

ATTACHMENT 6



**Department of
Civil Service**

**Offeror's Certification Form
RFP Entitled:
"New York State Vision Plan Services"**

MANDATORY SUBMISSION: To be completed, signed, and included in the Bid Submission.

SECTION ONE: Information Regarding the Offeror	
A. Provide the Offeror's authorized signatory information and identification numbers.	
Name:	
Signature:	
Organization:	
Address:	
City, State, and ZIP Code:	
Telephone Number (include area code):	
Email Address:	
Taxpayer Identification Number:	
NYS Vendor Identification Number, if available:	
B. Provide the contact information of the <u>Offeror's primary contact with DCS</u> regarding this Bid Submission. (If different from A.)	
Name:	
Title:	
Address:	
City, State, and ZIP Code:	
Telephone Number (include area code):	
Email Address:	
SECTION TWO: Minimum Offeror Eligibility Requirements	
1. RFP Section 1.5(1): The Offeror must, at time of Proposal submission possess the legal capacity to enter into a Contract with the Department including all registrations, filings, approvals, authorizations, consents, and examinations required by any governmental authority to provide the Project Services, as detailed in Section 3 of this RFP.	☐ Yes ☐ No
2. RFP Section 1.5(2): The Offeror must be authorized to conduct business in NYS, or, if the Offeror is not so authorized at time of Proposal Due Date, then the Offeror must, at time of Proposal Due Date, have filed an application for authority to do business in NYS with the New York State Secretary of State. Such application must be approved prior to Contract Award. (For details concerning this requirement, refer to: https://dos.ny.gov/form-corporation-or-business). To register with the Secretary of State, contact: https://dos.ny.gov/form/contact-us). The Contractor shall notify the Department immediately in the event that there is any change in the above corporate status.	☐ Yes ☐ No
3. RFP Section 1.5(3): The Offeror must represent and warrant that, at time of Proposal submission, it has completed, obtained or performed all registrations, filings, approvals, authorizations, consents and examinations required by any governmental authority for the provision of the delivery of Project Services.	☐ Yes ☐ No

4.	RFP Section 1.5(4): As of the Proposal submission, the Offeror must be currently providing vision services, similar to those as set forth in this RFP, for a minimum of 500,000 covered lives in total and with at least one current client with at least 100,000 covered lives.	☐ Yes ☐ No
5.	RFP Section 1.5(5): The Offeror must represent and warrant that as of the Project Services Start Date, the Offeror shall retain staff with the appropriate experience relevant to the duties and responsibilities outlined in Section 3 of this RFP; establish appropriate minimum qualifications for individuals filling positions slated to service the Vision Plan in the future; and possess the necessary account services, enrollment, claims processing, clinical management, and customer service staff levels, located in facilities within the Continental United States, to service the Vision Plan.	☐ Yes ☐ No
6.	RFP Section 1.5(6): The Offeror must represent and warrant that, at time of Proposal submission, it possesses adequate staffing resources, financial resources, and organizational capacity to perform the type, magnitude and quality of work specified in this RFP.	☐ Yes ☐ No
7.	RFP Section 1.5(7): The selected Offeror must agree to contractual provisions to maintain and make available, as required by the State, a complete and accurate set of records for review by the State. Contractual provisions, as set forth in this RFP and Appendix A, Standard Clauses for New York State Contracts, date June 2023, Appendix B, Standard Clauses for All Department Contracts, dated February 2025, Appendix C, Information Security Requirements, dated June 2025, and Appendix D, Insurance Requirements. Such records shall include any and all financial records deemed necessary by the State to discharge its fiduciary responsibilities to Program participants and to ensure that public dollars are spent appropriately.	☐ Yes ☐ No
8.	RFP Section 1.5(8): The Offeror must understand and indicate its agreement to comply with all specific duties and responsibilities set forth in Section 3.2 of this RFP, entitled "Implementation Plan," including Section 3.2(1)(d) requiring the Offeror to propose a financial guarantee supporting its commitment to satisfy all implementation requirements.	☐ Yes ☐ No
9.	RFP Section 1.5(9): The Offeror must administer the Vision Plan in accordance with all State and federal rules, laws and regulations.	☐ Yes ☐ No
10.	RFP Section 1.5(10): The Offeror must understand and indicate its agreement that the benefits design cannot deviate from that which has been collectively bargained.	☐ Yes ☐ No

