



**Glossary of Defined Terms**  
**RFP Entitled:**  
**“Patient Protection and Affordable Care Act Compliance Services”**

**Acceptance Testing Plan** refers to the detailed testing plan, subject to Department approval, that identifies the functions the Department will test in order to ensure the Contractor’s functionality is fully operational and meets all requirements identified in the RFP.

**Account Team** means all key personnel, including employees of the Offeror and Subcontractors, that will be performing work for the Offeror pursuant to this agreement.

**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.

**Availability** means the extent to which information is operational, accessible, functional and usable upon demand by an authorized entity (e.g., a system or user).

**Best Value** means the basis for awarding a contract for services to a responsible and responsive Offeror, who can best optimize quality, cost and efficiency.

**Breach** means acquiring of information by a person without valid authorization or through unauthorized acquisition.

**Business Day(s)** means Monday through Friday, from 9:00am to 5:00pm p.m.ET, except for days designated as State holidays by the Department.

**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 Effective Date** means the date that the Agreement is approved by the New York State Office of the State Comptroller.

**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



**Glossary of Defined Terms**  
**RFP Entitled:**  
**“Patient Protection and Affordable Care Act Compliance Services”**

with the Department to provide Project Services; or the entity that has been awarded a contract and has executed a Contract with the State. Also referred to as “Vendor.”

**Contractor Staff** means all officers, employees, agents, consultants and/or sub-contractors of the Contractor who shall perform Project Services under this Contract or have access to Data.

**CSL** means New York State Civil Service Law.

**Data** means any information, analytic derivatives, formula, algorithms, or other content that the Department or State may provide to the Contractor pursuant to this Contract. Data includes, but is not limited to, any of the foregoing that the Department and/or Contractor (i) uploads to a Cloud Service, and/or (ii) creates and/or modifies using a Cloud Service.

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

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

**DOB** means the New York State Division of the Budget.

**EEO** means the Federal Equal Employment Opportunities Act.

**Empire Plan or Program** means the self-funded, 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 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 (NYSHIP).

**ET** means prevailing Eastern Time.

**Event** means any observable occurrence in a system and/or network that may indicate than a Security Incident is occurring or has occurred.

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

**HMO** means one of the Health Maintenance Organizations which participate in the New York State Health Insurance Program.



**Glossary of Defined Terms**  
**RFP Entitled:**  
**“Patient Protection and Affordable Care Act Compliance Services”**

**Information** means any representation of facts, concepts or instructions created, stored (in temporary or permanent form), filed, produced or reproduced, regardless of the form or media. Information may include but is not limited to the data contained in reports, files, folders, memoranda, statements, examinations, transcripts, images or communications. Information may be electronic or hard copy.

**Mandatory** refers to items or information that the State has deemed that a Bidder must submit as compulsory, required and obligatory. These items or information are noted as such, or the requirements may be phrased in terms of “must” or “shall”. Mandatory requirements must be met by the Bidder for Bidder’s proposal to be considered responsive.

**May** denotes the permissive in a contract clause or specification. Refers to items or information that the State has deemed are worthy of obtaining, but not required or obligatory. Also see “Should”.

**Must** denotes the imperative in a contract clause or specification. Means required - being determinative/mandatory, as well as imperative. Also see “Shall” and “Mandatory”.

**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).

**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.

**OER** means the New York State Office of Employee Relations.

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

**Participating Agency (PA)** means any unit of local government such as school districts, special districts, or district or municipal corporations that elects with the approval of the President of the Civil Service Commission, to participate in the New York State Health Insurance Program.

**Participating Employer (PE)** means any public authority, public benefit corporation, or other agency subdivision or quasi-public organization of NYS that elects, with the



Department of  
Civil Service

**Glossary of Defined Terms**  
**RFP Entitled:**  
**“Patient Protection and Affordable Care Act Compliance Services”**

approval of the President of the Civil Service Commission, to participate in the New York State Health Insurance Program.

**Personal Information** as defined in State Technology Law §202 means any information concerning a natural person which, because of name, number, symbol, mark or other identifier, can be used to identify that natural person.

**Plan** means the Empire Plan.

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

**Program Manager** means the individual employed by the Offeror to oversee and manage the functional operation of all services performed pursuant to this agreement.

**Project Services** means the entire scope of actuarial and benefits management services to be provided by the Contractor pursuant to the terms and conditions of the Agreement.

**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.

**Required Individuals** means State employees and other individuals enrolled in the Empire Plan through the State of New York including State retirees, COBRA enrollees, and other groups. Required Individuals does not include employees or other Empire Plan enrollees of employers other than the State of New York participating in the Empire Plan.

**RFP or Procurement** means the Request for Proposals, entitled “Patient Protection and Affordable Care Act Compliance Services”.

**Service or Services** as defined in State Finance Law §160 means the performance of a task or tasks and may include a material good or a quantity of material goods, and which is the subject of any purchase or other exchange.

**Service Start Date** means the date on which services will first be provided under this agreement. This date immediately follows 60 day implementation period that commences upon the Contract Effective Date.

**Shall** denotes the imperative in a contract clause or specification. Means required - being determinative/mandatory, as well as imperative. Also see “Must” and “Mandatory”.



**Glossary of Defined Terms  
RFP Entitled:  
“Patient Protection and Affordable Care  
Act Compliance Services”**

**Should** denotes the permissive in a contract clause or specification. Refers to items or information that the State has deemed are worthy of obtaining, but not required or obligatory. Also see “May”.

**Solicitation** means writings by the State setting forth the scope, terms, conditions and technical specifications for a procurement of Product.

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

**Statutory IRS Reporting** means all annual reporting performed in compliance with the Patient Protection and Affordable Care Act (PPACA), including the 1095-C forms sent directly to NYSHIP plan members and the 1094-C file transmitted to the Internal Revenue Service (IRS).

**Student Employee Health Plan (SEHP)** means a health insurance plan for graduate student employees of the New York State University and the New York City University systems that provides benefits through the various Empire Plan Insurance Contracts. Like the Empire Plan, 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.

**Subcontractor** means any individual or legal entity (including but not limited to sole proprietor, partnership, limited liability company, firm or corporation) who has entered into a contract, express or implied, for the performance of a portion of the Contract with a Contractor.

**System** means an interconnected set of information resources under the same direct management control that shares common functionality. A system normally includes hardware, software, applications, and communications.

**Technology** as defined in Executive Law, § 205(5) means a good, service, or good and service that results in a digital, electronic or similar technical method of achieving a practical purpose or in improvements in productivity, including but not limited to, information management, equipment, software, operating systems, interface systems, interconnected systems, telecommunications, data management, networks, and network management, consulting, supplies, facilities, maintenance and training. The term "Technology" shall be deemed to include all tasks and products encompassed within the term "services", as defined in State Finance Law § 160 (7).

**Will** denotes the permissive in a contract clause or specification. Also see “May.”

**Workforce Analytics** means the collection, review, and analysis of employee payroll, employment, and enrollment information for the purposes of evaluating employees’ eligibility for and enrollment in coverage under the requirements of PPACA, including



Department of  
Civil Service

**Glossary of Defined Terms  
RFP Entitled:  
“Patient Protection and Affordable Care  
Act Compliance Services”**

the review and analysis of data necessary to meet Statutory IRS Reporting requirements.