



REQUEST FOR PROPOSALS

ENTITLED:

“CLINICAL LABORATORY SERVICES”

RELEASE DATE:

May 9, 2019

PROPOSAL DUE DATE:

May 31, 2019, 3:00 p.m. ET

IMPORTANT NOTICE: A Restricted Period under the Procurement Lobbying Law is currently in effect for this Procurement and it will remain in effect until State Comptroller approval of the resultant contract. During the Restricted Period for this Procurement ALL communications must be directed, in writing, solely to the Procurement Manager as listed below and shall comply with the Procurement Lobbying Law and the NYS Department of Civil Service “Rules Governing Conduct of Competitive Procurement Process” (refer to RFP, Section 2: Procurement Protocol and Process).

**All inquiries, questions, filings and submission of
Proposals must be directed in writing to:**

New York State Department of Civil Service
Attention: Clinical Laboratory Services Procurement, Floor 17
Agency Building 1, Empire State Plaza
Albany, New York 12239
E-mail: DCSprocurement@cs.ny.gov

Lola Brabham
Acting Commissioner
New York State Department of Civil Service

Rene Shekerjian
Director
Testing Services Division

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SECTION 1: INTRODUCTION

1.1 Purpose

The purpose of this Request for Proposals (“RFP” or “Procurement”), entitled “**Clinical Laboratory Services**” is to competitively secure the services of a qualified organization, either directly or through subcontracts with qualified organizations, to perform the following services:

- Clinical laboratory testing services;
- Phlebotomy and other specimen collection services;
- Specimen pick-up / courier services; and
- Testimony at legal and/or administrative proceedings.

1.2 Period of Performance

The Contract will be for a term of five years beginning July 1, 2019 and ending June 30, 2024, subject to the approval of the New York State Attorney General’s Office (“AG”) and the New York State Office of the State Comptroller (“OSC”).

1.3 Overview of the Employee Health Service Unit

The Testing Services Division (“TSD”) of the Department of Civil Service (“Department”) is responsible for developing and administering tests for all New York State departments and agencies as authorized and mandated by Civil Service Law, including written "training and experience" tests and medical pre-employment and fitness-for-duty examinations. The Employee Health Service (“EHS”) is the unit within TSD responsible for providing medical examination services, including pre-employment, fitness-for-duty/return to work, and occupational health examinations. A full-time staff of physicians, nurse practitioners, registered nurses, and medical technicians conduct medical examinations and diagnostic testing in the EHS clinic located in Cohoes. In addition, EHS operates part-time medical examination centers in Hauppauge, Brooklyn, Syracuse and Buffalo. It also operates nursing stations providing workplace nursing services at locations throughout the State. EHS also performs medical examinations at New York State agency locations throughout the State.

1.4 Offeror Eligibility

The Department requests proposals only from qualified Offerors, as specified below.

1. Qualifications

- a. The Offeror must, at time of Proposal submission and throughout the term of the Contract, be authorized to conduct business in New York State. If the Offeror is not so authorized at time of Proposal submission, then the Offeror must, at time of Proposal submission, have filed an application for authority to do business in New York State with the New York State Secretary of State. Such application must be approved prior to contract award.

- b. The Offeror must, at time of Proposal submission and throughout the term of the Contract, possess the legal capacity to enter into a contract with the Department.
- c. The Offeror must be capable of providing all the Project Services either directly or through the use of subcontractors at sites located throughout New York State.
- d. The Offeror must represent and warrant that it possesses adequate staffing resources, financial resources and organizational structure to perform the type, magnitude and quality of work specified in the RFP.
- e. The Offeror's medical staff assigned to perform Project Services must be licensed in New York State.
- f. The Offeror's and Key Subcontractor's technical staff assigned to perform Project Services under the Contract must be: (1) properly trained; (2) competent to perform the required testing; and (3) meet all applicable New York State and Federal regulations.

1.5 Timeline of Key Events

The following is the estimated timetable of key events for this Procurement:

EVENT	DATE
RFP Release Date	May 9, 2019
Deadline for Submission of Offeror Questions	May 17, 2019
Release Date of Official Responses to Offeror Questions	May 21, 2019
Proposal Due Date and Time	May 31, 2019 3:00 PM
Tentative Contract Award	June 7, 2019
Anticipated Contract Start Date	July 1, 2019

1.6 Method of Award

The State will award the contract to the qualified, responsive and responsible Offeror who meets the terms of this RFP and provides the most experienced staff, the greatest statewide presence and the lowest five-year Total Projected Cost. In this RFP, it has been determined that "best value" is demonstrated by a combination of experienced staff, statewide presence and the lowest five-year Total Projected Cost.

SECTION 2: PROTOCOL AND PROCESS

2.1 Rules Governing Conduct of Competitive Procurement Process

All inquiries, questions, filings and submission of Proposals with regard to the RFP must be directed, in writing, to the Designated Contacts listed below. Any inquiries, questions, filings or submission of Proposals that are submitted to any other contact or physical address shall not be considered as official, binding or as having been received by the Department.

1. Designated Contacts

In accordance with the Procurement Lobbying Law [State Finance Law § 139-j(2)(a)], the following individuals are the Designated Contacts for this Solicitation. All questions relating to this Solicitation must be addressed to the following Designated Contacts.

**Brian Bopp and/or Victoria Rojas-Valencia, DCS Contract Administration
New York State Department of Civil Service
Clinical Laboratory Services Procurement, Floor 17
Agency Building 1, Empire State Plaza
Albany, New York 12239
E-mail: DCSprocurement@cs.ny.gov**

2. Procurement Lobbying Limitations

- a. Pursuant to State Finance Law § 139-j and § 139-k, this Procurement imposes certain procurement lobbying limitations (Attachment 2). An Offeror is restricted from making contacts during the Procurement's "Restricted Period" (from the issuance of the RFP until the date of the Contract's final approval by the OSC) to other than the Department's Designated Contacts, unless the contact falls within certain statutory exceptions ("permissible contacts"). For purposes of this section of the RFP, "Offeror" includes a prospective Offeror prior to the due date for the submission of Proposals in response to this RFP. Staff is required to obtain certain information from an Offeror and others whenever there is a contact about the Procurement during the Restricted Period and is required to make a determination of the Offeror's responsibility that addresses the Offeror's compliance with the statutes' requirements. Findings of non-responsibility will result in rejection for contract award, and if an entity is subject to two non-responsibility findings within four years the entity will also be determined ineligible to submit a proposal on or be awarded a contract for four years from the date of the second non-responsibility finding. The Department's policy and procedures are available at <https://www.cs.ny.gov/pio/vendorinfo.cfm> .
- b. It is mandatory that a prospective Offeror affirm their understanding of and agreement to comply with the procurement lobbying requirements set forth in State Finance Law § 139-k and § 139-j. The affirmation is included in the *Formal Offer Letter* (Attachment 3).

3. Submission of Errors or Omissions in this RFP Document

By participating in activities related to this Procurement, and/or by submitting a Proposal in response to this RFP, prospective Offerors and Offerors agree to be bound by its terms, including, but not limited to, this process by which a prospective Offeror may submit errors or omissions for consideration. In the event that a prospective Offeror believes there is an error or omission in this RFP, the prospective Offeror may raise such issue as part of the question and answer process.

