

WIC EBT Analysis Project

FAU # 1209260855

Questions and Answers Document

GENERAL QUESTIONS:

1. Is there a budget available for the WIC EBT Analysis?

Answer: New York received an EBT Planning Grant from USDA to undertake limited EBT planning activities prior to developing a formalized Pre-Implementation Plan. Bidders should provide the best price possible for providing the deliverables outlined in this RFP. Bidders are reminded that 30% of each proposal's final score goes to cost.

2. The RFP refers to liquidated damages in multiple passages. As this is a contract for planning services where damages to the State for contract breaches are minimal, we respectfully request that all such references be removed.

Answer: These references cannot be removed.

3. Under the Advance Planning Document that sought Federal Financial Participation for this project and the RFP, what are the timeframes provided to Food and Nutrition Services (FNS) to accomplish the deliverables? Are they consistent with the August 31, 2014 end date provided on page 9 of the RFP?

Answer: The U.S. Department of Agriculture's FNS has reviewed and approved the timeframes in the RFP.

4. The APD that allowed DOH-DON to move ahead with development of WICSIS2 by regulation included a cost benefit analysis. Will that be made available to the potential bidders on this RFP?

Answer: This Advanced Planning Document (APD) has not been completed and, therefore, it is not available at this time. The Pre Advanced Planning Document (PAPD) for this project will be made available to the winning bidder upon request.

5. The state has excluded some activities suggested by FNS for the resultant APD. Does the state expect to perform these tasks themselves?

Answer: The DOH has included deliverables it deems necessary to complete this project. Deliverables will be used by DOH to develop the documents that are required by FNS.

6. The state has included some tasks beyond the recommendations of FNS for the current EBT feasibility study. Can the state explain the reasoning for including these additional tasks?

Answer: The DOH has identified the deliverables it deems necessary for gathering information for future EBT efforts as well as for developing documents required for submission to FNS/USDA.

7. We are interested in identifying qualified and interested WBE and MBE entities to team. Will the Department be disclosing the list of bidders that indicated their interest in responding to this solicitation (i.e., those that have submitted a non-binding Notice of Intent).

Answer: The following five firms submitted letters of intent in response to this RFP:

**New York State Technology Enterprise Corporation (NYSTEC)
MAXIMUS Health Services, Inc.
KPMG LLP
First Data Government Solutions
Chaddsford Planning Associates, LLC**

To determine whether these firms are registered as a New York State Certified Minority or Women Owned Business with Empire State Development, please visit <http://www.esd.ny.gov/MWBE.html>.

8. Is WICSIS2 development to be considered as part of Contractor support in whole or in part?

Answer: No

9. The RFP states that there are 93 local contracting agencies, but NYSDOH website lists 118 (http://www.health.ny.gov/prevention/nutrition/wic/local_agencies.htm) Are there some agencies listed on the website that do not actually contract for WIC services?

Answer: The website referenced is a duplicate list because some local agencies (LA) provide services to more than one county. There are 93 contracted local agencies.

10. What resources will the state provide for supporting the vendor as it relates to communication with the NYS WIC vendors and local agencies?

Answer: DOH will provide the contractor with all contact information available in order to assist in communicating with the vendor community and local agencies, including phone, address, and primary contacts. NYS WIC program staff will facilitate introductions and a communication protocol.

11. Have any expectations been set with the LAs and vendors, for their staff resources, for responding to the upcoming survey needs for the WIC EBT Planning project?

Answer: Yes, expectations will be set with LAs and vendors.

12. What is the current process for communicating with LAs and the vendors? Does the state have a standing representative community forum for both?

Answer: The current process used to communicate with LAs is in the form of Local Agency Memorandum, faxes, and electronically (email and pop-up messages). The process to communicate with vendors includes Vendor Bulletins and VMA Directives. Local agencies and vendors can be contacted individually on an as-needed basis. There are some standing representative forums for communications with LAs and vendors. NYS WIC program will work with the selected contractor to outline the processes and forums.

13. Is there a list of the 4,440 WIC vendors in NYS and how often is this list updated?

Answer: Yes. This list is available and is continually updated with the most current information. Approximately 3,300 of the vendors are located in the New York City metropolitan area. The remaining vendors are located in every county throughout the rest of the state. The winning bidder will have access to the most current list.

