



Department of Health

Request for Proposals

RFP # - 20366

NY State of Health Licensed Home Care Services Agencies Private Pay Home Care Services Program System

Issued: March 26, 2024

DESIGNATED CONTACT:

Pursuant to State Finance Law §§ 139-j and 139-k, the New York State Department of Health (hereinafter referred to as the “**Department**” or as “**DOH**”) identifies the following designated person to whom all communications attempting to influence the Department’s conduct or decision regarding this procurement must be made.

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PERMISSIBLE SUBJECT MATTER CONTACT:

Pursuant to State Finance Law § 139-j(3)(a), the Department ^ identifies the following allowable person to contact for communications related to the submission of written bids, written questions, pre-bid questions, and debriefings.

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1.0 CALENDAR OF EVENTS

RFP 20366– NY STATE OF HEALTH LICENSED HOME CARE SERVICES AGENCIES PRIVATE PAY HOME CARE SERVICES PROGRAM SYSTEM	
<u>EVENT</u>	<u>DATE</u>
Issuance of Request for Proposals	March 26, 2024
Deadline for Submission of Written Questions	Questions Due On Or Before April 23, 2024 at 5:00 p.m. ET
Responses to Written Questions Posted by DOH	On or About May 21, 2024
Deadline for Submission of Proposals	Proposals Due On Or Before June 11, 2024 at 5:00 p.m. ET
<i>Anticipated</i> Contract Start Date	January 1, 2025

2.0 OVERVIEW

Through this Request for Proposals (“RFP”), the New York State (“State”) Department of Health (the “Department” or “DOH”) is seeking competitive proposals from qualified bidders to provide the services as further detailed in [Section 4.0](#) (Scope of Work) It is the Department’s intent to award one (1) contract from this procurement.

2.1 Introductory Background

New York State Department of Health (“DOH”) oversees the operation of home care services throughout New York State and provides for the collection and public accessibility of information concerning all organized home care services. Personal Care Services (PCS), such as housekeeping, grocery shopping, personal hygiene care, and assistance with preparation of meals, allow individuals to remain safely in their home or in the homes of loved ones by providing additional assistance.

NY State of Health, The Official Health Plan Marketplace (“NYSoH” or “Marketplace”), authorized by the federal Patient Protection and Affordable Care Act of 2010 (ACA), was established in April 2012 and codified in Article 2, Title VII of the NY Public Health Law in 2019. NYSoH has successfully increased the affordability and accessibility of health insurance coverage in New York by providing one central resource through which consumers can apply for insurance affordability programs for which they may be eligible, and shop for a health plan that meets their particular needs. As of August 31, 2022, nearly 6.9 million residents were enrolled in coverage, representing more than 1 in 3 New Yorkers.

In November of 2021, the NY State of Health Private Pay Home Care Services Program Pilot (“Care at Home Program”) launched in the counties of Nassau, Suffolk, and Westchester counties and further expanded in September of 2022 into the counties of New York, Kings, Bronx, Richmond and Queens and will expand statewide in future quarterly phases. This program was part of the New York State Department of Health (DOH) implementation of the recommendation by the Medicaid Redesign Team II (MRT II), which was included in the State Fiscal Year 2020-21 Enacted Budget, to create an option supported by the NY State of Health Marketplace that would allow individuals to more easily connect to private pay home care services from LHCSAs, and potentially delay the need for Medicaid or other more comprehensive insurance affordability programs.

While individuals enrolled in NY Medicaid may be assessed for coverage of home care services, New Yorkers who are not eligible for Medicaid are currently left on their own to find a home care aide and navigate the purchase of home care services. The Private Pay Home Care Services Program provides these consumers with a trusted source through which they can select a home care aide and make arrangements for care from LHCSAs that are licensed by the DOH. This Program facilitates the review and selection of private pay home care service providers to provide the needed home care aide services from LHCSAs.

2.2 Important Information

The Bidder **must** review, and is requested to have its legal counsel review, [Attachment 8](#), the DOH Agreement (Standard Contract), as the successful Bidder must be willing to enter into the Contract awarded pursuant to this RFP in the terms of [Attachment 8](#), **subject only to any amendments to the Standard Contract agreed by the Department during the Question and Answer Phase of this RFP** (see, [Section 5.2](#)). Please note that this RFP and the awarded Bidder's Bid will become part of the Contract as Appendix B and C, respectively.

It should be noted that Appendix A of [Attachment 8](#), "Standard Clauses for New York State Contracts", contains important information, terms and conditions related to the Contract to be entered into as a result of this RFP and **will be incorporated, without change or amendment**, into the Contract entered into between DOH and the successful Bidder. By submitting a response to this RFP, the Bidder agrees to comply with all the provisions of the Contract, including all of the provisions of Appendix A.

Note, [Attachment 7](#), the Bidder's Certified Statements, **must** be submitted by each Bidder and includes a statement that the Bidder accepts, **without any added conditions, qualifications or exceptions**, the contract terms and conditions contained in this RFP including any exhibits and attachments, including, without limitation, [Attachment 8](#). It also includes a statement that the Bidder acknowledges that, should any alternative proposals or extraneous terms be submitted with its Bid, such alternate proposals or extraneous terms will not be evaluated by the DOH.

Any qualifications or exceptions proposed by a Bidder to this RFP should be submitted in writing using the process set forth in [Section 5.2](#) (Questions) prior to the deadline for submission of written questions indicated in [Section 1.0](#) (Calendar of Events). Any amendments DOH makes to the RFP as a result of questions and answers will be publicized on the DOH web site and will be available and applicable to all Bidders equally.

2.3 Term of the Agreement

The term of the Contract that will be entered into pursuant to this RFP between the Department and the successful Bidder is expected to be for a period of five (5) years commencing on the date shown on the Calendar of Events in [Section 1.0](#), subject to the availability of sufficient funding, successful Contractor performance, and approvals from the New York State Attorney General (AG) and the Office of the State Comptroller (OSC).

3.0 BIDDERS' QUALIFICATIONS TO PROPOSE

DOH will accept proposals from organizations with the following types and levels of experience as a prime Contractor.

- A minimum of Three (3) years' total experience in designing an electronic system that matches/connects individuals seeking home care services with workers who are employed by a Home Care Agency.
- A minimum of Three (3) years' total experience in building an electronic system that matches/connects individuals seeking home care services with workers who are employed by a Home Care Agency.
- A minimum of Three (3) years' total experience in operating an electronic system that matches/connects individuals seeking home care services with workers who are employed by a Home Care Agency.

Experience acquired concurrently is considered acceptable.

For the purposes of this RFP, a prime Contractor is defined as one who has the contract with the owner of a project or job and has full responsibility for its completion. A prime Contractor undertakes to perform a complete contract and may employ (and manage) one or more subcontractors to carry out specific parts of the contract.

Failure to meet these Minimum Qualifications will result in a proposal being found non-responsive and eliminated from consideration.

4.0 SCOPE OF WORK

This Section describes the product(s), information technology and contracting services that are required to be provided by the selected bidder. The selected bidder must be able to provide all of these services throughout the contract term.

PLEASE NOTE: Bidders will be requested to provide responses that address all of the requirements of this RFP as part of its Technical Proposal.

The terms “bidders”, “vendors” and “proposers” are also used interchangeably. For purposes of this RFP, the use of the terms “shall”, “must” and “will” are used interchangeably when describing the Contractor’s/Bidder’s duties.

4.1 Deliverables

The Contractor will build and operationalize the consumer-facing NY State of Health Private Pay Home Care Services Program website (the “NYSoH Care at Home Program” or “ Program”) and manage its operation on an ongoing basis in Bronx, Kings, New York, Queens, Richmond, Nassau, Suffolk, and Westchester counties within 90 days of contract approval, understanding that it’s the program’s intent to expand into additional counties quarterly, completing a statewide expansion into all counties by January 1, 2029.

4.1.1 Deliverable 1 – Develop, Design and Operate the NY State of Health Private Pay Home Care Services Website

The Contractor will license its technology platform, workflows, materials and intellectual property (the platform) to develop, design, and operate the NYSoH Care at Program for New York State. Including, and in consultation with NYSoH, license and operate the Contractor’s platform on behalf of the NYSoH Care at Home Program. Provide configuration, localization and customization services to adopt a look and feel consistent with the NYSoH consumer experience.

The Contractor should also note that the platform must have public facing (desktop and mobile) search functionality in compliance with § 3114 and § 5410 bills and at minimum deliver matched search results against agency worker availability data by zip code.

The Contractor will work with NYSoH to leverage, localize and customize for New York State, the Contractor user agreements, data feeds and application Program interfaces.

