NEW YORK STATE | Office for People With Developmental Disabilities

Request for Proposal
RFP OPD-2025-54
Physician Services Pilot

Proposal Due Date: October 29, 2025

1. INTRODUCTION 5
1.1. Issuing Office 5
1.2. Purpose 5
1.3. Calendar of Events 5
1.4. Restricted Period 5
1.5. Announcements and Amendments to the RFP 6
1.6. Term of Contract 7
1.7. Conflicts of Interest 7
1.8. Bidder Minimum Qualifications 7
1.9. Glossary and Definitions 7
2. SCOPE OF WORK 8
2.1. Current State 8
2.2. Future State 8
2.3. Overall Plan 8
2.4. Cloud Service Model 11
2.5. Data Categorization 11
2.6. Data Ownership 11
2.7. Data Location 11
2.8. Encryption 12
2.9. Security 12
2.10. Maintenance/Support 13
2.11. Infrastructure Support Services 13
2.12. Business Continuity/Disaster Recovery (BC/DR) Operations 13
2.13. Application Program Interface (API) OR Self Electronic Portal 14
2.14. Authentication Tokens 14
3. PROPOSAL REQUIREMENTS 14
3.1. Proposal Validity 14
3.2. Accuracy of Proposals 14
3.3. Extraneous Terms 15
4. ADMINISTRATIVE PROPOSAL 15
4.1. Document Submission Checklist and Attestation (Attachment 1) 15
4.2. Ownership of Work Product 15

4.3. Non-Collusive Bidding Certification (Attachment 5) 15
4.4. Vendor Responsibility Questionnaire (Attachment 7) 15
4.5. Procurement Lobbying Requirements (Attachment 10) 16
4.6. Diversity Requirements and Equal Employment Opportunities for Minorities and Women (Attachment 19) 17
4.7. NYS Service-Disabled Veteran-Owned Businesses 18
4.8. Encouraging the Use of New York Subcontractors and Suppliers (Attachment 4) and New York State Business Usage Form (Attachment 4A) 18
4.9. R54Consultant Disclosure Legislation (Attachments 8 & 8A) 18
4.10. Conflicts of Interest (Attachment 9) 18
4.11. Executive Order 177 Anti-Discrimination Certification (Attachment 15) 19
4.12. Sexual Harassment Prevention Policy Certification (Attachment 14) 19
4.13. Tax Law Section 5-A 19
4.14. Executive Order No. 16 Prohibiting State Agencies and Authorities from Contracting with Businesses Conducting Business in Russia (Attachment 16) 20
4.15. Vendor Identification Number 20
4.16. Subcontractors 20
5. TECHNICAL PROPOSAL— 70 POINTS 21
5.1. Physician Services Pilot Implementation 21.5 points 21
5.2. Organizational Experience and Capacity 20 points 21
5.3. Statewide Availability and Regional Presence 15 points 21
5.4. Quality Control Measures of Employees and Subcontractors 10 points 22
5.5. Diversity Practices 3.5 points 22
6. COST PROPOSAL — 30 POINTS 22
6.1. Proposal Requirements 22
7. INSURANCE REQUIREMENTS 22
7.1. Proof of Workers' Compensation Coverage 23
7.2. Proof of Disability Benefits Coverage 23
7.3. Additional Insurance Requirements 23
8. PROPOSAL SUBMISSION REQUIREMENTS 23
8.1. Specific Requirements 23
8.2. Required Submission Documents 24
8.3. Late Submissions 24

8.4. Proposal Redactions - Freedom of Information Law / Trade Secrets 25
8.5. Packaging of Proposal 26
8.6. Building Access Procedures for Hand Deliveries 27
9. AWARD 28
9.1. Method of Award 28
9.2. Administrative Evaluation (Pass/Fail) 28
9.3. Technical Evaluation (70 points) 28
9.4. Cost Evaluation (30 points) 29
9.5. Final Composite Score 29
9.6. Notification of Award 29
9.7. Form of Contractual Agreement 29
9.8. Debriefing 29
9.9. Bid Protest Policy 30
10. OPWDD RESERVED RIGHTS 30

1. INTRODUCTION

1.1. Issuing Office

The New York State Office for People With Developmental Disabilities (OPWDD) is the New York State (NYS) executive agency responsible for the provision, regulation, and oversight of services to NYS individuals with developmental disabilities. Per Mental Hygiene Law § 1.03 (22), individuals served by OPWDD have a documented history of diagnoses that may include, but are not limited to, intellectual disabilities, cerebral palsy, epilepsy, neurological impairments, and autism spectrum disorders. (https://opwdd.ny.gov/eligibility).

OPWDD provides services and supports directly and through a network of approximately 500 nonprofit service-providing agencies, with about 80% of services provided by the private nonprofits and 20% provided by state-run services. OPWDD also provides residential supports and services for approximately 43,000 individuals with developmental disabilities throughout New York State. OPWDD individuals reside in residential homes, group homes, and supported apartments, as well as institutional settings such as developmental centers and a variety of secure facilities. OPWDD operates approximately 1,500 residential and institutional sites statewide.

1.2. Purpose

OPWDD issues this Request for Proposal (RFP) for Physician Services Pilot with the intent to award one contract for these services.

OPWDD is seeking to have an on-call service in which physician services are available during the weekends, holidays, evenings and nights to assist with the triaging of calls and to provide medical services to vulnerable populations via telemedicine visits. The specialized telemedicine physician services will help avoid unnecessary trips to the Emergency Room (ER), Urgent Care, or a doctor's office and eliminate the wait time, cost, and exposure of such visits.

This RFP is posted on both the NYS OPWDD Procurement Opportunities webpage at https://opwdd.ny.gov/procurement-opportunities, and on the NYS Contract Reporter (NYSCR) website at https://www.nyscr.ny.gov/, as required by Economic Development Law 4-C, titled "The Procurement Opportunities Newsletter."

1.3. Calendar of Events

RFP Release Date	September 24, 2025
Deadline for Submission of Questions	4:00 p.m., October 7, 2025
Issuance of Response to Questions	October 14, 2025
Proposal Due Date	4:00 p.m., October 29, 2025
Anticipated Notification of Tentative Award	December 15, 2025
Anticipated Contract Start Date	February 1, 2026

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

1.4. Restricted Period

1.4.1. Prohibitions on Procurement Lobbying

Pursuant to State Finance Law (SFL) §§ 139-j and 139-k, this Solicitation includes and imposes certain restrictions on communications between OPWDD and a Bidder during the procurement process. The restricted period begins at the moment of the earliest posting, on a governmental entity's website, in a newspaper of general circulation, or in the procurement opportunities newsletter, of intent to solicit offers or bids, and it ends only after final award and approval of the Contract by OPWDD and, if applicable, the Office of the State Comptroller (OSC). Throughout this restricted period, a Bidder is restricted from making contacts to staff other than those so designated, unless it is a contact that is included among certain statutory exceptions set forth in SFL § 139-j(3)(a). Designated staff, as of the date hereof, are identified

below. OPWDD employees are required to obtain certain information when contacted during the restricted period and to make a determination of the responsibility of the Bidder pursuant to SFL §§ 139-j and 139-k. Certain findings of non-responsibility can result in rejection for Contract award. In the event of two such findings within a four-year period, the Bidder is debarred from obtaining governmental procurement contracts for four years. Further information about these requirements can be found on the Office of General Services website at https://ogs.ny.gov/acpl/.

1.4.2. Designated Contacts

Pursuant to SFL § 139-j(3)(a), OPWDD identifies the following allowable contacts for communications related to the submission of questions, proposals, and requests for debriefings.

Primary Contacts	Secondary Contacts
Amanda Talavera / Michelle Stephenson Contract Management Unit NYS Office for People With Developmental Disabilities 44 Holland Ave, 5th Floor Albany, NY 12229 Procurement@opwdd.ny.gov	Shannon Plasencia / Marc Kleinhenz Contract Management Unit NYS Office for People With Developmental Disabilities 44 Holland Ave, 5th Floor Albany, NY 12229 Procurement@opwdd.ny.gov

1.4.3. Questions and Answers

Questions from Bidders regarding this RFP must be received by OPWDD in accordance with the Deadline for Submission of Questions included in the Calendar of Events, Section 1.3 of this RFP. All questions must be submitted via electronic mail to the designated contact(s) at Procurement@opwdd.ny.gov as stipulated in Section 1.4.2 of this RFP.

1.4.3.1. Each question must, to the degree possible, cite the specific RFP Section to which it refers. OPWDD reserves the right not to answer questions that are not directly related to this RFP.

1.4.3.1. 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 Cost Proposal in an inquiry may result in the Bidder's disqualification.

1.4.3.2. 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 OPWDD. If a Bidder discovers any ambiguity, conflict, discrepancy, omission, or other error in the RFP, the Bidder shall immediately notify OPWDD of such error(s) in writing to the designated contact(s) identified in Section 1.4.2 of this RFP. If, prior to the proposal due date as specified in Section 1.3 of this RFP, a Bidder fails to notify 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 clarifications or modifications deemed necessary by OPWDD will be posted to the OPWDD website and the NYSCR website provided in Section 1.2 of this RFP.

