



Department of Health

Invitation for Bids

IFB # 18712

Hearing Reporter Services

Issued: 2/2/2021

DESIGNATED CONTACT:

Pursuant to State Finance Law §§ 139-j and 139-k, the Department of Health identifies the following designated contact to whom all communications attempting to influence the Department of Health's conduct or decision regarding this procurement must be made.

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PERMISSIBLE SUBJECT MATTER CONTACTS:

Pursuant to State Finance Law § 139-j(3)(a), the Department of Health identifies the following allowable contacts for communications related to the submission of written bids, written questions, pre-bid questions, debriefings and negotiation of contract terms after Award.

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1.0 CALENDAR OF EVENTS

IFB NUMBER 18712 – HEARING REPORTING SERVICES	
<u>KEY EVENTS</u>	<u>DATE</u>
Issuance of Invitation for Bids	February 2, 2021
Deadline for Submission of Written Questions	Questions Due By: February 16 at 5:00 p.m. ET
Responses to Written Questions Posted by DOH	Responses Posted By February 24, 2021
Deadline for Submission of Bids	Proposals Due on Or Before March 10, 2021 at 3:00 p.m. ET
<u>Anticipated</u> Contract Start Date	May 2, 2021

2.0 OVERVIEW

Through this Invitation For Bids (“IFB”), the New York State (“State”) Department of Health (“DOH”) is seeking competitive bids from qualified organizations for the provision of hearing reporter services throughout New York State, as designated in the List of Regions and Counties within each Region (Attachment C). Contractors may submit bids for one (1) or more of the regions listed. The Department intends to contract with one (1) vendor for each of the designated regions, as further detailed in **Section 4.0** (Detailed Specifications). It is the intention of the Department to enter into a contract(s) for a term of five (5) years beginning on or about the date specified in the Schedule of Key Events.

2.1 INTRODUCTORY BACKGROUND

The selected Contractor(s) shall be responsible for providing hearing reporter services at designated New York State Department of Health hearings. The Department convenes hearings for the Office of Professional Medical Conduct (OPMC) and for various other Department programs, as identified below:

1. Office of Professional Medical Conduct:

- Hearing committees of the Board for Professional Medical Conduct serve as the triers of fact when a physician, physician assistant or specialist assistant has been charged with professional misconduct. The hearing committee is convened to hear the evidence that supports the charges and the licensee’s response to those charges. Both a Department of Health attorney and the respondent’s attorney present evidence, which may include witnesses and documents. An Administrative Law Judge (ALJ) sits with the hearing committee and rules on all legal motions and other matters of law. A hearing can take several days and may include pre and final hearings. Each hearing day will be treated separately for billing purposes. Hearing committees require the original transcript, one (1) copy, and up to five (5) sets of four (4) pages on one (1) page condensed copies. Pre and intra hearings do not require the condensed copies.

- A Direct Referral proceeding is a form of disciplinary hearing in which a physician, physician assistant or specialist assistant has been found guilty of a crime, an administrative violation or disciplinary action in another jurisdiction. The proceeding is convened to determine the appropriate penalty to be imposed. Referral proceedings are held in Albany, N.Y., New York City, N.Y., Rochester, N.Y. and Syracuse, N.Y. and include multiple deliberations in one (1) day, lasting a full day. These hearings do not require condensed copies. Each case will be treated separately for billing purposes.
- The Physician Monitoring Program (PMP) oversees the restoration proceedings (RP) and modification proceedings (MP) process for OPMC. An RP is scheduled following a temporary surrender and is held to consider whether a licensee's license should be restored. An MP is scheduled following an indefinite period of suspension imposed by a Disciplinary Order (usually no less than one (1) year) or a limitation from licensure or registration imposed by a Non-Disciplinary Order of Conditions, and is held to consider whether the Order should be modified by staying the suspension or lifting the limitation. The RP/MPs are relatively informal in nature, and therefore there are no ALJs or Department attorneys at these proceedings. A representative from PMP is always present to assist Committee members and may ask questions of the licensee or any witnesses. There are approximately 10 restoration proceedings and modification proceedings per year. The hearing reporter services for RP/MPs are similar in many ways to those of hearing committees; however, PMP hearings do not require multiple copies of proceeding transcripts or condensed copies.

2. Examples of other Department programs:

- Women, Infant, Children (WIC) Disqualification Hearings are brought by store vendors in the WIC program who are disqualified for violations of their contract. (requires original transcript and one (1) copy).
- Patient Abuse hearings are held as a result of Licensed Practical Nurses (LPNs) and Registered Nurses (RNs) whose actions have resulted in an accident or incident with a patient, (requires original transcript and one (1) copy).
- Article 30 hearings involve Emergency Medical Technicians (EMTs) whose actions have resulted in an incident with a patient, (requires original transcript and one (1) copy).
- Section 18 hearings involve cases when patient records have not been turned over when requested, (requires original transcript and one (1) copy).
- Article 33 hearings involve the misuse of prescription drugs, (requires original transcript and one (1) copy).
- Early Intervention hearings determine whether a child is due special services, (requires original transcript and one (1) copy).
- Article 28 hearings involve the licensing of or discipline against health care facilities under Public Health Law (PHL) Article 28, (requires original transcript and one (1) copy).
- Adult home hearings involve disciplinary actions against licensed adult homes; actions to close down unlicensed adult homes; and requests for hearings by adult homes that were denied in addition to the services they can provide. Hearings are pursuant to the Social Services Law and Title 18 NYCRR (requires original and one (1)

2.2 IMPORTANT INFORMATION

The bidder is required to review and is requested to have legal counsel review, [Attachment 8](#), the DOH Agreement as the Bidder must be willing to enter into an Agreement substantially in accordance with the terms of [Attachment 8](#) should the bidder be selected for contract award. Please note that this IFB and the awarded bidder's proposal 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 related to the contract to be entered into as a result of this IFB and will be incorporated, without change or amendment, into the contract entered into between DOH and the successful Bidder(s). By submitting a response to the IFB, the Bidder agrees to comply with all the provisions of Appendix A.

Note, [Attachment 7](#), the Bidder's Certifications/Acknowledgements, should be submitted and includes a statement that the bidder accepts, without any added conditions, qualifications or exceptions, the contract terms and conditions contained in this IFB including any exhibits and attachments. It also includes a statement that the bidder acknowledges that, should any alternative proposals or extraneous terms be submitted with the proposal, such alternate proposals or extraneous terms will not be evaluated by the DOH.