14. Is a word version of the proposal available?

Answer: No. However, Attachment 18 – Mandatory Experience form and Attachment 20 – Desirable Experience form have been posted in Word format for bidders' convenience.

15. Did the state receive any external vendor/individual assistance with the preparation of the RFP scope of work?

Answer: No

SECTION A. INTRODUCTION

- Potential Conflict of Interest with Future WICSIS 2 Related Procurements

16. Are there any estimations available as to when the Project Management for WICSIS 2 solicitation would be released?

Answer: A Project Manager is now in place for WICSIS2.

17. Are there any estimations available as to when the QA for WICSIS 2 solicitation would be released?

Answer: Not at this time.

18. The industry standard is one "Planning" contractor for feasibility, IAPD, RFP, and procurement support including evaluation of solution proposals. QA services have sometimes been included, meaning Planning and QA Services are procured as one contract but at other times QA Services are procured separately. When QA Services are procured separately the "Planning" contractor is not precluded. It is understood that the Planning contractor and QA Services contractor are precluded from participating on the WIC EBT solution (DDI) contractor team.

We respectfully request that you remove the language that precludes the contractor selected for this solicitation from bidding on subsequent procurements for WIC EBT consulting services, including WIC EBT planning and acquisition support and WIC EBT implementation QA services.

19. Given the scope of this RFP, we do not believe that any conflicts would exist especially with Quality Assurance activities but also for the other activities mentioned. The statement that "because it may be considered a conflict of interest for a party to define work...and then evaluate it" is inconsistent with Federal APD practice which allows for a contractor to define an RFP for a system and then QA that system as it is being built. It is also inconsistent with historical DOH practice. We would agree that if the scope of this RFP included development of WICSIS or WIC/EBT requirements to be developed, it would be a conflict of interest to work on development or operation of either of those systems.

20. *"Contractor awarded a contract to perform the EBT Analysis Project by way of this solicitation may be prohibited from bidding on any subsequent procurements issued by DOH-DON regarding WICSIS 2 and EBT."* The issue is phrased "may be prohibited." Does that mean there are circumstances under which the winning bidder for this procurement would be awarded a contract for M&O or QA? If so what would those circumstances be?

Answer: NYS WIC will follow the FNS Handbook 901, Section 6.9 requirements for determining conflict of interest. Per the Handbook, contractors that complete planning activities may have an unfair advantage in the bidding process based on knowledge of the development requirements or Quality Assurance (QA) and the Independent Verification and Validation (IV&V) requirements. At this time, because the work to be completed under future RFPs is not definitive, a determination cannot be made whether the contractor providing services under this RFP will be prohibited from bidding on future related procurements. When future solicitations are released, this determination will be made.

21. What is the timeline for the WICSIS 2 project? Specifically, what is the anticipated date for kickoff of work by the contractor for Development, Maintenance & Operations of WICSIS 2 and the anticipated date WICSIS 2 system rollout will be complete?

22. The analysis requires that we assume WICSIS2 is in place. How thoroughly have the local agencies been briefed and or trained in the capabilities and functioning of WICSIS2? Is a schedule available for WICSIS2 implementation? Has it been approved by FNS?

Answer: WICSIS2 will not be in place prior to the completion of this study. A timeline for the WICSIS 2 project has not been completed.

23. When is the RFP anticipated to be released for the contractor performing QA services of any related portions of the Development, Maintenance and Operations of WICSIS 2?

Answer: The release date of this RFP is unknown at this time.

24. In trying to determine a conflict of interest for potential future work, is the "Development, Maintenance & Operations of WICSIS 2" an application development effort or a systems transfer effort? (..in addition to the maintenance and operations)

Answer: WICSIS2 will be a transfer system.