1.4.3.3. Any change to language, terms, or requirements within the RFP, including all associated attachments, appendices, and exhibits, that is proposed by a Bidder after the question-and-answer period has ended will not be considered by OPWDD, as any such change would not have been offered to all potential Bidders.

1.5. Announcements and Amendments to the RFP

OPWDD will utilize its procurement opportunities webpage and the NYSCR for the purpose of disseminating information relating to this procurement. OPWDD will post its official answers to Bidder questions and any changes to the RFP resulting from such questions on these sites on or before the Issuance of Response to Questions date as indicated in the Calendar of

Events. Bidders are encouraged to monitor these sites: https://opwdd.ny.gov/procurement-opportunities and https://www.nyscr.ny.gov/.

OPWDD's responses to questions and notification of amendments to the RFP, if any, will be in the form of a formal addendum that will be annexed to and become part of this RFP and any ensuing contract.

1.6. Term of Contract

OPWDD intends to award one contract for the Physician Services Pilot to one responsive and responsible Bidder as a result of this RFP. The term of the Contract is anticipated to be eighteen months, with an **anticipated start date of February 1, 2026**. In accordance with SFL § 41, the State shall have no liability under this contract to the Bidder or to anyone else beyond funds appropriated and available for this contract. Continued contract approval beyond eighteen months will be at the sole discretion of OPWDD and the OSC, until such time as a replacement contract can be put in place. If this contract is extended, all original terms and conditions will remain the same.

1.7. Conflicts of Interest

Bidders must disclose actual and potential conflicts of interest in the Administrative Proposal (see Section 4.10 below for additional information).

If an organization or person is presently performing consulting services for OPWDD, or has provided consulting services for OPWDD, it may still submit a proposal in response to this RFP but must also satisfy these conflict-of-interest provisions.

After the RFP is awarded, if the awarded Bidder utilizes individuals or entities that violate these conflict-of-interest provisions, the Bidder is subject to termination and reimbursement of contract funding to OPWDD.

1.8. Bidder Minimum Qualifications

Any Bidder submitting a proposal in response to this RFP must meet the minimum qualifications listed below. Complete and submit **Attachment 17, Minimum Mandatory Requirements** along with any additional information and copies as needed/required.

1.8.1. Provide a list of proposed medical providers to participate in the Physician Services Pilot.

1.8.2. Vendor and/or Subcontractor medical providers must have all the necessary permits, authorizations, certifications, and licenses required by all regulatory authorities to perform medical services in NYS. **Copies must be submitted** with bid as proof that providers hold all the necessary licenses, certifications, authorizations and permits.

1.8.3. Vendor, Subcontractor and medical providers must not be on an exclusion list for NYS Medicaid. OPWDD staff will verify this using the Office of the Medicaid Inspector General List of Restricted and Excluded Providers at https://apps.omig.ny.gov/exclusions/ex_search.aspx.

1.9. Glossary and Definitions

Telehealth- the provision of healthcare remotely by means of telecommunications technology.

Electronic Health Record (EHR)- a digital version of a patient's paper chart that provides real-time, patient-centered records accessible across multiple healthcare settings.

2. SCOPE OF WORK

2.1. Current State

This service is not currently being provided, therefore there will be no transition period. OPWDD does have regulatory requirements to have a Registered Nurse (RN) on-call system. The RN on-call is in place during off hours and throughout weekends/holidays to ensure that a RN is available to direct care staff. This is a requirement as per ADM 2003-01 titled "Registered Nursing Supervision of Unlicensed Direct Care Staff in Residential Facilities Certified by the Office of Mental Retardation and Developmental Disabilities" (https://opwdd.ny.gov/adm-2003-01-registered-nursing-supervision-unlicensed-direct-care-staff).

OPWDD does have an internal medical on-call as well, however, these providers are not providing telemedicine and are not on-site to be able to assist with medically complex cases. In many cases, people with developmental disabilities are transported to the ER, which at times, requires overtime for staff, and at times leaving homes understaffed because staff are accompanying individuals to the ER. This causes a health and safety risk for both the staff and for the people with developmental disabilities in the homes. The RN on-call takes the first call and if needed, calls the medical on-call for these more complex cases and/or cases that require a determination of need for internal treatment or transport for evaluation to the Emergency Room (ER) and/or Urgent Care. This is done via telephone calls, not telemedicine.

2.2. Future State

The primary goal of this pilot is to ensure that the medical needs of supported people with developmental disabilities are fully met by OPWDD in a comprehensive and timely manner while reducing their distress and/or discomfort from unnecessary transport to emergency or urgent care facilities.

This pilot will enable OPWDD to utilize a Contractor as the provider off hours and during times where the primary provider is unavailable, visualize the individuals via telemedicine, perform some testing such as vital signs and prescribe treatment in a more effective and timely manner.

The service will subsequently result in a decrease in the number of transports to the ER and/or Urgent Care for non-routine care resulting in cost savings for OPWDD.

Having physician services available will allow OPWDD to skip the internal medical on-call step and to have people with developmental disabilities seen in a more time efficient manner and be treated via telemedicine. This would decrease the incidence of people with developmental disabilities being sent out for an evaluation and would be a cost savings measure in the long-term.

2.3. Overall Plan

This pilot service is intended to last for **18 months** and would perform as an assistant to the direct support staff and nursing staff and must be able to assist with issues such as medication issues (i.e., obtaining a new prescription if needed), skin conditions/cellulitis, respiratory conditions/infections, falls, injuries, gastrointestinal conditions such as diarrhea or constipation, eye conditions/conjunctivitis, or behavioral issues or issues with altered mental status.

This service must work in conjunction with OPWDDs RNs as per regulatory requirements that state that the oversight for the direct support staff must be provided by the RN. Contractor will ensure collaboration with OPWDD RNs for OPWDD to maintain compliance with our Nursing Supervision ADM 2003-01.

This service will primarily be utilized off hours, weekends, and holidays. There is the expectation that there will be availability during normal work hours as well in the event there is the unavailability of an individual's primary care provider. There must be board certified doctors available 24/7 through this service that are specially trained to address the medical concerns of people with developmental disabilities and behavioral health issues.

There are 176 homes chosen for the following regions to be part of this pilot. Across these homes there are approximately 1160 people with developmental disabilities. The combined number of calls amongst these homes is estimated to be 250 per month.

Region 2- Broome & Central New York
Region 3- Capital District & Sunmount
Region 4- Hudson Valley & Taconic
Region 5- Brooklyn, Metro New York, &Staten Island

The Developmental Disabilities State Operations Offices can be viewed at https://opwdd.ny.gov/about-us, once on this page scroll down to OPWDD Maps. The regions mentioned are included in the second map on page 2.

2.3.1. Required Deliverables

2.3.1.1. Equipment

Bidders need to make OPWDD aware of what equipment is required as part of their submission. Bidder is to account for any required equipment with an accurate listing along with associated costs on Attachment 2 Cost Proposal. See Exhibit 1 for example of equipment that may be required. In addition, in submitted proposal Bidder to indicate whether the OPWDD needs to return any equipment following the Contract or does OPWDD own the equipment upon purchase.

2.3.1.1.1. Determine what OPWDD already has access to for required equipment or if equipment will need to be purchased.

2.3.1.1.3. Provide required equipment to perform this service.

2.3.1.1.4. See Exhibit 1 for example of equipment that may be required. This exhibit is a sample, more equipment may be required to perform this service as determined by the awarded vendor.

2.3.1.2. Training

2.3.1.2.1. Training encompassing different learning styles, to OPWDD users.

2.3.1.2.2. Include on-site and off-site to ensure competency and comfort level of the user and must include all aspects of use, including enrollment, use of equipment, etc.

2.3.1.2.3. In written and electronic resources that provide plain language instructions for use and troubleshooting of the system.

2.3.1.2.4. Be accessible and on-going training as needed for things such as system upgrades, new staff or refresher training as needed.

2.3.1.2.5. To include use of any applicable equipment; the mobile app, web interface and any equipment purchases, for testing/diagnostics.

2.3.1.2.6. The awarded vendor will work collaboratively to ensure that all staff who work in the homes chosen for this pilot will be fully trained, ether via on-site or remotely, to ensure knowledge and competency with system usage.

2.3.1.3. Support:

2.3.1.3.1. Provide 24/7 customer service to assist users with any issues that may arise.

2.3.1.3.2. Provide assistance on installing and use of any required equipment.

2.3.1.3.3. Process for maintenance and repair of such equipment. This must include replacement and provision of temporary use of equipment during any repair.

2.3.1.4. Provision of Offered Service:

2.3.1.4.1. Expected to provide medical services to a full spectrum. This may include assessment, diagnoses of a problem, prescriptions, and treatment. This should also include follow-up to ensure the effectiveness of such treatments.

