan for achieving the desired test objectives.
4. **Test Environment:** must detail the hardware, software, network configurations, and other infrastructure components necessary for executing the tests. This includes specifying the required test environments, such as development, staging, or production environments.
5. **Test Deliverables:** must identify the key deliverables that will be produced during the testing process, such as test plans, test cases, test scripts, test data, and test reports. These deliverables ensure documentation and traceability throughout the testing lifecycle.
6. **Test Schedule:** must provide a timeline for executing the testing activities, including estimated start and end dates, milestones, and dependencies. This helps manage the testing effort within the broader project timeline.
7. **Test Cases and Test Data:** must define specific test cases that will be executed and the expected results. Test cases should cover functional scenarios, boundary cases, error handling, and other relevant aspects. Additionally, specify the test data that will be used for executing the test cases.
8. **Test Execution:** must describe the procedures for executing the tests, including the roles and responsibilities of the testing team members. This includes guidelines for conducting manual or automated tests, logging defects, and capturing test results.
9. **Test Risk and Contingency:** must identify potential risks and uncertainties associated with the testing effort and propose mitigation strategies. This ensures proactive management of risks that could impact the test outcomes or project success.
10. **Test Metrics and Reporting:** must define the metrics that will be collected during testing, such as defect density, test coverage, and test execution progress. Also, outline the reporting mechanisms for communicating test results, including defect reports, test summary reports, and progress updates.
11. **Test Sign-off:** must outline the criteria and process for obtaining test sign-off, indicating when testing is considered complete, and the software is ready for deployment or release to production.

10.6 Exhibit 6 – Security Requirements

The Department has the following security requirements:

- a. The successful Bidder, Contractors, or subcontractors must conduct

themselves in a manner that ensures utmost adherence to the letter and spirit of the security requirements and standards associated with this project.

- b. The successful Bidder, Contractors, or subcontractors must ensure the confidentiality of any and all non- public information associated with this project.
- c. The successful Bidder will be required to meet with Business Applications Manager (“BAM”) and the Chief Information Security Office (“CISO”) and/or their representative regularly and at the CISO’s discretion during the project to review technical implementation and security issues and to ensure the proposed solution is compatible with OITS and the Department’s security requirements.
- d. The CISO reserves the right to reject, redirect, or otherwise require architectural changes to ensure solution compliance with security requirements.

All systems supporting the New York State Department of Health (“NYSDOH”), whether hosted by NYS or externally, both internal and external, must comply with the NYS Security Policy and standards, as described and listed at <http://its.ny.gov/tables/technologypolicyindex.htm/security>, and other NYSDOH-specific security requirements listed in this document.

Bidders and/or NYSDOH program area are required to work with the OITS Health and Human Services Portfolio Senior ISO to satisfy these requirements.

An acceptable Security Plan will be a mandatory project deliverable and must be completed prior to commencement of detailed application and systems development, unless otherwise approved by the OITS Health and Human Services Portfolio Senior ISO. The Security Plan must address the following components and be presented to the OITS Health and Human Services Portfolio Senior ISO for approval. The Security Plan template will be provided prior to commencement of the project.

Security Plan Components

1. Secure Transmission;
2. Systems and Network Security;
3. Application Security Requirements;
4. Data integrity;
5. Data availability;
6. Account management;
7. Security Incident Management and Audit Requirements;
8. Proprietary Information, Copyright and Software Licensing; and
9. Data Confidentiality.

For management and maintenance of existing systems, OITS Health and Human Services Portfolio Senior ISO-approved security may already be in place for many of the security components required. Addressing gaps in these requirements within existing components will be the responsibility of the NYSDOH program area unless otherwise specified. Bidders and/or the NYSDOH program area will have the responsibility to ensure new components are in compliance with the security standards in this document, as applicable.

Each project may not need to provide mechanisms for every security component, particularly if the proposed system/solution will leverage existing NYSDOH/ITS systems. The NYSDOH program area, working in conjunction with the OITS Health and Human Services Portfolio Senior ISO as necessary, may make known in any RFP or project description, which requirements will be managed by NYSDOH outside the scope of this project.