4. Submission of Questions

Using the *Questions Template* (Attachment 4), a prospective Offeror may submit questions concerning the content of this RFP via email to the Designated Contact address specified in Section 2 of this RFP. Only those questions received prior to the Questions Due Date specified in Section 1 of this RFP will be accepted. After the Questions Due Date, the Department will publish all questions and answers on the same website as the published RFP: <https://www.cs.ny.gov/LAB2019RFP-reissued/>.

5. Submission of Proposals

- a. The Offeror's Proposal must be submitted in a binder, with a table of contents, and each page numbered consecutively from its beginning through all appended material.
- b. The Offeror's Proposal must consist of 1 ORIGINAL hard copy and 1 copy. The ORIGINAL hard copy of each part must be marked "ORIGINAL" and contain the original signature of an official(s) authorized to bind the Offeror to its provisions on all forms submitted that require the Offeror's signature. The hard copy marked "ORIGINAL" will be deemed controlling by the Department when viewing the Proposal.
- c. The official name of the Offeror and "Clinical Laboratory Services" must appear on the outside front cover of each copy of the Offeror's Proposals.
- d. Proposals should be packaged by Section in sealed boxes/envelopes (i.e., all the Administrative Proposals together in one box, all the Technical Proposals together in one box, and all the Financial Proposals in a third box). Each sealed box/envelope should contain a label on the outside of the container which contains the information below:

<p>New York State Department of Civil Service Request for Proposals entitled, "CLINICAL LABORATORY SERVICES"</p> <p>OFFEROR NAME OFFEROR ADDRESS</p>

- e. All Proposals must be mailed or hand-delivered to the address set forth in Section 2 of this RFP.

- f. An Offeror is solely responsible for timely delivery of the Proposal to the Department prior to the stated Proposal Due Date and Time set forth in Section 1 of this RFP. Delays in United States Postal Service mail deliveries or any other means of transmittal, including couriers or agents of New York State, shall not excuse late bid submissions. If the Proposal is delivered by mail or courier, the Department recommends that it be sent "return receipt requested," so the Offeror obtains proof of timely delivery. No phone, facsimile or e-mail submission of Proposals will be accepted for this RFP.

6. Bid Deviations

- a. The Department will not entertain deviations to Appendix A (Standard Clauses for New York State Contracts). The Department will also not entertain deviations to the solicitation or Appendix B (Standard Clauses for all DCS Contracts) that are of a material and substantive nature. New York State law precludes awarding a contract based upon material deviation(s) from the specifications, terms, and/or conditions set forth in the solicitation. Therefore, proposals containing deviations (including additional, inconsistent, conflicting or alternative terms) that are material and substantive from the specifications, terms, and conditions set forth in the solicitation may render the proposal non-responsive and may result in rejection of the proposal.
- b. If an Offeror intends to submit a proposal containing a deviation, the Offeror is strongly advised to raise issues and/or concerns relating to this procurement during the question and answer period so that it may be given due consideration prior to the submission of proposals. Failure to use the question and answer period and instead submitting a proposal containing a deviation that the Department, in turn, deems material could render the entire proposal non-responsive and rejected in its entirety.
- c. In general, a material deviation is one that would (1) impair the interests of New York State, (ii) place the successful Offeror in a position of unfair economic advantage, (iii) place other Offerors at a competitive disadvantage, or (iv) if it had been included in the original solicitation, could have formed a reasonable basis for an otherwise qualified Offeror to change its determination concerning the submission of a proposal. For example, a deviation that would substantially shift liability (risk) from the Offeror to New York State or substantially shift financial responsibility from the Offeror to New York State would be considered material.
- d. An Offeror is further advised that Offeror's standard, pre-printed material (including but not limited to product literature, order forms, manufacturer's license agreements, standard contracts or other pre-printed documents), which are physically attached or summarily referenced in the Offeror's proposal, unless specifically required by the solicitation to be submitted as part of the Offeror's proposal, will not be considered as having been submitted with or intended to be incorporated as part of the official offer contained in the proposal. Rather, such material will be deemed by the Department to have been included by Offeror for informational or promotional purposes only.

- e. To submit non-material bid deviations, an Offeror must follow the instructions below and submit the proposed deviation(s) using the *Non-Material Bid Deviations Template* (Attachment 13), as part of the Administrative Proposal.
- f. Only those deviations that meet all the following requirements may be considered as having been submitted as part of the proposal:
 - i. Each proposed deviation (addition, deletion, counter-offer or modification) must be specifically enumerated, in a writing, which is not part of a pre-printed form;
 - ii. The writing must identify the specific Solicitation requirement (if any) that Offeror rejects or proposes to modify by inclusion of deviation; and
 - iii. The Bidder shall enumerate the proposed deviation (addition, deletion, counter-offer or modification) from the Solicitation, and the reasons therefor.
- g. The Department shall review any deviation to determine if it is material or non-material, during the evaluation process. If material, the deviation shall be rejected. If non-material, the deviation shall be reviewed for acceptability to the Department.
- h. No proposed deviation, whether deemed “material” or not, shall be incorporated into a Contract unless submitted in accordance with the above and the Department expressly accepts each such term in writing. Acceptance and/or processing of the Bid shall not constitute such written acceptance of a proposed deviation.

7. Notification of Tentative Contract Award

A tentative contract award notification letter will be sent to the selected Offeror indicating a conditional award subject to successful contract negotiations. The remaining Offerors will be notified of the conditional award.

8. Debriefing

At the time of the notification of tentative contract award, Offerors will also be advised of the opportunity to request a debriefing per the *New York State Department of Civil Service Debriefing Guidelines* (Attachment 5). An unsuccessful Offeror’s written request for a debriefing shall be submitted to the address provided in Section 2 of this RFP.

9. Submission of Award Protests

By participating in activities related to this Procurement, and/or by submitting a Proposal in response to the RFP, an Offeror agrees to be bound by its terms including, but not limited to, the process by which an Offeror may submit protests of a non-responsive determination or the selection award for consideration. In the event that an Offeror elects to submit a protest of a non-responsive determination, the Offeror agrees it shall not be permitted to also submit a protest on the selection decision. In the event that an Offeror decides to submit a protest, the Offeror may raise such issue according to the following provisions:

- a. Any protest of the selection decision must be received no later than ten (10) business days after an Offeror's receipt of written notification by the Department of a non-responsive determination or conditional award.
- b. The protest must fully state the legal and factual grounds for the protest and must include all relevant documentation.
- c. All submissions of protest must be in writing and submitted to the Designated Contact at the address set forth in Section 2 of this RFP.
- d. A protest of either a non-responsive determination or selection decision must have the following statements clearly and prominently displayed on the envelope or package:

**Submission of Non-Responsive Determination Protest for
Clinical Laboratory Services Request for Proposals.**

or

**Submission of Tentative Award Protest for
Clinical Laboratory Services Request for Proposals.**

- e. Any assertion of protest which does not conform to the requirements set forth in this section shall be deemed waived by the Offeror, and the Offeror shall have no further recourse.
- f. The Department shall conduct the review process of a submitted protest. The Department's Commissioner may appoint a designee to review the submission and to make a recommendation to the Commissioner as to the disposition of the matter. The Commissioner's designee may be an employee of the Department but, in any event, shall be someone who has not participated in the preparation of the solicitation instrument, the evaluation of Proposals, or the selection decision. At the discretion of the Commissioner, or the Commissioner's designee, the Offeror may be given the opportunity to meet with the Commissioner or the Commissioner's designee, to support its submission. The Offeror may, but need not, be represented by counsel at such a meeting. All issues concerning the way the review process is conducted shall be determined solely by the Commissioner, or the Commissioner's designee.
- g. The Commissioner, or the Commissioner's designee, shall review the matter, and the Commissioner shall issue a written decision within twenty (20) business days after the close of the review process. If additional time is necessary for the issuance of the decision, the Offeror shall be advised of the time frame within which a decision may be reasonably expected. The Commissioner's decision will be communicated to the Offeror in writing and shall constitute the agency's final determination in the matter.

