

ATTACHMENT 7



**Department of
Civil Service**

Offeror's Certification Form
RFP Entitled:
"Actuarial and Benefits Management
Consulting 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 attest 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 (as detailed in Section 3 of this RFP) and agree that it will, during the term of the Contract, comply with any requirements imposed upon it by law or regulation.	☐ Yes ☐ No

4.	RFP Section 1.5(4): The Offeror must represent and attest that, at the time of Proposal submission, it has provided comparable services to at least three governmental organizations with 100,000 health plan members for at least the past three years.	☐ Yes	☐ No
5.	RFP Section 1.5(5): The Offeror must represent and attest that, at the time of Proposal submission, it has possessed for the past three years, adequate staffing resources, financial resources, and organizational capacity to perform the type, magnitude, and quality of work specified in the RFP.	☐ Yes	☐ No
6.	RFP Section 1.5(6): The Offeror must represent and attest that, if selected by the Department as the successful Offeror in this Procurement, all activities associated with Sections 3.2, 3.3, 3.4, and 3.5 of this RFP, will be overseen by an individual certified as a Fellow in the Society of Actuaries ("FSA"), as applicable to the services being provided.	☐ Yes	☐ No
SECTION THREE: Offeror Attestations			
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
9.	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, dated June 2023, Appendix B, Standard Clauses for All Department Contracts, dated February 2025, Appendix C, Information Security Requirements, dated June 2025, Appendix C-AI, Standard Terms for Artificial Intelligence (AI) Purchases and Use of AI, dated July 2026, 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
10.	The Offeror must understand and indicate its agreement to provide actuarial and benefits management consulting services to the Department for use in the administration of the New York State Health Insurance Program (NYSHIP) and other benefits administered by the Department, in accordance with the applicable Certificates of Coverage, all applicable federal and State laws, rules, and regulations, and Department policy determinations and contractual requirements.	☐ Yes	☐ No

11. In addition to the Confidentiality provisions in Standard Clauses for All Department Contracts (Appendix B), the Offeror must agree and acknowledge that: a) All claims, enrollment, and other data (i.e., materials) provided by the Department or the Department's agents and/or Contractors is being provided to the Offeror ("Contractor") solely for the purpose of allowing the Contractor to fulfill its duties and responsibilities under the Contract; b) Said materials are and remain the sole property of NYS; and The Offeror represents and warrants that 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 NYS or federal law.	☐ Yes ☐ No
12. The Offeror, as part of its Proposal submission certifies it has reviewed and identified in its Proposal the use of any artificial intelligence as required in Section 4.10 of their Administrative Proposal.	☐ Yes ☐ No
SECTION FOUR: Offeror Certifications	
1. <u>EXECUTIVE ORDER NO. 177 CERTIFICATION EXECUTIVE ORDER NO. 177 CERTIFICATION</u> 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

2.	<u>PUBLIC OFFICER LAW REQUIREMENTS AND CONFLICT OF INTEREST DISCLOSURE</u> 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
3.	<u>SEXUAL HARASSMENT PREVENTION CERTIFICATION</u> State Finance Law §139-l 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
4.	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
5.	<u>NON-DISCRIMINATION IN EMPLOYMENT IN NORTHERN IRELAND</u> <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

6.	<u>NON-COLLUSIVE BIDDING CERTIFICATION</u> 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
7.	<u>GENDER-BASED VIOLENCE AND THE WORKPLACE CERTIFICATION</u> By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that the bidder has and has implemented a written policy addressing gender-based violence and the workplace and has provided such policy to all of its employees, directors and board members. Such policy shall, at a minimum, meet the requirements of subdivision 11 of section five hundred seventy-five of the executive law. Organization's signature below certifies its compliance with State Finance Law §139-M. <u>If the organization cannot make the above certification, they must provide a statement with their bid detailing the reasons therefore.</u>				☐ Yes ☐ No
8.	As stated in Section 4 of this Solicitation, an Offeror is encouraged to use New York State businesses in the performance of Project Services. Please use the below to identify the Offeror's proposed utilization of New York State businesses.				
	Name(s) of New York Subcontractors and/or Suppliers	Address, City, State, and Zip Code	Description of Services or Supplies Provided	Identify if Subcontractor and/or Supplier	Estimated Value of Services Over 5-Year Contract Period

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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