

**NYS Department of Health – Division of Nutrition
WICSIS Local Agency Technology Refresh RFP 0901060428**

Questions and Answers

All questions received by the Division of Nutrition (DON) by the deadline and additional questions and clarifications made during the Bidders Conference are included. The DON is not responsible for any errors or misinterpretation of any questions received.

The responses to questions included herein are the official responses by the DOH to questions posed by potential bidders and are hereby incorporated into RFP 0901060428 issued on August 17, 2009.

In the event of any conflict between the RFP and these responses, the requirements or information contained in these responses will prevail.

RFP Section	Question	Answer
Official RFP Amendments August 24, 2009		The item named Amendments to the RFP that was posted to the web site August 24, 2009, will now be known as “Amendment #1”.
Amendment #2		Bidders must remember to submit the amended Attachment 19-26 Excel file with their Cost Proposal and Administrative Package.
3.01	With what application and network environment will the equipment be used?	The primary use of the equipment will be to run the Division's custom WIC and FAN applications. All computers will be running Windows 7 Client (workstations) or Windows Server 2008 (F&P and Laptop Servers) operating system.
3.01 and Attachments 17	Do all products need to be on the State Contract?	This procurement will result in a new contract. The items bid do not need to be on any current state contract.
3.01.B	The “contractor will be required to provide one additional toner per printer upon installation and guarantee the same price for additional toner and other supplies (that may be purchased at NYSDOH DON’s discretion), starting with the first local agency deployment and continuing for one year. (Refer to Attachments 14, 15 and 17 and Section 3.04.D. for details)”. Question: Does the State want the purchase price of the printer to include the price of an additional toner or should that cost be broken out separately?”	The one additional toner is already figured into the required quantities (Attachment 20 - Cost calculation Sheet, Required Supplies). You should not include the cost of the additional toner into the cost of the printer.

RFP Section	Question	Answer
3.01.D	Consulting Services: Is this request included in the 1000 hours that are in the spreadsheet or is this service in addition?	Yes. The 1000 hours are those mentioned in the spreadsheet.
3.01.D and 3.14.D Bidders Conference	Will you need consulting services for server or desktop support? Generally, staff assigned to support one may not have the expertise in the other.	We do not expect a single individual to fulfill this requirement. During the life of the contract, DOH DON will request one or more individuals with skills to complete specific tasks. The contractor will be responsible to submit candidates that have these skills. We would expect different individuals to be used, depending on the skill required at that time.
3.02.D and E.1 Bidders Conference	With the latest Energy Star Certification issued on July 1, 2009, the Department of Energy has indicated that anything that was Energy Star compliant prior to July 1, 2009 will still be allowed to use the Energy Star certification because they were manufactured before July 1, 2009. Are you going to be using the 1.0 certification or the 1.1 certification for Energy Star Certification?	<p>The RFP does not directly specify Energy Star compliance as a requirement. It does refer to the State Energy Conservation Plan as well as to Federal environmental requirements. These standards must be adhered to as written.</p> <p>As these standards do not appear to specify a particular level of Energy Star compliance for printers, DON is requiring bidders submit only printers that qualify under Energy Star Imaging Equipment Version 1.1 specification.</p> <p>While researching this issue, DON became aware of energy requirements under NYS Executive Order Number 4 (EO4), which is attached and also can be viewed at: http://www.ogs.state.ny.us/EO4/pdf/FinalGreenProcurementEO.pdf</p> <p>To ensure the products acquired under this RFP comply with EO4, bidders must indicate compliance with the following OGS standards: For computers, see attached or go to http://www.ogs.state.ny.us/EO4/pdf/ComputerStandardsFinal.pdf</p> <p>For printers, see attached or go to http://www.ogs.state.ny.us/EO4/pdf/Finals/OfficePrintingDevices.pdf</p>
3.02.F and 3.07 Bidders Conference	Is the entire lease agreement going to be negotiated separately from the rest of the contract, or will it be part of it?	No, the lease agreement will be part of the contract.

