

Governor's Office of Employee Relations

Official Responses to Questions Received from Prospective Bidders for the Request for Proposals for Third Party Administration of the Pre-Tax Transportation Program *NYS-Ride*

Issued July 1, 2015

Date: August 5, 2015

To Prospective Bidders:

The Governor's Office of Employee Relations official responses to questions provided by prospective bidders follow in question and answer format.

1. Page 13 of the RFP; B.2.a.13 and B.2.a.14; page 32 third bullet-point; and page 60; is cloud computing a requirement of this RFP?

Answer: No. The cloud computing requirements of the RFP are only applicable if the selected contractor, any subcontractor, or business partner are using or plan on using cloud computing during the term of the contract.

2. Page 18 of the RFP indicates that Attachment J.3 is a sample Enrollment Time Line. However, Attachment J.3 is a Payroll Processing Timeline. Is there a separate Enrollment Time Line bidders should review? Or should bidders utilize the Payroll Processing Timeline to determine when to provide fare media to employees?

Answer: No, there is not a separate enrollment timeline bidders should review. Attachment J.3 refers to the Payroll Processing Timeline and was misnamed on pg. 18 as a sample enrollment timeline. They are one and the same document.

3. Page 21, B.2.d.5 of the RFP indicates that as part of the monthly invoice procedure, the selected contractor will process any unused participant funds (forfeitures) to GOER for distribution to the State. Is the State anticipating that this will be done for each participant for any unused funds on a monthly basis, or only at the time when a participant terminates from the benefit?

Answer: The selected contractor will return participant forfeitures through the monthly invoice process if after one (1) year: the participant has either terminated state service or their participation in NYS-Ride.

4. Page 22; Section B.2.e.3 requires that GOER be provided with read-only, real-time, online access to participants' accounts to view their case history, including but not limited to enrollment status, actual biweekly pre- and post-tax payroll deductions, and customer service call records. Please confirm if having the ability to request call details and having them provided would fulfill the requirement for access to customer service call records.

Answer: Requests for call details only will not fulfill this requirement. As a mandatory requirement the selected contractor must provide GOER with read-only

real-time online access to participants' accounts to view their case history, including but not limited to enrollment status, actual biweekly pre- and post-tax payroll deductions, and customer service call records.

5. Page 37, B.2.n. Performance Standards and Penalties indicates that “by submitting a proposal, the bidder certifies agreement to adhere to the following performance standards and penalties. The decision of GOER will be final and controlling as to the dollar amount of the penalties assessed in accordance with the performance standards and penalties below and will not be negotiated. The performance standards and penalties are not considered part of the rating criteria and, therefore, will not be evaluated by the Selection Committee.” May a contractor propose modifications, for the State’s consideration, to these particular Performance Standards as part of a contractor’s proposal to this RFP? In addition, is it permissible for the Performance Standards to be measured across the contractor’s entire book of business or must they be measured solely with regard to the State?

a). May a contractor propose modifications, for the State’s consideration, to these particular Performance Standards as part of a contractor’s proposal to this RFP?

Answer: No.

b). Is it permissible for the Performance Standards to be measured across the contractor’s entire book of business or must they be measured solely with regard to the State?

Answer: The selected contractor must adhere to the Performance Standards and Penalties as outlined in Section B.2.n on pp. 37-39 in the NYS-Ride RFP. The selected contractor must report the results as measured solely in regards to NYS-Ride.

6. Page 41 indicates an overall goal of 10% for MWBE participation but then refers to a 5% goal for MBE and 5% WBE participation. Is the total overall minority goal 20%?

Answer: No, the total overall goal for MWBE is 10%; 5% Minority-Owned Business (MBE) and 5% Woman-Owned Business (WBE).

7. Page 44 of the RFP (B.2.) says to provide the EEO Policy Statement Provide within 72 hours after the date of the award notice. However, page 56 of the RFP indicates this form should be included with the bid submission. Please confirm when the EEO Policy Statement should be provided.

Answer: The selected contractor must provide the EEO Policy Statement within 72 hours of the award notice. Bidders must submit the EEO Staffing Plan, GOER Form # ADM 311, with their response to this RFP.

8. Page 56 of the RFP instructs bidders to transfer totals from the Budget Worksheet(s) to the Budget *Summary* form located at <http://goer.ny.gov/vendor-info/index.cfm>. However, the only form available was the Cost Proposal Budget Worksheet and

Supplemental Worksheet. Additionally, there is no mention of a Budget Summary form in Section H. Is the Budget Summary one of the tabs in the Budget Worksheet and Supplemental Worksheet Excel document? If not, please provide the Budget Summary form.