Any qualifications or exceptions proposed by a bidder to this IFB 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 IFB as a result of questions and answers will be publicized on the DOH web site.

2.3 TERM OF THE AGREEMENT

This contract term is expected to be for a period of five (5) years commencing on the date shown on the Calendar of Events in [Section 1.](#), 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).

The pricing for years four (4) and five (5) of the contract is subject to an annual increase or decrease as described in [Section 5.4](#).

3.0 BIDDER'S MINIMUM QUALIFICATIONS TO PROPOSE

NYSDOH will accept bid proposals from organizations with the following type and level of experience as a prime contractor; (For the purposes of this IFB, 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. The bidder must have a minimum of two (2) years' experience providing hearing reporter services and must provide a description of how they meet this requirement.
- b. Bidder should provide two (2) references for the purpose of DOH verifying experience.
- c. Bidders must be able to meet all the requirements stated in section 4.0 of this IFB. The bidder should submit documentation that provides sufficient evidence of meeting the minimum

qualifications to propose. This documentation may be in any format needed to demonstrate how they meet the minimum qualifications to propose.

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

3.1 METHOD OF AWARD

The State will award the contract to the responsible and responsive bidder who offers the lowest Grand Total Cost bid per region. At the discretion of the Department of Health, all bids may be rejected. DOH will issue separate contracts per region for each responsible and responsive low bidder. In the event of a tie, the determining factor for award, will be:

The tied bidders will be given the opportunity to provide their best and final bid price to the Department, and after evaluation of these revised bids, the award will then be made to the lowest bidder.

3.2 COST PROPOSAL

Bidders should complete cost proposal on the "Cost Bid Form" (Attachment B) for each region bid upon (See Attachment C for List of Regions on Page 33). A price per page must be bid for each delivery type and rate type for each item in the region. The Grand Total Cost is calculated by multiplying the per page bid for each delivery type and rate type by the estimated annual pages and then adding all of the products for a grand total bid per region.

All delivery costs, (i.e. UPS, FEDEX) are F.O.B destination and charges for delays, waiting time, administrative support, emails, CD's and dirty discs, rubber stamps and stickers are to be included in the page per costs. The page per costs bid shall also include all personnel, equipment, materials, supplies, licenses, permits, certifications, transportation, lodging, meals, packaging, postage/handling and all of the services and supplies necessary for and incident to, performance required by the resulting contract from this bid.

The estimated volume per year of Hearing Reporter Services is located on Attachment C. The volume of work cannot be predicted in advance and there is no minimum purchase guarantee in the resulting contract(s).

4.0 DETAILED SPECIFICATIONS

This Section describes the hearing reporter services that are required to be provided by the selected bidder. The selected bidder must be able to provide all of these products or services throughout the contract term.

PLEASE NOTE: Bidders will be required to provide responses that address all of the requirements of this IFB as part of its Bid.

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

4.1 GENERAL:

a) The Contractor shall furnish all labor and materials required to provide judicial, administrative and investigative interview reporting at the Department's designated locations within the region specified in the awarded contract (See Attachment C for regions).

b) The Contractor shall provide to the Department one (1) original transcript following each proceeding day. In addition, one (1) full size copy and up to five (5) condensed four (4) pages on one (1) page copies using Multi-Page™ (or similar software) may be required depending on the hearing type. A hearing may cover a single date or extend over a series of dates. The series can begin with a pre-hearing and end with the final hearing date and may include intra hearings. The contractors are to provide all of the required transcripts and copies after each day of the hearing, and not wait until the entire hearing has concluded. The contractors are to provide a compact disc (CD), email or flash drive to the Department at the conclusion of the series of hearing dates, and not after each hearing date.

c) The Contractor will provide the names and experience of all hearing reporter individuals and/or independent contractors assigned to perform hearing reporter services at the locations identified in their contract with the Department yearly, with updates if any changes occur. The Department reserves the right to reject any hearing reporter.

d) The procedure to schedule hearing reporter services for a hearing are typically made on the Monday of the week before the hearing. For example, calls will be made on April 5th, 2021 for hearings scheduled during the week of April 12th, 2021.

e) The Contractor will employ enough hearing reporters to adequately service the needs of the Department.

f) The Contractor is responsible for providing hearing reporter services to multiple hearings simultaneously within the region(s);

g) The Contractor must provide a description of their process for replacing a reporter if unable to continue for additional days of the hearing.

4.2 REPORTER REQUIREMENTS:

a) The Contractor and each assigned Reporter must be familiar with medical and legal terminology and be experienced in transcribing complex medical terminology.

b) Each assigned Reporter must be a New York State Notary Public to allow for swearing in witnesses.

c) Reporters shall be proficient in court stenography (able to take a verbatim record of all that is spoken and to read back from that record when asked). Reporters shall be able to protect the confidentiality of patient/witness names within the transcript.

d) Reporters shall be able to mark and log evidentiary materials and produce error-free verbatim transcript which meets the detailed specifications.

e) Reporters shall be able to produce recordings from electronic keyboard typing devices and meet the requirements of the State Administrative Procedure Act.

f) Reporters must report promptly, no less than 15 minutes before the designated start time of the scheduled hearing.

g) Reporters must be prepared for a full day hearing (a normal hearing day begins at 10:00 a.m. E.T. and concludes at 5:00 p.m. E.T.). Under special circumstances, reporters may be required to stay after 5:00 p.m. E.T. and will bill at the evening rate.

h) Assigned Reporters should remain throughout the proceeding.

i) The Department reserves the right to immediately remove and/or replace a Contractor and/or specified individual Reporter if deemed appropriate because of behavior, ability,

attendance, demeanor, or appearance issues. Reporters who are not dressed professionally and appropriately for court or depositions may be removed on appearance issues.

4.3 RECORDING REQUIREMENTS:

a) The Reporter shall follow, without discussion, all instructions from the Presiding Officer with respect to the Reporter's conduct and participation in proceedings. The Reporter shall transcribe every word spoken during a proceeding unless designated specifically as "off the record" by the Presiding Officer or where inconsistent with general or specific instructions issued by the Department.

b) The Reporter shall ignore instructions concerning what shall or shall not be included in the record from anyone other than the Presiding Officer.

c) The Reporter shall produce an error free verbatim typed transcript of the proceeding that meets the detailed specifications within the applicable deadline as specified Section C 9.

d) The Contractor shall furnish a transcript with all words correctly spelled, properly hyphenated, and properly punctuated. Any corrections to spelling, hyphenation, or punctuation requested by the Presiding Officer shall be made without additional cost.

e) Stenographic recordings shall be produced from electronic keyboard-operated typing devices and shall meet the requirements of the State Administrative Procedure Act and Public Health Law Section 230 (10)(c)(2); 10 (d). Recordings of proceedings from magnetic media cassettes will not be accepted unless there is a change in the law to allow them. Taped recordings can be only used as a backup to the stenographic recordings. They are not legal documents and cannot replace the stenographic records.

