



REQUEST FOR PROPOSALS

C0SC00033

**CARDIOPULMONARY RESUSCITATION (CPR), FIRST AID (FA)
AND AUTOMATED EXTERNAL DEFIBRILLATOR (AED)
TRAINING AND CERTIFICATION**

PROCUREMENT WEBSITE:

[HTTP://WWW.OPWDD.NY.GOV/OPWDD_RESOURCES/PROCUREMENT OPPORTUNITIES](http://www.opwdd.ny.gov/opwdd_resources/procurement_opportunities)

DESIGNATED CONTACT(S) FOR INQUIRIES AND SUBMISSIONS

The Primary Point(s) of Contact for this procurement:

Cynthia Isgro
Contract Management Specialist II
NYS Office for People With Developmental Disabilities
500 Balltown Rd., Bldg. 12
Schenectady, NY 12304

OR

Alexander Rosney
Contract Management Specialist I
NYS Office for People With Developmental Disabilities
500 Balltown Rd., Bldg. 12
Schenectady, NY 12304

RFP related questions must be submitted via electronic mail to contracts@opwdd.ny.gov
by the date specified in the Calendar of Events located in Section 1.4.

**Administrative issues pertaining to sending/receiving email through
the designated mailbox may be reported at (518) 474-0915 or (518) 388-5222.**

ADDRESS FOR PROPOSAL DELIVERIES

Address to: Contract Management Unit, OPWDD, 500 Balltown Rd., Bldg. 12, Schenectady, NY 12304

NO BID RESPONSE

Bidders choosing not to submit a proposal in response to this RFP are requested to submit the "No Bid Response" form, included in this RFP as Attachment 4, as the information is useful to the OPWDD in the planning and development of future RFPs and Bidders' lists.

TABLE OF CONTENTS

1.	OVERVIEW.....	4
1.1	PURPOSE OF REQUEST FOR PROPOSALS	4
1.2	OPWDD OBJECTIVE	4
1.3	RFP STRUCTURE.....	4
1.4	CALENDAR OF EVENTS	4
1.5	TERM OF CONTRACT	4
1.6	PRIMARY POINTS OF CONTACT	5
1.7	SCOPE OF WORK	5
2.	PROPOSAL REQUIREMENTS.....	6
2.1	MINIMUM BIDDER QUALIFICATIONS	6
2.2	TECHNICAL REQUIREMENTS.....	6
	A. Firm Qualifications And Experience.....	6
	B. References.....	7
	C. Work Plan and Timeline.....	7
	D. Diversity Practices.....	7
2.3	PRICING PROPOSAL REQUIREMENTS	8
3.	ADMINISTRATIVE INFORMATION AND REQUIREMENTS	8
3.1	METHOD OF AWARD	8
3.2	ADMINISTRATIVE INFORMATION.....	8
	A. Inquiries From Bidders	8
	B. Announcements And Amendments To Rfp	9
	C. Opwdd Procurement Website	9
	D. Form Of Contractual Agreement.....	9
	E. Hipaa Agreement	9
	F. Procurement Record.....	9
	G. Building Access Procedures For Visitors And Hand Deliveries	10
3.3	NO LATE SUBMISSIONS.....	10
3.4	NOTIFICATION OF AWARD AND OPPORTUNITY FOR DEBRIEFING.....	10
3.5	OPWDD BID PROTEST POLICY	10
4.	PROPOSAL REQUIREMENTS.....	11
4.1	PACKAGE LABEL.....	11
4.2	MULTIPLE SUBMISSIONS	11
4.3	JOINT PROPOSALS.....	12
4.4	BID VALIDITY	12
4.5	BID RESULT NOTIFICATIONS	12
4.6	ACCURACY OF BIDS.....	12
4.7	BIDDERS, SUB CONTRACTORS, AND CONTRACTOR OBLIGATIONS	12
4.8	EXTRANEOUS TERMS.....	13
4.9	GENERAL REQUIREMENTS FOR PROPOSALS.....	13
4.10	DESIGNATION OF PROPRIETARY INFORMATION.....	13
4.11	DISCLOSURE OF LITIGATION.....	14
4.12	ADMINISTRATIVE CONTRACT REQUIREMENTS.....	14
	A. Procurement Lobbying Restrictions	14
	B. Non-Collusive Bidding Requirement.....	14
	C. New York State Vendor Responsibility Questionnaire.....	14
	D. Vendor Identification Number	15
	E. Electronic Payment (Epay) Program.....	15
	F. Consultant Disclosure	15
	G. Tax Law Section 5-A.....	16
	H. Contractor Requirements And Procedures For Equal Employment And Business Participation Opportunities For Minority Group Members And New York State Certified Minority/Women-Owned Businesses	16

I.	New York State Service-Disabled Veteran-Owned Businesses	16
J.	Encouraging Use Of Nys Businesses In Contract Performance	17
K.	Conflicts Of Interest.....	17
L.	Sexual Harassment Policy Certification Of Compliance With State Finance Law §139-L17	
M.	Executive Order No. 177 Certification.....	17
N.	Insurer Qualifications And Insurance Requirements	18
4.13	PROPOSAL RESPONSE AND SUBMISSION REQUIREMENTS.....	18
A.	Technical Response.....	18
B.	Administrative Response	19
C.	Cost Response.....	19
D.	Proposal Submission	19
5.	EVALUATION METHODOLOGY	20
5.1	METHOD OF AWARD	20
5.2	PROPOSAL COMPLETENESS REVIEW	20
5.3	MINIMUM QUALIFICATIONS EVALUATION.....	20
5.4	TECHNICAL EVALUATION (60 POINTS).....	20
5.5	COST EVALUATION (30 POINTS)	21
5.6	INTERMEDIATE SCORE.....	21
5.7	PHONE INTERVIEW (10 POINTS)	21
5.8	FINAL COMPOSITE SCORE	21
6.	RFP PROVISIONS	21
7.	APPENDICES	22
8.	ATTACHMENTS	23
9.	EXHIBITS.....	23

1. OVERVIEW

1.1 PURPOSE OF REQUEST FOR PROPOSALS

The New York State Office for People With Developmental Disabilities (OPWDD) is issuing this Request for Proposals (RFP) to responsive and responsible Bidders for purposes of procuring a vendor to provide training, curricula and certification in Cardiopulmonary Resuscitation (CPR), First Aid (FA) and Automated External Defibrillator (AED).

1.2 OPWDD OBJECTIVE

The New York State Office for People With Developmental Disabilities (OPWDD) is a New York State executive agency responsible for the provision, regulation, and oversight of services to New York citizens with developmental disabilities. Individuals served by the OPWDD have a documented history of experiencing diagnoses which could include, but are not necessarily limited to, intellectual disabilities, cerebral palsy, epilepsy, neurological impairments, or autism spectrum disorders.

The OPWDD operates 13 District Offices with 15 locations in the State. A complete list of OPWDD District Offices is included in this RFP as **Exhibit 1**.

1.3 RFP STRUCTURE

This RFP consists of this document, as well as Appendices, Attachments and Exhibits that are additions to the RFP and must be completed by the Bidder and submitted as indicated in the **Document Submittal Checklist**, included in this RFP as **Attachment 3**.

Bidders are encouraged to review and consider all of the Appendices and Attachments prior to submitting a proposal.

1.4 CALENDAR OF EVENTS

Event	Date
RFP Release Date	August 14, 2019
Deadline for Submission of Questions	August 27, 2019
Issuance of Response to Questions	September 9, 2019
Proposal Due Date – Proposal Opening	September 19, 2019 2:00 PM ET
Interviews	Week of October 7, 2019
Anticipated Notification of Award	October 21, 2019
Debriefing Request Deadline	No later than 10 business days from date of award announcement
Proposal Protest Deadline	See Section 3.5 for Bid Protest Policy
Anticipated Contract Start Date	January 2, 2020

** Note: The above dates are tentative and subject to change at OPWDD's sole discretion.

1.5 TERM OF CONTRACT

The OPWDD will enter into one (1) contract with one (1) responsive and responsible vendor as a result of this RFP. The term of the Contract will be defined in the Contract Agreement and is anticipated to be a five (5) year contract with a one-year renewal effective upon approval by the Office of the State Comptroller (OSC).