Bidders and the NYSDOH program area are encouraged to use existing NYS security services whenever possible and could be asked to provide integration with existing services and solutions to facilitate broader NYSDOH or NYS efforts.

Security plans should reference policy and standards compliance efforts and should make use of standard technologies and existing solutions whenever possible. Systems which require NYS government, NYSDOH business partners or NYS citizens to authenticate will be expected to use NY.gov ID and/or Health Commerce System (“HCS”) unless a specific requirement precludes use of these solutions. Justification for using other solutions must be documented.

Documentation must exist in the form of schematics and/or diagrams of the network layout of the system and a description of how security will be performed. This network plan must be submitted for review and approval to the OITS Health and Human Services Portfolio Senior ISO during development and again just prior to production. This should include diagrams with servers, communications paths, and data flows clearly labeled. The plan should clearly explain the system’s networking security policy (which can be included as an appendix to the Security Plan) and should clearly describe how vulnerability scans and other on-going security measures will be implemented, including frequency of security measures and tests. The OITS Health and Human Services Portfolio Senior ISO must approve the design. Details of all components of the system and all security components must be reviewed by the OITS Health and Human Services Portfolio Senior ISO.

Any changes to the approved network layout must be reviewed and approved by the OITS Health and Human Services Portfolio Senior ISO for continued compliance with NYSDOH network standards. A change in management process must be documented and include security risk review. NYSDOH shall be granted access to change management systems and/or documents. The OITS Health and Human Services Portfolio Senior ISO reserves the right to review the development plan and may apply additional requirements for promotion of applications.

Documentation must be submitted to the OITS Health and Human Services Portfolio Senior ISO for review and approval of how sessions are established and managed.

Assurance must be provided that when user sessions for an application or network connection terminate, either normally or abnormally, all related network sessions will also terminate.

Systems, applications and networks must comply with NYS Secure Configuration, Security Logging and Encryption Standards and security plans must address these areas in detail.

The OITS Health and Human Services Portfolio Senior ISO reserves the right to run periodic vulnerability scans or penetration tests and to review reports from scans or logs as needed.

All hosts and applications must have applicable security testing, such as application or host scanning, scans and tests will be performed prior to production being implemented on production networks implementation and after software of operating systems or configuration changes are made.

All source code developed for NYSDOH must be provided for periodic review and, if requested, made available to the OITS Health and Human Services Portfolio Senior ISO. Critical vulnerabilities identified during scans must be fixed and all of the OITS Health and Human Services Portfolio Senior ISO's security recommendations must be followed. Scans and tests must be performed at least annually, and more frequently for critical and/or high-risk systems, such as those exposed to external users and/or the Internet. Scan frequencies should be defined within the scope of work and must, at a minimum, comply with NYS standards and policies.

All hardware, networking components, physical devices and software related to the project/system are to be protected and no unauthorized person should be able to access these hardware and software components. Any intrusion and unauthorized accesses must be stopped and reported to the OITS Health and Human Services Portfolio Senior ISO as they occur.

Description and documentation must exist of the steps to physically secure the location of servers, storage, media, or workstations that will contain applications, source code and/or databases related to the project/system. This must contain how all these physical devices are protected.

Description and documentation must exist regarding disaster recovery/business continuity of the systems. Periodic back-ups of data, databases, software and applications, including but not limited to source code of anything defined within the project scope, must be performed according to the disaster recovery/business continuity requirements. Security of data at rest must be maintained in accordance with the classification of the information and applicable laws, regulations, statutes, policies and standards.

Application vulnerability areas must be addressed in the Security Plan as applicable and shall include the following:

- a. Input Validation: Ensure that all input validation be achieved in a manner to prevent any malicious requests or code from being processed.
- b. Output Validation: Ensure that all data retrieved from inter process operations, including responses from database connections and web service calls, has been appropriately validated.
- c. Type Checking: Ensure that all data retrieved from inter process operations, including screen input, has been validated for the expected data type.
- d. Bounds Checking: Ensure that all variables be bounded by the length they are designed to be. This is a critical and integral part of Input Validation.
- e. Writing Directly to a File: Ensure that at no time any sensitive information be written to any external files (text or otherwise) except to log files, unless approved by the OITS Health and Human Services Portfolio Senior ISO. This includes sensitive information and any external files used within the application on a temporary basis.
- f. URL Passed Variables: Ensure that variables will not be passed via a URL or are subjected to a high standard for Input Validation. Wherever possible, internal session variables should be used and only session reference given.

