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**SECTION III: ADMINISTRATIVE PROPOSAL REQUIREMENTS**

This Section of the RFP sets forth the requirements for the Offeror's Administrative Proposal 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 Proposal* 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 RFP. 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 Proposal* must contain the following information, in the order enumerated below:

**A. Formal Offer Letter**

At this part of its Administrative Proposal, 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 Proposal marked "ORIGINAL" requires a letter with an original signature; the remaining copies of the Offeror's Administrative Proposal may contain photocopies of the signature. The Offeror must accept the terms and conditions as set forth in RFP, 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 RFP 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 NYS and therefore has been deemed to be non-negotiable by the Offices of the Attorney General and the NYS 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-

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negotiable.) If an Offeror proposes to include the services of a Key Subcontractor(s) or Affiliate(s), the Offeror shall 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 Proposal, 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 and/or its Key Subcontractor or Affiliate, as of the Proposal Due Date, provides behavioral management and associated claims adjudication services for a minimum of five million (5,000,000) lives as specified below. The Offeror must provide a detailed list of client organizations with the number of lives served through each client to clearly demonstrate that the Offeror and/or its Key Subcontractor or Affiliate meets the minimum requirement of five million (5,000,000) lives. In determining lives, the Offeror should:
  - Include both at-risk and fee-for-service business;
  - Include Medicaid business;
  - Count all lives [e.g., an employee, a spouse and two (2) eligible dependents count as four (4)];
  - Exclude any non-behavioral health management business; and
  - Exclude any employee assistance program business

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3. as of the Proposal Due Date, the Offeror's Empire Plan MHSA Provider Network, as proposed, meets or exceeds all of the following minimum Network access guarantees:

URBAN AREAS

- a. Seventy-five percent (75%) of Enrollees will have at least:
- one (1) Inpatient, ALOC and Outpatient Clinic Groups – Mental Health within five (5) miles; and,
  - one (1) Inpatient, ALOC and Outpatient Clinic Groups – Substance Abuse within five (5) miles.
- b. Seventy-five percent (75%) of Enrollees will have at least:
- one (1) Psychiatrist within three (3) miles; and,
  - one (1) Psychologist within three (3) miles; and,
  - one (1) Masters Level Clinician (who qualifies for R designation in NYS or who has highest level of licensure outside of NYS) within three (3) miles.

SUBURBAN AREAS

- c. Seventy-five percent (75%) of Enrollees will have at least:
- one (1) Inpatient, ALOC and Outpatient Clinic Groups – Mental Health within fifteen (15) miles; and,
  - one (1) Inpatient, ALOC and Outpatient Clinic Groups – Substance Abuse within fifteen (15) miles.
- d. Seventy-five percent (75%) of Enrollees will have at least:
- one (1) Psychiatrist within fifteen (15) miles; and,
  - one (1) Psychologist within fifteen (15) miles; and,
  - one (1) Masters Level Clinician (who qualifies for R designation in NYS or who has highest level of licensure outside of NYS) within fifteen (15) miles.

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RURAL AREAS

- e. Seventy-five percent (75%) of Enrollees will have at least:
- one (1) Inpatient, ALOC and Outpatient Clinic Groups – Mental Health within forty (40) miles; and,
  - one (1) Inpatient, ALOC and Outpatient Clinic Groups – Substance Abuse within forty (40) miles.
- f. Seventy-five percent (75%) of Enrollees will have at least:
- one (1) Psychiatrist within forty (40) miles; and,
  - one (1) Psychologist within forty (40) miles; and,
  - one (1) Masters Level Clinician (who qualifies for R designation in NYS or who has highest level of licensure outside of NYS) within forty (40) miles.