4.4 TRANSCRIPT FORMAT REQUIREMENTS:

All transcripts shall be formatted as noted below. (If the Department format requirements deviate from below, the Contractor will provide transcripts based on the Department's furnished sample format requirements at no additional charge).

a) All pages shall be single-sided, paginated in consecutive order for each proceeding report, and sequential from the first to the last volume. Page numbers shall be located in the upper right-hand corner of each page. Pagination will not be considered a typewritten line unless located on a line with other typewritten material.

b) There shall be a running header on each page with witness names, who is doing questioning, whether it is direct, cross, re-direct or re-cross, and the patient who is the subject of hearing (i.e. Patient A).

c) All responses to questions shall be in bold print.

d) At the opening of each proceeding and as directed by the Presiding Officer, the Reporter shall record the names of all persons representing parties and participants in the proceeding and insert them in the location specified by the Department. After an extended recess, when directed by the Presiding Officer, the Reporter shall place the cumulative list of appearances up to and including that day in the appropriate place in the transcript of the day's proceeding.

e) Each transcript shall include a word index of recurring words and the page numbers where they occur in the final copy of the transcript.

f) Each transcript for a proceeding shall include a Table of Contents or Index in the front indicating page numbers of opening statements and closing arguments by counsel, lists of witnesses and experts testifying at the hearing and all other persons making statements. The Table of Contents or Index shall also include a tabulation consisting of the number and description of each exhibit marked for identification with the page number on which the exhibit is marked for

identification, and – in due course -- the page on which it is either received in evidence, withdrawn, or rejected. The Index shall also include separate tabulations consisting of a description of each document offered for reference, public documents, and matters to be officially noted, and the page on which each item or document was marked for identification or received in evidence. The Table of Contents or Index shall note the page where offers of proof were made and such other matters as the Presiding Officer directs.

g) Each transcript shall be certified as true and accurate and contain an original signature of the Reporter of record in the form prescribed by the Department.

h) Intra-hearing transcripts shall be paginated consecutively and separated from the main hearing.

i) During some proceedings (approximately 5-10 per year), due to issues of confidentiality, the Reporter shall be required to seal a portion of the transcript. This section of the transcript will be paginated consecutively and separated from the main hearing transcript.

4.5 ORIGINAL TRANSCRIPT PAGE REQUIREMENTS:

a) The Contractor shall provide to the Department one (1) original transcript following each proceeding day.

b) Paper shall be white, 20 lb. cotton bond, 8 1/2 inches wide by 11 inches long, or the Department may designate recycled content paper with the same specifications as noted above. Either paper shall be furnished by the Contractor at no additional cost to the Department.

c) Type shall be black, ten (10) letters to the inch size and reproducible by standard office copy equipment.

d) Copy Medium: The Contractor shall use paper and ink suitable for copying with standard office copy equipment.

e) Type Spacing: Shall be 25 lines minimum double-spaced between lines with a ruled margin of 3/8 inch on the right and 1 3/4 inches on the left, with 5 1/2 inches typed per line except where a speaker's statement ends. The typing of the person's statement shall begin on the line where they are identified by name.

f) Punches: Paper shall be un-punched unless designated by the Department as punched, with punch specifications. There shall be no additional charge for punched paper.

4.6 TRANSCRIPT COPY REQUIREMENTS:

a) The Contractor shall provide to the Department one (1) full size copy of transcripts and additional copies as directed by the Presiding Officer following each proceeding day.

b) The Contractor shall provide to the Department up to five (5) condensed [four (4) pages on one (1) page] copies using Multi-Page™ (or similar software) as directed by the Presiding Officer following each proceeding day.

c) All transcript copies shall be reproducible utilizing standard office copy equipment.

1) Paper: Paper shall be white, 20 lb., 8 1/2 inches wide by 11 inches long suitable for plain paper copy machines.

2) Copy: Copy shall be free of smudges and extraneous marks. Copy ink color shall be black.

4.7 TRANSCRIPT IN COMPACT DISC (CD) FORMAT OR FLASH DRIVE (USB) FORMAT:

a) The Contractor shall furnish to the Department a CD in addition to the transcript original following completion of the hearing. The CD shall be a standard CD-R, high capacity storage in format readable by the Department.

b) The CD shall be a computer readable identical copy of the original printed transcript including pagination, 100 percent equivalent upper/lower case text, and matching page and line numbers in the same sequential order.

c) Each CD shall be clearly labeled with the name of the case and the date of the hearing on the outside of the CD prior to delivery.

d) The format shall be the same as the transcript.

e) Use of encrypted email with encrypted message and encrypted document(s) attached, may be substituted for CD/USB's if allowed by Presiding Officer.

4.8 MISCELLANEOUS REQUIREMENTS:

a) The Contractor shall have stickers to be used by the Reporter to date exhibits and copies as directed by the Presiding Officer.

b) The Contractor shall have rubber stamps to be used by the Reporter to identify original and copies as directed by the Presiding Officer.

c) The Presiding Officer shall retain, safeguard or distribute all exhibits. Additionally, the Contractor shall cause the Reporter to collect appearance cards from all persons appearing on behalf of themselves or others. Hearing cards shall contain information as designated by the Presiding Officer, and the Reporter shall file all cards with the Department at the close of the hearing day.

4.9 CONFIDENTIALITY REQUIREMENTS:

a) Closed Hearing: All recorded and hard copy testimony and material will remain the property of the Department. The Contractor shall maintain the confidentiality of all material, identity of any parties, and content of any material related to the hearing.

b) Any requests for information from the Contractor on the Department's hearings from third parties shall be reported to the Department in writing within twenty-four hours.

c) Public Hearing: The Department, or any other purchaser of transcript or document of any hearing, investigation, session, meeting, etc., may duplicate or otherwise reproduce any document for their own use, except for sale to other prospective purchasers, without compensation to the Contractor. Any transcript or documents received by the Department are public documents accessible for public inspection and copying under the terms and provisions of NYS Public Officers Law Section 87.

