
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 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.

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:

1. The Offeror as of the Proposal Due Date, possesses the legal capacity to enter into a contract with the Department;
2. The Offeror understands and agrees to comply with all specific duties and responsibilities set forth in Section IV of this IFB #EBC-2014-1, entitled “The Empire Plan Employee Benefit Card,”
3. The Offeror attests to have at least three (3) years prior experience producing and distributing Employee Benefit Cards that are similar to those specified in Exhibit II.E – Employee Benefit Card Specifications, and where the Offeror’s book of business Employee Benefit Card production size is similar or greater in scope of at least two-hundred twenty-five thousand (225,000) in a twelve (12) month period. The Offeror must provide a detailed list of client organizations with the number of cards produced for each client to clearly demonstrate that the Offeror and/or its Key Subcontractor or Affiliate meets the minimum requirement of at least two-hundred twenty-five thousand (225,000) cards produced in a twelve month period;

4. Has provided Employee Benefit Card production services comparable to the services specified in Section IV.A.2 for at least two (2) current or former clients, each with a card production size of at least fifty thousand (50,000) in a twelve (12) month period; and
5. The Offeror attests that its operations, from production to distribution, is fully HIPAA compliant.

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:

Exhibit Name	Exhibit
Proposal Submission Requirement Checklist	Exhibit I.A
MacBride Statement and Non-Collusive Bidding Certification	Exhibit I.D
EEO Staffing Plan (Form EEO-100)	Exhibit I.G
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
MWBE Utilization Plan (Form MWBE-100)	Exhibit I.O
Offeror's Certificate of Compliance Pursuant to State Finance Law §139-k	Exhibit I.P
Certification of Good Faith Efforts (Form MWBE-104)	Exhibit I.Q
Formal Offer Letter	Exhibit I.S
Offeror Attestations Form	Exhibit I.T
Key Subcontractors or Affiliates	Exhibit I.U.1
NYS Supplier and Subcontractor	Exhibit I.U.2
Program References	Exhibit I.V

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

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 Benefit Card production services similar to those required in this IFB. At least two (2) of the referenced clients must be an entity with card production volume of fifty thousand (50,000) or more. 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 must 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 Program Manager and each key staff person proposed for this program had in the referenced services.

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 Program 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.