The Contractor will work collaboratively with NYSoH to ensure a seamless transition from the NYSoH website to the Contractor’s platform. The look and feel of the Contractor’s platform should provide the user (care-seeker or agency) the look and feel of the existing NYSoH marketplace system. To see our current system, please visit <https://nystateofhealth.ny.gov/>.

The Contractor will use their existing system promotion procedures to support consumers such as but not limited to, creating a call to action/re-engagement campaign for those consumers utilizing the NYSoH Care at Home Program website.

The Contractor must provide and operate a version of the platform in Spanish language available to users of the platform at a date to be determined by Contractor and NYSoH.

4.1.2 Deliverable 2 – Agency Management, Oversight and Training Services

The Contractor must provide electronic onboarding and management services for LHCSAs approved to participate in the NYSoH Care at Home Program and have the ability to electronically on-board and train LHCSAs on the use of their system. Onboarding and management services must include, and are not limited to, collecting and storing agency demographic information, worker availability by zip code, worker languages spoken by zip code, worker genders by zip code, agency pricing information by county, services offered by each agency,

The Contractor must leverage their existing training and education materials for New York State’s LHCSAs. NYSoH will support the Contractor and help customize existing training and education materials for New York State’s LHCSAs. The final electronic agency training materials must be developed with and agreed to by NYSoH.

The Contractor must provide oversight services and ensure agencies are operating in accordance with the Program guidelines, including keeping the availability of workers updated and current.

The Contractor and NYSoH must have platform oversight capabilities including but not limited to electronically add, update, activate and deactivate agencies and their agency admins.

4.1.3 Deliverable 3 – The Initial Care at Home Website is Operational, and All Agency Contracting is Completed for an April 1, 2025, Launch Date

The Program currently operates in all five (5) boroughs of New York City (Bronx, New York, Richmond, Queens and King counties) as well as Westchester, Nassau and Suffolk counties with contracts (Agreements) in place for 19 LHCSAs to provide home care services directly to private paying consumers.

The Contractor must be able to support an initial Program setup and launch with the existing eight (8) county service area and 19 participating LHCSA’s within 90 days of contract approval.

The Contractor will also be responsible for offering, collecting, and storing all electronic agreements with the existing 19 LHCSAs and initial Program start up and any additional LHCSAs entering the Program thereafter.

The final and in-force agreement between the Contractor and LHCSA(s) must be developed with and agreed to by the NY State of Health (NYSoH).

4.1.4 Deliverable 4 – Project Management, Oversight, System Enhancement and System Change Services

The Contractor will provide project management, oversight, and analysis services for the NYSoH Care at Home Program for the State of New York. These should include Workflow Services Analysis Sessions (WSAS) to determine the need for enhancements or changes.

The Contractor will conduct periodic assessments with NYSoH to identify workflows and needed localization and customization changes for the Program and develop project and operations plans that will be used throughout the lifetime of the engagement.

The Contractor will work with NYSoH to develop outcome measures to ensure services are being delivered and that focus populations are being reached. See Section 4.1.11 for additional details.

4.1.5 Deliverable 5 – Operational Support Services

The Contractor will provide support for NYSoH staff to support agencies and consumers having issues with the online system during normal operating hours from 8:00am – 5:00pm M-F Eastern Standard Time (EST). including or excluding New York State Holidays. These State Holidays are:

- New Year’s Day (January 1)
- Martin Luther King’s Birthday (3rd Monday in January)
- Lincoln’s Birthday (February 12)
- Washington’s Birthday (3rd Monday in February)
- Memorial Day (last Monday in May)
- Juneteenth (June 19)
- Independence Day (July 4)
- Labor Day (1st Monday in September)
- Columbus Day (2nd Monday in October)
- Veterans’ Day (November 11)
- Thanksgiving Day (4th Thursday in November)
- Christmas Day (December 25)

The Contractor must support agencies having issues with the online system and ensure all issues, including complaints, are satisfactorily resolved or escalated to NYSoH’s Care at Home Program staff within 48 hours.

The Contractor must support agencies having issues with the online system and ensure all issues, including complaints, are satisfactorily resolved within 48 hours, or escalated to NYSoH’s Care at Home Program staff.

4.1.6 Deliverable 6 – Advertising and Promotional Materials

NYSoH and the Contractor will work to develop and implement advertising and promotional materials for the program. Overall accountability for advertising and promotional plans will be the responsibility of NYSoH.

4.1.7 Deliverable 7 – Participating in Meetings, Providing Training and Support to NYSoH

The Contractor is expected to participate in virtual meetings and be available in-person, as needed, to provide specific training and hands on support for individuals connected to NYSoH and other DOH programmatic areas.

4.1.8 Deliverable 8 – Governance Process

The Contractor in consultation with NYSoH will provide a governance process to approve the methodologies and modifications necessary to implement and improve the Private Pay Home Care Services Program. The governance process shall enable NYSoH and the Contractor to jointly: determine goals, performance measures, reports and reporting requirements as well as deadlines; propose and accept changes to documentation, artifacts, processes, and procedures used in managing the project; and resolve issues.

The governance process will:

1. Be proposed and implemented within thirty (30) calendar days of contract start and should include weekly scheduled governance committee meetings throughout the full contract term
2. Provide documentation, user guides, and workflows for the Contractor’s platform.
3. Provide Implementation and change release notes to NYSoH.

4.1.9 Deliverable 9 – Program Expansion

The Contractor will be responsible for entering into agreements with NYSoH approved agencies and must have the capacity to scale and support expansion into all into all 62 counties within New York State on or before January 1, 2029.

There are approximately 200 LHCSAs across all New York State Counties who currently meet program eligibility requirements; a LHCSA can participate in multiple counties within New York State.

4.1.10 Deliverable 10 – Staffing

The Contractor must assemble its project team no later than two (2) weeks following contract approval by the Office of the State Comptroller. The Contractor has full responsibility for the successful completion of the project and must carry out the tasks and deliverables outlined in Sections 4.0 and 4.1 (including all subsections). The Contractor will ensure that the staffing needs of the Program are met on an ongoing basis. All proposed key staff must be available no later than two (2) weeks following contract approval, by the OSC.

Key staff consists of but not limited to the project's senior leadership, technical architect (design and engineering), and business architect (Project Manager). These resources are responsible for providing the overall leadership and management, obtaining necessary corporate resources, and creating standards and processes required for the successful implementation of the Program. All key staff positions must be full-time roles filled by a single, dedicated person.

At any time throughout the course of the contract, the Department reserves the right to approve or disapprove the contractor's proposed staffing, including consultants or subcontractors and may request a replacement of such staffing, consultant, or subcontractor, if needed. DOH reserves the right to approve and disapprove any proposed staff. Any proposed staff which have been disapproved by DOH must be replaced within a two (2) week period.

4.1.11 Deliverable 11 – Project Management, Statistical, and Outcome Measurers

Status reporting ensures that NYSoH and the Contractor have a common understanding of project progress. It identifies any roadblocks to success and enables these to be circumvented before they negatively impact the project. Status reporting must be available to NYSoH within 15 days of contract approval.

Status reporting includes contractor submission of the following:

1. Weekly Status reports, due to NYSoH by noon EST on Friday of each week, including descriptions of: a. Activities completed in the preceding period; b. Activities planned for the next period; c. Issues requiring resolution; d. Risks and associated mitigation plans; and e. Actual project progress (schedule and budget) against planned, with explanation of any variances and associated mitigation plans.
2. Monthly status reports, due to NYSoH by noon EST three (3) business days after the end of the month for which the reporting is occurring, shall provide a brief summary of weekly reports; and
3. Quarterly status reports, due to NYSoH by noon EST five (5) business days after the end of the month for which the reporting is occurring, shall provide a brief summary of monthly reports.
4. Statistical and data reporting ensures that NYSoH has the ability to identify, review, track and trend all data collected by the platform, including, but not limited to, consumer's name, location, telephone number, email address, services needed, agency referral status in the system and whether or not the agency entered into a contract to provide care services to the consumer. The Contractor will submit the report to NYSoH by noon EST five (5) business days after the end of the month for which the reporting is occurring.
5. The Contractor will work with NYSoH to develop outcome measures to ensure services are being delivered and that focus populations are being reached. Once measures are developed in coordination with NYSoH staff, The Contractor will submit the report to NYSoH by noon EST five (5) business days after the end of the month for which the reporting is occurring. It is anticipated that at a minimum, these outcome measures should include, but are not limited to, the number of times the platform is accessed, the number of times searches are generated on the platform, the number of times a consumer contacts an agency and the number of care referrals that are submitted by consumers to participating agencies.