1.6 PRIMARY POINTS OF CONTACT

New York State Finance Law (STF) §139-j restricts contact by Bidders/Vendors with any governmental entity regarding procurement contracts. Subject to certain exceptions set forth in STF §139-j(3), any and all contacts between Bidders/Vendors and governmental entity personnel, other than the governmental entity's designated contact person(s), are prohibited during the restricted period of the governmental procurement.

Pursuant to STF §§139-j and 139-k, this procurement includes and imposes certain restrictions on communications between OPWDD and a Bidder/Vendor during the procurement process. A Bidder/Vendor is restricted from making contacts from the earliest notice of intent to solicit bids through final award and approval of the procurement contract by the Office of the State Comptroller ("restricted period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in STF §139-j(3)(a). Designated staff, as of the date hereof, is identified in this RFP. OPWDD employees are required to obtain certain information when contacted during the restricted period and will make a determination of the responsibility of the Bidder/Vendor pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award. In the event of two findings within a four-year period, the Vendor is debarred from obtaining governmental procurement contracts. Further information about these requirements can be found on the Office of General Services (OGS) website:

<http://www.ogs.ny.gov/aboutOgs/regulations/defaultAdvisoryCouncil.html>

The Primary Points of Contact for questions regarding this procurement:

Cynthia Isgro
NYS Office for People With Developmental Disabilities
Contract Management Unit
500 Balltown Road, Bldg. 12
Schenectady, NY 12304
contracts@opwdd.ny.gov

OR

Alexander Rosney
NYS Office for People With Developmental Disabilities
Contract Management Unit
500 Balltown Road, Bldg. 12
Schenectady, NY 12304
contracts@opwdd.ny.gov

Questions concerning this RFP must be received by OPWDD in accordance with the Calendar of Events included in this RFP. All questions must be submitted via electronic mail to contracts@opwdd.ny.gov to the appropriate contact as stipulated above. Each question should, to the degree possible, cite the specific RFP section and paragraph number to which it refers. The OPWDD will post its official answers to the questions on its website at https://opwdd.ny.gov/opwdd_resources/procurement_opportunities by the date indicated in the Calendar of Events (Section 1.4).

1.7 SCOPE OF WORK

The OPWDD is seeking a Contractor to provide training and certification in Cardiopulmonary Resuscitation (CPR)/First Aid (FA)/Automated External Defibrillator (AED). The Contractor will train, certify and/or re-certify OPWDD Employee Instructors in CPR/FA/AED. Instructors will attend classes being held by the Contractor. Trainings should be regularly offered and held at least quarterly. The OPWDD expects to maintain a pool of approximately 215 OPWDD Employee Instructors. The majority of the Employee Instructors hold current certifications and shall be grandfathered into the Contractor's program in order to train and certify approximately 15,000 OPWDD employees. Employee Instructor training requirements include up to 50 new Instructor certifications per year and the remaining Instructors require ongoing re-certification as their certifications expire.

The Contractor will provide consistent curriculum, support and materials, to include:

1. Nationally recognized training curricula that adheres to generally accepted method of delivery.
2. For Instructor training, utilize blended learning with online curriculum and skill component to follow.
3. Initial Instructor certification training should not exceed 6 hours.
4. CPR/FA/AED certification of a minimum of two (2) years before recertification is needed.
5. Instructor re-certification training must be included and should not exceed 3.5 hours.
6. Allow OPWDD Instructors with current certification in any nationally recognized curriculum to remain in good standing to maintain status without re-training until certification expires.
7. Provide a "wallet card" printed with certified staff name – the Contractor shall print and prepare a card for each OPWDD employee for each certification and re-certification throughout the Contract term.
8. Unlimited access to online materials for Employee Instructors.
9. Provide a set of materials for classroom training for each District Office location (see Exhibit 1) to be used as needed. The OPWDD will require approximately 300 manuals for participants of the initial certification course and 300 manuals for the recertification course. The Contractor shall provide any updates to these manuals throughout the Contract term.
10. Instructor training must be made available within close proximity of each District Office (preferably within 35 miles) to help minimize state travel costs.

To ensure consistency, the Contractor must provide one (1) contact person to provide phone and email support to OPWDD Central Office and training offices statewide.

Bidders must ensure that the services offered will meet the requirements, specifications and performance standards as detailed in this Section of the RFP.

2. PROPOSAL REQUIREMENTS

2.1 MINIMUM BIDDER QUALIFICATIONS

Any Bidder submitting a proposal in response to this RFP must meet the minimum qualifications listed below. Information demonstrating the qualifications defined below must be incorporated into the Bidder's Technical Proposal response.

1. Must have ten (10) years demonstrated experience in providing CPR/FA/AED training.
2. Must have previously provided CPR/FA/AED training to a New York State agency, at least regionally.

2.2 TECHNICAL REQUIREMENTS

The purpose of the Technical Proposal is to demonstrate the qualifications, competence, and capacity of the firms seeking to provide services in conformity with the requirements of this RFP. **There should be no dollar unit or costs included in the Technical Proposal document.** A Technical Proposal received having costs delineated will be deemed disqualified.

The Technical Proposal must be prepared simply and economically providing a straight-forward, concise description of the Bidder's capabilities to satisfy the requirements of this RFP. While additional data may be presented, items presented in this Section of the RFP must be included, as these items represent the criteria against which the Technical Proposal will be evaluated.

A. Firm Qualifications and Experience

The Bidder must demonstrate in its proposal that its organization is of sufficient size and has the qualifications required to perform the requested services defined in this RFP. The Bidder should include sufficient detail to demonstrate the relevance of such experience.

The proposal must include a description of the Bidder's experience with similar projects as described in the Scope of Work (Section 1.7) and provide the five (5) most recent projects related to the Scope of Work described herein, including an example of at least one (1) similar project provided to a New York State agency. Also include whether provided as a prime or subcontractor relationship, and provide the prime and subcontractor roles, if applicable.

B. References

The Bidder must provide references, using the **Reference form** included in this RFP as **Attachment 5**. The references will be utilized to verify the Bidder meets the minimum qualifications and experience, as detailed above in Section 2.2.A. References must include company name, contact person (name, title, phone number, email address and mailing address), time period of the engagement, and a general statement of the type of engagement performed for this reference. Three (3) references shall be provided for each company, including prime Bidder, any Joint Bidder, and subcontractors performing any significant portion of the work.

References will be contacted via email and/or phone. The Bidder is solely responsible for providing references that are readily available to be contacted by OPWDD. The OPWDD reserves the right to contact references as many times as is necessary and to contact as many references as is necessary to verify the Bidder's qualifications and experience. The OPWDD also reserves the right to request additional or alternative references to those provided in the proposal. References will be used to substantiate and score the Technical Proposal.

C. Work Plan And Timeline

Provide a Work Plan and Timeline that addresses the execution of the work required if awarded a Contract through this solicitation. Work Plan and Timeline shall address the Bidder's approach to the following:

- Describe the proposed approach for performing the work and accomplishing project objectives as described in the Scope of Work, Section 1.7 of this RFP. Provide a detailed scope of services which describes by task what will be done, by whom, and when.
- Describe the components of the training course, including online and skill portion, length of time of the initial certification training, and length of time and options for re-certification.
- Provide a course outline listing the delivery method for each component.
- Describe the course materials and online course access.
- Provide the locations (with proximity to District Offices) and frequency of training courses.
- Describe the online access available for OPWDD to verify certifications. Provide detail to sufficiently describe the platform/application/system used to view trainings and certifications and how it will be available to OPWDD staff.
- Describe the customer support available and the hours available, such as phone in service, online chat, etc.