RFP Section	Question	Answer
3.03.B	Productive Use Requirement: Can the NYSDOH DON provide additional information as to what type of documentation is needed for performance reliability?	For each model of equipment proposed, the documentation must show the number of systems installed, the age of the equipment (in months) and the number of devices that required a repair. It should include the name and address of the installation and the name, title, and telephone number of the contact person at that installation.
3.03.B	Is this information that needs to come from the vendor or is this something that NYSDOH DON will be asking the references associated with each vendor's response?	The bidder will provide this documentation. DON, at its discretion, may contact the references to verify this information.
3.04.C.2	Software: Who is responsible for creating the image?	DON staff will create the images using the equipment provided under section 3.06.B.1 and Ghost. If the bidder prefers a different imaging tool, they must identify it in the proposal, provide all necessary licenses to DON and include any fees in the deployment cost.
3.04.D	Supplies: Industry standard is moving toward Cat 6 cable. Would the NYSDOH DON accept Cat 6 cables?	Yes.
3.04.D and Attachments 17, 18 and 20	Vendors will most likely bid printer cartridges of differing capacity, yet the state is requiring we bid a fixed number of cartridges to meet those needs. Is there a mechanism in place to adjust the cost based on the actual number of cartridges needed to meet the need?	A fixed number of cartridges was used in the bid to facilitate completion of the RFP documents. If there is a difference in the rated capacity of the toner cartridges bid, the state will normalize the cost by calculating the number of cartridges needed to meet the required print volume. Please indicate the rated number of pages at 5 % coverage for each toner cartridge bid.
3.04 and Attachments 17, 18 and 20 Bidders Conference	Do you have an algorithm in place to normalize the cost of cartridges since they may have a different yield? If so, what is it? Will it be cost per page? Are you requesting OEM only or can we use remanufactured toner?	The bidder is requested to provide the yield on the toner being proposed, based on 5% coverage. NYSDOH DON will use this metric to determine the cost per page and then it will multiply this number by the expected annual print volume to arrive at the total toner cost for one year. Toner must meet manufacturer warranty requirements as well as those listed in the technical specifications (Attachment 17).
3.05 and 3.06	What are the vendor's responsibilities, both for deployment and for maintenance, for end user data?	The contractor will not be required to backup, restore or transfer end user data for any computer deployed under this contract.

RFP Section	Question	Answer
3.05.B and 3.14.D	<p>Consulting Services: Both sections refer to appropriately trained staff.</p> <p>Can NYSDOH DON define appropriately trained?</p> <p>Can NYSDOH DON define training on all products being used by NYSDOH DON or only those being offered in a vendor's response?</p> <p>What certifications is NYSDOH DON requesting?</p> <p>The RFP states Windows 2008 MCSE, but Microsoft has changed their certification program and there is no such certification. The MCSE program ended with Windows 2003. Microsoft started a new certification program with new designations. We will need the customer to clarify what certification level they require.</p> <p>Below are some of the new designations and the link to Microsoft's certification page.</p> <ul style="list-style-type: none"> • Microsoft Certified Technology Specialist (MCTS) • Microsoft Certified IT Professional (MCITP) • Microsoft Certified Professional Developer (MCPD) • Microsoft Certified Master (MCM) • Microsoft Certified Architect (MCA) <p>http://www.microsoft.com/learning/en/us/certification/cert-overview.aspx#tab3.</p>	<p>The NYSDOH DON anticipates the need for consulting services over the life of the contract. When needed, we will request staff with the background required at that time. It will be up to the contractor to locate a resource to fill that need.</p> <p>This service is not limited to the products being deployed under this RFP.</p> <p>As the exact skill set needed is not known at this time, we are requesting (Section 3.14.D) that all contractors provide estimates for 1000 hours of staff time for a Microsoft Certified IT Professional (Enterprise Administrator), as this is the most likely area of expertise that we will need.</p>

RFP Section	Question	Answer
3.05.C.3.h	Please confirm that the repair time is additive to the site response time for both service levels. Example – server/ MICR/wireless routers - trouble call received at 9 a.m., notification response time is 10 a.m., site response time is 1 p.m., and repair time is 5 p.m. For other devices – trouble call received at 9 a.m. on Tuesday, notification response time is 10 a.m. Tuesday, site response time is end of day Wednesday, and repair time is end of day Thursday.	That is correct. Please note: once a particular Service Level is met, the clock for any subsequent Service Level starts. For example, if a server call is placed at 9 a.m. and a response is received at 9:30 a.m., the Site Response Time Service Level will be measured from 9:30 a.m.
3.06	Deployment Plans: Please describe the scheduling process; i.e., will the systems be deployed consecutively, project-based by region, over a 3 month period, etc.	The deployment schedule will be coordinated with the winning bidder. Bid responses should be based on a six-month deployment window. The vendor may employ multiple teams in one or more regions simultaneously to meet the six-month deployment window.
Amendment #1 3.06.D.2.e	De-installation of Old Equipment: Even after the drive is wiped, degaussed, or damaged in a way that can't be used, does the drive need to remain with the NYSDOH DON?	Yes. As stated in Amendment #1, after the hard drives are wiped or destroyed (Section 3.06.D), they "...must be removed from each PC/laptop/server and shipped/delivered to the NYSDOH DON main office in Menands..." (Section 3.06.D.2.e) so they can be disposed of in accordance with the NYS DOH media disposal policy.
3.06.D.2.e Bidders Conference	Just to clarify, are all disk drives being removed from the current equipment prior to being collected by the winner of this contract?	All hard drives, from all computers (servers and workstations), will have to be purged, cleared or destroyed; removed from the current equipment; and sent to NYSDOH DON for final disposal.
3.07 and Amendment #1	Is the existing equipment leased or owned?	All existing equipment is owned by NYSDOH DON.
3.07 and Amendment #1	Will NYSDOH DON's current equipment be sent back with or without a hard drive?	Equipment will be taken by the winning bidder and disposed as it deems appropriate. All hard drives must be removed from the current equipment and returned to the DON as stated in Amendment #1.

