



# Office for People With Developmental Disabilities

## REQUEST FOR PROPOSALS C0SCO0052

### STATEWIDE CPR, FIRST AID AND AED INSTRUCTOR TRAINING AND CERTIFICATION

**PROCUREMENT WEBSITE:**  
[HTTPS://OPWDD.NY.GOV/PROCUREMENT-OPPORTUNITIES](https://opwdd.ny.gov/procurement-opportunities)

#### DESIGNATED CONTACT(S) FOR INQUIRIES AND SUBMISSIONS

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

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

**OR**

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

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

**Administrative issues pertaining to sending/receiving email through  
the designated mailbox may be reported at (518) 473-9300.**

#### ADDRESS FOR PROPOSAL DELIVERIES

**Address to:** Contract Management Unit, OPWDD, 44 Holland Ave., 4<sup>th</sup> FL, Albany, NY 12229

#### NO BID RESPONSE

Bidders choosing not to submit a proposal in response to this RFP are requested to indicate their no bid by submitting the **Notice of Intent to Bid form**, included in this RFP as **Attachment D**, as the information is useful to OPWDD in the planning and development of future RFPs and Bidders' lists.

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## 1. OVERVIEW

### 1.1 PURPOSE OF REQUEST FOR PROPOSALS

The New York State Office for People With Developmental Disabilities (OPWDD) is issuing this Request for Proposals (RFP) to responsive and responsible Bidders for purposes of procuring a vendor to provide training, curricula and certification in Cardiopulmonary Resuscitation (CPR), First Aid and Automated External Defibrillator (AED). The awarded Contractor will train, certify and recertify OPWDD Instructors and provide materials and certifications/credentials for OPWDD Providers trained by OPWDD Instructors.

### 1.2 OPWDD OBJECTIVE

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

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

### 1.3 RFP STRUCTURE

This RFP consists of this document, as well as Appendices, Attachments and Exhibits that are additions to the RFP and must be completed by the Bidder and submitted as indicated in the **Proposal Document Checklist**, included in this RFP as **Attachment A-2**.

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

### 1.4 CALENDAR OF EVENTS

Event	Date
RFP Release Date	September 30, 2021
Deadline for Submission of Questions	October 16, 2021
Issuance of Response to Questions	October 27, 2021
Notification of Intent to Bid Due	November 3, 2021
<b>Proposal Due Date</b>	<b>November 12, 2021 by 2:00 PM ET</b>
Interviews	December 6, 2021
Anticipated Notification of Tentative Award	On or about December 20, 2021
Debriefing Request Deadline	No later than 15 calendar days from date of tentative award notification
Proposal Protest Deadline	See Section 5.5 for Bid Protest Policy
Anticipated Contract Start Date	March 1, 2022

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

## 1.5 TERM OF CONTRACT

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

## 1.6 DESIGNATED CONTACTS

Pursuant to New York State Finance Law (STF) §139-j(3)(a), OPWDD identifies the following allowable contacts for communications related to the submission of written proposals, written questions, and pre-bid questions.

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

OR

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

Further information about contacts with employees, Public Officers Law and Restrictions on Communications can be found in Section 3.1.3 of this RFP and on the Office of General Services (OGS) website at <https://ogs.ny.gov/acpl>.

## 1.7 QUESTIONS FROM BIDDERS

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 1.4 of this RFP. All questions must be submitted via electronic mail to [contracts@opwdd.ny.gov](mailto:contracts@opwdd.ny.gov) to the appropriate contact as stipulated above. Each question should, to the degree possible, cite the specific RFP section and paragraph number to which it refers. If questions are provided via an attachment to electronic mail, the questions must be provided in Microsoft Word format. **Neither faxed nor telephone questions are acceptable.**

STF §§139-j and 139-k impose certain restrictions on communication between NYS and Bidders during a procurement. Additional information is available at <http://www.ogs.ny.gov/acpl>.

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

**All questions, clarifications, bid deviations and/or extraneous terms concerning this RFP must be submitted in writing by the Deadline for Submission of Questions as stated in the Calendar of Events (Section 1.4). Any bid deviations or extraneous terms of a substantial nature must be resolved prior to the submission of a bid (as outlined in Section 6.8).**

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 the Bidder discovers any ambiguity, conflict, discrepancy, omission, or other error in this RFP, the Bidder shall immediately notify OPWDD of such error in writing to the designated contact(s) (identified in Section 1.6). If, prior to the Proposal Due Date (Section 1.4), a Bidder fails to notify OPWDD of a known error or an error that reasonably should have been known, the Bidder shall assume the risk of proposing. If awarded the contract, the Bidder shall not be entitled to additional compensation by reason of the error or its correction. Prior to the Proposal Due Date, any such clarifications or modifications deemed necessary by OPWDD will be posted to the OPWDD website and the New York State Contract Reporter website provided in Section 1.8.

## **1.8 ANNOUNCEMENTS AND AMENDMENTS TO THE RFP**

OPWDD utilizes its procurement website and the NYS Contract Reporter 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 at <https://opwdd.ny.gov/procurement-opportunities> and <https://www.nyscr.ny.gov/login.cfm>.

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

The Bidder must indicate on the **Administrative Requirements Bidder Attestation** form, **Attachment A-1** of this RFP, that the Bidder has reviewed and understands each addendum.

