

**Questions and Answers for Request for Proposals # 20050 –
New York State Physician Profile for the New York State Department of Health:
Office of Professional Medical Conduct
March 21, 2022**

Q: 1. In addition to designating which information is proprietary as required, to decrease burden on the State, may we submit a redacted PDF for release during FOIL requests in addition to an unredacted copy used for evaluation?

A: Yes, the redacted version will be accepted or honored during FOIL determinations.

Q: 2. What is the file size limit that can be received via email?

A: 20MB

Q: 3. Section 4.1.1 – “Host and Maintaining the Physician’s Self Reporting Web Application and Public Web Site.”

Are there any requirements about where the data is residing? United States? Continental United States? Etc.

A: Yes, the Department of Health requires that data, inclusive of any back-ups, be required to reside within the Continental United States.

Q: 4. Section 4.1.1b - “The Contractor will host the database server, web server and physician profile application.”

We would like to clarify the definition of “host” specifically as it relates to software as a service (SaaS) cloud computing which might be applicable for parts of the solicitation. If a cloud computing service is potentially acceptable for relevant parts of the service, are there any requirements for where a database server, web server or physician profile application must be?

For instance, North America, United States or Continental United States (CONUS)?

A: Yes, the Department of Health requires that data, inclusive of any back-ups, be required to reside within the Continental United States.

Q: 5. Section 4.4.e – “The Contractor will indemnify the State from any lawsuits relating to inaccurate data...”

Section 5.8 – Contact Insurance Requirements

The 2022 No Surprises Act from CMS includes provisions where an entity may be fined for inaccurate provider directory data. Does the NYSDOH believe that this Act includes the NYS Physician Profile and, if so, is there indemnification language to cover this?

A: The Department does not believe that any of the provisions of the No Surprises Act, Title I of Division BB of the federal Consolidated Appropriations Act of 2021, and in particular, Section 116 – Protecting patients and improving the accuracy of provider director information, is applicable to the New York State Physician Profile.

Q: 6. Section 4.4.h – “All data collected by the Contractor...all systems developed...shall be the exclusive property of the Department”

Section 5.21 – Intellectual Property

We would like to clarify that in the event commercial off the shelf software (COTS) is used for parts of the procurement that it would only be any customizations which are specifically for the Department would be the exclusive property of the Department? General improvements to any COTS software that inure to others would not fall under these sections?

A: Yes, customizations would be the Department’s property and improvements would not fall under Section 5.21.

Q: 7. The NYS Office of General Services Procurement Services IT Umbrella Contract addressed several questions and issues as it relates to cloud computing or software as a service. While we understand this is not an RFQ, (and not part of that contract), some the questions presented in their June 15, 2021 session appear relevant to parts of this procurement.

Is there any further or general comment by the NYSDOH on software as a service as it relates to this procurement?

A: No.

Q: 8. As noted in the RFP on page 23, Section 5.5, (paragraph 1), the overall goal for MWBE participation is 0%. Can the Department confirm that vendors need to document “good faith effort” regarding use of MWBE’s?

A: Yes.

Q: 9. Will the State please provide a copy of the Business Associate Agreement (Appendix H) and Data Use Agreement (DUA)?

A: These copies will be provided to the awarded Contractor.

Q. Is the noted number of licensed physicians the current number?

A: No, as of 7/1/2021, there are 105,000.

Q: 10. Can the State specify what statutory changes may occur as referenced in the RFP on Page 8, Section 4.1, #4 Tasks-Deliverables?

A: No, this is unknown at this time.

Q: 11. Can the State specify the other possible data sources that may need to be accepted and translated?

A: No, this is unknown at this time.

Q: 12. Can the State specify what other data feeds and changes might occur over the life of the contract as referenced in this RFP on Page 9, Section 4.1.1.e

A: No, although there may be future data feeds and changes over the course of this 10-year contract, the Department is unable to predict these at this time.

Q: 13. On Page 5, Section 2.1, (2nd paragraph), are the number of requests by physicians for a hard copy of their survey the most current numbers?

A: No, the current number is 975 requests.

Q: 14. On Page 11, Section 4.1.2.e of the RFP, are the number of physicians who return their review copy with corrections the most current numbers?

A: This information is not available. The number of review copies that were sent to physicians last year is 748.

Q: 15. It is noted in this RFP that a physician's malpractice claim payment must be posted the next business day if a physician fails to respond to the certified severity letter. However, the law requires a Medical Malpractice Review letter be sent to the physician to offer an appeal before posting. Can the State please clarify this requirement?

A: If a physician fails to respond to the severity letter, a Medical Malpractice Review Copy letter will be sent. If they do not respond to the review copy letter, the claim will be posted the next business day.

Q: 16. Can the turnover training be administered in a remote environment?

A: Yes.

Q: 17. The Cost Proposal attachment does not accurately reflect the proposed terms in the RFP and the relevant RFP section related to each cost proposal category. Can the State provide a revised version?

A: Yes, please see revised Attachment B posted on the DOB website.

Q: 18. Please confirm that the billable unit associated with Maintaining and Updating Physician Profile Records and Monthly Call Center Operation is a fixed price per month.

A: Yes, this is a fixed price per month.

Q: 19. For prices quoted as monthly, should vendors quote the monthly or annual price in each column?

A: Monthly