4.10 CHARGES, PAYMENTS AND PAYMENT REDUCTIONS:

a) Original Transcripts: The Contractor may charge a per page fee for delivery (normal/priority/overnight /immediate) of original transcripts for each proceeding. Original transcripts shall include both hearing and index pages. The Contractor shall be entitled to charge an evening rate premium for all pages transcribed past 5:00 p.m. E.T.

b) Copies: The Contractor may charge a per page fee for full size copies and for each page printed on a condensed [four (4) pages on one (1) page] format as requested by the Department. This means that each of the condensed copies (four (4) transcript pages on one (1)

sheet) should be billed at four (4) pages, not one (1) page.

c) Page Minimum Fee: The Contractor is allowed to charge a minimum fee for each *hearing day* scheduled equal to the value of 25 pages at the normal delivery rate. For example, if a hearing continues over 5 days, each day is a *hearing day*. Also, if there are intra or pre- hearings held on a scheduled hearing date, each may be considered a separate *hearing day* for minimum page fee. Direct Referral proceedings are comprised of one or more cases. Each case is considered a *hearing day*.

d) Cancellation minimum fee: The Contractor is allowed to charge a minimum fee equal to the value of 25 pages at the normal delivery rate only for each *hearing day scheduled* and cancelled by the Department with less than 24 hours written, fax, e-mail, and/or telephone notice. The entire Direct Referral proceeding is considered the *hearing day*, and not each of the individual cases, for cancellation minimum fees. Round trip travel expenses may be charged if a *hearing date* is cancelled after the reporter has traveled to the hearing location. Travel reimbursement rates cannot exceed the rates established by the NYS Comptroller for state employees. For more information on the current travel reimbursement rates, visit <https://www.gsa.gov/travel/plan-book/per-diem-rates/per-diem-rates-lookup>.

e) Payment Reduction for Late Delivery: The Department may reduce payment by five (5) percent for each day the transcripts are late, with a maximum of seven (7) days. If more than fifteen (15) percent of the transcripts are returned late in any calendar month, the Department shall have the right to arrange for the completion of the work in such manner as the Department may deem advisable, and if the cost thereof exceeds the amount of the bid, the successful bidder and its surety shall be liable to the State of New York for any excess cost on account thereof.

f) Evening Rate Premium: The Contractor shall be entitled to charge an evening rate premium for all pages transcribed past 5:00 p.m. E.T in addition to the applicable delivery rate.

4.11 ESTIMATED QUANTITIES AND DELIVERY REQUIREMENTS

a) The Contractor shall deliver transcripts to the following persons for Office of Professional Medical Conduct disciplinary proceedings, unless otherwise directed by the Presiding Officer:

- **Presiding Officer**: one (1) original, one (1) condensed [four (4) pages on one (1) page] copy and one (1) CD transcript; each will include an index.
- **The Department's assigned attorney**: one (1) full size copy and one (1) condensed [four (4) pages on one (1) page] copy.
- **Each hearing panel member (if applicable)**: one (1) condensed [four (4) pages on one (1) page] copy.

b) Specific instructions will be provided by the Presiding Officer regarding reporting and delivery of transcripts and copies for all other hearings.

c) Normal Delivery: The Contractor shall deliver transcripts to the Department and all designated parties within ten (10) business days after the recorded proceeding, excluding Saturday, Sunday and New York State designated holidays. Additional copies of PUBLIC HEARING proceeding transcripts shall be delivered to all ordering parties within ten (10) business days after requested, excluding Saturday, Sunday and New York State designated holidays. We cannot stipulate that ten (10) days is the same as two (2) weeks because of the excluded designated state holidays.

d) Priority Delivery: The Contractor shall deliver transcripts to the Department and all designated parties within three (3) business days after the recorded proceeding, excluding Saturday, Sunday, and New York State designated holidays. Additional copies of PUBLIC HEARING proceeding transcripts shall be delivered to all ordering parties within three (3)

business days after requested, excluding Saturday, Sunday and New York State designated holidays.

e) Overnight Delivery: The Contractor shall deliver transcripts to the Department and all designated parties no later than 1:00 pm E.T. on the day following the proceeding. Additional copies of PUBLIC HEARING proceeding transcripts shall be delivered to all ordering parties no later than 1:00 pm E.T. on the day following the request.

f) Immediate Delivery: The Contractor shall deliver transcripts to the Department and all designated parties no later than 9:00 pm E.T. on the date of the proceeding. Additional copies of PUBLIC HEARING proceeding transcripts shall be delivered to all ordering parties no later than 9:00 pm E.T. on the date of request.

5.0 ADMINISTRATIVE INFORMATION

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

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.

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 violations within four 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 years.

Pursuant to State Finance Law §§ 139-j and 139-k, the Department of Health identifies a designated contact on face page of this IFB to whom all communications attempting to influence this procurement must be made.

5.2 Questions

There will be an opportunity available for submission of written questions and requests for clarification pertaining to this IFB. All questions and requests for clarification of this IFB should cite the relevant IFB, IFB number, section and paragraph number where applicable and must be submitted via email to: OPMCFiscal@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](#). (Calendar of Events). Questions received after the deadline may **not** be answered.

5.3 Right to Modify IFB

DOH reserves the right to modify any part of this IFB, including but not limited to, the date and time by which bids must be submitted and received by DOH, at any time prior to the Deadline for Submission of Bids listed in [Section 1](#). (Calendar of Events). Modifications to this IFB shall be made by issuance of amendments and/or addenda.

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

If the bidder discovers any ambiguity, conflict, discrepancy, omission, or other error in this IFB, the Bidder shall immediately notify DOH of such error in writing at: OPMCFiscal@health.ny.gov and request clarification or modification of the document.

If, prior to the Deadline for Submission of Bids, 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 bidding. If awarded the contract, the bidder shall not be entitled to additional compensation by reason of the error or its correction.

5.4 Payment

The contractor shall submit invoices and/or vouchers to the agency's designated payment office. The Preferred Method is to Email a .pdf copy of your signed voucher to DOH at: OPMCFiscal@health.ny.gov with a subject field; Subject: Unit ID: 3450369 Contract #18712
The Alternate Method is to Mail vouchers to BSC at the following U.S. postal address:

NYS Department of Health
Unit ID 3450369
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. To learn more about electronic payments, you may email: epayments@osc.state.ny.us or contact 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/portal/enroll-vendor-self-service-portal>.