SECTION C. DETAILED SPECIFICATIONS

Subsection 1. Scope of Work/Project Requirements

25. The tasks (WICEBT2, 3A, 3B, 4 and 5 outlined here are typically part of the federally mandated Feasibility Study. The requirements for the Feasibility Study are outlined in the Food and Nutrition Service's Handbook 901 and are quite specific in terms of format. Will the contractor hired under this RFP be responsible for completing these deliverables in addition to the federal Feasibility Study, or will the contractor be responsible for only completing these deliverables which will be give to someone else who will used them to write the Feasibility Study? In other words, should bidders factor into their pricing the cost of completing these specified deliverables as well as the cost of completing and supporting the federally mandated Feasibility Study?

Answer: No. Bidders should only be concerned with completing the deliverable specified in the RFP document. If the RFP doesn't provide or identify a specific format, then the contractor doesn't have to use one (such as the FNS 901 Handbook version of an IAPD).

• Vendor Impact Analysis and Report (WICEBT-2)

26. Who is responsible for developing and testing the survey instrument? Is that DOH-DON or the contractor?

Answer: DOH DON has a survey draft that will be provided to the contractor for finalizing and pilot testing. The contractor will be responsible for compiling and analyzing the results, and reporting its conclusions.

27. If NYS WIC decides to distribute a portion or all the vendor surveys by postal mail, will postage be paid by the Department?

Answer: No, postage is an ancillary cost that bidders must consider in the cost proposal.

28. On page 6, the RFP states that “the Project Lead will assist in administering and analysis of a WIC vendor survey tool.” This implies that the tool has been developed. Can we receive a copy of it? Will we have the opportunity to revise it if we believe there is additional information to be gained or a clearer wording to elicit the information?

Answer: The survey tool is not finalized. The contractor will have the opportunity to review the tool and provide input.

29. There is no mention of the VMAs (Vendor Management Agencies) in this RFP. Presumably the VMAs know the vendors best and have the closest contact with them through their ongoing training function. What is their role? Will they receive the survey? Will they help in administering the survey? Will they continue the training function or will that role wholly or in part be transitioned to the WIC EBT contractor?

Answer: The VMAs will be advised that the survey is being sent to vendors. No determination has been made relative to the VMA role in the survey or after the implementation of WIC EBT.

- **Implementation Plan with State Staff Impact Analysis (WICEBT-4)**

30. The description of this deliverable is similar to that of the federally mandated Implementation IAPD. As in the previous question, will the contractor also be responsible for completing this deliverable as well as the federally mandated IAPD once DOH-DON’s Feasibility Study is approved? There is a material difference in that the WICEBT-4 deliverable requires a 2-3 year implementation plan, while the FNS Handbook 901 requires a 5-year implementation time frame. Which timeframe should bidders use for estimating their pricing for completing this deliverable?

Answer: The contractor must complete the deliverables outlined in the RFP and according to the stated tentative schedule.

31. Deliverable WICEBT-4 states that the “Project Lead should follow USDA FNS Handbook 901 regarding advance planning document requirements for WIC EBT.” Is deliverable WICEBT-4 meant to satisfy the requirements for both the feasibility study and the IAPD?

Answer: The deliverables will be used by DOH DON to develop the documents that are required by FNS/USDA.

32. For any contractor to be able to develop an implementation plan in the timeframes required by this RFP, some fundamental information is required regarding where DOH-DON is and current policy thinking. At what stage is requirements development for WICSIS2 and WIC EBT? Is WICSIS2 being developed in house? If not, when will an RFP be issued? What is the target date for issuance of a RFP for WIC EBT?

Answer: Completion of this RFP is not dependent on other RFPs. The survey tool should anticipate potential impact on various timelines. Other RFPs may be dependent on the findings put forth per this RFP.

33. Will the role of the VMAs continue unchanged in the new environment or will their role be absorbed in part of in total by the WIC EBT contractor?

Answer: No determination has been made relative to the VMA role after the implementation of WIC EBT; however, it is anticipated that they will remain in place.

- **Cost Analysis (WICEBT-5)**

34. *“The analysis should include both quantifiable and non-quantifiable costs and benefits relating to the alternatives assessed.”* What is a “non-quantifiable” cost? A cost is a requirement for a specific sum in compensation, which makes it, by definition, quantifiable. The term “non-quantifiable cost” is a contradiction. If something is non-quantifiable then it does not belong in a cost evaluation, since DOH-DON will not be required to compensate for it. Would DOH-DON rephrase this requirement?