Answer: The Budget Form was misnamed the Budget Summary Form and there is no Budget Summary Form to complete; rather Bidders must complete the Budget Form which contains the Cost Proposal Budget Worksheet and Supplemental Worksheet. The Budget Form is referenced on: pg. 5, Section D pg. 48, Section E pg. 57, Section F pg. 63, Section H pg. 82 and Section I pp. 127-129 of the NYS-Ride RFP and is located at <http://goer.ny.gov/vendor-info/index.cfm>.

9. If a bidder has more than two additional costs to include, that do not fall under the major Budget Worksheet headings, may the 'other' or 'indirect costs' rows be duplicated on the Budget Worksheet?

Answer: Rows may not be duplicated on the Budget Worksheets. However, bidders may itemize their other or indirect costs in those corresponding fields which will expand as necessary.

10. Page 57 of the RFP reflects that GOER anticipates a 5-year contract. However, page 6 of the RFP defines the term of the contract to begin on March 15th, 2016 and end on December 31, 2021. Please confirm the term of the contract period.

Answer: The March 15, 2016 date anticipates the selected contractor's start-up time for customization, prior to the third party administration of NYS-Ride. The actual start date of the contract will be negotiated with the selected contractor.

11. Page 58 of the RFP indicates that the Application for Competitively Bid Contract (GOER Form # ADM-28), and the Confidentiality and Non-Disclosure Agreement (GOER Form # ADM 319) both need an original signature. Do any of the other forms need to have original 'wet' signatures?

Answer: Yes, please provide original signatures on the following certification forms:

- *Application for Competitively Bid Contract (GOER Form # ADM-28);*
- *Confidentiality and Nondisclosure Agreement (GOER Form # ADM-319);*
- *Non-Collusive Bidding Certification, (GOER Form # ADM-320);*
- *Nondiscrimination in Employment in Northern Ireland: Macbride Fair Employment Principles Certification (GOER Form# ADM-321);*
- *MWBE and EEO Policy Statement (GOER Form # ADM-315);*
- *Contractor's MWBE Utilization Plan (GOER Form # ADM-145);*
- *Contractor Certification to a Covered Agency Form, (ST-220-CA);*
- *Vendor Responsibility Questionnaire; and, if applicable,*
- *Workers' Compensation Board Affidavit of Exemption (Form CE-200).*

12. Pages 64 through 81, Section G is the CONTRACT INFORMATION FOR SUCCESSFUL BIDDERS. Other than any provision that is indicated as “mandatory” or “required,” may a contractor propose modifications, for the State’s consideration to other provisions, as part of a contractor’s proposal to this RFP?

On July 21, 2015, the contractor was asked to clarify what was meant by their question. On July 22, 2015 the contractor submitted the following clarification:

Based on Section G.1. Contract Award, we understand that a Contract defining all deliverables and the responsibilities of the Contractor and GOER will be developed for signature by both parties. On pages 64 through 81 there are provisions that define what those deliverables and responsibilities will be. For example, Section G.23 on page 74 contains a provision regarding Ownership of Materials. May a Contractor (as part of its submitted proposal) take an “exception” to a portion of that provision and provide alternative language for consideration by the State that would then become part of the Contract? In this particular example, the alternate language would be for the purpose of clarifying certain proprietary Material that the Contractor believes should remain the property of the Contractor. If taking such “exceptions” is acceptable (in Section G or elsewhere in the RFP), in what format does the State want these “exceptions” submitted?

Answer: No. A contractor may not submit an exception for the purpose that you describe. However, the situation that you describe is not contemplated by GOER copyright policy. While vendor compliance with GOER policy is required where GOER and the vendor agree to utilize a vendor’s pre-existing copyrighted material in a GOER publication under a contract (e.g. that the vendor must have complied with the copyright law when creating such materials and/or claiming copyright for such materials), GOER will not require any vendor to surrender pre-existing copyright rights of a vendor when such material is agreed to be included in materials. Rather our policy extends to materials that we pay, in whole or in part, to be originally developed by the vendor. Please note that GOER will require that such vendor, when using previously copyrighted materials, grant GOER a non-exclusive license to utilize such materials for the purposes of running the program(s) subject to this solicitation. Acceptable contract language will be developed regarding this issue with the successful bidder.