To demonstrate satisfaction of this requirement, the Offeror must submit all information required below with their Administrative Proposal, based on the Geo-Coded Census file provided by the Department (**Exhibit III.A**):

- (1) **Exhibit I.Y.2** – Offeror’s Proposed MHSA Provider Network File, following the instructions and file layout contained in **Exhibit I.Y.1**;
- (2) **Exhibit I.Y.3** – Offeror’s MHSA Provider Network Access Prerequisite Worksheet, following the instruction contained therein;
- (3) Offeror’s GeoAccess Managed Care Accessibility Analysis Report (on CD only) which supports the Offeror’s attainment of the Minimum Mandatory Requirements (access standards) reported on **Exhibit I.Y.3**;
- (4) **Attestation** – The Offeror must attest that, as of the Proposal Due Date, it holds executed contracts and has completed its credentialing of all Empire Plan MHSA Providers in its proposed Empire Plan MHSA Provider Network File, **Exhibit I.Y.2**. The Offeror must agree to provide documentation, including provider contracts, as required to demonstrate satisfaction of this requirement.

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All Enrollees must be counted in calculating whether the Offeror meets the Empire Plan MHSA Provider Network access prerequisite. No Enrollee may be excluded even if there is no provider located within minimum mandatory access requirements.

**Note: The Offeror’s proposed Empire Plan MHSA Provider network access standards will be scored as part of the evaluation of the Offeror’s Empire Plan MHSA Provider network and the Offeror’s Network Access Guarantees will be evaluated in accordance with the criteria specified in Section VI, entitled “Evaluation and Selection Criteria.”**

4. The Offeror understands and agrees to comply with all specific duties and responsibilities set forth in Section IV.B.3 of this RFP, entitled “Implementation,” including Section IV.B.3.b.(2) requiring the Offeror to propose a financial guarantee supporting its commitment to satisfy all implementation requirements.

**Note: The Offeror must propose a minimum Implementation and Start-Up Guarantee as a credit to the MHSA Program of at least 50% of the Administrative Fee for each day that all Implementation and Start-up requirements are not met for the period commencing the first day of the month following a 90 day implementation period after the Office of the State Comptroller approves the Agreement resulting from this RFP.**

5. The Offeror will maintain and make available as required by the Department a complete and accurate set of records related to the Agreement resulting from this RFP as required by Appendices A and B and the draft Agreement set forth in Section VII of this RFP. This includes, but is not limited to, provider contracts, detailed claim records, and any and all other financial records as deemed necessary by the Department to perform its fiduciary responsibilities to the Empire Plan MHSA Program’s participants and to ensure that public dollars are spent appropriately.
6. The Offeror has submitted as part of its Proposal, if so required by the RFP, or will submit all Transmittal letters, Statements, Formal Certifications and Exhibits as required in Section II of this RFP related to the Offeror’s compliance with all rules, laws, regulations and executive orders.

7. The Offeror will execute the duties and responsibilities set forth in Section IV of this RFP in strict conformance to the requirements described in that section of the RFP.
8. The Offeror, as of Proposal Due Date, has current URAC-case management, JCAHO, ACHC, NCQA or CARF full accreditation at the proposed primary worksite where case management will be performed for the Program services.

**Note: Any Offeror which fails to satisfy any of the above Minimum Mandatory Requirements shall be eliminated from further consideration.**

**C. Exhibits**

At this part of its Administrative Proposal, the Offeror must complete and submit the various Exhibits specified in Section II.B. and Section III of this RFP, 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	<b>Exhibit I.A</b>
MacBride Statement and Non-Collusive Bidding Certification	<b>Exhibit I.D</b>
EEO Staffing Plan (form EEO-100)	<b>Exhibit I.G</b>
Offeror's Affirmation of Understanding and Agreement	<b>Exhibit I.K</b>
Compliance with Public Officers Law Requirements	<b>Exhibit I.M</b>
Compliance with Americans with Disabilities Act	<b>Exhibit I.N</b>
MWBE Utilization Plan (form MWBE-100)	<b>Exhibit I.O</b>
Offeror's Certification of Compliance Pursuant to State Finance Law §139-k	<b>Exhibit I.P</b>
Certification of Good Faith Efforts (form MWBE-104)	<b>Exhibit I.Q</b>
Formal Offer Letter	<b>Exhibit I.S</b>
Offeror Attestations Form	<b>Exhibit I.T</b>
Key Subcontractors or Affiliates	<b>Exhibit I.U.1</b>
NYS Supplier & Subcontractor	<b>Exhibit I.U.2</b>
Program References	<b>Exhibit I.V</b>
Extraneous Terms Template	<b>Exhibit I.X</b>
Offeror's Proposed MHSA Participating Provider Network File	<b>Exhibit I.Y.2</b>
Offeror's MHSA Provider Network Access Prerequisite Worksheet	<b>Exhibit I.Y.3</b>
Confidentiality Agreement and Certificate of Non-Disclosure	<b>Exhibit I.Z</b>

