
SECTION III: ADMINISTRATIVE PROPOSAL REQUIREMENTS

This section of the RFP sets forth the requirements for the Offeror's Administrative Proposal submission, including the minimum mandatory requirements that must be satisfied to qualify an Offeror to be considered for selection. The Department will accept Proposals only from qualified Offerors and will consider for evaluation and selection purposes only those Proposals that it determines to be in compliance with the requirements set forth in this Section III.

The Offeror's *Administrative Proposal* must respond to all of the following sections as set forth below in the order and format specified and using the forms set forth in RFP, **Exhibits A – V**, as applicable. Additional details pertaining to the required forms are found in Section II. B. Compliance With Applicable Rules, Laws, Regulations & Executive Orders.

The *Administrative Proposal* must contain the following information, in the order enumerated below:

- A. Formal Offer Letter:** At this part of its Administrative Proposal, the Offeror must submit a formal offer in the form of the "Formal Offer Letter" as set forth in **Exhibit I.S**. The formal offer must be signed and executed by an individual with the capacity and legal authority to bind the Offeror in its offer to the State. Each of the two copies of the Offeror's Administrative Proposal marked "ORIGINAL" requires a letter with an original signature; the remaining copies of the Offeror's Administrative Proposal may contain photocopies of the signature. The Offeror must accept substantially the terms and conditions as set forth in RFP, Section VII and must stipulate to the terms and conditions set forth in RFP, Appendices A, B and C and agree to enter into a contractual agreement containing, at a minimum, the terms and conditions identified in the section and appendices as cited herein. (Note: Appendix A, "Standard Clauses for New York State Contracts" is basically a compilation of statutory requirements applicable to all persons and entities contracting with the State and therefore has been deemed to be non-negotiable by the Offices of the Attorney General and the State Comptroller. Appendix B, "Standard Clauses for All DCS Contracts", and Appendix C, "Third Party Connection and Data Exchange Agreement", are compilations of standard clauses for DCS contracts and also are non-negotiable.) If an Offeror proposes to include the services of a subcontractor(s), the Offeror shall be required

to assume responsibility for those services as “Prime Contractor.” DCS will consider only the Prime Contractor in regard to contractual matters.

B. Minimum Mandatory Requirements: In this part of its Administrative Proposal, the Offeror must submit a completed Offeror Attestation form in the form set forth in **Exhibit I.T**; entitled “Offeror Attestations,” representing and warranting that the Offeror:

1. possesses, as of the Proposal Due Date, the legal capacity to enter into a contract with the President of the New York State Civil Service Commission (“Commissioner”);
2. attests that it understands and agrees to comply with all specific duties and responsibilities set forth in Section IV of this RFP.
3. attests that it has provided DEA services comparable to the services outlined in this RFP for at least three clients, each with a size of at least one hundred thousand (100,000) or more covered lives.
4. attests that its audit process is fully HIPAA compliant.
5. guarantees a return on investment, as defined in Sections IV.B.3.b.1.e and IV.B.3.b.1.f, of at least three to one (3:1) for the administration of the Amnesty Period; and the dependent eligibility audit and at least one to one (1:1) for the dependent eligibility audit only (in the event the Department opts to administer the Amnesty Period itself).
6. will maintain a complete and accurate set of records as may be required by the State to be produced for review by the State pursuant to Appendix A of the draft contract, contained in Section VII of this RFP, including any and all financial records as deemed necessary by the State to discharge its fiduciary responsibilities to NYSHIP participants and to ensure that public dollars are spent appropriately; and

7. acknowledges and agrees that:

- a. all enrollment data provided by the Department or the Department's agents and/or contractors is being provided to the Offeror (Contractor) solely for the purposes of allowing the Contractor to fulfill its duties and responsibilities under the Contract;
- b. said materials are the sole property of the State; and
- c. it will not share, sell, release, or make the data available to third parties in any manner without the written consent of the Department, except as directed by a court of competent jurisdiction, or as necessary to comply with applicable New York State or federal law.