D. Diversity Practices

Diversity practices are the efforts of contractors to include New York State-certified Minority and Women-owned Business Enterprises ("MWBEs") in their business practices. Diversity practices may include past, present or future actions and policies, and include activities of contractors on contracts with Non-governmental entities and governmental units other than the State of New York.

Assessing the diversity practices of contractors enables contractors to engage in meaningful, capacity-building collaborations with MWBEs. The OPWDD has determined, pursuant to New York State Executive Law Article 15-A, that the assessment of the diversity practices of applicants to this procurement is practical, feasible, and appropriate. Accordingly, Bidders are required to provide responses to the questions in **Appendix K** as part of their technical proposal.

2.3 PRICING PROPOSAL REQUIREMENTS

Attachment 2 contains the **Pricing Proposal** instructions and submission form, which is available in an Excel version labeled “Attachment 2 - CPR RFP Pricing Proposal” at:

http://www.opwdd.ny.gov/opwdd_resources/procurement_opportunities

Rates must be inclusive of personnel, support staff, overhead, travel, and all other direct and indirect expenses related to the services as detailed in the Scope of Work, Section 1.7 of this RFP. Reimbursement will be based on the rates provided in the **Pricing Proposal**.

The Pricing Proposal form must be signed by an individual authorized to bind the Bidder contractually. Indicate the title or position that the signer holds with the Bidder. The State reserves the right to reject a proposal that contains an incomplete or unsigned **Attachment 2 – Pricing Proposal**. Failure to use the **Attachment 2 – Pricing Proposal** form will result in a proposal being considered non-responsive.

The successful Bidder guarantees that the pricing offered to the State shall be the same as or lower than that offered to other customers under the same or similar terms and conditions. If, for any reason during the term of the contract, the successful Bidder reduces the pricing due to special offers to a similarly situated entity, the State shall receive an equivalent reduction in pricing for the product or services delivered to the State.

Proposals with a rate format different from the format provided in **Attachment 2 – Pricing Proposal** will be considered non-responsive and will be disqualified.

All rates must be presented as a fixed dollar amount carried out to no more than two decimal places (e.g., \$15.50).

Utilizing **Attachment 2 – Pricing Proposal**, the rates submitted in response to this RFP must be all-inclusive, covering all services required in this RFP, including personnel, support staff, overhead, travel, and all other direct and indirect expenses related to the Scope of Work, as detailed in Section 1.7 of this RFP.

Bidders must use Attachment 2 for their Pricing Proposal. Alternate forms will be considered nonresponsive.

3. ADMINISTRATIVE INFORMATION AND REQUIREMENTS

3.1 METHOD OF AWARD

The OPWDD will make an award for the services described in this RFP to a responsive and responsible Bidder on a “Best Value” basis. Best Value means that the proposal that optimizes quality, cost, and efficiency among responsive and responsible Bidders shall be selected for award (State Finance Law, Article 11, Section 163).

3.2 ADMINISTRATIVE INFORMATION

A. Inquiries from Bidders

STF §§139-j and 139-k impose certain restrictions on communication between NYS and Bidders during a procurement. Additional information is available at:

<http://ogs.ny.gov/Aboutogs/regulations/defaultAdvisoryCouncil.html>.

Questions from Bidders regarding this RFP must be submitted via electronic mail no later than the date and time specified in the Calendar of Events (Section 1.4). **Neither faxed nor telephone questions are acceptable.** If questions are provided via an attachment to electronic mail, the questions must be provided in Microsoft Word format.

Bidders are cautioned that any question or inquiry regarding the RFP must be written in generic terms and must not contain pricing information. The inclusion of specific information about a Bidder’s pricing proposal in an inquiry may result in the Bidder’s disqualification.

Responses to all questions and any changes to the RFP resulting from such questions will be communicated via published addenda, which will be posted on the OPWDD's website.

All questions, clarifications, bid deviations and/or extraneous terms concerning this RFP shall be submitted in writing by the Deadline for Submission of Questions as stated in the Calendar of Events (Section 1.4). Any bid deviations or extraneous terms of a substantial nature must be resolved prior to the submission of a bid. Bidders must identify during the question and answer period any terms and conditions in the RFP that would prohibit a Bidder from submitting a proposal. This process may not be used to negotiate material changes to the terms and conditions set forth in the RFP; any such changes will not be accepted by the OPWDD.

If the Bidder discovers any ambiguity, conflict, discrepancy, omission, or other error in this RFP, the Bidder shall immediately notify the OPWDD of such error in writing to the designated contact(s) (identified in Section 1.6). If, prior to the Proposal Due Date (Section 1.4), a Bidder fails to notify the OPWDD of a known error or an error that reasonably should have been known, the Bidder shall assume the risk of proposing. If awarded the contract, the Bidder shall not be entitled to additional compensation by reason of the error or its correction. Prior to the Proposal Due Date, any such clarifications or modifications deemed necessary by the OPWDD will be posted to the OPWDD website and the New York State Contract Reporter website provided in herein.

B. Announcements and Amendments to RFP

A Bidder **Acknowledgement of Addendum** form, incorporated into this RFP as **Attachment 1**, will be provided with each addendum. Bidders are required to include a signed **Acknowledgement of Addendum** form for **each** addenda with their respective proposals.

C. OPWDD Procurement Website

The OPWDD has established a procurement website for the purpose of disseminating information relating to this procurement and Bidders are encouraged to monitor this. The website URL is provided on the cover page of this RFP.

D. Form of Contractual Agreement

Following notification of award, the successful Bidder will be expected to sign a contract with the OPWDD. The final contract will be in the form incorporated into the RFP as **Appendix B**, OPWDD Standard Contract Provisions (the "Contract"), or as revised through the RFP amendment process. **Appendix A**, Standard Clauses for New York State Contracts, becomes part of all New York State contracts and is incorporated into the Contract. The Contract will become binding and effective after approval by the OPWDD and the New York State Offices of the Attorney General and the State Comptroller.

Any exception to the Contract must be raised in a Bidder question submitted to the OPWDD pursuant to the Calendar of Events and in accordance with the Question and Answer process set forth in this Section. **The OPWDD does not intend to negotiate any changes in the provisions of the Contract following the receipt of proposals.**

E. HIPAA Agreement

The Health Information Portability and Accountability Act of 1996 (HIPAA) mandates the compliance and confidentiality of all information and records included and related to the policies, procedures and records of a facility or site and any future rules and regulations of HIPAA. The Bidder/Contractor must have the ability to become HIPAA compliant and sign a Business Associate Agreement prior to the execution of the Contract. This agreement is included with this RFP as **Appendix R**.

The Contractor will need administrative capacity to exercise data sharing agreements with other involved parties, as needed.

F. Procurement Record

The OPWDD shall maintain a Procurement Record that documents the procurement process.

G. Building Access Procedures for Visitors and Hand Deliveries

To access the OPWDD office building, all visitors must enter through the main entrance of Building 1 (parking entrance is off of Consaul Rd.) and present photo identification at the Security Desk and comply with all requirements and procedures applicable to visitors. Bidders who intend to hand-deliver proposals or utilize independent courier services should allow extra time to comply with these procedures. Bidders hand-delivering their proposals should ask the security personnel at the security desk to call the Contract Management Unit at (518) 474-0915 or (518) 388-0961. Building access procedures may change or be modified at any time. Bidders assume all risks for timely, properly submitted hand deliveries.

