

July 14, 2020

Health Maintenance Organizations
Specifications for the New York State Health Insurance Program
Official Responses to Offerors' Questions

Item Number	RFP Page	Section Number	Question	Response
1	3	8	Please confirm we are to complete Attachment 20 and where in the proposal it should be included	Yes, an Offeror should complete Attachment 20 <i>2019 Health Fair and Events</i> . It should be submitted in the Technical Proposal.
2	23	2.2	Please confirm where in our proposal we are to put Attachment 12.	<i>New York State Subcontractors and Suppliers</i> (Attachment 12) should be submitted in the Technical Proposal.
3	63	5.2.1	A Summary of Benefits and Coverage is requested in this section, and then again in Section 5.2.4. Please confirm if we are to submit this twice.	Only one copy of the Summary of Benefits and Coverage is required with each submission copy and should be submitted in response to Section 5.2.1.
4	64	5.2.1	A Schedule of Benefits for Commercial and Medicare are requested in this section, and then again in Section 5.2.7. Please confirm if we are to submit this twice.	Only one copy of each Schedule of Benefits (Commercial and Medicare) are required with each submission copy and should be submitted in response to Section 5.2.1.

5	64	5.2.1	A Side-by-Side Comparison for Commercial and Medicare are requested in this section, and then again in Section 5.2.8. Please confirm if we are to submit this twice.	Please submit only one Commercial and one Medicare Side-by-Side with each copy of your submission and should be submitted in response to Section 5.2.1.
6	N/A	N/A	Will there be a clarifying questions period as there has been for past NYSHIP responses? If not, how and when will be notified if we need to make updates to the submission?	Yes, there will be a clarifying questions period.
7	N/A	N/A	For a service area expansion, what are the requirements necessary for submission in the proposal? The requested service area expansion is geographically separate from the current service area.	Please see Section 5.1.3 for information on the required service area submission materials. Any proposed service area must be contiguous, unless the service area is in one of the underserved counties.
8	N/A	N/A	Would NYSHIP accept electronic signatures and electronic proposals (no binders) given the imposed restrictions related to on-site work scenarios due to the pandemic.	No. Original signatures are required. Please see Section 2.2 for the hard copy and electronic submission requirements.

9	N/A	N/A	In the past we have not used our company logo on the Cover Letter for the Member communications materials mailing to HMO Members. Are we allowed to put our logo/branding on the letter to HMO members?	All letters and cover letters must showcase the NYSHIP logo first and foremost. Members should know these are NYSHIP communications. HMO branding may not supersede the NYSHIP branding.
10	12	5.a.ii.	Due to the COVID-19 pandemic and difficulty in obtaining in-person electronic signatures, please confirm electronic signatures are acceptance in lieu of originals. Further, please confirm those forms requiring in-person notarization can be electronically signed only at this time.	Original signatures are required. Notarization must be conducted in accordance with law or as permitted by Executive Order.
11	12	5.a.iii.	Should the master electronic submission on USB be placed with the other 16 USBs within the Administrative Proposal box or somewhere else? Please advise.	The master electronic submission on USB should be packaged in the sealed box/envelope labeled Administrative Proposal.

12	21	2.2.1.b.	For the redacted hardcopies and the single redacted USB required, should these items be placed in the Administrative Proposal response box or in the Technical Proposal response box?	The Requested Redactions should not be placed with the Administrative or Technical proposals. Requested Redactions (USB storage drive and Hard Copy), must be submitted to the Department at the time of Proposal submission, in separate packaging from the Proposal.
13	24 and 27	3.2 and 3.2.H.1.d.	Pages 24 and 26 both advise that, <i>“The only time an HMO may disenroll an individual without first receiving a determination by the Department is when CMS tells an HMO to disenroll the individual due to other coverage.”</i> Page 24 then states, <i>“In this situation, the HMO must notify the Department within one (1) Business Day of notification by CMS.”</i> However, page 27 says the notification should be made within five (5) Business Days. Please clarify if notification is required within 1 or 5 Business Days.	The HMO shall be required to inform the Department of any disenrollment within one (1) Business Day of notification by CMS.