2.3.1.4.2. As OPWDD provides care 24/7, 365 days/year, it is expected that there will be clinicians and support available during these times as well.

2.3.1.4.3. All actions and activities performed by the vendor will be in accordance with all state and federal laws, rules, regulations, standards, guidelines, policies, procedures and bylaws of all applicable regulatory authorities and all policies, procedures, and regulations of OPWDD.

2.3.1.4.4. Coverage during normal working hours when a primary provider is not available.

2.3.1.4.5. Will have available enough staff to cover all agreed upon times of required coverage.

2.3.1.4.6. Preference that medical providers have admitting privileges at local hospitals.

2.3.1.4.7. The ability to provide post treatment follow-up during off hours.

2.3.1.4.8. Have an app that can be downloaded on any Windows, Android or Apple device. The app must be free and doesn't require any lead time prior to using. If an app will not be used in the offered service, Bidder is expected to provide details on alternative methods to access services.

2.3.1.4.9. Vendor shall assign only qualified medical providers to OPWDD. All medical providers shall have and maintain licensure to provide services in New York State and remain in good standing throughout the duration of the contract agreement.

2.3.1.4.10. Provide or grant access to OPWDD for any Quality Review reports that are completed as it relates to patient outcomes, satisfaction, incidents, mortality, etc. In addition, OPWDD is requesting the following reporting schedule during this pilot:

- Daily report to be delivered by 10:00 a.m. EST to OPWDD to include, but not limited to:
  - Number of calls received from previous 24 hours
  - Name of caller
  - Reason for call
  - Call times (i.e. – 2:30 am – 2:47 am)
  - Provider Name/title; Outcome of call; Any follow up required

- Monthly report to be delivered to OPWDD to include:
  - Total calls received

- Categorized calls (i.e., ER; in house telemedicine visit; called in script)
- Total call time

2.4. Cloud Service Model

Remote doctors may interact with ITS managed systems as these remote doctors' access medical records via EHR and other OPWDD data that may or may not be managed by ITS. ITS manages the computers and network this service will utilize. This may require network permissions, such as firewall modifications and other permissions, such as app approval to utilize. This is not a cloud-to-cloud data interaction, as while the video feed is going on a remote doctor would log in as an approved user of a OPWDD systems using the standard ITS UAR process.

IT needs will be dependent on the awarded vendor.

IT needs of the project may include, but are not limited to:

- Internet access may be through Wi-Fi or a cellular data mobile plan.
- Telemedicine video capabilities are to be performed using standard equipment and not require any special video equipment.
- A secure telemedicine connection point between vendor clinicians and the people with developmental disabilities.
- All electronic transmission must meet the standard HIPPA guidelines.

2.5. Data Categorization

The vendor must strictly adhere to all applicable NYS OPWDD and NYS ITS policies as they relate to information classification. The OPWDD Chief Information Security Officer will provide the necessary information classification framework. The selected vendor will be responsible for designing and implementing security controls that not only align with and address the specific requirements and outcomes identified through the information classification process and must ensure full compliance with all applicable regulatory and statutory standards. The vendor must ensure that all controls meet or exceed the requirements set forth by the CISO and adhere to relevant laws, regulations, and best practices to maintain data security, integrity, and confidentiality.

2.6. Data Ownership

NYS OPWDD retains exclusive ownership of all data provided to the vendor through the duration of the engagement, and any future engagements. This includes but is not limited to data that has been input, transmitted, or stored. This ownership extends to all rights, titles, and interests in the data, including but not limited to any intellectual property or derivative works created from it.

2.7. Data Location

All data must always remain within the continental United States (CONUS). Under no circumstances shall data be stored, transmitted, or accessed from locations outside of CONUS. Additionally, the Bidder is prohibited from connecting to the system from any location outside of CONUS, ensuring that all operations, support, programing, data migration, conversion, management activities and other operations are conducted exclusively within CONUS boundaries. The Bidder also must conduct all labor within the CONUS boundaries. The Bidder must implement and maintain appropriate controls to enforce this restriction and provide assurances of compliance throughout the duration of the agreement.

2.8. Encryption

The vendor must strictly adhere to all applicable NYS OPWDD and NYS ITS policies, standards, and requirements as they relate to encryption. This includes insuring full compliance with all applicable regulatory requirements. The vendor is expected to demonstrate adherence through periodic audits, reporting, and certification processes are required.

2.9. Security

The vendor must strictly adhere to all applicable NYS OPWDD and NYS ITS policies, standards, and requirements. This includes insuring full compliance with all applicable regulatory requirements.

Security and Privacy Requirements
OPWDD requires that Bidders providing information technology (IT) and application services, COTS or custom, to OPWDD comply with the security and privacy policies and controls outlined in this RFP and all other applicable NYS and federal laws, regulations, policies, and standards for IT systems that transfer, process, or store OPWDD data, including but not limited to the HIPAA Omnibus Final Rule. Bidders are required to verify compliance with security and privacy requirements by providing OPWDD with documentation and artifacts that validate applicable standards and controls are in place.

Moderate-Plus Security Controls Baseline
OPWDD has defined a Moderate-Plus Security Controls Baseline based on, and consistent with the security provisions described in Centers for Medicare and Medicaid Services (CMS) Acceptable Risk Safeguards (ARS) and National Institute of Standards and Technology (NIST) Special Publication (SP) 800-53 at the Moderate level. Additionally, OPWDD has augmented these federal standards with NYS Policies and Standards. The Moderate-Plus Security Controls Baseline includes a System Overview document.

System Security Plan (SSP)
OPWDD requires the selected Bidder to maintain a SSP that aligns with the Moderate-Plus Security Controls Baseline for all systems that will transfer, process, or store OPWDD data. OPWDD considers bidder responses to represent a commitment by the bidder to adhere to, and demonstrate compliance with, the Moderate-Plus Security Controls Baseline. OPWDD will provide necessary templates and guidelines with respect to SSP format to the selected Bidder. It is at OPWDD's discretion to conduct audits on an annual basis with respect to all current rules and regulations.

Data Use Agreement (DUA) and Business Associate Agreement (BAA)
Selected Bidder shall execute a Data Use Agreement (DUA) and Business Associate Agreement (BAA).

Legal and Regulatory Compliance
Bidders should familiarize themselves with all applicable NYS and federal laws, regulations, policies, and standards for IT systems that transfer, process, or store OPWDD data.

Based on the classification of data, systems addressed by this RFP will be subject to security and regulatory requirements including but not limited to:

- OPWDD policies and standards
- NYS ITS policies and standards
- The HIPAA Omnibus Final Rule
- All applicable State and federal laws and regulations related to privacy protections.
- NYS Social Services Law (§) 367-b(4) of the
- NYS Social Services Law Section 369(4)
- Article 27-F of the NYS Public Health Law (HIV/AIDS)
- 18 NYCRR 360-8.1

- NYS Civil Rights 79-L
- Social Security Act, 42 USC 1396a(a)(7)
- Federal regulations at 42 CFR 431.302 and 42 CFR Part 2 (Substance Use Disorder)
- NYS Mental Hygiene Law Section 33.13
- 45 CFR Parts 160 and 164 (Privacy related sections for HIPAA)
- Payment Card Industry Data Security Standard (PCI DSS), if applicable

Bidder Engagement and Security Compliance Requirements
The selected Bidder shall meet with OPWDD or its designee no less than monthly or as required by OPWDD. These meetings will include, but are not limited to, discussions on security controls and protections in place to ensure the confidentiality, integrity, and availability (CIA) of the selected Bidders supplied system and the data it contains.

Ongoing Evidence of Security Controls
The Bidder shall be required to provide the following:

- Provide a monthly report of vulnerability scan results of the OPWDD system environment and include the associated remediation plan in a format approved by OPWDD.
- Conduct annual penetration test using a third party on the OPWDD solution. The penetration test plan shall be shared with OPWDD or its designee prior to testing for review and approval.
- Facilitate annual incident response (IR) tabletop exercise with OPWDD. The IR tabletop plan shall be shared with OPWDD or its designee prior to testing for review and approval.
- Conduct annual disaster recover (DR) testing. The DR test plan shall be shared with OPWDD or its designee prior to testing for review and approval. The Bidder shall provide the test results including lessons learned to OPWDD.
- Conduct an annual third-party risk assessment following the NIST 800-30 methodology of the OPWDD system environment and provide results to OPWDD or its designee.
- Provide updated OPWDD SSP Workbooks to OPWDD or its designee on an annual basis or upon any significant system change. If applicable, Bidder must provide on an annual basis evidence of ongoing PCI DSS compliance.
- Maintain an ongoing POA&M list of all required corrective action resulting from such things as the annual penetration test, vulnerability scanning and risk assessment.
- If custom developed solution, provide OPWDD or its designee evidence annually of compliance with OWASP Top 10 and NYS ITS standard NYS-S13-001 Secure System Development Life Cycle.