- g. Caching SSL Pages: Ensure all feasible precautions are taken to ensure that any cached SSL pages be removed upon exiting of the browser and/or the website.
- h. Hidden Form Variables: Ensure use of hidden form fields is limited; treat these fields with the same limited trust as other form fields and validate data provided in these fields as such.
- i. Cookies: Ensure that any cookies required for any and all web-based applications will expire upon completion of the application. No cookies should be allowed to remain for an indefinite period of time. A Maximum Authorization Cookie timeout will be required. Cookie values received from the client should be validated as with all other input. Authorization cookies must have an expiration time and comply with NYS Cyber Security Policy, NYS-P03-002.
- j. Tool Sets and External Code: Use of third party modules and/or programs should be limited to items that are known to have undergone thorough security testing. Where possible, source code for any third party solutions should undergo secure code reviews, including application scanning. No applications or modules should call or access external links or resources, unless this is part of the system's core functions (e.g., if the system is designed to call an external web service and process the result, external reference would be expected).
- k. Modules should not reference to external libraries for internal execution, however. Likewise, no applications or modules should display external links unless this is part of the system's core functions. Use of code, modules and/or programs obtained from external sources must be in compliance with license agreements.
- l. Configuration Files: Ensure that no external configuration files will contain sensitive information, including but not limited to, clear text usernames and/or passwords. Encrypted configuration files and/or use of encrypted values within clear-text files are permitted provided keys are managed securely.
- m. Application Logging: Logs should be reviewed for application security at least each business day and critical issues should be escalated as required by NYSDOH policies and procedures and/or other applicable legal requirements. Logging of application events must satisfy NYS Secure Logging standard requirements and any additional auditing requirements specific to the applicable data.
- n. Databases: Connections must be secure. Access to production data must be limited to system accounts with appropriate limited access. Data must be encrypted at rest as required by NYS Encryption Standard and authorization for data should be enforced at both the application and database layers, through technologies such as virtual private directory or similar technologies. Processes must ensure that all database queries are secure, run by authorized users and application(s). Stored procedure shall be employed

wherever possible. At no time should input data be passed to the database without appropriate validation.

Software licenses must be reviewed on a periodic basis.

Any unauthorized software is to be isolated and access disabled.

Appropriate licenses for any products provided as part of this project/system must exist. Licenses purchased under a contract are owned by NYSDOH.

Copying licensed or NYSDOH proprietary software must be limited to legitimate backup processes. NYSDOH will hold individual program areas and/or Bidders liable for any inappropriate software use, distribution or license violations.

Any software, including software developed, maintained, acquired or in any other way created during the length of this project, is the express property of NYSDOH and cannot be used for any other reason than its intended use without prior approval of NYSDOH.

Security Proposal

Describe below how the following three Security areas will be addressed.

1. Confidentiality, Integrity and Availability of data at rest and in motion.
2. Network Security including server management, network configuration, network security vulnerabilities and their prevention, secure transmission of data, account management, incident handling and auditing/log management.
3. Application security; application security audit, review and remediation; and secure coding practices as they pertain to an overall secure software development life cycle (“SSDLC”), including any tools used in this process.

10.7 Exhibit 7 – Data Breach Policy

The Contractor will immediately notify the Department upon discovery of any breach of data and commence carrying out the responsibilities set forth in the data breach policy contained in [Exhibit 6](#) (Security Requirements).