SECTION THREE: Offeror Certifications		
1.	The Proposal constitutes a firm and irrevocable offer for a period of one hundred and eighty (180) days from the date of submission to DCS.	☐ Yes ☐ No
2.	By submission of a Proposal, the Offeror agrees not to make any claims for or have a right to any damages because of any misrepresentations or misunderstanding of the specifications or because of any errors or omissions or lack of information.	☐ Yes ☐ No
3.	The Offeror agrees to fully comply with the Procurement Lobbying Law Sections 139-j and 139-k of the New York State Finance Law.	☐ Yes ☐ No
4.	The Offeror certifies that all information provided in connection with its Proposal is true and accurate.	☐ Yes ☐ No
5.	The Offeror certifies they can meet all of the requirements found in Project Services (Section 3 of this RFP).	☐ Yes ☐ No
6.	The Offeror acknowledges that, should any extraneous terms, alternative activities/work to be performed, added conditions, or exceptions be submitted within its Proposal, such extraneous terms, alternative activities/work to be performed, added conditions, or exceptions will not be considered by DCS.	☐ Yes ☐ No
7.	The Offeror has read, understands, and accepts all provisions of Appendix A, Standard Clauses for All New York State Contracts. Appendix A 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 DCS and the selected Offeror. By submitting a response to this RFP, the Offeror agrees to comply with all the provisions of Appendix A.	☐ Yes ☐ No
8.	The Offeror understands that submissions that do not provide all the requested documents in this RFP and or packaging of the RFP submissions in compliance with the instructions provided in RFP may be subject to rejection.	☐ Yes ☐ No

(Section Three: Offeror Certifications Continued on Next Page)

9. EXECUTIVE ORDER NO. 177 CERTIFICATION EXECUTIVE ORDER NO. 177 CERTIFICATION 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. The Human Rights Law may also require reasonable accommodation for persons with disabilities and pregnancy-related conditions. A reasonable accommodation is an adjustment to a job or work environment that enables a person with a disability to perform the essential functions of a job in a reasonable manner. The Human Rights Law may also require reasonable accommodation in employment on the basis of Sabbath observance or religious practices. Generally, the Human Rights Law applies to: • all employers of four or more people, employment agencies, labor organizations and apprenticeship training programs in all instances of discrimination or harassment; • employers with fewer than four employees in all cases involving sexual harassment; and, • any employer of domestic workers in cases involving sexual harassment or harassment based on gender, race, religion or national origin. In accordance with Executive Order No. 177, the Contractor hereby certifies 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. Executive Order No. 177 and this certification do not affect institutional policies or practices that are protected by existing law, including but not limited to the First Amendment of the United States Constitution, Article 1, Section 3 of the New York State Constitution, and Section 296(11) of the New York State Human Rights Law.	☐ Yes ☐ No
10. PUBLIC OFFICER LAW REQUIREMENTS AND CONFLICT OF INTEREST DISCLOSURE The New York State Public Officers Law ("POL"), particularly POL Sections 73 and 74, as well as all other provisions of New York State law, rules and regulations, and policy establish ethical standards for current and former State employees. In submitting its Proposal, the Offeror must guarantee knowledge and full compliance with such provisions for purposes of this IFB and any other activities including, but not limited to, contracts, Proposals, offers, and negotiations. Failure to comply with these provisions may result in disqualification from the procurement process, termination, suspension or cancellation of the contract and criminal proceedings as may be required by law. The Offeror hereby submits its affirmative statement as to the existence of, absence of, or potential for conflict of interest on the part of the Offeror because of prior, current, or proposed contracts, engagements, or affiliations. Please provide below an affirmative statement as to the existence of, absence of, or potential for conflict of interest on the part of the Offeror because of prior, current, or proposed contracts, engagements, or affiliations. Please attach additional pieces of paper as necessary.	☐ Yes ☐ No