## **1.9 NOTICE OF INTENT TO BID**

All Bidders are requested to submit the **Notice of Intent to Bid** form, **Attachment D**, in response to this RFP. Submitting this form does not obligate Bidders to submit a proposal in response to the RFP. The Notice of Intent to Bid includes space for vendors to explain why a proposal is not being submitted. A no-bid response will not impact participation in future solicitations. The explanations given for no-bid replies will help OPWDD demonstrate that proposals were shared with vendors in addition to those responding to this RFP and to understand why a vendor did not bid.

## **2. SCOPE OF WORK**

### **2.1 DEFINITIONS**

1. Contractor – The Bidder awarded a contract resulting from this RFP.
2. eCards – Digital certification card; the electronic equivalent of a printed course completion card issued to those who successfully pass the CPR, First Aid, AED class, as well as those who successfully pass the Instructor course, and grandfathered Instructors.
3. Employee – Instructor or Provider employed by OPWDD.
4. Grandfathered Instructor – OPWDD Instructors that have been trained by and hold current certifications from American Heart Association, American Red Cross or National Safety Council. These instructors will be grandfathered into the Contractor's Instructor program without additional training or requirements and will take the Contractor's Instructor Recertification Course upon expiration of their certification at the time of grandfathering.
5. Instructor – OPWDD Instructors that will train OPWDD Staff/Employee Providers; includes new OPWDD Instructors requiring Instructor Certification Course and Grandfathered Instructors.
6. Instructor Course Equipment – Includes but is not limited to manikins, AED trainers and associated supplies.

7. Instructor Materials – Hardcopy manuals provided by the Contractor for Instructor Training Course, and hardcopy and electronic materials for Instructors to utilize in training Providers. Full Instructor Kits with included supplies are not needed and will not be purchased.
8. Provider – OPWDD Staff who are trained by OPWDD Instructors; require certification eCards upon completion of Provider course.
9. Provider Materials – Printed Manuals provided by the Contractor to be used during OPWDD Provider training courses. Manuals will be reused as needed throughout the term of the Contract and must be updated at no additional cost.

## **2.2 OVERVIEW**

OPWDD is seeking a Contractor to provide training and certification in Cardiopulmonary Resuscitation (CPR), First Aid and Automated External Defibrillator (AED) to include new Instructor training and certification, Instructor recertification training, and certification and recertification of OPWDD employees trained by OPWDD Instructors. The Contractor will provide training, curriculum, course materials, certification eCards and support, as detailed in Sections 2.3 through 2.7 below.

The Contractor will train, certify and/or recertify OPWDD Instructors in CPR, First Aid and AED. Instructors will train and certify approximately 15,000 OPWDD employees. OPWDD currently has 160 Instructors statewide and expects to maintain approximately 215 Instructors statewide over the term of the contract. The majority of OPWDD's Instructors currently hold Instructor certifications and must be grandfathered into the Contractor's program. Only new OPWDD employees hired to be Instructors will require new Instructor training. Instructor training requirements include up to 50 new Instructor certifications statewide for year 1, approximately 30 per year for years 2 through 5, and the remaining Instructors require ongoing recertification as their certifications expire. See Exhibit 1 for approximate numbers of total Instructors to be trained by the Contractor and OPWDD Providers to be trained by OPWDD Instructors. Instructors to be trained include recertifications (22%) and new certifications. Currently, OPWDD Instructors are certified by the American Heart Association (22%), American Red Cross (34%), and National Safety Council (44%).

Bidders must ensure that their proposal will meet the requirements and specifications as detailed in the Scope of Work, Section 2.

**See Technical Proposal Requirements Section 3.3 for further instructions on what is required to be included in detail in the Technical Proposal.**

## **2.3 PROGRAM REQUIREMENTS**

1. The Contractor shall provide nationally recognized training curricula that adheres to generally accepted methods of delivery.
2. The same program, processes and practices must be implemented consistently statewide in each OPWDD District (see Exhibit 1 for a list of District Office locations).
3. Certification for Instructors and Providers must be valid for at least two (2) years before recertification is needed.
4. The Contractor shall provide Instructor Certification and Recertification and new/updated eCards (detailed below in Section 2.6).

## 2.4 INSTRUCTOR TRAINING AND CERTIFICATION

### 1. Instructor Course

- a. Instructors will attend classes being held and hosted by the Contractor. OPWDD Instructors will attend open training classes already being held by the Contractor. The Contractor's training classes are not limited to only OPWDD Instructors; attendees from entities outside of OPWDD may attend classes held at Contractor's facility/the facility being utilized for the training (with the exception described in Subsection 2.4.1.f.iii. below).
- b. Instructor training must be made available within close proximity of each District Office location (preferably within 35 miles) to help minimize state travel costs.
- c. Training classes should be regularly offered and should be held at least quarterly in each OPWDD District (see Exhibit 1).
- d. There shall be **no minimum number** of attendees/students required to hold a training class.
- e. Where the Contractor does not have an already scheduled quarterly training class in an OPWDD District, the Contractor shall schedule a training class within 60 days of OPWDD's request.
- f. The Contractor is responsible for the training location site. The intent of this RFP is for OPWDD employees to attend open classes held at the Contractor's facility or a space rented by the Contractor. Training location sites may be:
  - i. the Contractor's facility;
  - ii. a space rented by the Contractor (e.g., hotel, conference room); or
  - iii. an OPWDD facility – Where the Contractor does not have an already scheduled class at an off-site location, the class may be held at an OPWDD facility, depending on availability and **shall be limited to only** OPWDD employees.
- g. Instructor training may utilize blended learning with online curriculum and required in-person skill component.
- h. The Contractor shall provide all necessary equipment and course materials for Instructor courses.
- i. The Contractor shall require no more than 14 days' notice that students will be attending a quarterly scheduled training. OPWDD will provide an estimated number of attendees if needed for class preparation purposes.
- j. The Contractor shall invoice based on actual attendance.
- k. If an Instructor is unable to attend a training course scheduled in their district, they will attend the next scheduled training or travel to a training in another district. There shall be no cancellation fee for unforeseen and/or unavoidable class cancellation by either the Contractor or the State. However, if the Contractor repeatedly cancels classes, this may be cause for contract termination.

