



# Department of Health

## Request for Proposals

RFP # 20161

### Commodity Supplemental Food Program (CSFP) Management Information System

**Issued: September 28, 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.

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**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.

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# 1.0 CALENDAR OF EVENTS

RFP #20161– CSFP MANAGEMENT INFORMATION SYSTEM	
<u>EVENT</u>	<u>DATE</u>
Issuance of Request for Proposals	September 28, 2022
Deadline for Submission of Written Questions	October 12, 2022 by 5:00 p.m. ET
Responses to Written Questions Posted by DOH	Responses Posted On or About October 26, 2022
Deadline for Submission of Proposals	Proposals Due On OR Before November 9, 2022 by 5:00 p.m. ET
<u>Anticipated</u> Contract Start Date	July 1, 2023

## 2.0 OVERVIEW

Through this Request for Proposals (“RFP”), the New York State (“State”) Department of Health (“DOH”) is seeking competitive proposals from qualified Bidders to provide a hosted commercial off-the-shelf solution (COTS) to support the Commodity Supplemental Food Program (CSFP) 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 Commodity Supplemental Food Program (CSFP) is an emergency food distribution program specifically targeting low-income adults 60 years of age and older. The program is designed to meet the unique nutritional needs of participants by supplementing diets with a monthly package of healthy, nutritious USDA commodities. CSFP aims to prevent vulnerable older adults at high risk for food insecurity and nutrition-related diseases from having to choose between spending their limited resources on food versus other basic needs.

The CSFP was created in 1969 in recognition of the critical importance of nutrition in an overall national public health agenda. The U.S. Department of Agriculture (USDA), Food and Nutrition Service (FNS) administers CSFP at the national level, while the New York State Department of Health implements the CSFP at the state level. New York State has the largest CSFP in the Northeast region and the 6<sup>th</sup> largest CSFP in the nation, serving approximately 36,000 participants each month through 4 local providers at approximately 150 service sites. In NYS, CSFP services are solely provided in the New York City and Long Island areas due to limited funding and caseload assignment prescribed by the USDA.

The USDA provides food commodities and administrative funds to the Department to support CSFP’s nutrition, fiscal and recordkeeping requirements. In turn, the Department establishes contracts with local agencies to certify eligible individuals to receive program services; and receive, store and maintain inventory of USDA commodities for food package distribution to low-income participants. To uphold program regulations and oversight responsibilities, the Department purchased a Commercial Off-The Shelf (COTS) solution in 2019.

The current system handles program participation, participant eligibility requirements, real-time records of food distribution and monthly food packages, inventory management responsibilities for the receipt and distribution of \$10M of USDA commodities, federal reporting requirements, and detection of fraud and abuse to ensure

participants only receive one food package per month.

The Department seeks to procure a robust web-based COTS to handle participant certification, food issuance, inventory management, compliance monitoring and reporting capabilities.

## 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 7](#), 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

The term of the agreement will be for a period of five (5) years commencing on 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.

- The Bidder must have experience operating a Commercial Off The Shelf (COTS) web-based software solution for a minimum of one (1) year.
- The Bidder must have two (2) years of experience licensing and hosting a COTS web-based inventory management software solution in the food industry.
- The Bidder must have two (2) years of experience providing training and technical support for a COTS web-based inventory management software solution in the food industry.

Experience acquired concurrently is considered acceptable.

For the purposes of this RFP, a prime contractor is defined as one who has the contract with the owner of a project or job and has full responsibility for its completion. A prime contractor undertakes to perform a complete contract and may employ (and manage) one or more subcontractors to carry out specific parts of the contract. Failure to meet these Minimum Qualifications will result in a proposal being found non-responsive and eliminated from consideration.

## 3.2 Preferred Qualifications

Bidders that demonstrate the following experience in its entirety are preferred:

- Preferred bidders should have one (1) year of experience operating a COTS web-based inventory management software solution with the following modules: Participant Certification, Food Issuance, and Inventory Management. (Experience acquired concurrently is considered acceptable)

## 4.0 SCOPE OF WORK

This Section describes the hosted technology and support 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.

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.

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

Support includes updates, patches and repairs, defect resolution, software upgrades, operating system updates, mobile hardware releases, technical support, and program configuration changes needed to stay current with program policy updates during the term of the contract. CSFP’s application operates 24 hours a day, 7 days a week, 365 days a year. The Contractor will ensure the daily access of users and full functioning of the management information system.