RFP Section	Question	Answer
3.07 and Amendment #1	Data Security: Can NYSDOH DON provide a process flow that outlines who is responsible for this process including the transportation to and from central collection facility?	<p>This section of the RFP has been updated. Please see Amendment #1 for changes to 3.07.</p> <p>ALL computers leased under this contract will be encrypted. Hard Drives removed from a site no longer need to be purged or damaged. However, all hard drives will still need to be labeled (indicating the serial number of the computer from which the hard drive was removed, as well as the date and name of the technician performing the service) and turned over to the NYSDOH DON.</p> <p>The contractor is responsible for the removal/replacement of the old drive, the labeling of the failed drive and its shipment/delivery to the NYSDOH DON.</p>
3.07	What percentage of the units involved in the RFP will be returned to the Lessor with and without hard-drives?	All equipment leased under this RFP will be returned to the contractor without hard drives.
3.07 and Amendment #1	If leased, will NYSDOH DON be responsible for returning?	The contractor will be required to remove the current equipment (approximately the same number as being installed) from each location and dispose of it as it deems appropriate. Any applicable trade in value for this equipment must be documented in Attachment 23 Equipment Trade in Credit.
3.07 and Amendment #1 Bidders Conference	Will all drives be removed from the computers before the winner of this contract picks up the equipment?	Yes, the winner of the next contract will be required to remove the hard drives from all computers and return the drives to DOH DON prior to releasing the computers to the winner of this contract.
3.13	Can NYSDOH DON confirm that the services related to end of lease equipment are not to be included in pricing of the RFP and will be negotiated under a separate contract?	At the end of this lease, the equipment will be collected and stored in a centralized location by the winner of the next contract. The winner of this contract will need to pick up the equipment from this centralized location. Please note that multiple pickups may be required depending on available storage space.
3.13	End of Lease Equipment Removal: This section indicates that some equipment will be returned without hard drives. Section 3.07 states, all hard drives will be removed before the equipment is returned. Which is correct?	All computers will be returned without hard drives. The total cost of the lease must take in consideration this requirement. No separate fee may be assessed for the removed hard drives.

RFP Section	Question	Answer
5.05.B Bidders Conference	Is the participation at the Bidders Conference mandatory?	No, it is not.
5.06.A	What time on October 22, are the bids due?	Bids must be received by 4:00 PM on October 22, 2009.
5.11.A and B	<p>Term of Contract 5.11.A states:</p> <p>This agreement shall be effective upon approval by the NYS Office of the State Comptroller, with an anticipated contract start date of October 1, 2009. The contract will be for a four year period, with an optional one year renewal.</p> <p>Term of Contract 5.11.B states: This agreement may be canceled at any time by the Department of Health giving to the contractor not less than thirty (30) days written notice that, on or after a date therein specified, this agreement shall be deemed terminated and canceled.</p> <p>Does the cancelation policy stated apply to the Contractor and Lessor or simply the Contractor only?</p>	The cancellation policy applies to the primary contractor and all its subcontractors, including the lessor.
5.11.A Bidders Conference	Clarification on Section 5.11 (Term of Contract), as it conflicts with the key events listed in the cover page of the RFP.	The "...anticipated contract start date of October 1, 2009..." statement in subsection (A) is not accurate. Please replace it with "...anticipated contract start date as indicated in the cover page of this RFP..."
5.19 Bidders Conference	There is an M/WBE requirement associated with this bid. Could you provide the numeric on that?	The NYSDOH's goal for usage of M/WBEs, as stated in the RFP, is at least 10% of monies used for contract activities (Minority-owned – 5%; Women-owned – 5%). It is expected that the winning bidder will make their best effort to support this goal.