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 of such invoices and/or vouchers by the State (NYS Department of Health) shall be made in accordance with Article XI-A of the New York State Finance Law. Payment terms will be:

Submission of Vouchers and/or Invoices

Vouchers/Invoices must be received in the payment office within 30 days of receipt of transcripts. It is preferred that vouchers be submitted with the transcripts.

The following information shall be included on the invoice/voucher:

- Unit ID number
- Contract number
- Invoice number
- Date and location of hearing
- Subject of hearing (i.e. name of the subject)
- Type of hearing (i.e. hearing, pre-hearing, intra-hearing, revocation, etc.)
- All page totals must include index pages
- Range of pages of original transcripts for each hearing for continuing hearing
- Type of delivery (normal/priority/overnight/immediate), number of pages, and rate for each type
- Number of full-size copies and 4 in 1 condensed copies and the rate per page
- Reporter name
- Name of persons to receive transcripts and copies

Payment will be made according to Section 4. Detailed Specifications, Part 10. Charges, Payments and Payment Reductions.

Price Adjustment Clause

The pricing for years four (4) and five (5) of the contract is subject to an annual increase or decrease of the lesser of three percent (3%) or the percent increase or decrease in the National Consumer Price Index for All Urban Consumers (CPI-U) <https://www.bls.gov/cpi/> as published by the United States Bureau of Labor Statistics, Washington, D.C., 2012 for the 12 month period ending ninety (90) days prior to the renewal date for years *four (4) and five (5) of the contract*.

5.5 Minority & Woman-Owned Business Enterprise Requirements

Pursuant to New York State Executive Law Article 15-A, the New York State Department of Health (“DOH”) recognizes its obligation to promote opportunities for maximum feasible

participation of certified minority-and women-owned business enterprises and the employment of minority group members and women in the performance of DOH contracts.

In 2006, the State of New York commissioned a disparity study to evaluate whether minority and women-owned business enterprises had a full and fair opportunity to participate in state contracting. The findings of the study were published on April 29, 2010, under the title "The State of Minority and Women-Owned Business Enterprises: Evidence from New York" ("Disparity Study"). The report found evidence of statistically significant disparities between the level of participation of minority-and women-owned business enterprises in state procurement contracting versus the number of minority-and women-owned business enterprises that were ready, willing and able to participate in state procurements. As a result of these findings, the Disparity Study made recommendations concerning the implementation and operation of the statewide certified minority- and women-owned business enterprises program. The recommendations from the Disparity Study culminated in the enactment and the implementation of New York State Executive Law Article 15-A, which requires, among other things, that DOH establish goals for maximum feasible participation of New York State Certified minority- and women – owned business enterprises ("MWBE") and the employment of minority groups members and women in the performance of New York State contracts.

Business Participation Opportunities for MWBEs

For purposes of this solicitation, DOH hereby establishes an overall goal of **30%** for MWBE participation, **15%** for Minority-Owned Business Enterprises ("MBE") participation and **15%** for Women-Owned Business Enterprises ("WBE") (based on the current availability of qualified MBEs and WBEs and outreach efforts to certified MWBE firms). A contractor ("Contractor") on the subject contract ("Contract") must document good faith efforts to provide meaningful participation by MWBEs as subcontractors or suppliers in the performance of the Contract and Contractor agrees that DOH may withhold payment pending receipt of the required MWBE documentation. For guidance on how DOH will determine "good faith efforts," refer to 5 NYCRR §142.8.

The directory of New York State Certified MWBEs 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.

By submitting a bid, a bidder agrees to complete an MWBE Utilization Plan ([Attachment 5](#), Form #1) of this IFB. DOH will review the submitted MWBE 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 of receipt. DOH may disqualify a Bidder as being non-responsive under the following circumstances:

- a) If a Bidder fails to submit a MWBE 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;

The Contractor will be required to attempt to utilize, in good faith, any MBE or WBE identified within its MWBE 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; however, the request 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 MWBE goals of the Contract.

If the Contractor is found to have willfully and intentionally failed to comply with the MWBE participation goals set forth in the Contract, such finding will constitute a breach of Contract and DOH may withhold payment from the Contractor as liquidated damages.

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

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 insert a BML or contact information before the Deadline for Questions as specified in Section 1. (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.

5.6 Equal Employment Opportunity (EEO) Reporting

By submission of a bid in response to this solicitation, the Bidder 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 bidder 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 subcontractors 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 Bidder should submit with the bid or proposal an Equal Employment Opportunity Staffing Plan ([Attachment 5](#), Form #4) identifying the anticipated work force to be utilized on the Contract. Additionally, the Bidder should submit a Minority and Women-Owned Business Enterprises and Equal Employment Opportunity Policy Statement ([Attachment 5](#), Form # 5), to DOH with their bid.

5.7 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 contractors' 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 offerer 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 of Health 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>.

Forms are 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

5.8 Contract Insurance Requirements

Prior to the start of work under this Contract, the CONTRACTOR shall procure, at its sole cost and expense, and shall maintain in force at all times during the term of this 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.

5.9 Subcontracting

Bidder's may propose the use of a subcontractor; the Contractor shall obtain prior written approval from NYSDOH before entering into an agreement for services to be provided by a subcontractor. The Contractor is solely responsible for assuring that the requirements of this IFB are 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 Agreement. 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.

5.10 DOH's Reserved Rights

The Department of Health reserves the right to:

1. Reject any or all bids received in response to the IFB;
2. Withdraw the IFB at any time, at the agency's sole discretion;
3. Make an award under the IFB in whole or in part;
4. Disqualify any bidder whose conduct and/or bid fails to conform to the requirements of the IFB;
5. Seek clarifications and revisions of bids;
6. Use bid 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 agency's request for clarifying information in the course of evaluation and/or selection under the IFB;
7. Prior to the bid opening, amend the IFB 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 bid modifications addressing subsequent IFB 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 IFB 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 bids received;
15. Every offer shall be firm and not revocable for a period of three hundred and sixty-five days (365) 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 (365), any offer 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 bid and/or to determine a bidder's compliance with the requirements of the solicitation.

5.11 Freedom of Information Law (“FOIL”)

All bids may be disclosed or used by DOH to the extent permitted by law. DOH 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 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 directed in [Section 6.2.6 of the IFB](#).** If DOH agrees with the proprietary claim, the designated portion of the 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.