### 4.1 Tasks/Deliverables

The Department seeks a hosted COTS solution that offers modules for participant certification, food issuance and inventory management. The solution must capture and process participant eligibility and certification information, track statewide inventory, maintain a list of all CSFP food distribution sites where participants receive food packages, record monthly food package issuance, and meet federal reporting requirements. Accordingly, the solution and contractor shall meet the requirements in **Attachment 14 - Solution and Contractor Requirements**.

#### 4.1.1 Account Management and Access Control

Account management and access control includes the process of requesting, creating, issuing, modifying and disabling user accounts; enabling and disabling access to resources and applications; establishing conditions for group and role membership; tracking accounts and their respective access authorizations; and managing these functions. The Account Management and Access Control capability must ensure that users receive authorization from the Department prior to receiving access to the system, in accordance with NYS-S14-013 Account Management/Access Control Standard (<http://its.ny.gov/eiso/policies/security>). The users must authenticate in the solution prior to conducting business online with the CSFP. The users must be able to reset their password(s) and update contact information as needed.

Refer to Attachment 14-Solution and Contractor Requirements ID#’s 1-3 for additional details.

#### 4.1.2 Users/User Interface

Up to 150 users from CSFP local providers and the State will access the system. The COTS solution must be supported on standard desktop and laptop computers, and at least one major browser and mobile platform to allow access to the software while in the field and regional offices.

Major browsers included but not limited to:

- Edge
- Google Chrome
- Mozilla Firefox
- Safari

Refer to Attachment 14-Solution and Contractor Requirements ID#'s 4-5 for additional details.

#### 4.1.3 General Maintenance and Operation Requirements

The Contractor must ensure the COTS solution is fully functional (meeting all of the elements and requirements in this Scope of Work and Attachment 14 – Solution and Contractor Requirements); monitor and investigate issues; provide tracking and reporting of application issues; deliver updates and fixes as needed; update all needed written and online training materials with solution changes; and provide technical assistance to CSFP local providers and the State as needed.

Refer to Attachment 14-Solution and Contractor Requirements ID#'s 6-19 for additional details.

#### 4.1.4 Participant Eligibility and Certification

The Participant Eligibility and Certification capability must allow local agencies to assess non-participants CSFP eligibility through a web-based, pre-screening module and application process. The software must capture and verify program eligibility status using categorical, residency and income eligibility guidelines. Income eligibility guidelines are updated annually. Guidelines for 2022 can be found here: [CSFP Memorandum - 2022 Income Guidelines \(azureedge.us\)](#). Enrollment dates, certification periods and contact information for program participants must be maintained.

Refer to Attachment 14-Solution and Contractor Requirements ID#'s 20-46 for additional details.

#### 4.1.5 Inventory Management

The Inventory Management capability must allow the Department to track approximately twelve (12) million pounds of United States Department of Agriculture (USDA) commodities delivered to a central warehouse and up to five (5) other locations annually. The software must track commodities distributed by the central warehouse to up to five (5) other locations, commodities transferred between local agencies, and commodities distributed to approximately 36,000 participants each month. The software must capture real-time inventory levels including increasing commodity levels as they are received and receipted from USDA, deducting commodities from available inventory as they are issued to program participants, and allow editing of commodities when incorrect units or cases were entered into the system.

Refer to Attachment 14-Solution and Contractor Requirements ID#'s 47-59 for additional details.

#### 4.1.6 Food Distribution Sites

The Food Distribution Sites capability must track the locations of all permanent and mobile site locations where program participants receive monthly food packages to include site name, address, city, state, zip code and phone number. The capability must allow Department staff and local agency system and network administrators, defined as those with the highest level of permissions, the ability to create, view and edit site profile information for CSFP food distribution sites.

Refer to Attachment 14-Solution and Contractor Requirements ID# 60 for additional details.

#### 4.1.7 Food Package Issuance

The Food Package Issuance capability must track the date and location of food packages issued to program participants and include the type and quantity of each commodity distributed. The software must allow local agency

system and network administrators to group commodities into food packages based on available inventory and assign them to program participants on the date of food distribution. The software must also allow system and network administrators the ability to edit a food package if the incorrect commodity was issued.