- h. If an Offeror protests the selection decision or a non-responsive determination, the Department shall continue contract negotiations regarding the terms and conditions of the agreement with the selected Offeror.

10. Department of Civil Service Reservation of Rights

In addition to any rights articulated elsewhere in the RFP, the Department reserves the right to:

- a. Use proposal information obtained through site visits, management interviews and the State's investigation of an Offeror's qualifications, experience, ability or financial standing, and any material or information submitted by the Offeror in response to the agency's request for clarifying information, in the course of evaluation and/or selection under the RFP.
- b. Prior to the bid opening, amend the RFP. If the Department elects to amend any part of this RFP, such amendments will also be posted to:
<https://www.cs.ny.gov/LAB2019RFP-reissued/>
- c. Prior to the bid opening, direct Offerors to submit proposal modifications addressing subsequent RFP amendments.
- d. Reject any or all proposals received in response to the RFP.
- e. Make an award under the RFP in whole or in part.
- f. Withdraw the RFP, in whole or in part, at its sole discretion.
- g. Disqualify any Offeror whose conduct and/or Proposal fails to conform to any mandatory requirements of this RFP.
- h. Seek clarifying information from an Offeror(s) for the purpose of assuring the Department's full understanding of the Offeror's responsiveness to the RFP requirements.
- i. Waive any requirements that are not material.
- j. Change any of the scheduled dates in the RFP.
- k. Modify, correct, and/or clarify requirements at any time during the Procurement, provided that, any such modification/correction and/or clarification does not materially benefit or disadvantage any particular Offeror or materially disadvantage any non-Offeror.
- l. Eliminate any mandatory, non-material specifications that cannot be complied with by all prospective Offerors.
- m. For the purpose of ensuring the completeness and comparability of Proposals, analyze submissions and make adjustments or normalize submissions in the Proposal(s), including the Offeror's technical assumptions, and underlying calculations and assumptions used to support the Offeror's computation of costs, or to apply such other methods as it deems necessary to make level comparisons across Proposals and/or require correction of arithmetic or other apparent errors

for the purpose of assuring a full and complete understanding of an Offeror's Proposal and/or to determine an Offeror's compliance with the requirements of the RFP.

- n. Negotiate additional terms and conditions in the Contract which are to the State's advantage and which, as determined in the sole opinion of the Department, do not substantially alter the requirements of the RFP [**Note:** If, however, the scope or intent of the original RFP would be substantially altered by such negotiated changes, all Offerors will be given an opportunity to modify and resubmit their Proposals based on updated RFP specifications].
- o. Set aside an originally selected Offeror(s) if it is subsequently determined by the Department that the Offeror(s) is non-responsible. The Department may then invite the next highest ranked Offeror(s) to enter into negotiations for purposes of executing an agreement.
- p. Withdraw the conditional award to a selected Offeror(s) should the Department be unsuccessful in negotiating an agreement with such Offeror(s) within a time frame acceptable to the Department; such time frame is to be determined solely by the Department based on the best interest of the State. If the Department determines that contract negotiations between the Department and a selected Offeror are unsuccessful, the Department may then invite the Offeror with the next highest rank to enter into negotiations for purposes of executing an agreement.
- q. Utilize any and all ideas submitted in the Proposal(s) received.
- r. Unless otherwise specified in the solicitation, every offer is firm and not revocable for a period of 180 days from the bid opening date.

11. Disclaimer

The Department is not liable for any cost incurred by any Offeror prior to approval of the Contract by OSC. Additionally, no cost will be incurred by the Department for any prospective Offeror or Offeror's participation in any procurement related activities.

2.2 Compliance with Applicable Rules, Laws, Regulations and Executive Orders

This Procurement is subject to the New York State competitive bidding laws and also governed by, at a minimum, the legal authorities referenced below. An Offeror must fully comply with the provisions set forth in this section of the RFP, as well as the provisions of the *Standard Clauses for New York State Contracts* (Appendix A) and the *Standard Clauses for all DCS Contracts* (Appendix B), which will become a part of the resulting contract. The Department will consider for evaluation and selection purposes only those Offerors who agree to comply with these provisions and whose proposal contains the submission required hereunder.

1. **CONTRACTOR REQUIREMENTS AND PROCEDURES FOR PARTICIPATION BY NEW YORK STATE-CERTIFIED MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES AND EQUAL EMPLOYMENT OPPORTUNITIES FOR MINORITY GROUP MEMBERS AND WOMEN**

Pursuant to New York State Executive Law Article 15-A and Parts 140-145 of Title 5 of the New York Codes, Rules and Regulations (“NYCRR”), the Department is required to promote opportunities for the maximum feasible participation of New York State-certified Minority and Women-owned Business Enterprises (“M/WBEs”) and the employment of minority group members and women in the performance of the Department contracts.

a. Business Participation Opportunities for MWBEs

For purposes of this solicitation, the Department hereby establishes an overall goal of 30 percent for MWBE participation: 10 percent for New York State-certified Minority-owned Business Enterprise (“MBE”) participation; and 20 percent for New York State-certified Women-owned Business Enterprise (“WBE”) participation (based on the current availability of MBEs and WBEs). A contractor on any contract resulting from this procurement must document its good faith efforts to provide meaningful participation by M/WBEs as subcontractors and suppliers in the performance of the Contract. To that end, by submitting a response to this RFP, the respondent agrees that the Department may withhold payment pursuant to any Contract awarded as a result of this RFP pending receipt of the required MWBE documentation. The directory of MWBEs can be viewed at: <https://ny.newnycontracts.com>. For guidance on how the Department will evaluate a Contractor’s “good faith efforts,” refer to Title 5 NYCRR § 142.8.

The Offeror understands that only sums paid to MWBEs for the performance of a commercially useful function, as that term is defined in Title 5 NYCRR § 140.1, may be applied towards the achievement of the applicable MWBE participation goal. The portion of a contract with an MWBE serving as a broker that shall be deemed to represent the commercially useful function performed by the MWBE shall be 25 percent of the total value of the contract.

In accordance with Title 5 NYCRR § 142.13, the Offeror further acknowledges that if it is found to have willfully and intentionally failed to comply with the MWBE participation goals set forth in a Contract resulting from this RFP, such finding constitutes a breach of contract and the Department may withhold payment as liquidated damages.

Such liquidated damages shall be calculated as an amount equaling the difference between: (1) all sums identified for payment to MWBEs had the Contractor achieved the contractual MWBE goals; and (2) all sums actually paid to MWBEs for work performed or materials supplied under the Contract.

