RFP FOR THIRD PARTY ADMINISTRATION OF PRE-TAX FLEXIBLE SPENDING AND TRANSPORTATION PROGRAMS QUESTIONS AND ANSWERS FROM BIDDERS' CONFERENCE HELD ON JANUARY 25, 2010

BIDDERS PLEASE NOTE:

The following is new language regarding contract payments that was not included in the RFP but will be incorporated into the contract(s) with the selected vendor(s):

The contractor shall provide complete and accurate billing invoices to GOER in order to receive payment. Billing invoices submitted to GOER must contain all information and supporting documentation required by the resulting contract, GOER and the State Comptroller. Payment for invoices submitted by the contractor shall only be rendered electronically unless payment by paper check is expressly authorized by the Director, in the Director's sole discretion, due to extenuating circumstances. Such electronic payment shall be made in accordance with ordinary State procedures and practices. The contractor shall comply with the State Comptroller's procedures to authorize electronic payments. Authorization forms are available at the State Comptroller's website at www.osc.state.ny.us/epay/index.htm, by email at epunit@osc.state.ny.us, or by telephone at 518-474-4032. The contractor acknowledges that it will not receive payment on any invoices submitted under the resulting contract if it does not comply with the State Comptroller's electronic payment procedures, except where the Director has expressly authorized payment by paper check as set forth above.

QUESTIONS:

1. *Clarify the banking arrangements with Key Bank and how checks are drawn and the funding. Are all checks drawn on Key Bank, and is that account owned by the State, or is that owned by the TPA? Can you expand on that banking arrangement?*

   Answer: The Key Bank account is established by New York State and is owned by New York State, and all claims checks are drawn against that account. The Office of the State Comptroller (OSC) invests the employee payroll contributions in a short-term investment pool and transfers the money to the Key Bank account as often as needed to fund reimbursement claim checks.

2. *In B.1.2.e.1 in the RFP there is a section about setting up an FTP account with OSC. Is there a cost to that? Is there a cost to set up the account?*

   Answer: No, there is no cost. The selected vendor simply has to follow OSC rules and procedures.

3. *In the RFP you mention a surety bond. Does the State or GOER have a bond form that will be used and if you do, can you post that to the website, or will the winning bidder's bond form be acceptable?*

   Answer: GOER doesn't have a prescribed form for the vendor to use. The form the vendor submits to GOER will be reviewed to make sure it meets all the RFP and contractual specifications, and GOER will discuss with the vendor if it does or does not meet the specifications.

4. *In the fee attachments, where they have all the tables for you to fill out, it says that indirect costs cannot exceed 15 percent of the combined personnel and benefits cost. Can you describe what indirect costs are?*

   Answer: In the budget worksheets in Section H of the RFP, indirect costs are those that are incurred for a common or joint purpose and therefore cannot be identified readily and specifically with a particular project. Examples of indirect costs include rent and utilities.

5. O*n the stale dated check process about crediting those back against administrative fees, can you explain how that process works? If the account is already owned by the State, what does that mean?*

   Answer: The process is as follows: Stale dated checks are reported to the State of New York for a particular plan year. GOER staff review the report after it is received, then send a request to the vendor to have the total amount of the stale dated checks applied to a future administrative invoice. If GOER didn't follow that process, then those monies would be sent directly to the State of New York's General Fund as opposed to the Flex Spending Account program. It's a way of applying the money to Flex Spending Account administrative costs versus to the State's overall financial benefit.

   Does that mean that then there would be a draw from that account to the TPA for that part of their fees?

   Answer: No. The monthly invoice is just credited with the amount of the stale dated checks.

   Does that mean the TPA gets shorted on that amount of fees?

   Answer: No, because those checks weren't cashed, so the money goes to the vendor and then gets submitted back to the State as a credit. The vendor is held harmless.

6. *In the RFP in the follow-up questions you provided the current in force pricing. Will the pricing of all proposals submitted be available under any future Freedom of Information Act request? In the RFP and the subsequent information that was distributed, the current pricing was provided, and the question is, will the pricing of all of the entities that submit a proposal be also open to public disclosure under a Freedom of Information Act or other inquiry?*

   Answer: To the extent that the information is given and it's not otherwise covered by an exception to FOIL, GOER will release it, so if there are requests for that information, depending on when they fall during the process, which may affect the release point. But if they are not covered by a specific exception, such as there's a proprietary information section – and there may be other sections that apply -- to the extent that there's not an exception regarding disclosure, GOER is duty-bound under the law to turn them over. The only time GOER would not release the information for a FOIL request is when there is an exception which allows us not to disclose it. If there is a decision made not to disclose the information, there is an appeal process within GOER. Ultimately, you could go to court if you didn't like GOER's answer in that regard.