3.3 NO LATE SUBMISSIONS

All proposals must be submitted and received by the proposal submission dates and times specified in this RFP. Proposals received after the proposal submission deadline shall be rejected.

Faxed proposals and electronic submissions will not be accepted. If proposal packaging labels are not sufficient to identify the contents, the OPWDD reserves the right to open packages for the purpose of identifying the source and contents of the package. All materials submitted by the Bidder become the property of the OPWDD and may be returned only at the sole discretion of the OPWDD.

3.4 NOTIFICATION OF AWARD AND OPPORTUNITY FOR DEBRIEFING

The tentative awardee will be advised of selection by the OPWDD through the issuance of a formal written correspondence indicating a proposed award. All Bidders will be notified of the selection or rejection of their bid. Once an award has been made, Bidders may submit a written request for a debriefing as to why their bid did not result in an award. The written request must be received by the OPWDD Designated Contact(s) identified on the cover page of this RFP no later than ten (10) business days from the date of the award announcement. The purpose of the debriefing is to provide information to each Bidder about the scoring and evaluation of the requesting Bidder's bid. The OPWDD will not provide Bidders with information relating to another Bidder's bid. This is also an opportunity for a Bidder to learn how to improve future bids.

3.5 OPWDD BID PROTEST POLICY

Formal Written Protests

Final agency decisions or recommendations for award generally may be reconsidered only in the context of a formal written protest, as described below. Any Vendor or prospective Vendor who believes that there are errors or omissions in the procurement process, or who otherwise has been aggrieved in the drafting or issuance of a bid solicitation, proposal evaluation, bid award, or contract award phases of the procurement, may present a formal complaint to the OPWDD and request administrative relief concerning such action ("formal protest").

A formal protest must be submitted in writing to the OPWDD, by ground mail, except where alternate arrangements have been made, to Ms. Lisa F. Davis, Director of Fiscal and Contract Management, OPWDD Division of Enterprise Solutions, 500 Balltown Rd., Bldg. 1, 4th Floor, Schenectady, NY 12304.

A formal protest must include a statement of all legal and/or factual grounds for disagreement with an OPWDD specification or purchasing decision, a description of all remedies or relief requested, and copies of all applicable supporting documentation.

Deadline for Submission of Formal Protests

The OPWDD must receive formal protests concerning errors, omissions, or prejudice, including patently obvious errors in the bid specifications or documents at least ten (10) calendar days before the date set in the solicitation for receipt of bids.

The OPWDD must receive formal protests concerning a pending contract award within seven (7) calendar days after the protesting party ("protester") knows or should have known of the facts that form the basis of the protest.

Review and Final Determination of Protests

Protests will be resolved through written correspondence. However, the protester may request a meeting to discuss a formal protest, or the OPWDD may initiate a meeting on its own motion, at which time the participants may present their concerns. Either the protester or the OPWDD may elect to decline such a meeting.

Where further formal resolution is required, the Associate Commissioner shall designate an OPWDD employee ("designee") to determine and undertake the initial resolution or settlement of any protest.

The designee will conduct a review of the records involved in the protest and provide a memorandum to the Associate Commissioner summarizing the facts as determined by the designee, an analysis of the substance of the protest, and a preliminary recommendation. The Associate Commissioner shall: (i) evaluate the procurement team's findings and recommendations, (ii) review the materials presented by the protesting party and/or any materials required of or submitted by other Vendors, (iii) if necessary, consult with agency Counsel, and (iv) prepare a response to the protest.

A copy of the protest decision, stating the reason(s) upon which it is based and informing the protester of the right to appeal an unfavorable decision to the Office of the State Comptroller (OSC), shall be sent to the protester or its agent within 45 calendar days of receipt of the protest, except that upon notice to the protester, such period may be extended. The protest decision will be recorded and included in the procurement record, or otherwise forwarded to the OSC upon issuance.

Appeals

Upon receipt of the OPWDD's determination of a protest, a protester has 10 business days within which to file an appeal of the determination with the OSC Bureau of Contracts. The appeal must be filed with Charlotte Davis at the New York State Office of the State Comptroller, Bureau of Contracts, 110 State St., 11th Floor, Albany, NY 12236. The protester's appeal must contain an affirmation, in writing, that a copy of the appeal has been served on the OPWDD and any other party that participated in the protest. In its appeal, the interested party shall set forth the basis on which it challenges the contracting agency's determination. The OSC Bureau of Contracts will conduct its determination of the appeal in accordance with its established policy.

Bid Preparation Expenses

The State of New York will not be held liable for any cost incurred by the Bidder for work performed in the preparation and production of a bid or for any work performed prior to the formal execution of a Contract or approval by the State Comptroller, if required.

4. PROPOSAL REQUIREMENTS

4.1 PACKAGE LABEL

All proposals must have a label on the outside of the package or shipping container with the following information:

OPWDD CPR RFP C0SCO0033 – PROPOSAL ENCLOSED

NOT TO BE OPENED EXCEPT BY AUTHORIZED PERSONNEL

4.2 MULTIPLE SUBMISSIONS

A Bidder shall submit a single proposal only. Within the single proposal, and separate from the response to the requirements of this RFP, the Bidder may identify options including solicited and unsolicited products, services and features, absent of price, which the Bidder believes may be appealing and useful to the OPWDD. The inclusion of options accommodates the purpose of defining alternatives through multiple proposals.

4.3 JOINT PROPOSALS

Two or more firms may join to submit a proposal in response to this RFP. Joint proposals will only be accepted where all courses follow one (1) curriculum statewide, and the same process for training and certification is implemented statewide.

If a joint proposal is submitted, the proposal shall define the responsibilities that each firm is proposing to undertake. Of the firms submitting a joint proposal, one must be designated as the primary Bidder. Any contract award issued as a result of such a submission will be made exclusively to the primary Bidder. A joint proposal must designate a single authorized official from one of the firms participating in such joint proposal to serve as the sole point of contact between the OPWDD and the firms that are responding together.

4.4 BID VALIDITY

Bids must remain open and valid, and effective, firm and irrevocable for at least 180 days from the Proposal Due Date, unless the time for awarding the Contract is extended by mutual consent of the OPWDD and the Bidder. A bid shall continue to remain an effective offer, firm and irrevocable, subsequent to such 180-day period, until the OPWDD makes a tentative award of the Contract or the Bidder withdraws the bid in writing.

4.5 BID RESULT NOTIFICATIONS

Bidders will be notified, in writing, of whether their proposal was tentatively selected for award. Should the OPWDD and a tentative awardee be unable to reach agreement as to the terms of the Contract within a reasonable time (see Section 6), as determined by the OPWDD, the OPWDD may withdraw the award and proceed to the next highest scoring Bidder.

4.6 ACCURACY OF BIDS

Bidders are responsible for the accuracy of their bids. All Bidders are directed to take extreme care in developing their bids. Bidders are cautioned to review their bids carefully prior to bid submittal, as requests for bid withdrawals of any type are not likely to be granted. If a Bidder submits a bid ahead of the submission deadline, they may submit an amended bid any time prior to the Proposal Due Date indicated in the Calendar of Events (Section 1.4).

4.7 BIDDERS, SUB CONTRACTORS, AND CONTRACTOR OBLIGATIONS

The Contractor may not subcontract the services procured under this Contract without the State's prior written approval. The OPWDD reserves the right to reject any proposed subcontractor or supplier if it determines that the company is not qualified or responsible. All such subcontracting relationships between the Contractor and its subcontractors to perform services must be memorialized by written agreement.