Refer to Attachment 14-Solution and Contractor Requirements ID#'s 61-71 for additional details.

#### 4.1.8 Dual Participation

The Dual Participation capability must allow users to search participants by last name, first name, date of birth, address, participant ID and certification status to ensure there is no duplication. The software must alert the user if a participant has already been issued a food package for the calendar month and prevent another issuance in the same calendar month.

Refer to Attachment 14-Solution and Contractor Requirements ID#'s 72-73 for additional details.

#### 4.1.9 System Generated Report Capabilities

The Reporting capability must provide real-time, parameter-driven reports for caseload and inventory transactions during specific reporting periods, as well as ad-hoc statistical reports by age, gender, ethnicity, city, county, zip code, household income and certification status. The software must show commodities received and issued by each organization, provide mapping capabilities that offer a visual distribution of CSFP sites and participants served by organization and county, and provide a report of participants who did not pick up their monthly food package.

Refer to Attachment 14-Solution and Contractor Requirements ID#'s 74-81 for additional details.

#### 4.1.10 Training

The Contractor will provide training to all users which will include:

- An up-to-date test site that mirrors the production site where new users can train and practice performing key functions related to participant certification, food issuance and inventory management
- User manuals, instructions and pre-recorded online trainings for accessing the system, adding/deleting user accounts, adding/deleting mobile site locations, certifying a program participant, issuing food packages, commodity receipting and inventory management within the system
- Up to 3 (two-hours in duration each) live web-based training sessions for network administrators per year

Refer to Attachment 14-Solution and Contractor Requirements ID#'s 82-85 for additional details.

#### 4.1.11 Support

The Contractor will provide support to all users which will include:

- A ticketing system to track and resolve system issues within 24-48 hours, as well as to identify user/system trends for up to 150 users.

Contractor staff who assist with ticket support services will be available from 7:00 am to 7:00 pm EST, Monday through Friday. Staff will not be available on the following holidays:

- New Year's Day
- Dr. Martin Luther King, Jr Day
- Presidents' Day
- Memorial Day
- Juneteenth
- Independence Day
- Labor Day
- Columbus Day
- Veterans' Day



- Thanksgiving Day
- Christmas Day

The Contractor must ensure that support tickets are resolved within 24-48 hours when participant certification, commodity issuance or receipt of inventory are impacted.

Failure of the contractor to meet problem resolution timeframes may result in a penalty or a withholding that will range from \$1,000-\$5,000 per occurrence depending on the severity and impact as determined by the Department.

Refer to Attachment 14-Solution and Contractor Requirements ID#'s 86-92 for additional details.

## 4.2 Staffing

The Contractor must identify in their proposal an Account Manager(s) dedicated to managing this contract, coordinating and/or providing training and support to new users, and providing remote support services to handle IT issues as they arise. At a minimum, technical support must be available during the hours of 7:00 am – 7:00 pm EST, Monday through Friday. The Account Manager(s) will have the authority to speak for the Contractor and will be the primary person with whom the DOH conducts all business-related tasks to be performed under this contract. Examples of these tasks may include, but are not limited to, communication regarding system upgrades and assistance with Help Desk tickets. It is expected that the Account Manager(s) will have the ability to quickly resolve problems that arise during the contract period. The Account Manager(s) will participate in transition activities as outlined in Section 4.6 below.

## 4.3 Reporting

On a monthly basis, the Contractor will be required to submit the following reports with its voucher package:

- Number of IT tickets submitted by organization, status (open, closed) and applicable resolution

It is expected that the information presented in the report will be “clean” (i.e., data is in a consistent and usable format), visually attractive, and approved by the department. The report listed above should reflect the monthly activity in support of the voucher being submitted. Additionally, the DOH may request periodic ad hoc reports (Example: Number of Enrolled Participants in a Specific County/Borough) which the contractor must provide within a mutually agreed upon time frame.