The contractor must make available to NYSoH a reporting and monitoring system for the platform in which all data is available in real time and in an on-demand interface that allows NYSoH to sort, download and export data. This data monitoring and reporting system must be available to NYSoH within 150 days of contract approval.

4.2 Information Technology

The application and all systems and components supporting it, including, but not limited to, any forms and databases that include Personal Health, Personal Identification or other New York State information, must comply with all NYS security policies and standards listed at <http://its.ny.gov/tables/technologypolicyindex.htm>.

4.3 Security

The selected Contractor shall comply with all privacy and security policies and procedures of the Department (<http://its.ny.gov/tables/technologypolicyindex.htm>) and applicable State and Federal law and administrative guidance with respect to the performance of the Contract. The Contractor is required, if applicable, to execute a number of security and privacy agreements with the Department including a Business Associate Agreement (Appendix H) and a Data Use Agreement (DUA) at contract signing.

The Contractor is expected to provide secure and confidential backup, storage and transmission for hard copy and electronically stored information. Under no circumstances will any records be released to any person, agency, or organization without specific written permission of the DOH. The Contractor is obligated to ensure any Subcontractor hired by Contractor who stores, processes, analyzes or transmits MCD on behalf of Contractor has the appropriate security requirements in place. Contractor is required to include in all subcontracts and Business Associate Agreements with their Subcontractors language surrounding the security and privacy requirements as well as the language contained in the Confidentiality Language for Third Parties section of the DUA. If any breach or suspected breach of the data or confidentiality occurs, whether the breach occurred with the Contractor or Subcontractor, DOH must be notified immediately.

The Contractor is required to maintain and provide to the Department upon request their data confidentiality plans and procedures for meeting security requirements as they relate to the deliverables and services within this RFP, including all plans as they relate to subcontractor work where applicable.

Contractor will develop and maintain adequate fully trained staff to respond to all stakeholder inquiries while protecting confidentiality and maintaining the security and integrity of all systems. Staff must be trained to understand and observe requirements related to confidentiality and operating guidelines for functions included in this RFP.

The Contractor will comply fully with all current and future updates of the security procedures of the DOH as well as with all applicable State and Federal requirements, in performance of the Contract.

4.4 Transition

The Contractor is required to develop a plan to securely and smoothly transfer any records referenced in this section to the Department or another Department agent should that be required during or upon expiration of its Contract. The plan and documentation must be submitted to the Department no later than the end of the first year of its Contract with the Department of Health and updated as needed throughout the term of the contract or upon request of the Department.

The Contractor shall provide technical and business process support as necessary and required by the Department to transition and assume contract requirements to the Department or another Department agent should that be required during or at the end of the Contract.

4.5 Payment

Payment of invoices and/or vouchers submitted by the successful Bidder pursuant to the terms of the Contract entered into pursuant to this RFP by the Department shall be made in accordance with Article XI-A of the New York State Finance Law. Payment terms will be:

The Contractor shall submit monthly invoices and/or vouchers to the State's designated payment office:
Preferred Method: Email a .pdf copy of your signed voucher to the BSC at: AccountsPayable@ogs.ny.gov with a subject field as follows:

Subject: <<Unit ID: 3450475>> <<Contract #TBD>>

Alternate Method: Mail vouchers to BSC at the following U.S. postal address:

NYS Department of Health
Unit ID 3450475
c/o NYS OGS BSC Accounts Payable
Building 5, 5th Floor 1220 Washington Ave.
Albany, NY 12226-1900

Payment for invoices and/or vouchers submitted by the CONTRACTOR shall only be rendered electronically unless payment by paper check is expressly authorized by the Commissioner, in the Commissioner's sole discretion, due to extenuating circumstances. Such electronic payment shall be made in accordance with ordinary State procedures and practices. The CONTRACTOR shall comply with the State Comptroller's procedures to authorize electronic payments. Authorization forms are available at the State Comptroller's website at <https://www.osc.state.ny.us/state-vendors> by email at epayments@osc.state.ny.us or by telephone at 518-474-6019. CONTRACTOR acknowledges that it will not receive payment on any invoices and/or vouchers submitted under this Contract if it does not comply with the State Comptroller's electronic payment procedures, except where the Commissioner has expressly authorized payment by paper check as set forth above.

In addition to the Electronic Payment Authorization Form, a Substitute Form W-9 must be on file with the Office of the State Comptroller, Bureau of Accounting Operations. Additional information and procedures for enrollment can be found at <https://www.osc.state.ny.us/state-vendors>.

Completed W-9 forms should be submitted to the following address:

NYS Office of the State Comptroller
Bureau of Accounting Operations - Warrant & Payment Control Unit
110 State Street, 9th Floor
Albany, NY 12236

Payment will be made to the Contractor monthly upon acceptance by DOH of the required reports and deliverables as described in Section 4.0 Scope of Work (SOW). Payment will be monthly based upon 1/12th of the annual fee contained in Attachment B of Appendix C.

4.6 Subcontracting

Bidders may propose the use of a subcontractor. The Contractor shall obtain prior written approval from DOH before entering into an agreement for services to be provided by a subcontractor. The Contractor is solely responsible for assuring that all the requirements of this RFP is met. All subcontracts shall contain provisions specifying that the work performed by the subcontractor must be in accordance with the terms of the prime contract, and that the subcontractor specifically agrees to be bound by the confidentiality provisions set forth in the agreement between the DOH and the Contractor. DOH reserves the right to request removal of any Bidder's staff or subcontractor's staff if, in DOH's discretion, such staff is not performing in accordance with the Contract.

NOTE: Subcontractors whose contracts are valued at or above \$100,000 will be required to submit the Vendor Responsibility Questionnaire upon selection of the prime Contractor.

4.7 Contract Insurance Requirements

Prior to the start of work under the Contract, the Contractor shall procure, at its sole cost and expense, and shall maintain in force at all times during the term of the Contract, insurance of the types and in the amounts set forth in [Attachment 8](#), the New York State Department of Health Contract, Section IV. Contract Insurance Requirements as well as below.

4.7.1 Data Breach and Privacy Liability Insurance (Cyber Insurance):

Contractors are required to maintain during the term of the contract, Data Breach and Privacy Liability Insurance (Cyber Insurance), including coverage for the failure to protect confidential information and failure of the security of the Contractor's computer systems or Agency's systems due to the actions of the Contractor which results in unauthorized access to the Agency or its data. Said Insurance shall provide coverage for damages arising from, but not limited to the following:

- Breach of duty to protect the security and confidentiality of nonpublic proprietary corporate information;
- Personally identifiable information (PII) (e.g., medical, financial, or personal in nature in electronic or non-electronic form);
- Privacy notification costs;
- Regulatory defense and penalties;
- Website media liability; and
- Cyber theft of customer's property, including but not limited to money and securities

If the policy is written on a Claims-Made basis, the Contractor must submit to the Agency an Endorsement providing proof that the policy provides the option to purchase Tail Coverage providing coverage for no less than one (1) year after work is completed in the event that coverage is canceled or not renewed. This requirement applies to both primary and Excess Liability Policies, as applicable.

4.7.2 Technology Errors and Omissions Liability Insurance:

The Contractor shall maintain, during the term of the contract, Technology Errors and Omissions Liability Insurance for Claims for damages arising from computer related services including, but not limited to, the following: consulting, data processing, programming, system integration, hardware or software development, installation, distribution or maintenance, systems analysis or design, training, staffing or other support services, any electronic equipment, and computer software developed, manufactured, distributed, licensed, marketed or sold.

The policy shall include coverage for third-party fidelity including cyber theft.

If the policy is written on a Claims-Made basis, the Contractor must provide to the Agency proof that the policy provides the option to purchase Tail Coverage providing coverage for no less than one (1) year after work is completed in the event that coverage is canceled or not renewed. This requirement applies to both primary and Excess Liability Policies, as applicable.

4.8 Minority & Women-Owned Business Enterprise (M/WBE) Requirements

Pursuant to New York State Executive Law Article 15-A, the Department recognizes its obligation to promote opportunities for maximum feasible participation of **certified** minority-and woman-owned business enterprises and the employment of minority group members and women in the performance of DOH contracts.

Business Participation Opportunities for M/WBEs

For purposes of this RFP, DOH hereby establishes an overall goal of 30% for M/WBE participation, 15% for Minority-Owned Business Enterprises ("MBEs") participation and 15% for Women-Owned Business Enterprises ("WBEs"), based on the current availability of qualified MBEs and WBEs and outreach efforts to certified M/WBE firms. The successful Bidder who becomes the Contractor under the Contract entered into with the Department pursuant to this RFP must document good faith efforts to provide meaningful participation by M/WBEs as subcontractors or suppliers in the performance of the Contract consistent with the M/WBE participation goals established for this procurement, and Contractor must agree that DOH may withhold payment pending receipt of the required M/WBE documentation. For guidance on how DOH will determine "good faith efforts," refer to 5 NYCRR §142.8.

