



Department of Health

Request for Proposals

RFP # 20021R

Radon Detectors for New York State Residents

Issued: February 4, 2022

DESIGNATED CONTACT:

Pursuant to State Finance Law §§ 139-j and 139-k, the Department of Health identifies the following designated contact to whom all communications attempting to influence the Department of Health's conduct or decision regarding this procurement must be made.

Sue Mantica
Bureau of Contracts
New York State Department of Health
Corning Tower, Room 2827
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 of Health identifies the following allowable contact for communications related to the submission of written proposals, written questions, pre-bid questions, and debriefings.

Cynthia Costello
New York State Department of Health
Bureau of Environmental Radiation Protection
Empire State Plaza
Corning Tower, Room 1218
Phone: 518-402-7556
Email Address: radon@health.ny.gov

TABLE OF CONTENTS

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

2.0 OVERVIEW3

 2.1 Introductory Background.....3

 2.2 Important Information.....3

 2.3 Term of the Agreement.....4

3.0 BIDDERS QUALIFICATIONS TO PROPOSE4

 3.1 Minimum Qualifications.....4

4.0 SCOPE OF WORK4

 4.1 Tasks5

 4.2 Radon Detector Hardware5

 4.3 Radon Detector Analysis and Reports.....5

 4.4 Quality Assurance and Quality Reporting.....6

5.0 ADMINISTRATIVE INFORMATION6

 5.1 Restricted Period6

 5.2 Questions.....6

 5.3 Right to Modify RFP.....7

 5.4 Payment.....7

 5.5 Minority & Woman-Owned Business Enterprise Requirements8

 5.6 Equal Employment Opportunity (EEO) Reporting8

 5.7 Sales and Compensating Use Tax Certification (Tax Law, § 5-a).....9

 5.8 Contract Insurance Requirements9

 5.9 Subcontracting.....9

 5.10 DOH’s Reserved Rights.....9

 5.11 Freedom of Information Law (“FOIL”).....10

 5.12 Lobbying10

 5.13 State Finance Law Consultant Disclosure Provisions11

 5.14 Debriefing11

 5.15 Protest Procedures12

 5.16 Iran Divestment Act12

 5.17 Piggybacking12

 5.18 Encouraging Use of New York Businesses in Contract Performance12

 5.19 Participation Opportunities for NYS Certified Service-Disabled Veteran-Owned Businesses . 12

 5.20 Intellectual Property13

 5.21 Vendor Assurance of No Conflict of Interest or Detrimental Effect.....13

 5.22 Executive Order 177 Prohibiting Contracts with Entities that Support Discrimination13

6.0 PROPOSAL CONTENT13

 6.1 Administrative Proposal14

 6.2 Technical Proposal15

 6.3 Cost Proposal16

7.0 PROPOSAL SUBMISSION17

 7.1 No Bid Form.....18

8.0 METHOD OF AWARD18

 8.1 General Information18

 8.2 Submission Review18

 8.3 Technical Evaluation.....19

 8.4 Cost Evaluation.....19

 8.5 Composite Score19

 8.6 Best and Final Offers19

 8.7 Award Recommendation19

ATTACHMENTS.....20

1.0 CALENDAR OF EVENTS

RFP #20021 R – RADON DETECTORS FOR NEW YORK STATE RESIDENTS	
<u>EVENT</u>	<u>DATE</u>
Issuance of Request for Proposals	February 4, 2022
Deadline for Submission of Written Questions	Questions Due by February 22, 2022 at 5:00 p.m. ET
Responses to Written Questions Posted by DOH	On or About March 8, 2022
Deadline for Submission of Proposals	Proposals Due On Or Before March 22nd, at 5:00 p.m. ET
<i>Anticipated</i> Contract Start Date	September 1, 2022

2.0 OVERVIEW

Through this Request for Proposals (“RFP”), the New York State (“State”) Department of Health (“DOH”) is seeking competitive proposals from NYS Department of Health Environmental Laboratory Approval Program (ELAP) certified laboratories to provide products and services as further detailed in [Section 4.0](#) (Scope of Work). It is the Department’s intent to award one (1) contract from this procurement.

2.1 Introductory Background

The NYSDOH receives a State Indoor Radon Grant from the U.S. Environmental Protection Agency, the terms of which require that radon detectors (detectors) be distributed to the general public at low cost. The contract resulting from this request for proposals (RFP) will provide for the distribution of these devices directly to individuals within New York State and bulk shipments to various non-profit entities, the NYSDOH and/or county health departments, as specified by NYSDOH. The individual user will return the detectors for analysis to the contractor’s laboratory facility via Business Reply Mail. Reports of analyses will be provided to the persons requesting the test with copies going to the NYSDOH, Bureau of Environmental Radiation Protection (BERP).

2.2 Important Information

The bidder is required to review, and is requested to have legal counsel review, [Attachment 8](#), the DOH Agreement, as the Bidder must be willing to enter into an Agreement substantially in accordance with the terms of [Attachment 8](#) should the bidder be selected for contract award. Please note that this RFP and the awarded bidder’s proposal will become part of the contract as Appendix B and C, respectively.

It should be noted that Appendix A of [Attachment 8](#), “Standard Clauses for New York State Contracts”, contains important information related to the contract to be entered into as a result of this RFP and will be incorporated, without change or amendment, into the contract entered into between DOH and the successful Bidder. By submitting a response to the RFP, the Bidder agrees to comply with all the provisions of Appendix A. Note, [Attachment A](#), the Bidder’s Certifications/Acknowledgements, should be submitted and includes a statement that the bidder accepts, without any added conditions, qualifications or exceptions, the contract terms and conditions contained in this RFP including any exhibits and attachments. It also includes a statement that the bidder acknowledges that, should any alternative proposals or extraneous terms be submitted with the proposal,

such alternate proposals or extraneous terms will not be evaluated by the DOH.