RFP Section	Question	Answer
5.19 Bidders Conference	<p>Does that requirement need to be satisfied with the submission of this bid?</p> <p>When a vendor submits a bid, is it required that they show the name of the vendors they are utilizing to satisfy the M/WBE requirement?</p>	<p>All documentation requirements must be satisfied prior to contract award.</p> <p>If a vendor knows the name(s) of the vendors that will be utilized to satisfy M/WBE requirements that information should be provided when submitting a bid.</p>
5.19 Bidders Conference	If you have a prime who is not a minority or women owned business can you still meet this requirement if you use subcontractors that are?	<p>As stated in the RFP, those bidders "...must define the portion of all consumable products and personnel required for this proposal that will be sourced from a M/WBE."</p> <p>Subcontractors may be considered to meet the M/WBE requirements.</p>
5.19 Bidders Conference	Is there a point based system used to score this requirement?	Minority and women-owned business status is not scored or awarded points in the evaluation of proposals. It is expected that the winning bidder will make their best effort to support this goal.
5.19 Bidders Conference	Is there an OFT requirement on this?	<p>The Health Department has its own goals, as noted above.</p> <p>Bidders must satisfy DOH's requirements regarding M/WBE utilization.</p>
5.19 Bidders Conference	Does the prime respondent or winner of the contract in and of themselves need to meet the M/WBE requirement to get an award?	Subcontractors may be considered to meet the M/WBE requirements.
5.19 Bidders Conference	Is a vendor prohibited from responding to this RFP if not M/WBE certified?	It does not prohibit you from bidding.
5.19 Bidders Conference	Does OFT have special requirements for IT-related bids?	OFT has a different requirement from the Health Department's.
5.19 Bidders Conference	Are you giving a specific discount or allowing a percentage for minority or women owned business?	Minority and women-owned business status is not scored or awarded points in the evaluation of proposals. It is expected that the winning bidder will make their best effort to support this goal.

RFP Section	Question	Answer
Attachments 14 and 15	Location: To assist with accurate installation pricing, can NYSDOH DON provide a list of equipment being used at each site location?	<p>An Excel spreadsheet listing site locations and the estimated number of devices to be installed at each site is posted on the web site as part of the RFP Questions and Answers documentation.</p> <p>Please note that both site locations and equipment numbers/types at each may change. Therefore bidder should only use this information as a guide. This list of sites supersedes the list of sites provided in Attachments 14 and 15.</p>
Attachments 17 and 18	Printers: What are the speed and paper handling capabilities for the printers in this project?	Minimum printer speeds and paper capacities are listed in Attachment 17. Any number of paper trays may be used to meet the input capacity requirements; however, we prefer as few trays as possible.
Attachments 17 and 18	Check Printers: Would it be desirable or mandatory if the permanent and temporary site check printers accepted the same MICR toner?	It is desirable, but not mandatory.
Attachments 17 and 18	Permanent site check printer: Would NYSDOH DON consider a unit that has an input of 850 sheets, but meets all other specifications?	Yes, NYSDOH DON has modified the minimum printer capacity to 850 sheets.
Attachments 17 and 18	Color Laser Printer Resolution: Will you accept 600x600 dpi/2400 Image Quality?	Yes, if the printer enhancement technology that is included in the printer/driver gives the appearance of the required resolution.
Attachments 17 and 18	Color Laser Printer: Input Capacity: Will you accept 950 sheets?	Yes, DON has modified the minimum printer capacity to 850 sheets.
Attachments 17 and 18	Check Printers: What is an average check print volume per location and what is your highest print volume at any single location for the permanent site and temporary site check printer?	The following figures are historical values adjusted to account for a recent change in the WIC program that increases check printing by an average of 25% per month. Perm Site Check Printers Average = 5000 sheets per month, Highest = 12,500 sheets per month. Temp Site check printers Average = 2000 sheets per month, Highest = 7000 sheets per month.

RFP Section	Question	Answer
Attachments 17 and 18	By what process will you be evaluating the Intel vs. AMD processor; Sysmark for the desktop and Mobilemark for the mobile processors?	Processors will be scored based on adherence to specifications (comparing the specifications of the processor bid to minimum processor required). No industry benchmarking tool will be used. Intel processors will be compared against the Intel model specified and AMD against the AMD model specified in the RFP. Where the processor bid exceeds the processor specified in the RFP, additional points may be awarded.
Attachments 17 and 18	<p>In comparing the mobile Intel & AMD SKUs to industry benchmarks such as Sysmark and Mobilemark, there is approximately a 35% difference in performance and approximately a 60-minute difference in battery life; Intel having the better performance and battery life.</p> <p>With such a gap, what are your decision criteria in comparing this difference?</p>	<p>See answer above.</p> <p>Battery life will not be considered when scoring this requirement.</p>
Attachments 17 and 18	Regarding the above questions related to Intel vs. AMD processors, what are your decision criteria in comparing the difference in price for different performing SKUs?	The product specifications are scored independent of cost.
Attachments 17 and 18	<p>Permanent Site Check Printer “Security Features: Printer level password, page count and secure font management”</p> <p>Question: What do you mean when you ask for “page count” as a security feature?</p>	Please disregard this requirement.