Answer: Examples of non-quantifiable costs include impacts such as “decreased productivity at LAs,” “customer dissatisfaction,” or “staff morale issues”. There are costs to these, but there is likely no way to assign an accurate dollar value to these costs. The contract deliverable will include a written narrative of the contractor’s analysis of these costs and benefits.

35. What does DOH-DON consider “offline alternatives” for WIC EBT? We would consider offline alternatives only in relation to an emergency situation where either WICSIS2 or the WIC EBT system is down due to a natural disaster with the expectation that either or both systems would be down for more than 24 hours.

Answer: Offline EBT would entail the use of “smart cards” versus Online, which uses the “magnetic stripe” type card.

36. UPC database development and maintenance – Does DOH-DON currently use the NUPC? If not, when do you anticipate moving to it?

Answer: The NUPC is not currently used in NYS WIC; it is not part of this RFP scope.

- **Project Completion (WICEBT-6)**

37. *“After the Project Lead has submitted all of the above deliverables ...DOH-DON will conduct a review and determine if there are outstanding questions or required revisions related to those set of deliverables.”* This requirement states that DOH-DON will not make its determination as to whether it will accept the deliverables until they have all been submitted. However, Attachment 15, the Cost Proposal Form has a line item “Project Completion” worth 5% of the total job. This would imply a 5% holdback on previously submitted work. Will DOH-DON approve and pay for each deliverable as it is submitted (minus a 5% holdback), or will it only pay for all of the specified deliverables at one time after they have all been approved?

Answer: Deliverables will be paid as each is completed and approved.

Subsection 2. Bidder’s Proposal and Project Lead Qualifications

- **Mandatory Experience**

38. Would the State entertain submissions for the Project Lead position that has nine (9) years of State EBT Project Management experience of comparable scope, involving Information Technology system and implementation planning and execution, that is beyond the last ten (10) years with at least 6 months within the last 6 years? (As a special note, this submission also has significant experience in the WIC program and with the FNS APD process.)

Answer: The DOH has determined that a minimum of two years of EBT experience providing system and implementation planning services of a comparable scope within the last six years will be required to complete this project. The Project Lead identified in the proposal must meet all mandatory experience minimum requirements identified in the RFP or the proposal will be disqualified. Additional information regarding this is contained in the answer to question 39 of this document.

39. Will the Department entertain a bid with a team approach to delivering the WIC EBT Analysis required services:

- a. - A Project Lead with a minimum of four (4) years of Project Management experience with Information Technology projects of a comparable scope within the last ten (10) years; and

- b. A Sr. Consultant reporting directly to the Project Lead with a minimum of two (2) years of EBT experience providing system and implementation planning services of a comparable scope within the last six (6) years

Answer: Team approaches are acceptable provided the minimum qualifications have been satisfied. Bidders may propose one individual for a project lead who meets all the requirements outlined in Section C.2.1.1 and another individual as a Senior Consultant who meets all the requirements outlined in Section C.2.1.2. Both individuals must meet the criteria outlined in Section C.2.1.3.

- **Selected Bidder's Staffing Responsibilities**

40. *"The selected bidder must have access to a sufficient number of skilled staff with the expertise and skills required to fulfill the terms of the contract."* How do you define "sufficient"?

Answer: Sufficient staff would mean that which is required to successfully complete the deliverables according to the stated tentative schedule.

41. The requirement is stated that *"selected bidder must have access to a sufficient number of skilled staff with the expertise and skills required to fulfill the terms of the contract. This may include staff with experience in the following information technology areas: writing applications software, data structures, database design, testing and implementation, and software conversions."* As this is a planning contract, why would staff with software development skills be required?

Answer: EBT is computer technology, so it may be helpful for the bidder to have access to staff with a range of IT skills. It is not a requirement for the contractor to utilize staff with software development skills.

D. PROPOSAL REQUIREMENTS

Subsection 1. Technical Proposal

42. Are the names, qualifications and resumes of other team members besides the Project Lead required or desired in the bid response? For instance, Attachments 18 and 20 (Experience) are focused solely on the Project Lead. How would the State prefer bidders present the experience of the other members of the team?