2.10. Maintenance/Support

All support shall reside in the continental USA and be available during all hours, 24/7. All service maintenance and updates to occur between the hours of 10PM to 6AM Eastern Standard Time (EST). A credit of $10 per minute shall be given if the Bidder exceeds a downtime of 99.9 during all hours on any day during the contract period.

2.11. Infrastructure Support Services

All support shall reside in the continental USA and be available during all hours 24/7. All service maintenance and updates to occur between the hours of 10PM to 6AM EST. A credit of $10 per minute shall be given if the Bidder exceeds a downtime of 99.9 during all hours on any day during the contract period.

2.12. Business Continuity/Disaster Recovery (BC/DR) Operations

The selected Bidder must provide a BC/DR plan to ensure minimal disruption to services, and rapid restoration in the event of an unforeseen incident or disaster. The plans must encompass all critical systems, data, and infrastructure.

2.13. Application Program Interface (API) OR Self Electronic Portal

OPWDD is looking for a Web/Cloud-based solution that has robust capabilities with respect to micro-services/APIs to share data with existing systems.

The Solution must have integration capabilities with other systems preferably with APIs and/or other real-time services, such as the following NYS systems, but are not limited to:

- EHR
- CHOICES
- CMA
- TABS
- SFS
- eMedNY
- DV
- RS
- Email Servers

2.14. Authentication Tokens

The vendor must strictly adhere to all applicable NYS OPWDD and NYS ITS policies, standards, and requirements as they relate to encryption. This includes insuring full compliance with all applicable regulatory requirements. The vendor is expected to demonstrate adherence through periodic audits, reporting, and certification processes are required.

Some sections above references NYS Information Technology Services (ITS) standards and policies; they can be located at: http://www.its.ny.gov/tables/technologypolicyindex.htm/security and https://its.ny.gov/eiso/policies/security.

3. PROPOSAL REQUIREMENTS

Proposals submitted in response to this RFP must be from single entities. In the case of collaborative ventures, one party must be put forth as the prime Contractor with any partners listed as subcontractors. See Section 4.16 for subcontracting opportunities.

The bid submitted in response to this RFP must be comprised of three separate elements: an Administrative Proposal, a Technical Proposal, and a Cost Proposal, as described in Sections 4, 5, and 6 of this RFP.

3.1. Proposal Validity

Bids must remain open and valid for at least 270 days from the proposal due date, unless the time for awarding the Contract is extended by mutual consent of OPWDD and the Bidder. Following this 270-day period, a Bid shall continue to remain an effective offer, firm and irrevocable, until OPWDD makes a tentative award of the Contract, or the Bidder withdraws the Bid in writing.

3.2. Accuracy of Proposals

Bidders are responsible for the accuracy of their proposals. All Bidders are directed to take extreme care in developing their proposals. Bidders are cautioned to review their proposals carefully prior to Bid submittal, as requests for Bid withdrawals of any type are not likely to be granted. If a Bidder submits a proposal ahead of the submission deadline, they may submit an amended proposal at any time prior to the proposal due date indicated in the Calendar of Events, Section 1.3.

3.3. Extraneous Terms

Proposals must conform to the terms set forth in the solicitation. Due to the requirement of 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. The State reserves the right, at its sole discretion, to determine the materiality of the Bidder's stated exception.

Acceptance and/or processing of a Bid shall not constitute acceptance of extraneous terms. OPWDD will not entertain any exceptions to Appendix A – Standard Clauses for New York State Contracts.

Any Bidder submissions on standard, preprinted 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. ADMINISTRATIVE PROPOSAL

Bidder must be willing to enter into a contract in accordance with the terms of this RFP, inclusive of all appendices, exhibits, attachments, questions and answers, and any amendments or addenda.

4.1. Document Submission Checklist and Attestation (Attachment 1)

Bidders must meet the minimum qualifications in Section 1.8. The Bidder must outline the specific experience that meets these qualifications in their Administrative Proposal.

The Bidder must complete and submit the required attestations, agreements, warranties, and certifications contained in Attachment 1 as part of the mandatory Administrative Proposal requirements. The attestation must be signed by an individual who is authorized to contractually bind the successful Bidder.

4.2. Ownership of Work Product

Bidder must indicate an understanding and acceptance that all materials produced, created, improved, maintained, or conceived by the selected Bidder for OPWDD in the fulfillment of their obligations under the Contract (including but not limited to any software, website creation and development, documentation, products, materials, advertising for television, radio, print, internet, or other media) and deliverables that result from services rendered by the selected Bidder to OPWDD shall be turned over to OPWDD within 90 days of the expiration of the contract, or within 30 days of an early termination of the Contract, at no additional cost to OPWDD. OPWDD shall own all rights, title, and interest in said material.

4.3. Non-Collusive Bidding Certification (Attachment 5)

In accordance with SFL § 139-d, if the Contract is awarded based upon the submission of Bids, the Bidder must warrant, under penalty of perjury, that their proposal was arrived at independently and without collusion aimed at restricting competition. Each Bidder must further warrant that, at the time the Bidder submitted their proposal, an authorized and responsible person executed and delivered to OPWDD a Non-Collusive Bidding Certification on the Bidder's behalf. Attachment 5: Non-Collusive Bidding Certification must be completed and submitted with the Administrative Proposal.

4.4. Vendor Responsibility Questionnaire (Attachment 7)

SFL § 163 requires that contracts be awarded based on lowest price or best value to a responsive and responsible Bidder. The State and courts have determined that responsibility includes integrity, previous performance, legal authority to do business in New York State, and financial and organizational ability to perform the contract. As part of the procurement process, Bidders, affiliates, any business entity of which the Bidder is a subsidiary, and subcontractors (where the subcontractor is known at the time of the contract award, their qualifications are a material factor in the award, and the subcontract will equal or exceed $100,000 over the life of the contract) are required to complete the Vendor Responsibility Questionnaire.

Bidders are encouraged to complete the online form, which is available at: https://www.osc.ny.gov/state-vendors/vendrep/file-your-vendor-responsibility-questionnaire. If the Bidder does not have an online questionnaire that is current and certified, the Bidder must complete a hard copy questionnaire. The Bidder acknowledges that OPWDD's execution of the Contract will be contingent upon OPWDD's determination that the Bidder is responsible, and that OPWDD will be relying in part upon the Bidder's responses to the questionnaire in making that determination.

OPWDD shall conduct reviews of each Bidder for responsibility and responsiveness. OPWDD may, at OPWDD's sole discretion, request additional information, including meeting with the Bidder.

If the Bidder is determined by OPWDD to be non-responsible, OPWDD shall inform the Bidder in writing, detailing the exact reasons for the determination. The Bidder shall have 30 days from receipt of this notice to file a written appeal. OPWDD will promptly review the appeal and make a final determination. If OPWDD's finding of non-responsibility remains unchanged, the Bidder shall be removed from consideration for this Contract.

4.5. Procurement Lobbying Requirements (Attachment 10)

On August 23, 2005, Legislative Law and SFL were amended to include provisions for the regulation of attempts to influence State and other governmental entity procurement contracts. SFL Sections 139-j and 139-k impose procurement record requirements relating to lobbying on procurement contracts.

4.5.1. Contracts Subject to Procurement Lobbying Act Requirements

All procurement contracts resulting from procurement transactions initiated on or after January 1, 2006, are subject to the procurement lobbying requirements and additional procurement record requirements.

SFL defines a procurement contract as any contract or other agreement for an article of procurement involving an estimated annualized expenditure in excess of $15,000.

Subject to certain exceptions, an assignment, amendment, renewal, or extension of a procurement contract, or any material change in a procurement contract resulting in a financial benefit to the Bidder, is covered by the provisions of the Act. Backdrop contracts and any contracts resulting from Mini-Bids pursuant to the backdrop contracts are also subject to this law.

This solicitation includes and imposes certain restrictions on communications between OPWDD and Bidders during the procurement process. From the issue date of this RFP until contracts are awarded and approved, Bidders and prospective Bidders are restricted from making any contact, as defined in SFL § 139-j (1) (c), relating to this procurement other than written contact (including email) with the OPWDD staff members named in Section 1.4.2 of this RFP, unless it is a contact that is included among exceptions set forth in SFL § 139-j (3) (a).

4.5.2. Procurement Lobbying Law Certification of Compliance

Attachment 10: Procurement Lobbying Law Certification of Compliance must be completed, signed by the Bidder, and included in the Administrative Proposal, providing the representations outlined below:

The procurement record for every contract must include a determination that the Bidder is responsible in accordance with Bidder responsibility requirements. In addition to the general responsibility determination, for all contracts subject to the State Comptroller's approval the procuring entity must make a separate responsibility determination as to whether the Bidder has: (i) knowingly and willfully violated the prohibitions against impermissible contacts or certain ethics provisions, or failed to timely disclose accurate and complete information or otherwise failed to cooperate with the procuring entity, or (ii) failed to disclose prior determinations of non-responsibility by any governmental entity for any of the above reasons within the previous four years.