- a. All individually identifying information or potentially re-identifiable information transmitted during this contract shall be kept confidential and shall not be used or disclosed except in accordance with the terms of this contract. Any subpoenas served on any agency for the data under this Agreement shall be promptly transmitted to the Department's counsel.
- b. A breach is, generally, an impermissible use or disclosure that compromises the privacy of the information provided by the enrollee. An impermissible use or disclosure of such information is presumed to be a breach unless the Contractor demonstrates that there is a low probability that the information has been compromised based on a risk assessment of, at least, the following factors:
 - The nature and extent of the breached information involved, including the types of identifiers and the likelihood of re-identification;
 - The unauthorized person who used the information or to whom the disclosure was made;
 - Whether the information was acquired or viewed; and
 - The extent to which the risk to the information has been mitigated.
- c. There are three (3) exceptions to the definition of "breach". The first exception applies to the unintentional acquisition, access, or use of protected health information by a Contractor, workforce member, or person acting under the authority of the Contractor, if such acquisition, access, or use was made in good faith and within the scope of authority. The second exception applies to the inadvertent disclosure of information by a person authorized to access the information to another person authorized to access such information. In both cases, the information cannot be further used or disclosed in a manner inconsistent with Article 43 of the Public Health Law. The final exception applies if the Contractor has a good faith belief that the unauthorized person to whom the impermissible disclosure was made, would not have been able to retain the information.
- d. If any purported, potential, or actual breaches of the confidential information contained on the NYSDLR occur, the Contractor agrees to notify the Department immediately. The Contractor will investigate the circumstances surrounding such breach, perform a risk assessment analysis and provide such analysis to the Department within twenty-four (24) hours of securing the NYSDLR. Based on the Contractor's risk assessment, the Department will determine what type of breach notifications following an impermissible use or disclosure must be adhered to. All costs associated with the breach notifications and subsequent mitigations shall be the Contractor's responsibility.
- e. The Contractor agrees to provide the Department with a report on the incident detailing the results of such investigation and the steps taken to mitigate the resulting damages.

10.8 Exhibit 8 – Technical Requirements

General Technical Requirements

The Department prefers Bidders utilize widely accepted mainstream technologies. If the Bidder is uncertain whether a technology is a “widely accepted mainstream technology”, the Bidder should ask for clarification from the Department during the questions and answers period.

Database applications must use ANSI standard SQL on the back-end RDBMS and database independent connectivity methods such as JDBC or ODBC. Data must be stored in a secure database. Development that is Java-based running on LINUX, using RDBMS back-end with web service connectors to authentication, authorization, and user data is preferred. All user access must be web-based using standard current web browsers via HTTPS.

The Department will allow subcontract arrangements, and reserves the right to approve all subcontracts, but assigns full accountability and responsibility to the Bidder.

Development, testing, and operational activities must occur within the United States or U.S. Territories or in jurisdictions having contract, privacy, and data protections standards (and legal framework allowing enforcement of such protections without undue difficulty from within the United States) comparable to those existing in the United States.

With a two (2) week notice, or as otherwise agreed to by the Department, OITS and the Bidder, the Department and OITS reserve the right to audit all aspects of the solution including, but not limited to, the following:

- Secure software development life cycle and software deployment processes;
- Physical access to the data center(s);
- Any system logs, including network access, authentication, authorization, intrusion detection, and auditing; and
- Server and software patching and release levels.

The Department will require the Bidder to present a “technical solution” for inspection. The technical solution is defined as “a complete solution that fully meets and/or implements all of the Business, Technical, and Security requirements outlined in this contract, unless otherwise agreed upon by DOH and/or OITS, and upon approval by the Department and OITS will become the final product.”

Software Quality Assurance Requirements

OITS has the following requirements pertaining to system quality:

- a. The bidder will be required to work collaboratively with OITS to ensure that software quality goals and criteria are achieved and proven. Specific and detailed quality goals and criteria will be established with the bidder at the start of the project.
- b. The bidder will be required to demonstrate that they have tested and met the deliverables and requirements as described in this contract. Demonstration may include detailed test plans, cases, scenarios, scripts, automation code, and other

items or activities relevant and appropriate to the deliverables.

- c. The Bidder is not restricted from using any existing test infrastructure it may already have in place. The Department reserves the right to audit and approve or require extension of such infrastructure at its discretion in support of quality goals and criteria.
- d. The Bidder must clearly demonstrate compliance with the OITS Information Security Policy NYS-P03-002 found at: https://its.ny.gov/system/files/documents/2022/10/nys-p03-002_information_security_policy.pdf.
- e. The Bidder will be required to achieve system performance goals prior to submission of technical solution to OITS. Because system performance validation may require specialized tools, OITS expects a cooperative interaction for validation of this objective.
- f. The Bidder will be required to take reasonable action to correct incidents identified by OITS.

