

**SECTION VIII: GLOSSARY OF TERMS**

**Affiliate** means a person or organization which, through stock ownership or any other affiliation, directly, indirectly, or constructively controls another person or organization, is controlled by another person or organization, or is, along with another person or organization, under the control of a common parent.

**AG** means the New York State Attorney General's Office.

**Agreement or Contract** means the Agreement entered into between the Parties resultant from this RFP.

**Business Day(s)** means Monday through Friday, except for those designated as Business Holidays.

**Business Holiday(s)** means legal Holidays observed by the State.

**Calendar Year/Annual** means a period of 12 months beginning with January 1 and ending with December 31.

**Commissioner** means the Commissioner of the New York State Department of Civil Service.

**Contract or Agreement** means the Agreement entered into between the Parties resultant from this RFP.

**Contractor** means the successful Offeror selected as a result of the evaluation of Offeror's Proposals submitted in response to this RFP and who executes a Contract with the Department to provide Program Services.

**Day(s)** means calendar Days unless otherwise noted.

**Department or DCS** means the New York State Department of Civil Service.

**Empire Plan** means the experience-rated health plan administered by the NYS Department of Civil Service to provide health insurance benefits for the employees, retirees and eligible dependents of New York State and NYSHIP Participating Agencies and Participating Employers. It has four components, the Medical Program, the Hospital Program, the Managed Mental Health and Substance Abuse Program, and the Prescription Drug Program.

**Employee** means a State employee, former State employee, or other individual determined by the DCS to be eligible to enroll as the result of law, regulation, rules and/or collective bargaining, who is enrolled in the Empire Plan.

**Employer** means “Employer” as defined in 4 NYCRR Part 73, as amended.

**Employee Benefits Division (EBD)** means the division of the New York State Department of Civil Service responsible for administering the New York State Health Insurance Program.

**ET** means prevailing Eastern Time.

**HIPAA** means Health Insurance Portability and Accountability Act of 1996, as amended.

**Implementation Plan** means an mutually agreed to, and final, detailed plan for the implementation period of the program which denotes firm deadlines for start-up activities and implementation of services as specified in the Agreement and required for the administration of the program.

**Information Security Plan (ISP)** means a plan which states all of the security policies and procedures for the protection of data, equipment and facilities, including receipt of and transmission of data in accordance with Department standards, policies and procedures; ISP must agree to the policies, terms, and conditions stated in this Agreement and Appendices A, B, and C.

**Key Subcontractor(s)** means those vendors with whom the Contractor subcontracts to provide Program Services and incorporates as a part of the Contractor’s Project Team. Key Subcontractors include all vendors who will provide \$100,000 or more in Program Services over the term of the Agreement that results from this RFP, as well as any vendor who will provide Program Services in an amount lower than the \$100,000 threshold, and who is a part of the Contractor’s account team.

**MWBE** means Minority-and Women-Owned Business Enterprises.

**New York State Health Insurance Program (NYSHIP)** means the health insurance program established by NYS to provide health insurance protection to employees, retirees and eligible dependents of New York State and participating agencies and participating employers. The program is administered by the NYS Department of Civil Service. NYSHIP

provides health insurance coverage through the Empire Plan, Health Maintenance Organizations (HMOs); and the Student Employee Health Plan (SEHP).

**Normal Business Hours** means Monday- Friday 8:00 a.m.- 5:00 p.m. ET, unless specified otherwise by the Department.

**NYS or State** means the State of New York (including the New York State Department of Civil Service).

**Offeror** means any responsible and eligible entity submitting a responsive Proposal to the RFP. It shall be understood that references in the RFP to "Offeror" shall include said entity's proposed Key Subcontractor or Affiliates, if any.

**OSC** means the New York State Office of the State Comptroller.

**Plan** means the Empire Plan

**President** means the President of the Civil Service Commission who is also the Commissioner of the Department.

**Project Services** means the entire scope of services provided by the Contract in accordance with the terms and conditions set forth in the Contract, including but not limited to: 1) collecting employee payroll, enrollment, and other information to determine federal "full-time" or "part-time" status and offer of employer-sponsored coverage; 2) determining State compliance with Employer Shared Responsibility provisions and other aspects of the PPACA; 3) preparing and mailing Form 1095-C to all applicable individuals, including NYSHIP enrollees and qualifying full-time employees that declined coverage; and 4) electronically transmitting all necessary forms (Form 1094-C and/or Form 1095-C copies) to the Internal Revenue Service.

**Proposal or Submissions** means the Contractor's Administrative Proposal, Technical Proposal and Cost Proposal, including all responses to supplemental requests for clarification, information, or documentation submitted during the course of the Procurement.

**RFP or Procurement** means the Request for Proposals, entitled "PPACA Compliance Services" dated April 13, 2018

**Services** means the PPACA Compliance Services to be provided by the Offeror as set forth in this RFP.

**Service Level Standard** means the Department's expected performance level of service that the selected Offeror must meet or exceed for the PPACA Compliance Services.

**Software** means computer instructions or data that can be stored electronically.

**State** means the State of New York.

**Statutory IRS Reporting Requirements** means those responsibilities and requirements imposed upon the State as a large self-insured employer per the provisions of the Patient Protection and Affordable Care Act (PPACA), including but not limited to: 1) collecting employee payroll, enrollment, and other information to determine federal "full-time" or "part-time" status and offer of employer-sponsored coverage; 2) determining State compliance with Employer Shared Responsibility provisions and other aspects of PPACA; 3) preparing and mailing Form 1095-C to all applicable individuals, including NYSHIP enrollees and qualifying full-time employees that declined coverage; and 4) electronically transmitting all necessary forms (Form 1094-C and/or Form 1095-C copies) to the Internal Revenue Service.

**Student Employee Health Plan (SEHP)** means a health insurance plan for graduate student employees of the State University of New York system that provides benefits through the various Empire Plan Insurance Contracts. Like the Empire Plan, the SEHP includes hospital, medical, managed mental health and substance abuse benefits, and prescription drug benefits. SEHP is administered by the New York State Department of Civil Service, Employee Benefits Division.

**Transition Plan** means a written plan for transition, which outlines, at a minimum, the tasks, milestones and deliverables associated with transitioning the Program to a new contractor.

**Virus** means any computer code, whether or not written or conceived by Contractor, which intentionally disrupts, disables, harms, or otherwise impedes in any manner the operation of the Product, or any other associated software, firmware, hardware, or computer system (such as local area or wide-area networks), including aesthetic disruptions or distortions, but does not include security keys or other such devices installed by Product manufacturer.