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**SECTION VI: EVALUATION AND SELECTION CRITERIA**

Proposals determined by the Department to satisfy the submission requirements set forth in Section II and the Minimum Mandatory Requirements set forth in Section III of this RFP will be evaluated by an evaluation team composed of staff of the Department, the Governor's Office of Employee Relations (GOER) and the Division of the Budget (DOB), assisted by any person(s), other than one associated with a competing Offeror, designated by the Department. Proposals will be made available to representatives of NYS employee unions for review and comment. An Offeror's Proposal shall be removed from the evaluation process and not be considered for award should it be determined that the Offeror did not satisfy the Minimum Mandatory Requirements as specified in Section III, despite any attestation made regarding the Minimum Mandatory Requirements.

During the evaluation process, the Department may require clarifying information from an Offeror(s) for the purpose of assuring a full understanding of the Offeror's responsiveness to the RFP requirements and the duties and responsibilities set forth therein. This clarifying information must be submitted in writing in accordance with the formats set forth in Section II of this RFP and, if accepted, shall be included as a formal part of the Offeror's Proposal. Failure to provide the required information by the due date set forth in the Department's request for clarification may result in rejection of the Offeror's Proposal. Nothing in the foregoing shall mean or imply that the Department is obligated to seek or allow clarifications provided for herein. The Department may, at its discretion, elect to perform site visits of Offerors' facilities and have Offerors provide oral presentations pertaining to their Technical Proposal and Cost Proposal. If scheduled, representatives of NYS employee unions may also participate in site visits, Offeror oral presentations, and such other activities applicable to the evaluation of Proposals. The Procurement Manager will coordinate the necessary scheduling arrangements with the Offeror(s).

The Department will consider for evaluation and selection purposes only those Proposals:

- 1) determined to have met the Minimum Mandatory Requirements specified in Section III of this RFP; and 2) determined to be responsive to the duties and responsibilities set forth in the RFP.

The Department's desire is to select a single Offeror to administer the MHSA Program for The

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Empire Plan, the Excelsior Plan and the Student Employee Health Plan. To this end, the Department intends to select that responsive and responsible Offeror whose Proposal offers the “Best Value” to the Department as specified in the following evaluation criteria for the purpose of entering into negotiations for a contract.

The Technical Proposal and Cost Proposal components of the evaluation process shall be based on 1,000 available points; with 700 points available to the Technical Proposal and 300 points available to the Cost Proposal (i.e., 70% allocated to the Technical Proposal and 30% allocated to the Cost Proposal).

The Technical Proposal and Cost Proposal will be evaluated separately as described below.

#### **A. Technical Evaluation**

Each Offeror’s ability and willingness to deliver the MHSA Program Services described in this RFP will be evaluated and scored based on a weighted point system. The evaluation of the Offeror’s Technical Proposal will be based on that Offeror’s written Technical Proposal; responses to clarifying questions, if any; information obtained through reference checks, including specific reference checks made with the Directors’ of Employee Benefits at the Department and GOER for any Offeror, including any proposed Key Subcontractor(s) or Affiliate(s) who performed services under a contract with the Department and, as deemed necessary by the Department, oral presentation(s) and/or site visits conducted to amplify and/or clarify that Offeror’s proposed Technical Proposal.

##### **1. Technical Score Ratings**

Each Offeror’s Technical Proposals will be evaluated based on the following rating scale and criteria as applied to each Required Submission response as required in Section IV of the RFP. A rating of “excellent” equates to a score of 5 for each evaluated Required Submission response. Each reduction in the ratings results in a one point reduction in the score such that a rating of “poor” equates to a score of 1.

**a. Excellent (5)**

The Offeror far exceeds the criteria. The services described indicate that the Offeror will provide very high quality services and is very pro-active and innovative.

**b. Good (4)**

The Offeror exceeds the criteria. The services described indicate that the Offeror will exceed the MHSA Program's needs. The Offeror demonstrates some innovative features not shown in typical proposals.

**c. Meets Criteria (3)**

The Offeror meets but does not exceed the criteria. The services described indicate that the Offeror will meet the MHSA Program's needs.

**d. Fair (2)**

The Offeror's answer is minimal; or the answer is very general and does not fully address the question; or the Offeror meets only some of the criteria.

**e. Poor (1)**

The Offeror misinterpreted or misunderstood the question; or the Offeror does not answer the question/criteria in a clear manner or the Offeror does not answer the question; or the Offeror does not meet the criteria.

The Offeror's commitment to meet the levels of standards it outlines in its proposal will be verified by reviewing responses to related performance guarantee questions and reviewing the Offeror's proposed credit to the administrative fee (credit amount) for its failure to meet each of its proposed performance guarantees.

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**2. Performance Guarantee Ratings**

A rating of “excellent” equates to a score of 5 for each evaluated service level standard. Each reduction in the ratings results in a one point reduction in the score such that a rating of “poor” equates to a score of 1. Offerors may propose performance guarantees that exceed the MHSA Program’s service level standards presented in this RFP. Proposed performance guarantees are contained within the respective technical areas and will be evaluated using the following criteria:

**a. Excellent (5)**

- (1) The Offeror’s proposed performance guarantee exceeds the MHSA Program’s service level standard contained within this RFP; and
- (2) The Offeror’s proposed credit amount is one hundred and twenty-five percent (125%) or more of the standard credit amount stated within this RFP.