The directory of New York State Certified M/WBEs can be viewed at: <https://ny.newnycontracts.com>. The directory is found in the upper right-hand side of the webpage under “Search for Certified Firms” and accessed by clicking on the link entitled “MWBE Directory”. Engaging with firms found in the directory with like product(s) and/or service(s) is strongly encouraged, and all communication efforts and responses should be well documented to establish Contractor’s “good faith efforts”.

By submitting a Bid in response to this RFP, a Bidder agrees to complete an M/WBE Utilization Plan ([Attachment 5](#), Form #1) for this RFP. DOH will review the submitted M/WBE Utilization Plan. If the Plan is not accepted, DOH may issue a notice of deficiency. If a notice of deficiency is issued, Bidder agrees that it shall respond to the notice of deficiency within seven (7) business days after Bidder’s receipt of such notice. DOH may disqualify a Bidder as being non-responsive to this RFP under the following circumstances:

- a. If a Bidder fails to submit a M/WBE Utilization Plan;
- b. If a Bidder fails to submit a written remedy to a notice of deficiency;
- c. If a Bidder fails to submit a request for waiver (if applicable); or
- d. If DOH determines that the Bidder has failed to document good-faith efforts to provide meaningful participation by M/WBEs under the Contract in accordance with the goals for this RFP established by the Department;

The Contractor will be required to attempt to utilize, in good faith, any MBE or WBE identified in its M/WBE Utilization Plan, during the performance of the Contract. Requests for a partial or total waiver of established goal requirements made subsequent to Contract Award may be made at any time during the term of the Contract to DOH but must be made no later than prior to the submission of a request for final payment on the Contract.

The Contractor will be required to submit a Contractor’s Quarterly M/WBE Contractor Compliance & Payment Report to the DOH, by the 10th day following each end of quarter over the term of the Contract documenting the progress made toward achievement of the M/WBE goals of the Contract.

If (a) the Department determines that the Contractor is not in compliance with the M/WBE requirements of the Contract and the Contractor refuses to comply with such requirements, or (b) the Department finds that the Contractor has willfully and intentionally failed to comply with the M/WBE participation goals established in the Contract, the Contractor may be required to pay to the Department liquidated damages.

Such liquidated damages shall be calculated as an amount equaling the difference between: (1) all sums identified for payment to M/WBEs had the Contractor achieved the contractual M/WBE goals; and (2) all sums actually paid to M/WBEs for work performed or materials supplied under the Contract.

A New York State certified Minority- and Women-Owned Businesses (M/WBE) may request that their firm’s contact information be included on a list of M/WBE firms interested in serving as a subcontractor for this procurement. The listing will be publicly posted on the Department’s website for reference by the bidding community. A firm requesting inclusion on this list should send contact information and a copy of its NYS M/WBE certification to NYSOHcontracts@health.ny.gov before the Deadline for Questions as specified in [Section 1.0](#) (Calendar of Events). Nothing prohibits an M/WBE Vendor from proposing as a prime Contractor.

Please Note: Failure to comply with the foregoing requirements may result in a finding of non-responsiveness, non-responsibility and/or a breach of the Contract, leading to the withholding of funds, suspension or termination of the Contract or such other actions or enforcement proceedings as allowed by the Contract.)

4.9 Participation Opportunities for NYS Certified Service-Disabled Veteran-Owned Businesses

Article 17-B of the New York State Executive Law provides for more meaningful participation in public procurement by NYS-certified Service-Disabled Veteran-Owned Businesses (“SDVOBs”), thereby further integrating such businesses into New York State’s economy. DOH recognizes the need to promote the employment of service-disabled veterans and to ensure that certified service-disabled veteran-owned businesses have opportunities for maximum feasible participation in the performance of DOH contracts.

In recognition of the service and sacrifices made by service-disabled veterans and in recognition of their economic activity in doing business in New York State, Bidders/Contractors are strongly encouraged and expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles.

For purposes of this procurement, DOH conducted a comprehensive search and determined that the Contract does not offer sufficient opportunities to set specific goals for participation by SDVOBs as subcontractors, service providers, and suppliers to Contractor. Nevertheless, Bidder/Contractor is encouraged to make good faith efforts to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials. The directory of New York State Certified SDVOBs can be viewed at: <https://ogs.ny.gov/veterans/>

Bidders are encouraged to contact the Office of General Services' Division of Service-Disabled Veteran's Business Development at 518-474-2015 or VeteransDevelopment@ogs.ny.gov to discuss methods of maximizing participation by SDVOBs on the Contract.

5.0 ADMINISTRATIVE INFORMATION

The following administrative information will apply to this RFP. Failure to comply fully with this information may result in disqualification of your proposal.

5.1 Restricted Period

"Restricted period" means the period of time commencing with the earliest written notice, advertisement, or solicitation of a Request for Proposals ("RFP"), Invitation for Bids ("IFB"), or solicitation of proposals, or any other method for soliciting a response from bidders intending to result in a procurement contract with DOH and ending with the final contract award and approval by DOH and, where applicable, final contract approval by the Office of the State Comptroller.

Pursuant to State Finance Law §§ 139-j and 139-k, the Department of Health identifies designated contacts on face page of this RFP to whom all communications attempting to influence this procurement must be made. This prohibition applies to any oral, written, or electronic communication under circumstances where a reasonable person would infer that the communication was intended to influence this procurement. Violation of any of the requirements described in this Section may be grounds for a determination that the bidder is non-responsible and therefore ineligible for this contract award. Two (2) violations within four (4) years of the rules against impermissible contacts during the "restricted period" may result in the violator being debarred from participating in DOH procurements for a period of four (4) years.

5.2 Questions

There will be an opportunity available for submission of written questions and requests for clarification with regard to this RFP. All questions and requests for clarification of this RFP should cite the particular RFP Section and paragraph number where applicable and must be submitted via email to NYSOHcontracts@health.ny.gov. It is the bidder's responsibility to ensure that email containing written questions and/or requests for clarification is received at the above address no later than the Deadline for Submission of Written Questions as specified in [Section 1.0](#) (Calendar of Events). Questions received after the deadline may **not** be answered.

5.3 Right to Modify RFP

DOH reserves the right to modify any part of this RFP, including but not limited to, the date and time by which proposals must be submitted and received by DOH, at any time prior to the Deadline for Submission of Proposals specified in [Section 1.0](#) (Calendar of Events). Modifications to this RFP shall be made by issuance of amendments and/or addenda.

Prior to the Deadline for Submission of Proposals, any such clarifications or modifications as deemed necessary by DOH will be posted to the DOH website.

If a prospective bidder discovers any ambiguity, conflict, discrepancy, omission, or other error in this RFP, the bidder shall immediately notify DOH of such error in writing at NYSOHcontracts@health.ny.gov and request clarification or modification of the RFP.

If, prior to the Deadline for Submission of Proposals, a bidder fails to notify DOH of a known error or an error that reasonably should have been known, the bidder shall assume the risk of proposing. If awarded the Contract, the bidder shall not be entitled to additional compensation by reason of the error or its correction.

5.4 DOH's Reserved Rights

The Department of Health reserves the right to:

1. Reject any or all proposals received in response to the RFP;
2. Withdraw the RFP at any time, at the Department's sole discretion;
3. Make an award under the RFP in whole or in part;
4. Disqualify any bidder whose conduct and/or proposal fails to conform to the requirements of the RFP;
5. Seek clarifications and revisions of proposals;
6. Use proposal information obtained through site visits, management interviews and the State's investigation of a bidder's qualifications, experience, ability or financial standing, and any material or information submitted by the bidder in response to the Department's request for clarifying information in the course of evaluation and/or selection under the RFP;
7. Prior to the bid opening, amend the RFP specifications to correct errors or oversights, or to supply additional information, as it becomes available;
8. Prior to the bid opening, direct bidders to submit proposal modifications addressing subsequent RFP amendments;
9. Change any of the scheduled dates;
10. Eliminate any mandatory, non-material specifications that cannot be complied with by all of the prospective bidders;
11. Waive any requirements that are not material;
12. Negotiate with the successful bidder within the scope of the RFP in the best interests of the State;
13. Conduct contract negotiations with the next responsible bidder, should the Department be unsuccessful in negotiating with the selected bidder;
14. Utilize any and all ideas submitted in the proposals received;
15. Every offer shall be firm and not revocable for a period of three hundred and sixty-five days from the bid opening, to the extent not inconsistent with section 2-205 of the uniform commercial code. Subsequent to such three hundred and sixty-five days, any bid is subject to withdrawal communicated in a writing signed by the bidder; and,
16. Require clarification at any time during the procurement process and/or require correction of arithmetic or other apparent errors for the purpose of assuring a full and complete understanding of a bidder's proposal and/or to determine a bidder's compliance with the requirements of the solicitation.