By submitting a bid or proposal, an Offeror agrees to demonstrate its good faith efforts to achieve the applicable MWBE participation goals by submitting evidence thereof through the New York State Contract System (“NYSCS”), which can be viewed at <https://ny.newnycontracts.com> provided, however, that an Offeror may arrange to provide such evidence via a non-electronic method by contacting the Department.

Additionally, an Offeror will be required to submit the following documents and information as evidence of compliance with the foregoing:

- i. A *MWBE Utilization Plan* (Attachment 6) with their bid or proposal. Any modifications or changes to an accepted MWBE Utilization Plan after the Contract award and during the term of the Contract must be reported on a revised MWBE Utilization Plan and submitted to the Department for review and approval. The Department will review the submitted MWBE Utilization Plan and advise the Offeror of the Department's acceptance or issue a notice of deficiency within 30 days of receipt.
- ii. If a notice of deficiency is issued, the Offeror will be required to respond to the notice of deficiency within seven (7) business days of receipt by submitting to the Department a written remedy in response to the notice of deficiency. If the written remedy that is submitted is not timely or is found by the Department to be inadequate, the Department shall notify the Offeror and direct the Offeror to submit, within five (5) business days, a request for a partial or total waiver of MWBE participation goals. Failure to file the *Waiver Request Form* (Attachment 7) in a timely manner may be grounds for disqualification of the bid or proposal.

The Department may disqualify an Offeror as being non-responsive under the following circumstances:

- I. If an Offeror fails to submit a MWBE Utilization Plan;
- II. If an Offeror fails to submit a written remedy to a notice of deficiency;
- III. If an Offeror fails to submit a request for waiver; or
- IV. If the Department determines that the Offeror has failed to document good faith efforts to achieve the applicable MWBE participation goals.

The successful Offeror will be required to attempt to utilize, in good faith, any MBE or WBE identified within its MWBE Utilization Plan, during the performance of the Contract. Requests for a partial or total waiver of established goal requirements made subsequent to Contract Award may be made at any time during the term of the Contract to the Department but must be made prior to the submission of a request for final payment on the Contract.

The successful Offeror will be required to submit a quarterly *MWBE Contractor Compliance & Payment Report* (Attachment 8) to the Department, by the 10th day following the end of each New York State fiscal quarter, over the term of the Contract, including documenting the progress made toward achievement of the MWBE goals of the Contract.

b. Equal Employment Opportunity Requirements

By submission of a bid or proposal in response to this solicitation, the Offeror agrees with all of the terms and conditions of *Standard Clauses for New York State Contracts* (Appendix A) including Clause 12 - Equal Employment Opportunities for Minorities and Women. The Offeror is required to ensure that it and any subcontractors awarded a subcontract for the construction, demolition, replacement, major repair, renovation, planning or design of real property and

improvements thereon (the "Work"), except where the Work is for the beneficial use of the Offeror, undertake or continue programs to ensure that minority group members and women are afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status. For these purposes, equal opportunity shall apply in the areas of recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff, termination, and rates of pay or other forms of compensation. This requirement does not apply to: (i) work, goods, or services unrelated to the Contract; or (ii) employment outside New York State.

The Offeror will be required to submit a *MWBE Equal Employment Opportunity Policy Statement* (Attachment 9) to the Department with its bid or proposal.

If awarded a Contract, the Offeror shall submit a Workforce Utilization Report and shall require each of its Subcontractors to submit a Workforce Utilization Report, in such format as shall be required by the Department on a quarterly basis during the term of the Contract.

Further, pursuant to Article 15 of the Executive Law (the "Human Rights Law"), all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor and sub-contractors will not discriminate against any employee or applicant for employment because of race, creed (religion), color, sex, national origin, sexual orientation, military status, age, disability, predisposing genetic characteristic, marital status or domestic violence victim status, and shall also follow the requirements of the Human Rights Law with regard to non-discrimination on the basis of prior criminal conviction and prior arrest.

Please Note: Failure to comply with the foregoing requirements may result in a finding of non-responsiveness, non-responsibility and/or a breach of the Contract, leading to the withholding of funds, suspension or termination of the Contract or such other actions or enforcement proceedings as allowed by the Contract.

2. PARTICIPATION OPPORTUNITIES FOR NEW YORK STATE CERTIFIED SERVICE-DISABLED VETERAN-OWNED BUSINESSES

Article 17-B of the New York State Executive Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses ("SDVOBs"), thereby further integrating such businesses into New York State's economy. The Department recognizes the need to promote the employment of service-disabled veterans and to ensure that SDVOBs have opportunities for maximum feasible participation in the performance of the Department's contracts.

In recognition of the service and sacrifices made by service-disabled veterans and in recognition of their economic activity in doing business in New York State, Offerors/Contractors are strongly encouraged and expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles.

For purposes of this procurement, the Department conducted a comprehensive search and determined that the Contract does not offer sufficient opportunities to set specific

goals for participation by SDVOBs as subcontractors, service providers, and suppliers to a Contractor. Nevertheless, the Offeror/Contractor is encouraged to make good faith efforts to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials. The directory of SDVOBs can be viewed at: <https://ogs.ny.gov/veterans/>

The Offeror/Contractor is encouraged to contact the Office of General Services' Division of Service-Disabled Veteran's Business Development at 518-474-2015 or VeteransDevelopment@ogs.ny.gov to discuss methods of maximizing participation by SDVOBs on the Contract.

3. Disclosure of Proposal Contents – Freedom of Information Law (FOIL)

To request that materials be protected from FOIL disclosure, the Offeror must follow the procedures below regarding the New York State Freedom of Information Law (FOIL). If an Offeror believes that any information in its Proposal or supplemental submission(s) constitutes proprietary and/or trade secret information and desires that such information not be disclosed if requested pursuant to the New York State Freedom of Information Law, Article 6 of the Public Officers Law, the Offeror must make that assertion by completing the *Freedom of Information Law – Request for Redaction Chart* (Attachment 1). The Offeror must complete the form specifically identifying by page number, line, or other appropriate designation, the specific information requested to be protected from FOIL disclosure and the specific reason why such information should not be disclosed. Page 2 of Attachment 1 contains information regarding appropriate justification for protection from FOIL disclosure. Vague, non-specific, summary allegations that material is proprietary or trade-secret are inadequate and will not result in protection from FOIL disclosure.

The completed Attachment 1 must be submitted to the Department at the time of its Proposal submission. It should be separately packaged in the Offeror's submission (not part of the Administrative, Technical or Cost Proposals). If the Offeror chooses not to assert that any Proposal material and/or supplemental submission should be protected from FOIL disclosure, the Offeror should so advise the Department by checking the applicable box on Attachment 1 and submitting it to the Department at the time of its Proposal submission, but separately from its Proposal. If a completed Attachment 1 is not submitted, the Department will assume that the Offeror chooses not to assert that any proposal material or supplemental submission, as applicable, should be protected from FOIL disclosure.

The FOIL-related materials described herein will not be considered part of the Offeror's Proposal and will not be reviewed as a part of the Procurement's evaluation process.

4. Piggyback Procurement

The Offeror must agree that, pursuant to State Finance Law § 163(10)(e), the Department may authorize and approve purchases from the resulting contracts to other New York State agencies, Authorities, the United States Government or any other state, with the concurrence of OSC and under appropriate circumstances. This process is commonly referred to as "piggybacking."