**b. Good (4)**

- (1) The Offeror’s proposed performance guarantee equals the MHSA Program’s service level standard contained within this RFP, and the Offeror’s proposed credit amount is one hundred and twenty-five percent (125%) or more of the standard credit amount stated within this RFP; or
- (2) The Offeror’s proposed performance guarantee exceeds the MHSA Program’s service level standard contained within this RFP; and the Offeror’s proposed credit amount is greater than one hundred percent (100%) but less than one hundred and twenty-five percent (125%) of the standard credit amount stated within this RFP.

**c. Meets Criteria (3)**

- (1) The Offeror’s proposed performance guarantee equals or exceeds the MHSA Program’s service level standard contained within this RFP; and

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- (2) The Offeror's proposed credit amount equals the standard credit amount stated within this RFP.

**d. Fair (2)**

- (1) The Offeror's proposed performance guarantee equals or exceeds the MHSA Program's service level standard contained within this RFP; and
- (2) The Offeror's proposed credit amount is greater than fifty percent (50%) but less than one hundred percent (100%) of the standard credit amount stated within this RFP.

**e. Poor (1)**

- (1) The Offeror's proposed performance guarantee is below the MHSA Program's service level standard contained within this RFP regardless of the credit amount proposed by the Offeror; or
- (2) The Offeror's proposed credit amount is fifty percent (50%) or less of the standard credit amount stated within this RFP regardless of the level of performance the Offeror pledges.

**3. Performance Guarantee Standard Credit Amounts**

The MHSA Program's standard credit amount for each Offeror's proposed performance guarantee is as follows:

- a. Implementation and Start-Up (Section IV.B.3.b.(2)): Fifty percent (50%) of the Administrative Fee(s) (minimum mandatory requirement);
- b. Call Center Availability (Section IV.B.4.b (8.a)): \$100,000 per year;
- c. Telephone Response Time (Section IV.B.4.b (8.b)): \$25,000 per year;
- d. Telephone Abandonment Rate (Section IV.B.4.b.(8.c)): \$25,000 per year;

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- e. Telephone Blockage Rate (Section IV.B.4.b.(8.d)) : \$25,000 per year;
  - f. Enrollment Management (Section IV.B.6.b(8)): \$5,000 for each 24 hour period beyond 24 hours from the release of the MHSA Program enrollment records;
  - g. Reporting (Section IV.B.7.b.(6)): \$1,000 per report per Business Day between the due date and the date the report is received by the Department inclusive of the day the report is received;
  - h. Network Composition (Section IV.B.10.b.(12)under the subheading “Provider Network”): \$25,000 per year;
  - i. Network Provider Access (Section IV.B.10.b.(13)under the subheading “Provider Network”): \$6,000 per each quarter for each performance guarantee in each of the two (2) Provider types in each of the three (3) areas in which the performance guarantee is not met;
  - j. Network Provider Access (Section IV.B.10.b.(14) under the subheading “Provider Network”): \$1,000 for each quarter that the Offeror’s proposed performance guarantee for access to Applied Behavioral Analysis services is not met;
  - k. Provider Credentialing (Section IV.B.10.b.(7)), under the subheading “Provider Credentialing: \$1,500 per instance;
  - l. Financial Accuracy (Section IV.B.11.b.(17)): \$10,000 per year;
  - m. Non-Financial Accuracy (Section IV.B.11.b (18)): \$10,000 per year;
  - n. Turnaround Time for Network Claims (Section IV.B.11.b.(19)): \$6,000 per each quarter;
  - o. Turnaround Time for Non-Network Claims (Section IV.B.11.b.(20)): \$6,000 per each quarter;
  - p. Non-Network Referrals (Section IV.B.12.b.(6)): \$10,000 per year;

- q. Emergency Care Follow-up (Section IV.B.12.b.(7)): \$10,000 per year;
- r. Urgent Care Follow-up (Section IV.B.12.b.(8)): \$10,000 per year;
- s. Outpatient Treatment Utilization Review (Section IV.B.12.b. (9)), under subheading “Concurrent Review”: \$10,000 per year;
- t. Inpatient Treatment Utilization Review (Section IV.B.12.b.(10)), under subheading “Concurrent Review”: \$10,000 per year;
- u. Inpatient Appeals (Section IV.B.12.b.(5)), under subheading “Appeals Process”: \$10,000 per year; and
- v. Outpatient & ALOC Appeals (Section IV.B.12.b.(6)), under subheading “Appeals Process”: \$10,000 per year.