5.5 Debriefing

Once an award has been made, a Bidder may request a debriefing of their Bid. The debriefing will be limited solely to the Bidder's own Bid and will not include any discussion of other bids. A Bidder's request for a debriefing must be received by the Department no later than fifteen (15) business days after the date of the award notification to the successful Bidder or non-award announcement to the unsuccessful Bidder, depending upon whether the Bidder requesting the debriefing is the successful Bidder or an unsuccessful Bidder.

5.6 Protest Procedures

In the event an unsuccessful Bidder wishes to protest the award resulting from this RFP, the protesting Bidder must follow the protest procedures established by the Office of the State Comptroller (OSC). These procedures can be found in Chapter XI Section 17 of the OSC's Guide to Financial Operations, which is available on-line at:

<http://www.osc.state.ny.us/agencies/guide/MyWebHelp/>

5.7 Freedom of Information Law (“FOIL”)

All Bids may be disclosed or used by the Department to the extent permitted by law. The Department may disclose a Bid to any person for the purpose of assisting in evaluating the Bid or for any other lawful purpose. All Bids will become State agency records, which will be available to the public in accordance with the New York State Freedom of Information Law. **Any portion of the Bid that a Bidder believes constitutes proprietary information entitled to confidential handling, as an exception to the Freedom of Information Law, must be clearly and specifically designated in the Bid as specified in Section 6.1.2. of this RFP.** If the Department agrees with the proprietary claim, the designated portion of the Bidder’s Bid will be withheld from public disclosure. Blanket assertions of proprietary material will not be accepted, and failure to specifically designate proprietary material may be deemed a waiver of any right to confidential handling of such material.

5.8 Piggybacking

New York State Finance Law section 163(10)(e) (see also <https://ogs.ny.gov/procurement/piggybacking-using-other-existing-contracts-0>) allows the Commissioner of the NYS Office of General Services to consent to the use of the Contract entered into pursuant to this RFP by other New York State Agencies, and other authorized purchasers, subject to conditions and the Contractor’s consent.

5.9 Intellectual Property

Any work product created pursuant to this RFP and the Contract awarded hereunder and any subcontract shall become the sole and exclusive property of the New York State Department of Health, which shall have all rights of ownership and authorship in such work product.

6.0 PROPOSAL CONTENT

The following includes the format and information to be provided by each Bidder. Bidders responding to this RFP must satisfy all requirements stated in this RFP. All Bidders are requested to submit complete Administrative and Technical Proposals and are required to submit a complete Cost Proposal. A proposal that is incomplete in any material respect may be rejected.

To expedite review of the proposals, Bidders are requested to submit proposals in separate Administrative, Technical, and Cost packages inclusive of all materials as summarized in Attachment A, Proposal Documents. This separation of information will facilitate the review of the material requested. No information beyond that specifically requested is required, and Bidders are requested to keep their submissions to the shortest length consistent with making a complete presentation of qualifications. Evaluations of the Administrative, Technical, and Cost Proposals received in response to this RFP will be conducted separately. Bidders are therefore cautioned not to include any Cost Proposal information in the Technical Proposal documents.

DOH will not be responsible for expenses incurred in preparing and submitting the Administrative, Technical, or Cost Proposals.

6.1 Administrative Proposal

The Administrative Proposal should contain all items listed below. An Administrative Proposal 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 RFP may be subject to verification for accuracy. Please provide the forms in the same order in which they are requested.

6.1.1 Bidder’s Disclosure of Prior Non-Responsibility Determinations

Submit a completed and signed [Attachment 1](#), “Prior Non-Responsibility Determinations.”

6.1.2 Freedom of Information Law – Proposal Redactions

Bidders must clearly and specifically identify any portion of their proposal that a Bidder believes constitutes proprietary information entitled to confidential handling as an exception to the Freedom of Information Law. See [Section 5.7](#), (Freedom of Information Law)

6.1.3 Vendor Responsibility Questionnaire

Complete, certify, and file a New York State Vendor Responsibility Questionnaire. DOH recommends that bidders 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 www.osc.state.ny.us/vendrep.

Bidders 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.

Bidders 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. Bidders should complete and submit the Vendor Responsibility Attestation, [Attachment 3](#).

6.1.4 Vendor Assurance of No Conflict of Interest or Detrimental Effect

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

6.1.5 M/WBE Forms

Submit completed Form #1 and/or Form #2, Form #4 and Form #5 as directed in [Attachment 5](#), “Guide to New York State DOH M/WBE RFP Required Forms.”

6.1.6 Encouraging Use of New York Businesses in Contract Performance

Submit [Attachment 6](#), “Encouraging Use of New York State Businesses in Contract Performance” to indicate the New York Businesses you will use in the performance of the Contract.

6.1.7 Bidder’s Certified Statements

Complete, sign and submit [Attachment 7](#), “Bidder’s Certified Statements”, which includes information regarding the Bidder. [Attachment 7](#) must be signed by an individual authorized to bind the Bidder contractually. Please indicate the title or position that the signer holds with the Bidder.

6.1.8 References

Provide references using [Attachment 9](#), (References) for three clients for whom the bidder has designed, built and operated a care matching system for . Provide firm names, addresses, contact names, telephone numbers, email addresses and brief summary of services provided.

6.1.9 Diversity Practices Questionnaire

The Department has determined, pursuant to New York State Executive Law Article 15-A, that the assessment of the diversity practices of respondents to this procurement is practical, feasible, and appropriate. Accordingly, respondents to this procurement should include as part of their response to this procurement, [Attachment 10](#) “Diversity Practices Questionnaire”. Responses will be formally evaluated and scored.

6.1.10 Executive Order 177 Prohibiting Contracts with Entities that Support Discrimination

Bidder should complete and submit [Attachment 11](#) certifying that it does not have institutional policies or practices that fail to address the harassment and discrimination of individuals on the basis of their age, race, creed, color, national origin, sex, sexual orientation, gender identity, disability, marital status, military status, or other protected status under the Human Rights Law.

6.1.11 Executive Order 16 Prohibiting Contracting with Businesses Conducting Business in Russia

Bidder should complete and submit [Attachment 12](#) certifying the status of their business operations in Russia, if any, pursuant to Executive Order 16.

6.1.12 State Finance Law Consultant Disclosure Provisions

In accordance with New York State Finance Law Section 163(4)(g), State agencies must require all Contractors, including subcontractors, that provide consulting services for State purposes pursuant to a contract to submit an annual employment report for each such contract.

The successful bidder for procurements involving consultant services must complete a "State Consultant Services Form A, Contractor's Planned Employment From Contract Start Date through End of Contract Term" in order to be eligible for a contract.

The successful bidder must also agree to complete a "State Consultant Services Form B, Contractor's Annual Employment Report" for each state fiscal year included in the resulting contract. This report must be submitted annually to the Department, the Office of the State Comptroller, and Department of Civil Service.

Submit State Consultant Services Form A: Contractor's Planned Employment and Form B: Contractor's Annual Employment Report, available at: <http://www.osc.state.ny.us/agencies/forms/ac3271s.doc> and <http://www.osc.state.ny.us/agencies/forms/ac3272s.doc>.

6.1.13 Sales and Compensating Use Tax Certification (Tax Law, § 5-a)

Section 5-a of the Tax Law, as amended, effective April 26, 2006, requires certain Contractors awarded state contracts for commodities, services and technology valued at more than \$100,000 to certify to the Department of Tax and Finance (DTF) that they are registered to collect New York State and local sales and compensating use taxes. The law applies to contracts where the total amount of such contractor's sales delivered into New York State are in excess of \$300,000 for the four quarterly periods immediately preceding the quarterly period in which the certification is made, and with respect to any affiliates and subcontractors whose sales delivered into New York State exceeded \$300,000 for the four quarterly periods immediately preceding the quarterly period in which the certification is made.

This law imposes upon certain contractors the obligation to certify whether or not the contractor, its affiliates, and its subcontractors are required to register to collect state sales and compensating use tax and contractors must certify to DTF that each affiliate and subcontractor exceeding such sales threshold is registered with DTF to collect New York State and local sales and compensating use taxes. The law prohibits the State Comptroller, or other approving agencies, from approving a contract awarded to an offeror meeting the registration requirements but who is not so registered in accordance with the law.