Any qualifications or exceptions proposed by a bidder to this RFP should be submitted in writing using the process set forth in [Section 5.2](#) (Questions) prior to the deadline for submission of written questions indicated in [Section 1.0](#) (Calendar of Events). Any amendments DOH makes to the RFP as a result of questions and answers will be publicized on the DOH web site.

2.3 Term of the Agreement

This contract term is expected to be for a period of five years commencing on January 1, 2021, the date shown on the Calendar of Events in [Section 1.0](#), subject to the availability of sufficient funding, successful contractor performance, and approvals from the New York State Attorney General (AG) and the Office of the State Comptroller (OSC).

3.0 BIDDERS QUALIFICATIONS TO PROPOSE

3.1 Minimum Qualifications

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

- Certification from the New York State Department of Health's Environmental Laboratory Approval Program (NYSDOH ELAP) for the evaluation of activated charcoal detectors for detecting radon in air (prior to the Proposal Due Date specified in the Schedule of Key events).

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 the complete contract.

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

4.0 SCOPE OF WORK

It is the intent of the New York State Department of Health (NYSDOH or Department) to obtain accurate and economical short-term (48 hour to 7 day) radon testing kits and laboratory analysis for New York State residents. The method for such measurements will be Activated Charcoal Adsorption Devices (AC) in conjunction with laboratory gamma scintillation counting. The Department has chosen this method based on a combination of cost efficiency and validation experience. This Section describes the laboratory services that are required to be provided by the selected bidder. The selected bidder must be able to provide all of these services throughout the contract term.

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

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

The Contractor must be able to commence all services as in Section 4.0, Scope of Work within two (2) weeks of the execution and approval of the contract by the Office of the State Comptroller.

4.1 Quantity

Orders will vary for this service, depending on public demand. The NYSDOH anticipates demand to be approximately 6,000 detectors per year, but this may vary due to factors outside the control of the NYSDOH. Approximately fifty percent (50%) of the detectors shipped yearly will be shipped bulk (more than one unit) to various non-profit entities, NYSDOH and/or county health departments. The detector quantity listed is only an estimate and does not represent a commitment or guarantee to purchase a specific quantity of detectors. The contractor shall be paid for the actual quantity ordered and/or analyzed during the contract period.

The NYSDOH will provide the Contractor with an order file containing the names and addresses of the person(s) requesting radon detectors and the number of detectors to ship on a weekly basis.

4.2 Radon Detector Hardware

- Detectors shall be open-faced canisters or diffusion barrier canisters that can be easily distributed by mail.
- The detectors shall maintain their physical integrity during mailing. Contractor will replace any damaged detectors at no additional cost to the state.
- The detector measurements shall have a minimum detectable concentration of 0.5 pCi/L.
- Detectors shall include instructions for detector placement, information recording, and mailing, in English and Spanish. Instructions should include illustrations.
- The Contractor shall provide the same type of detector throughout the life of the contract. In the event technology requires a modification, the vendor must obtain approval from the department prior to deploying the new detector.
- Detector hardware will be shipped directly from the contractor to the recipient within fourteen (14) calendar days of receiving the new order file from NYS DOH.

4.3 Radon Detector Analysis and Reports

- Detectors must be analyzed by gamma spectroscopy.
- Written reports of detector analysis results must be sent to the persons who used the detectors within fourteen (14) calendar days of the Contractor's receipt of detectors for analysis.
- Reports of detector analysis results must be sent to NYSDOH, in the format specified in [Attachment E](#), Structures of Lab Processing File, within fourteen (14) calendar days of the Contractor's receipt of detectors for analysis.
- The Contractor will provide data to NYSDOH in both print and electronic format (via email), which contains files in the format specified in [Attachment E](#), Structures of Lab Processing File. Data shall include all information provided by the detector user on any accompanying forms submitted by the detector user.
- Telephone and written emergency notification of measured radon concentrations greater than or equal to 100 pCi/L must be received by NYSDOH within two (2) business days of completion of the detector analysis.
- All data resulting from testing will be confidential and provided only to the person who used the detector(s) and the NYSDOH, Bureau of Environmental Radiation Protection (BERP). Confidential data includes names, addresses, telephone numbers, test locations, radon levels and all information gathered as a result of the contract.
- The Contractor shall maintain complete records for the persons who used the detectors, for a period of five (5) years beyond the expiration of the contract period.

4.4 Quality Assurance and Quality Reporting

- The Contractor must continue to meet the NYSDOH quality control and acceptable performance criteria for blind duplicates, unexposed detectors, and detectors exposed in radon chambers, as outlined in [Attachment D](#), Quality Assurance.
- The Contractor must expose detectors in a radon chamber approved by either the National Radon Proficiency Program (NRPP) or National Radon Safety Board (NRSB) once per calendar quarter. The Contractor must meet the standards for precision and accuracy outlined in [Attachment D](#), Quality Assurance, for all scheduled tests during the contract period using detectors of the type being supplied to individuals under the NYSDOH contract. Results must be provided to NYSDOH within 14 business days after the report is received from the radon chamber.
- The contractor must continue to maintain certification from the New York State Department of Health's Environmental Laboratory Approval Program (NYSDOH ELAP) during the contract period. Failure to maintain ELAP certification will result in immediate termination of the contract.

4.5 Compliance with 10 NYCRR 16.130

The Contractor must comply with the radon measurements reporting requirements for New York State, as required by Code.

5.0 ADMINISTRATIVE INFORMATION

The following administrative information will apply to this RFP. Failure to comply fully with this information may result in disqualification of your proposal.

5.1 Restricted Period

"Restricted period" means the period of time commencing with the earliest written notice, advertisement, or solicitation of a Request for Proposals ("RFP"), Invitation for Bids ("IFB"), or solicitation of proposals, or any other method for soliciting a response from Bidders intending to result in a procurement contract with DOH and ending with the final contract award and approval by DOH and, where applicable, final contract approval by the Office of the State Comptroller.