**Note: If not already provided to the Department prior to Proposal submission, the Offeror must enclose a completed Exhibit I.K "Offeror's Affirmation of Understanding and Agreement."**

**D. Key Subcontractors or Affiliates**

At this part of its Administrative Proposal, the Offeror must provide a statement identifying all Key Subcontractors or Affiliates, if any, that the Offeror will be contracting with to provide MHSA Program services and must, for each such Key Subcontractor or Affiliate identify, 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 RFP. If the Offeror will not be subcontracting with any Key Subcontractor(s) or Affiliate(s) to provide MHSA Program services, the Offeror must provide a statement to that effect.

**E. Reference Checks**

At this part of its Administrative Proposal, for the purpose of reference checks, the Offeror must provide four (4) references of current clients and one (1) reference of a former client, for a total of 5 references, for whom the Offeror has supplied services similar to those described in this RFP. The number of covered lives covered by the Offeror for each referenced client must be at least 100,000. 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 RFP. For each client reference provided, the Offeror must complete and submit **Exhibit I.V** “Program References.” The Offeror shall be solely responsible for providing contact names, e-mail addresses and phone numbers of client references who are readily available to be contacted by the State.

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**F. Financial Statements**

At this part of its Administrative Proposal, 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 MHSA Program services; which are the subject matter of this RFP, 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 Proposal: 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. a 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 RFP, 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.



**G. Request for Data Necessary to Submit a Proposal**

Offerors intending to submit a Proposal will require Empire Plan MHSA Program data. The Empire Plan MHSA Program data files can be obtained by sending a letter requesting the files and including a properly executed **Exhibit I.Z**, Confidentiality Agreement and Certificate of Non-Disclosure. The letter must be signed and executed by an individual with the capacity and legal authority to bind the prospective Offeror. The letter and properly executed Confidentiality Agreement and Certificate of Non-Disclosure form must be sent to:

If using the U.S. Postal Service, please use the following address:

MHSA Benefit Services Procurement Manager  
Employee Benefits Division, Room 1106  
NYS Department of Civil Service  
Albany, New York 12239

For all other carriers including couriers, UPS and FedEx please use the following address:

MHSA Benefit Services Procurement Manager  
NYS Department of Civil Service  
Employee Benefits Division  
Agency Building 1  
Empire State Plaza  
Albany NY 12239

The Empire Plan MHSA Program data files will only be sent to those prospective Offerors that request said files via submission of the pre-requisite letter referred to above, accompanied by properly executed **Exhibit I.Z**.

Upon receipt of said letter and form, the prospective Offerors will be sent a CD containing the following Empire Plan MHSA Program data files along with the accompanying record layout and instructions as further described in Exhibit III.A:

1. Market basket of Empire Plan MHSA Program 2013 claims for reference in preparing Exhibit V.A.2 and V.A.3 of the RFP;
2. Empire Plan Geocoded Census data file to be used to prepare the analysis required to complete Exhibit I.Y.3 of the RFP; and
3. Representative sample of MHSA Program providers to be used to complete Exhibit I.Y.4 of the RFP.

**Note:** Prospective Offerors are solely responsible for the delivery of the pre-requisite letter and properly executed Exhibit I.Z.

The Department is not responsible for delays attributable to United States mail deliveries or any other means of transmittal, or for delays caused by the prospective Offeror due to their submission of incomplete, inaccurate or incorrect information.