

Request for Offers (RFO)

RFO # 20039

New York State Fiscal Intermediaries for the Consumer Directed Personal Assistance Program

AMENDMENT #3

January 31, 2020

The following are official modifications, which are hereby incorporated into RFO #20039: New York State Fiscal Intermediaries for the Consumer Directed Personal Assistance Program. The information contained in this amendment prevails over the original RFO language. For all amendments below, deleted (“~~xxx~~”) and added language appears in underline (“xxx”).

4.1 Required Fiscal Intermediary Services

This Section describes the Fiscal Intermediary services that are required to be provided by the selected Offerors.

Offerors should provide responses in Section 6.0: Offer Content that address the requirements of this Section as part of its Technical Offer.

Contractors will be required to perform the FI services described in SSL § 365-f (4-a)(a)(ii), 18 NYCRR § 505.28(i) and 10 NYCRR § 766.11(c)-(d). These services include:

- a) Processing wages and benefits for each personal assistant (PA), including establishing the amount of each PA’s wages;
- b) Processing all applicable income tax and other required wage withholdings, including Social Security and federal, State and local taxes;
- c) Complying with worker’s compensation, disability and unemployment requirements;
- d) Ensuring the health status of each PA is assessed prior to service delivery pursuant to 10 NYCRR § 766.11(c) and (d) or any successor regulation;
- e) Maintaining personnel records for each PA, including time records and other documentation needed for wages and benefit processing and a copy of the medical documentation required above by 4.1~~(b)~~(d);

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5.5 Equal Employment Opportunity (EEO) Reporting

By submission of a bid in response to this RFO, the Offeror agrees with all of the terms and conditions of Attachment 8 Appendix A including Clause 12 - Equal Employment Opportunities for Minorities and Women. Additionally, the successful Offeror will be required to certify they have an acceptable EEO (Equal Employment Opportunity) policy statement in accordance with Section III of Appendix M in Attachment 8.

Further, pursuant to Article 15 of the Executive Law (the “Human Rights Law”), all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor and sub-contractors will not discriminate against any

employee or applicant for employment because of race, creed (religion), color, sex, national origin, sexual orientation, military status, age, disability, predisposing genetic characteristic, marital status or domestic violence victim status, and shall also follow the requirements of the Human Rights Law with regard to non-discrimination on the basis of prior criminal conviction and prior arrest.

The Contractor is required to ensure that it and any subcontractors awarded a subcontract over \$25,000 for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon (the "Work"), except where the Work is for the beneficial use of the Contractor, undertake or continue programs to ensure that minority group members and women are afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status. For these purposes, equal opportunity shall apply in the areas of recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff, termination, and rates of pay or other forms of compensation. This requirement does not apply to: (i) work, goods, or services unrelated to the Contract; or (ii) employment outside New York State.

~~To ensure compliance with this Section, the Offeror should submit with the bid or offer an Equal Employment Opportunity Staffing Plan (Attachment 5, Form #4) identifying the anticipated work force to be utilized on the Contract. Additionally, the Offeror should submit a Minority and Women-Owned Business Enterprises and Equal Employment Opportunity Policy Statement (Attachment 5, Form # 5), to DOH with their bid or offer.~~

5.7 Subcontracting

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In addition, the Lead FI shall:

- Require ~~collaborating partners subcontractors~~ to promptly notify Lead FI of any court case, administrative hearing, or other proceeding in which the ~~collaborating partner subcontractor~~ is named with respect to any PA's labor or employment-related claim (including, but not limited to, civil actions related to the PA wages and benefits claims for lost wages, unemployment insurance, workers compensation, etc.); and
- Agree to intervene in any such proceeding and to indemnify and hold harmless ~~collaborating partners subcontractors~~ with regard to any liability incurred as a result of a decision, verdict, or other determination rendered with respect to such claims.

6.0 OFFER CONTENT

The following includes the format and information to be provided by each Offeror. Offerors responding to this RFO must satisfy all requirements stated in this RFO. All Offerors are requested to submit complete Administrative and Technical Offers. An offer that is incomplete in any material respect may be rejected.