11. SEXUAL HARASSMENT PREVENTION CERTIFICATION State Finance Law §139-I requires Offeror's on state procurements to certify that they have a written policy addressing sexual harassment prevention in the workplace and provide annual sexual harassment training (that meets the Department of Labor's model policy and training standards) to all its employees. By submission of this Proposal, each Offeror and each person signing on behalf of any Offeror certifies, and in the case of a joint Proposal each party thereto certifies its own organization, under penalty of perjury, that the Offeror has and has implemented a written policy addressing sexual harassment prevention in the workplace and provides annual sexual harassment prevention training to all of its employees. Such policy shall, at a minimum, meet the requirements of section two hundred one-g of the Labor Law.	☐ Yes ☐ No
12. The Offeror certifies under penalty of perjury that they are not a Russian entity or Russia supporting entity as those terms are defined in Executive Order No. 14 dated February 27, 2022.	☐ Yes ☐ No
13. The Offeror certifies under penalty of perjury that your organization is not conducting business operations in Russia, as those terms are defined in Executive Order No. 16 dated March 17, 2022.	☐ Yes ☐ No
14. NON-DISCRIMINATION IN EMPLOYMENT IN NORTHERN IRELAND <u>MACBRIDE FAIR EMPLOYMENT PRINCIPLES</u> In accordance with Chapter 807 of the Laws of 1992 the Contractor, by submission of this Certification, certifies that it or any individual or legal entity in which the Contractor holds a 10% or greater ownership interest, or any individual or legal entity that holds a 10% or greater ownership interest in the Contractor, either (answer "yes" or "no" to one or both of the following, as applicable): Have business operations in Northern Ireland. If yes: Shall take lawful steps in good faith to conduct any business operations they have in Northern Ireland in accordance with the MacBride Fair Employment Principles relating to nondiscrimination in employment and freedom of workplace opportunity regarding such operations in Northern Ireland and shall permit independent monitoring of their compliance with such Principles.	☐ Yes ☐ No
15. NON-COLLUSIVE BIDDING CERTIFICATION By submission of this Certification, the Contractor and each person signing on behalf of the Contractor certifies, under penalty of perjury, that to the best of his knowledge and belief: 1. The prices in this Agreement have been arrived at independently without collusion, consultation, communication, or agreement for the purpose of restricting competition, as to any matter relating to such prices with any other competitor; 2. Unless otherwise required by law, the prices which have been quoted in this Agreement have not been knowingly disclosed by the Contractor and will not knowingly be disclosed by the Contractor prior to contract approval, directly or indirectly, to any other competitor; and 3. No attempt has been made or will be made by the Contractor to induce any other person, partnership, or corporation to submit or not to submit a price quote for the purpose of restricting competition.	☐ Yes ☐ No

The undersigned affirms and swears as to the truth and veracity of all statements included in the bid submission.

Signature: _____ **Title:** _____

PRINT SIGNATORY'S NAME: _____ **Date:** _____

INDIVIDUAL, CORPORATION, PARTNERSHIP, OR LLC ACKNOWLEDGMENT
STATE OF }

Sworn Statement:

COUNTY OF }

On the _____ day of _____ in the year 20____, before me personally appeared _____, known to me to be the person who executed the foregoing instrument, who, being duly sworn by me did depose and say that _he maintains an office at _____
Town of _____
County of _____, State of _____; and further that:

_____(If an individual): _he executed the foregoing instrument in his/her name and on his/her own behalf.

_____(If a corporation): _he is the _____ of _____, the corporation described in said instrument; that, by authority of the Board of Directors of said corporation, _he is authorized to execute the foregoing instrument on behalf of the corporation for purposes set forth therein; and that, pursuant to that authority, _he executed the foregoing instrument in the name of and on behalf of said corporation as the act and deed of said corporation.

_____(If a partnership): _he is the _____ of _____, the partnership described in said instrument; that, by the terms of said partnership, _he is authorized to execute the foregoing instrument on behalf of the partnership for purposes set forth therein; and that, pursuant to that authority, _he executed the foregoing instrument in the name of and on behalf of said partnership as the act and deed of said partnership.

_____(If a limited liability company): _he is a duly authorized member of _____, LLC, the limited liability company described in said instrument; that, _he is authorized to execute the foregoing instrument on behalf of the limited liability company for purposes set forth therein; and that, pursuant to that authority, _he executed the foregoing instrument in the name of and on behalf of said limited liability company as the act and deed of said limited liability company.

Notary Public: _____ Date: _____
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