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

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

5.2 Questions

There will be an opportunity available for submission of written questions and requests for clarification with regard to this RFP. All questions and requests for clarification of this RFP should cite the particular RFP Section and paragraph number where applicable and must be submitted via email to radon@health.ny.gov. It is the bidder's responsibility to ensure that email containing written questions and/or requests for clarification is received at the above address no later than the Deadline for Submission of Written Questions as specified in [Section 1.0](#) (Calendar of Events). Questions received after the deadline may **not** be answered.

5.3 Right to Modify RFP

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

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

If the 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 radon@health.ny.gov and request clarification or modification of the document.

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 Payment

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

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

Subject: <<Unit ID: 3450278>> <<Contract #TBD>>

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

**NYS Department of Health
Unit ID 3450278
c/o NYS OGS BSC Accounts Payable
Building 5, 5th Floor
1220 Washington Ave.
Albany, NY 12226-1900**

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

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

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

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

Albany, NY 12236

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

Contractor will be paid monthly based on the bid prices in [Attachment C](#), Cost Proposal. The Contractor will be paid for the actual quantity utilized of detector hardware, mailing cost to send detector to individuals and/or bulk shipping cost, mailing cost for returning detector for analysis, analysis of returned detector hardware and the reporting of the analysis results to the individual/NYSDOH.

5.5 Minority & Woman-Owned Business Enterprise Requirements

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

In 2006, the State of New York commissioned a disparity study to evaluate whether minority and women-owned business enterprises had a full and fair opportunity to participate in state contracting. The findings of the study were published on April 29, 2010, under the title "The State of Minority and Women-Owned Business Enterprises: Evidence from New York" (“Disparity Study”). The report found evidence of statistically significant disparities between the level of participation of minority-and women-owned business enterprises in state procurement contracting versus the number of minority-and women-owned business enterprises that were ready, willing and able to participate in state procurements. As a result of these findings, the Disparity Study made recommendations concerning the implementation and operation of the statewide certified minority- and women-owned business enterprises program. The recommendations from the Disparity Study culminated in the enactment and the implementation of New York State Executive Law Article 15-A, which requires, among other things, that DOH establish goals for maximum feasible participation of New York State Certified minority- and women – owned business enterprises (“MWBE”) and the employment of minority groups members and women in the performance of New York State contracts.

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.

Equal Employment Opportunity (EEO) Reporting

By submission of a bid in response to this solicitation, the Bidder agrees with all of the terms and conditions of [Attachment 8](#) Appendix A including Clause 12 - Equal Employment Opportunities for Minorities and Women. Additionally, the successful bidder will be required to certify they have an acceptable EEO (Equal Employment Opportunity) policy statement in accordance with Section III of Appendix M in [Attachment 8](#).

Further, pursuant to Article 15 of the Executive Law (the “Human Rights Law”), all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor and sub-contractors will not discriminate against any employee or applicant for employment because of race, creed (religion), color, sex, national origin, sexual orientation, military status, age, disability, predisposing genetic characteristic, marital status or domestic violence victim status, and shall also follow the requirements of the Human Rights Law with regard to non-discrimination on the basis of prior criminal conviction and prior arrest.

The Contractor is required to ensure that it and any subcontractors awarded a subcontract over \$25,000 for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon (the "Work"), except where the Work is for the beneficial use of the Contractor, undertake or continue programs to ensure that minority group members and women are afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status. For these purposes, equal opportunity shall apply in the areas of recruitment, employment, job

assignment, promotion, upgrading, demotion, transfer, layoff, termination, and rates of pay or other forms of compensation. This requirement does not apply to: (i) work, goods, or services unrelated to the Contract; or (ii) employment outside New York State.

To ensure compliance with this Section, the Bidder should submit with the bid or proposal an Equal Employment Opportunity Staffing Plan ([Attachment 5](#), Form #4) identifying the anticipated work force to be utilized on the Contract. Additionally, the Bidder should submit a Minority and Women-Owned Business Enterprises and Equal Employment Opportunity Policy Statement ([Attachment 5](#), Form # 5), to DOH with their bid or proposal.

5.6 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 contractors' sales delivered into New York State are in excess of \$300,000 for the four quarterly periods immediately preceding the quarterly period in which the certification is made, and with respect to any affiliates and subcontractors whose sales delivered into New York State exceeded \$300,000 for the four quarterly periods immediately preceding the quarterly period in which the certification is made.

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

The successful Bidder must file a properly completed Form ST-220-CA with the Department of Health and Form ST-220-TD with the DTF. These requirements must be met before a contract may take effect. Further information can be found at the New York State Department of Taxation and Finance's website, available through this link: <http://www.tax.ny.gov/pdf/publications/sales/pub223.pdf>.

Forms are available through these links:

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

5.7 Contract Insurance Requirements

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

5.8 Subcontracting

Bidder's may not propose the use of a subcontractor.

5.9 DOH's Reserved Rights

The Department of Health reserves the right to:

1. Reject any or all proposals received in response to the RFP;
2. Withdraw the RFP at any time, at the agency's sole discretion;
3. Make an award under the RFP in whole or in part;
4. Disqualify any bidder whose conduct and/or proposal fails to conform to the requirements of the RFP;

5. Seek clarifications and revisions of proposals;
6. Use proposal information obtained through site visits, management interviews and the state's investigation of a bidder's qualifications, experience, ability or financial standing, and any material or information submitted by the bidder in response to the agency's request for clarifying information in the course of evaluation and/or selection under the RFP;
7. Prior to the bid opening, amend the RFP specifications to correct errors or oversights, or to supply additional information, as it becomes available;
8. Prior to the bid opening, direct bidders to submit proposal modifications addressing subsequent RFP amendments;
9. Change any of the scheduled dates;
10. Eliminate any mandatory, non-material specifications that cannot be complied with by all of the prospective bidders;
11. Waive any requirements that are not material;
12. Negotiate with the successful bidder within the scope of the RFP in the best interests of the state;
13. Conduct contract negotiations with the next responsible bidder, should the Department be unsuccessful in negotiating with the selected bidder;
14. Utilize any and all ideas submitted in the proposals received;
15. Every offer shall be firm and not revocable for a period of three hundred and sixty-five days from the bid opening, to the extent not inconsistent with section 2-205 of the uniform commercial code. Subsequent to such three hundred and sixty-five days, any offer is subject to withdrawal communicated in a writing signed by the offerer; and,
16. Require clarification at any time during the procurement process and/or require correction of arithmetic or other apparent errors for the purpose of assuring a full and complete understanding of an offerer's proposal and/or to determine an offerer's compliance with the requirements of the solicitation.