SECTION 3: PROJECT SCOPE

3.1 Project Services

For purpose of submitting a Proposal, an Offeror must be capable of providing all the following Project Services:

- Clinical laboratory testing services;
- Phlebotomy and other specimen collection services;
- Specimen courier services; and
- Testimony at legal and/or administrative proceedings.

[**Note:** The use and disclosure of personal health information by the Offeror will be subject to the *Health Insurance Portability and Accountability Act (HIPAA)* Business Associate requirements (Appendix C).]

1. Clinical Laboratory Testing Services

The Clinical Laboratory Testing Services markers are critical components that will ensure the delivery of quality health services to EHS clients by the Offeror. The Clinical Laboratory Testing Services encompass a full range of laboratory tests that will be provided by the Offeror with the approval of EHS.

As EHS seeks to ensure that state-of-the-art testing is available for its clients, all current test procedures and any new procedures that may be added during the term of Contract must be performed in accordance with accepted medical practices.

Listed below are the tests required for the Chemistry Screen Panel, Hematology Panel, and Complete Urinalysis. These tests may be ordered as singular panels as per the requesting State Agency's need or as grouped laboratory tests (Profile) as shown below. EHS will defer to a State Agency's request regarding the client's examination needs.

Additional tests that must be provided individually, but are not included in the Chemistry Screen Panel, Hematology Panel, or Complete Urinalysis are listed below under the heading "Separate Tests."

Finally, routine drug screening and blood alcohol testing is required as described below.

a. Singular Panels

i. Chemistry Screen Panel

The laboratory tests that must be included in the Chemistry Screen Panel are listed below.

Glucose	Sodium	Total Protein
Chloride	BUN	Albumin/Globulin Ratio
BUN / Creatinine Ratio	Globulin	G-Glutamyl Transpeptide
Calcium	Direct Bilirubin	LDH
Albumin	Transaminase, SGPT	Carbon Dioxide

Total Bilirubin	Cholesterol	EGFR
Alkaline Phosphatase	Transaminase SGOT	Phosphate
Iron	Potassium	Creatinine
Triglycerides		

ii. Hematology Panel

The Hematology Panel must include cell counts, RBC indices, WBC differential, and a microscopic examination (when indicated) as well as the tests and procedures specified below.

WBC	RBC	HGB
HCT	MCH	MCHC
MCV	Basophils	Monocytes
Neutrophils	Eosinophils	Platelet Count
Lymphocytes		
WBC differential must include both a percent and absolute count for each cell type.		

iii. Complete Urinalysis

The Complete urinalysis panel must include both a dipstick and microscopic examination of the urine as well as the following tests and procedures:

Color	Appearance	pH
Specific Gravity	Ketones	Protein
Glucose	Blood	Bilirubin
Leukocyte Esterase	Nitrite	WBC
RBC	Epithelial Cells	Bacteria
The presence of casts, crystals, yeasts, etc., must be noted in the report.		

b. Grouped Laboratory Tests

i. Profile 1

This profile includes all the tests listed in the Chemistry Screen Panel, Hematology Panel and Complete Urinalysis.

ii. Profile 2

This profile includes all the tests in the Profile 1 plus a lipid analysis (with HDL and LDL at a minimum).

c. Separate Tests

The following tests are not part of any panel or profile. The separate tests are ordered individually as needed:

Zinc Protoporphyrin	HIV-1 Elisa Screen with confirmation
Lead, Blood	VDRL
PSA, Total	B. Burgdorferi AB
Hepatitis B surface AB	HCV AB
Hepatitis B surface AG	Polychlorinated Biphenyls
Hepatitis B core AB	Heavy Metals, Urine
Cholinesterase, Plasma	Hemoglobin A1C
Cholinesterase, RBC	Thyroid Profile

2. Routine Drug Screening

The Offeror's clinical laboratory must be capable of providing both drug screen panels defined below. Both substance abuse panels must include tests with Gas Chromatography/Mass Spectrometry ("GC/MS") confirmation for the drugs and drug categories listed in each panel. The initial test level and the GS/MS confirmation level must meet the criteria defined for each panel:

a. Substance Abuse Panel 1

<u>Substance</u>	<u>Initial Test Level</u>	<u>GC/MS Confirmation Level</u>
Amphetamines	1000 ng/mL	500 ng/mL
Barbiturates	300 ng/mL	200 ng/mL
Benzodiazepines	300 ng/mL	200 ng/mL
Buprenorphine	5 ng/mL	2 ng/mL
Cocaine Metabolites	300 ng/mL	150 ng/mL
Hydrocodone	300 ng/mL	300 ng/mL
Marijuana Metabolites	50 ng/mL	15 ng/mL
Methadone	300 ng/mL	200 ng/mL
Methaqualone	300 ng/mL	200 ng/mL
Opiates	300 ng/mL	300 ng/mL
Oxycodone	100 ng/mL	100 ng/mL
Phencyclidine	25 ng/mL	25 ng/mL
Propoxyphene	300 ng/mL	200 ng/mL

b. Substance Abuse Panel 2

<u>Substance</u>	<u>Initial Test Level</u>	<u>GC/MS Confirmation Level</u>
Amphetamines	1000 ng/mL	500 ng/mL
Barbiturates	300 ng/mL	200 ng/mL
Benzodiazepines	300 ng/mL	200 ng/mL
Buprenorphine	5 ng/mL	2 ng/mL
Cocaine Metabolites	300 ng/mL	150 ng/mL
Hydrocodone	300 ng/mL	300 ng/mL
Methadone	300 ng/mL	200 ng/mL
Methaqualone	300 ng/mL	200 ng/mL

Opiates	300 ng/mL	300 ng/mL
Oxycodone	100 ng/mL	100 ng/mL
Phencyclidine	25 ng/mL	25 ng/mL
Propoxyphene	300 ng/mL	200 ng/mL

3. Blood Alcohol Testing

The Offeror's clinical laboratory must be capable of providing blood alcohol testing that includes tests with a GC confirmation test level of 0.01 g/dL.

4. Phlebotomy and Other Specimen Collection Services

Drug screening and confirmation specimens that result in positive findings must be retained by the Offeror for one calendar year in the event retesting is necessary.

EHS clinical staff performs all phlebotomy and specimen collection activities when conducting examinations in Cohoes, Hauppauge, Brooklyn, Utica, Syracuse and Buffalo as well as at New York State agency locations. This represents the majority of EHS' laboratory test volume. However, EHS has, on occasion, a need for phlebotomy and other specimen collection activities throughout New York State. EHS clients typically travel to Cohoes or other examination sites from other regions in the State. If a laboratory test must be performed because of one of the following reasons, it is more advantageous to refer the client to a specimen collection site geographically closer to their home rather than having the individual travel back to Cohoes or the original examination site.

- a. Tests must be repeated because the original sample hemolyzed.
- b. Tests must be repeated because abnormal results were obtained with the original sample.
- c. Drug screens and blood alcohol testing need to be conducted or repeated for various reasons.
- d. Client requires testing as a result of blood-borne pathogen exposure.
- e. Client does not require an examination, but only needs a laboratory test (i.e. hepatitis screening or blood lead level).
- f. EHS staff is unable to obtain a specimen from the client (i.e. poor venous access).

The Offeror must make available specimen collection sites throughout New York State.

