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**SECTION III: ADMINISTRATIVE SECTION**

This section of the IFB sets forth the requirements for the Offeror's Administrative Section 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 the Department determines to be in compliance with the requirements set forth in this Section III.

The Offeror's *Administrative Section* must respond to all of the following items as set forth below in the order and format specified and using the forms set forth in the IFB. 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 Section must contain the following information, in the order enumerated below:

**A. Formal Offer Letter**

At this part of its Administrative Section, 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 Section marked "ORIGINAL" requires a letter with an original signature; the remaining copies of the Offeror's Administrative Section may contain photocopies of the signature. The Offeror must accept the terms and conditions as set forth in IFB, Section VII, and Appendices A, B, C and D and agree to enter into a contractual Agreement with the Department containing, at a minimum, the terms and conditions identified in the IFB 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 NYS State Comptroller. Appendix B, "Standard Clauses for All Department Contracts", Appendix C, "Third Party Connection and Data Exchange Agreement" and Appendix D, "Participation by Minority Group Members and Women With Respect to State Contracts: Requirements and Procedures" are compilations of standard clauses/requirements for the contracts and also are non-negotiable.) If an Offeror proposes

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to include the services of a Key Subcontractor(s) or Affiliate(s), the Offeror must be required to assume responsibility for those services as “Prime Contractor.” The Department will consider only the Prime Contractor in regard to contractual matters.

**Amended May 18, 2015**

**B. Minimum Mandatory Requirements**

The Department will only accept Proposals from Offerors that attest and demonstrate through current valid documentation to the satisfaction of the Department that the Offeror meets the Proposal's Minimum Mandatory Requirements set forth herein this Section III.B. At this part of its Administrative Section, the Offeror must submit a completed **Exhibit I.T “Offeror Attestations Form”** representing and warranting that it:

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 IFB;
3. Attests that it has provided dependent eligibility verification services for a minimum of five (5) years;
4. Attests that it has provided dependent eligibility verification services comparable to the services outlined in this IFB for at least one (1) client **in the past three (3) years** with a size of at least one hundred fifty thousand Dependent lives subject to audit verification services;
5. Attests that it can complete the Implementation Period within 60 Days from the date the Department notifies the Contractor that the Agreement has been approved by OSC, complete the Amnesty Period and Eligibility Verification Period within twelve (12) months and complete the entire DEA Project, including the Appeal and Reinstatement Period(s) within fifteen (15) months;
6. Attests that its entire DEA Project is fully HIPAA compliant;

7. Guarantees a return on investment, as defined in Sections IV.A.10 of this IFB, of at least three to one (3:1) for the Project including administration of the Amnesty Period; the Eligibility Verification Period and the Appeal and Reinstatement Period(s);
8. 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 Agreement, contained in Section VII of this IFB, 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;
9. Acknowledges and agrees that:
  - a. all enrollment data provided by the Department is being provided to the Offeror (Contractor) solely for the purposes of allowing the Contractor to fulfill its duties and responsibilities under the Agreement;
  - 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;
10. Attests that it will agree to provide minimum service levels for performance guarantees and credits, as defined in Section IV.A.11 of this IFB;
11. Attests that it will provide a customizable:
  - a. secure online web portal (online reporting access) for DEA services, as defined in Section IV.A.5 of this IFB that, at a minimum:
    - (1) allows Enrollees to upload scanned documents;
    - (2) allows Enrollees to view the status of their current compliance with the current audit;
    - (3) allows Enrollees to view all documents sent to the Enrollee by the Contractor;

- (4) allows the Department to compile periodic management reports documenting the progress and outcomes of the Project; and
- b. DEA Project that utilizes NYSHIP eligibility criteria, as defined in Section IV.B of this IFB.
- 12.** Attests that it will provide a Call Center as defined in Section IV.A.4 of this IFB that, at a minimum:
- a. Is located in the United States;
  - b. Fully staffed with trained Call Center representatives and supervisors from 8 am to 8 pm ET from the start of the 60-Day Amnesty Period through the end of the Appeal and Reinstatement Period(s), except for Business Holiday(s) observed by the State and have management reporting capability to provide information on the quality and effectiveness of the Call Center;
  - c. Is staffed appropriately based on anticipated peak call times (i.e., after Enrollee mailings);and
  - d. Uses an integrated system to log and track all Enrollee calls. The system must create a record of the Enrollee contacting the call center, the call type, and all customer service actions and resolutions.