Note: OITS expects reasonable application of “works as designed” as an incident resolution status and reserves the right to reject “works as designed” if it deems such resolution to be inappropriate, inaccurate, or unreasonable.

System Evolution

Bidders are required to indicate how they will accommodate system evolution. System evolution activities may include, but are not limited to, providing technical and system administration support, updates to meet browser and operating system changes, upgrades, fixes, patches, security and exploit vulnerability fixes, corrections to any discovered problems, bugs, defects, failures in the software or documentation, and extensions of the system to accommodate new requirements.

Pursuit of system evolution activities will be optional, at the Department’s discretion, and will be executed as extensions to the contract resulting from this procurement. System evolution activities, if elected, will be executed after implementation of the system.

Architecture Requirements

OITS and/or its delegate will review and sign-off on architecture at various points during the project. The specific points at which these architecture reviews will be conducted and approved will be determined mutually with the Bidder at the start of the project.

OITS must be informed and knowledgeable of possible consequences and trade-offs of architecture decisions. To support its knowledge and provide opportunity for decision input on architecture issues, the Department has the following requirements:

- a. The Bidder will be required to provide architecture artifacts at selected points of the project, which will be reviewed by OITS and/or its delegate. The specific artifacts required for detailed system architecture and their management and delivery to OITS

will be established at the start of the project.

- b. The Bidder will be required to present to OITS architecture overviews and details prior to extensive implementation efforts. The specific points of presentation and review will be determined mutually at the start of the project. These presentations will be subject to OITS approval.
- c. The Bidder must include in its architecture presentations consequences, trade-offs, drawbacks or other issues of which it will be important or otherwise useful for OITS to be aware.
- d. OITS will accept architectures that include third party plug-ins or open-source technologies provided those technologies do not compromise security, are sustainable, and do not unduly obligate OITS. OITS will reject as non-responsive any proposed solution that violates this requirement.
- e. The proposed solution will be hosted by the Bidder.
- f. The proposed solution must be capable of running in a high availability environment and architected in a manner which does not require the host to maintain a session's State.
- g. The proposed solution must comply with all publicly available NYS IT architecture requirements.
- h. The proposal must clearly demonstrate compliance with NYS Secure Configuration standards NYS-S14-008 found at [Secure Configuration Standard | New York State Office of Information Technology Services \(ny.gov\)](#).

Technical Systems and User Documentation and Requirements

The Bidder will be required to provide technical systems as well as user documentation in accordance with the following:

- a. OITS requires the Bidder to thoroughly document all technical and user aspects of the solution as it exists in its final state accepted by the Department.
- b. The Bidder should deliver complete solution technical and design documentation. This documentation should be a comprehensive description of all technical components of the NYSDLR "technical solution" solution. It may include:
 - Software components;
 - Application security controls;
 - Technical architecture/specifications document;
 - Use cases and user interface documents;
 - Transaction processing flows;
 - External interfaces and data exchanges;
 - Service interfaces, internal interfaces and data exchanges, as applicable;
 - Network and technical components, as applicable;

- Data models and data dictionaries; and
 - Source code documentation (comments).
- c. The Bidder may be required to deliver complete system administration documentation, including, at a minimum, detailed instruction for the following:
- User and system administration;
 - Monitoring and reporting;
 - Batch processes, as applicable;
 - Security and access control; and
 - Operational procedures.
- d. The Bidder will be required to deliver complete end user manuals and context-sensitive online help and instructions to appear on each screen. The documentation deliverables will consist of task-oriented user procedures encompassing end-to-end registration processing instructions, screen navigation descriptions, field descriptions, and reference information, as appropriate.

Business Continuity Requirements

The technology support architecture must include business continuity components (i.e., backup/recovery, failover, disaster recovery), which are deemed necessary to effectively manage and support the technology investment.

The Business Continuity Component includes three (3) major areas:

- Backup/Recovery;
- Failover; and
- Disaster Recovery.

Backups are secondary copies of primary information. They provide short-term protection of data to ensure business continuity, are generated at a point-in-time and typically in a periodic automated fashion. Backups are executed to provide a point-in-time copy of information to protect critical business processes. The goal of the backup/recovery solution is data security through redundancy plus ease in restoring data in the case of failover or corruption.