<u>Geographic Region</u>	<u>Counties</u>
<u>Western New York</u>	<u>Allegany</u> <u>Cattaraugus</u> <u>Chautauqua</u> <u>Erie</u> <u>Genesee</u> <u>Livingston</u> <u>Monroe</u> <u>Niagara</u> <u>Ontario</u> <u>Orleans</u> <u>Seneca</u> <u>Wayne</u> <u>Wyoming</u> <u>Yates</u>
<u>Southern Tier</u>	<u>Broome</u> <u>Chemung</u> <u>Chenango</u> <u>Delaware</u> <u>Schuyler</u> <u>Steuben</u> <u>Tioga</u> <u>Tompkins</u>
<u>Central New York</u>	<u>Cayuga</u> <u>Cortland</u> <u>Fulton</u> <u>Herkimer</u> <u>Madison</u> <u>Montgomery</u> <u>Oneida</u> <u>Onondaga</u> <u>Oswego</u> <u>Otsego</u> <u>Schoharie</u>
<u>Capital Region</u>	<u>Albany</u> <u>Columbia</u> <u>Greene</u> <u>Rensselaer</u> <u>Saratoga</u> <u>Schenectady</u> <u>Warren</u> <u>Washington</u>
<u>Hudson Valley</u>	<u>Dutchess</u> <u>Orange</u> <u>Putnam</u> <u>Rockland</u>

	<u>Sullivan</u> <u>Ulster</u> <u>Westchester</u>
<u>New York City</u>	<u>Bronx</u> <u>Kings</u> <u>New York</u> <u>Queens</u> <u>Richmond</u>
<u>Long Island</u>	<u>Nassau</u> <u>Suffolk</u>
<u>North Country</u>	<u>Clinton</u> <u>Essex</u> <u>Franklin</u> <u>Hamilton</u> <u>Jefferson</u> <u>Lewis</u> <u>St. Lawrence</u>

5. Specimen Courier Services

The Offeror must confirm that specimens collected by EHS shall be picked-up upon request throughout New York State. In addition, a chain of custody determination is required when the Offeror transports specimens that were collected by EHS.

6. Testimony at Legal and Administrative Proceedings

- a. The Offeror's medical and/or technical staff may be required to testify at hearings and administrative proceedings. The Offeror must specify in the Financial Section of the Proposal the hourly rate associated with providing such testimony. Failure of the Offeror's medical and/or clinical staff to testify at required proceedings may result in cancellation of the Contract.
- b. The Offeror and its employees shall not represent nor testify on behalf of any party, other than the State of New York or the Offeror, who is or may be involved in any judicial, arbitration or administrative proceeding to which the State of New York is a party and which may arise out of or are related in any way to Project Services performed under the Contract, except as required by law or as may be expressly authorized by the State of New York in writing.

3.2 Operational and Administrative Service Requirements

1. Requisition Forms and Supplies

During the term of the Contract, the Offeror must provide test requisition forms, specimen collection supplies, and specimen preparation and packaging supplies for use by EHS at all its examination sites. Direct delivery of these supplies to examination sites in Cohoes, Hauppauge, Brooklyn, Utica, Syracuse and Buffalo must be provided. The Offeror will provide the necessary supplies for specimen collection when the collection is performed

at the Offeror's own locations, including but not limited to, specimen containers, tubes, tourniquets, needles, sharps and bio-hazard containers.

2. Test Results Reporting

Electronic reporting of test results is required. Results reporting for clinical laboratory tests (i.e. Profile 1 and Profile 2), routine drug screening, and blood alcohol testing must be received by EHS within two (2) business days following the collection of the specimen unless there is a problem with the specimen that makes it unable to be analyzed as expected.

If a specimen yields a laboratory result indicating a serious medical abnormality, such as seriously high blood glucose or low potassium levels, the Offeror must telephone this information to the EHS Medical Examination Center in Cohoes within 24 hours.

3. Statistical Reports

The Offeror is required to submit to the EHS Administrator quarterly reports stating the total number of each type of test performed. This report is due by March 31st, June 30th, September 30th, and December 31st of each year of the contract, starting on September 30, 2019.

3.3 Identification of Individuals

It is imperative that reasonable steps be taken by the Offeror to accurately identify the candidates presenting themselves for Project Services. The Offeror must not conduct a clinical laboratory test unless one of the following forms of identification is received from the candidate by the Offeror:

1. United States passport;
2. Certificate of United States citizenship;
3. Foreign passport;
4. State-issued driver's license or I.D. card with a photograph or information, including name, sex, date of birth, height, weight, and color of eyes;
5. US military card;
6. US Permanent Resident Card;
7. Application for Status as a Temporary Resident;
8. School identification card with photograph;
9. Voter's registration card;
10. Identification card issued by federal, state, or local government agencies;
11. Military dependent's identification card; or
12. United States Coast Guard Merchant Mariner card.

3.4 Appointment Scheduling

1. All diagnostic testing services will be scheduled with the Offeror by EHS. The Offeror shall not schedule examinations directly for a Customer Agency or client. For the purposes of this RFP, Customer Agency is understood to mean those New York State

departments and agencies to which EHS provides medical examination services mandated or authorized by the Civil Service Law.

2. The Offeror shall schedule and conduct all specimen collections within seven (7) business days from receipt of notification from EHS that a given collection is required. However, an individual may be sent to a collection site for same day blood alcohol and urine drug testing. In addition, preplacement candidates may also appear for unscheduled testing.
3. All appointments shall be scheduled by the Offeror so that adequate time is spent by the Phlebotomist/collector. Appointments must be scheduled to minimize waiting time for individuals referred to the Offeror by EHS.

3.5 Insurance Requirements

1. As of the start date of the Contract and throughout its entire term, the Offeror and its Key Subcontractor(s), if any, must have at least the minimum standard policy or policies for workers' compensation and disability benefits that cover the obligations of the Offeror and its Key Subcontractors required under the New York Workers' Compensation Law (WCL).
2. As of the start date of the Contract and throughout its entire term, the Offeror must have in effect, at a minimum, a standard policy of medical professional liability or malpractice insurance affording coverage for the Offeror and each Key Subcontractor, wherein the person(s) insured include any authorized individual of the named insured including all physicians, physician's assistants, nurse practitioners, nurses, or all laboratory employees and other personnel employed on a full-time, part-time, per diem, contract or retainer basis, while acting in the scope of his or her duties, subject to a minimum limit of liability in the amount of \$3,000,000 for each occurrence.
3. Automobile Liability insurance is required anytime the performance of Project Services might involve a vehicle used as part of the service or work provided. Such insurance shall cover liability arising out of any vehicle used in connection with performance under the contract, including owned, leased, hired, and non-owned vehicles bearing or, under the circumstances under which they are being used, required by the Motor Vehicles Laws of the State of New York to bear, license plates. As of the start date of the contract and through its entire term, an Offeror awarded a contract must have Business Automobile Liability Insurance in effect, subject to a minimum limit of at least \$2,000,000 per occurrence.

3.6 Facility Requirements

1. The Offeror shall provide facilities where clients will report to provide specimens.
2. The Offeror's facilities that are open to the public must be accessible to disabled individuals in accordance with the Americans with Disabilities Act. Such facilities shall include the following requirements, at a minimum:
 - a. Entrance to building usable by wheel-chaired persons.
 - b. Toilet usable by disabled persons.