14	29	3.4.1.a	For the Commercial Plan, is a dual HMO offering permitted?	The Department interprets this question to mean: is it permissible to offer two different commercial products (two different benefit designs) in the same service area. No, it is not be permissible, nor would it be permissible to offer two different Medicare Advantage plans in the same service area.
15	49	4.4	For the New York State Standard Vendor Responsibility Questionnaire, please confirm only the Offeror's completed questionnaire is required to be included in the proposal and not the completed questionnaires of all of its subcontractors.	Vendor Responsibility Questionnaires are required to be included with the Proposal for any subcontractor where: <ul style="list-style-type: none"> • The subcontractor is known at the time of the contract award; and • The subcontract will equal or exceed \$100,000 over the life of the contract.
16	51	4.6	For the New York State evidence of workers' compensation and disability benefits insurance coverage, please confirm only the Offeror's proof of coverage is required to be included in the proposal at this time and not evidence from all of its subcontractors.	The Department so confirms.

17	60	5.1 #3	Should an Offeror wish to expand their current NYSHIP approved Service Area to include Medicare Advantage in additional NYS counties with which they have appropriate DFS and CMS approval, please confirm this is allowed so long as the response is reflective across all materials submitted for the Service Area desired.	Expansion of a HMO's Medicare Advantage service area is permitted only in counties where the HMO already offers a commercial plan; a Medicare Advantage service area cannot expand into a county where a commercial plan is not offered by the HMO. Counties marked for Medicare Advantage expansion, and which already have a commercial plan offered, must be approved by CMS.
18	61	5.1.11	Due to its size, the Health Plan Network (HPN) report has historically been permitted to be submitted in electronic USB format only and not hardcopy. Please confirm for this submission, offerors can submit their HPN report in electronic format only.	An electronic-only HPN submission is acceptable.
19	N/A	Attachment 3	Page 2 of Attachment 3 indicates the number of hardcopies and USBs required for submission as 8 USBs, 1 master USB, and 3 hardcopy volumes, including one original hardcopy. This information varies from page 12 of the main RFP. Please clarify	One ORIGINAL hard copy and thirteen (13) hard copy versions are required for submission. One (1) master USB, and sixteen (16) additional USB drives are required.

			the number of hardcopies and USBs required for submission.	
20	N/A	Attachment 19	Attachment 19 is labeled online as <i>ATTACHMENT 19 - Confidentiality and Non-Disclosure Agreement</i> ; however, upon opening the file it appears to be the 2020 NYSHIP Dependent Eligibility Rider. Please advise and correct as needed. In addition, please advise if a <i>Confidentiality and Non-Disclosure Agreement</i> should be included in the response submission and, if so, please provide.	The title of Attachment 19 has been corrected on the public website. An Offeror is <u>not</u> required to submit a Confidentiality and Non-Disclosure Agreement with their proposal.
21	N/A	Attachment 20	Attachment 20 is labeled online as <i>ATTACHMENT 20 - 2020 NYSHIP Dependent Eligibility Rider</i> ; however, upon opening the file it appears to be the <i>2019 Health Fairs and Events</i> form. Please advise and correct as needed. In addition, please advise if the <i>2019 Health Fairs and Events</i> form should be completed and, if so, if the form should be submitted	The title of Attachment 20 has been corrected on the public website. <i>2019 Health Fair and Events</i> (Attachment 20) should be submitted in the Technical Proposal.