Failover refers to the process and infrastructure required to switch from production to a full-service alternate environment due to a disruption due to daily issues, such as failed disk or server, bad communications line, etc.

Disaster recovery refers to major disruption, such as a flooded building, fire, or earthquake disrupting an entire installation. Plans, procedures, and infrastructure need to be established to recover from a major disaster and resume daily operations with minimal downtime.

Business continuity for system downtime practices must be consistent with [Exhibit 2](#) (Business Continuity for System Downtime).

Backup/Recovery Requirements

The Bidder must:

- a. Backup all databases and data files that reside on the multiple environments. Database recovery points must not exceed six (6) hours. These backups must be executed in such a way that any data set can be restored from the backup medium within three (3) hours of the discovery and notification that a restoration is needed. On a weekly basis, the Bidder will back up all databases and other data and store the backups at a secure off-site location.
- b. Provide a backup/recovery component comprised of a high-capacity backup and recovery infrastructure for all required component data. Secure backups will include, but are not limited to, the following datasets:
 - Database Data (all databases in solution);
 - Files (all formats);
 - Operating System Software;
 - Relational Database Management Software (RDBMS);
 - Documentation (e.g., user manuals, operations/systems documentation, policies/procedures);
 - Program code (source, executable); and
 - User libraries of reports, queries, etc.
- c. Ensure all backup data is secured and managed in accordance with the data classification of information contained in the backups.
- d. Off-site backup copies must be stored in an OITS-approved backup storage location for four (4) weeks with the oldest copy being rotated out weekly. The Bidder will be responsible for the cost associated with the backup storage process and backup storage location. All backups must be transferred to OITS or the contract successor upon contract completion, at the direction of the Department.
- e. An on-site copy of backups must be maintained at the Bidder's computer facilities for a period of seven (7) calendar days. These backup copies will be used to address non-disaster data recovery without the need to retrieve the backup copy from the backup storage facility.
- f. An automated scheduling system for running the backup processes for all environments must be developed and maintained.
- g. The process to verify that backup and restoration processes were run appropriately must be developed and maintained. This process must verify the following:
 - All scheduled backup procedures have run successfully as scheduled;
 - Backup copies are created in a useable (readable) form and can be used for successful restoration of objects;
 - Backup copies are stored in the correct location; and
 - Backup copies are appropriately physically and logically secured

- h. In the case of source system, or application-dependent errors that result in invalid data being loaded into the NYSDLR, the Bidder must be able to restore these tables utilizing the on-site backup copies to its state prior to the erroneous load. Restoration of the table/tables must be accomplished within twenty-four (24) hours of the discovery and notification of the error.

Failover Requirements

The Bidder must:

- a. Provide a failover component designed in such a way as to eliminate, to the maximum extent possible, any business outages due to hardware or network malfunctions.
- b. Provide a failover component with immediate failover capability.
- c. Design the capability to switch operations from the production environment to the failover environment in the event technical problems incapacitate the production server within the Department's required RTOs/RPOs.
- d. Establish a hierarchy of critical services and infrastructure to determine the order that services must be restored.
- e. Design the capability to switch operations from the production environment to a failover environment in the event server hardware/software upgrades need to be performed.

Disaster Recovery Requirements

Upon the Department's declaration that a business continuity event exists, the Bidder must execute the Disaster Recovery Plan.

The Bidder must:

- a. Have a Disaster Recovery Plan ("DRP") in place that addresses recovery of NYSDLR functions, human resources and the technology infrastructure that is acceptable to OITS.
- b. All data systems must be backed up at regular intervals using multiple data backup and encryption processes and methods - ensuring that in the event of data failure there are multiple off and onsite options of restoring data to its original state.
- c. Develop and maintain the DRP. The DRP must be available and present at OITS.
- d. Maintain a DRP that provides for the recovery of critical data services within twenty-four (24) hours of the discovery of the service disruption, the declaration of a disaster or production site becoming unsafe or inoperable. Critical NYSDLR functionality must be restored within three (3) calendar days of the disaster. Critical NYSDLR functions are defined as daily data feed refresh cycle, basic data access functions (query and reporting), Web portal and data backup

capabilities.