## 4.4 Information Technology

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

## 4.5 Security

The contractor must ensure that they are in compliance with all applicable New York State security policies and standards (the list below highlights the most pertinent items):

- All policies and standards defined in the New York State ITS security policies and standards (<http://its.ny.gov/eiso/policies/security>), including, but not limited to:

- NYS-P03-002 – Information Security Policy,
- NYS-P10-006 – Identity Assurance Policy,
- NYS-S13-001 – Secure System Development Life Cycle Standard,
- NYS-S13-002 – Secure Coding Standard (if applicable),
- NYS-S13-004 – Identity Assurance Standard,
- NYS-S14-003 – Information Security Controls Standard,

- NYS-S14-005 – Security Logging Standard,
- NYS-S14-007 – Encryption Standard,
- NYS-S15-008 – Secure Configuration Standard
- NYS-S14-013 – Account Management / Access Control Standard
- NYS-S15-001 – Patch Management Standard (if applicable) and
- NYS-S15-002 – Vulnerability Scanning Standard

The contractor’s organization, employees, subcontractors and volunteers will implement and maintain policies, an internal control process for oversight and monitoring and procedures to assure the confidentiality of personal identifiable data and protected health information.

The contractor may be required to utilize the State’s system for user authentication, known as NY.gov ID (<https://www.ny.gov/services/get-my-nygov-id>). Internal and external users create a NY.gov ID account to log into the solution provided by the contractor. The solution shall authenticate users through their NY.gov ID account; this will leverage integration between the solution and the NY.gov ID identity provider using either Security Assertion Markup Language (SAML) v2.0 or Open ID Connect. Either method is acceptable.

Refer to Attachment 14-Solution and Contractor Requirements ID#’s 93-96 for additional details.

## 4.6 Transition

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

The Contractor shall ensure that any transition to the Department, Departmental agency or successor Contractor be done in a way that provides the Department with uninterrupted CSFP management information system services. This includes a complete and total transfer of all data, files, reports, and records generated from the inception of the contract through the end of the contract to the Department or another Department agent should that be required during or upon expiration of its contract.

The Contractor shall provide technical and business process support as necessary and required by the Department to transition and assume contract requirements to the Department or another Department agent should that be required during or at the end of the contract.

The Contractor shall manage and maintain the Account Manager and staff who assist with ticket support services to meet all requirements listed in the RFP during the transition. All reporting and record requirements, security standards, and performance standards are still in effect during the transition period.

The Contractor is required to develop a work plan and timeline to securely and smoothly transfer any data and records generated from the inception of the Contract through the end of the contract to the Department or another Department agent should that be required during or upon expiration of its contract. The plan and documentation must be submitted to the Department no later than four (4) months before the last day of its contract with the Department of Health or upon request of the Department.

Refer to Attachment 14-Solution and Contractor Requirements ID#’s 97-98 for additional details.

## 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 [csfp@health.ny.gov](mailto:csfp@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 [csfp@health.ny.gov](mailto:csfp@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](mailto:AccountsPayable@ogs.ny.gov) with a subject field as follows:

Subject: **Unit ID 3450272; Contract No. TBD**

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

**NYS Department of Health  
Unit ID 3450272  
c/o NYS OGS BSC Accounts Payable  
Building 5, 5th Floor  
1220 Washington Ave.  
Albany, NY 12226-1900**

On a monthly basis, the Contractor will be required to submit the following reports with its voucher package:

- Number of IT tickets submitted by organization, status (open, closed) and applicable resolution

Payment for invoices and/or vouchers submitted by the CONTRACTOR shall only be rendered electronically unless payment by paper check is expressly authorized by the Commissioner, in the Commissioner's sole discretion, due to extenuating circumstances. Such electronic payment shall be made in accordance with ordinary State procedures and practices. The CONTRACTOR shall comply with the State Comptroller's procedures to authorize electronic payments. Authorization forms are available at the State Comptroller's website at <https://www.osc.state.ny.us/state-vendors> by email at [epayments@osc.state.ny.us](mailto: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 <https://www.osc.state.ny.us/state-vendors>.

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

**NYS Office of the State Comptroller  
Bureau of Accounting Operations  
Warrant & Payment Control Unit  
110 State Street, 9<sup>th</sup> 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:

Monthly invoices and supporting documentation due close of business thirty (30) days after the end of the reporting period.

## **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.

#### Business Participation Opportunities for MWBEs

For purposes of this solicitation, DOH hereby establishes an overall goal of **30%** for MWBE participation, **15%** for Minority-Owned Business Enterprises (“MBE”) participation and **15%** for Women-Owned Business Enterprises (“WBE”) participation (based on the current availability of qualified MBEs and WBEs and outreach efforts to certified MWBE firms). A contractor (“Contractor”) on the subject contract (“Contract”) must document good faith efforts to provide meaningful participation by MWBEs as subcontractors or suppliers in the performance of the Contract and Contractor agrees that DOH may withhold payment pending receipt of the required MWBE documentation. For guidance on how DOH will determine “good faith efforts,” refer to 5 NYCRR §142.8.

