

**Request for Proposals**  
**RFP #20085**  
**Drug and Diabetic Supply Rebate Administration and Management Services**

**AMENDMENT #1**

**November 24, 2021**

The following are official modifications, which are hereby incorporated into RFP #20085: Drug and Diabetic Supply Rebate Administration and Management Services.

Deleted language appears in strikethrough (“~~xxx~~”) and added language appears in red text.

The information contained in this amendment prevails over the original RFP language.

Bidders should review all documents in their entirety to ensure all amended language is incorporated into proposals.

**4.4 Performance Standards**

The Contractor shall meet all requirements in this RFP. Specific performance standards, as well as the damages that will be applied if those standards are not met, are detailed in Attachment G. Full payment shall be made on each invoice upon State review and determination that the Contractor has performed in accordance with the performance standards in Attachment G and other duties and responsibilities as set forth in this RFP.

In the event the Contractor fails to comply with the performance standards provided in Attachment G of this RFP, the State may assess liquidated damages as specified in Attachment G.

Any notice required by this Contract to be given between the Contractor and the State shall be sent to the Department’s designated contact and the Contractor’s designated Project Director for the Contract as a formal transmittal delivered via e-mail return receipt required.

Without additional cost to the Department, and as a material condition of the Contract, the Contractor must furnish, for the period of one year to be automatically extended, without amendment, for additional one year periods from the expiration date, for the duration of the contract (including any extensions), unless notice to not extend is sent by the financial institution at least ninety (90) days prior to the expiration date, an irrevocable Standby Letter of Credit (SLOC) for the benefit of the Department in the amount of 5% of the bid total for the initial ~~five~~ **six** year contract period as proposed in the Financial Proposal. In the event of notice of non-extension, the Department may draw upon the full amount. The SLOC shall be issued by a financial institution (“Issuer”) licensed to do business under the laws of the State of New York. The Issuer shall be subject to the approval of the Department. The form for the SLOC shall be subject to the approval of the Department. The Contractor must provide a draft SLOC to the Department within ten (10) business days of notice from the Department of contract approval. Failure to provide the draft SLOC to the Department within ten (10) business days of such notice will constitute grounds for termination for cause. The executed SLOC must be provided to the Department within ten (10) business days of the Department’s approval of the draft SLOC. The Department reserves the right to extend the due date for the executed SLOC based on circumstances the Department determines to be reasonable. Failure to provide the final SLOC to the Department within ten (10) business days of such notice will constitute grounds for termination for cause. The SLOC must contain a provision that satisfies the following requirement:

No Contingent Obligations: The obligations of Issuer under the SLOC shall in no way be contingent upon reimbursement by the Contractor.

The SLOC must provide funds to the Department for any liability, loss, damage or expense as a result of the Contractor's failure to perform fully and complete all requirements of the Contract. Such requirements include, but are not limited to, the Contractor's obligation to pay liquidated damages, indemnify the Department under circumstances identified in the contract, and the Contractor's obligation to perform contractually required services throughout the entire term of the Contract. The SLOC shall also provide that the bank where the drafts are drawn must be located within New York State or provide for drawings to be by tele facsimile.

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## **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 [File Your Vendor Responsibility Questionnaire | Office of the New York State Comptroller](#) or go directly to the VendRep System online at [New York State Comptroller - Online Services](#)

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](mailto:ciohelpdesk@osc.state.ny.us).

Vendors opting to complete and submit a paper questionnaire can obtain the appropriate questionnaire from the VendRep website, [The VendRep System | Office of the New York State Comptroller](#) 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. 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."

F. Bidder's Certified Statements

Submit Attachment 7, "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 7 or no Attachment 7.

G. 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.

H. [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 of 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.

I. **References**

**Provide references using Attachment 9, (References) three similar engagements. Provide firm names, addresses, contact names, telephone numbers, and email addresses.**

J. 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.

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**Attachment A -Proposal Document Checklist** is amended to include MWBE Forms 4 and 5.

# ATTACHMENT A

## PROPOSAL DOCUMENT CHECKLIST

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

RFP 20085 – Drug and Diabetic Supply Rebate Administration and Management Services		
FOR THE ADMINISTRATIVE PROPOSAL		
RFP §	SUBMISSION	INCLUDED
§ 6.1.A	Attachment 1 – Bidder’s Disclosure of Prior Non-Responsibility Determinations, completed and signed.	<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.ED	Attachment 4 - Vendor Assurance of No Conflict of Interest or Detrimental Effect	<input type="checkbox"/>
§ 6.1.FE	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	<input type="checkbox"/>
§ 6.1.HF	Attachment 7 - Bidder’s Certified Statements, completed & signed.	<input type="checkbox"/>
§ 6.1.G	Attachment 6- Encouraging Use of New York Businesses	<input type="checkbox"/>
§ 6.1.HH	Attachment 10 - Diversity Practices Questionnaire	<input type="checkbox"/>
§ 6.1.I	Attachment 9 – References	<input type="checkbox"/>
§ 6.1.KJ	Attachment 11 - Executive Order 177 Prohibiting Contracts with Entities that Support Discrimination	<input type="checkbox"/>
FOR THE TECHNICAL PROPOSAL		
RFP §	SUBMISSION	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 (Requirement)	<input type="checkbox"/>
§ 6.2.D	Technical Proposal Narrative	<input type="checkbox"/>
§ 6.2.E	Attachment C-Proposed Rebate Savings Form	<input type="checkbox"/>
§ 6.2.E-F	Attachment K-System Overview	<input type="checkbox"/>
FOR THE COST PROPOSAL REQUIREMENT		
RFP §	REQUIREMENT	INCLUDED
§ 6.3	Attachment B- Cost Proposal	<input type="checkbox"/>

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**Attachment B -Cost Proposal** is amended to include Year 6 rates. Please see the updated Cost Proposal-Revised.

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**Attachment C-Estimate of Expected Rebate Savings (TP Form-1)** is amended to report an aggregate value. Please see the updated TP Form-1-Revised.

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**Attachment 7-Bidder's Certified** Statements is amended. Please see the updated Attachment 7-Revised 11-23-21.pdf. .