To expedite review of the offers, Offerors are requested to submit offers in separate Administrative, and Technical, ~~and Cost~~ packages inclusive of all materials as summarized in [Attachment A](#), Offer Documents. This separation of information will facilitate the review of the material requested. No information beyond that specifically requested is required, and Offerors are requested to keep their submissions to the shortest length consistent with making a complete presentation of qualifications. Evaluations of the Administrative and Technical Offers received in response to this RFO will be conducted separately.

DOH will not be responsible for expenses incurred in preparing and submitting the Offer.

6.1 Administrative Offer

The Administrative Offer should contain all items listed below. An offer that is incomplete in any material respect may be eliminated from consideration. The information requested should be provided in the prescribed format. Responses that do not follow the prescribed format may be eliminated from consideration. All responses to the RFO may be subject to verification for accuracy. Please provide the forms in the same order in which they are requested.

A. Offeror's Disclosure of Prior Non-Responsibility Determinations

Submit a completed and signed [Attachment 1](#), "Prior Non-Responsibility Determination."

B. Freedom of Information Law – Offer Redactions

Offerors must clearly and specifically identify any portion of the offer that a Offeror believes constitutes proprietary information entitled to confidential handling as an exception to the Freedom of Information Law. See Section 5.9, (Freedom of Information Law)

C. Vendor Responsibility Attestation

Complete, certify, and file a New York State Vendor Responsibility Questionnaire. DOH recommends that vendors file the required Vendor Responsibility Questionnaire online via the New York State VendRep System. To enroll in and use the New York State VendRep System, see the VendRep System Instructions at <http://www.osc.state.ny.us/vendrep/index.htm> or go directly to the VendRep System online at <https://portal.osc.state.ny.us>.

Vendors must provide their New York State Vendor Identification Number when enrolling. To request assignment of a Vendor ID or for VendRep System assistance, contact the OSC Help Desk at 866-370-4672 or 518-408-4672 or by email at ciohelpdesk@osc.state.ny.us.

Vendors opting to complete and submit a paper questionnaire can obtain the appropriate questionnaire from the VendRep website, www.osc.state.ny.us/vendrep, or may contact the Office of the State Comptroller's Help Desk for a copy of the paper form. Offeror's should complete and submit the Vendor Responsibility Attestation, [Attachment 3](#).

D. Vendors Assurance of No Conflict of Interest or Detrimental Effect

Submit [Attachment 4](#), Vendor's Assurance of No Conflict of Interest or Detrimental Effect, which includes information regarding the Offeror, members, shareholders, parents, affiliates or subcontractors. [Attachment 4](#) must be signed by an individual authorized to bind the Offeror contractually.

E. Offeror's Certified Statements

Submit [Attachment 7](#), "Offeror's Certified Statements", which includes information regarding the Offeror. ~~Attachment A~~ [Attachment 7](#) must be signed by an individual authorized to bind the Offeror contractually. Please indicate the title or position that the signer holds with the Offeror. DOH reserves the right to reject an offer that contains an incomplete or unsigned [Attachment 7](#) or no [Attachment 7](#).

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7.0 OFFER SUBMISSION

An offer consists of two (2) distinct parts: (1) the Administrative Offer, and (2) the Technical Offer. ~~The table below outlines the requested format and volume for submission of each part.~~ Offers should be submitted in the format as prescribed below.

Submit a complete offer via email to: OHIPcontracts@health.ny.gov with the subject "Offer Submission Under RFO #20039". Include, as attachments to the email, two complete distinct PDF files labeled "Administrative Offer" and "Technical Offer". In the event an electronic submission cannot be read by the Department, the Department reserves the right to request a hard copy and/or electronic resubmission of any unreadable files. Offeror shall have 2 business days to respond to such requests and must certify the resubmission is identical to the original submission.

The offer must be received by the NYSDOH, no later than the Deadline for Submission of Offers specified in Section 1.0, (Calendar of Events). Late offers will not be considered.

All other terms and conditions remain the same.