C. Exhibits: At this part of its Administrative Proposal, the Offeror must complete and submit the various Exhibits specified in Section II of this RFP, in satisfaction of the regulatory requirements described therein. A listing of the required Exhibits is set forth below:

Exhibit Name	Exhibit
Proposal Submission Requirement Checklist	Exhibit I.A
Freedom of Information Law – Request for Redaction Chart	Exhibit I.C
MacBride Statement and Non-Collusive Bidding Certification	Exhibit I.D
EEO Obligations – Offeror Certification of Compliance	Exhibit I.G
Workforce Employment Utilization Report	Exhibit I.H
NYS Department of Civil Service Vendor Responsibility Questionnaire	Exhibit I.I
Offeror's Affirmation of Understanding and Agreement	Exhibit I.K
Compliance with Public Officer's Law Requirements	Exhibit I.M
Compliance with Americans with Disabilities Act	Exhibit I.N
Omnibus Procurement Act Statement of Acceptance	Exhibit I.O
Certificate of Compliance Pursuant to State Finance Law §139-k	Exhibit I.P
Article 15-A of the Executive Law	Exhibit I.Q
Formal Offer Letter	Exhibit I.S
Offeror Attestations Form	Exhibit I.T
Key Subcontractors	Exhibit I.U
Project References	Exhibit I.V

Note: If not already provided to the Department by time of Proposal submission, the Offeror must also enclose a completed Exhibit I.K - Offeror's Affirmation of Understanding and Agreement.

D. Key Subcontractors: At this part of its Administrative Proposal, the Offeror must provide a statement identifying all Key Subcontractors, if any, that the Offeror will be contracting with to provide Project Services and must, for each such subcontractor identified, complete and submit **Exhibit I.U**; entitled, "Key Subcontractors": 1) provide a brief description of the services to be provided by the subcontractor; and 2) provide a description of any current relationships with such subcontractor and the clients/projects that the Offeror and subcontractor are currently servicing under a formal legal agreement or arrangement, the date when such services began and the status of the project. The Offeror must indicate whether or not, as of the date of the Offeror's Proposal, a subcontract has been executed between the Offeror and the Key Subcontractor for services to be provided by the subcontractor relating to this RFP. If the Offeror will not be subcontracting with any Key Subcontractor(s) to provide Project Services, the Offeror must provide a statement to that effect.

E. Reference Checks: At this part of its Administrative Proposal, for the purpose of reference checks, the Offeror must list five (5) references composed of a combination of both current and former clients for which the Offeror has supplied dependent eligibility audit services similar to those required in this RFP (Project References). For each Project Reference provided the Offeror must complete and submit **Exhibit I.V**, entitled "Project References." At least three (3) of the referenced clients must be an entity with at least one hundred thousand (100,000) or more covered lives. If the Offeror has no former clients to include as references, the Offeror must include a statement attesting to that fact. Otherwise, the Offeror must include, at minimum, one (1) former client as a reference for which the Offeror has supplied services similar in nature to those required in this RFP. The Offeror shall be solely responsible for providing contact names and phone numbers that are readily available to be contacted by the State. The Offeror must also indicate what participation, if any, the Project Manager and each key staff person proposed for this project had in the referenced services.

F. Financial Statements: At this part of its Administrative Proposal, the Offeror must provide a copy of the Offeror's last issued GAAP annual audited financial statement and the most recent GAAP quarterly financial statement. A complete set of statements, not just excerpts, must be provided. Additionally, for each Key Subcontractor, if any, that provides any of the Project Services, provide the most recent GAAP annual audited statement and the most recent GAAP quarterly financial statement. If the Offeror, or a Key Subcontractor, is a privately held business and is unwilling to provide copies of their annual audited financial statements as part of their Proposal, the Offeror/Key Subcontractor must make arrangements for the procurement evaluation team to review the financial statements.

Note: Any Offeror that fails to satisfy one or more of the above submission requirements may be deemed non-responsive and/or non-responsible and eliminated from further consideration.