4.5.3. Bidder Certification / Complete Disclosure

Every procurement record must include a disclosure by Bidders regarding non-responsibility determinations within the past four years based on: (i) impermissible contacts or other violations of SFL § 139-j; or (ii) the intentional provision of false or incomplete information to a governmental entity. (Note: To satisfy the requirement regarding Bidder disclosure, the governmental entity must specifically request information regarding prior findings of non-responsibility for violations of SFL § 139-j. A general request for prior findings of non-responsibility is not sufficient.) In addition, any procurement contract award shall contain a certification by the Bidder that the information provided to the procuring entity was complete, true, and accurate.

4.5.4. Contract Clause / Termination Provision

OPWDD is authorized to terminate the contract if the certification (see preceding paragraph) is found to be intentionally false or intentionally incomplete, as contained in Appendix A: Standard Clauses for All New York State Contracts.

Agency Policy and Prohibitions Regarding Permissible Contacts (SFL § 139-j) restricts contacts by Offerors with any governmental entity regarding procurement contracts. Subject to certain exceptions set forth in SFL § 139-j(3), contacts between Offerors and governmental entity personnel, other than the governmental entity's designated contact person(s), are prohibited during the restricted period of the governmental procurement.

The statute requires that "every governmental entity shall incorporate a summary of the entity's policy and prohibitions regarding permissible contacts during a governmental procurement" and that a copy of the governmental entity's procedures be included in the solicitation or Bid documents for all procurement contracts. The statute further requires that if a member, officer, or employee of a governmental entity becomes aware that an Offeror has violated the permissible contacts provisions of the law, such person shall immediately notify the Ethics Officer, Inspector General, or other official of the procuring governmental entity responsible for investigation of such violations.

4.5.5. Affirmation of Compliance

All Bidders must provide a written affirmation that the Bidder understands and agrees to comply with the governmental entity's procedures relating to permissible contacts during the restricted period. See Section 1.4.2 of this RFP for the OPWDD designated contact(s).

4.5.6. Record of Contacts

For each procurement contract, SFL § 139-k requires that all contacts between an Offeror and a governmental entity during the restricted period be recorded and made a part of the procurement record.

4.6. Diversity Requirements and Equal Employment Opportunities for Minorities and Women (Attachment 19)

By submission of a Bid in response to this solicitation, the Bidder agrees with all the terms and conditions set forth in Appendix L: Supplier Diversity Requirements.

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 and set forth at 5 NYCRR Parts 140-144, the Bidder 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 MWBE goal established under this RFP is 30% (17% MBE and 13% WBE).

4.7. NYS 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. 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 Bidder is encouraged to contact the Office of General Services' Division of Service-Disabled Veterans' Business Development at 518-474-2015 or VeteransDevelopment@ogs.ny.gov to discuss methods of maximizing participation by SDVOBs on the Contract.

The SDVOB goal established under this RFP is 6%.

4.8. Encouraging the Use of New York Subcontractors and Suppliers (Attachment 4) and New York State Business Usage Form (Attachment 4A)

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. Attachment 4: Encouraging the Use of New York Subcontractors and Suppliers and Attachment 4A: New York State Business Usage Form must be completed and submitted with the Administrative Proposal.

4.9. R54Consultant Disclosure Legislation (Attachments 8 & 8A)

Bidders must comply with the requirements of SFL § 163(4)(g), which imposes certain reporting requirements on Contractors doing business as vendors with New York State. In accordance with these reporting requirements, Bidders will complete and submit only Attachment 8A: State Consultant Services Contractor's Planned Employment Form A with the Administrative Proposal. Instructions for completing and submitting Form A are included within Attachment 8.

Appendix I: Consultant Disclosure (Form B) must be submitted by the awarded Bidder by May 15th for each fiscal year (April 1 – March 31) that the Contract term is in effect. Instructions for completing and submitting Form B are included within Appendix I.

While Planned Employment (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.

4.10. Conflicts of Interest (Attachment 9)

Throughout the procurement process, Bidders must identify and bring to the attention of OPWDD actual or apparent conflicts of interest, as defined in Section 1.7, as knowledge of such conflicts arise.

If a conflict of interest does or might exist, please describe how Bidder would eliminate or prevent it. Indicate what procedures will be followed to detect, notify OPWDD of, and resolve any such conflicts.

If the Bidder discloses a New York State Commission on Ethics and Lobbying in Government (COELIG) investigation or disciplinary action, a brief description must be included indicating how any matter was resolved or whether it remains unresolved.

Attachment 9: Vendor Assurance of No Conflict of Interest or Detrimental Effect must be completed and submitted with the Administrative Proposal.

A Bidder's proposal will be subject to disqualification, at the sole discretion of OPWDD, if OPWDD determines that the Bidder (including a Bidder organization's parent or subsidiary) has a conflict of interest or the appearance of a conflict of interest that cannot be eliminated or prevented.

Any Bidder awarded a contract under this RFP will have an ongoing obligation to inform OPWDD of any actual or apparent conflicts of interest. Any failure to disclose conflicts of interest after an award may result in administrative actions including, but not limited to, termination of the contract.

4.11. Executive Order 177 Anti-Discrimination Certification (Attachment 15)

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 based on 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. Attachment 15: Executive Order 177 Anti-Discrimination Certification must be completed and submitted with the Administrative Proposal.

4.12. Sexual Harassment Prevention Policy Certification (Attachment 14)

By submission of this Bid, each Bidder and each person signing on behalf of any Bidder certifies, 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 their employees. Such policy shall, at a minimum, meet the requirements of Section 201-g of the Labor Law. Attachment 14: Sexual Harassment Prevention Policy Certification must be completed and submitted with the Administrative Proposal.

4.13. Tax Law Section 5-A

The Bidder awarded a Contract pursuant to this RFP must comply with the requirements of Tax Law § 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 Office of the New York State Comptroller 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, must be filed in compliance with Tax Law § 5-a. Any Bidder submitting a proposal under this RFP must file the ST-220-TD directly with the Department of Taxation and Finance at the address provided on the form and submit the ST-220-CA to OPWDD.

Bidders can visit the New York State Department of Taxation and Finance website to download the forms and obtain more information at https://www.tax.ny.gov/forms/form_number_order_st_y.htm.

Bidders may call Tax and Finance at 1-800-698-2931 for Contractor sales tax information. For additional information and frequently asked questions, please refer to Tax's web site: http://www.tax.ny.gov/.

Bidders may call Tax and Finance at 1-800-972-1233 for questions relating to Tax Law § 5-a and to a company's registration status with Tax and Finance. For additional information and frequently asked questions, please refer to Tax's web site: http://www.tax.ny.gov/.

4.14. Executive Order No. 16 Prohibiting State Agencies and Authorities from Contracting with Businesses Conducting Business in Russia (Attachment 16)

Executive Order No. 16 provides that "all Affected State Entities are directed to refrain from entering into any new contract or renewing any existing contract with an entity conducting business operations in Russia." The complete text of Executive Order No. 16 can be found at: https://www.governor.ny.gov/executive-order/no-16-prohibiting-state-agencies-and-authorities-contracting-businesses-conducting.

The Executive Order remains in effect while sanctions imposed by the federal government are in effect. Accordingly, Bidders who may be excluded from award because of current business operations in Russia are nevertheless encouraged to respond to solicitations to preserve their contracting opportunities in case the sanctions are lifted during a solicitation or even after award in the case of some solicitations.

As defined in Executive Order No. 16, an "entity conducting business operations in Russia" means an institution or company, wherever located, conducting any commercial activity in Russia or transacting business with the Russian Government or with commercial entities headquartered in Russia or with their principal place of business in Russia in the form of contracting, sales, purchasing, investment, or any business partnership.

Attachment 16: Certification Under Executive Order No. 16 must be completed and submitted with the Administrative Proposal.

4.15. 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 a Bidder does not already have a Vendor ID Number, the NYS Substitute Form W-9 must be completed and submitted directly to OPWDD upon notification of award. The purpose of the Substitute Form W9, 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 form can be found at: https://www.osc.ny.gov/files/vendors/2017-11/vendor-form-ac3237s-fe.pdf.

4.16. Subcontractors

The Bidder is wholly and solely responsible for all actions performed by and products provided by their subcontractors. Subcontractors are subject to the conflict-of-interest provisions located in Sections 1.7 and 4.10 of the RFP.

If the Bidder will have a subcontractor perform part of the work, OPWDD must conduct a separate responsibility review if:

- the subcontractor is known at the time of the contract award; and
- the subcontract is valued at $100,000 or more.

If the above applies, the subcontractor must submit a separate questionnaire using their own Vendor ID (not the contractor's). If the subcontractor does not have one, the subcontractor will need to fill out the W9 form listed on the Library of Attachments and provide it to OPWDD to request a Vendor ID on the subcontractor's behalf.

Joint proposals from two or more entities cooperating in the same proposal but separately seeking funding are not allowed. All payments under any contract resulting from a successful bid will be made only to the prime Contractor.