### 2. Grandfathered Instructors

- a. The Contractor shall grandfather into its program OPWDD Instructors with current certification in any nationally recognized curriculum (outlined above in Section 2.1.4) without additional prerequisites. OPWDD will provide proof of current certification to include the Instructor's name, date of certification, and certifying organization.
- b. Grandfathered Instructors shall remain in good standing and maintain status without retraining until their current certification expires.

- c. Grandfathered Instructors will utilize the Contractor's model/curricula without attending Instructor training offered by the Contractor and will attend recertification training when their current certification expires.
- d. Recertification shall be determined based on the expiration of the Instructor's current certification prior to being grandfathered into the Contractor's program. Recertification dates shall be determined based on expiration.

### **3. Instructor Materials**

- a. Instructors shall have unlimited access to online training materials including but not limited to all curriculum such as Instructor Manuals, Provider Manuals, instructional materials, handouts, etc.
- b. Instructor materials shall be issued at the initial Instructor course. Materials must include hardcopy instructional manuals and may include additional electronic materials.
  - i. Instructor materials issued at the initial Instructor course must be included in the cost of the Instructor course.
- c. Instructor materials for grandfathered Instructors must include hardcopy instructional manuals and may include additional electronic materials.
  - i. Instructor materials for grandfathered Instructors will be purchased separately in accordance with the cost provided on the Pricing Proposal (Attachment C).
- d. Updated Instructor manuals for all Instructors shall be provided at no cost to OPWDD or the Instructor.
- e. Instructor manuals issued at the initial Instructor course and updates must be included in the cost of the Instructor training course.

## **2.5 PROVIDER TRAINING AND CERTIFICATION**

### **1. Provider Course**

- a. OPWDD Instructors will train and certify OPWDD Providers.
- b. OPWDD will provide the necessary equipment for OPWDD Provider courses facilitated by Instructors.
- c. Initial certification training shall consist of a one-day course and must include in-person skill testing.
- d. Recertification training must be included as an abbreviated half day training and must include in-person skill testing.
- e. Instructors will issue a written exam for initial certification and recertification training.

### **2. Provider Manuals**

- a. The Contractor shall provide a set of printed manuals for classroom training for each District Office location (see Exhibit 1) to be used to train Providers as needed throughout the contract term.
  - i. OPWDD requires approximately:
    - 1. 300 Provider Manuals for the initial certification course; and
    - 2. 300 Provider Manuals for the recertification course.



- ii. OPWDD intends to re-use the initial supply of 300 Provider Manuals throughout the contract term.
  - iii. OPWDD may purchase new replacement manuals at the cost listed in the Contractor's Cost Proposal but shall not be required to do so.
  - iv. The Contractor shall provide updates to all manuals at no additional cost throughout the contract term.
- b. Provider Manuals shall be delivered to District Offices at no cost. The number of Provider Manuals required per District Office will be provided to the Contractor after contract award and before OPWDD Provider trainings begin.

## **2.6 CERTIFICATION ECARDS**

1. The Contractor shall provide eCards for all OPWDD Instructors and Providers for each certification and recertification throughout the contract term.
2. Upon course completion, eCards for Provider and Instructor certifications shall be sent to each employee via email and shall be available via portal to the employee and OPWDD Central Office and District Office training staff.
3. A monthly report of certification eCards issued shall be provided to OPWDD Central Office and to each OPWDD District Office. At minimum, the monthly report shall include each certified OPWDD employee's full name, email address, certification date, and certification end date.
4. OPWDD Central Office and District Office training staff shall have online access to the Contractor's database/portal system to verify certifications, in addition to the monthly report and historical reports.

## **2.7 SUPPORT**

1. To ensure consistency, the Contractor must provide one (1) contact person to provide phone and email support to OPWDD Central Office and District Office training staff statewide.
2. The Contractor must provide a primary contact person for OPWDD Instructor technical support.

## **3. PROPOSAL REQUIREMENTS**

To be considered responsive, a Bidder must submit a complete proposal that satisfies all requirements stated throughout this RFP.

### **3.1 ADMINISTRATIVE PROPOSAL REQUIREMENTS**

#### **1. Administrative Proposal Requirements Bidder Attestation**

Bidders must utilize this form to acknowledge the proposal requirements and attest that the Bidder meets these requirements and specifications.

**The Administrative Proposal Requirements Bidder Attestation form, included in this RFP as Attachment A-1, must be completed and submitted with the proposal.**

#### **2. Proposal Document Checklist**

The Proposal Document Checklist is provided to assist Bidders in ensuring the required documents are included in their submission.