Answer: Yes, bidders should include these with attachment 18 and 20.

Subsection 3. Department of Health Responsibilities

43. Please describe the staff availability to review and provide timely feedback on both interim work products and deliverables?

Answer: The RFP outlines review and feedback cycles. See Section C.1.2 Draft Report Quality Reviews for specific information.

44. Does the state have an assigned Project Manager for the WIC EBT Planning project?

Answer: Yes.

E. ADMINISTRATIVE

Subsection 7. Term of Contract

45. The RFP requires all deliverables to be completed and accepted by August 31, 2014 and yet the term of the contract is 24 months with 3 option years. What is the purpose of this extended term given that all deliverables are completed within approximately 10 months of contract award?

Answer: The extended term provides flexibility to address unanticipated changes.

Subsection 17. Contractor Requirements and Procedures for Business Participation Opportunities for New York State Certified Minority and Women Owned Business Enterprises and Equal Employment Opportunities for Minority Group Members and Women

46. Does a minority or women business enterprise have to be certified as such, or would you accept a company that is a federally certified 8(a) woman-owned small business?

Answer: In order to meet the requirement, the business enterprise must be registered as a New York State Certified Minority or Women Owned Business with Empire State Development. Prospective contractors can apply for certification online at <http://www.esd.ny.gov/MWBE.html>.

47. WIC EBT Planning is an extremely specialized consulting service, requiring knowledge of the WIC Program, EBT services, the credit/debit payment industry and USDA FNS planning requirements. We understand and appreciate your desire to support MWBEs. However, our experience with other states that have required MBWE participation is that such firms do not have the ability to provide value added support to a WIC EBT consulting contract.

We respectfully request that you remove the requirement for MWBE participation.

Answer: This requirement will not be removed. The New York State Department of Health is responsible for supporting the State's MWBE effort by requiring participation

goals on all eligible State contracts. Bidders may apply for a waiver from MWBE participation by completing a “New York State Department of Health M/WBE UTILIZATION WAIVER REQUEST” (MWBE Form #2). This form was included in the original RFP and presents prospective contractors with the opportunity to demonstrate a good faith effort to solicit MWBEs for the purposes of subcontracting.

G. ATTACHMENTS

Attachment 5 Department of Health Miscellaneous/Consultant Services Contract Boilerplate

48. “State of New York Agreement. Section III. Term of Contract, Part V. Indemnification, Part A” – Request deletion “*of every nature*” and replace with “negligent acts, injury or death.”

Answer: This is standard NYS contract language. It will not be modified.

49. We respectfully request that any award include the following proposed language:

“The parties agree that any and all liability of each to the other for any and all damages whatsoever arising out of or in any way related to this agreement from any cause, including but not limited to negligence, errors, omissions, strict liability, breach of contract or breach of warranty shall not, in the aggregate, exceed the fees paid to vendor under this agreement.”

Answer: This is standard NYS contract language. It will not be modified.

50. We respectfully request that any award include the following proposed language:

“In no event shall either Party be liable for indirect, special, incidental, economic, consequential or punitive damages, including but not limited to lost revenue, lost profits (whether or not ultimately ruled to be direct damages), replacement goods, loss of technology rights or services, loss of data, or interruption or loss of use of software or any portion thereof regardless of the legal theory under which such damages are sought even if a party has been advised of the likelihood of such damages, and notwithstanding any failure of essential purpose of any limited remedy.”

Answer: This is standard NYS contract language. It will not be modified.

Attachment 18 Mandatory Experience Form

51. It is difficult to format the required responses on this form. May we make up a similar form that maps to this and include it as our response to the mandatory experience requirements?

Answer: No. A Microsoft Word file of Attachment 18 – Mandatory Experience form is now posted on the DOH website for use.

Attachment 20 Desirable Experience Form

52. It is difficult to format the required responses on this form. May we make up a similar form that maps to this and include it as our response to the desirable experience requirements?

Answer: No. A Microsoft Word file of Attachment 20 – Desirable Experience form is now posted on the DOH website for use.