RFP Section	Question	Answer
Attachments 17 and 18	<p>Standard Laser Printer Large Sheet Expansion Tray/Drawer:</p> <p>Question: To get to the increased capacity of at least 2,500 sheets, can multiple trays/drawers be used?</p>	<p>Yes. Any number of paper trays may be used to meet the minimum input capacity requirements; however, we prefer as few trays as possible.</p>
Attachments 17 and 18	<p>As more input trays/drawers are added to increase the paper capacity of the laser printer, will the unit be expected to remain a desktop model or will it be acceptable that the printer will become a floor standing model with the large capacity trays/drawers added?</p>	<p>We require the printer to remain a desktop model.</p>
Attachments 17 and 18	<p>Is it required that we have products that address all categories in this attachment?</p>	<p>Yes, all products must be bid by the bidder and be available for purchase/lease by NYSDOH DON as described in the RFP.</p>
Attachments 17 and 18	<p>You request 128MB video RAM on the server. Server manufacturers generally do not provide or support video cards of this level in servers. Is a manufacturer-unsupported option OK?</p>	<p>Video system must be capable of supporting the 17 inch LCD monitor at full native resolution at 32 bit color depth without reducing system RAM below 2GB.</p>
Attachments 17 and 18	<p>For the Wireless Router, you request a 3G card compatible with Verizon, AT&T, and Sprint. However, this sort of card is compatible with only one carrier.</p> <p>Can you specify the breakdown?</p>	<p>The exact breakdown is not known at this time as it will depend on coverage. To respond to this requirement please certify that the router proposed can support all three vendors (one at a time). To complete the technical and cost worksheets please assume that we will use Verizon for all routers.</p>

RFP Section	Question	Answer
Attachments 17 and 18	Large Format Printer, you request support for 24”, 36”, and 42” rolls. This will require swapping spindles in an out of the printer, or purchasing three printers. Is either of these acceptable?	The requirement is that the printer needs to support all three paper sizes. Major printer manufacturers allow you to use different size (24, 36, or 42 inch) rolls of paper in the printer by simply changing the paper installed. We would prefer this type of solution over the one that requires a spindle change.
Attachment 18	In reviewing the WICS refresh RFP, I do not see the quantities for this opportunity. Can you point me to them?	Quantities can be found in Attachment 18 (Word file).
Supplemental Information	Will American Recovery and Reinvestment Act (ARRA) funds be used in support of this procurement?	Possibly. In the month of June 2009, the New York State (NYS) Division of Nutrition submitted an application requesting ARRA funds under the fourth and lowest priority for WIC Management Information System (MIS) projects, which included the cost of this procurement. As of September 16, 2009, the ARRA WIC MIS Grant application submitted by NYS is under review by the United States Department of Agriculture (USDA). If NYS receives an ARRA WIC MIS award to be used in support of this procurement, bidders will be notified as soon as possible.

RFP Section	Question	Answer
Supplemental Information	If NYS receives ARRA funding for this procurement, what additional contract requirements will there be as a result?	<p data-bbox="1001 235 1923 332">If ARRA funds are approved and used, a separate and distinct contract will be required. Separate vouchering, reporting and requirements are necessary when using ARRA funds.</p> <p data-bbox="1001 337 1787 370">In summary, the ARRA Appendix requires the following:</p> <p data-bbox="1001 375 1927 521">Respondents to this RFP should review this appendix and be prepared to meet these additional contract requirements, in the event that ARRA funding is received for NYS WIC MIS. In summary, the ARRA Appendix requires the following:</p> <ul data-bbox="1020 526 1927 1133" style="list-style-type: none"> <li data-bbox="1020 526 1507 558">• Vendor must obtain a DUNS number <li data-bbox="1020 563 1808 628">• Vendors and subcontractors must pay US Department of Labor prevailing wage rates for laborers and mechanics <li data-bbox="1020 633 1906 763">• All of the iron, steel, and manufactured goods used in the project covered under the contract must be produced in the US, unless waiving this requirement is in the public interest, the goods are not available in sufficient quantity/quality, or it will increase the cost by 25% <li data-bbox="1020 768 1927 833">• Vendors must agree to meet monthly ARRA reporting requirements (See attached) <li data-bbox="1020 837 1927 935">• Vendors must provide access to all records to Government Accountability Office (GAO) and USDA Office of the Inspector General (OIG) <li data-bbox="1020 940 1381 972">• Whistleblower protections <li data-bbox="1020 977 1906 1010">• Vendors must agree to refer credible evidence of illegal activity to OIG <li data-bbox="1020 1015 1829 1079">• Vendors must comply with Civil Rights Act and Americans with Disability Act <li data-bbox="1020 1084 1650 1117">• Vendors must agree to publication of information <li data-bbox="1020 1122 1566 1154">• ARRA funds shall be considered one-time <p data-bbox="1001 1170 1818 1235">Jobs created as a result of ARRA funding shall be posted on the NYS Department of Labor website.</p> <p data-bbox="1001 1240 1665 1273">Please see the ARRA documents attached below.</p>