5.12 Lobbying

Chapter 1 of the Laws of 2005, as amended by Chapter 596 of the Laws of 2005, made significant changes as it pertains to development of procurement contracts with governmental entities. These changes include:

- a) making the lobbying law applicable to attempts to influence procurement contracts once the procurement process has been commenced by a state agency, unified court system, state legislature, public authority, certain industrial development agencies and local benefit corporations;
- b) requiring the above-mentioned governmental entities to record all contacts made by lobbyists and contractors about a governmental procurement so that the public knows who is contacting governmental entities about procurements;
- c) requiring governmental entities to designate persons who generally may be the only staff contacted relative to the governmental procurement by that entity in a restricted period;
- d) authorizing the New York State Commission on Public Integrity, (now New York State Joint Commission on Public Ethics), to impose fines and penalties against persons/organizations engaging in impermissible contacts about a governmental procurement and provides for the debarment of repeat violators;
- e) directing the Office of General Services to disclose and maintain a list of non-responsible bidders pursuant to this new law and those who have been debarred and publish such list on its website;
- f) requiring the timely disclosure of accurate and complete information from offerers with respect to determinations of non-responsibility and debarment; (Bidders responding to this IFB should submit a completed and signed [Attachment1](#), “Prior Non-Responsibility Determination”.)
- g) increasing the monetary threshold which triggers a lobbyist’s obligations under the Lobbying Act from \$2,000 to \$5,000; and
- h) establishing the Advisory Council on Procurement Lobbying.

Subsequently, Chapter 14 of the Laws of 2007 amended the Lobbying Act of the Legislative Law, particularly as it related to specific aspects of procurements as follows: (i) prohibiting lobbyists from entering into retainer agreements on the outcome of government grant making or other agreement involving public funding; and (ii) reporting lobbying efforts for grants, loans and other disbursements of public funds over \$15,000.

The most notable, however, was the increased penalties provided under Section 20 of Chapter 14 of the Laws of 2007, which replaced old penalty provisions and the addition of a suspension option for lobbyists engaged in repeated violations. Further amendments to the Lobbying Act were made in Chapter 4 of the Laws of 2010.

Questions regarding the registration and operation of the Lobbying Act should be directed to the New York State Joint Commission on Public Ethics.

5.13 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 winning 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 of Health, the Office of the State Comptroller, and Department of Civil Service.

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

5.14 Debriefing

Once an award has been made, bidders may request a debriefing of their bid. Please note the debriefing will be limited only to the vendor's bid and will not include any discussion of other bids. Requests must be received no later than fifteen (15) business days from date of award or non-award announcement.

5.15 Protest Procedures

In the event unsuccessful bidders wish to protest the award resulting from this IFB, bidders should 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 Guide to Financial Operations (GFO). Available on-line at: <http://www.osc.state.ny.us/agencies/guide/MyWebHelp/>

5.16 Iran Divestment Act

By submitting a bid in response to this solicitation or by assuming the responsibility of a Contract awarded hereunder, Bidder/Contractor (or any assignee) certifies that it is not on the “Entities Determined To Be Non-Responsive Bidders/Offerers Pursuant to The New York State Iran Divestment Act of 2012” list (“Prohibited Entities List”) posted on the OGS website (currently found at this address):

<https://ogs.ny.gov/system/files/documents/2020/10/irandivestmentlistofentities.pdf> and further certifies that it will not utilize on such Contract any subcontractor that is identified on the Prohibited Entities List. Additionally, Bidder/Contractor is advised that should it seek to renew or extend a Contract awarded in response to the solicitation, it must provide the same certification at the time the Contract is renewed or extended.

During the term of the Contract, should DOH receive information that a person (as defined in State Finance Law §165-a) is in violation of the above-referenced certifications, DOH will review such information and offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in the investment activity which is in violation of the Act within 90 days after the determination of such violation, then DOH shall take such action as may be appropriate and provided for by law, rule, or contract, including, but not limited to, seeking compliance, recovering damages, or declaring the Contractor in default. DOH reserves the right to reject any bid, request for assignment, renewal or extension for an entity that appears on the Prohibited Entities List prior to the award, assignment, renewal or extension of a contract, and to pursue a responsibility review with respect to any entity that is awarded a contract and appears on the Prohibited Entities list after contract award.

5.17 Piggybacking

New York State Finance Law section 163(10)(e) allows the Commissioner of the NYS Office of General Services to consent to the use of this contract by other New York State Agencies, and other authorized purchasers, subject to conditions and the Contractor’s consent.

5.18 Encouraging Use of New York Businesses in Contract Performance

Public procurements can drive and improve the State’s economic engine through promotion of the use of New York businesses by its contractors. New York State businesses have a substantial presence in State contracts and strongly contribute to the economies of the state and the nation. In recognition of their economic activity and leadership in doing business in New York State, bidders/proposers for this contract for commodities, services or technology are strongly encouraged and expected to consider New York State businesses in the fulfillment of the requirements of the contract. Such partnering may be as subcontractors, suppliers, protégés or other supporting roles. All bidders should complete [Attachment 6](#), Encouraging Use of New York Businesses in Contract Performance, to indicate their intent to use/not use New York Businesses in the performance of this contract.

5.19 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 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.

5.20 Vendor Assurance of No Conflict of Interest or Detrimental Effect

All bidders responding to this solicitation should submit [Attachment 4](#) to attest that their performance of the services outlined in this IFB does not create a conflict of interest and that the bidder will not act in any manner that is detrimental to any other State project on which they are rendering services.

5.21 Executive Order 177 Prohibiting Contracts with Entities that Support Discrimination

The New York State Human Rights Law, Article 15 of the Executive Law, prohibits discrimination and harassment based on age, race, creed, color, national origin, sex, pregnancy or pregnancy-related conditions, sexual orientation, gender identity, disability, marital status, familial status, domestic violence victim status, prior arrest or conviction record, military status or predisposing genetic characteristics. In accordance with Executive Order No. 177, the Offeror certifies that they do not have institutional policies or practices that fail to address those protected status under the Human Rights Law.

6.0 BID FORMAT AND CONTENT

Bidders responding to this IFB must satisfy all requirements stated in this IFB. All Bidders are requested to submit complete Bid packages. A bid that is incomplete in any material respect may be rejected.

To expedite review of the bids, Bidders are requested to submit bids as summarized in [Attachment A](#), Bid Submittal Document Checklist. 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.