- e. Maintain a DRP that details procedures to address, but not be limited to, the following potential events:
 - Natural disasters (e.g., earthquake, fire, flood, storms);
 - Terrorist acts;
 - Power disruptions or power failures;
 - Computer software or hardware failures;
 - Computer shutdowns due to hackers, viruses, etc., as well as significant compromise/degradation of data warehouse performance;
 - Data corruption;
 - Processing shutdowns; and
 - Labor strife (e.g., walkouts, shutdowns).
- f. Develop, maintain and submit to OITS, in advance, all proposed off-site procedures, locations and protocols for OITS review and approval prior to implementation. These items must be incorporated by the bidder as components of the DRP.
- g. Ensure that each aspect of the DRP is detailed as to the responsibilities of both the Bidder and OITS.
- h. Ensure that the DRP is always available to State auditors.
- i. Modify the DRP, software installation procedures and operational procedures, as needed, to reflect the changes implemented with the new data sources if the system changes, or any enhancements will impact the disaster recovery capability. Modifications to the DRP must be submitted to OITS for review and approval.
- j. Execute the DRP test to demonstrate the capability of the DRP to restore processing capability for all critical system components at the disaster recovery site. The DRP test must be included as part of Acceptance Testing and be executed annually after the implementation of the NYSDLR.
- k. Take all steps necessary to fully recover the data and/or system from the effects of a disaster and to reasonably minimize the recovery period.
- l. Provide an uninterruptible power source (“UPS”) at the primary site with the capacity to support operation of the system and its components for thirty (30) minutes and to ensure an orderly shutdown after at least thirty (30) minutes, if necessary.
- m. The primary network cluster that will operate the registry must have redundancies built in at many levels that will provide immediate solutions in the event of hardware failure. This includes, but is not limited to the following:
 - i. Redundant Firewalls;
 - ii. Redundant network switches;

- iii. Critical server hard drives stacks implement a level 5 raid;
- iv. Dual power supplies with multiple DPU drops;
- v. Dual network Interface cards;
- vi. High availability file server implementing automatic fail over to secondary;
- vii. MySQL Replication with failover; and
- viii. Data center has redundant A/B power circuits.

Software Asset Management Tools

OITS has the following requirements regarding software asset management:

- a. OITS requires traceability from requirements through test reporting.
- b. OITS requires the Bidder to assure the security of the application using source code analysis and web application vulnerability scanning software prior to promotion to production such as IBM Rational AppScan.
- c. OITS requires that all software assets be turned over to OITS at the end of the contract in their entirety, regardless of what tools were used to create and manage them.
- d. The Bidder will provide to OITS electronic copies of all project artifacts.
- e. The Bidder will provide OITS a minimum of two (2) user licenses and whatever accompanying (processor-based, etc.) licenses required to gain full access to all system components.

Usability Requirements and User Input

The NYSDLR solution will be available to users with varying computer experience. It is critical that the NYSDLR solution provide users with an easy-to-use interface that is intuitive, does not cause confusion, and can be navigated with minimal or no opportunity for failure.

OITS does not have a formal style guide for interface design. While OITS has not explicitly required Bobby or 508 compliance, or other usability standards compliance, the Bidder, in conjunction with OITS, will not be restricted from relying on such standards in establishing validation criteria for solution usability. Vendors are encouraged to anticipate working to achieve a high standard for system ease of use.

OITS suggests the following guidelines for ease of use and user interface design:

- a. The NYSDLR solution shall provide a graphical user interface—encompassing all solution capabilities—that is intuitive.

A user should not have to make extensive use of user or procedural documentation or online help; procedural steps and options should be obvious and include friendly and helpful prompts when appropriate. For example: When a record has been saved and then reopened, the solution could include a window listing the items that are incomplete, giving the opportunity for the user to go to any item in the list and enter data.

- b. The NYSDLR solution shall provide a user interface that does not confuse the user.

A user should be informed at all times of what the system is doing; a user should not be uncertain what the system is doing upon taking an action.

A user should not have to decipher cryptic system feedback (e.g., an error message that says “System Error in Core”). System feedback should be clear, polite, and provide correct steps or corrective actions for the user to take without compromising security.

