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**SECTION III: ADMINISTRATIVE PROPOSAL REQUIREMENTS**

This Section III 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 provisions as set forth below in the order and format specified and using the forms set forth in the RFP. Additional details pertaining to the required forms are found in Section II.B. Compliance With Applicable Rules, Laws, Regulations & Executive Orders, and Section III.

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 Department. 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 the terms and conditions as set forth in RFP, Section VII and Appendices A, B and C and agree to enter into a contractual agreement containing, at a minimum, the terms and conditions identified in the RFP 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 Key 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**

The Proposal must be submitted by a qualified Offeror. Any Proposal received from an Offeror deemed by the DCS not to be a qualified Offeror will be removed from consideration. At this part of its Administrative Proposal, the Offeror must submit a completed **Exhibit I.T “Offeror Attestation Form”** representing and warranting that:

1. The Offeror, as of the Proposal Due Date, possesses the legal capacity to enter into a contract with the President of the New York State Civil Service Commission ("Commissioner").
2. The Offeror will permanently forfeit at least fifty percent (**50%**) of its Monthly Administrative Fees until all Implementation and Start-Up activities are complete.
3. The Offeror's principal place of business is not located in a state that penalizes New York State vendors and that, if selected goods or services provided under the Agreement will not be substantially produced or performed in such a state (refer to Section II.B.2).
4. The Offeror is, as of the Proposal Due Date, currently providing vision services, similar to those as set forth in the RFP, for a minimum of five hundred thousand (500,000) covered lives in total and with at least one current client with one hundred (100,000) covered lives, and demonstrate that the Offeror meets or exceeds these requirements to the satisfaction of the Department. To demonstrate that the Offeror, as of the Proposal Due Date, meets the minimum requirement of five hundred thousand (500,000) covered lives in total and at least one client with one hundred (100,000) covered lives, the Offeror must provide a list of current clients with the number of covered lives for each. In determining covered lives, the Offeror should:
  - a. Include both at-risk and fee-for-service business; and
  - b. Count all lives [i.e., an employee, a spouse and two (2) eligible dependents counts as four (4)].
5. The Offeror, as of the Proposal Due Date has an existing Participating Provider Network, that will provide services under the terms of the contract resulting from this RFP that meets the following Minimum Access Standards within NYS:
  - a. Eighty percent (80%) of Enrollees in urban areas will have at least one (1) Participating Provider within five (5) miles of an Enrollee's home;

- b. Eighty percent (80%) of Enrollees in suburban areas will have at least one (1) Participating Provider within fifteen (15) miles of an Enrollee's home; and
- c. Eighty percent (80%) of Enrollees in rural areas will have at least one (1) Participating Provider within thirty (30) miles of an Enrollee's home.

To demonstrate satisfaction of this requirement, the Offeror must submit all information required below based on the Geo-Coded Census file provided by the Department (Exhibit II.B).

Based on this file, the Offeror must submit with their Administrative Proposal, the following:

- a. **Exhibit I.Y** – Offeror's Participating Provider Network Access Prerequisite Worksheet;
- b. **Exhibit I.Y.1** - Offeror's GeoAccess Report (on CD), created as supporting documentation for Exhibit I.Y to Meet Minimum Mandatory Requirements. See Exhibit II.A – GeoAccess Reporting Format.

For the purpose of meeting the Minimum Access Standards within NYS, the term Participating Provider shall mean a licensed, Optometrist or Ophthalmologist who has an existing contract with the Offeror as of the Proposal Due Date and who will provide services under the terms of the contract resulting from this RFP.

All Enrollees must be counted in calculating whether the Offeror meets the Participating Provider Network access guarantees. No Enrollee may be excluded even if there is no provider located within the minimum mandatory access requirements.

**Note:** The Minimum Access Standards within NYS required as of the Proposal Due Date are different than the Minimum Access Standards within NYS which must be met by the Contractor as of January 1, 2012 and thereafter throughout the term of the Agreement.

The Participating Providers Network section of this RFP, Section IV.B.9.a.(2), specifies the Minimum Access Standards within NYS effective as of January 1, 2012.

The Offeror's proposed Participating Provider Network access standards will be scored as part of the evaluation of the Offeror's Participating Provider Network and the Offeror's Participating Provider Network Access Guarantees will be evaluated in accordance with the criteria specified in Section VI, entitled "Evaluation and Selection Criteria."