			under the Technical Proposal.	
22	54	4.7(6)	Please provide a Waiver of Subrogation endorsement that is referenced.	There are a variety of Waiver of Subrogation endorsements. The State will accept the waiver when it is checked off on the certificate of liability and/or written in the Description of Operations on the certificate of liability. If a separate endorsement is submitted, it is generally blanket endorsements in the policy as per https://www.cs.ny.gov/HMO2021/XtendEndorsement.pdf
23	53	4.7(1.b.iv)	Is a Waiver of Subrogation required for all insurance policies, specifically Workers' Compensation, Directors' & Officers' and Errors & Omissions?	As stated in 4.7.6, the Waiver of Subrogation is required for all liability policies.
24	4	Appendix C – 4.2	Please identify any security assessment certifications the Department would accept in lieu of a HITRUST Common Security Framework (CSF) certification.	The Department declines to name specific alternative security assessment certifications at this time. Any alternative security assessment must meet the requirements set forth by the NYS Office of Information Technology Services. These requirements can be found at https://its.ny.gov/ciso/policies/security . If an Offeror wishes to propose use of an alternative security assessment certification, it should provide the information as part of the justification for the non-material deviation using the template set forth in Attachment 8, <i>Non-Material Deviations Template</i> .

25	4	Appendix C – 4.2	Would organizations with alternative certifications still be expected to obtain a HITRUST certification pursuant to Appendix C 4.2.2?	If the Department accepted a comparable industry accepted security framework, then such organization would not be required to obtain HITRUST certification but would be required to provide the same type of continued coverages and notifications as presented in Appendix C.
26	12	2.1 (5.a.iii)	Is the requirement to include 1 master USB with the technical proposal AND 1 master USB with the administrative proposal or is 1 master USB with both proposals sufficient to meet the requirements?	The requirement is to provide one (1) master USB containing both sections of the proposal.
27	12	2.1 (5.a.iii)	should the master electronic USB submission be packaged in the "Administrative" box with the other 16 USBs?	Yes, the master electronic USB submission should be included in the administrative box.
28	14	2.1 (5.g)	Please confirm that we do not need to send any proposals to the members of the JMLC as has been done in the past.	The Department so confirms.

29	21	2.2 (1.b)	<p>If HMO submits proposals marked for redaction, should they (2 bound copies and 1 USB) be packaged in a box separate from the technical and administrative proposal boxes that are not marked for redaction or should the technical proposal marked for redaction be submitted with the other 14 technical proposals and the administrative proposal marked for redaction be submitted in the box with the other 14 administrative proposals. Additionally, with what should the USB marked for redaction be packaged?</p>	<p>Requested Redactions (USB storage drive and Hard Copy), must be submitted to the Department at the time of Proposal submission, but packaged separately from the Proposal.</p>
30	23	2.1 (5.b)	<p>If the size of the proposal prohibits all Administrative Proposals in one box, all and Technical Proposals in a second box, can multiple boxes be utilized if labeled accordingly?</p>	<p>Yes.</p>

31	12 & 13 & Attach ment 3	2.1.5 & Attachment 3	<p>The proposal submission quantities noted in the Formal Offer Letter (Attachment 3) are different from those noted in 2.1.5. Please clarify</p> <p>Attachment 3: Total of eight (8) electronic copies on a USB drive that each contain the Administrative and Technical Proposal and three (3) hard copy volumes, including one ORIGINAL hard copy.</p> <p>2.1.5: One ORIGINAL hard copy and thirteen (13) hard copy versions of each of the two (2) sections of the Specifications, separated into Administrative, and Technical sections.</p> <p>The Offeror must submit sixteen (16) additional USB drives, which each contain an electronic copy of the Administrative and Technical Proposal</p>	One ORIGINAL hard copy and thirteen (13) hard copy versions are required. One (1) master USB, and sixteen (16) additional USB drives are required.
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32	9	Appendix C – 8.5	Can confidential information be used in non-production cloud with compensating controls protecting the Data to the same level of protection as afforded to the production environment?	The Department has a separate process for the consideration of non-material deviations. There is insufficient information for the Department to determine whether this approach meets the Department’s security needs. If an Offeror wishes to propose use of confidential information in a non-production cloud with compensating controls, it should provide the information as part of the justification for the non-material deviation using the template set forth in Attachment 8, <i>Non-Material Deviations Template</i> .
33	9	Appendix C – 8.6	Our core claims systems store all our client data in one logical segment. Client data is distinguishable based on client/group specific identifiers. All records and backups follow regulatory retention requirements and are destroyed when retention obligations are met. Is this unique identifier and backup approach sufficient for this control?	The Department has a separate process for the consideration of non-material deviations. There is insufficient information for the Department to determine whether this approach meets the segmentation and separation requirements set forth in section 8.6. If an Offeror wishes to propose use of such storage, it should provide the information as part of the justification for the non-material deviation using the template set forth in Attachment 8, <i>Non-Material Deviations Template</i> .
34	11	Appendix C – 11.4	Access reviews are conducted annually for privileged and non-privileged user accounts. Application user account recertifications are conducted monthly. Is this frequency acceptable to	The Department has a separate process for the consideration of non-material deviations. Additional information is needed regarding the definition of “application user” accounts in order to evaluate whether this frequency will be acceptable to the Department. If an Offeror wishes to propose use of an alternative review cycle, it should provide the information as part of the justification for the non-