The directory of New York State Certified MWBEs can be viewed at: <https://ny.newnycontracts.com>. The directory is found in the upper right hand side of the webpage under “Search for Certified Firms” and accessed by clicking on the link entitled “MWBE Directory”. Engaging with firms found in the directory with like product(s) and/or service(s) is strongly encouraged and all communication efforts and responses should be well documented.

By submitting a bid, a Bidder agrees to complete an MWBE Utilization Plan ([Attachment 5](#), Form #1) of this RFP. DOH will review the submitted MWBE Utilization Plan. If the plan is not accepted, DOH may issue a notice of deficiency. If a notice of deficiency is issued, Bidder agrees that it shall respond to the notice of deficiency within seven (7) business days of receipt. DOH may disqualify a Bidder as being non-responsive under the following circumstances:

- a) If a Bidder fails to submit a MWBE Utilization Plan;
- b) If a Bidder fails to submit a written remedy to a notice of deficiency;
- c) If a Bidder fails to submit a request for waiver (if applicable); or
- d) If DOH determines that the Bidder has failed to document good-faith efforts;

The Contractor will be required to attempt to utilize, in good faith, any MBE or WBE identified within its MWBE Utilization Plan, during the performance of the Contract. Requests for a partial or total waiver of established goal requirements made subsequent to Contract Award may be made at any time during the term of the Contract to DOH, but must be made no later than prior to the submission of a request for final payment on the Contract.

The Contractor will be required to submit a Contractor’s Quarterly M/WBE Contractor Compliance & Payment Report to the DOH, by the 10<sup>th</sup> day following each end of quarter over the term of the Contract documenting the progress made toward achievement of the MWBE goals of the Contract.

If the Contractor is found to have willfully and intentionally failed to comply with the MWBE participation goals set forth in the Contract, such finding will constitute a breach of Contract and DOH may withhold payment from the Contractor as liquidated damages.

Such liquidated damages shall be calculated as an amount equaling the difference between: (1) all sums identified for payment to MWBEs had the Contractor achieved the contractual MWBE goals; and (2) all sums actually paid to MWBEs for work performed or materials supplied under the Contract.

New York State certified Minority- and Women-Owned Businesses (M/WBE) may request that their firm’s contact information be included on a list of M/WBE firms interested in serving as a subcontractor for this procurement. The listing will be publicly posted on the Department’s website for reference by the bidding community. A firm requesting inclusion on this list should send contact information and a copy of its NYS M/WBE certification to [csfp@health.ny.gov](mailto:csfp@health.ny.gov) before the Deadline for Questions as specified in [Section 1.0](#) (Calendar of Events). Nothing prohibits an M/WBE Vendor from proposing as a prime contractor.

**Please Note: Failure to comply with the foregoing requirements may result in a finding of non-responsiveness, non-responsibility and/or a breach of the Contract, leading to the withholding of funds,**

**suspension or termination of the Contract or such other actions or enforcement proceedings as allowed by the Contract.**

## **5.6 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.

## **5.7 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](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](http://www.tax.ny.gov/pdf/current_forms/st/st220td_fill_in.pdf)

## 5.8 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.

### 5.8.1 Professional Liability

The Contractor shall procure and maintain for the duration of the contract insurance against claims for damages to Department property which may arise from or in connection with the performance of the work carried out by the Contractor, or its subcontractors.

The Contractor shall maintain said insurance at the limit of \$1,000,000 per occurrence or claim, \$2,000,000 aggregate.

### 5.8.2 Data Breach and Privacy/Cyber Liability including Technology Errors and Omissions, etc.

The Contractor and any subcontractor retained by the Contractor shall carry and maintain applicable coverage during and for a period of two (2) years after termination of this contract, Data Breach and Privacy/Cyber Liability Insurance, including coverage for failure to protect confidential information and failure of the security of the Contractor's computer systems or the Department's Authorized Users' systems due to the actions of the Contractor which results in the unauthorized access to the Department's data.