DRAFT APPENDIX ARRA - VENDOR

Special Language for Contracts

Funded in Whole or in Part by the American Recovery and Reinvestment Act of 2009 (ARRA)*

A. REGISTRATION REQUIREMENTS - DUNS

CONTRACTOR agrees to obtain a Data Universal Numbering System (DUNS) number (or update its existing DUNS record) as a condition for receiving this award.

For all documentation related to this AGREEMENT, the CONTRACTOR shall:

(a) Provide the annotation “DUNS” or “DUNS+4” followed by the DUNS number or “DUNS+4” that identifies the CONTRACTOR’s name and address exactly as stated in the AGREEMENT. The DUNS number is a nine-digit number assigned by Dun and Bradstreet, Inc. The DUNS+4 is the DUNS number plus a 4-character suffix that may be assigned at the discretion of the CONTRACTOR to establish additional CCR records for identifying alternative Electronic Funds Transfer (EFT) accounts .

(b) Contact Dun and Bradstreet directly to obtain a DUNS number, if it does not already have one.

(1) A CONTRACTOR may obtain a DUNS *number*—

(i) Via the Internet at <http://fedgov.dnb.com/webform> or if the CONTRACTOR does not have internet access, it may call Dun and Bradstreet at 1-866-705-5711 if located within the United States; or

(ii) If located outside the United States, by contacting the local Dun and Bradstreet office. The CONTRACTOR should indicate that it is an CONTRACTOR for a New York State Government contract when contacting the local Dun and Bradstreet office.

(c) The CONTRACTOR should be prepared to provide the following information to either obtain a DUNS number or to update its existing DUNS record:

- (1) Company legal business name.
- (2) Tradestyle, doing business, or other name by which your entity is commonly recognized.
- (3) Company physical street address, city, state and ZIP Code.
- (4) Company mailing address, city, state and ZIP Code (if separate from physical).
- (5) Company telephone number.
- (6) Date the company was started.
- (7) Number of employees at your location.
- (8) Chief executive officer/key manager.
- (9) Line of business (industry).
- (10) Company Headquarters name and address (reporting relationship within your entity).

B. WAGE RATES

Notwithstanding any other provision of law ,and in a manner consistent with other provisions in the ARRA, all laborers and mechanics employed by contractors and subcontractors on projects funded directly by, or assisted in whole or in part by and through the Federal Government pursuant to the ARRA, shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor, in accordance with subchapter IV of chapter 31 of title 40, United States Code. With respect to the labor standards specified in this section, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and Section 3145 of Title 40, United States Code.

C. USE OF AMERICAN IRON, STEEL, AND MANUFACTURED GOODS

Consistent with Section 1605 of the ARRA, the CONTRACTOR agrees to the following conditions:

(a) None of the funds appropriated or otherwise made available by this Act may be used for a project for the construction, alteration, maintenance, or repair of a public building or public work unless all of the iron, steel, and manufactured goods used in the project are produced in the United States.

(b) Subsection (a) shall not apply in any case or category of cases in which the head of the Federal department or agency involved finds that:

(1) Applying subsection (a) would be inconsistent with the public interest;

(2) Iron, steel, and the relevant manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

(3) Inclusion of iron, steel, and manufactured goods produced in the United States will increase the cost of the overall project by more than 25 percent.

(c) If the head of a Federal department or agency determines that it is necessary to waive the application of subsection (a) based on a finding under subsection (b), the head of the department or agency shall publish in the Federal Register a detailed written justification as to why the provision is being waived.

(d) This section shall be applied in a manner consistent with United States obligations under international agreements.