5. TECHNICAL PROPOSAL— 70 POINTS

The purpose of the Technical Proposal is to establish the qualifications, competence, and capacity of the Bidder to perform the services contained in the RFP. The Technical Proposal must demonstrate that the Bidder and their staff will be able to provide the services described in this RFP.

A Technical Proposal that is incomplete in any material respect may be eliminated from consideration. The following outlines the information to be provided by Bidders. The information requested should be provided in the prescribed format as described in Section 8 of this RFP. Responses that do not follow the prescribed format may be eliminated from consideration. All responses to the RFP may be subject to verification for accuracy.

While additional data may be presented, the following should be included. Please provide the information in the same order in which it is requested. The proposal should present a level of detail sufficient to assure OPWDD of the information's accuracy. Failure to follow these instructions may result in disqualification.

Bidders are required to submit their Technical Proposal behind Attachment 18: Technical Proposal Response Cover Page.

A Technical Proposal is to be submitted addressing the items listed in this section and **not exceed 30 pages**. Cover pages, table of contents, and any attachments (e.g., charts, graphs, document samples, resumes) will not be counted in the total page limit.

5.1. Physician Services Pilot Implementation — 21.5 points

Describe approach and strategy to fulfill the needs in this RFP. A detailed outline and plan to be submitted for executing the required deliverables in Section 2.3.

5.1.1. Equipment

5.1.2. Training

5.1.3. Support

5.1.4. Provision of Offered Service

5.2. Organizational Experience and Capacity — 20 points

Describe the current programs/services of the bidding organization and proposed subcontractors, if applicable, and their capacity to implement and administer the proposed Physician Services Pilot. This may include evidence of prior experience and/or successes with similar initiatives, especially those that have included serving people with developmental disabilities.

5.2.1. Telehealth: Describe the Bidder's and any proposed employees experience with providing on-call services to assist with triaging calls and providing telemedicine visits.

5.2.2. Intellectual or Developmental Disabilities Experience: Describe the Bidder's and any proposed employees experience with working with people with developmental disabilities, their families, advocates, and/or service providers. Experience working with people with developmental disabilities is preferred.

5.2.3. Length of Experience: Describe the Bidder's and any proposed employees' length of experience plus the number of years with the services being requested in this RFP.

5.3. Statewide Availability and Regional Presence — 15 points

Provide information on statewide availability and regional presence in detail by answering the following:

- What areas/regions has the vendor provided services in already (past and present)?
- What areas/regions is the vendor willing to provide services in?

- How many locations does the vendor have and where are they located?

5.4. Quality Control Measures of Employees and Subcontractors 10 points

Provide a list of quality control measures for direct employees and subcontractors that Bidder will be responsible for. The Bidder should include the following in their explanation:

- Describe plan to keep track of direct employees and subcontractors.
- State whether and how background checks are conducted on employees and subcontractors. Upon award of Contract all staff participating in this pilot will require an industry standard criminal history background check at no cost to OPWDD. In addition, OPWDD at its discretion may require further background checks at the awarded vendor's expense.
- State and give an example of how they will resolve any issues that may occur with an employee or subcontractor.

5.5. Diversity Practices 3.5 points

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 vendors on contracts with nongovernmental entities and governmental units other than the State of New York.

An additional 3½ points may be awarded based on diversity practices and the efforts of vendors to include NYS-Certified Minority- and Women-owned Business Enterprises (MWBEs), SDVOBs, or Small Businesses in their business practices; see Section 4.6. Assessing the diversity practices of contractors encourages contractors to engage in meaningful, capacity-building collaborations with MWBEs. OPWDD has determined, pursuant to New York State Executive Law Article 15-A, that the assessment of the diversity practices of Bidders to this procurement is feasible, practical, and appropriate. **Attachment 19**: Diversity Practices Questionnaire must be completed and submitted with the Administrative Proposal.

6. COST PROPOSAL — 30 POINTS

6.1. Proposal Requirements

- Bidders shall submit a completed Attachment 2: Cost Proposal. This document shall not be modified and completed following instructions provided in the Excel workbook.
- All costs must be related to the deliverables and services described in this RFP.
- All costs must be rounded to the nearest hundredth (two decimal places).

7. INSURANCE REQUIREMENTS

Sections 57 and 220 of the New York State Workers' Compensation Law (WCL) provide that OPWDD shall not enter into any contract unless proof of workers' compensation and disability benefits insurance coverage, or exemption, is produced. Prior to entering into a contract with OPWDD, successful Bidders will be required to verify for OPWDD, on forms authorized by the New York State Workers' Compensation Board, that they are properly insured or are otherwise in compliance with the insurance provisions of the WCL. The forms to be used to show compliance with the WCL are listed below. Any questions relating to either workers' compensation or disability benefits coverage should be directed to the State of New York Workers' Compensation Board, Bureau of Compliance at (866) 298-7830. Failure to provide verification of either of these types of insurance coverage or exemption by the time contracts are ready to be executed will be grounds for disqualification of an otherwise successful proposal.

7.1. Proof of Workers' Compensation Coverage

Upon notification of award, the successful Bidder will be requested to submit *one* of the following forms as Workers' Compensation documentation:

- Form C-105.2 – Certificate of Workers' Compensation Insurance issued by private insurance carrier (or Form U-26.3 issued by the State Insurance Fund); or
- Form SI-12 – Certificate of Workers' Compensation Self-Insurance (or Form GSI-105.2 Certificate of Participation in Workers' Compensation Group Self-Insurance); or
- Form CE-200 – Certificate of Attestation of Exemption from New York State Workers' Compensation and/or Disability Benefits Coverage.

7.2. Proof of Disability Benefits Coverage

Upon notification of award, the successful Bidder will be requested to submit *one* of the following forms as Disability documentation:

- Form DB-120.1 – Certificate of Disability Benefits Insurance; or
- Form DB-155 – Certificate of Disability Benefits Self-Insurance; or
- Form CE-200 – Certificate of Attestation of Exemption from New York State Workers' Compensation and/or Disability Benefits Coverage.

Further information is available on the Workers' Compensation Board's website at http://www.wcb.ny.gov.

7.3. Additional Insurance Requirements

Prior to the start of work the Contractor shall procure at their sole cost and expense and shall maintain in force at all times during the term of this Agreement, policies of insurance as set forth in Appendix E, written by companies authorized by the New York State Insurance Department to issue insurance in the State of New York and with an A.M. Best Company rating of A or better. OPWDD may, at its sole discretion, accept policies of insurance written by a non-authorized carrier or carriers when Certificates and/or other policy documentation is accompanied by a completed Excess Lines Association of New York (ELANY) Affidavit. Nothing herein shall be construed to require OPWDD to accept insurance placed with a non-authorized carrier under any circumstances.

The Contractor shall deliver to OPWDD evidence of such policies in a form acceptable to OPWDD within ten days of notification of award, or the Bid will be subject to dismissal without further review. **Appendix E Insurance Requirements** within the attached Contract Boilerplate includes all applicable insurance coverages and conditions for any Contract resulting from a successful Bid. The Contractor must comply with these requirements to remain responsible under the terms of the Contract.

8. PROPOSAL SUBMISSION REQUIREMENTS

8.1. Specific Requirements

8.1.1. Bidders must submit a complete response to this RFP that satisfies the requirements set forth in **Attachment 1: Document Submission Checklist and Attestation (Administrative Proposal Submission)**. Failure to do so may render the Bidder's proposal nonresponsive.

8.1.2. Each Bidder is expected to provide OPWDD with information, evidence, and demonstrations that will make possible a contract award that best serves the stated interests of 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.

8.1.3. 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 a preponderance of boilerplate text are discouraged. Emphasis in each proposal should be on completeness and clarity of content.

8.1.4. Failure of 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 in determination of a nonresponsive 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 OPWDD.

8.1.5. 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.

8.1.6. 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.

8.2. Required Submission Documents

The documents listed below are included in the Library of Attachments, which will be included with the RFP. All documents requiring signature must be signed by an authorized representative of the Bidder. Please review the terms and conditions. Certain documents will become part of the resulting contract that will be executed between the successful Bidder and OPWDD. Please refer to Section 8.5 Packaging of Proposal for more information on how to package the proposal:

Attachment 1	Document Submission Checklist and Attestation
Attachment 2	Cost Proposal
Attachment 3	Contractor Information Sheet
Attachment 4	Encouraging the Use of New York Subcontractors and Suppliers
Attachment 4A	Business Usage Form
Attachment 5	Non-Collusive Bidding Certification
Attachment 7	Vendor Responsibility Questionnaire Certification
Attachment 8	NYS Consultant Services Planned Employment Form A
Attachment 9	Vendor Assurance of No Conflict of Interest or Detrimental Effect
Attachment 10	Procurement Lobbying Law Certification of Compliance
Attachment 11	EEO Staffing Plan
Attachment 12	MWBE Utilization Plan
Attachment 13	SDVOB Utilization Plan
Attachment 14	Sexual Harassment Prevention Policy Certification
Attachment 15	Anti-Discrimination Certification
Attachment 16	Businesses Conducting Business in Russia
Attachment 17	Minimum Qualifications
Attachment 18	Technical Proposal Response Cover Page
Attachment 19	Diversity Practices Questionnaire

8.3. Late Submissions

Bidders assume all risks for timely, properly submitted deliveries. The time of Bidder Submission receipt is determined by OPWDD according to the clock located at the address provided in Section 1.4.2 of this RFP. Bidders are strongly encouraged to arrange for delivery of proposals to OPWDD prior to the proposal due date and time provided in Section 1.3 of this RFP.