The Contractor shall include in all agreements with its subcontractors, in such a manner that will be binding upon each subcontractor with respect to work performed in connection with the Contract, provisions specifying that:

- The work performed by the subcontractor must be in accordance with the terms and conditions of this Contract;
- Nothing contained in such subcontract shall impair the rights of the OPWDD or the State;
- Nothing contained in the subcontract shall create any contractual relationship between the subcontractor and the OPWDD or the State;
- The State and the OPWDD shall have the same authority to audit the records of all subcontractors as it does those of the Contractor;
- Subcontractor shall cooperate with any investigation, audit, litigation, or other inquiry related to the Procurement or the resulting Contract.

The OPWDD reserves the right, at any time during the term of the Contract, to verify that the written subcontract(s) between Contractor and subcontractor(s) complies with all of the provisions of this Section and any subcontract provisions contained in the Contract resulting from this RFP.

If, at any time during the performance under this Contract, total compensation to a subcontractor exceeds or is expected to exceed \$100,000, that subcontractor shall be required to submit and certify a Vendor Responsibility Questionnaire.

4.8 EXTRANEOUS TERMS

Bids must conform to the terms set forth in the solicitation. Due to the requirement for uniformity of language in contracts with all Bidders or prospective Contractors, exceptions that materially alter the Terms and Conditions set forth in this RFP will be grounds for rejection of the proposal or disqualification of the Bidder. Extraneous terms proposed by a Bidder for consideration must be submitted using the format and process set forth in the RFP. Bidders are reminded to utilize the question and answer period, as outlined in Section 3.2, regarding extraneous terms or bid deviations.

Exceptions to this RFP may only be made to the extent that they are minor and do not materially alter the Terms and Conditions stated herein and will be subject to acceptance by the OPWDD or to Bidder withdrawal prior to contract award. The State reserves the right, in its sole discretion, to determine the materiality of the Bidder's stated exception.

Only extraneous terms accepted by the OPWDD, in writing, shall be expressly incorporated into the Contract. Acceptance and/or processing of a bid shall not constitute acceptance of extraneous terms. The OPWDD will not entertain any exceptions to Appendix A, Standard Clauses for New York State Contracts.

Any Bidder submissions on standard, pre-printed forms, such as but not limited to product literature, order forms, license agreements, contracts, or other documents that are attached or referenced with submissions shall not be considered part of the bid or resulting Contract but shall be deemed included for informational or promotional purposes only.

4.9 GENERAL REQUIREMENTS FOR PROPOSALS

Bidders must submit a complete response to this RFP that satisfies the requirements set forth below. Failure to do so may render the Bidder's proposal nonresponsive. A **Document Submittal Checklist** is included in this RFP as **Attachment 3**.

Proposals that make extensive use of color photographs or illustrations, or that include separate brochures or marketing materials and overly elaborate embellishments are discouraged.

All proposals submitted in response to this RFP must be written in the English language, with quantities expressed using Arabic numerals and United States Dollars (\$ USD), as applicable.

4.10 DESIGNATION OF PROPRIETARY INFORMATION

Disclosure of information related to this procurement and the resulting contract shall be permitted, consistent with the laws of the State of New York and specifically FOIL. The OPWDD shall take reasonable steps to protect from public disclosure any records or portions thereof relating to this procurement that are exempt from disclosure under FOIL. Information constituting trade secrets or critical infrastructure information for purposes of FOIL must be clearly marked and identified as such by the Contractor upon submission, in accordance with the RFP provisions. If the Contractor intends to request an exemption from disclosure under FOIL for trade secret materials or critical infrastructure information, the Contractor shall, at the time of submission, request the exemption in writing and provide an explanation of: (I) Why the disclosure of the identified information would cause substantial injury to the competitive position of the Contractor; or (II) Why the information constitutes critical infrastructure information which should be exempted from disclosure pursuant to §87(2) of FOIL. Acceptance of the identified information by the OPWDD does not constitute a determination that the information is exempt from disclosure under FOIL. Determinations as to whether the materials or information may be withheld from disclosure will be made in accordance with FOIL at the time a request for such information is received by the OPWDD.

4.11 DISCLOSURE OF LITIGATION

Because the OPWDD has a strong interest in the successful Bidder's continuing ability to provide secure, high quality products and services, the OPWDD requires that a Bidder list and summarize pending or threatened litigation, administrative or regulatory proceedings or similar matters that could materially affect the Bidder. As part of its disclosure requirement, a Bidder must state whether the Bidder or any of the owners, officers, directors or partners of such Bidder have ever been convicted of a felony. Failure to disclose any such matter may result in rejection of the proposal or termination of a Contract.

This disclosure obligation is a continuing requirement. Any such matter commencing after submission of a proposal and, with respect to successful Bidder after the approval of a Contract, must be disclosed to the OPWDD in a timely manner in a written statement to the OPWDD.

4.12 ADMINISTRATIVE CONTRACT REQUIREMENTS

A. Procurement Lobbying Restrictions

As required by the Procurement Lobbying Law (STF §§139-j and 139-k), this RFP includes and imposes certain restrictions on communications between the OPWDD and a Bidder during the procurement process. A Bidder is restricted from making contacts from the earliest solicitation of offers through final award and approval of the resulting Contract by the OPWDD and the Office of the State Comptroller ("restricted period") to other than designated staff members unless the contact is permitted by the statutory exceptions set forth in STF §139-j(3)(a). Designated staff members are identified at the beginning of this RFP.

OPWDD employees are permitted to communicate with Bidders concerning this RFP only under circumstances described in the New York State Procurement Lobbying Law. Any Bidder causing or attempting to cause a violation or circumvention of those requirements may be disqualified from further consideration for selection.

OPWDD employees are required to obtain certain information when contacted during the "restricted period" and to determine the responsibility of the Bidder pursuant to Sections 139-j and 139-k. A violation can result in a determination of non-responsibility, which can result in disqualification for a contract award. In the event of two determinations within a four-year period, a Bidder will be debarred for a period of four years from obtaining a governmental procurement contract award. Further information about these requirements can be found at: <http://www.ogs.ny.gov/acpl>.

The OPWDD reserves the right, in its sole discretion, to terminate the Contract in the event that the OPWDD determines that the certification filed by the Bidder in accordance with STF §139-k was intentionally false or intentionally incomplete. Upon such determination, the OPWDD may exercise its termination right by providing written notification to the Bidder in accordance with the written notification terms of this Contract.

The Procurement Lobbying Law Certification of Compliance form, included in this RFP as Appendix C, must be completed and submitted with the proposal.

B. Non-Collusive Bidding Requirement

In accordance with STF §139-d, if the Contract is awarded based upon the submission of bids, the Bidder must warrant, under penalty of perjury, that its proposal was arrived at independently and without collusion aimed at restricting competition. Each Bidder must further warrant that, at the time the bidder submitted its proposal, an authorized and responsible person executed and delivered to the OPWDD a Non-Collusive Bidding Certification on the Bidder's behalf.

The Non-Collusive Bidding Certification form, included in this RFP as Appendix D, must be completed and submitted with the proposal.

C. New York State Vendor Responsibility Questionnaire

The Bidder agrees to fully and accurately complete the NYS Vendor Responsibility Questionnaire (hereinafter the "Questionnaire"), which is available online at:

http://www.osc.state.ny.us/vendrep/documents/system/welcome_package.pdf

Bidders are encouraged to complete the online form, as it will expedite Contract approval. If you do not have an online Questionnaire that is current and certified, you must complete a hardcopy Questionnaire. The Bidder acknowledges that the State's execution of the Contract will be contingent upon the OPWDD's determination that the Bidder is responsible, and that the OPWDD will be relying upon the Bidder's responses to the Questionnaire in making that determination. The Bidder agrees that if it is determined by the OPWDD that the Bidder's responses to the Questionnaire were intentionally false or intentionally incomplete, on such determination, the OPWDD may terminate the Contract by providing ten (10) days written notification to the Contractor. In no case shall such termination of the Contract by the OPWDD be deemed a breach thereof, nor shall the OPWDD be liable for any damages for lost profits or otherwise, which may be sustained by the Contractor as a result of such determination.