DOH will not be responsible for expenses incurred in preparing and submitting the Bid Packages. Such costs should not be included in the Bid.

6.1 Mandatory Bid Requirements

The purpose of the Mandatory Bid Requirements is to demonstrate the qualifications, competence, and capacity of the Bidder to provide the services contained in this IFB. The following outlines the required information to be provided by the 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 IFB are subject to verification for accuracy.

6.1.1 Cost Bid Form

Bidder must submit a completed and signed [Attachment B – Cost Bid Form](#). The Bid Form must comply with the format and content requirements as detailed in this document and in Attachment B. Failure to comply with the format and content requirements may result in disqualification.

The prices bid must cover the cost of furnishing all of the said products or services specified in this IFB, including but not limited to materials, equipment, profit and labor to the satisfaction of the Department of Health and the performance of all work set forth in said specifications.

Bidders must provide a price for all products in sizes and quantities exactly as listed in **Bid Form** - Attachment B. Bids which do not include a price for all products will be disqualified. Bids which add alternative products, quantities or sizes will be disqualified.

6.2 Other Bid Documents

6.2.1 Bidder’s Disclosure of Prior Non-Responsibility Determinations

Submit a completed and signed [Attachment 1](#), “Bidder’s Disclosure of Prior Non-Responsibility Determination”.

6.2.2 Vendor Responsibility Questionnaire

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/info_vrsystem.htm.

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 itservicedesk@osc.ny.gov.

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

6.2.3 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 Bidder, members, shareholders, parents, affiliates or subcontractors. [Attachment 4](#) must be signed by an individual authorized to bind the Bidder contractually.

6.2.4 M/WBE Forms (FOR SERVICES ONLY WITH M/WBE GOALS).

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

6.2.5 Encouraging Use of New York Businesses in Contract Performance

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

6.2.6 Freedom of Information Law – Bid Redactions

Bidders must clearly and specifically identify 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. See [Section 5.11](#), (Freedom of Information Law).

6.2.7 Bidder's Certified Statements

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. DOH reserves the right to reject a bid that contains an incomplete, unsigned or no [Attachment 7](#).

6.2.8 References

Provide two references using firm names, addresses, contact names, telephone numbers, and email addresses. Submit [ATTACHMENT 9.docx](#) with your bid proposal.

6.2.9 EO 177 Prohibiting Contracts with Entities that Support Discrimination

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

7.0 BID SUBMISSION

7.1 Bids should be submitted in EITHER format as prescribed below:

Electronic Submission- 2 encrypted flash drives labeled with bidder's name and IFB number/title containing standard searchable PDF file(s) with copy/read permissions only **OR Hard Copy Paper Submission** - 4 Originals and 6 Copies

7.1.1 All hard copy bid materials should be printed on 8.5” x 11” white paper (single sided), be clearly page numbered on the bottom of each page with appropriate header and footer information and presented separately, in three-ring binders if necessary. A type size of eleven (11) points or larger should be used;

7.1.2 Where signatures are required, the bids designated as originals should have a handwritten signature and be signed in blue ink;

7.1.4 The NYSDOH discourages overly lengthy bids. Therefore, marketing brochures, user manuals or other materials, beyond that sufficient to present a complete bid, are not desired. Elaborate artwork or expensive paper is not necessary or desired. In order for the NYSDOH to evaluate bids fairly and completely, bids should follow the format described in this IFB and provide all requested information;

7.1.5 Audio and/or videotapes are not allowed. Any submitted audio or videotapes will be ignored by the evaluation team; and In the event that a discrepancy is found between the electronic and hardcopy bid, the original hardcopy #1 will prevail.

The complete bid must be received by the NYSDOH, no later than the Deadline for Submission of Bids specified in [Section 1](#), (Calendar of Events). Late bids will not be considered.

If submitting by mail, Bids should be submitted in a clearly labeled package, prepared in accordance with the requirements stated in this IFB. Mark the outside envelope of bid as “IFB# 18712 (Hearing Reporter Services)

Bids must be submitted by Email to: OPMCFiscal@health.ny.gov OR by U.S. Mail, by courier/delivery service (e.g., FedEx, UPS, etc.) in a sealed package to:

Department of Health - Office of Professional Medical Conduct
IFB # 18712 – Hearing Reporter Services
Attention: Maureen Bliven, Health Program Administrator
Riverview Center, 150 Broadway, Suite 355
Albany, New York 12204

Submission of bids in a manner other than as described in these instructions will not be accepted.

7.2 No Bid Form

Bidders choosing not to bid are requested to complete the No-Bid form [Attachment 2](#).

8.0 General Information

Once bidders are selected, the Department of Health will issue contracts to the vendor for each region. In order to be considered responsible and responsive, the bid must include all Invitation for Bid (IFB) required documents and meet the minimum qualifications as stated in the IFB.

Bidders may be requested by DOH to clarify the contents of their bids. Other than to provide such information as may be requested by DOH, no Bidder will be allowed to alter its bid after the Deadline for Submission of Proposals listed in [Section 1](#). (Calendar of Events).

8.1 Submission Review

DOH will examine all bids that are received in a proper and timely manner. The bid containing the lowest total price offered will be further evaluated to determine if it meets all bid submission requirements, as described in [Section 6](#). (Bid Format and Content) and [Section 7](#). (Bid Submission) for award. That process will be followed until an award is made.

8.2 Reference Checks

At the discretion of the Department, references may be checked at any point during the process to verify bidder qualifications to propose (Section 3.0).

8.3 Award Recommendation

The Evaluation Committee will submit a recommendation for award to the responsible and responsive Bidder(s) with the lowest total bid.

The Department will notify the awarded Bidder(s) and Bidders not awarded. The awarded Bidder(s) will enter into a written Agreement substantially in accordance with the terms of [Attachment 8](#), DOH Agreement, to provide the required services as specified in this IFB. 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.