Physical Bids must be received at the location designated in Section 1.4.2 of this RFP at or before the proposal due date and time established in Section 1.3 of this RFP. Electronically submitted Bids must be received at the mailbox given in

Section 8.5 at or before this same date and time. Any Bid received after the established time will be considered a late Bid. A late Bid may be rejected and disqualified from award.

Notwithstanding the foregoing, a late Bid may be accepted at the OPWDD Commissioner's sole discretion where (i) no timely Bids meeting the requirements of the Solicitation are received, (ii) in the case of a multiple award, an insufficient number of timely Bids are received to satisfy the multiple award, (iii) the Bidder has demonstrated to the satisfaction of the Commissioner that the late Bid was caused solely by factors outside the control of the Bidder, or (iv) the Commissioner has determined that it is in the best interests of the State to accept the Bid. In no event shall the Commissioner be under any obligation to accept a late Bid. The basis for any determination to accept a late Bid shall be documented in the procurement record. All submissions and accompanying documentation shall become the property of the State of New York and shall not be returned.

8.4. Proposal Redactions - Freedom of Information Law / Trade Secrets

All proposals may be disclosed or used by OPWDD to the extent permitted by law. OPWDD may disclose a proposal to any person for the purpose of assisting in evaluating the proposal or for any other lawful purpose. All proposals will become State agency records, which will be available to the public in accordance with NYS Freedom of Information Law (FOIL) (Public Officers Law, Article 6, Sections 84-90). FOIL promotes the public's right to know the process of governmental decision-making and grants maximum public access to governmental records. The proposal of the successful Bidder and the proposals of unsuccessful Bidders may be subject to disclosure under FOIL.

However, pursuant to Section 87(2)(d) of FOIL, a State agency may deny access to those portions of proposals or portions of a successful Bidder's contract that are "trade secrets" or submitted to an agency by a commercial enterprise or derived from information obtained from a commercial enterprise and that, if disclosed, would cause substantial injury to the competitive position of the subject enterprise. Please note that all information that a Bidder may claim as proprietary, copyrighted, or rights-reserved is not necessarily protected from disclosure under FOIL.

If there is information in a Bidder's proposal that a Bidder claims meets the definition set forth in Section 87(2)(d), the Bidder must provide a list, clearly and specifically identifying any portion of the proposal that the Bidder believes constitutes proprietary information entitled to confidential handling as an exception to the FOIL. See the Contract Boilerplate, Section 11 Public Information and FOIL.

Failure to identify the information that a Bidder believes should be protected by Section 87(2) (d) may result in such information being disclosed if a request is received.

It is a Bidder‘s responsibility to consult an attorney with any questions the Bidder may have about New York State's Freedom of Information Law. All work products described herein may also be subject to FOIL disclosure.

The State will not honor any attempt by a Bidder either to designate their entire Bid proposal as proprietary and/or to claim copyright protection for their entire proposal.

The Contractor must provide to the State all information, records, and other written material it produces, possesses, or relies upon if such material is the object of a legitimate request to the State pursuant to the 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 OPWDD. Blanket assertions of proprietary material will not be accepted, and failure to specifically designate proprietary material may be deemed a waiver of any right to confidential handling of such material.

A Bidder making a physical submission is required to include a USB flash drive with redacting of proprietary information and clearly labeled as such per Section 8.5.2 of this RFP. A Bidder making an electronic submission must include an email attachment with the redacting of proprietary information; the attachment must be clearly named to avoid any confusion.

All proposals submitted for OPWDD's consideration will be held in confidence. However, the resulting contract is subject to New York State Freedom of Information Law (FOIL). Therefore, if a Bidder believes that any information in their Bid constitutes a trade secret or should otherwise be treated as confidential and wishes such information not to be disclosed if

requested, pursuant to FOIL (Article 6 of the Public Officer's Law), the Bidder must submit with their Bid a separate letter specifically identifying the page number(s), line(s), or other appropriate designation(s) containing such information, explaining in detail why such information is a trade secret and formally requesting that such information be kept confidential. Failure by a Bidder to submit with their Bid such a letter identifying trade secrets will constitute a waiver by the Bidder of any rights it may have under Section 89(5) of the Public Officers' Law relating to protection of trade secrets. The proprietary nature of the information designated confidential by the Bidder may be subject to disclosure if ordered by a court of competent jurisdiction. A request that an entire Bid be kept confidential is not advisable since a Bid cannot reasonably consist of all data subject to FOIL proprietary status.

8.5. Packaging of Proposal

Bidders must submit a complete proposal as outlined in this Section 8 of this RFP. A proposal that does not comply with these requirements may be deemed nonresponsive.

Proposals may be submitted physically or via email. Physical submission must be made by U.S. mail, delivery service, independent courier, or hand delivery to the OPWDD building at the address given in Section 1.4.2. Electronic submission must be made to procurement@opwdd.ny.gov.

Physically submitted proposals must be on USB flash drives containing searchable PDF or Excel files as required per this RFP for each one of the proposal sections described in Sections 4-6 of this RFP. Bidders additionally may include a printed hard copy as desired. Should a disparity be found between any paper document and any electronic document, the electronic document shall be deemed the ruling document.

Electronically submitted proposals should include all required documents as three direct attachments to the email, presenting the Administrative Proposal, the Technical Proposal, and the Cost Proposal as individual elements. Proposals submitted with links to external cloud storage systems for downloading will not be accepted.

All USB flash drives must be unencrypted. Failure to provide them unencrypted may result in disqualification. Similarly, **email submissions must not be password protected or encrypted in any way**.

OPWDD must receive complete proposals on or before the proposal due date and time as indicated in Section 1.3 of this RFP. If proposal packaging labels are not sufficient to identify the contents, OPWDD reserves the right to open packages for the purpose of identifying the source and contents of the package.

All proposals and accompanying documentation become the property of OPWDD and ordinarily will not be returned.

8.5.1. Physical Submission:

Three separately sealed envelopes containing the following elements must be submitted and labeled as follows:

Administrative Proposal / Bidder Name / OPD-2025-54 / Physician Services Pilot

- 1 USB flash drive containing all attachments required in Section 8.2, except 2 and 18.

Technical Proposal / Bidder Name / OPD-2025-54 / Physician Services Pilot

- 1 USB flash drive containing:
  - Any proposal redactions as described in Section 8.4 of this RFP.
  - Attachment 18 - Technical Proposal Response Cover Page with proposal to follow.

Cost Proposal / Bidder Name / OPD-2025-54 / Physician Services Pilot

- 1 USB flash drive containing Attachment 2 - Cost Proposal, this must remain in Excel format.

Combined Package

All three separately sealed envelopes may be combined into one package for mailing. It must be clearly indicated on the outside of the package that a proposal is enclosed. The proposal response must include the Bidder's street address.

Proposals with a post office box must include a street address. Complete proposals must have a label on the outside of the package that states the following:

PROPOSAL ENCLOSED (bold, large print, all capital letters)

Title of RFP: Physician Services Pilot
Solicitation Number: OPD-2025-54
Bidder's Name and Address:
Proposal Submission Date:

Bidder should transmit proposals in a form such that a receipt is obtained indicating the date and time of delivery and recipient.

Physical submissions must be sent by U.S. Mail, by courier, or by delivery service (e.g., FedEx, UPS, etc.) in a sealed package to the attention of the designated contract(s) at the address provided in Section 1.4.2 of this RFP. Proposals may also be hand-delivered as outlined in Section 8.6.

8.5.2. Electronic Submission:

One email with three separate email attachments (more as needed) containing the following elements must be submitted and labeled as follows:

Admin_Bidder Name_PhysicianServciesPilot_OPD-2025-54

- All attachments required in Section 8.2 combined into a single pdf, except 2 and 18.

Tech_Bidder Name_PhysicianServicesPilot_OPD-2025-54

- Attachment 18 – Technical Proposal Response Cover Page with proposal to follow.
- Any proposal redactions as described in Section 8.4 of this RFP should be a separate attachment, clearly named as such.

Cost_Bidder Name_PhysicianServicesPilot_OPD-2025-54

- Attachment 2 –Cost Proposal this must be in Excel format and kept separate from any other documents submitted as part of the bid submission.

PLEASE NOTE: The subject line of the submission email must include the RFP number to this solicitation.