**The Proposal Document Checklist form, included in this RFP as Attachment A-2, must be completed and submitted with the proposal.**

### **3. Procurement Lobbying Restrictions**

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

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

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

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

**The Procurement Lobbying Law Certification of Compliance form, included in this RFP as Attachment A-3, must be completed and submitted with the proposal.**

### **4. Non-Collusive Bidding Requirement**

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

**The Non-Collusive Bidding Certification form, included in this RFP as Attachment A-4, must be completed and submitted with the proposal.**

### **5. New York State Vendor Responsibility Questionnaire**

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

[http://www.osc.state.ny.us/vendrep/documents/system/welcome\\_package.pdf](http://www.osc.state.ny.us/vendrep/documents/system/welcome_package.pdf)

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

**The Vendor Responsibility Questionnaire Certification form, included in this RFP as Attachment A-5, must be completed and submitted with the proposal.**

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

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

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

**The EEO and M/WBE requirements are set forth in Attachment A-6 of this RFP.**

**The following MWBE EEO forms must be completed and submitted with the proposal: MWBE EEO Policy Statement, Attachment A-6-A; Staffing Plan, Attachment A-6-B; MWBE Utilization Plan, Attachment A-6-C; and, if applicable, MWBE Request for Waiver, Attachment A-6-D.**

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

**7. New York State Service-Disabled Veteran-Owned Businesses**

Article 17-B of the New York State Executive Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses (“SDVOB”), thereby further integrating such businesses into New York State’s economy. OPWDD recognizes the need to promote the employment of service-disabled veterans and to ensure that certified SDVOBs have opportunities for maximum feasible participation in the performance of OPWDD contracts.

In recognition of the service and sacrifices made by service-disabled veterans and in recognition of their economic activity in doing business in New York State, Bidders are expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles.

**The SDVOB program requirements as they pertain to this RFP are detailed in Attachment A-7.**

**The Use of Service-Disabled Veteran-Owned Business Enterprises in Contract Performance form, included in this RFP as Attachment A-7, must be completed and submitted with the proposal.**

**The SDVOB goal established under this RFP is 6%.**

**8. Encouraging Use Of NYS Businesses In Contract Performance**

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

**The Encouraging Use of New York State Businesses form, included in this RFP as Attachment A-8, must be completed and submitted with the proposal.**

**9. Conflicts Of Interest**

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

- a. Disclose any existing or contemplated relationship with any other person or entity, including relationships with any member, shareholders of 5% or more, parent, subsidiary, or affiliated firm, which would constitute an actual or potential conflict of interest or appearance of impropriety, relating to other clients/customers of the Respondent or former officers and employees of the

Agencies and their Affiliates, in connection with your rendering services enumerated in this RFP. If a conflict does or might exist, please describe how your firm would eliminate or prevent it. Indicate what procedures will be followed to detect, notify the Agencies of, and resolve any such conflicts.

- b. The Bidder must disclose whether it, or any of its members, shareholders of 5% or more, parents, affiliates, or subsidiaries, have been the subject of any investigation or disciplinary action by the New York State Joint Commission on Public Ethics or its predecessor State entities (collectively, "JCOPE"), and if so, a brief description must be included indicating how any matter before JCOPE was resolved or whether it remains unresolved.

**The Vendor Assurance of No Conflict of Interest or Detrimental Effect form, included in this RFP as Attachment A-9, must be completed and submitted with the proposal.**

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

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

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

**The Sexual Harassment Policy Certification form, included in this RFP as Attachment A-10, must be completed and submitted with the proposal.**

#### **11. Executive Order No. 177 Certification**

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

**The EO 177 Certification, included in this RFP as Attachment A-11, must be completed and submitted with the proposal.**

#### **12. Consultant Disclosure Reporting**

The Contractor must comply with the requirements of STF §163(4)(g), which imposes certain reporting requirements on contractors doing business as vendors with New York State. In accordance with these reporting requirements, the Contractor agrees to complete and submit Contractor's Planned Employment Report (**Attachment A-12 – Form A**) within two (2) business days after receiving notice of a Contract award and Contractor's Annual Employment Report (**Attachment A-12 – Form B**) by May 15<sup>th</sup> for each fiscal year (April 1 – March 31) the Contract term is in effect.

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

Instructions for completing and submitting Forms A and B are included in **Attachment A-12**.

#### **13. Tax Law Section 5-A**

The Bidder awarded a Contract pursuant to this RFP must comply with the requirements of Tax Law Section 5-a, which requires persons awarded contracts valued at more than \$100,000 with state agencies, public authorities or public benefit corporations to certify that they, their affiliates, their subcontractors, and the affiliates of their subcontractors have a valid certificate of authority to collect New York State and local sales and compensating use taxes. A contractor, affiliate, subcontractor, or affiliate of a subcontractor must be certified as having a valid certificate of authority if such person has made sales delivered within New York

State of more than \$300,000 during the relevant period. The OSC or other responsible approver cannot approve the Contract unless the contractor is registered with the New York State Department of Taxation and Finance to collect sales and compensating use taxes.