D. SPECIAL REPORTING REQUIREMENTS

In addition to regular Department of Health reporting requirements, the CONTRACTOR will be required to provide additional information related to this AGREEMENT. In accordance with Section 1512(c) of the ARRA, which requires, as a condition of receipt of funds, regular reporting on the use of funds, and the data elements of the Federal Funding Accountability and Transparency Act of 2006, as amended, CONTRACTORS that receive awards funded in whole or in part by the ARRA, must report information to the STATE monthly. Information to be reported may include but not be limited to the following:

- (1) The name of the project or activity;
- (2) The dollar amount of CONTRACTOR invoices;
- (3) The supplies delivered and/or services performed;
- (4) An assessment of the completion status of the project or activity;
- (5) An estimate of the number of jobs created and the number of jobs retained as a result of the ARRA funds;
- (6) The names and total compensation of each of the five most highly compensated officers for the calendar year in which the contract is awarded;
- (7) Specific information on first -tier subcontractors.

The CONTRACTOR will maintain detailed records of its expenditure of ARRA funds in connection with this AGREEMENT and submit reports as requested by the STATE. The STATE, as recipient of funds under the ARRA, is subject to timely reporting requirements and oversight by federal agency inspectors. In addition to the detailed reports required in this AGREEMENT, the STATE may request additional reports at its discretion.

Payment for services rendered will be contingent on timely submission of the required reports.

The CONTRACTOR is also responsible for holding all sub-contractors to these reporting requirements.

Specific reporting requirements are detailed in Section II-C of the AGREEMENT.

E. FEDERAL OVERSIGHT

The following ARRA Sections are incorporated into this AGREEMENT:

SEC. 902. ACCESS OF GOVERNMENT ACCOUNTABILITY OFFICE.

(a) ACCESS.—Each contract awarded using funds made available in this Act shall provide that the Comptroller General and his representatives are authorized to:

- (1) Examine any records of the contractor or any of its subcontractors, or any State or local agency administering such contract, that directly pertain to, and involve transactions relating to, the contract or subcontract; and
- (2) Interview any officer or employee of the contractor or any of its subcontractors, or of any State or local government agency administering the contract, regarding such transactions.

(b) RELATIONSHIP TO EXISTING AUTHORITY.—Nothing in this section shall be interpreted to limit or restrict in any way any existing authority of the Comptroller General.

SEC. 1514. INSPECTOR GENERAL REVIEWS.

(a) REVIEWS.—Any inspector general of a Federal department or executive agency shall review, as appropriate, any concerns raised by the public about specific investments using funds made available in this Act. Any findings of such reviews not related to an ongoing criminal proceeding shall be relayed immediately to the head of the department or agency concerned. In addition, the findings of such reviews, along with any audits conducted by any inspector general of funds made available in this Act, shall be posted on the inspector general's website and linked

to the website established by section 1526, except that portions of reports may be redacted to the extent the portions would disclose information that is protected from public disclosure under sections 552 and 552a of title 5, United States Code.

SEC. 1515. ACCESS OF OFFICES OF INSPECTOR GENERAL TO CERTAIN RECORDS AND EMPLOYEES.

(a) ACCESS.—With respect to each contract or grant awarded using covered funds, any representative of an appropriate inspector general appointed under section 3 or 8G of the Inspector General Act of 1978 (5 U.S.C. App.), is authorized to:

(1) Examine any records of the contractor or grantee, any of its subcontractors or subgrantees, or any State or local agency administering such contract, that pertain to, and involve transactions relating to, the contract, subcontract, grant, or subgrant; and

(2) Interview any officer or employee of the contractor, grantee, subgrantee, or agency regarding such transactions.

(b) RELATIONSHIP TO EXISTING AUTHORITY.—Nothing in this section shall be interpreted to limit or restrict in any way any existing authority of an inspector general.

F. WHISTLEBLOWER PROTECTIONS

The CONTRACTOR shall post notice of employees rights and remedies for whistleblower protections under Section 1553 of the ARRA. The substance of this clause shall be included in all subcontracts. At minimum, the posting shall include the following information:

[Section 1553 of Division A, Title XV of the American Recovery and Reinvestment Act of 2009, P.L. 111-5](#), provides protections for certain individuals who make specified disclosures relating to Recovery Act funds. Any non-federal employer receiving recovery funds is required to post a notice of the rights and remedies provided under this section of the Act.

Who is protected?

Employees of non-federal employers receiving recovery funds, including state and local governments, contractors, subcontractors, grantees or professional membership organizations acting in the interest of recovery fund recipients.

What are whistleblowers protected from?

Covered employees are protected from being discharged, demoted, or otherwise discriminated against as a reprisal for making a protected disclosure.

What kinds of disclosures are protected?

To be protected, the disclosure must be made by the employee to the Recovery Accountability and Transparency Board, an Inspector General, the Comptroller General, a member of Congress, a state or federal regulatory or law enforcement agency, a person with supervisory authority over the employee, a court or grand jury, or the head of a federal agency or his/her representatives.