- c. The NYSDLR solution shall provide a user interface that minimizes or eliminates opportunity for failure.

A user should not have options to provide information or take actions that are not valid under current conditions, or that would otherwise lead to errors (e.g., if a user does not have authority to enter certain data, then the user should not be given the opportunity to enter that data).

- d. The user interface must comply with NYS standards pertaining to accessibility to persons with disabilities.

Current NYS Policy and Standard on Accessibility of Web-Based Information and Applications are NYS-P08-005. See <http://its.ny.gov/policy/2010FAQAccessibilityComplianceReportForm.pdf>

The Bidder may be required, as appropriate, to develop and present user interface prototypes for OITS and user review and feedback. User feedback or input into interface design will be governed and prioritized (rejected as appropriate) by OITS.

System Performance

“System performance” shall be defined to include the following variables:

- **Throughput** - The number of transactions (request and response) per a defined period. A transaction is any activity that requires the system to respond. For example: refreshed data displayed on the screen, updated data posted to the database, etc.
- **User Load** - The number of concurrent system users. The system must maintain integrity of user session identification and database update record locking.
- **Stability Over Time** - A defined user load and throughput over an extended period showing no degradation in system performance, memory use, or other negative anomalies.

OITS has identified the following performance goals to serve as requirements relating to NYSDLR solution capacity and performance:

- a. The NYSDLR solution must accommodate throughput of ten (10) user transactions per second with a response to user time of not more than one (1) second per transaction, regardless of the number of logged-in users.

OITS understands a user transaction as any activity that requires the system to respond. This may include, but is not limited to, refreshed data displayed on the screen, updated data posted to the database, and data requested from the database.

Data imports, exports and exchanges will be factored into the system performance evaluation separately from user transactions.

- b. The NYSDLR solution must accommodate a peak user load of twenty-five (25) concurrent users, maintaining integrity of user session identification and database update record locking.
- c. The Bidder will be required to supply performance testing results to OITS and/or its delegate and support OITS performance testing efforts during technical solution evaluation.

The specific system performance test plan will be written collaboratively with OITS and/or its delegate at the start of the project.

10.9 Exhibit 9 – Change Request Form

PROJECT IDENTIFICATION	
Project Name:	
Project Sponsor:	
Project Director:	
Project Manager:	
Date:	
CHANGE REQUEST INFORMATION	
Request Date:	
Requested By:	Organization:
DESCRIPTION OF CHANGE	
<i>Enter a detailed description of the change being requested.</i>	
Priority: (High, Medium, Low)	Overall Impact (Large, Medium, Small)
SCOPE IMPACT	
<i>Enter a complete list of deliverables that are being added, changed or removed from the project. Otherwise, enter "No impact".</i>	
SCHEDULE IMPACT	

If the changes to the project's scope, quality management plan or budget will affect start and end dates on the project schedule, list milestones here with previous dates and new, estimated dates. In some instances, a change to the schedule will be driving the change and cause impacts to the scope, project schedule and budget. Otherwise, enter "No impact". Alternatively, you can attach a proposed project schedule to this change request.

QUALITY IMPACT

If the changes to the project's scope, schedule or budget will result in a deviation from the approved quality management plan, list specific quality assurance activities that will not occur, any new risk of the activities not occurring, the likelihood of the risk occurring, and the impact to the project if the risk does occur. In some instances, a change in the quality management plan will be driving the change and cause impacts to the scope, schedule and budget. Otherwise, enter "No impact".

REVIEWER INFORMATION

Reviewer Name:	Role:
-----------------------	--------------

Deliverable:

Recommended Action: **Approve** **Reject**

Reviewer Comments:

Reviewer Signature:

Date:

APPROVER INFORMATION---DOH

Approver Name:	Role:
-----------------------	--------------

Deliverable:

Recommended Action: **Approve** **Reject**

Approver Comments:

Approver Signature:

Date:

APPROVER INFORMATION---Contractor Bidder

Approver Name:	Role:
-----------------------	--------------

Deliverable:

Recommended Action: **Approve** **Reject**

Approver Comments:

--

Approver Signature:

Date:

PROJECT MANAGER INFORMATION

Name:

Signature:

Date:
