



Request For Proposals (RFP) #C000559

for

Licensing Test Administrator

Issue Date: March 18, 2024

Proposals Due Date: April 19, 2024 by 3:00pm Eastern Time

<https://www.dfs.ny.gov>

Kathy Hochul, Governor
Adrienne A. Harris, Superintendent

Department of Financial Services
Office of Financial Management
One Commerce Plaza, Suite #1850
99 Washington Avenue
Albany, NY 12257

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Section 1: Timetable of Key Events

Event:	Date and Time:
RFP C000559 Issue Date:	Monday, March 18, 2024
Deadline for Questions:	Monday, March 25, 2024 by 3pm ET
Answers to Questions Released:	Monday, April 1, 2024
Deadline for Receipt of Proposals:	Friday, April 19, 2024 by 3pm ET

Please note that the New York State Department of Financial Services (“Department”) reserves the right to change any of the dates stated in this RFP. If such change occurs, the Department will post a notice on its website and in the NYS Contract Reporter to notify potential Bidders.

The Department is soliciting proposals from a responsive and responsible Contractor to provide New York State insurance licensing examinations administration services.

This procurement is being undertaken in accordance with New York State Finance Law, Article XI. The Contractor selected will provide all necessary services as outlined in this RFP.

2.1 Restricted Period and Designated Contacts

Restricted Period:

The procurement is in a restricted period from the date this RFP is issued until the contract has been approved. In compliance with State Finance Law §§139-j and 139-k, the following are the Designated Contacts for this solicitation. All contacts/inquiries shall be made by email to the following address: RFP@dfs.ny.gov. Contacting any other Department employees other than Designated Contacts may result in rejection of bid.

Designated Contacts:

Alisa Fortune, Assistant Director

Ron Wachenheim, Contract Management Specialist 2

Daniel Dwyer, Contract Management Specialist 1

2.2 Definitions

Unless further defined within the RFP, the following definitions will be used:

Bid/Proposal shall mean a response to the RFP submitted by a Bidder to provide commodities/services.

Bidder shall mean any individual, business, vendor, or other legal entity, or any employee, agent, consultant, or person acting on behalf thereof, who or that submits a bid in response to a bid solicitation.

Continuing Education Provider shall mean the schools, insurance companies, associations, and other institutions that are approved by the Department to offer continuing education to licensees.

Contract shall mean the agreement that may result from this Request for Proposals.

Pre-licensing Provider shall mean schools, insurance companies, and other institutions that are approved by the Department to offer pre-licensing education.

Services/Commodities shall mean items or deliverables under any solicitation or contract and may include commodities, services and/or technology.

Solicitation shall mean this request for proposals.

Solution shall mean the entirety of the commodities/services that a Bidder proposes.

2.3 The Department of Financial Services

The Department regulates insurance, banking, and other financial services with the goal of promoting robust financial services in New York, while safeguarding against financial crises and protecting both consumers and the industry from fraud. The Department was established on October 3, 2011, with the consolidation of the former Insurance and Banking Departments. The consolidation helped centralize and modernize regulation, enabling New York to keep pace with rapidly innovating financial markets.

2.4 Purpose of RFP

The Department is seeking proposals from an experienced testing organization to administer New York insurance licensing examinations. The organization will provide professionally prepared licensing examinations, at test centers/locations in New York State and must provide examinations in all fifty (50) States and US Territories. The organization will also assist in test development, data support, and other administrative services on behalf of the Department. The organization must be capable of administering at least 30,000 examinations per year with at least fifteen (15) test centers located within New York State.

Insurance Law Article 21 requires the Superintendent to determine the competency of each prospective licensee by written examination for each line of authority.

The Contractor shall develop and provide an examination program based on Department-approved content that tests to a minimum level of competency necessary for entry into the insurance business.

All examinations will be in English and administered electronically at Contractor-owned testing centers except under special circumstances approved by the Department. All examinations will be given on a mutually agreed upon schedule. At the discretion of the Department, tests may be given remotely.

2.5 Contract Period

The Department anticipates that an award from this RFP will result in a five (5) year Contract.

Section 3: Minimum Qualifications

Bidder must have a minimum of three (3) years of experience performing similar functions as described in Section 4, including:

- 1) having a network of testing facilities located throughout New York State for in-person testing;
- 2) administering examinations in all fifty (50) States and US Territories, in-person;
- 3) administering 30,000+ examinations each year; and
- 4) administering examinations remotely.

Subcontractor experience will not replace the bidder's experience for purposes of these Minimum Qualifications.

Section 4: Required Services

It is the expectation that the Contractor will be fully operational by Contract inception.

General Duties

The Contractor (Test Administrator) shall be responsible for:

- Candidate examination registration and scheduling;
- Administering examinations in person and remotely for all available lines of business;
- Operating a Call Center;
- Publish Licensing Information Bulletins;
- Maintaining professionally staffed physical Test Center facilities;
- Electronically transmitting exam data daily to the Department and the National Insurance Producer Registry (NIPR);
- Providing the Department with examination score reports that include candidate photos;
- Conducting an annual workshop with Department and industry representatives to develop questions; and
- Providing periodic examination data reports, including the statutory Demographic Report.

The Contractor must ensure that all services outlined in this RFP are compliant with the Americans with Disabilities Act (ADA) and any other applicable accessibility laws.

4.1 Examination Content and Development

1. Examination content

Examinations will be based on information and questions reviewed and approved at the examination review workshop.

Using the expertise of industry representatives, Department personnel, and Contractor test developers, the Contractor will create examinations, in English, unless otherwise specified, based on Department approved syllabi for the following licenses and examinations:

- Life Insurance Agent/Broker
- Accident and Health Insurance Agent/Broker
- Personal Lines Insurance Agent
- Life, Accident and Health Insurance Agent/Broker
- Property and Casualty Insurance Agent/Broker
- Life, Accident and Health Insurance Consultant
- Property and Casualty Insurance Consultant
- Bail Bond Agent
- Mortgage Guaranty Agent
- Public Adjuster
- Independent Adjuster (includes Accident & Health Insurance; Fire; Casualty; Automobile Insurance; Aviation Insurance; Fidelity & Surety; Inland Marine; General; Auto Theft & Damage Appraisal; and Motor Vehicle No Fault & Workers Compensation Health Services)
- NY Laws and Regulations for Life, Accident and Health Insurance and Property and Casualty Insurance
- Spanish language examinations for Life only, Accident and Health only, Life, Accident and Health, and Life, Accident and Health Insurance Laws
- Life Settlement Broker
- Title Insurance Agent

If an examination is available in Spanish, the Contractor must offer the option to toggle between the English and Spanish versions of the examination. The Contractor must provide candidates with instructions on how to toggle between the Spanish and English versions.

All examinations will consist of questions examining the candidate's knowledge and understanding of:

1. General insurance principles, practices, and terms;
2. New York insurance laws, rules, and regulations; and
3. Specific insurance topics relating to the particular license examination.

The title and number of the licensing examinations will be determined by the Department.

All examination questions the Department shares with the Contractor, or examinations developed, are owned by the Department and are not to be used for any other business purpose except for examinations under this agreement, as directed by the Department.

2. Examination review/content update

The Contractor must use a Department-approved review process to ensure that each examination remains current and relevant to current industry practices. The Contractor must use a Department-approved method to analyze the performance of individual questions, as well as the entire examination, to ensure each examination is fair, equitable, and free of cultural and other biases. Upon contract inception, the Department will work with the Contractor to finalize and approve the examination review and performance processes to be used during the contract term.

The Contractor must conduct an annual workshop either remotely, or in person in Albany, New York or New York, New York, at the determination of the Department. The annual workshop shall include both subject matter experts requested by the Department and Department personnel to update all examinations. Workshop participants shall review new and existing examination items and develop corresponding content outlines. The Contractor shall provide updated content outlines for approval to the Department within six (6) weeks of the conclusion of the annual workshop.

3. Examinations scale

The Contractor must comply with the Department's scale for scoring examinations.

4. Use of examinations by Contractor

The Contractor must develop at least one (1) practice examination for all lines of licensure and supply the practice examinations to pre-licensing education providers and examination candidates upon request. Each practice examination must consist of no less than twenty-five (25) questions. Practice examination questions cannot be from the bank of questions used for the actual examinations, but they must be of the same format and range of difficulty.

The Contractor must not sell or furnish licensing examinations or questions that are developed in whole, or in part, for use in New York, to third parties without the prior written permission of the Department.

4.2 Exam Registration and Scheduling

1. Examination Program Manager

The Contractor must appoint an official contact person or program manager, who will oversee the duties of the Contractor, and who has the authority to resolve issues on behalf of the Contractor. The contact person/program manager must respond to the Department regarding issues concerning testing and registration no later than the next business day. Responses requiring further investigation by the Contractor must be provided to the Department within ten (10) days of the Department's initial inquiry.

Any changes to the examination program manager must have prior approval by the Department.

2. Call Center

The Contractor must demonstrate that the Call Center, and its agents, are located in the Contiguous United States (CONUS). The Contractor must demonstrate to the Department its security procedures for screening call center agents. The Department may require the Contractor to enhance its call center agent screening if the Department finds the Contractor's current practices unacceptable. The Call Center must be accessible by a toll-free telephone number to answer candidate questions and to assist with registration, fee collection, and the scheduling process. In addition, the Contractor must establish a customer care unit to assist candidates with post-examination issues (e.g. providing duplicate score reports).

At a minimum, the Call Center must operate Monday through Friday from 9:00 AM to 7:00 PM Eastern time. The Contractor shall make every attempt to schedule maintenance for non-call center hours. All scheduled maintenance must be reported to the Department at least twenty-four (24) hours prior to the scheduled maintenance. All unscheduled Call Center outages or incidents must be reported to the Department immediately upon discovery. The Contractor must also notify the Department when Call Center functionality is restored. The Contractor must provide to the Department, if requested, monthly reports on Call Center metrics, including service level, call transfer rate, abandon rate, occupancy rate, total call volumes and volume of language access calls. Additional reports may be requested by the Department. Call Center Staff must be knowledgeable about New York insurance examination requirements, fees, and scheduling procedures and must provide responses to inquiries and resolve problems within one (1) business day, unless an extension has been granted by the Department. The Call Center must be staffed with supervisors who have the authority to respond to any escalated issues. The Bidder must submit a draft Call Center escalation plan with its proposal. Upon Contract inception, the Department will work with the Contractor to finalize and approve the Call Center escalation plan to be used during the Contract term.

3. Web access

The Contractor must establish a web page specific to New York insurance licensing examinations that will be the primary method of registering, paying fees, and scheduling examinations. The web page must provide all services and storage of all data within CONUS. Contractor is solely responsible for administration, content, intellectual property rights and all materials at Contractor's New York-specific web page. Contractor is solely responsible for its actions and those of its agents, employees, resellers, subcontractors or assigns, and agrees that neither Contractor nor any of its agents, employees, resellers, subcontractors or assigns has any authority to act or speak on behalf of the Department. As applicable, Contractor agrees to comply with the NYS Policy NYS-P08-005 Accessibility of Web-Based Information and Applications, as may be amended, to make web-based intranet and internet information accessible for persons with disabilities. At a minimum, the web page must provide access to approved examination content outlines, the Licensing Information Bulletin, practice examinations and a link to the Department's website. Online registrations must be available at a minimum, Monday through Sunday 9:00 AM to 7:00 PM Eastern time. The Contractor must make every attempt to schedule maintenance for non-web page hours. If the web page is down for regular maintenance, Contractor must notify the Department in advance, when possible. If the website is down unexpectedly, anytime Monday through Sunday 9:00 AM to 7:00 PM Eastern time, the Contractor must

notify the Department immediately of the issue and provide a restoration estimate. The Contractor must then notify the Department when the webpage has been restored.

The Contractor must provide administrative access to the Department for all testing and registrations.

4. Security Requirements

The Contractor must agree to fully comply with all security procedures of the Department set forth in Appendix C – Information Security & Cyber Security Requirements and in Appendix D – Primary Security and Privacy Mandates, both attached hereto and incorporated herein, or otherwise communicated in advance to the Contractor, including but not limited to physical, facility, documentary, and cyber security rules, procedures, and protocols.

5. Licensing Information Bulletin

The Contractor must publish, on its New York specific web page, a Licensing Information Bulletin, approved by the Department, containing:

- New York State licensing qualifications and procedures;
- A list of available examinations and examination fees;
- Registration and scheduling procedures;
- Instructions on how to apply for special accommodations;
- A list of test centers/locations with addresses;
- New York identification requirements;
- Examination and test center/location security requirements; and
- The approved content outlines.

The Licensing Information Bulletin must also be available, upon request, in print format.

6. Examination registration and scheduling

Department and Contractor will mutually agree to a cut-off time for candidates to reschedule an examination without additional fees. Examination fees may be forfeited if the candidate misses the examination, reschedules an examination after the cut-off time, or arrives more than fifteen (15) minutes after the start of the examination and is not allowed to take the examination. Candidates will not incur additional fees if the Contractor closes the test center/location for any reason. The Contractor will make every effort to contact and reschedule candidates before and after any test center/location closings. The Contractor will notify the Department, in advance, where possible of any closure of a test center/location.

Fees must be collected by the Contractor via both the registration website, by mail, or the telephone process as applicable.

The test centers must at minimum be open for testing Monday through Friday 9:00 AM to 6:00 PM.

The Contractor must make available at no additional charge, testing accommodations for candidates with documented disabilities as required by the ADA. Paper and pencil examinations are needed if/when requested by candidates under the ADA. All requests for accommodations must be submitted in writing to the Contractor in a time frame to be agreed upon by the Contractor and Department.

The Contractor must issue a confirmation to all examination candidates that contains the following:

- the candidate's name and address;
- the examination number and title;
- test date and address of test center/location;
- remote testing information technology requirements;
- identification requirements; and
- prohibited behavior at the test center/location.

Confirmations must be available to candidates via email, the website, or regular mail.

4.3 Test Centers/Locations, Remote Online Testing

1. Facilities

All test centers/locations must be in buildings that are ADA compliant and compliant with all other applicable accessibility laws. Responsibility for permits, licenses, fees, taxes, and insurance, as well as the cost for equipment and material needed to administer examinations is the sole responsibility of the Contractor.

Each test center must have lockers for the secure storage of candidates' personal items.

At each test center/location, the Contractor must audio and video tape the examinations.

2. Test Centers/Locations

The Contractor must operate at least fifteen (15) testing facilities in mutually agreed upon locations, geographically distributed throughout New York.

If the Contractor wants to relocate an established New York State test center, the Contractor must notify the Department in writing and include a detailed plan of the relocation of the test center. The Contractor cannot relocate a New York State test center until the Contractor has received written approval from the Department to do so.

3. Remote Online Testing

In addition to examinations conducted at test centers/locations, the Contractor shall make available remotely proctored online examinations for all licenses listed in Section 4.1.1. Such remote examinations will be permitted at the discretion of the Superintendent or the Superintendent's designee.

The Contractor shall also administer and proctor remote online examinations. No proctor shall monitor more than six (6) examinations at one time.

The Contractor must be able to provide remote online examinations with proctors and inform the Department of the remote online exam solution that the Contractor uses. The Contractor must be able to take a photograph of all remote testing candidates.

Requirements for online testing must be available to users regardless of the users' operating system or web browser.

4. Personnel

Test center personnel must not be affiliated with any Department-approved continuing education providers or licensing examination preparation course providers.

4.4 Examination Procedures

1. Guidelines

The Contractor must establish detailed procedures, approved by the Department, for examination administration tasks including:

- 1) candidate identification and photographs;
- 2) check-in and check-out practices;
- 3) pre-test instructions;
- 4) handling of written test material and other sensitive information; and
- 5) reporting of complaints and security violations.

Upon contract inception, the Department will work with the Contractor to finalize and approve the Guidelines and processes to be used during the contract term.

2. Candidate identification

Upon candidates' arrival at the test center/location, the Contractor must require all candidates to provide at least one (1) current, valid United States/State government-issued photo ID or Canadian government-issued photo ID that includes the candidate's signature. Test center personnel will contact Department representatives for permission to allow testing for anyone not presenting acceptable forms of identification.

For remote online examinations, in addition to the identification requirements, each candidate shall provide the proctor access to the candidate's camera and screen for proctoring and recording of the examination session.

3. Candidate photographs

The Contractor will photograph each candidate at the time of their initial examination. The photograph will appear on all candidate score reports, regardless of whether the examination is administered at a test center/location or remotely. For security purposes, the photographs taken for the candidates' first examination must be stored by the Contractor in a secure location meeting all Department security requirements and used for subsequent examinations.

All photographs must be maintained for a minimum of two (2) years in an electronic format acceptable to the Department, and accessible by the Department at no charge to the Department.

4.5 Examination Security

1. Policy

To ensure a fair and equitable examination for all candidates and to eliminate cheating, the Contractor must develop and implement security policies and procedures, to be approved by the Department. Security procedures must be observed at all examination administrations, whether in established test centers/locations, or remote testing. Upon Contract inception, the Department will work with the Contractor to finalize and approve the security policies and procedures to be used during the contract term.

Contractor personnel must be thoroughly trained in the Contractor's established examination and security procedures, including the use of conflict resolution and techniques to diffuse hostile situations.

During the check-in process, each candidate must receive written notice of the security policy, as well as a list of prohibited items and activities. The candidate must attest that he/she has read and understands the Contractor's security policy. Contractor will also provide remote test takers an electronic version of the security policies. The remote test taker must agree to the security policies prior to the start of the examination.

Candidates must be notified that the examination session is being video and audio taped, both in the reception area and the examination room.

For remote online examinations, the Contractor must post a notice on its website of the minimum technical requirements necessary for a candidate to take the examination remotely. The notice must also state that the candidate will be responsible for complying with all security measures, including: (i) downloading the Contractor's secure browser; (ii) allowing the Contractor to lock down the candidate's browser to ensure the only internet access is to the Contractor's browser and examination; (iii) conducting a room scan to demonstrate there are no materials, including scratch paper, or other persons in the room; (iv) no cell phones; and (v) the candidate cannot leave the camera view for the duration of the examination and no breaks will be allowed.

2. Prohibited Items During Test Administration

The Contractor must ensure that no reference or study material, calculators, cell phones or other

personal electronic equipment, or personal items (e.g., tissues, watches, other types of jewelry) are allowed in the testing area. A locker must be provided for storage of personal items during the examinations. Contractor personnel shall search each candidate for prohibited items including recording equipment.

The Contractor must provide scratch paper or a non-paper alternative for note taking during the examination. These materials must be collected before each candidate leaves the test centers/locations.

Weapons are not allowed in any test center/location.

For remote online examinations, no search of candidates will take place and no locker room will be provided for personal items. In addition, no scratch paper will be provided or permitted in the examination room. The Contractor must ensure the candidate does not have any prohibited items in the room where the candidate is taking the examination.

3. Prohibited Practices During Test Administration

The Contractor must ensure that candidates do not give or receive help during the examination, take part in the impersonation of another licensing candidate, or copy and remove test materials from the test center/location.

If taking a break during the examination, each candidate must sign in and out on the examination roster and must not access cell phones, other electronic equipment, or study materials.

Guests or family members are not allowed in the test center/location. Disruptive or illegal behavior is strictly prohibited.

For remote online examinations, no breaks will be permitted for the duration of the examination session.

4. Security investigations

When a security breach or incident of prohibited behavior is detected, the Contractor must stop the examination and inform the candidate as to its reason for stopping the examination. The Contractor must notify the Department of the incident within twenty-four (24) hours and provide a written report within ten (10) days. The results of more detailed investigations must be forwarded to the Department within thirty (30) days.

The Contractor must tell the candidate(s) that the Department will be notified, and the behavior may jeopardize the candidate's ability to test again or obtain an insurance license.

The Contractor, at no expense to the Department, must assist the Department at Department proceedings that may result from a breach or incident.

4.6 Records and Reports

1. Individual score reports

For all types of testing, in-person or remote, Contractor must issue score reports to the candidates immediately upon completion of the examination. Each report must include the overall score of the examination, the score for each subsection, and include the following candidate information:

- Name and address;
- Identification number;
- Examination number and date of examination; and
- Candidate's photo taken at the time of initial examination.

The Contractor must verify each candidate's pre-licensing school completion, if applicable, and send it to the Department, along with the score report, the school code or exemption code (entered by the candidate at the time of registration).

The Contractor must provide duplicate score reports to a candidate no later than three (3) business days following the request.

2. Examination data

The Contractor must submit test results to the Department multiple times daily in a medium and format acceptable to the Department and that meets all policies set forth by NYS ITS. Individual test results must be submitted to the Department no later than forty-eight (48) hours from completion of the exam.

The individual test results shall contain the following candidate information:

- Name;
- Date of Birth;
- Social Security Number or Candidate Identification Number;
- Residential Address;
- Examination Number and Title;
- Test Center/Location Code;
- School Code or Exemption Code;
- Examination score; and
- Any additional information requested by the Department.

The Contractor shall implement a system that notifies the Contractor and the Department if the exam data was not properly uploaded to the Department. This shall prevent instances where nothing is received by the Department, or the batch file does not properly upload, and the Department gets emails or phone calls from candidates advising they are not able to apply.

The Contractor shall provide exam data directly to the National Insurance Producer Registry ("NIPR") for original resident license and relicensing applications. Exam data to be provided must include, Name, Date of Birth, Social Security number, exam number and title, pass/fail, and exam scores of candidates.

The Contractor must have a system to correct Social Security or candidate identification numbers so the candidate can apply for a license. This is necessary as an incorrect Social Security number on the examination score prevents the candidate from applying for a license. The Contractor must have a written procedure or policy for customer service and Call Center staff to follow to expedite the correction of the error, and to ensure the data is then re-sent to the Department via the daily file download the next business day. All errors regarding a candidate's Social Security number or candidate identification number must be handled by the Contractor. It is the Contractor's responsibility to handle all questions regarding incorrect Social Security numbers. The Contractor should advise all candidates to only contact the Contractor regarding this issue. Candidates should be advised that they are not to contact the Department regarding these issues.

The Contractor must provide a secure method for the Department to collect the file of examination data that adheres to NYS ITS policies and is available daily.

3. Examination statistics

The Contractor must provide to the Department examination statistics on a monthly, quarterly, and yearly basis, in an Excel spreadsheet. The reports must include the number of test administrations, the number of candidates, the first-time pass rate, and the overall pass rate and will be organized by line of authority. The Contractor must also provide, on the same schedule, reports of the pass rate of the pre-licensing providers and the individual performance of each examination.

The Contractor must provide the Department with administrative access to the statistics database to create and/or download identified reports as well as the ability to create ad hoc reports, as needed.

4. Demographic report

The Contractor must provide each candidate, at the time of examination, with a demographic questionnaire to collect information on each candidate's age, gender, race, level of education, ethnicity, and native language. The questionnaire must provide the candidates with the option to decline to answer each question.

By January 31 of each year, the Contractor must prepare and provide to the Department a Candidate Demographic Report, in raw format (an Excel spreadsheet and Word) based on the answers to the Demographic Questionnaire for examinations administered between January 1 and December 31 of the previous year. This report should also include data on Spanish (and any other languages) examination candidates.

5. Miscellaneous reports

The Contractor will make available, upon Department request, candidate rosters from each test center location and remote locations in an Excel spreadsheet. The roster must list candidate names alphabetically and include the examination date, title, number, test center location, and whether it is in-person or remote.

The Department and Contractor will mutually agree on a schedule for reports of the Call Center's

performance. All reports must include the following: number of calls received, number of calls handled, number of calls dropped, number of calls escalated.

6. Records retention

Except where noted, the Contractor must maintain all records for a minimum of seven (7) years from the expiration date of the Contract. Except where noted, records may be destroyed after seven (7) years, at the Contractor's expense.

4.7 Business Continuity Plan

The Contractor must provide the Department with a Business Continuity Plan outlining the actions to be taken if services are interrupted. The plan must identify all off-site data storage facilities and how it will meet the requirements of Appendix C, attached hereto and outline details on how the Contractor will:

- continue and/or re-establish Call Center and/or Test Center/Location services; and
- continue and/or re-establish data transfer processes to the Department.

Section 5: Proposal Requirements

5.1 Overview of Proposal Format

Interested Bidders must submit a complete proposal that is comprised of three (3) separate proposals: Technical Proposal, Cost Proposal, and Administrative Proposal:

- **Technical Proposal** – The purpose of the Technical Proposal is for the Bidder to demonstrate its qualifications, competence, and capacity to provide the Solution.
- **Cost Proposal** – The Cost Proposal is a list of the Contractor fees associated with the services to be provided as described in this RFP.
- **Administrative Proposal** – The Administrative Proposal contains standard requirements the Contractor must agree to, information requested by the Department in connection with these requirements, and additional forms to be completed by the Contractor.

All Bids/Proposals, including all information required by the RFP or provided as explanation thereof, shall be submitted in English. All prices shall be expressed, and all payments shall be made, in United States Dollars (\$US). Any Bids/Proposals submitted that do not meet the above criteria may be rejected.

A uniform Proposal format is required so that the Department can fairly evaluate all Proposals. For each item listed below, please respond in order, and provide the material required. Brochures or reproduced, copied or printouts of marketing literature may not be substituted for the Proposal narratives and responses specified. Cross-references in the Proposal to any appendices are required.

The Department will not review appendices or supplemental material that do not have a clearly indicated purpose.

Hyperlinks are not acceptable and will be redacted during the administrative review of Proposals. Evaluators will be instructed to ignore all hyperlinks in any Proposals.

The State does not indemnify Contractors.

Each Bidder's Proposal shall be valid for a minimum period of at least (6) six months.

5.2 Technical Proposal

The purpose of the Technical Proposal is to demonstrate the qualifications, competency, and capacity of the Bidder to perform the services contained in Section 4 of this RFP. The Technical Proposal should demonstrate the qualifications of the Bidder and of the Bidder's staff to be assigned to provide services included in this RFP. The Technical Proposal cannot be any longer than thirty (30) pages, not including cover page, table of contents, resumes, and references. Please include sufficient evidence to document how the Bidder meets the Minimum Qualifications found in Section 3 of this RFP and how the Bidder will perform the scope of services found in Section 4.

The Technical and Cost sections of each Bidder's Proposal will be evaluated separately. **There should be no dollar units or costs included in the Technical Proposal.**

Format of the Technical Proposal:

- **Table of Contents**
- **Executive Summary**
- **Staffing, Relevant Experience, and References of the Bidder**
- **Examination Content and Development**
- **Exam Registration and Scheduling**
- **Testing Centers/Locations, Remote Online Testing**
- **Examination Procedures**
- **Examination Security**
- **Records and Reports**
- **Business Continuity**

1. **Table of Contents:** The Table of Contents should clearly identify the location of all material within the Proposal by section and page number.
2. **Executive Summary:** Provide the Department with a brief overview of the Bidder and how the Bidder meets the minimum qualifications found in Section 3 of the RFP.
3. **Staffing, Relevant Experience and References:**
 - a. **Organizational Chart:** The Bidder should include a one-page Organization Chart.
 - b. **Resumés for Key Staff** involved in the day-to-day operations.