In addition, the disclosure must involve information that the employee believes is evidence of:

- *gross mismanagement of an agency contract or grant relating to recovery funds;*
- *a gross waste of recovery funds;*
- *a substantial and specific danger to public health or safety related to the implementation or use of recovery funds;*
- *an abuse of authority related to the implementation or use of recovery funds; or*
- *a violation of law, rule, or regulation related to an agency contract or grant awarded or issued relating to recovery funds.*

How to report a whistleblower reprisal complaint:

If you have a whistleblower reprisal complaint please refer to the [Agency Fraud Hotlines](#) page for links to the Inspectors General (<http://www.recovery.gov/?q=content/agency-fraud-hotlines>).

G. MALFEASANCE

CONTRACTORS or sub-contractors awarded funds made available under the ARRA shall promptly refer to an appropriate inspector general any credible evidence that a principal, employee, agent, contractor, sub-recipient, subcontractor, or other person has submitted a false claim under the False Claims Act or has committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving those funds.

H. CIVIL RIGHTS OBLIGATIONS

Recipients and sub-recipients of ARRA funds or other Federal financial assistance must comply with Title VI of the Civil Rights Act of 1964 (prohibiting race, color, and national origin discrimination), Section 504 of the Rehabilitation Act of 1973 (prohibiting disability discrimination), Title IX of the Education Amendments of 1972 (prohibiting sex discrimination in education and training programs), the Age Discrimination Act of 1975 (prohibiting age discrimination in the provision of services), and a variety of program-specific statutes with nondiscrimination requirements.

Other civil rights laws may impose additional requirements on recipients and sub-recipients. These laws include, but are not limited to, Title VII of the Civil Rights Act of 1964 (prohibiting race, color, national origin, religious, and sex discrimination in employment), the Americans with Disabilities Act (prohibiting disability discrimination in employment and in services provided by State and local governments, businesses, and non-profit agencies), and the Fair Housing Act (prohibiting discriminatory housing practices based upon race, color, religion, sex, national origin, disability, or familial status), as well as any other applicable civil rights laws.

I. PUBLICATION

Information gathered from this agreement will be published on the Internet and linked to the website www.recovery.gov, maintained by the Accountability and Transparency Board. This Board may exclude posting contractual or other information on the website on a case-by-case basis when necessary to protect national security or to protect information that is not subject to disclosure under sections 552 and 552a of title 5, United States Code or under any other applicable law or regulation.

J. ONE-TIME FUNDING

ARRA funding provided for this AGREEMENT should be considered one-time funding and may not be available beyond the dates included in the AGREEMENT. All payments by the STATE will be contingent upon receipt of timely and acceptable reports as required in the AGREEMENT.

K. JOB POSTING REQUIREMENTS

The CONTRACTOR shall post any jobs that it creates or seeks to fill as a result of this ARRA funding on the New York State Department of Labor website (www.labor.ny.gov) in addition to any other postings made. Any advertisements posted for such jobs or positions must indicate ARRA funding.

- * This Appendix incorporates language mandated by Governor David A. Paterson in his May 27, 2009 executive memorandum to State Agencies that Administer ARRA Funds (Rider A).

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**ARRA FUNDED VENDOR CONTRACTS & PURCHASES
(MISC/CONSULTANT CONTRACTS & PURCHASES ORDERS)
MINIMUM MONTHLY REPORTING REQUIREMENTS**

Due to the increased transparency and reporting required for ARRA funded contracts and purchases, special monthly (or one-time in the case of single purchases) reporting will be required of all vendors whose procurement is funded via ARRA. Payments to these vendors will be contingent on receipt of these reports

At minimum the Department of Health will require a monthly report from the vendor that includes the following data fields:

- **Header Information must be on each monthly report:**
 - ★ The vendor's DUNS number
 - ★ The DOH contract number or PO number
 - ★ The Vendor Name
 - ★ The vendor's headquarters address including zip code plus 4
 - ★ The product and/or service description
 - ★ The total contract/purchase order value
 - ★ For contracts - the date it was fully executed (OSC approval date)
- **Project Status:**
 - ★ Report on the status of the project and other non-financial performance information
- **Jobs Created and Retained:**
 - ★ Estimate of the number of new jobs created and existing jobs retained (within the United States, U.S. Commonwealths, Territories, and outlying islands only) to support or carry-out the project. Number of jobs should be expressed in FTE's.
 - ★ Provide a narrative description of the impact of the ARRA project on the vendor's workforce and the specific job titles for those positions created or retained.

A template and instructions will be provided to each vendor for these reports, which will be provided with the contract.

In order for the Department to meet Federal reporting requirements, these vendor reports will be due NO LATER than 15 days after the end of the reporting month.