The Contractor shall maintain said insurance at the limit of \$5,000,000 to provide coverage for damages arising from, but not limited to the following: • Breach of duty to protect the security and confidentiality of nonpublic proprietary information; • Personally identifiable nonpublic information (e.g., medical, financial, or personal in nature in electronic or non-electronic form); • Privacy notification costs; • Regulatory defense and penalties; • Website media liability; and • Cyber theft of the Department's property, including but not limited to money and securities.

If the policy is written on a claims made basis, the Contractor must submit to the Department an Endorsement providing proof that the policy provides for the purchase an Extended Reporting Period ("tail coverage") to provide coverage for no less than three (3) year after termination of the contract.

## 5.9 Subcontracting

Bidder's may propose the use of a subcontractor. The Contractor shall obtain prior written approval from NYSDOH before entering into an agreement for services to be provided by a subcontractor. The Contractor is solely responsible for assuring that the requirements of the RFP are met. All subcontracts shall contain provisions specifying that the work performed by the subcontractor must be in accordance with the terms of the prime contract, and that the subcontractor specifically agrees to be bound by the confidentiality provisions set forth in the agreement between the DOH and the Contractor. DOH reserves the right to request removal of any Bidder's staff or subcontractor's staff if, in DOH's discretion, such staff is not performing in accordance with the Agreement. Subcontractors whose contracts are valued at or above \$100,000 will be required to submit the Vendor Responsibility Questionnaire upon selection of the prime contractor.

## 5.10 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.

## 5.11 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.

## 5.12 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.

### **5.13 State Finance Law Consultant Disclosure Provisions**

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

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

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

### **5.14 Debriefing**

Pursuant to Section 163(9)(c) of the State Finance Law, any unsuccessful Bidder may request a debriefing regarding the reasons that the proposal or bid submitted by the Bidder was not selected for award. Requests for a debriefing must be made within fifteen (15) calendar days of release of the written or electronic notice by the Department that the Bid submitted by the Bidder was not selected for award. Requests should be submitted in writing to a designated contact identified in the award/non-award letter.

## 5.15 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/>

## 5.16 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/regsg/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.

## 5.17 Piggybacking

New York State Finance Law section 163(10)(e) (see also <https://ogs.ny.gov/procurement/piggybacking-using-other-existing-contracts-0>) 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.

## 5.18 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.

## 5.19 Diversity Practices Questionnaire

Diversity practices are the efforts of contractors to include New York State-certified Minority and Women-owned Business Enterprises ("MWBEs") in their business practices. Diversity practices may include past, present, or future actions and policies, and include activities of contractors on contracts with private entities and governmental units other than the State of New York. Assessing the diversity practices of contractors enables contractors to engage in meaningful, capacity-building collaborations with MWBEs.

## **5.20 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](mailto:VeteransDevelopment@ogs.ny.gov) to discuss methods of maximizing participation by SDVOBs on the Contract.

## **5.21 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.

## **5.22 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 RFP 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.

## **5.23 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.

## **5.24 Executive Order 16 Prohibiting Contracting with Entities Conducting Business Operations in Russia**

All Bidders responding to this solicitation should submit [Attachment 12](#) certifying the status of their business operations in Russia, if any, pursuant to Executive Order 16.

## 6.0 PROPOSAL CONTENT

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

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

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

### 6.1 Administrative Proposal

The Administrative Proposal should contain all items listed below. 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 [www.osc.state.ny.us/vendrep](http://www.osc.state.ny.us/vendrep) or go directly to the VendRep System online at [www.osc.state.ny.us/vendrep](http://www.osc.state.ny.us/vendrep).

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 [itservicedesk@osc.ny.gov](mailto:itservicedesk@osc.ny.gov).

Vendors opting to complete and submit a paper questionnaire can obtain the appropriate questionnaire from the VendRep website, [www.osc.state.ny.us/vendrep](http://www.osc.state.ny.us/vendrep). 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. 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 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](#).

H. References

Provide three (3) references using [Attachment 9](#) "References", of firms you provided services of comparable scale and scope as described in this RFP. Provide firm names, addresses, contact names, telephone numbers, and email addresses.

I. 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.

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.

K. Executive Order 16 Prohibiting State Agencies and Authorities from Contracting with Businesses Conducting Business in Russia

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

## 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.

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

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

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

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 3.1 Minimum Qualifications of the RFP.