5.10 Freedom of Information Law ("FOIL")

All proposals may be disclosed or used by DOH to the extent permitted by law. DOH may disclose a proposal to any person for the purpose of assisting in evaluating the proposal or for any other lawful purpose. All proposals will become State agency records, which will be available to the public in accordance with the Freedom of Information Law. **Any portion of the proposal that a Bidder believes constitutes proprietary information entitled to confidential handling, as an exception to the Freedom of Information Law, must be clearly and specifically designated in the proposal as directed in [Section 6.1 \(B\)](#) of the RFP.** If DOH agrees with the proprietary claim, the designated portion of the proposal will be withheld from public disclosure. Blanket assertions of proprietary material will not be accepted, and failure to specifically designate proprietary material may be deemed a waiver of any right to confidential handling of such material.

5.11 Lobbying

Chapter 1 of the Laws of 2005, as amended by Chapter 596 of the Laws of 2005, made significant changes as it pertains to development of procurement contracts with governmental entities. The changes included:

- a) made the lobbying law applicable to attempts to influence procurement contracts once the procurement process has been commenced by a state agency, unified court system, state legislature, public authority, certain industrial development agencies and local benefit corporations;
- b) required the above mentioned governmental entities to record all contacts made by lobbyists and contractors about a governmental procurement so that the public knows who is contacting governmental entities about procurements;
- c) required governmental entities to designate persons who generally may be the only staff contacted relative to the governmental procurement by that entity in a restricted period;

- d) authorized the New York State Commission on Public Integrity, (now New York State Joint Commission on Public Ethics), to impose fines and penalties against persons/organizations engaging in impermissible contacts about a governmental procurement and provides for the debarment of repeat violators;
- e) directed the Office of General Services to disclose and maintain a list of non-responsible bidders pursuant to this new law and those who have been debarred and publish such list on its website;
- f) required the timely disclosure of accurate and complete information from offerers with respect to determinations of non-responsibility and debarment; (Bidders responding to this RFP should submit a completed and signed [Attachment 1](#), "Prior Non-Responsibility Determination".)
- g) increased the monetary threshold which triggers a lobbyist's obligations under the Lobbying Act from \$2,000 to \$5,000; and
- h) established the Advisory Council on Procurement Lobbying.

Subsequently, Chapter 14 of the Laws of 2007 amended the Lobbying Act of the Legislative Law, particularly as it related to specific aspects of procurements as follows: (i) prohibiting lobbyists from entering into retainer agreements on the outcome of government grant making or other agreement involving public funding; and (ii) reporting lobbying efforts for grants, loans and other disbursements of public funds over \$15,000.

The most notable, however, was the increased penalties provided under Section 20 of Chapter 14 of the Laws of 2007, which replaced old penalty provisions and the addition of a suspension option for lobbyists engaged in repeated violations. Further amendments to the Lobbying Act were made in Chapter 4 of the Laws of 2010.

Questions regarding the registration and operation of the Lobbying Act should be directed to the New York State Joint Commission on Public Ethics.

5.12 State Finance Law Consultant Disclosure Provisions

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

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

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

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

5.13 Debriefing

Once an award has been made, bidders may request a debriefing of their proposal. Please note the debriefing will be limited only to the strengths and weaknesses of the bidder's proposal, and will not include any discussion of other proposals. Requests must be received no later than fifteen (15) calendar days from date of award or non-award announcement.

5.14 Protest Procedures

In the event unsuccessful bidders wish to protest the award resulting from this RFP, bidders should follow the protest procedures established by the Office of the State Comptroller (OSC). These procedures can be found in Chapter XI Section 17 of the Guide to Financial Operations (GFO). Available on-line at: <http://www.osc.state.ny.us/agencies/guide/MyWebHelp/>

5.15 Iran Divestment Act

By submitting a bid in response to this solicitation or by assuming the responsibility of a Contract awarded hereunder, Bidder/Contractor (or any assignee) certifies that it is not on the "Entities Determined To Be Non-Responsive Bidders/Offerers Pursuant to The New York State Iran Divestment Act of 2012" list ("Prohibited Entities List") posted on the OGS website (currently found at this address: <http://www.ogs.ny.gov/about/regs/docs/ListofEntities.pdf>) and further certifies that it will not utilize on such Contract any subcontractor that is identified on the Prohibited Entities List. Additionally, Bidder/Contractor is advised that should it seek to renew or extend a Contract awarded in response to the solicitation, it must provide the same certification at the time the Contract is renewed or extended.

During the term of the Contract, should DOH receive information that a person (as defined in State Finance Law §165-a) is in violation of the above-referenced certifications, DOH will review such information and offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in the investment activity which is in violation of the Act within 90 days after the determination of such violation, then DOH shall take such action as may be appropriate and provided for by law, rule, or contract, including, but not limited to, seeking compliance, recovering damages, or declaring the Contractor in default. DOH reserves the right to reject any bid, request for assignment, renewal or extension for an entity that appears on the Prohibited Entities List prior to the award, assignment, renewal or extension of a contract, and to pursue a responsibility review with respect to any entity that is awarded a contract and appears on the Prohibited Entities list after contract award.

