

**New York State Department of Civil Service
Request for Proposals #PPACA-2018-1
PPACA Compliance Services**

Following are the Department's answers to questions regarding the PPACA Consulting Services RFP.

Note: If the Offeror's questions included their name, the name has been replaced with "Offeror."

Questions and Answers as of May 4, 2018

Question	Section	Question and Answer
Q1	Section II.A	Will the government consider extending the proposal due date to May25?
A1	Section II.A	The Department does not plan to extend the May 18, 2018 proposal deadline.
Q2	Section II.A.7.b(4)	Please clarify whether pagination should be consecutive throughout the document or restarted within each section and exhibit.
A2	Section II.A.7.b(4)	Pagination should restart with each section or exhibit (e.g. Administrative Proposal should be numbered pp. 1 – 20, and Technical Proposal should be separately numbered pp. 1 – 20).
Q3	Section II.A.7.c	Is the agency aware the services being requested have terms and conditions pursuant to applicable law that the agency is required to agree to in order to receive the service and for Provider to be able to provide these services.
A3	Section II.A.7.c	Please refer to Section II.A.7.c of the RFP. All proposals must conform to the terms set forth in the RFP. If the vendor wishes to propose additional terms and conditions, it must follow the extraneous terms process set forth in RFP Section II, Extraneous Terms and Exhibit I.X.
Q4	Section II.B.3	The RFP presents MWBE utilization of 16% split equally between MBE and WBE subcontractors. If a respondent is able to fulfill the entire requirement under one category exclusively (i.e. 16% WBE; 0% MBE) does that meet the RFP criteria?
A4	Section II.B.3	No. In this scenario, Offerors should still submit an MWBE waiver request as part of their MWBE utilization plan. Per Section II.B.3 of the RFP: "For purposes of this solicitation, the Department hereby establishes an overall goal of 16.00 percent for MWBE participation, 8 percent for New York State-certified Minority-owned Business Enterprise ("MBE") participation and 8 percent for New York State-certified Women-owned Business Enterprise ("WBE") participation (based on the current availability of MBEs and WBEs)." If an Offeror wishes to propose a lower MBE or WBE participation goal, that Offeror should submit an MWBE waiver request as part of their MWBE utilization plan.
Q5	Section III.A	Is it a requirement for the respondent to contract directly with all subcontractors or can one subcontractor contract with other subcontractors on behalf of the respondent?
A5	Section III.A	The Offeror should contract directly with all subcontractors. Additionally, per section III.A of the RFP: "If an Offeror proposes to include the services of a Key Subcontractor(s) or Affiliate(s), the Offeror must be required to assume responsibility for those services

		as ‘Prime Contractor.’ The Department will consider the Prime Contractor solely responsible for contractual matters.”
Q6	Section IV.B.3.b.(1-7)	Based upon the material provided in the RFP, it is the Offeror’s assumption is that Cornell University determines eligibility for its employees and also produces/distributes the appropriate form 1095-C. Cornell University also distributes 1095-C forms and 1094-C form to the IRS. The State of New York needs the capability to update the 1094-C counts (Total Number of forms file by/on behalf of ALE Member, FT Employee Counts, Total Employee counts, etc.) on New York’s authoritative transmittal to the IRS as they are all reported under one EIN. Is this correct?
A6	Section IV.B.3.b.(1-7)	Cornell determines eligibility for its employees and produces/sends 1095-C forms to its employees. Then Cornell sends a non-authoritative 1094-C transmittal to the IRS containing the information about those employees. Cornell then sends the counts for those employees to the State’s vendor, who then includes the counts received by Cornell in the authoritative transmittal under the State’s EIN.
Q7	Section IV.B.3.a.(8)	Will you require the contractor maintain the credentials required to represent NYS in front of the IRS during any future controversy proceedings pertaining to the ACA?
A7	Section IV.B.3.a.(8)	No, the contractor is not required to maintain the credentials to represent NYS before the IRS. However, please note that per Section IV.B.3.a.(8) of the RFP: “The Offeror must reimburse the Department for any and all federal reporting penalties that are incurred solely due to actions or inactions of the Offeror at a rate no less than 100% of the amount assessed against the Department under Sections 6055 and 6056 of the Internal Revenue Code (IRC). <i>The Department will allow the Offeror to participate in any negotiations with the Internal Revenue Service with respect to such penalties.</i>” (emphasis added)
Q8	Section V.A	Please identify all current fees.
A8	Section V.A	There are two billable fees associated with this program: 1. The Workforce Analytics Fee (Section V.A.1 of the RFP) 2. The Statutory IRS Reporting Fee (Section V.A.2 of the RFP) Per Section V.A.3: “The Offeror shall not charge the Department for any other fees or costs other than those specified in Section V.A.1 and V.A.2 of this RFP.
Q9	Section V.B.1	What enhancements does the State anticipate with the contracted vendor?
A9	Section V.B.1	None. Proposals should conform to the terms set forth in the RFP.
Q10	General	Who is the incumbent provider of the services?
A10	General	Ernst & Young, LLP.

Q11	General	Please highlight the particular points NYS wishes to prioritize that have shifted from the original RFP.
A11	General	Offerors should thoroughly review the RFP and develop their proposal based on the requirements set forth in RFP #PPACA-2018-1.