- c. Doors used by disabled persons must be at least 32" wide.
 - d. Elevators, if more than the first floor, to be used by disabled persons.
3. All the Offeror's facilities must meet New York State and Federal regulations. All testing equipment must meet all New York State and Federal regulations for certification (including all x-ray and laboratory equipment).
 4. The Offeror must ensure that all equipment is maintained in accordance with the requirements of the manufacturer and meets the requirements for such test equipment as required by Federal regulations.

3.7 Staffing Requirements

In the *Formal Offer Letter* (Attachment 3), the Offeror must designate a single account executive ("Project Manager") accountable to the State and responsible for ensuring that the needs of the State are met. These activities include scheduling clients, coordinating activities with EHS, and resolving contractual or administrative issues, including but not limited to billing and scheduling problems. The Project Manager shall also notify the Department of any actual or anticipated events impacting the delivery of Project Services and present options available to minimize or eliminate the impact of those events on the delivery of services.

SECTION 4: ADMINISTRATIVE PROPOSAL

The Offeror's Administrative Proposal must contain responses to all the following items as set forth below in the order and format specified and presented in the order listed below. Details on the submission of proposals are found in Section 2 of this RFP.

4.1 Formal Offer Letter

The Offeror must submit a formal offer in the form of the *Formal Offer Letter* (Attachment 3) which must be signed and executed by an individual with the capacity and legal authority to bind the Offeror in its offer to New York State.

4.2 Key Subcontractors or Affiliates

The Offeror must complete the *Key Subcontractors* (Attachment 10) form to identify all Key Subcontractors or Affiliates. Key Subcontractors or Affiliates is defined as those vendors with whom the Offeror subcontracts to provide Project Services and incorporates as part of the Offeror's Project Management Team. For each Key Subcontractor identified, the Offeror must complete and submit the *Key Subcontractors* form and indicate whether, as of the date of the Offeror's Proposal, a subcontract has been executed between the Offeror and the Key Subcontractor for services to be provided by such subcontractor relating to the RFP.

If the Offeror will not be subcontracting with any Key Subcontractor(s) to provide Project Services, the Offeror should indicate such on Attachment 10.

4.3 New York State Standard Vendor Responsibility Questionnaire

The Offeror must complete and submit an executed copy *New York State Vendor Responsibility Questionnaire*. The Department recommends each Offeror file the required Questionnaire online via the New York State VendRep System. To enroll in and use the VendRep System, please refer to the VendRep System Instructions and User Support for Vendors available at the OSC website at <https://www.osc.state.ny.us/vendors/index.htm> or to enroll, go directly to the VendRep System online at <https://portal.osc.state.ny.us>.

A person legally authorized to represent the Offeror must execute the questionnaire. To the extent that the Offeror is proposing the use of Key Subcontractors or Affiliates, the Offeror must submit a completed questionnaire for each Key Subcontractor expected to receive more than \$100,000 in payments during the terms of the Contract. By submitting a Proposal, the Offeror agrees to fully and accurately complete the Questionnaire. The Offeror acknowledges that the State's execution of the Contract will be contingent upon the State's determination that the Offeror is responsible, and that the State will be relying upon the Offeror's responses to the Questionnaire when making its responsibility determination. The Offeror agrees that if it is found by the State that the Offeror's responses to the Questionnaire were intentionally false or intentionally incomplete, on such finding, the Department may terminate the Contract. In no case shall such termination of the Contract by the State be deemed a breach thereof, nor shall the State be liable for any damages for lost profits or otherwise, which may be sustained by the Contractor as a result of such termination.

4.4 New York State Tax Law Section 5-a

Tax Law § 5-a requires certain Offerors awarded state Contracts for commodities, services and technology valued at more than \$100,000 to certify to New York State Department of Taxation and Finance (“DTF”) that they are registered to collect New York State and local sales and compensating use taxes. The law applies to Contracts where the total amount of such Offerors’ sales delivered into New York State is in excess of \$300,000 for the four quarterly periods immediately preceding the quarterly period in which the certification is made, and with respect to any affiliates and subcontractors whose sales delivered into New York State exceeded \$300,000 for the four quarterly periods immediately preceding the quarterly period in which the certification is made.

An Offeror is required to file the completed and notarized Form ST-220-CA with the Department certifying that the Offeror filed the ST-220-TD with DTF. Form ST-220-CA should be filed with the bid and submitted to the Department certifying that the Offeror filed the ST-220-TD with DTF. The Offeror should complete and return the certification forms within five (5) business days of request (if the forms are not completed and returned with bid submission). Failure to make either of these filings may render an Offeror non-responsive and non-responsible. The Offeror must take the necessary steps to provide properly certified forms within a timely manner to ensure compliance with the law.

[**Note:** DTF receives the completed Form ST-220-TD, not the Department. The Department ONLY receives the Form ST-220-CA.]

Website links to the Offeror certification forms and instructions are provided below.

1. Form ST-220-TD must be filed with and returned directly to DTF and can be found at http://www.tax.ny.gov/pdf/current_forms/st/st220td_fill_in.pdf Unless the information upon which the ST-220-TD is based changes, this form only needs to be filed once with DTF. If the information changes for the Offeror, its affiliate(s), or its subcontractor(s), a new Form ST-220-TD must be filed with DTF.
2. Form ST-220-CA must be submitted to the Department. This form provides the required certification that the Offeror filed the ST-220-TD with DTF. This form can be found at http://www.tax.ny.gov/pdf/current_forms/st/st220ca_fill_in.pdf

4.5 Consultant Disclosure Requirement

The Offeror must complete the *State Consultant Services Contractor’s Planned Employment Form* (Attachment 11) for all employees providing Project Services under the Contract whether employed by the Offeror or a Subcontractor. Chapter 10 of the Laws of 2006 requires State contractors to disclose, by employment category, the number of persons employed to provide services under a contract for consulting services, the number of hours worked, and the amount paid to the contractor by the State as compensation for work performed by those employees. The law defines contracts for consulting services to include any contract entered into by a State agency for analysis, evaluation, research, training, data processing, computer programming, engineering, environmental, health, and mental health services, accounting, auditing, paralegal, legal, or similar services.

Further, the selected Offeror will be required to report annually to the Department and to OSC the employment information described above, including work performed by subcontractors.

4.6 Insurance Requirements

The Offeror must submit proof of workers' compensation and disability benefits insurance coverage at the time of Proposal submission. Sections 57 and 220 of the New York State Workers' Compensation Law provide that the Department shall not enter into any contract, with more than \$100,000 in expected expenses over the life of the contract, unless proof of workers' compensation and disability benefits insurance coverage is produced. Failure to provide verification of either of these types of insurance coverage with the Offeror's Administrative Proposal may be grounds for disqualification of an otherwise successful Proposal.

To the extent that the Offeror is proposing the use of Key Subcontractors or Affiliates, the Offeror must verify for the Department, on forms authorized by the New York State Workers' Compensation Board, the fact that all Key Subcontractors and Affiliates are properly insured or are otherwise in compliance with the insurance provisions of the WCL.

4.7 New York State Required Certifications

The Offeror must submit a notarized copy of the *New York State Required Certifications* (Attachment 12) which must be signed and executed by an individual with the capacity and legal authority to bind the Offeror in its offer to New York State.