#### **4. Technical Scoring**

Qualifying Proposals will be evaluated independently by multiple evaluators based on pre-established Evaluation Criteria. The average score for each evaluated response shall be applied to the points associated with each question such that an average score of “Excellent” for each evaluated response will result in a maximum available score of 1,000. All Offerors whose Technical Proposal is evaluated will receive a score in this manner. The technical score will then be converted to points for each Offeror such that the Offeror with the highest technical score will receive 700 points. As calculated by the Procurement Manager, all other Offerors are awarded points at a reduced level with 0.01 points being the lowest possible point value that may be assigned. The awarded points are calculated to the hundredth decimal place. The reduction in points shall be calculated in accordance with a pre-determined formula.

#### **B. Cost Evaluation Component**

The Cost Proposal of any Offeror that meets the Minimum Mandatory Requirements will be evaluated by the Department, and others deemed appropriate by the Department. The Department reserves the right to conduct Cost Proposal oral interviews and/or seek written

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responses from Offerors to clarify any aspect of the Offeror's cost Proposal. The Department will then calculate a Cost Score for each Offeror.

**1. Cost Evaluation**

The following components will be utilized to determine the Evaluated Projected MHSA Program Cost:

**a. Claim Costs:**

- i. Projected Cost of Network Claims: The projected cost of Network claims shall be calculated by the Department by multiplying the Guaranteed Average Unit Cost (GAUC) for Network Outpatient Services as presented by the Offeror in response to Exhibit V.A.2 of this RFP, and the GAUC for Network Inpatient Services as presented by the Offeror in response to Exhibit V.A.3 of this RFP, by the number of units of Network service pertaining to plan primary services as projected and normalized by the Department; plus,
- ii. Projected Cost of Non-Network Claims: The projected cost of Non-Network claims pertaining to plan primary services as calculated and normalized by the Department; plus,
- iii. Projected Bad Debt and Charity (BDC) Assessment: The projected BDC assessment shall be calculated by multiplying a fixed BDC percentage by the Network and Non-Network claim amounts calculated in i and ii above.

The sum of paragraphs i, ii and iii shall represent the evaluated claims cost.

- b. Administrative Fee(s):** The Department shall multiply the Administrative Fee quoted in Exhibit V.B of this RFP by the number of covered Enrollees, multiplied by twelve (12 months).
- c. The Department reserves the right to Analyze and/or Normalize:** The Department reserves the right to make other cost calculation adjustments as necessary to



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determine the evaluated cost of the Offeror's Proposal. Any such adjustments shall be made with the intent to evaluate Offeror's Proposals on a fair and consistent basis, without prejudice. These normalization adjustments may include but are not limited to unforeseen circumstances whereby the normalization of specific factors among Offerors shall result in a more accurate and fair comparison of the Offerors' Cost Proposals as applied to the normalized claim base.

- d. The Department shall then calculate each Offeror's Evaluated MHSA Program cost as the sum of paragraphs VI.B.1a and b, above.

## **2. Cost Score**

The Offeror's Proposal with the lowest calculated cost will be awarded three hundred (300) points. The points awarded to all other Offerors shall be based on a scale representing a 1 point reduction for each \$50,000 the Offeror's calculated cost is higher than the calculated cost of the lowest Cost Proposal. The point value calculated and assigned shall be proportional within each \$50,000 increment and calculated to the hundredth decimal place.

## **C. Total Combined Score of Technical and Cost**

The Total Combined Score assigned for each Offeror shall be calculated by adding the Offeror's Technical Score and Cost Score.

## **D. Best Value Determination**

It is the Department's desire and intent, if deemed in the best interest of the Department, to select, and enter into negotiations for the purpose of executing a contract, that Offeror that has accumulated the highest Total Combined Score ultimately determined by the Department to be responsible. (Note: If an Offeror's Total Combined Score is equal to or less than 1 point below the highest Total Combined Score, the Offeror's Proposal will be determined to be substantially equivalent to the Offeror holding the highest score. Among any Offeror's Proposals deemed substantially equivalent, the Department shall select the Offeror that has the highest Cost Score calculated pursuant to Section VI.B.1 of this RFP). Contract award

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shall be deemed made when notice of proposed contingent award is issued by the Department to the selected Offeror.

By submitting a Proposal in response to this RFP, the Offeror agrees that, if selected, the Offeror will enter into a contract that substantially includes the terms set forth in Section VII of this RFP, Contract Provisions, and Appendices A,B,C and D.

Please note that the terms in Appendix A, “Standard Clauses for All New York State Contracts”; 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 not subject to negotiation.

If the Department determines that contract negotiations between the Department and the selected Offeror are unsuccessful because of material differences in key provision(s) as determined by the Department, the contract award shall be withdrawn. The Department may invite the Offeror with the next highest Total Combined Score to enter into negotiations for purposes of executing a contract. Scores will not be recalculated for any remaining Offerors, should contract negotiations between the Department and the selected Offeror be unsuccessful, except in a case where the reason for such failure is based on a determination, made subsequent to contract award, that the Offeror is non-responsive or non-responsible.

If an Offeror is eliminated any time prior to contract award, and that Offeror had the highest Technical score and/or Cost score, the Department shall recalculate the applicable Cost and/or Technical Scores for each remaining Offeror in accordance with the methodologies set forth herein.