**The Contractor Certification forms, ST-220-TD and ST-220-CA, included in this RFP as Attachment A-13, must be filed in compliance with Tax Law Section 5-a. Any Bidder awarded under this RFP must, within seven (7) calendar days of notification of award, file ST-220-TD directly with the Department of Taxation and Finance at the address provided on the form and submit ST-220-CA to OPWDD.**

Bidders can visit the New York State Department of Taxation and Finance website to obtain more information at: [https://www.tax.ny.gov/pubs\\_and\\_bulls/tg\\_bulletins/st/section\\_5a.htm](https://www.tax.ny.gov/pubs_and_bulls/tg_bulletins/st/section_5a.htm)

#### 14. Vendor Identification Number

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

**The Substitute Form W-9 is included in this RFP as Attachment A-14.**

#### 15. Electronic Payment (ePayment) Program

If awarded a Contract under this RFP, the Contractor must enroll in the NYS Electronic Payment (ePayment) Program through OSC. ePay transfers payments directly into your bank account sooner than you would receive a payment by check. Upon execution of the Contract, the Contractor will need to submit an Electronic Payment Authorization Form. For questions, you may contact the OSC Vendor Management Unit at [epayments@osc.ny.gov](mailto:epayments@osc.ny.gov).

**The Electronic Payment Authorization form, Attachment A-15, is included in this RFP for reference and convenience, and must be completed and submitted to OSC upon Contract execution.**

### 3.2 MINIMUM BIDDER QUALIFICATIONS

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

1. Must have seven (7) years demonstrated experience in providing CPR, First Aid, and AED Instructor training.
2. Must have previously provided CPR and AED Instructor training to a New York State agency, at least regionally, or to a New York City agency.

The Bidder must provide references to validate that the Bidder meets the minimum qualifications.

### 3.3 TECHNICAL PROPOSAL REQUIREMENTS

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

The Technical Proposal must be prepared simply and economically providing a straight-forward, concise description of the Bidder's capabilities to satisfy the requirements of this RFP. While additional data may be presented, Technical Proposals must address the requirements presented in this Section 3.3 of the RFP. Section 3.3.3. represents the criteria against which the Technical Proposal will be evaluated.

## **1. Firm Qualifications and Experience**

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

The Proposal must include a description of the Bidder's experience with similar projects as described in the Scope of Work (Section 2) and provide the five (5) most recent projects related to the Scope of Work described herein, including an example of at least one (1) similar project provided to a New York State or New York City agency. Also include whether provided as a prime or subcontractor relationship, and provide the prime and subcontractor roles, if applicable.

The Bidder should also include information on the potential of scalability to demonstrate its ability to successfully perform this project. Demonstrating scalability would include, for example, describing a project that the Bidder performed that was similar to the Scope of Work (Section 2 of this RFP) but on a smaller scale, such as in a Region in NYS or in NYC, and detailing how the Bidder would use this experience to implement the project throughout the entire State.

## **2. References**

The Bidder must provide three (3) professional references for whom the Bidder completed Instructor training within the last seven (7) years. The Bidder must use the **Reference Form**, included in this RFP as **Attachment B-1**, and complete all information requested for each reference. References will be utilized to verify that the Bidder meets the minimum qualifications and experience, as detailed above in Section 3.2, **and** to substantiate the Technical Proposal, and may impact points awarded for the Technical Evaluation (see Section 7.3).

Three (3) references shall be provided for each Bidder, including prime Bidder and any Joint Bidder. The Bidder may be requested to provide references for subcontractors performing services outlined in the Scope of Work, Section 2. The work performed by any subcontractor must be in accordance with Section 6.7 of this RFP. Bidders are encouraged to provide up to three (3) additional references that may be contacted in the event that a reference is non-responsive.

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

## **3. Work Plan**

Provide a Work Plan that addresses the execution of the work required (as detailed in Section 2, Scope of Work) if awarded a Contract through this solicitation. Bidders should ensure that their proposal addresses each area detailed in the Scope of Work including 1. Program Requirements, 2. Instructor Training and Certification, 3. Provider Training and Certification, 4. Certification eCards, and 5. Support. The Work Plan must address the Bidder's approach to the following:

- Describe the proposed approach for performing the work and accomplishing project objectives as described in the Scope of Work, Section 2 of this RFP. Provide a detailed scope of services which describes by task what will be done, by whom, and when.
- Describe the program, processes and practices that will be implemented.
- Provide a course outline and describe the components of the Instructor training course, including online portion (if applicable) and skill portion, length of time of the initial certification training, and length of time and options for recertification.
- Provide a list of locations where the Bidder plans to hold classes in each OPWDD District, including the proximity of the location to the District Office(s) in that District.

- Provide a list of classes previously offered from January through December of the year(s) 2017, 2018, and/or 2019, including date and location.
- Describe the process for OPWDD to request an Instructor training class.
- Describe in detail how current OPWDD Instructors will be grandfathered into your program. This should include the grandfathering process and recertification process.
- Describe the Instructor course materials and online access to materials.
- Provide a course outline and describe the components of the Provider training course, including the skill portion, length of time of the initial certification training, and length of time for recertification training.
- Describe the Provider course manuals.
- Describe the process for OPWDD Instructors and Providers to obtain and access their Certification eCards.
- Describe the online access available for OPWDD Central Office and District Office training staff to verify certifications. Provide detail to sufficiently describe the platform/application/system used to view trainings and certifications and how it will be available to OPWDD Central Office and District Office training staff. Bidders are encouraged to provide screenshots of the online access and/or tools available.
- Describe the customer support available and the hours available, such as phone in service, online chat, etc.

#### 4. Diversity Practices

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

Assessing the diversity practices of contractors enables contractors to engage in meaningful, capacity-building collaborations with MWBEs. OPWDD has determined, pursuant to New York State Executive Law Article 15-A, that the assessment of the diversity practices of applicants to this procurement is practical, feasible, and appropriate. Accordingly, Bidders are required to provide responses to the questions in the **Diversity Practices Questionnaire, Attachment B-2**, as part of their Technical Proposal. This form will be scored as part the Technical Proposal.

#### 3.4 PRICING PROPOSAL REQUIREMENTS

The **Pricing Proposal** instructions and submission form are included in this RFP as **Attachment C**. The Excel version labeled “Attachment C - Pricing Proposal” is available at <https://opwdd.ny.gov/procurement-opportunities> and the NYS Contractor Reporter at <https://www.nyscr.ny.gov/login.cfm>.

**Rates must be all-inclusive**, covering all services required in this RFP, including personnel, support staff, overhead, travel, shipping, and all other direct and indirect expenses related to the Scope of Work, as detailed in Section 2 of this RFP. Reimbursement will be based on the rates provided in the **Pricing Proposal**.

The Pricing Proposal form must be signed by an individual authorized to bind the Bidder contractually. Indicate the title or position that the signer holds with the Bidder. The State reserves the right to reject a proposal that contains an incomplete or unsigned Pricing Proposal.

The successful Bidder guarantees that the pricing offered to the State shall be the same as or lower than that offered to other customers under the same or similar terms and conditions. If, for any reason during

the term of the contract, the successful Bidder reduces the pricing due to special offers to a similarly situated entity, the State shall receive an equivalent reduction in pricing for the product or services delivered to the State.

All rates must be presented as a fixed dollar amount carried out to no more than two decimal places (e.g., \$15.50). Proposals with a rate format different from the format provided in **Attachment C – Pricing Proposal** will be considered non-responsive and will be disqualified.

**Bidders must use Attachment C for their Pricing Proposal. Failure to use the the Pricing Proposal form will result in a proposal being considered non-responsive. Alternate forms and alterations to the Pricing Proposal form will be considered non-responsive.**

## 4. ADMINISTRATIVE CONTRACT REQUIREMENTS

### 1. Form of Contractual Agreement

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

Any exception to the Contract must be raised in a Bidder question submitted to OPWDD pursuant to the Calendar of Events and in accordance with the Question and Answer process set forth in Section 1.7. **OPWDD does not intend to negotiate any changes in the provisions of the Contract following the receipt of proposals.**

### 2. Insurer Qualifications and Insurance Requirements

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

Bidders must agree in the **Administrative Requirements Bidder Attestation** form, **Attachment A-1**, that, if awarded a contract under this solicitation, they will comply with the insurer qualifications and insurance requirements.

### 3. HIPAA Agreement

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

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

## 5. ADMINISTRATIVE INFORMATION

### 5.1 NO LATE SUBMISSIONS

All proposals must be submitted and received by the proposal submission date and time specified in this RFP. Proposals received after the proposal submission deadline shall be rejected. **Faxed proposals and electronic submissions will not be accepted.**



## **5.2 PUBLIC INFORMATION AND FREEDOM OF INFORMATION LAW (FOIL)**

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

## **5.3 BID RESULT NOTIFICATIONS**

The tentative awardee will be advised of selection by OPWDD through the issuance of a formal written correspondence indicating a proposed award. All Bidders will be notified of the selection or rejection of their bid. Should OPWDD and a tentative awardee be unable to reach agreement as to the terms of the Contract within a reasonable time (see Section 8), as determined by OPWDD, OPWDD may withdraw the award and proceed to the next highest scoring Bidder.

## **5.4 OPPORTUNITY FOR DEBRIEFING**

Once an award has been made, Bidders may submit a written request for a debriefing as to why their bid did not result in an award. A debriefing shall be requested by an unsuccessful Bidder within fifteen (15) calendar days of release by OPWDD of a notice in writing or electronically that the Bidder's proposal is unsuccessful. The purpose of the debriefing is to provide information to each Bidder about the scoring and evaluation of the requesting Bidder's bid. OPWDD will not provide Bidders with information relating to another Bidder's bid. This is also an opportunity for a Bidder to learn how to improve future bids.

## **5.5 OPWDD BID PROTEST POLICY**

### Formal Written Protests

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

A formal protest must be submitted in writing to OPWDD at [contracts@opwdd.ny.gov](mailto:contracts@opwdd.ny.gov) or [connie.x.blais@opwdd.ny.gov](mailto:connie.x.blais@opwdd.ny.gov). A formal protest must include a statement of all legal and/or factual grounds for disagreement with an OPWDD specification or purchasing decision, a description of all remedies or relief requested, and copies of all applicable supporting documentation.

### Deadline for Submission of Formal Protests

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

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

#### Review and Final Determination of Protests

Protests will be resolved through written correspondence. However, the protester may request a meeting to discuss a formal protest, or 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 Associate Commissioner shall designate an OPWDD employee ("designee") to determine and undertake the initial resolution or settlement of any protest.

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

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

#### Appeals

Upon receipt of OPWDD's determination of a protest, a protester has ten (10) business days within which to file an appeal of the determination with the OSC Bureau of Contracts. The appeal must be filed with the Bureau Director and emailed to [bidprotests@osc.ny.gov](mailto:bidprotests@osc.ny.gov) or sent via US Mail to Bureau of Contracts, New York State Office of the State Comptroller, 110 State St., 11th Floor, Albany, NY 12236. The protester's appeal must contain an affirmation, in writing, that a copy of the appeal has been served on OPWDD and any other party that participated in the protest. In its appeal, the interested party shall set forth the basis on which it challenges the contracting agency's determination. The OSC Bureau of Contracts will conduct its determination of the appeal in accordance with its established policy.

#### Bid Preparation Expenses

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

## **6. PROPOSAL SUBMISSIONS**

### **6.1 PACKAGE LABEL**

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

OPWDD CPR RFP C0SCO0052 – PROPOSAL ENCLOSED

NOT TO BE OPENED EXCEPT BY AUTHORIZED PERSONNEL

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.

## **6.2 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 and present photo identification at the security desk and comply with all requirements and procedures applicable to visitors. Bidders who intend to hand-deliver proposals or utilize independent courier services should allow extra time to comply with these procedures. Bidders hand-delivering their proposals should ask the security personnel at the security desk to call the Contract Management Unit at (518) 473-9300. Building access procedures may change or be modified at any time. Bidders assume all risks for timely, properly submitted hand deliveries.

## **6.3 MULTIPLE SUBMISSIONS**

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

## **6.4 JOINT PROPOSALS**

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

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

## **6.5 BID VALIDITY**

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

## **6.6 ACCURACY OF BIDS**

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

## **6.7 BIDDERS, SUBCONTRACTORS, AND CONTRACTOR OBLIGATIONS**

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

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

- The work performed by the subcontractor must be in accordance with the terms and conditions of this Contract;

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

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

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

## **6.8 EXTRANEIOUS TERMS**

Bids must conform to the terms set forth in the solicitation. Due to the requirement for uniformity of language in contracts with all Bidders or prospective Contractors, exceptions that materially alter the Terms and Conditions set forth in this RFP will be grounds for rejection of the proposal or disqualification of the Bidder. Bidders must submit for consideration proposed extraneous terms during the question and answer period, as outlined in Section 1.7.

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

Only extraneous terms accepted by OPWDD, in writing, shall be expressly incorporated into the Contract. 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, pre-printed forms, such as but not limited to product literature, order forms, license agreements, contracts, or other documents that are attached or referenced with submissions shall not be considered part of the bid or resulting Contract but shall be deemed included for informational or promotional purposes only.

## **6.9 GENERAL REQUIREMENTS FOR PROPOSALS**

Bidders must submit a complete response to this RFP that satisfies the requirements set forth below. Failure to do so may render the Bidder's proposal nonresponsive. A **Proposal Document Checklist** is included in this RFP as **Attachment A-2**.

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

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

## **6.10 PROPOSAL RESPONSE AND SUBMISSION REQUIREMENTS**

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.

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

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

All materials submitted by the Bidder become the property of OPWDD and may be returned only at the sole discretion of OPWDD.

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

## **1. ADMINISTRATIVE RESPONSE**

**A.** The following Attachments are outlined in the RFP and must be included in the Administrative Proposal.

- **Attachment A-1**, Administrative Proposal Requirements Bidder Attestation
- **Attachment A-2**, Proposal Document Checklist
- **Attachment A-3**, Procurement Lobbying Certification of Compliance
- **Attachment A-4**, Non-Collusive Bidding Certification
- **Attachment A-5**, Vendor Responsibility Questionnaire Certification
- **Attachment A-6**, Minority and Women Owned Business Enterprise Contractor Requirements and Procedures for Business Participation Opportunities for EEO and MWBE Program Forms
- **Attachment A-7**, NYS Service-Disabled Veteran-Owned Business Participation Requirements and Utilization Plan
- **Attachment A-8**, Encouraging Use of NYS Businesses in Contract Performance
- **Attachment A-9**, Vendor Assurance of No Conflict of Interest or Detrimental Effect
- **Attachment A-10**, Sexual Harassment Policy Certification
- **Attachment A-11**, EO 177 Anti-Discrimination Certification

**B.** The following Attachments are required upon notification of contract award and may be submitted with the Administrative Proposal.

- **Attachment A-12**, Consultant Disclosure Reporting – Form A
- **Attachment A-13**, ST-220 Certification

**C.** The following Attachments may be required upon notification of contract award and may be submitted with the Administrative Proposal.

- **Attachment A-14**, Substitute Form W-9
- **Attachment A-15**, Electronic Payment Authorization

Administrative Document Attachments are further detailed in Section 3.1.

## **2. TECHNICAL RESPONSE**

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

The Technical Proposal must include information in response to specifications in the order provided for in Section 3.2 Minimum Bidder Qualifications, Section 3.3.1 Firm Qualifications and Experience, Section 3.3.2 References, Section 3.3.3 Work Plan, and Section 3.3.4 Diversity Practices, including required attachments as specified in these sections of the RFP.

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

## **3. COST RESPONSE**

The Pricing Proposal must be prepared as directed in Section 3.4 using the **Pricing Proposal Form**, included in this RFP as **Attachment C**.