The Bidder must submit **Attachment 13 – Minimum Bidder Qualifications** and documentation that provides sufficient evidence of meeting the criterion below.

1. Minimum Qualifications

- The Bidder must have experience operating a Commercial Off The Shelf (COTS) web-based software solution for a minimum of one (1) year.
- The Bidder must have two (2) years of experience licensing and hosting a COTS web-based inventory management software solution in the food industry.
- The Bidder must have two (2) years of experience providing training and technical support for a COTS web-based inventory management software solution in the food industry.

Experience acquired concurrently is acceptable.

Preferred Qualifications

- Preferred bidders should have one (1) year of experience operating a COTS web-based inventory management software solution with the following modules: Participant Certification, Food Issuance, and Inventory Management. (Experience acquired concurrently is acceptable)

The Bidder should provide documentation that provides sufficient evidence of meeting the preferred qualification in its entirety and this should be further described in the below referenced Attachment B – Technical Proposal Narrative.

D. Technical Proposal Narrative

The technical proposal (**Attachment B – Technical Proposal Narrative**) should provide satisfactory evidence of the Bidder's ability to meet, and expressly respond to, each element listed below.

Elements of the technical proposal are as follows:

- D1 Management Information Services
  - Section 4.1.1 Account Management and Access Control
  - Section 4.1.2 Users/User Interface
  - Section 4.1.3 General Maintenance and Operation Requirements
  - Section 4.1.4 Participant Eligibility and Certification
  - Section 4.1.5 Inventory Management
  - Section 4.1.6 Food Distribution Sites
  - Section 4.1.7 Food Package Issuance
  - Section 4.1.8 Dual Participation
  - Section 4.1.9 System Generated Report Capabilities
  - Section 4.1.10 Training
  - Section 4.1.11 Support
  
- D2 Section 4.2 Staffing
  
- D3 Other Requirements
  - Section 4.3 Reporting
  - Section 4.4 Information Technology
  - Section 4.5 Security
  - Section 4.6 Transition

Include and submit written responses in **Attachment B – Technical Proposal Narrative** describing the Bidder's qualifications, competence, and capacity to perform the services described in this RFP and additionally described in Attachment 14 – Solution and Contractor Requirements. If additional documentation is provided in a separate document in support of a response found on Attachment B, list the document name in the corresponding Attachment B as well.

Bidders should also submit **Attachment 15 - New York State Security Policy and Standards Acknowledgement** with the Technical Proposal.

### 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, overhead, profit and labor to the satisfaction of the Department of Health and the performance of all work set forth in said specifications. The Bidder agrees that the prices proposed on Attachment C – Cost Proposal are binding for 365 days from the proposal due date. **Note:** The costs of providing the required functionality must be accounted for in the bidder's Cost Proposal.

## 7.0 PROPOSAL SUBMISSION

A proposal consists of three distinct parts: (1) the Administrative Proposal, (2) the Technical Proposal, and (3) the Cost Proposal. Proposals should be submitted as prescribed below.

1. Submit three (3) password protected PDF proposals in separate emails to: [csfp@health.ny.gov](mailto:csfp@health.ny.gov) with the subject "<Type of Proposal, Bidder name, RFP #20161>".
2. Include, as an attachment to each email, the distinct PDF file labeled "Administrative Proposal", "Technical Proposal", or "Cost Proposal". Example: "Technical Proposal\_ABC Company\_RFP #20161".
3. The body of the email submitted should also include the password and indicate the total number of pages

intended, and, if applicable, the total number of pages for Appendices, Attachments, and other items included in the proposal. Example: Technical Proposal 30 pages total, Attachment A, 17 pages. Include page numbers and appropriate header and footer information on all pages of the proposal. A font size of eleven (11) points or larger should be used.

4. In the event an electronic submission cannot be read by the Department, the Department reserves the right to request a hard copy and/or electronic resubmission of any unreadable files. Offeror shall have 2 business days to respond to such requests and must certify the resubmission is identical to the original submission.
5. Where signatures are required, the submitted documents should have a handwritten signature and be signed in blue ink with a scanned copy included in the electronic submission of the PDF proposal. The Department reserves the right to request hardcopy originals of all signature pages at any time.

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. 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. Audio and/or videotapes are not allowed. Any submitted audio or videotapes will be ignored by the evaluation team.

