

Response to Question 37

A. A contractor has been selected and a contract award is awaiting final approval from OSC

B. This is dependent upon when OSC approves the contract award. OSC review and approval is pending.

C. Yes.

D. The Department expects the potential bidder to take appropriate, affirmative actions consistent with the RFP requirements in Section I. A. Introduction which states the following:

“The contractor, including parent and or subsidiaries companies or other companies in which it has a financial or legal interest, selected as a result of this procurement will be precluded from involvement, in any manner, in the preparation of a proposal on the subsequent request for proposal for procurement of the eMedNY MMIS contract or acting as a contractor, subcontractor or agent to the fiscal agent selected. In addition, the contractor, including parent and or subsidiaries companies or other companies in which it has a financial or legal interest, selected as a result of the “Request for Proposal New York State Department of Health Medicaid Data Warehouse Replacement/OHIP Data Mart Operational Support Project,” or any of its subcontractors or agents, are precluded from involvement as a contractor, subcontractor, or agent in the contract awarded in response to this RFP.”

Failure of a bidder or a bidder who has received a contract award, to take appropriate, affirmative action, which may include, but is not limited to withdrawal of their proposal, to bring to the attention of the Department and successfully resolve a conflict of interest, either actual or perceived, to the satisfaction of the Department may result in disqualification of their proposal in the sole determination of the Department

Further, the potential bidder should also be aware of the additional obligations imposed on the successful contractor under Section III.B 4:

Each offeror and the successful contractor shall ensure that its officers, employees, agents, consultants and/or sub-contractors comply with the requirements of the New York State Public Officers Law ("POL"), as amended, including but not limited to Sections 73 and 74, as amended, with regard to ethical standards applicable to State employees.

In signing its Proposal, each offeror guarantees knowledge and full compliance with the provisions of the POL for purposes of this RFP and procurement. Failure to comply with these provisions may result in disqualification from the procurement process, or withdrawal of a proposed contract award and criminal proceedings as may be required by law.

If during the term of a resulting contract, the successful contractor becomes aware of a relationship, actual or potential, which may be considered a violation of the POL, or which may otherwise be considered a conflict of interest, the Contractor shall notify the Department in writing immediately. Failure to comply with these provisions may result in termination or cancellation of the resulting contract and criminal proceedings as may be required by law.