5.16 Piggybacking

New York State Finance Law section 163(10)(e) (see also <http://www.ogs.ny.gov/purchase/snt/sflxi.asp>) allows the Commissioner of the NYS Office of General Services to consent to the use of this contract by other New York State Agencies, and other authorized purchasers, subject to conditions and the Contractor's consent.

5.17 Encouraging Use of New York Businesses in Contract Performance

Public procurements can drive and improve the State's economic engine through promotion of the use of New York businesses by its contractors. New York State businesses have a substantial presence in State contracts and strongly contribute to the economies of the state and the nation. In recognition of their economic activity and leadership in doing business in New York State, bidders/proposers for this contract for commodities, services or technology are strongly encouraged and expected to consider New York State businesses in the fulfillment of the requirements of the contract. Such partnering may be as subcontractors, suppliers, protégés or other supporting roles. All bidders should complete [Attachment 6](#), Encouraging Use of New York Businesses in Contract Performance, to indicate their intent to use/not use New York Businesses in the performance of this contract.

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

Article 17-B of the New York State Executive Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses ("SDVOBs"), thereby further integrating

such businesses into New York State's economy. DOH recognizes the need to promote the employment of service-disabled veterans and to ensure that certified service-disabled veteran-owned businesses have opportunities for maximum feasible participation in the performance of DOH contracts.

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

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

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

5.19 Intellectual Property

Any work product created pursuant to this agreement and any subcontract shall become the sole and exclusive property of the New York State Department of Health, which shall have all rights of ownership and authorship in such work product.

5.20 Vendor Assurance of No Conflict of Interest or Detrimental Effect

All bidders responding to this solicitation should submit [Attachment 4](#) to attest that their performance of the services outlined in this IFB does not create a conflict of interest and that the bidder will not act in any manner that is detrimental to any other State project on which they are rendering services.

5.21 Executive Order 177 Prohibiting Contracts with Entities that Support Discrimination

The New York State Human Rights Law, Article 15 of the Executive Law, prohibits discrimination and harassment based on age, race, creed, color, national origin, sex, pregnancy or pregnancy-related conditions, sexual orientation, gender identity, disability, marital status, familial status, domestic violence victim status, prior arrest or conviction record, military status or predisposing genetic characteristics. In accordance with Executive Order No. 177, the Offeror certifies that they do not have institutional policies or practices that fail to address those protected status under the Human Rights Law.

6.0 PROPOSAL CONTENT

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

To expedite review of the proposals, Bidders are requested to submit proposals in separate Administrative, Technical, and Cost packages inclusive of all materials as summarized in [Attachment B](#), Proposal Document

Checklist. This separation of information will facilitate the review of the material requested. No information beyond that specifically requested is required, and Bidders are requested to keep their submissions to the shortest length consistent with making a complete presentation of qualifications. Evaluations of the Administrative, Technical, and Cost Proposals received in response to this RFP will be conducted separately. Bidders are therefore cautioned not to include any Cost Proposal information in the Technical Proposal documents.

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

6.1 Administrative Proposal

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

A. Bidder's Disclosure of Prior Non-Responsibility Determinations

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

B. Freedom of Information Law – Proposal Redactions

Bidders must clearly and specifically identify any portion of the proposal that a Bidder believes constitutes proprietary information entitled to confidential handling as an exception to the Freedom of Information Law. See [Section 5.11](#), (Freedom of Information Law)

C. Vendor Responsibility Questionnaire

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

Vendors must provide their New York State Vendor Identification Number when enrolling. To request assignment of a Vendor ID or for VendRep System assistance, contact the OSC Help Desk at 866-370-4672 or 518-408-4672 or by email at ciohelpdesk@osc.state.ny.us.

Vendors 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. Bidder's should complete and submit the Vendor Responsibility Attestation, [Attachment 3](#).

D. Vendors Assurance of No Conflict of Interest or Detrimental Effect

Submit [Attachment 4](#), Vendor's Assurance of No Conflict of Interest or Detrimental Effect, which includes information regarding the Bidder, members, shareholders, parents, affiliates or subcontractors. [Attachment 4](#) must be signed by an individual authorized to bind the Bidder contractually.

E. EEO Form

Submit completed Form #5 as directed in [Attachment 5](#), "Guide to New York State DOH M/WBE RFP Required Forms."

F. Encouraging Use of New York Businesses in Contract Performance

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

G. Bidder's Certified Statements

Submit [Attachment A](#), "Bidder's Certified Statements", which includes information regarding the Bidder. Attachment A must be signed by an individual authorized to bind the Bidder contractually. Please indicate the title or position that the signer holds with the Bidder. DOH reserves the right to reject a proposal that contains an incomplete or unsigned Attachment A or no Attachment A. _

H. Executive Order 177 Prohibiting Contracts with Entities that Support Discrimination

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

6.2 *Technical Proposal*

The purpose of the Technical Proposal is to demonstrate the qualifications, competence, and capacity of the Bidder to perform the services contained in this RFP. The Technical Proposal should demonstrate the qualifications of the Bidder and of 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 required information to be provided, in the following order, 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 will 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 must not be included in the Technical Proposal documents.

A. Title Page

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

B. Table of Contents

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

C. Documentation of Bidder's Eligibility Responsive to Section 3.0 of RFP.

Bidders must be able to meet all the requirements stated in Section 3.0 of the RFP. The bidder must submit documentation that provides sufficient evidence of meeting the criterion. This documentation may be in any format needed to demonstrate how they meet the minimum qualifications to propose:

- Certification from the New York State Department of Health's Environmental Laboratory Approval Program (NYSDOH ELAP) for the evaluation of activated charcoal detectors for detecting radon in air. (DOH will verify bidder certification at the time of Bids are due).

D. Technical Proposal Narrative

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

Elements of the technical proposal are as follows:

1. Samples of detectors and detector analysis reporting format

- Submit four (4) samples of detectors, including instructions for detector placement, test information recording and mailing in English and Spanish. Instructions should include illustrations.
- Submit a sample analysis report as it would be provided to the person who used and submitted the detector for analysis. The report should demonstrate how you plan to communicate the radon analysis results to them.