7. *I'd like to go back to the questions you asked earlier. On question 5 you talked about the separate websites, and one of the comments you made is that a vendor would be expected to establish an interface between the two websites. And I'm wondering if you can just elaborate about what the expectation of what that interface would be.*

   Answer: We do want to maintain the two URLs that we already have for the Flex Spending Account and for *NYS-Ride*. However, we would like to see some sort of interface, either a splash page or something similar that employees could go to and then be directed to one or the other of those programs.

8. *How many duplicates are contained in the eligibility file, which only has the last four of the social where everything matches?*

   Answer: There are 18,168 duplicate records in the Flex Spending Account eligibility file (NPAY571) and 16,446 duplicate records in the *NYS-Ride* eligibility file (NPAY579).

9. *What criteria are used to select or approve a financial auditor?*

   Answer: GOER does not have established criteria for approving a financial auditor. GOER has not requested to approve a financial auditor in the past, so we don't have additional information to provide at this time.

10. *In regards to the change in status web functions, is that operated by the TPA or is that operated by GOER? It seemed to read as if it were operated by GOER, but initially I thought it was a TPA-run function.*

Answer: The change in status system is operated by the vendor, just as the open enrollment system is. GOER's role is to assist the vendor with applications that cannot be processed because additional information is needed from the payroll system. For instance, if there is a duplicate record and the vendor needs to identify who the employee is, GOER staff have the ability to find the employee through the State payroll system to give the vendor the information necessary to process the application.

Is that the current process?

Answer: Yes.

11. *Will you post the names and companies that attended the Bidders' Conference on the GOER website? This means companies that are here today, not ones that submit proposals.*

Answer: No, we will not post that information.

12. *In one section it talks about three enrollment reminders during the open enrollment period, and then in another section it says one letter will be sent to participants reminding them of open enrollment. Is it one or is it three?*

Answer: The RFP requires the selected vendor to send one letter to all current enrollees at the beginning of open enrollment, which will be mailed to their home addresses or their addresses of record. The RFP also requires the selected vendor to send a minimum of three email reminders during open enrollment, reminding current enrollees of the upcoming open enrollment deadline. We don't have email addresses for all enrollees, so it would only be to the extent that their email addresses are available that emails would be sent out.

13. *Will you be having an official finalist meeting during your evaluation period?*

Answer: In the RFP GOER has reserved the right to hold oral clarification meetings. The decision to do so will take place after the selection committee meets. If GOER does choose to hold oral clarification meetings, the vendors will be notified.

14. *Will you be releasing a list of the companies that submitted an Intent to Bid?*

Answer: No.

15. *I think the technology policy has been updated by the State. What are some of the changes from the policy that apply to the old contract and then apply to the new one, and what kind of changes might the vendor need to implement for those changes?*

Answer: There were not a lot of changes related to the old technology policy, and the changes are not substantive. It is a little more lenient on posting proprietary formats. It is a little less stringent in prescribing particular pieces of code, for example, requiring no script elements in addition to scripted material. That provision has been eliminated. The tables below list the specific changes.

Changes to NYS Web Site Accessibility Policy between 2006 and 2009

History, provided in NYS-P08-005 (http://www.oft.state.ny.us/Policy/NYS-P08-005.pdf):

Date	Description of Change
06/21/2004	Original Policy Release.
10/25/2005	Revised to add procurement language and to make minor changes to the standards.
08/01/2008	Revised to update the standards and eliminate any exceptions to the policy.
01/14/2009	NYS P08-005, NYS S08-005, and G06-001 Best Practice Guidelines are combined as one document numbered NYS P08-005.

The major change came in 2008, which eliminated any waivers for undue administrative burden or fundamental alteration. What this means, in essence, is that ***all*** content on agency website(s) must be accessible to individuals with disabilities using assistive technologies.