SECTION 5: TECHNICAL PROPOSAL

Section 5 sets forth the submissions required of the Offeror. The Offeror's Technical Proposal must contain responses to all required submissions from the Offeror in the format requested. Each Offeror may submit only one Technical Proposal. Each Offeror's Technical Proposal will be evaluated based on the responses to the required submissions contained in Section 5 of this RFP. Offerors must not include any cost information in the Technical Proposal, including attachments. Specific savings estimates (dollars or percentages) must not be quoted in the Technical Proposal or in any attachments submitted with the Technical Proposal.

5.1 Staffing Requirements

1. The Offeror must submit a completed *Staffing Requirements Form* (Attachment 15). This form must include:
 - a. The number of staff who will be directly involved in the provision of Project Services as described in Section 3 of this RFP;
 - b. The job title, job description, and cumulative years of experience of such staff. Cumulative Years of Experience is defined as the sum of each employee's years of experience in the cited job title. (Example: Three employees share the same job title. Employee 1 has 5 years of experience, Employee 2 has 20 years of experience and Employee 3 has 25 years of experience. Cumulative Years of Experience is computed by adding 5 plus 20 plus 25 for a total of 50 years.)

5.2 Facility Requirements

1. The Offeror must submit a completed *Facility Requirements Form* (Attachment 16) that identifies the address and hours of operation for its public locations within any applicable region identified in Section 3.1(4) of this RFP.
2. The Offeror must submit a narrative which explains how the Offeror's public facilities are accessible to disabled individuals in accordance with the Americans with Disabilities Act as detailed in Section 3 of this RFP.

SECTION 6: FINANCIAL PROPOSAL

The Offeror's Financial Proposal must contain a completed *Clinical Laboratory Services Price Quotation Form* (Attachment 14) which will include fixed fees for each year of the five-year term of the Contract. The Financial Proposal must be kept separate from the Administrative and Technical Proposals.

The Financial Proposal must be based upon the assumptions and the instructions as set forth below.

1. The Fixed Fees proposed by the Offeror must be inclusive of all direct and indirect costs, including courier service.
2. The sole compensation for the Offeror under the Contract will be payments based on pricing indicated in the Offeror's Financial Proposal.
3. The Offeror shall invoice, in monthly arrears, for Project Services rendered, together with full supporting detail(s) to the State's reasonable satisfaction.
4. OSC shall render payment for invoices under the Contract in accordance with ordinary State procedures and practices. The Offeror shall certify the accuracy of all Offeror invoices prior to their submission and the State will make best efforts to process all acceptable invoices within thirty (30) days of their receipt; however, failure to make payment within said timeframe shall not be considered a breach of contract. Timeliness of payment and any interest to be paid to the Offeror for late payment shall be governed by Article XI-A of the State Finance Law. Submission of an invoice and payment thereof shall not preclude the Department from reimbursement or demanding a price adjustment in any case where Project Services as delivered are found to deviate from the terms and conditions of the Contract.

SECTION 7: METHOD OF EVALUATION

The Department intends to award one contract to a responsive and responsible Offeror whose Proposal offers the “Best Value”. Best value will be determined by a weighed point system, with 50 percent allocated to the Technical Proposal and 50 percent allocated to the Financial Proposal. The Offeror that has accumulated the highest Total Combined Score shall be deemed to provide the best value.

7.1 Administrative Proposal Evaluation

Proposals determined by the Department to satisfy the submission requirements set forth in Section 4 of this RFP will be evaluated by an evaluation team composed of staff from the Department. An Offeror’s Proposal shall be removed from the evaluation process and not be considered for award if the Offeror does not submit a *Formal Offer Letter* (Attachment 3) or if it is determined that the Offeror did not satisfy the requirements specified in Section 4 of this RFP, despite any attestation made regarding the requirements. If the Offeror’s proposal meets these requirements, it will be advanced for technical proposal evaluation.

7.2 Technical Proposal Evaluation

The evaluation of the Offeror’s Technical Proposal is based on an Offeror’s Technical Proposal and written responses to clarifying questions (if any).

1. Allocation of Technical Score Points

The Technical score referenced above shall be applied to weighted point values associated with each evaluated Submission response. The relative point value for the Technical Proposal sections follows:

Section	Title	% of Technical Score
5.1	Staffing Requirements	34%
5.2	Facility Requirements	66%

2. Technical Proposal Scoring

The Technical Proposal evaluation is based on 50 total available points, with the Offeror with the highest technical score receiving 50 points and all other Offerors awarded points in a proportional manner as follows:

Technical Score of Evaluated Proposal =

50 * Technical Proposal Score

divided by

Highest Evaluated Technical Proposal Score

7.3 Financial Proposal Evaluation

The Financial Proposal of an Offeror meeting the Section 4 requirements will be evaluated by the Department.

1. Financial Proposal Scoring

- a. The Offeror's Projected Cost for Clinical Laboratory Services over the entire five (5) year term of the Contract will be computed by multiplying the Offeror's proposed annual fees per test by the volume of each test annually ordered by EHS as depicted in the following table.

[**Note:** The "Chemistry Screen Panel", "Hematology Panel", "Complete Urinalysis", and "Separate Tests" categories from Section 3.1 of the RFP are excluded from this calculation because the number of tests ordered in a given year are not materially significant.]

Clinical Laboratory Test	Estimated Number of Annual Test*
Profile 1	10,418
Profile 2	62
Drug Screening (Substance Abuse Panel 1)	6,133
Drug Screening (Substance Abuse Panel 2)	2,045
Blood Alcohol Testing	91

*This data is provided for informational purposes only and an Offeror's reliance on it in preparing its Proposal is at the Offeror's own risk. These numbers are not guarantees of future performance.

- b. The Total Projected Cost will be the sum of the Projected Cost for Clinical Laboratory Services plus the cost of the following three components:
 - I. Charge for retesting of a drug specimen multiplied by a volume of one (1) specimen per year for a total of five (5) years;
 - II. Hourly rate associated with providing expert medical /clinical testimony as needed at administrative hearings and other legal proceedings multiplied by a volume of one (1) occurrence, lasting eight (8) hours, per year for a total of five (5) years; and
 - III. Cost for phlebotomy / specimen collection by the Offeror at one of the Offeror's facilities throughout New York State multiplied by an annual volume of twenty-five (25) specimens Statewide for a total of five years.
- c. The Offeror's Proposal with the lowest Total Projected Cost will be awarded 50 points. All other Offerors are awarded points in a proportional manner as follows:

Cost Score of Evaluated Proposal =

50 * Lowest Evaluated Cost

divided by
Total Cost of Proposal being evaluated

7.4 Total Combined Score

The Total Combined Score assigned to each Offeror will be the sum of the Offeror's Technical Score and Financial Score.

7.5 Best Value Determination

The responsive and responsible Offeror with the highest Total Combined Score shall be tentatively awarded this contract. The Department shall enter into negotiations for the purpose of executing a contract with the Offeror. If an Offeror's Total Combined Score is equal to or less than one (1) point below the highest Total Combined Score, that Offeror's proposal will be determined to be substantially equivalent to the Offeror holding the highest Total Combined Score.

Among any Offeror proposals with the same or substantially equivalent Total Combined Scores, the Department shall select the Offeror with the highest Financial Proposal Score, as calculated pursuant to Section 7.3 of this RFP, for the tentative contract award and to enter into contract negotiations.