8.6. Building Access Procedures for Hand Deliveries

To access the OPWDD office building, all visitors must enter through the main entrance at the front of the building, 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 any of the designated contracts in Section 1.4.2 from the Contract Management Unit. Building access procedures may change or be modified at any time. Bidders assume all risks for timely, properly submitted hand deliveries.

9. AWARD

9.1. Method of Award

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 (SFL Article 11, § 163).

The evaluation process will be conducted in a comprehensive and impartial manner.

The Evaluation will consist of three parts:

1. The Administrative Proposal is pass/fail as outlined in Section 9.2. If a Bidder fails the Administrative Proposal, the Bid will be rejected, and no scoring will occur.
2. The Technical Proposal will be weighted for a maximum of 70 points.
3. The Cost Proposal will be weighted for a maximum of 30 points.

An evaluation committee (the "Committee") will be designated and will be comprised of OPWDD staff. 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 the submission requirements outlined in Section 8 of this RFP will be evaluated based on the criteria detailed in the sections below.

The Commissioner reserves the right to accept or reject any and all Bids, or separable portions of Bids, and waive technicalities, irregularities, and omissions if the Commissioner determines the best interests of the State will be served. The Commissioner, at his or her sole discretion, may accept or reject illegible, incomplete, or vague Bids and his or her decision shall be final. A conditional or revocable Bid that clearly communicates the terms or limitations of acceptance may be considered, and Contract award may be made in compliance with the Bidder's conditional or revocable terms in the Bid.

9.2. Administrative Evaluation (Pass/Fail)

After the proposal opening, each proposal will be screened for completeness and conformity with the proposal submission requirements outlined in Section 8 of this RFP. Bidders should utilize the Attachment 1: Document Submission Checklist and Attestation (Administrative Proposal submission) to ensure that all required documents are included in their submissions. 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. The Bidder will be notified accordingly.

Submitted proposals will be evaluated on a pass/fail basis to determine whether the Bidder satisfies the RFP's Minimum Qualifications as specified in Section 1.8 of this RFP. Proposals that fail to meet the minimum qualifications and/or to include the required attestations will be deemed nonresponsive and will not be further evaluated, and the Bidder will be notified accordingly. Passing proposals will proceed to the Technical and Cost Proposal evaluations. Bidders may still be disqualified if it is later determined that the Bidder did not meet all RFP minimum qualifications and therefore should not have qualified to move on to the Technical and Cost Proposal evaluations stage.

9.3. Technical Evaluation (70 points)

The technical evaluators will independently review and score each Technical Proposal. The criteria against which each proposal will be evaluated are described in Sections 4-6 of this RFP. Final technical scores will be determined by averaging the Technical Evaluators' scores for each responsive Bidder.

Technical requirements for scoring:

- Section 5.1: Physicians Services Pilot Proposed Approach (max 21.5 points)

- Section 5.2: Organizational Experience and Capacity (max 20 points)
- Section 5.3: Statewide Availability and Regional Prescence (max 15 points)
- Section 5.4: Quality Control Measures of Employees and Subcontractors (max 10 points)
- Section 5.5: Diversity Practices (3.5 points)

9.4. Cost Evaluation (30 points)

Bidders' Cost Proposals will be scored by the fiscal evaluators, separately from the Technical Proposals. The Cost Proposal evaluation will be based on the Bidder's costs associated with the criteria listed in Section 6 of this RFP. The Bidder with the lowest price will be awarded the full points allocated to the Cost Evaluation. If a Cost Proposal is found to be nonresponsive, that proposal may not receive a cost score and may be eliminated from consideration.

The score for each of the remaining Bidders will be proportionate to the lowest Bidder. The formula for the evaluation of the other Bidders' proposals will be (lowest cost Bidder / Bidder being evaluated cost) x maximum points.

9.5. Final Composite Score

OPWDD will make a single contract award to the eligible and qualified Bidder whose proposal receives the highest aggregate score, thereby providing the best value to the State of New York. OPWDD will compile the cost and technical scores, compute the aggregate score for each proposal, and rank the proposals from highest to lowest. The aggregate score for each proposal will consist of an average of all scores (rounded to two decimal places) from the technical evaluators added to the score from the cost evaluation (rounded to two decimal places).

Should more than one Bidder obtain the same total score, the tie will be broken using the highest Technical Proposal score. If both Technical and Cost Proposal scores are equal, the Commissioner shall make the determination based on the best interests of the State, or tentative award will go to the first Bidder.

9.6. Notification of Award

The tentative awardee will be advised of their selection by OPWDD through the issuance of formal written correspondence indicating the proposed award, sent via email. All Bidders will be notified of the award or non-award of their Bid via email. Should OPWDD and a tentative awardee be unable to reach agreement as to the terms of the Contract within a reasonable time, as determined by OPWDD, OPWDD may withdraw the award and proceed to the next highest scoring Bidder.

9.7. Form of Contractual Agreement

Following notification of award, the successful Bidder will be expected to sign a contract with OPWDD. This RFP, along with any other solicitation documents, will be incorporated in its entirety into the final contract as Appendix J, Solicitation Documents. Appendix A, Standard Clauses for New York State Contracts, becomes part of all New York State contracts and is incorporated into the Contract.

9.8. Debriefing

Pursuant to SFL § 163(9)(c), any Bidder may request a debriefing regarding the reasons their Bid did or did not result in an award. A debriefing shall be requested by a Bidder within fifteen calendar days of the release by OPWDD of a notice in writing of award or non-award. The purpose of the debriefing is to provide information to the Bidder about the scoring and evaluation of the requesting Bidder's Bid. This is also an opportunity for a Bidder to learn how to improve future Bids. OPWDD will not provide a Bidder with information relating to another Bidder's Bid.

9.9. Bid Protest Policy

9.9.1. 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 Bidder or prospective Bidder who believes that there were errors or omissions in the procurement process, or who otherwise has been aggrieved in the drafting or issuance of a Bid solicitation, Bid evaluation, or contract award, may present a formal complaint to OPWDD and request administrative relief (via "formal protest") concerning such action.

A formal protest must be submitted in writing to procurement@opwdd.ny.gov at OPWDD. A formal protest must include the name of the RFP and the award date. Also, it 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.

9.9.2. Deadline for Submission of Formal Protests

OPWDD must receive formal protests concerning errors, omissions, or prejudice, including patently obvious errors in the Bid specifications or documents, at least ten calendar days before the date set in the solicitation for receipt of Bids.

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

9.9.3. 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 OPWDD may initiate a meeting on its own motion, at which time the participants may present their concerns. Either the protester or OPWDD may elect to decline such a meeting.

Where further formal resolution is required, the Commissioner or 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 Commissioner or Associate Commissioner summarizing the facts as determined by the designee, an analysis of the substance of the protest, and a preliminary recommendation. The Commissioner or 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 Bidders; (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 shall be sent to the protester or their 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 is final and will be recorded and included in the procurement record.

9.9.4. Appeals

Upon receipt of OPWDD's determination of a protest, a protester has ten business days within which to file an appeal of the determination with the OSC Bureau of Contracts. The appeal must be filed with Brian Fuller at the New York State Office of the State Comptroller, Bureau of Contracts, 110 State Street, 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 OPWDD and any other party that participated in the protest. In their 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.

10. OPWDD RESERVED RIGHTS

OPWDD reserves all rights with respect to proposals, including, but not limited to, the right to:

- accept late Bids when in the best interest of the State;

- reject any or all proposals received in response to the RFP;
- withdraw the RFP at any time, at OPWDD's sole discretion;
- make an award under the RFP, in whole or in part;
- disqualify any Bidder whose conduct and/or proposal fails to conform to the requirements of the RFP;
- seek clarifications and revisions of proposals;
- 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 OPWDD's request for clarifying information, in the course of evaluation and/or selection under the RFP;
- amend the RFP specifications, prior to the Bid opening, 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 to the entities on the original Bidders' list, and may be posted to the OPWDD website and the New York State Contract Reporter website provided in Section 1.2 of this RFP; after that date (or an amended date, as the case may be), notification will be only to entities who have submitted proposals. OPWDD's right to issue modifications of this RFP permits any addition or deletion of requirements as OPWDD may deem appropriate.
- direct Bidders, prior to the Bid opening, to submit proposal modifications addressing subsequent RFP amendments;
- change any of the scheduled dates;
- eliminate any mandatory, nonmaterial specifications that cannot be complied with by all the prospective Bidders;
- waive any requirements that are not material;
- negotiate with the successful Bidder within the scope of the RFP in the best interests of the State;
- conduct contract negotiations with the next responsible Bidder, should the agency be unsuccessful in negotiating with the selected Bidder;
- utilize any and all ideas submitted in the proposals received;
- 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 a Bidder's proposal and/or to determine a Bidder's compliance with the requirements of the solicitation;
- waive minor irregularities and/or omissions in Bids, if in the best interest of the State;
- at its sole discretion, reject illegible, incomplete, or vague Bids; and
- resolicit offers from the Bidder community by republishing and readvertising this RFP at any time.

Also, 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 Contract resulting from this RFP.