Other changes from the 2006 policy:

S04-001 (republished 10/25/2006)	NYS-S08-005 (effective date 8/1/2008, republished 1/14/2009 as part of NYS-P08-005)
1.3 Ensure that pages are usable when scripts, applets, or other programmatic objects are turned off or not supported. If this is not possible, provide equivalent information on an alternative accessible page.	4.1.3 Ensure that pages with scripts or other programmatic objects are usable with current assistive technology.

	NEW 4.1.9 From the date of this standard forward, alternative text versions of web sites, if used, should be dynamically generated to insure that each site contains equivalent information and functionality at all times, available for use by people with disabilities, mobile users, users with low-bandwidth connections, and those users who simply prefer a non-graphical interface. Manually updated alternatives are discouraged.
3.2 All web pages will include a valid document type declaration (DTD).	4.3.2 HTML pages should include a document type declaration (sometimes referred to as a DOCTYPE statement) and are valid according to the HTML version specified by the document type declaration. XHTML, SVG, SMIL, and other XML-based documents reference a document type definition (DTD) or other type of XML scheme. In [the] absence of a document type declaration, HTML pages must still enable user agents, including assistive technologies, to accurately interpret and parse content.
3.4 Web pages will be created using style sheets to achieve formatting and stylistic effects whenever possible. When style sheets are utilized the web pages must convey all relevant information in an accessible manner if the style sheet is disabled for any reason.	4.3.4 Web pages will be created using style sheets to achieve formatting and stylistic effects whenever possible.
4.4 Web pages will be designed to be device independent, for example, allow navigation with or without a mouse.	DROPPED in Standard 4
7.1 All tables are required to have a summary attribute.	4.7.1 All data tables should have a summary attribute.
7.2 Tables used solely for formatting, will specify that purpose using a summary attribute (e.g., summary= "format" or summary="for layout only").	DROPPED in Standard 7

7.3 Tables with tabular data will use the scope attribute to identify both horizontal and vertical headings.	4.7.2 In data tables appropriate markup must be used to provide context for each table cell.
7.4 Row and column headers will be identified for data tables.	DROPPED in Standard 7
8.1 If frames are used, a noframes alternative will be provided.	DROPPED in Standard 8
11.1 – Multimedia / Audio – the time frames for compliance were provided	4.11.1 – Multimedia/Audio – the time frames were modified to indicate that all audio content must comply by 01/01/2010
11.2 – Multimedia / Video/Visual – the time frames for compliance were provided	4.11.2 – Multimedia / Video/Visual – the time frames were modified to indicate that all video and visual content must comply by 01/01/2010
11.3 – Multimedia / Webcasts – the time frames for compliance were provided	4.11.3 – Multimedia / Webcasts – the time frames were modified to indicate that all webcasts must comply by 01/01/2010
	4.11.4 – Multimedia / Webcasting Open Meetings – the policy was amended to explain the distinction between webcasts and open meeting webcasts and explain the different posting requirements
12.2 Event handlers used in any script will be device independent. Device-independent event handlers will be used instead of event handlers that require a specific input device (e.g., mouse). If a generic event handler is not available, more than one device-specific event handler will be used.	4.12.2 All functionality of the web page must be operable through the keyboard, or a keyboard interface. In the event that functionality provided by scripting languages cannot be read by assistive technology devices, there must be an alternative means of accomplishing the same task that can be read by such devices.
12.3 The use of onDblClick will not be allowed.	DROPPED from Standard 12
12.5 All documents with client side scripting will provide equivalent content or functionality via a noscript element.	4.12.5 All documents with client-side scripting will provide equivalent content or functionality in another format.
13.2 A label element will be used for all form controls that do not have implicit labels.	4.13.2 A label element will be used for all input elements.

14.1 When downloadable documents [e.g., word processing documents, spreadsheets, Portable Document Format (PDF), java applets] are used, a link to accessible HTML or text version(s) will be made available.	4.14.1 Word processing documents, spreadsheets, and programmatic objects (e.g., Flash or Shockwave objects) must be served in a manner that can be read and used with assistive technology whenever possible. When documents that cannot be read with assistive technology are used, links to accessible versions of the documents are required.
	4.14.3 Agencies with web sites that use downloadable or embedded objects must provide reasonable accommodations for individuals who do not have the software necessary to read or use the objects, either on the web site directly or by providing contact information that gives such individuals access to the information or function.
	4.14.4 Documents in Portable Document Format (PDF) should be properly marked up to support assistive technology whenever possible. If PDFs are created from scanned images, a link to an accessible version of the document is required.