The successful Bidder must file a properly completed Form ST-220-CA with the Department ^ and Form ST-220-TD with the DTF. These requirements must be met before a contract may take effect. Further information can be found at the New York State Department of Taxation and Finance's website, available through this link: <http://www.tax.ny.gov/pdf/publications/sales/pub223.pdf>.

Submit these Forms, available through these links:

- ST-220 CA: http://www.tax.ny.gov/pdf/current_forms/st/st220ca_fill_in.pdf
- ST-220 TD: http://www.tax.ny.gov/pdf/current_forms/st/st220td_fill_in.pdf

6.2 Technical Proposal

The purpose of the Technical Proposal is to demonstrate the qualifications, competence, and capacity of the Bidder to perform the services contained in this RFP. The Technical Proposal should demonstrate the qualifications of the Bidder and the staff to be assigned to provide services related to the services included in this RFP.

A Technical Proposal that is incomplete in any material respect may be eliminated from consideration. The following outlines the information requested to be provided by Bidders. 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 RFP may be subject to verification for accuracy.

While additional data may be presented, the following should be included. Please provide the information in the same order in which it is requested. Your proposal should contain sufficient information to assure DOH of its accuracy. Failure to follow these instructions may result in disqualification.

Pricing information contained in the Cost Proposal cannot be included in the Technical Proposal documents.

6.2.1 Title Page

Submit a Title Page providing the RFP subject and number; the Bidder's name and address, the name, address, telephone number, and email address of the Bidder's contact person; and the date of the Proposal.

6.2.2 Table of Contents

The Table of Contents should clearly identify all material (by section and page number) included in the Bidder's proposal.

6.2.3 Documentation of Bidder's Eligibility Responsive to Section 3.0 of RFP

Bidders must be able to meet all the requirements stated in [Section 3.0](#) of the RFP. The bidder must submit documentation that provides sufficient evidence of meeting the criterion/criteria set forth in [Section 3.0](#). This documentation may be in any format needed to demonstrate how the Bidder meets the minimum qualifications to propose.

The bidder should describe how it has:

- A minimum of Three (3) years' total experience in designing an electronic system that matches/connects individuals seeking home care services with workers who are employed by a Home Care Agency.
- A minimum of Three (3) years' total experience in building an electronic system that matches/connects individuals seeking home care services with workers who are employed by a Home Care Agency.
- A minimum of Three (3) years' total experience in operating an electronic system that matches/connects individuals seeking home care services with workers who are employed by a Home Care Agency.

Acceptable proof of three years' experience in designing, building, and operating an electronic system for matching/connecting individuals seeking home care services with workers employed by a Home Care Agency should include but is not limited to:

1. Work history: A detailed resume or curriculum vitae demonstrating employment history in roles directly related to designing, building, and operating such electronic systems. This should outline specific responsibilities, projects undertaken, and duration of employment with relevant companies or organizations.
2. Project portfolio: Providing a portfolio showcasing electronic systems or software applications developed specifically for matching individuals with home care workers. This portfolio should include descriptions of the systems, their functionalities, technologies utilized, and evidence of successful implementation or operation.
3. References: Contact information for professional references who can verify your involvement in designing, building, and operating electronic systems for home care service matching. These references should be individuals who have directly supervised or collaborated with you in relevant projects.

4. Certifications or qualifications: Any certifications, training, or educational qualifications relevant to electronic system design, development, or operation in the home care industry. This could include courses, workshops, or certifications in software engineering, database management, healthcare informatics, or related fields.
5. Documentation of systems: Detailed documentation or reports demonstrating your role in the design, development, and operation of electronic systems for home care service matching. This could include system architecture diagrams, technical specifications, user manuals, or reports on system performance and outcomes.
6. Testimonials or case studies: Testimonials from clients, users, or stakeholders attesting to your contributions and expertise in developing and operating electronic systems for home care service matching. Additionally, case studies highlighting successful implementations or improvements achieved through your work could serve as compelling evidence of your experience.

Experience acquired concurrently is considered acceptable.

Failure to meet these Minimum Qualifications will result in a proposal being found non-responsive and eliminated from consideration.

6.2.4 Technical Proposal Narrative

The purpose of the Technical Proposal is to demonstrate the qualifications, competence, and capacity of the Bidder to perform the services contained in this RFP. The Technical Proposal should provide satisfactory evidence of the Bidder's ability to meet, and expressly respond to, each element listed below.

A Technical Proposal that is incomplete in any material respect may be eliminated from consideration. The following outlines the information requested to be provided by Bidders. 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 RFP may be subject to verification for accuracy.

While additional data may be presented, the following should be included. Please provide the information in the same order in which it is requested. Your proposal should contain sufficient information to assure DOH of its accuracy. Failure to follow these instructions may result in disqualification.

Pricing information contained in the Cost Proposal cannot be included in the Technical Proposal documents.

6.2.4.1. Experience – Performing Tasks/ Deliverables

For additional background information on the items requested below, please refer back to the Scope of Work in Section 4 of this RFP.

- a. The Bidder should elaborate on their experience and ability to develop, design and operate a care matching website that is similar to the current look and feel of the current NY State of Health Private Pay Home Care Services Website.
- b. The bidder should include their ability to license its technology platform, workflow and other intellectual property to develop design, configure, customize and operate the website.
- c. The bidder should delineate the features and functionality of their proposed platform to match LHCSA level worker availability by zip code with zip codes provided by consumers utilizing our website who are trying to find an agency with workers available near them who are employed by a participating LHCSA.
- d. The bidder should also include their ability to develop and maintain a website in both desktop and mobile environments as well as providing a Spanish version of the website;
- e. Their ability to provide electronic contracting, onboarding, and management services for Private Pay Home Care Services LHCSAs. The bidder should detail their methods for collecting and securely storing demographic and worker information, including languages and pricing for services.

- f. The bidder should elaborate on proposed existing training and educational materials available to the Private Pay Home Care Services LHCSAs as well as their means to provide customized and/ or additional support to the onboarded LHCSAs. They should also detail their plans to provide LHCSA training services and training reference materials electronically;
- g. The bidder should delineate their platform's ability for LHCSAs to update the NY State of Health Private Pay Home Care Services website with single and bulk worker availability data electronically and electronic agency oversight functions to ensure proper operations;
- h. The bidder should propose a plan detailing their ability to offer contracts and maintain agreements with the existing 19 Private Pay Home Care Services LHCSAs and design, develop and have ready the website before the April 1, 2025, go-live date;
- i. Additionally, they should propose an expansion plan detailing their ability to expand the NYSoH Care at Home program from the current 8 counties to all 62 counties in New York State; this should include a plan to support the initial Private Pay Home Care Services LHCSA as well as timelines and processes for offering collecting and maintaining LHCSA agreements during the expansion;
- j. The bidder should elaborate on their approach to provide project management, oversight and analysis services. The bidder should include information related to their experience conducting Workflow Services Analysis and common triggers that determine enhancement or system change needs;
- k. The bidder should detail their plans to conduct periodic assessments and what content they will gather to assist with project and operational plan development for the life of the contract.
- l. The bidder should propose an operational plan to detail their ability to provide the operational support services required during the established business hours; This plan should also provide methods proposed to ensure issues and complaints are timely resolved or escalated if needed.
- m. Their proposed plan to develop and implement promotional materials, advertising strategies and plans for the NYSoH Private Pay Home Care Services Program;
- n. Their ability to collaborate on marketing strategies, campaigns and promotional materials. Their ability to participate in NYSoH and DOH meetings where needed to discuss the program, website, potential changes and to provide updates. Their ability to provide training, training materials and support to NYSoH staff;
- o. Their Private Pay Home Care Services Program ability to provide a governance process to NYSoH;

6.2.4.2. Staffing and Qualifications

The bidder should provide a staffing plan for completion of services that includes the following for each:

- a. Title, responsibility, and type of staff available and physical location of bidder's staff to be engaged in performance of the NY State of Health Private Pay Home Care Services Program System;
- b. How the bidder plans to recruit and train an adequate number of staff;
- c. Bidder's ability to provide qualified staff to carry out the projected workload during the contract and how they plan to provide staff to meet the scope of work over the entire contract period;
- d. Bidder's ability to provide sufficient additional management and administrative support staff necessary to organize, prepare and carry out all administrative tasks associated with conducting the services;
- e. Bidder's process for ensuring all Contractor and subcontractor staff are appropriately trained and how the training protocols provide for consistency among audit staff and the analysis of findings;

- f. How the Bidder intends to maintain the staffing levels and personnel planned;
- g. An organizational chart that delineates the titles of the staff responsible for fulfilling the tasks/deliverable detailed in Section 4.0 Scope of Work, their lines of communications, and demonstrates how the Bidder intends to organize staff and management for this project;

6.2.4.3. Reporting Requirement

Bidder should describe their ability and proposed process for adhering to all reporting requirements, as identified in RFP Section 4.1.11 Project Management, Statistical Reporting, and Outcome Measurers.