## **4. PROPOSAL SUBMISSION**

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

### **A. Technical Proposal**

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

- **Hardcopy: Two (2) originals and four (4) exact copies.**
- **Electronic (non-redacted): Two (2) flash drives containing a standard searchable PDF file.**
- **Electronic (redacted, if applicable for FOIL request as outlined in Section 5.2): One (1) flash drive containing a standard searchable PDF file.**

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

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

### **B. Pricing Proposal and Administrative Proposal**

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

- **Hardcopy: Two (2) originals and one (1) exact copy.**
- **Electronic: One (1) flash drive containing a standard searchable PDF file.**

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

## **7. EVALUATION METHODOLOGY**

### **7.1 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 (State Finance Law, Article 11, Section 163).

The evaluation process will be conducted in a comprehensive and impartial manner. The Technical Proposal will be weighted at 60%, the Pricing Proposal will be weighted at 30%, and the Phone Interview will be weighted at 10%. There will be no points awarded to the Administrative Proposal, which is pass/fail as outlined in Section 7.2.

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 submission requirements outlined in Section 3 of this RFP will be evaluated based on the criteria detailed in the sections below.

### **7.2 ADMINISTRATIVE PROPOSAL REVIEW (PASS/FAIL)**

After the proposal opening, each proposal will be screened for completeness and conformance with the proposal submission requirements as outlined in Section 5. Bidders should utilize the Proposal Document Checklist (Attachment A-2) to ensure the required documents are included in their submission. Incomplete responses, the failure to complete as specified, and/or the failure to provide any of the required functionality may result in a proposal being deemed nonresponsive and the disqualification of the Bidder, and the Bidder will be notified accordingly.

Submitted proposals will be evaluated on a Pass/Fail basis to determine whether the Bidder satisfies the RFP’s Minimum Bidder Qualifications specified in Section 3.2. Proposals that fail to meet the minimum qualifications and the required attestations will be deemed non-responsive, will not be further evaluated, and the Bidder will be notified accordingly. Passing proposals will proceed to the Technical and Pricing Proposal Evaluations. Bidders may still be disqualified if it is later determined that the Bidder did not meet all RFP minimum qualifications and should not have qualified to move on to the Technical and Pricing Proposal Evaluations stage.

### **7.3 TECHNICAL EVALUATION (60 POINTS)**

The Technical Evaluators will independently review and score each Technical Proposal. The criteria against which each proposal will be evaluated are described in Section 3.2 of this RFP. Final scores will be determined averaging the Technical Evaluators’ scores to calculate the score for each responsive Bidder.

Technical Requirements for Scoring:

- Qualifications and Experience
- Work Plan
- MWBE Diversity Practices

### **7.4 COST EVALUATION (30 POINTS)**

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

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

### **7.5 INTERMEDIATE SCORE**

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

### **7.6 PHONE INTERVIEW (10 POINTS)**

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

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

The Technical Evaluation Team will conduct interviews using a prepared set of questions based on the criteria listed in Section 3.3 of this RFP. Each question will be worth a pre-defined number of points. The Evaluation Committee will score each interview, with a maximum of 10 points awarded.

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

### **7.7 FINAL COMPOSITE SCORE**

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

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

## **8. STATE'S RESERVED RIGHTS**

OPWDD reserves the right to:

1. Reject any or all proposals received in response to the RFP;
2. Withdraw the RFP at any time, at OPWDD's sole discretion;
3. Make an award under the RFP, in whole or in part;
4. Disqualify any Bidder whose conduct and/or proposal fails to conform to the requirements of the RFP;
5. Seek clarifications and revisions of proposals;
6. 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;

7. Prior to the bid opening, amend the RFP specifications to correct errors or oversights, or to supply additional information, as it becomes available;

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

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

## 9. APPENDICES

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

**Table 1, Table of Appendices**

Number	Appendix Title
A	Standard Clauses for New York State Contracts
B	OPWDD Standard Contract Provisions
C	Insurance Requirements
D	HIPAA Business Associate Agreement

## 10. ATTACHMENTS

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

**Table 2, Table of Attachments**

<b>Number</b>	<b>Attachment Title</b>
A-1	Administrative Proposal Requirements Bidder Attestation
A-2	Proposal Document Checklist
A-3	Procurement Lobbying Law Certification of Compliance
A-4	Non-Collusive Bidding Certification
A-5	Vendor Responsibility Questionnaire Certification
A-6	Minority and Women Owned Business Enterprise Contractor Requirements and Procedures for Business Participation Opportunities for EEO and M/WBE Program Forms
A-7	NYS Service-Disabled Veteran-Owned Business Participation Requirements and Utilization Plan
A-8	Encouraging Use of NYS Businesses in Contract Performance
A-9	Vendor Assurance of No Conflict of Interest or Detrimental Effect
A-10	Sexual Harassment Policy Certification
A-11	EO 177 Anti-Discrimination Certification
A-12	Consultant Disclosure Reporting
A-13	ST-220 Certification
A-14	Substitute Form W-9
A-15	Electronic Payment Authorization
B-1	Reference Form
B-2	Diversity Practices Questionnaire and Scoring Matrix
C	Pricing Proposal Form
D	Notice of Intent to Bid

## 11. EXHIBITS

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

**Table 3, Table of Exhibits**

<b>Number</b>	<b>Exhibit Title</b>
1	OPWDD District Offices and Employees