9.0 ATTACHMENTS

The following attachments are included in this IFB 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 Determination](#)
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](#)

The following attachments are attached and included in this IFB:

- A. Bid Package Checklist- Page 30
- B. Cost Bid Form- Pages 31-32
- C. Estimated Volume of Hearing Reporter Services Per Year- Page 33

ATTACHMENT A

BID PACKAGE CHECKLIST

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

IFB # 18712 – Hearing Reporter Services		
FOR THE MANDATORY BID REQUIREMENTS		
IFB §	SUBMISSION	INCLUDED
§ 3.0.a	Bidder's Description of a minimum of two (2) years' experience in providing hearing reporter services	<input type="checkbox"/>
§ 3.0.c	Documentation of Bidder's Eligibility and description of how they plan to meet the work outlined in Section 4.0, Detailed Specifications, (Requirement)	<input type="checkbox"/>
§ 6.1.1	Attachment B- Cost Proposal Form (Requirement)	<input type="checkbox"/>
FOR THE OTHER BID DOCUMENTS		
§ 6.2.1	Attachment 1 – Bidder's Disclosure of Prior Non-Responsibility Determinations, completed and signed.	<input type="checkbox"/>
§ 6.2.2	Attachment 3- Vendor Responsibility Attestation	<input type="checkbox"/>
§ 6.2.3	Attachment 4 - Vendor Assurance of No Conflict of Interest or Detrimental Effect	<input type="checkbox"/>
§ 6.2.4	Attachment 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"/>
§ 6.2.5	Attachment 6- Encouraging Use of New York Businesses	<input type="checkbox"/>
§ 6.2.7	Attachment 7 - Bidder's Certified Statements, completed & signed.	<input type="checkbox"/>
§ 6.2.8	Attachment 9 – References: Two (2) are required	<input type="checkbox"/>
§ 6.2.9	Attachment 11 - Executive Order 177 Prohibiting Contracts with Entities that Support Discrimination	<input type="checkbox"/>

ATTACHMENT B

COST PROPOSAL

Bidder: _____

An official authorized to bind the organization to the provisions of this IFB must sign and date this attachment. By signing this attachment, bidder attests that they understand all of services in this IFB and have the ability to perform all services required under this IFB and the resulting contract (s).

Enter price per page in Column 2 for each item in Column 1 of each region. Then multiply each price (Column 2) by the estimated pages (Column 3) and enter the product in the cost column 4 (Column 4). Then total all the costs together for all of items (Column 4) and enter the total in the Grand Total box for each region you are bidding (Column 4). Each price bid will be firm for the first 3 years of the contract. See Section E. Administrative, Part 6 Payment: Price Adjustment Clause for adjustments to year 4 and year 5 prices.

All prices should be bid to the penny. Example: \$2.12

Failure to submit a price for each item for each region bid will result in disqualification. Bidders are not required to bid on all 4 regions.

Region 1 (NYC, New Rochelle, Central Islip):

Column 1	Column 2	Column 3	Column 4
	Price per page	Estimated pages per year	(Column 2 X Column 3)
Normal Delivery	\$ ___ . ___ /page	15,173	
Priority Delivery	\$ ___ . ___ /page	256	
Overnight Delivery	\$ ___ . ___ /page	130	
Immediate Delivery	\$ ___ . ___ /page	130	
Evening Rate Premium	\$ ___ . ___ /page	200	
Copy Rate	\$ ___ . ___ /page	10,000	
Grand Total: Region 1			\$ _____ . _____

Region 2 (Albany & Menands):

Column 1	Column 2	Column 3	Column 4
	Price per page	Estimated pages per year	(Column 2 X Column 3)
Normal Delivery	\$ ___ . ___ /page	2,880	
Priority Delivery	\$ ___ . ___ /page	60	
Overnight Delivery	\$ ___ . ___ /page	30	
Immediate Delivery	\$ ___ . ___ /page	30	
Evening Rate Premium	\$ ___ . ___ /page	5	
Copy Rate	\$ ___ . ___ /page	1,300	
Grand Total: Region 2			\$ _____ . _____

Attachment B, Cost Bid Form continued:

Region 3 (Rochester & Buffalo)

Column 1	Column 2	Column 3	Column 4
	Price per page	Estimated pages per year	(Column 2 X Column 3)
Normal Delivery	\$ ____ . ____ /page	4,560	
Priority Delivery	\$ ____ . ____ /page	96	
Overnight Delivery	\$ ____ . ____ /page	50	
Immediate Delivery	\$ ____ . ____ /page	50	
Evening Rate Premium	\$ ____ . ____ /page	5	
Copy Rate	\$ ____ . ____ /page	4,700	
Grand Total: Region 3			\$ _____ . _____

Region 4 (Syracuse & Utica)

Column 1	Column 2	Column 3	Column 4
	Price per page	Estimated pages per year	(Column 2 X Column 3)
Normal Delivery	\$ ____ . ____ /page	1,365	
Priority Delivery	\$ ____ . ____ /page	25	
Overnight Delivery	\$ ____ . ____ /page	15	
Immediate Delivery	\$ ____ . ____ /page	15	
Evening Rate Premium	\$ ____ . ____ /page	5	
Copy Rate	\$ ____ . ____ /page	5,400	
Grand Total- Region 4			\$ _____ . _____

*The quantities in the estimated pages per year column above are for bidding purposes only and are not guaranteed. All quantities are estimated. Actual quantities may be higher or lower than the estimated numbers shown on the cost bid form. The Department is not responsible for any discrepancies.

Authorized signature: _____ Date _____

Name (printed) _____ Title _____

Attachment C

Estimated Volume of Hearing Reporter Services Per Year*

Regions	Locations	*Number of hearing days per year	*Number of original pages per year	Delivery type-% of hearings
Hearings by Regions:				
Region 1	New York City, NY	150-200	15,000-20,000	Most hearings will require normal delivery Normal: 96% Priority: 2% Overnight: 1% Immediate: 1%
	New Rochelle, NY	0 -10	0 -150	
	Central Islip, NY	0 -10	0 -150	
Region 2	Albany, NY	50 -100	2,000 -4,000	
Region 3	Rochester, NY	15 -25	2,000 -3,000	
	Buffalo, NY	10 -20	2,000 -2,500	
Region 4	Syracuse, NY	5 -15	400 -2,000	
	Utica, NY	0 -10	0-150	

* Estimated for the period of October 2015-September 2019 for OPMC hearings and April 2019-March 2020 for other department hearings. The quantities in the estimated pages per year column above are for bidding purposes only and are not guaranteed. All quantities are estimated. Actual quantities may be higher or lower than the estimated numbers shown on the cost bid proposal. The Department is not responsible for any discrepancies.

List of New York State Regions and Cities within each Region

Region 1 - New York City, NY New Rochelle, NY & Central Islip, NY

Region 2 – Albany, NY and Menands, NY

Region 3 – Rochester, NY and Buffalo, NY

Region 4 – Syracuse, NY and Utica, NY