**Amended May 29, 2015**

**C. Exhibits**

At this part of its Administrative Section, the Offeror must complete and submit the various Exhibits specified in Section II.B and Section III of this IFB, 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>
MacBride Statement and Non-Collusive Bidding Certification	<b>Exhibit I.D</b>
EEO Staffing Plan (Form EEO-100)	<b>Exhibit I.G</b>
Offeror's Affirmation of Understanding and Agreement	<b>Exhibit I.K*</b>
Compliance with Public Officer's Law Requirements	<b>Exhibit I.M</b>

Compliance with Americans with Disabilities Act	<b>Exhibit I.N</b>
MWBE Utilization Plan (Form MWBE-100)	<b>Exhibit I.O</b>
Offeror's Certificate of Compliance Pursuant to State Finance Law §139-k	<b>Exhibit I.P</b>
Certification of Good Faith Efforts (Form MWBE-104)	<b>Exhibit I.Q</b>
Formal Offer Letter	<b>Exhibit I.S</b>
Offeror Attestations Form	<b>Exhibit I.T</b>
<b>Project Services Attestation Form</b>	<b>Exhibit I.T.1</b>
<b>Performance Guarantees Attestation Form</b>	<b>Exhibit I.T.2</b>
Key Subcontractors or Affiliates	<b>Exhibit I.U.1</b>
NYS Supplier and Subcontractor	<b>Exhibit I.U.2</b>
Program References	<b>Exhibit I.V</b>

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

#### **D. Key Subcontractors or Affiliates**

At this part of its Administrative Section, the Offeror must provide a statement identifying all Key Subcontractors or Affiliates, if any, that the Offeror will be contracting with to provide Program Services and must, for each such Key Subcontractor or Affiliate identified, complete and submit **Exhibit I.U.1**; "Key Subcontractors or Affiliates:"

1. Provide a brief description of the services to be provided by the Key Subcontractor or Affiliate; and
2. Provide a description of any current relationships with such Key Subcontractor or Affiliate and the clients/projects that the Offeror and Key Subcontractor or Affiliate 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 (or shared services agreement) has been executed between the Offeror and the Key Subcontractor or Affiliate for services to be provided by the Key Subcontractor or Affiliate relating to this IFB. If the Offeror will not be subcontracting with any Key

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Subcontractor(s) or Affiliate(s) to provide Project Services, the Offeror must provide a statement to that effect.

**Amended May 29, 2015**

**E. Reference Checks**

At this part of its Administrative Section, for the purpose of reference checks, the Offeror must list two (2) references of current clients and one (1) reference of a former client for a total of three (3) references for which the Offeror has supplied DEA Project Services similar to those required in this IFB. At least one (1) of the referenced clients must be an entity with at least one hundred fifty thousand or more Dependent lives subject to audit. 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 IFB. If the Offeror is proposing any Key Subcontractors or Affiliates, the references should be with clients for whom the Offeror and Key Subcontractor or Affiliate have jointly supplied services similar to those described in this IFB. For each Reference provided the Offeror must complete and submit **Exhibit I.V**, entitled "Program References." 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.

**Amended May 29, 2015**

**F. Financial Statements**

As part of its Administrative Section, 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 or Affiliate, if any, that provides any of the Project Services; which are the subject matter of this IFB, provide the most recent GAAP annual audited statement. If the Offeror, or a Key Subcontractor or Affiliate, is a privately held business and is unwilling to provide copies of their GAAP annual audited financial statements as part of their Proposal, the Offeror/Key Subcontractor/Affiliate 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 /Key Subcontractor/ Affiliate must provide the following as part of its Administrative Section: a letter from a bank reference attesting to the Offeror/Key Subcontractor/Affiliate's financial viability and creditworthiness. (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.) 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/Key Subcontractor/Affiliate and the bank), including the duration of the relationship and the Offeror's current standing with the bank. For example: "*The (Offeror/Key Subcontractor/Affiliate's name) is currently and has been for "x" number of years a client in good standing*";
2. 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 /Key Subcontractor/Affiliate's financial viability and creditworthiness concerning the nature and scope of the Program Services, which are the subject matter of this IFB, and the Parties (i.e., Department, and the Offeror or the Offeror and Key Subcontractor or Affiliate) contractual obligations should the Offeror be awarded the resultant Contract.