The Vendor Responsibility Questionnaire Certification form, included in this RFP as Appendix E, must be completed and submitted with the proposal.

D. Vendor Identification Number

To do business with the State of New York, each Bidder is required to obtain a NYS Vendor Identification Number for use in the Statewide Financial System (SFS). If you do not already have a Vendor ID Number, the **Substitute Form W-9** must be completed and submitted directly to the OPWDD upon notification of award. The purpose of the Substitute Form W-9, which will provide the Contractor's taxpayer identification number, business name and business contact person, is to allow the State to establish a vendor file in the State Financial System. Note: IRS Form W-9 is not acceptable for this purpose.

The Substitute Form W-9 is included in this RFP as Appendix F.

E. Electronic Payment (Epay) Program

If awarded a Contract under this RFP, the Contractor may enroll in the Electronic Payment ("ePay") Program through the OSC. E-pay transfers payments directly into your bank account sooner than you would receive a payment by check. Upon execution of the Contract, the Contractor will need to submit an Electronic Payment Authorization Form. Additional information and procedures for enrollment into the e-pay program can be found at OSC's website: <http://www.osc.state.ny.us/epay>.

The Electronic Payment Authorization form, Appendix G, is included in this RFP for reference and convenience.

F. Consultant Disclosure

The Contractor must comply with the requirements of STF §163(4)(g), which imposes certain reporting requirements on contractors doing business as vendors with New York State. In furtherance of these reporting requirements, the Contractor agrees to complete and submit Contractor's Planned Employment Report (**Appendix H – Form A**) within two (2) business days after receiving notice of a Contract award and Contractor's Annual Employment Report (**Appendix H – Form B**) by May 15th for each fiscal year (April 1 – March 31) the Contract term is in effect. Page two of each form provides the necessary addresses for submitting the form.

While the Planned Employment Report (Form A) is a one-time projection of the planned employment under the upcoming Contract term, the Annual Employment Report (Form B) is a reporting of the actual employment history for the previous fiscal year.

Forms A and B should be completed as follows:

- **Employment Category:** The Contractor must use specific occupation titles as listed in the O*net occupational classification system found through the U.S. Department of Labor's Employment and Training Administration (www.online.onetcenter.org). The classification system provides a code for various occupational titles; the Contractor should use the code that best defines the employment titles to be utilized under the Contract.
- **Number of Employees:** Enter the number of employees in the employment category employed to provide services (Form A), or who have performed services (Form B), during the reporting period, including part-time employees and employees of subcontractors.

- **Number of Hours Worked or to be Worked:** Enter the number of hours to be worked (Form A), or worked (Form B) under the employment category for the reporting period.
- **Amount payable or paid under the Contract:** Enter the estimated amount to be paid (Form A), or actually paid (Form B) for each employment category for the reporting period.
- **Scope of Contract (Form B only):** Choose the category that best describes the predominate nature of the services performed under the Contract.

G. Tax Law Section 5-A

The Bidder awarded a Contract pursuant to this RFP must comply with the requirements of Tax Law Section 5-a, which requires persons awarded contracts valued at more than \$100,000 with state agencies, public authorities or public benefit corporations to certify that they, their affiliates, their subcontractors, and the affiliates of their subcontractors have a valid certificate of authority to collect New York State and local sales and compensating use taxes. A contractor, affiliate, subcontractor, or affiliate of a subcontractor must be certified as having a valid certificate of authority if such person has made sales delivered within New York State of more than \$300,000 during the relevant period. The OSC or other responsible approver cannot approve the Contract unless the contractor is registered with the New York State Department of Taxation and Finance to collect sales and compensating use taxes.

The Contractor Certification forms, ST-220-TD and ST-220-CA, included in this RFP as Appendix I, must be filed in compliance with Tax Law Section 5-a. Any Bidder awarded under this RFP must, within seven (7) calendar days of notification of award, file ST-220-TD directly with the Department of Taxation and Finance at the address provided on the form and submit ST-220-CA to the OPWDD.

Bidders can visit the New York State Department of Taxation and Finance website to obtain more information at: https://www.tax.ny.gov/pubs_and_bulls/tg_bulletins/st/section_5a.htm

H. Contractor Requirements And Procedures For Equal Employment And Business Participation Opportunities For Minority Group Members And New York State Certified Minority/Women-Owned Businesses

By submission of a bid in response to this solicitation, the Bidder agrees with all of the terms and conditions of Appendix A, Clause 12 – Equal Employment Opportunities for Minorities and Women.

In accordance with Article 15-a of the New York State Executive Law and in conformance with the regulations promulgated by the Minority and Women's Business Development Division of the New York State Department of Economic Development set forth at 5 NYCRR Parts 140-144, the Bidder/Contractor agrees to be bound by provisions to promote equality of economic opportunity for minority group members and women, and the facilitation of minority and women-owned business enterprise participation.

The EEO and M/WBE requirements are set forth in Appendix J of this RFP.

The Diversity Practices Questionnaire, included in this RFP as Appendix K, will be scored as part the Technical Proposal.

The M/WBE goal established under this solicitation is 30%.

I. New York State 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 ("SDVOB"), thereby further integrating such businesses into New York State's economy. The OPWDD recognizes the need to promote the employment of service-disabled veterans and to ensure that certified SDVOBs have opportunities for maximum feasible participation in the performance of OPWDD 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 are 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.

The SDVOB program requirements as they pertain to this RFP are detailed in Appendix L.

The Use of Service-Disabled Veteran-Owned Business Enterprises in Contract Performance form, included in this RFP as Appendix L-1, must be completed and submitted with the proposal.

The SDVOB goal established under this RFP is 6%.

J. Encouraging Use Of Nys Businesses In Contract Performance

Bidders are strongly encouraged and expected to consider New York State businesses in the fulfillment of the Contract resulting from this RFP. Such partnering may be as subcontractors, suppliers, protégés or other supporting roles.

The Encouraging Use of New York State Businesses form, included in this RFP as Appendix M, must be completed and submitted with the proposal.

K. Conflicts Of Interest

Throughout the procurement process, Bidders must identify and bring to the attention of the OPWDD actual or apparent conflicts of interest as knowledge of such conflicts arise, as follows:

- a. Disclose any existing or contemplated relationship with any other person or entity, including relationships with any member, shareholders of 5% or more, parent, subsidiary, or affiliated firm, which would constitute an actual or potential conflict of interest or appearance of impropriety, relating to other clients/customers of the Respondent or former officers and employees of the Agencies and their Affiliates, in connection with your rendering services enumerated in this RFP. If a conflict does or might exist, please describe how your firm would eliminate or prevent it. Indicate what procedures will be followed to detect, notify the Agencies of, and resolve any such conflicts.
- b. The Bidder must disclose whether it, or any of its members, shareholders of 5% or more, parents, affiliates, or subsidiaries, have been the subject of any investigation or disciplinary action by the New York State Joint Commission on Public Ethics or its predecessor State entities (collectively, "JCOPE"), and if so, a brief description must be included indicating how any matter before JCOPE was resolved or whether it remains unresolved.

The Vendor Assurance of No Conflict of Interest or Detrimental Effect form, included in this RFP as Appendix N, must be completed and submitted with the proposal.

Any Bidder awarded a contract under this RFP will have an on-going obligation to inform the OPWDD of any actual or apparent conflicts of interest.

L. Sexual Harassment Policy Certification of Compliance with State Finance Law §139-L

By submission of this bid, each Bidder and each person signing on behalf of any Bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that the Bidder has and has implemented a written policy addressing sexual harassment prevention in the workplace and provides annual sexual harassment prevention training to all of its employees. Such policy shall, at a minimum, meet the requirements of Section 201-g of the Labor Law.