6.2.4.4. Information Technology/Security

Bidder must attest to their willingness to confirm adherence to items (a-f) below and describe their approach to Information Technology/Security that would accomplish the goals.

- a) The application and all systems and components supporting it, including but not limited to any forms and databases that include Personal Health, Personal Identification or other New York State information, must comply with all NYS security policies and standards listed at <http://its.ny.gov/tables/technologypolicyindex.htm>
- b) The selected Bidder shall comply with all privacy and security policies and procedures of the Department (<https://its.ny.gov/eiso/policies/security>) and applicable State and Federal law and administrative guidance with respect to the performance of this contract. The Bidder is required, if applicable, to execute a number of security and privacy agreements with the Department including a Business Associate Agreement (Appendix H) and a Data Use Agreement (DUA) at contract signing.
- c) The Bidder is expected to provide secure and confidential backup, storage and transmission for hard copy and electronically stored information. Under no circumstances will any records be released to any person, agency, or organization without specific written permission of the DOH. The Bidder is obligated to ensure any Subcontractor hired by Bidder who stores, processes, analyzes or transmits MCD on behalf of Bidder has the appropriate Security requirements in place. Bidder is required to include in all contracts and Business Associate Agreements with their Subcontractors language surrounding the security and privacy requirements as well as the language contained in the Confidentiality Language for Third Parties section of the DUA. If any breach or suspected breach of the data or confidentiality occurs, whether the breach occurred with the Bidder or Subcontractor, DOH must be notified immediately.
- d) The Bidder is required to maintain and provide to the Department upon request their data confidentiality plans and procedures for meeting security requirements as they relate to the deliverables and services within this RFP, including all plans as they relate to subcontractor work where applicable.
- e) The Bidder will develop and maintain adequate fully trained staff to respond to all stakeholder inquiries while protecting confidentiality and maintaining the security and integrity of all systems. Staff must be trained to understand and observe requirements related to confidentiality and operating guidelines for functions included in this RFP.
- f) The Bidder will comply fully with all current and future updates of the security procedures of the DOH/HRI, as well as with all applicable State and Federal requirements, in performance of this contract.

6.2.4.5. Transition

Bidder should describe their approach to transition and propose a transition plan that would accomplish the goals to, at the end of the contract period, work cooperatively with the Department and any of its specified contracting organizations to transition care matching services to the succeeding contracting organization or to the Department.

6.3 Cost Proposal

Submit a completed and signed [Attachment B – Cost Proposal](#). The Cost Proposal shall comply with the format and content requirements as detailed in this RFP and in Attachment B. Failure to comply with the format and content requirements may result in disqualification.

Bidders must bid an all-inclusive single bid price per year for each year for five (5) consecutive years based on the instructions contained in Attachment B. See Section 4 of the RFP for information and responsibilities related to each of the deliverables.

The all-inclusive price per year proposed must include the costs of furnishing the said services, including but not limited to start up, account management, project management, business operations, product delivery, personnel and non-personnel expenses including all related costs such as salaries, fringe benefits, administrative/operating cost and fees, overhead, subcontracting, travel, presentation costs and profit to the satisfaction of the Department of Health and the performance of all work set forth in said specifications.

7.0 PROPOSAL SUBMISSION

A proposal consists of three distinct parts: (1) the Administrative Proposal, (2) the Technical Proposal, and (3) the Cost Proposal. The table below outlines the requested format and volume for submission of each part. Proposals should be submitted in all formats as prescribed below.

	Electronic Submission	Paper Submission
Administrative Proposal	2 dedicated flash drives or CDs labeled “Administrative Proposal” containing a standard searchable PDF file with copy/read permissions only.	2 Originals 3 Copies
Technical Proposal	2 dedicated flash drives or CDs labeled “Technical Proposal” containing a standard searchable PDF file with copy/read permissions only.	2 Originals 3 Copies
Cost Proposal	2 dedicated flash drives or CDs labeled “Cost Proposal” containing standard searchable PDF file(s) with copy/read permissions only.	2 Originals 3 Copies

1. All hard copy proposal materials should be printed on 8.5” x 11” white paper (single-sided) and **be clearly page numbered on the bottom of each page with appropriate header and footer information.** A font size of eleven (11) points or larger should be used. The Technical Proposal materials should be presented separate from the sealed Cost Proposal.
2. Where signatures are required, the proposals designated as originals should have a handwritten signature and be signed in blue ink.
3. The NYSDOH discourages overly lengthy proposals. Therefore, marketing brochures, user manuals or other materials, beyond that sufficient to present a complete and effective proposal, are not desired. Elaborate artwork or expensive paper is not necessary or desired. In order for the NYSDOH to evaluate proposals fairly and completely, proposals should follow the format described in this RFP to provide all requested information. The Bidder should not repeat information in more than one section of the proposal. If information in one section of the proposal is relevant to a discussion in another section, the Bidder should make specific reference to the other section rather than repeating the information.
4. Audio and/or videotapes are not allowed. Any submitted audio or videotapes will be ignored by the evaluation team; and
5. In the event that a discrepancy is found between the electronic and hardcopy proposal, the original hardcopy will prevail.

The proposal must be received by the NYSDOH, no later than the Deadline for Submission of Proposals specified in [Section 1.0](#), (Calendar of Events). Late bids will not be considered.

Proposals must be submitted in three (3) separate, clearly labeled packages: (1) Administrative Proposal, (2) Technical Proposal and (3) Cost Proposal, prepared in accordance with the requirements stated in this RFP. Mark the outside envelope of each proposal as “RFP# 20366 (NY State of Health Licensed Home Care Services Agencies Private Pay Home Care Services Program System) – (Administrative) (Technical) or (Cost) Proposal submitted by (Bidder’s name)”. The three (3) sealed proposals may be combined into one (1) mailing, if desired.

Proposals must be submitted, by U.S. Mail, by courier/delivery service (e.g., FedEx, UPS, etc.) or by hand as noted below, in a sealed package to:

Department of Health (RFP # 20366)
Attention: NY State of Health, Timothy Moore
Empire State Plaza
Corning Tower Rm 2580
Albany, NY 12237

NOTE: You should request a receipt containing the time and date received and the signature of the receiver for all hand-deliveries and ask that this information also be written on the package(s).

Submission of proposals in a manner other than as described in these instructions (e.g., fax, electronic transmission) will not be accepted.

7.1 No Bid Form

Bidders choosing not to bid are requested to complete the No-Bid form, [Attachment 2](#). Although not mandatory, such information helps the Department direct solicitations to the correct bidding community.

8.0 METHOD OF AWARD

8.1 General Information

DOH will evaluate each proposal based on the “Best Value” concept. This means that the proposal that best “optimizes quality, cost, and efficiency among responsive and responsible offerers” shall be selected for award (State Finance Law, Article 11, §163(1)(j)).

DOH, at its sole discretion, will determine which proposal(s) best satisfies its requirements. DOH reserves all rights with respect to the award. All proposals deemed to be responsive to the requirements of this procurement will be evaluated and scored for technical qualities and cost. Proposals failing to meet the requirements of this RFP may be eliminated from consideration. The evaluation process will include separate technical and cost evaluations, and the result of each evaluation shall remain confidential until evaluations have been completed and a selection of the winning proposal is made.

The evaluation process will be conducted in a comprehensive and impartial manner, as set forth herein, by an Evaluation Committee. The Technical Proposal and compliance with other RFP requirements (other than the Cost Proposal) will be weighted **70%** of a proposal’s total score and the information contained in the Cost Proposal will be weighted **30%** of a proposal’s total score.

Bidders may be requested by DOH to clarify the contents of their proposals. Other than to provide such information as may be requested by DOH, no Bidder will be allowed to alter its proposal or add information after the Deadline for Submission of Proposals listed in [Section 1.0](#) (Calendar of Events).

In the event of a tie, the determining factors for award, in descending order, will be:

- (1) lowest cost and
- (2) proposed percentage of M/WBE participation.

8.2 Submission Review

DOH will examine all proposals that are received in a proper and timely manner to determine if they meet the proposal submission requirements, as described in [Section 6.0](#) (Proposal Content) and [Section 7.0](#) (Proposal Submission), including documentation requested for the Administrative Proposal, as stated in this RFP. Proposals that are materially deficient in meeting the submission requirements or have omitted material documents, in the sole opinion of DOH, may be rejected.

8.3 Technical Evaluation

The evaluation process will be conducted in a comprehensive and impartial manner. A Technical Evaluation Committee comprised of Program Staff of DOH will review and evaluate all proposals.