In order for the NYSDOH to evaluate proposals fairly and completely, proposals should follow the format described in this RFP. The entire proposal must be received by the NYSDOH in three separate emails to the email account designated above no later than the Deadline for Submission of Proposals specified in [Section 1.0](#), (Calendar of Events). Submission of proposals in a manner other than as described in these instructions will not be accepted. Late bids will not be considered.

## 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 evaluations have been completed and a selection of the winning proposal is made.

The evaluation process will be conducted in a comprehensive and impartial manner, as set forth herein, by an Evaluation Committee. The Technical Proposal and compliance with other RFP requirements (other than the Cost Proposal) will be weighted **70%** of a proposal’s total score and the information contained in the Cost Proposal will be weighted **30%** of a proposal’s total score.

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

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



- (1) lowest cost and
- (2) proposed percentage of MWBE participation.

## 8.2 Submission Review

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

## 8.3 Technical Evaluation

The evaluation process will be conducted in a comprehensive and impartial manner. A Technical Evaluation Committee comprised of 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.

## 8.6 Reference Checks

The Bidder should submit references using [Attachment 9](#) (References). At the discretion of the Evaluation Committee, references may be checked at any point during the process to verify Bidder qualifications to propose (Section 3.0).

## 8.7 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.

## 8.8 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/>.

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

The following attachments are attached and included in this RFP:

Attachment A - Proposal Document Checklist

The following attachments have been posted along with this RFP at <https://www.health.ny.gov/funding/>:

- Attachment 13 - Minimum Bidder Qualifications
- Attachment 14 - Solution and Contractor Requirements
- Attachment 15 - New York State Security Policy and Standards Acknowledgement
- Attachment B - Technical Proposal Narrative
- Attachment C - Cost Proposal

**ATTACHMENT A**  
**PROPOSAL DOCUMENT CHECKLIST**

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

<b>RFP# 20161 – Commodity Supplemental Food Program Management Information System</b>		
<b>FOR THE ADMINISTRATIVE PROPOSAL</b>		
<b>RFP §</b>	<b>SUBMISSION</b>	<b>INCLUDED</b>
§ 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.D	Attachment 4 - Vendor Assurance of No Conflict of Interest or Detrimental Effect	<input type="checkbox"/>
§ 6.1.E	M/WBE Participation Requirements:	<input type="checkbox"/>
	Attachment 5- Form #1 NYSDOH M/WBE Utilization Plan	<input type="checkbox"/>
	Attachment 5- Form #2 MWBE Utilization Waiver Request (If Applicable)	<input type="checkbox"/>
	Attachment 5- Form #4 NYS DOH M/WBE Staffing Plan	<input type="checkbox"/>
	Attachment 5- Form #5 NYSDOH MWBE and Equal Employment Opportunity Policy Statement	<input type="checkbox"/>
§ 6.1.F	Attachment 6 - Encouraging Use of New York Businesses	<input type="checkbox"/>
§ 6.1.G	Attachment 7 - Bidder's Certified Statements, completed & signed.	<input type="checkbox"/>
§ 6.1.H	Attachment 9 - References	<input type="checkbox"/>
§ 6.1.I	Attachment 10 - Diversity Practices Questionnaire	<input type="checkbox"/>
§ 6.1.J	Attachment 11 - Executive Order 177 Prohibiting Contracts with Entities that Support Discrimination	<input type="checkbox"/>
§ 6.1.K	Attachment 12- Prohibiting State Agencies and Authorities from Contracting with Businesses Conducting Business in Russia	<input type="checkbox"/>
<b>FOR THE TECHNICAL PROPOSAL</b>		
<b>RFP §</b>	<b>SUBMISSION</b>	<b>INCLUDED</b>
§ 6.2.A	Title Page	<input type="checkbox"/>
§ 6.2.B	Table of Contents	<input type="checkbox"/>
§ 6.2.C	Attachment 13 - Minimum Bidder Qualifications	<input type="checkbox"/>
§ 6.2.D	Attachment B - Technical Proposal Narrative	<input type="checkbox"/>
	Attachment 15 - New York State Security Policy and Standards Acknowledgement	<input type="checkbox"/>
<b>FOR THE COST PROPOSAL REQUIREMENT</b>		
<b>RFP §</b>	<b>REQUIREMENT</b>	<b>INCLUDED</b>
§ 6.3	Attachment C- Cost Proposal	<input type="checkbox"/>