
SECTION III: ADMINISTRATIVE PROPOSAL

This section of the RFP sets forth the requirements for the Offeror's Administrative Proposal submission, including the Minimum Mandatory Requirements. Mandatory Minimum Requirements must be satisfied by an Offeror to be evaluated. The Department shall reject as non-responsive those proposals that do not meet the Mandatory Minimum Requirements. The Department will consider for evaluation and selection purposes only those Proposals the Department determines to be in compliance with the Minimum Mandatory Requirements set forth in this Section III of this RFP.

The Offeror's Administrative Proposal must respond to the following below items in the specified order and format, using the designated forms. Additional details pertaining to the required forms are found in Section II.B Compliance with Applicable Laws, Rules and Regulations & Executive Orders.

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 letter as set forth in **Exhibit I.S**. The formal offer letter must be signed and executed by an individual with the capacity and legal authority to bind the Offeror. 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.

In the formal offer letter, the Offeror must accept the terms and conditions as set forth in:

- The RFP, including Section VI;
- Appendix A, which is non-negotiable; and
- Appendices B, C, C-1, D, D-1 and D-2

The Offeror must agree to enter into an Agreement with the Department containing, at a minimum, the terms and conditions identified in this RFP section and appendices as cited herein. (**Note:** Appendix A, "Standard Clauses for New York State Contracts" is a compilation of statutory requirements applicable to all persons and entities contracting with the State and therefore has been deemed to be non-negotiable by the Offices of the Attorney General and the State

Comptroller). Appendix B, “Standard Clauses for All Department Contracts”, Appendix C, “Third Party Connection and Data Exchange Agreement”, Appendix C-1 “Information Security Standards”, Appendix D, “Participation by Minority Group Members and Women With Respect to State Contracts: Requirements and Procedures”, Appendix D-1 “Minority and Women-Owned Business Enterprises – Equal Employment Opportunity Policy Statement” and Appendix D-2 – MWBE Utilization Reporting Responsibilities under Article 15-A are compilations of standard clauses/ requirements used by the Department.)

If an Offeror proposes to include the services of a Key Subcontractor(s) or Affiliate(s), the Offeror must assume responsibility for those services as “Prime Contractor.” The Department considers the Prime Contractor solely responsible for contractual matters.

B. Minimum Mandatory Requirements

The Department will only evaluate proposals from Offerors that attest and demonstrate through current valid documentation to the satisfaction of the Department that the Offeror meets the RFP’s Minimum Mandatory Requirements. 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, at time of Proposal Due Date and throughout the term of the Agreement, must be authorized to conduct business in New York State, or, if the Offeror is not so authorized at time of Proposal Due Date, then the Offeror must, at time of Proposal Due Date, have filed an application for authority to do business in New York State with the New York State Secretary of State. Such application must be approved prior to contract award. (For details concerning this requirement, refer to: http://www.dos.ny.gov/corps/forms_listing.html.)

To register with the Secretary of State, contact: <https://www.dos.ny.gov/corps/index.html>.

The Contractor shall notify the Department immediately if there is any change in the above corporate status.

2. The Offeror understands and agrees to comply with all specific duties and responsibilities set forth in Section IV of this RFP.
3. The Offeror represents and warrants that, at time the contract is approved by the Attorney General and Office of the State Comptroller, it has completed, obtained or performed all registrations, filings, approvals, authorizations, consents and examinations required by any

governmental authority for the provision of the delivery of Program Services and agree that it will, during the term of the Agreement, comply with any requirements imposed upon it by law.

4. The Offeror agrees and acknowledges that:
 - i. all claims, enrollment, eligibility, and other data (i.e., materials) provided by the Department or the Department's agents and/or contractors is being provided to the Offeror solely for the purpose of allowing the Offeror to fulfill its duties and responsibilities under the Agreement;
 - ii. said materials are and remain the sole property of NYS; and
 - iii. the Offeror represents and warrants that it will not share, sell, release, or make the data available to third parties in any manner without the written consent of the Department, except as directed by a court of competent jurisdiction, or as necessary to comply with applicable New York State or federal law.

5. The Offeror represents and warrants that, at time of Proposal submission, it possesses adequate staffing resources, financial resources and organizational capacity to perform the type, magnitude and quality of work specified in the RFP.

6. The Offeror has filed a stand-alone Paid Family Leave policy with the New York State Department of Financial Services as provided under Title 11 NYCRR Parts 363.4(c) and 363.6 (b)(1), no later than the proposal due date for this RFP.

7. The Offeror has an Insurer Financing Strength Rating from A.M. Best Company of "A" or better at the time of Proposal submission.

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	Exhibit I.A
MacBride Statement and Non-Collusive Bidding Certification	Exhibit I.D
Offeror’s Affirmation of Understanding and Agreement	Exhibit I.K*
Compliance with Public Officer’s Law Requirements	Exhibit I.M
Compliance with Americans with Disabilities Act	Exhibit I.N
MWBE Utilization Plan (Form MWBE-100)	Exhibit I.O
Offeror’s Certificate of Compliance Pursuant to State Finance Law §139-k	Exhibit I.P
Formal Offer Letter	Exhibit I.S
Offeror Attestations Form	Exhibit I.T
Key Subcontractors or Affiliates	Exhibit I.U.1
NYS Supplier and Subcontractor	Exhibit I.U.2
Compliance with NYS Workers’ Compensation Law	Exhibit I.W

***Note: If not already provided to the Department by the time of Proposal submission, the Offeror must enclose a completed Exhibit I.K - Offeror’s Affirmation of Understanding and Agreement with their Administrative Proposal.**

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 Program Services. For each such Key Subcontractor or Affiliate identified, the Offeror must complete and submit **Exhibit I.U.1**; “Key Subcontractors or Affiliates” If the Offeror will not be subcontracting with any Key Subcontractor(s) or Affiliate(s) to provide Program Services, the Offeror must provide a statement to that effect.

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, 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.