The Sexual Harassment Policy Certification form, included in this RFP as Appendix O, must be completed and submitted with the proposal.

M. Executive Order No. 177 Certification

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.

The Human Rights Law may also require reasonable accommodation for persons with disabilities and pregnancy-related conditions. A reasonable accommodation is an adjustment to a job or work environment that enables a person with a disability to perform the essential functions of a job in a reasonable manner. The Human Rights Law may also require reasonable accommodation in employment on the basis of Sabbath observance or religious practices.

Generally, the Human Rights Law applies to:

- all employers of four or more people, employment agencies, labor organizations and apprenticeship training programs in all instances of discrimination or harassment;
- employers with fewer than four employees in all cases involving sexual harassment; and,
- any employer of domestic workers in cases involving sexual harassment or harassment based on gender, race, religion or national origin.

In accordance with Executive Order No. 177, the Bidder must certify that it does not have institutional policies or practices that fail to address the harassment and discrimination of individuals on the basis of their age, race, creed, color, national origin, sex, sexual orientation, gender identity, disability, marital status, military status, or other protected status under the Human Rights Law.

The EO 177 Certification, included in this RFP as Appendix P, must be completed and submitted with the proposal.

EO 177 and this certification do not affect institutional policies or practices that are protected by existing law, including but not limited to the First Amendment of the United States Constitution, Article 1, Section 3 of the New York State Constitution, and Section 296(11) of the New York State Human Rights Law.

N. Insurer Qualifications And Insurance Requirements

Insurer qualifications and insurance requirements are provided in Appendix Q of this RFP. The Contractor must comply with these requirements to remain responsible under the terms of the Contract resulting from this solicitation.

In the Transmittal Letter, Bidders must provide a statement agreeing that, if awarded a contract under this solicitation, they will comply with the insurer qualifications and insurance requirements.

4.13 PROPOSAL RESPONSE AND SUBMISSION REQUIREMENTS

Each Bidder is expected to provide the OPWDD with information, evidence and demonstrations that will make possible a contract award that best serves the stated interests of the OPWDD and the State of New York. Bidders are given wide latitude in the degree of detail they offer or the extent to which they reveal plans, designs, systems, processes, and procedures.

There is no limit on the number of pages in each proposal; however, Bidders should prepare their proposals simply and economically, providing a straightforward and concise description of their abilities to satisfy the requirements of this RFP. Proposals containing preponderance of boilerplate text are discouraged. Emphasis in each proposal should be on completeness and clarity of content.

Failure by a Bidder to provide the appropriate information or materials in response to each stated requirement or request for information may result in lower scores during the evaluation or determination of a non-responsive proposal. Responses to complex RFP requirements that are stated in a form semantically equivalent to "Bidder agrees to comply" may be rejected for non-responsiveness at the discretion of the OPWDD.

Bidders must submit a complete proposal as outlined below. A proposal that does not comply with these requirements may be deemed non-responsive.

A. TECHNICAL RESPONSE

Note that the Technical Proposal must NOT include any financial information. The Technical Proposal shall include descriptive and technical matter only.

The Technical Proposal must include information in response to specifications in the order provided for in Section 2.1 Minimum Bidder Qualifications, Section 2.2A Firm Qualifications and Experience, Section 2.2B Work Plan and Time Line, and 2.2C Diversity Practices, including required attachments as specified in these sections of the RFP.

The contents of the Technical Proposal must follow the outline above and include divider pages with tabs to separate the response sections, appropriate headings as represented in the RFP, and page numbers.

B. ADMINISTRATIVE RESPONSE

1. **Transmittal Letter:** The transmittal letter must be signed and shall contain names, addresses (physical and e-mail), and telephone numbers of individuals who are authorized by the Bidder to address matters related to the proposal including, but not limited to, contractual, technical, administrative, and references. The transmittal letter must include any information relating to Designation of Proprietary Information (described in Section 4.10) and a Disclosure of Litigation (described in Section 4.11). Bidders must provide a statement agreeing that, if awarded a contract under this solicitation, they will comply with the insurer qualifications and insurance requirements (provided in Appendix Q). **The transmittal letter must also contain a statement that the proposal will remain valid at least 180 days from the due date of proposals.**
2. **Bidder Acknowledgement of Addendum** (Attachment 1) for each addenda issued.
3. **Signed Contract Form** (Appendix B) (Section 3.2).

Every Bidder responding to this RFP must include in its proposal a signed Contract in the form attached as Appendix B. Signing the Contract form and submitting it as part of the Administrative Proposal serves as acknowledgment and agreement to the terms of the Contract if deemed the successful Bidder under the RFP process. Failure to comply with this submission requirement will deem the proposal non-responsive.

4. **Document Submittal Checklist:** To assist Bidders in their proposal response and submittal of the required documents, a **Document Submittal Checklist** is incorporated into this RFP as **Attachment 3**. This checklist must be completed and included with the Bidder's proposal.
5. **Appendices:** Certifications and representations as required in Section 4.12 of this RFP and listed as Appendices B-Q in the Document Submittal Checklist.

C. COST RESPONSE

The Pricing Proposal must be prepared as directed in Section 2.3 using the **Pricing Proposal form**, included in this RFP as **Attachment 2**.

D. PROPOSAL SUBMISSION

Both the Technical and Pricing proposal must be submitted to the OPWDD as set forth below and must be received by the date and time set forth in the Calendar of Events (Section 1.4). Originals should be clearly marked to differentiate from the copies.

Technical Proposal

Both hardcopy and electronic versions of the entire technical proposal must be submitted as noted below and must be marked clearly to differentiate.

- **Hardcopy: Two (2) originals and four (4) copies.**
- **Electronic (non-redacted): Two (2) USB Memory Sticks containing a PDF file.**
- **Electronic (redacted): One (1) USB Memory Stick containing a PDF file.**

The electronic version must include all proposal sections within a single file to facilitate searches for terms across the breadth of the proposal. The electronic version must mirror the full Technical Proposal.

Note: If there are any differences between the hardcopy and electronic versions of the Technical Proposal, the hardcopy version will be deemed to be the proposal considered.

Pricing Proposal and Administrative Proposal

Both hardcopy and electronic versions of the Pricing Proposal must be submitted as noted below and must be marked clearly to differentiate. The electronic version must mirror the hard copy.

- **Hardcopy: Two (2) originals and one (1) copy.**
- **Electronic: One (1) USB Memory Stick containing a PDF file.**

Note: If there are any differences between the hardcopy and electronic versions of the Pricing Proposal, the hardcopy version will be deemed to be the proposal considered.

5. EVALUATION METHODOLOGY

5.1 METHOD OF AWARD

The OPWDD will make an award for the services described in this RFP to a responsive and responsible Bidder on a “Best Value” basis. Best Value means that the proposal that optimizes quality, cost, and efficiency among responsive and responsible Bidders shall be selected for award (State Finance Law, Article 11, Section 163).

The evaluation process will be conducted in a comprehensive and impartial manner. The Technical Proposal will be weighted at 60%, the Pricing Proposal will be weighted at 30%, and the Phone Interview will be weighted at 10%. There will be no points awarded to the Administrative Proposal.

The OPWDD will conduct a comprehensive, fair and impartial evaluation of proposals received in response to this RFP. An evaluation committee (the “Committee”) will be designated and will be comprised of OPWDD staff. The OPWDD reserves the right to make changes in the Committee’s membership as necessary.

Proposals determined to comply with the requirements set forth in this RFP and submission requirements outlined in Section 2 of this RFP will be evaluated based on the following criteria:

5.2 PROPOSAL COMPLETENESS REVIEW

After the proposal opening, each proposal will be screened for completeness and conformance with the RFP requirements. Incomplete responses, the failure to complete as specified, and/or the failure to provide any of the required functionality may result in a proposal being deemed nonresponsive and the disqualification of the Bidder, and the Bidder will be notified accordingly. Proposals that pass will proceed to the Technical Evaluation.