2. Quality Assurance/Quality Control

- The bidder should submit a copy of their quality control procedures. The procedures should include:
 - Blanks and duplicates,
 - Receipt and tracking of detectors,
 - Radon measurement and handling,
 - Transmission of data, and
 - Any other pertinent supporting information.
- The bidder should submit records of quality assurance exposures from the two (2) years prior to the release date of this RFP as stated in the Schedule of Key Events.
- The bidder should submit to NYSDOH, a summary of their performance in a radon proficiency testing program. Testing results should include chamber exposure, number of detectors analyzed, reported result of each detector submitted, and the average and standard deviations of the reported measurements, and any other associated statistical analysis.
- The bidder should submit to NYSDOH a copy of their last ELAP inspection report and corrective actions for any violations identified.
- The bidder should submit to NYSDOH copies of their last two (2) internal quality assurance audits and corrective actions for any issues identified.

3. Experience

The bidder should submit the following:

- Number of years of detector production and analysis experience.
- The number of detectors sold and the number of detectors analyzed; per month by the bidder, during the prior two years.

6.3 Cost Proposal

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

The bid price is to cover the cost of furnishing all of the said services, including but not limited to materials, equipment, shipping/ mailing / postage, profit and labor to the satisfaction of the Department of Health and the performance of all work set forth in said specifications.

7.0 PROPOSAL SUBMISSION

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

	Electronic Submission	Paper Submission
Administrative Proposal	2 dedicated flash drives or CDs labeled “Administrative Proposal” containing a standard searchable PDF file with copy/read permissions only.	3 Originals 4 Copies
Technical Proposal	2 dedicated flash drives or CDs labeled “Technical Proposal” containing a standard searchable PDF file with copy/read permissions only.	3 Originals 4 Copies
Cost Proposal	2 dedicated flash drives or CDs labeled “Cost Proposal” containing standard searchable PDF file(s) with copy/read permissions only.	3 Originals 4 Copies

1. All hard copy proposal materials should be printed on 8.5” x 11” white paper (single-sided) and **be clearly page numbered on the bottom of each page with appropriate header and footer information.** A type size of eleven (11) points or larger should be used. The Technical Proposal materials should be presented separate from the sealed Cost Proposal.
2. Where signatures are required, the proposals designated as originals should have a handwritten signature and be signed in blue ink.
3. The NYSDOH discourages overly lengthy proposals. Therefore, marketing brochures, user manuals or other materials, beyond that sufficient to present a complete and effective proposal, are not desired. Elaborate artwork or expensive paper is not necessary or desired. In order for the NYSDOH to evaluate proposals fairly and completely, proposals should follow the format described in this RFP to provide all requested information. The Bidder should not repeat information in more than one section of the proposal. If information in one section of the proposal is relevant to a discussion in another section, the Bidder should make specific reference to the other section rather than repeating the information;
4. Audio and/or videotapes are not allowed. Any submitted audio or videotapes will be ignored by the evaluation team; and
5. In the event that a discrepancy is found between the electronic and hardcopy proposal, the original hardcopy will prevail.

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

Proposals should be submitted in three (3) separate, clearly labeled packages: (1) Administrative Proposal, (2) Technical Proposal and (3) Cost Proposal, prepared in accordance with the requirements stated in this RFP. Mark the outside envelope of each proposal as “RFP# 20021 R - Radon Detectors for New York State Residents (Administrative) (Technical) or (Cost) Proposal submitted by (Bidder’s name)”. The three sealed proposals may be combined into one mailing, if desired.

Proposals must be submitted, by U.S. Mail, by courier/delivery service (e.g., FedEx, UPS, etc.) or by hand as noted below, in a sealed package to:

Department of Health
RFP# 20021 R - Radon Detectors for New York State Residents
Attention: Cynthia Costello
Chief, Environmental Radiation/Radon Section
Bureau of Environmental Radiation Protection
Empire State Plaza
Corning Tower – Room 1218
Albany, NY 12237

NOTE: You should request a receipt containing the time and date received and the signature of the receiver for all hand-deliveries and ask that this information also be written on the package(s).

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

7.1 No Bid Form

Bidders choosing not to bid are requested to complete the No-Bid form [Attachment 2](#).

8.0 METHOD OF AWARD

8.1 General Information

DOH will evaluate each proposal based on the “Best Value” concept. This means that the proposal that best “optimizes quality, cost, and efficiency among responsive and responsible 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 document may be eliminated from consideration. The evaluation process will include separate technical and cost evaluations, and the result of each evaluation shall remain confidential until both 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) total number of years of experience testing detectors..

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), and include the proper documentation, including all documentation required for the Administrative Proposal, as stated in this RFP. Proposals that are materially deficient in meeting the submission requirements or have omitted material documents, in the sole opinion of DOH, may be rejected.

8.3 Technical Evaluation

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

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

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

The technical evaluation is **70% (up to 70 points)** of the final score.

8.4 Cost Evaluation

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

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

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

A is Total price of lowest cost proposal;
B is Total price of cost proposal being scored; and
C is the Cost score.

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

8.5 Composite Score

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

Proposals that do not meet a minimum score of 65 will be disqualified.

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 Finalist(s) with the highest composite score(s) whose experience and qualifications have been verified.