			the Department?	material deviation using the template set forth in Attachment 8, Non-Material Deviations Template.
35	13	Appendix C - 15	We utilize third party offshore contractors to support our IT infrastructure, which may result in access to PHI. All access is conducted through a secure VDI environment that prohibits the saving, copy, storage or removal of data from our environment. In addition, we also utilize additional third-party vendors that may utilize offshore resources to provide their services. No data is hosted, maintained, stored or processed at offshore locations. Is this acceptable to the Department?	No. Protected Health Information is not permitted to be accessed outside of CONUS.
36			If it is determined that hard copies are required can you please clarify that all 14 Hard copies of the Administrative Proposal (1 Original and 13 Copies of Administrative Proposal) and all 14 Technical Proposal hard copies (1	All Proposals must be mailed or hand-delivered to only the address provided in Section 2.1(1) of the Specifications. The Department of Civil Service is responsible for providing copies the JLMC members.

			Original and 13 Copies of the Technical Proposal) are to be delivered to the one address provided for Brian Bopp? In the past we had to send each member of the JLMC a copy, thus the confusion.	
37	Attestation 3 – Also mentioned on Page 19 of the Specifications		<p>Please confirm if the following statement should be 365 days or 180 days.</p> <p>This formal offer will remain firm and non-revocable for a minimum period of 365 days from the Proposal Due Date as set forth in the specifications. In the event that a contract is not approved by the NYS Comptroller within the 180 day period, this offer shall remain firm and binding beyond the 365 day period and until a contract is approved by the NYS Comptroller, unless [INSERT OFFEROR NAME] delivers to the Department of Civil Service written notice of withdrawal of its Proposal.</p>	The reference to 180 days on the Formal Offer Letter (Attachment 3) should be changed to 365 days.

38	Attach ment C, Page 1	Variable Clauses	NYS- S14003_Information_Secur ity_Controls_1.pdf; While the agreement is classified as HHH, which components of the Index would specifically apply to the Plan?	If the Department understands this question, the listing of the applicable plan components is set forth on page 28 of the NYS Information Security Controls standard.
39	Specifi cations – Page 34 and Page 42	3.4. 1. B. xii and 3.7 Reporting	<p>Medicare advantage reporting is referenced in 3.4 Plan Requirements, 1. Duties and Responsibilities, b. Medicare Advantage Plan Benefit Requirements, xii as monthly. In 3.7 Reporting, 1. Duties and Responsibilities, f. it references weekly. Also on attachment 21 it references weekly.</p> <p>Please confirm the reference in 3.4 is the same reporting referenced in 3.7 and is moving from monthly to weekly effective Jan 1, 2021.</p>	Reporting obligations related to Medicare Advantage enrollment as specified in sections 3.4.1.b.xii and 3.7.1.f are to occur on a weekly basis effective January 1, 2021 and throughout the duration of the contract.