5.3 MINIMUM QUALIFICATIONS EVALUATION

Submitted proposals will be evaluated on a Pass/Fail basis to determine whether the Bidder satisfies the RFP’s Minimum Bidder Qualifications specified in Section 2.3. Proposals that fail to meet the minimum qualifications will be deemed non-responsive, will not be further evaluated, and the Bidder will be notified accordingly. Passing proposals will proceed to the Technical and Pricing Proposal Evaluations. Bidders may still be disqualified if it is later determined that the Bidder did not meet all RFP minimum qualifications and should not have qualified to move on to the Technical and Pricing Proposal Evaluations stage.

5.4 TECHNICAL EVALUATION (60 POINTS)

The Technical Evaluators will score each Technical Proposal independently using a weighted average to calculate the Technical Score for each responsive Bidder. Pricing Proposals will be scored following conclusion of the Technical Proposal scoring process.

- Qualifications and Experience
- Work Plan and Timeline
- MWBE Diversity Practices

5.5 COST EVALUATION (30 POINTS)

Bidder's Pricing Proposals will be scored concurrently and separately from the Technical Proposal. The Cost Proposal Evaluation will be based on the grand total cost of services. If a Cost Proposal is found to be non-responsive, that Proposal may not receive a cost score and may be eliminated from consideration.

The Bidder with the lowest price will be awarded the full points allocated to the Pricing Evaluation. The score for each of the remaining Bidders will be proportionate to the lowest Bidder. The formula for the evaluation of other Bidder's cost will be: $(\text{lowest cost Bidder} / \text{Bidder cost}) \times \text{maximum points}$.

5.6 INTERMEDIATE SCORE

An intermediate score will be calculated by adding the Bidder's Technical Evaluation points and the Cost Evaluation points together with the highest possible score being 90 points.

5.7 PHONE INTERVIEW (10 POINTS)

OPWDD will interview responsive and responsible Bidders susceptible to award within 10 points of the highest intermediate score.

The interview will be an opportunity for the evaluation committee to ask the Bidders a series of questions to gain a better understanding of the information provided in the Technical Proposal. It is anticipated that the phone interview will last approximately 30 minutes. Interview eligible Bidders will be notified of the date and time of interviews to be held beginning the week listed in Section 1.4 of this RFP.

The Technical Evaluation Team will conduct interviews using a prepared set of questions based on the criteria listed in Section 2.2 of this RFP. Each question will be worth a pre-defined number of points. The Evaluation Committee will score each interview, with a maximum of 10 points awarded.

If, as a result of the interview, the OPWDD determines that material differences exist in the proposed solution between what was submitted in the Technical Proposal and the subsequent interview, the OPWDD, at its sole discretion, may permit the Evaluation Committee to adjust the Technical Proposal scores accordingly. This may result in additional Bidders being invited to interview per the criteria above.

5.8 FINAL COMPOSITE SCORE

A final composite score will be calculated by combining the Technical Proposal score, the Interview score, and the Pricing Proposal score. The proposals will be ranked based on the combined scores. The Bidder with the highest score may receive a tentative award, subject to successful contract negotiations and approval by the Office of the Attorney General and Office of the State Comptroller.

Should more than one Bidder obtain the same total score, the tie will be broken using the Pricing Proposal score. When price and other factors are found to be substantially equivalent, the OPWDD will select the winning Bidder at its sole discretion.

6. RFP PROVISIONS

STATE'S RESERVED RIGHTS

The OPWDD reserves the right to:

- a. Reject any or all proposals received in response to the RFP;
- b. Withdraw the RFP at any time, at the OPWDD's sole discretion;
- c. Make an award under the RFP, in whole or in part;
- d. Disqualify any Bidder whose conduct and/or proposal fails to conform to the requirements of the RFP;
- e. Seek clarifications and revisions of proposals;

- f. Use proposal information obtained through site visits, management interviews, and the State's investigation of a bidder's qualifications, experience, ability, or financial standing, and any material or information submitted by the Bidder in response to the OPWDD's request for clarifying information in the course of evaluation and/or selection under the RFP;
- g. Prior to the bid opening, amend the RFP specifications to correct errors or oversights, or to supply additional information, as it becomes available;

NOTE: Any such modification issued on or before the due date for proposals shall go to all entities that have requested a copy of this RFP and/or submitted a letter of intent; after that date (or an amended date, as the case may be), notification will be only to Bidders who have submitted proposals or letters of intent. The OPWDD's right to issue modifications of this RFP permits any addition or deletion of requirements as the OPWDD may deem appropriate.

- h. Prior to the bid opening, direct Bidders to submit proposal modifications addressing subsequent RFP amendments;
- i. Change any of the scheduled dates;
- j. Eliminate any mandatory, non-material specifications that cannot be complied with by all of the prospective Bidders;
- k. Waive any requirements that are not material;
- l. Negotiate with the successful Bidder within the scope of the RFP in the best interests of the State;
- m. Conduct contract negotiations with the next responsible Bidder, should the agency be unsuccessful in negotiating with the selected Bidder;
- n. Utilize any and all ideas submitted in the proposals received;
- o. Require clarification at any time during the procurement process and/or require correction of arithmetic or other apparent errors to ensure a full and complete understanding of an offeror's proposal and/or to determine an offeror's compliance with the requirements of the solicitation;
- p. Waive minor irregularities and/or omissions in bids, if in the best interest of the State
- q. In its sole discretion, reject illegible, incomplete, or vague bids
- r. Re-solicit offers from the vendor community by re-publishing and re-advertising this RFP at any time; and
- s. The OPWDD shall have unlimited rights to disclose or duplicate, for any purpose whatsoever, all information or other work product developed, derived, documented or furnished by the Bidder under any Agreement resulting from this RFP.

7. APPENDICES

This Section provides a description of the Appendices associated with this RFP. Appendices are utilized to provide additional information to the Bidders and by submission of a proposal Bidders agree to these terms.

Table 1, Table of Appendices

Number	Appendix Title
A	Standard Clauses for New York State Contracts
B	OPWDD Standard Contract Provisions
C	Procurement Lobbying Law Certification of Compliance
D	Non-Collusive Bidding Certification
E	Vendor Responsibility Questionnaire Certification

Number	Appendix Title
F	Substitute Form W-9
G	Electronic Payment Authorization
H	Consultant Disclosure/Employment Report
I	ST-220 Certification
J	Minority and Women Owned Business Enterprise Contractor Requirements and Procedures for Business Participation Opportunities for EEO and M/WBE Program Forms
K	Diversity Practices Questionnaire and Scoring Matrix
L	NYS Service-Disabled Veteran-Owned Business Participation Requirements
L-1	NYS Service-Disabled Veteran-Owned Business Utilization Plan
M	Encouraging Use of NYS Businesses in Contract Performance
N	Vendor Assurance of No Conflict of Interest or Detrimental Effect
O	Sexual Harassment Policy Certification
P	EO 177 Anti-Discrimination Certification
Q	Insurance Requirements
R	HIPAA Business Associate Agreement

8. ATTACHMENTS

This section provides a description of the Attachments associated with this RFP. Attachments must be completed by Bidders and submitted with their proposals.

Table 2, Table of Attachments

Number	Attachment Title
1	Acknowledgement of Addendum
2	Pricing Proposal Form
3	Document Submittal Checklist
4	No Bid Response Form

9. EXHIBITS

This section provides a description of the Exhibits associated with this RFP. Exhibits are for reference to aid in the submission of proposals.

Table 3, Table of Exhibits

Number	Exhibit Title
1	OPWDD District Offices and Employees