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

ATTACHMENTS

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

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

The following attachments are attached and included in this RFP:

- A Bidder's Certified Statements
- B Proposal Document Checklist
- C Cost Proposal
- D Quality Assurance
- E Structures of Lab Processing Files

ATTACHMENT A

BIDDER'S CERTIFIED STATEMENTS

To be completed and included in the Administrative Proposal documents)

RFP # 20021 R Radon Detectors for New York State Residents
1. Information with regard to the Bidder
A. Provide the Bidder's name, address, telephone number, and fax number.
Name: <input type="text" value="Click here to enter text."/>
Address: <input type="text" value="Click here to enter text."/>
City, State, ZIP Code: <input type="text" value="Click here to enter text."/>
Telephone Number (including area code): <input type="text" value="Click here to enter text."/>
Fax Number (including area code): <input type="text" value="Click here to enter text."/>
B. Provide the name, address, telephone number, and email address of the Bidder's Primary Contact with DOH with regard to this proposal.
Name: <input type="text" value="Click here to enter text."/>
Address: <input type="text" value="Click here to enter text."/>
City, State, ZIP Code: <input type="text" value="Click here to enter text."/>
Telephone Number (including area code): <input type="text" value="Click here to enter text."/>
Email Address: <input type="text" value="Click here to enter text."/>
2. By submitting the bid the Bidder acknowledges and agrees to all of the following: [Please note: alteration of any language contained in this section may render your proposal non-responsive.]
The Bidder certifies that it can and will provide and make available, at a minimum, all services as described in the RFP if selected for award.
Bidder acknowledges that, should any alternative proposals or extraneous terms be submitted with the proposal, such alternate proposals or extraneous terms will not be evaluated by the DOH.
Bidder accepts, without any added conditions, qualifications or exceptions, the contract terms and conditions contained in this RFP including any exhibits and attachments.
The bidder is either registered to do business in NYS, or if formed or incorporated in another jurisdiction than NYS, can provide a Certificate of Good Standing from the applicable jurisdiction or provide an explanation, subject to the sole satisfaction of the Department, if a Certificate of Good Standing is not available, and if selected, the vendor will register to do business in NYS.
By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies its own organization, under penalty of perjury, that the bidder has and has implemented a written policy addressing sexual harassment prevention in the workplace and provides annual sexual harassment prevention training to all of its employees. Such policy shall, at a minimum, meet the requirements of section two hundred one-g of the labor law.

The bidder certifies that they have in operation a laboratory adequate for the evaluation of activated charcoal detectors, with facilities to maintain complete and permanent records for clients, for an indefinite period and that these records shall only be made available to the individual user and to the NYSDOH
The bidder maintains facilities and has trained personnel to provide prompt analysis, with detector processing within 24 working hours or three business days from the time of detector receipt.
The bidder will send reports of detector analysis results to the persons who used the detectors within fourteen (14) calendar days of detector receipt and reports of detector analyses to NYSDOH within fourteen (14) calendar days of detector receipt in the format specified in Attachment E, Structures of Lab Processing File.
The bidder guarantees that all data resulting from testing will be confidential and provided only to the person who used the detector and the NYSDOH, Bureau of Environmental Radiation Protection (BERP). This includes names, addresses, telephone numbers, test locations, and all information gathered as a result of the contract.
A. The Bidder is (check as applicable):
<input type="checkbox"/> A New York State Certified Minority-Owned Business Enterprise <input type="checkbox"/> A New York State Certified Woman-Owned Business Enterprise <input type="checkbox"/> A New York State Certified Minority and Woman-Owned Business Enterprise (Dual Certified) <input type="checkbox"/> None of the above
B. Provide the name, title, address, telephone number, and email address of the person authorized to receive Notices with regard to the contract entered into as a result of this procurement. See Section M. Notices, of the NYS Department of Health Contract contained within the DOH Agreement (Attachment 8).
Name: <input type="text" value="Click here to enter text."/>
Title: <input type="text" value="Click here to enter text."/>
Address: <input type="text" value="Click here to enter text."/>
City, State, ZIP Code: <input type="text" value="Click here to enter text."/>
Telephone Number (including area code): <input type="text" value="Click here to enter text."/>
Email Address: <input type="text" value="Click here to enter text."/>
C. Bidder's Taxpayer Identification Number:
<input type="text" value="Click here to enter text."/>
D. Bidder's NYS Vendor Identification Number as discussed in Section 6.1.F, if enrolled:
<input type="text" value="Click here to enter text."/>
By my signature on this Attachment A, I certify to the statements made above in Section 2 and that I am authorized to bind the Bidder contractually. Furthermore, I certify that all information provided in connection with its proposal is true and accurate.
_____ Typed or Printed Name of Authorized Representative of the Bidder
_____ Title/Position of Authorized Representative of the Bidder
_____ Signature of Authorized Representative of the Bidder
_____ Date

ATTACHMENT B

PROPOSAL DOCUMENT CHECKLIST

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

RFP # 20021 R – Radon Detectors for New York State Residents		
FOR THE ADMINISTRATIVE PROPOSAL		
RFP §	CRITERIA	INCLUDED
§ 6.1.A	Attachment 1– Disclosure of Prior Non-Responsibility Determinations	<input type="checkbox"/>
§ 6.1.B	Freedom of Information Law – Proposal Redactions (If Applicable)	<input type="checkbox"/>
§ 6.1.C	Attachment 3- Vendor Responsibility Attestation	<input type="checkbox"/>
§ 6.1.C	Attachment 4- Vendor Assurance of No Conflict of Interest of Detrimental Effect	<input type="checkbox"/>
§ 6.1.E	Attachment 5 – Form 5, EEO Requirements	<input type="checkbox"/>
§ 6.1.F	Attachment A - Bidder’s Certified Statements, completed & signed.	<input type="checkbox"/>
§ 6.1.G	Attachment 6- Encouraging Use of New York Businesses in Contract Performance	<input type="checkbox"/>
§ 6.1.H	Attachment 11 – Executive Order 177 Certification	<input type="checkbox"/>
FOR THE TECHNICAL PROPOSAL		
RFP §	CRITERIA	INCLUDED
§ 6.2.A	Title Page	<input type="checkbox"/>
§ 6.2.B	Table of Contents	<input type="checkbox"/>
§ 6.2.C	Documentation of Bidder’s Eligibility	<input type="checkbox"/>
§ 6.2.D	Technical Proposal Narrative	<input type="checkbox"/>
FOR THE COST PROPOSAL REQUIREMENT		
RFP §	REQUIREMENT	INCLUDED
§ 6.3	Attachment C- Cost Proposal	<input type="checkbox"/>

ATTACHMENT C

COST PROPOSAL

Page 1 of 2

NEW YORK STATE DEPARTMENT OF HEALTH Detector Cost Form

Bidders must complete and sign this Cost Proposal. The Cost Proposal comply with the format and content requirements as detailed in this document and in Attachment C. Failure to comply with the format and content requirements may result in disqualification.