Proposals will undergo a preliminary evaluation to verify Minimum Qualifications to Propose (Section 3.0).

The Technical Evaluation Committee members will independently score each Technical Proposal that meets the submission requirements of this RFP. The individual Committee Member scores will be averaged to calculate the Technical Score for each responsive Bidder.

The Technical Proposal evaluation is **70% (up to 70 points)** of the final score.

8.4 Cost Evaluation

The Cost Evaluation Committee will examine the Cost Proposal documents. The Cost Proposals will be opened and reviewed for responsiveness to cost requirements. If a cost proposal is found to be non-responsive, that proposal may not receive a cost score and may be eliminated from consideration.

The Cost Proposals will be scored based on a maximum cost score of XX points. The maximum cost score will be allocated to the Cost Proposal with the lowest all-inclusive not-to-exceed maximum price. All other responsive proposals will receive a proportionate score based on the relation of their Cost Proposal to the Cost Proposal(s) offered at the lowest final cost, using this formula:

$$C = (A/B) * 30\%$$

A is Total price of lowest Cost Proposal;

B is Total price of Cost Proposal being scored; and

C is the Cost score.

The Cost Proposal evaluation is **30% (up to 30 points)** of the final score.

8.5 Composite Score

A composite score will be calculated by the DOH by adding the Technical Proposal points and the Cost Proposal points awarded. Finalists will be determined based on composite scores.

No new material will be permitted to be introduced during the interview.

8.6 Reference Checks

The Bidder should submit references using [Attachment 9](#) (References). At the discretion of the Evaluation Committee, references may be checked at any point during the process to verify Bidder's qualifications to propose (Section 3.0).

8.7 Award Recommendation

The Evaluation Committee will submit a recommendation for award to the Bidder(s) with the highest composite score(s) whose experience and qualifications have been verified.

The Department will notify the awarded Bidder(s) and Bidders not awarded. The awarded Bidder(s) will enter into a Contract substantially in accordance with the terms of Attachment 8, DOH Agreement, to provide the required product(s) or services as specified in this RFP. The resultant Contract shall not be binding until fully executed and approved by the New York State Office of the Attorney General and the Office of the State Comptroller.

ATTACHMENTS

The following attachments are included in this RFP and are available via hyperlink or can be found at:

<https://www.health.ny.gov/funding/forms/>.

1. [Bidder's Disclosure of Prior Non-Responsibility Determinations](#)
2. [No-Bid Form](#)
3. [Vendor Responsibility Attestation](#)
4. [Vendor Assurance of No Conflict of Interest or Detrimental Effect](#)
5. [Guide to New York State DOH M/WBE Required Forms & Forms](#)
6. [Encouraging Use of New York Businesses in Contract Performance](#)
7. [Bidder's Certified Statements](#)
8. [DOH Agreement](#) (Standard Contract)
9. [References](#)
10. [Diversity Practices Questionnaire](#)
11. [Executive Order 177 Prohibiting Contracts with Entities that Support Discrimination](#)
12. [Executive Order 16 Prohibiting Contracting with Business Conducting Business in Russia](#)

The following attachments are attached and included in this RFP:

- A. [Proposal Document Checklist](#)
- B. [Cost Proposal](#)

ATTACHMENT A

PROPOSAL DOCUMENT CHECKLIST

Please reference Section 7.0 for the appropriate format and quantities for each proposal submission.

RFP20366 – NY STATE OF HEALTH LICENSED HOME CARE SERVICES AGENCIES PRIVATE PAY HOME CARE SERVICES PROGRAM SYSTEM		
FOR THE ADMINISTRATIVE PROPOSAL		
RFP §	SUBMISSION	INCLUDED
§ 6.1.1	Attachment 1 - Bidder’s Disclosure of Prior Non-Responsibility Determinations	<input type="checkbox"/>
§ 6.1.2	Freedom of Information Law – Proposal Redactions (If Applicable)	<input type="checkbox"/>
§ 6.1.3	Attachment 3 - Vendor Responsibility Attestation	<input type="checkbox"/>
§ 6.1.4	Attachment 4 - Vendor Assurance of No Conflict of Interest or Detrimental Effect	<input type="checkbox"/>
§ 6.1.5	M/WBE Participation Requirements:	<input type="checkbox"/>
	Attachment 5 - Form 1	<input type="checkbox"/>
	Attachment 5 - Form 2 (If Applicable)	<input type="checkbox"/>
	Attachment 5 - Form 4	<input type="checkbox"/>
	Attachment 5 - Form 5 (If Applicable)	<input type="checkbox"/>
§ 6.1.6	Attachment 6 - Encouraging Use of New York Businesses	<input type="checkbox"/>
§ 6.1.7	Attachment 7 - Bidder’s Certified Statements	<input type="checkbox"/>
§ 6.1.8	Attachment 9 - References	<input type="checkbox"/>
§ 6.1.9	Attachment 10 - Diversity Practices Questionnaire	<input type="checkbox"/>
§ 6.1.10	Attachment 11 - EO 177 Prohibiting Contracts with Entities that Support Discrimination	<input type="checkbox"/>
§ 6.1.11	Attachment 12 – EO 16 Contracting with Businesses Conducting Business in Russia	<input type="checkbox"/>
§ 6.1.12	State Finance Law Consultant Disclosure	<input type="checkbox"/>
§ 6.1.13	Sales and Sue Tax Certification	<input type="checkbox"/>
FOR THE TECHNICAL PROPOSAL		
RFP §	SUBMISSION	INCLUDED
§ 6.2.1	Title Page	<input type="checkbox"/>
§ 6.2.2	Table of Contents	<input type="checkbox"/>
§ 6.2.3	Documentation of Bidder’s Eligibility (Requirement)	<input type="checkbox"/>
§ 6.2.4	Technical Proposal Narrative	<input type="checkbox"/>
FOR THE COST PROPOSAL REQUIREMENT		
RFP §	REQUIREMENT	INCLUDED
§ 6.3	Attachment B- Cost Proposal	<input type="checkbox"/>

ATTACHMENT B

COST PROPOSAL

RFP #20366

Bidders Name: _____

This Cost Proposal Form must be used by Bidders submitting a cost proposal in response to this RFP. A Complete Cost Proposal consists of a signed Cost Proposal containing a single bid price for each year for five consecutive years based on the instructions contained in this attachment. Incomplete Cost Proposals that do not include pricing for all deliverables will be disqualified.

1. A Complete Cost Proposal consists of a signed Cost Proposal containing a single yearly bid price for each year of the five consecutive years of this agreement.
 - a. For year one's (1) annual bid price, one single annual bid price must be proposed for the all-inclusive price for **DELIVERABLES 1-11** and includes the phased in quarterly expansion for 8 additional counties.
 - b. For year two's (2) annual bid price, one single annual bid price must be proposed for the all-inclusive price for **DELIVERABLES 1-11**, and the continued program delivery including all maintenance and services, as well as the phased in quarterly expansion for 16 additional counties.
 - c. For year three's (3) annual bid price, one single annual bid price must be proposed for the all-inclusive price for **DELIVERABLES 1-11**, and the continued program delivery including all maintenance and services, as well as the phased in quarterly expansion for 16 additional counties.
 - d. For year four's (4) annual bid price, one single annual bid price must be proposed for the all-inclusive price for **DELIVERABLES 1-11**, and the continued program delivery including all maintenance and services, as well as the phased in quarterly expansion for 14 additional counties.
 - e. For year five's (5) annual bid price, one single annual bid price must be proposed for the all-inclusive price for **DELIVERABLES 1-11**, and the continued program delivery including all maintenance and services of all 62 counties.
2. The maximum allowable total bid cost may not exceed \$10.9 million over a five (5) year period. Proposals received above the maximum allowable total bid cost will be disqualified.
3. The price per year proposed must include the costs of furnishing the said services, including but not limited to start up, account management, project management, business operations, product delivery, personnel and non-personnel expenses including all related costs such as salaries, fringe benefits, administrative/operating cost and fees, overhead, subcontracting, travel, presentation costs and profit to the satisfaction of the Department of Health and the performance of all work set forth in said specifications.

Bidders must bid an all-inclusive price per year containing a single bid price for each year for five consecutive years based on the instructions contained in this attachment. See [Section 4.0](#) of the RFP for information and responsibilities related to each of the deliverables.

ATTACHMENT B Continued

COST PROPOSAL

RFP #20366

Bidders Name: _____

The following chart must be filled out based upon the information contained in Sections 1 – 3 above.

Bid Year	Bid Amount
Year 1	
Year 2	
Year 3	
Year 4	
Year 5	

Signature _____ Date _____

Name (Printed) _____ Title _____