6. The Offeror, if selected, will, under the Agreement, maintain and make available as required by the State, a complete and accurate set of records as may be required by the State to be produced for review by the State pursuant to the terms and conditions of RFP, Appendices A and B, and including any and all financial records as deemed necessary by the State to discharge its fiduciary responsibilities to Plan participants and to ensure that public dollars are spent appropriately.

**Note: Any Offeror which fails to satisfy any of the above Minimum Mandatory Requirements shall be eliminated from further consideration.**

**C. Exhibits**

The Offeror must complete and submit the various Exhibits specified in Sections II and III of this RFP, on the Proposal Due Date in satisfaction of the regulatory requirements described therein. A listing of the required Exhibits is set forth below:

<b>Exhibit Name</b>	<b>Exhibit #</b>
Proposal Submission Requirement Checklist	<b>Exhibit I.A</b>
Freedom of Information Law – Request for Redaction Chart	<b>Exhibit I.C</b>
MacBride Statement and Non-Collusive Bidding Certification	<b>Exhibit I.D</b>
Equal Employment Opportunity (EEO) Obligations – Offeror Certification of Compliance	<b>Exhibit I.G</b>
Workforce Employment Utilization Report	<b>Exhibit I.H</b>
New York State Department of Civil Service Vendor Responsibility Questionnaire	<b>Exhibit I.I</b>
Offeror’s Affirmation of Understanding and Agreement	<b>Exhibit I.K</b>
Compliance with Public Officers Law Requirements	<b>Exhibit I.M</b>
Compliance with Americans with Disabilities Act	<b>Exhibit I.N</b>
Omnibus Procurement Act Statement of Acceptance	<b>Exhibit I.O</b>
Certification of Compliance Pursuant to State Finance Law §139-k	<b>Exhibit I.P</b>
Article 15-A of the Executive Law	<b>Exhibit I.Q</b>
Formal Offer Letter	<b>Exhibit I.S</b>
Offeror Attestations Form	<b>Exhibit I.T</b>
Key Subcontractors	<b>Exhibit I.U</b>
Client References	<b>Exhibit I.V</b>
Participating Provider Network Access Prerequisite Worksheet	<b>Exhibit I.Y</b>
Offeror’s Current Participating Provider Network File (CD)	<b>Exhibit I.Y.1</b>

**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 Vision Program services and must, for each such Key Subcontractor identified, complete and submit **Exhibit I.U “Key Subcontractors”**: 1) provide a brief description of the services to be provided by the Key Subcontractor; and 2) provide a description of any current relationships with such Key Subcontractor and the clients/projects that the Offeror and Key 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 Key Subcontractor relating to this RFP. If the Offeror will not be subcontracting with any Key Subcontractor(s) to provide Vision Plan services, the Offeror must provide a statement to that effect.

**E. Client References**

At this part of its Administrative Proposal, for the purpose of reference checks, the Offeror must list five (5) client references comprised of a combination of both current and at least one former client(s) for whom the Offeror has supplied vision services similar to those described in this RFP. For each client reference provided, the Offeror must complete and submit **Exhibit I.V “Client References.”** The Offeror shall be solely responsible for providing contact names, e-mail address and phone numbers of client references who are readily available to be contacted by the State.

**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. A complete set of statements, not just excerpts, must be provided. Additionally, for each Key Subcontractor, if any, that provides any of the Vision Plan services; provide the most recent GAAP annual audited 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:** If financial statements have not been prepared and/or audited, the Offeror must provide a letter from a bank reference attesting to the Offeror's financial viability and creditworthiness as part of its Administrative Proposal. (Note: for purposes of this reference, the Offeror may not give as a reference, a parent or subsidiary company, a partner or an affiliate organization. For the purpose of this requirement, "affiliate" means an organization which, through stock ownership or any other affiliation, directly, indirectly, or constructively controls another organization, is controlled by another organization, or is, along with another organization, under the control of a common parent.) The letter must include the bank's name, address, contact person name and telephone number and it must address, at a minimum, the following items:

1. a brief description of the business relationship between the parties (i.e., the Offeror and the bank), including the duration of the relationship and the Offeror's current standing with the bank. For example: *"The Offeror is currently and has been for "x" number of years a client in good standing"*;
2. a description of any ownership/partner relationship that may exist between the parties, if any. (Note: One party cannot be the parent, partner or subsidiary of the other, nor can one party be an affiliate of the other.); and,
3. any other facts or conclusions the bank may deem relevant to the State in regard to the bank's assessment of the Offeror's financial viability and creditworthiness concerning the nature and scope of the Project Services, which are the subject matter of this RFP, and the parties (i.e., DCS and the Offeror) contractual obligations should it be awarded the resultant contract.

**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.**