To complete the Cost Proposal Form, Bidders must:

1. Provide a Bid Price to furnish one (1) Detector hardware in the space provided below;
2. Provide a single Bid Price for shipping the detector to the individuals and a single price to bulk ship the multiples of detectors in the quantity ranges listed below;
 - a. Shipping cost must be all inclusive of the costs of the shipping containers/materials and shipping costs for the detector(s) to be shipped to the requestor
3. Provide a single Bid Price for return shipping and reporting the analysis results of one (1) detector hardware unit to the individual and NYSDOH.
 - a. Reporting price must include the cost of analyzing the detector and postage to return the detector to the lab
 - b.

NOTE: Bid prices from the requestor must cover the cost of furnishing all of the said services, including but not limited to materials, equipment, profit and labor to the satisfaction of the Department of Health and the performance of all work set forth in said specifications.

type or print:

Bidder's Name:	
Hardware	Bid Price
Detector hardware – One (1) Unit	\$
Shipping	Bid Price
Shipping one (1) detector hardware unit	\$
Bulk Shipping two (2) to five (5) detector hardware units	\$
Bulk Shipping 6 to 49 detector hardware units	\$
Bulk Shipping 50 to 200 detector hardware units	\$
Bulk Shipping 201 and above detector hardware units	\$

COST PROPOSAL

Page 2 of 2

Bidder's Name:	
Reporting	Bid Price
Return Business Reply Mail for detector hardware returned for analysis, Analysis of returned detector hardware, Reporting results to the individual and NYSDOH - One (1) Unit	\$

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

Date: _____

Signature: _____

Print Name and Title: _____

ATTACHMENT D

QUALITY ASSURANCE

QUALITY ASSURANCE

A. PRECISION (at 4 pCi/L or greater)

15%, expressed as the coefficient of variation for simultaneously chamber exposed detectors or for duplicate pairs

B. ACCURACY (at 4 pCi/L or greater)

20%, maximum deviation from target values

C. SPIKES – KNOWN EXPOSURES

3 per 100 measurements, with a minimum of 3 per year, and a maximum of 6 per month.

D. DUPLICATE (COLOCATED) DETECTORS

10 % of the number of detectors deployed each month, or 50, whichever is smaller.

E. CONTROLS

Field controls (field blanks). 5 % of the devices that are deployed each month, or 25, whichever is smaller.

F. QA REPORTS

Results of all quality assurance testing as required in this RFP will be provided to NYSDOH on a quarterly basis.

ATTACHMENT E
Structures of Lab Processing Files

**New York State Department of Health
Bureau of Environmental Radiation Protection
Radon Detector System
Names and Structures of Lab Processing Files**

Purpose: This document explains each of the files used to process Radon detectors.

File Types: Each file described below is sent to the lab or received from the lab. File format is CSV.

File: 1

Order File: Once a week, the orders are exported and emailed to the contract vendor. People who order more than one detector will have duplicate records.

File name: OrderFile.csv

	Data Element	Description
1	Order ID	Order id is an identifier used to link records between DOH and the lab. It is auto assigned by the system when the order form is processed.
2	Site ID	Site ID generated in the system and unique combination of Site Address & location
3	First Name	The first name of the person ordering the detector.
4	Last Name	The last name of the person ordering the detector.
5	Mailing Address 1	First Address line to use for mailing the detector.
6	Address 2	Second address line to use for mailing the address. This can be blank.
7	City	City to use for mailing the detector.
8	State	State to use for mailing the detector.
9	Zip	Zip Code to use for mailing the detector.

File: 2

Mail File: The laboratory sends the file with information on people who have been mailed a Radon detector back to the program.

	Data Element	Description
1	Order ID	Order id from the corresponding entry in the OrderFile. csv file
2	Site ID	Site ID generated in the system and unique combination of Site Address & location
3	First Name	The first name of the person ordering the detector.
4	Last Name	The last name of the person ordering the detector.
5	Mailing Address 1	First Address line to use for mailing the detector.
6	Address 2	Second address line to use for mailing the address. This can be blank.
7	City	City to use for mailing the detector.
8	State	State to use for mailing the detector.
9	Zip	Zip Code to use for mailing the detector.
10	Device #	Number on the device mailed to the recipient. Number is assigned by the lab and affixed to the detector
11	Mail Date	Date on which detector was mailed. [mm/dd/yyyy]

File:3

Result File: DOH receives the file from the laboratory with detector testing results.

	Data Element	Description
1	Order ID	Order id from the corresponding entry in the OrderFile.csv file
2	Site ID	Site id from the corresponding entry in the Mail File.
3	Site - First Name	The first name of the person who used the detector.
4	Site - Last Name	The last name of the person who used the detector.
5	Site - Test Site Address 1	First Address line to where detector was used.
6	Site - Address 2	Second address line where detector was used. This can be blank.
7	Site - City	City where detector was used.
8	Site - State	State where detector was used.
9	Site - Zip	Zip Code where detector was used.
10	Device #	Unique id on the detector used for testing.
11	Start Date	Date the detector was started. [mm/dd/yyyy]
12	Stop Date	Date the detector was stopped. [mm/dd/yyyy]
13	Analysis Date	Date the detector was analyzed [mm/dd/yyyy]
14	Result	Test result
15	Location	Place where the detector was tested