- c. **Staffing Plan:** Bidder should describe its staffing plan and relevant experience and how this will allow the Bidder to meet the needs of the Department, as outlined in Section 4 of this RFP. The Bidder should describe the number of individuals at each level and the estimated staff days that would be spent on the required work. Include full details of the senior staff that would be available for this engagement and how they will fulfill the Scope of Work. The Bidder should describe the number of staff for each function to be performed under the contract. The Contractor shall have a duty to inform the Department of any changes in staffing from the staffing plan submitted with the bid. Material changes in the staffing plan must be approved by the Department. The Contractor must maintain the staffing ratios required by Department.
 - d. **References:** Submit at least three (3) distinctly different references, preferably from government agencies or other customers with similar objectives.
4. **Examination Content and Development:** The Bidder should provide a draft plan describing how it will meet all the requirements as outlined in Section 4.1 Examination Content and Development.
 5. **Exam Registering and Scheduling:** The Bidder should provide a draft plan describing how it will meet all the requirements as outlined in Section 4.2 Exam Registering and Scheduling. Additionally, Bidder should also include its Call Center escalation plan that will address any Call Center issues that may arise.
 6. **Testing Centers/Locations, Mobile & Remote Online Testing:** The Bidder should describe its testing centers, mobile and remote online testing, and how statutory and regulatory requirements are met in the performance of the contract and as outlined in Section 4.3 of this solicitation, including, but not limited to the Bidder's ability to meet the Department's need for at least fifteen (15) locations throughout the State and protocol to follow if data security is breached. The Bidder should also submit a map of all testing locations that will be used for services outlined in this solicitation.
 7. **Examination Procedures:** The Bidder should also provide a draft of detailed procedures, for examination administration tasks as outlined in Section 4.4.
 8. **Examination Security:** The Bidder should also provide a draft of detailed procedures, for examination security tasks as outlined in Section 4.5.
 9. **Records and Reports, Electronic Data Transmission of Exam Scores & Candidate Information Bulletin:** The Bidder should describe how it will provide reports and statistics, electronic data transmission of exam scores and the candidate information bulletin as outlined in Section 4.6 Records and Reports. Bidder should also address procedures for correcting all incorrect candidate data.
 10. **Business Continuity:** The Bidder should describe its plan for continued business operations in the

event of a disaster or other interruptions to business functions.

5.3 Cost Proposal

The Cost Proposal sets forth the costs for the requested services. The Cost Proposal should be complete, accurate, well-documented, and prepared using the Cost Proposal Quote Form only. Cost information is **not** to be included in the Technical Proposal or Administrative Proposal. All prices must be inclusive of all costs necessary for proper performance under the Contract.

Cost Proposal-Fee Schedule: Bidders must sign and submit **Attachment 8**, Cost Proposal Response Form. The rates proposed by the Bidder must be for the duration of the Contract, and inclusive of all costs including travel. The Proposal Quote Form is to be submitted at the same time as the remainder of the proposal but in a document detached from the Administrative and Technical Proposals. **No changes, edits or additional information is permitted on Attachment 8, as it may make the Proposal non-responsive.**

Please note: Per New York State Insurance Law Section 2107(c)(1), there is a statutory cap on exam fees for Life, Accident and Health Insurance Consultants and Property and Casualty Insurance Consultants.

5.4 Administrative Proposal

The following must be completed and submitted with the bid in the Administrative Proposal. **Failure to submit any of the requirements below may result in the rejection of the Bidder's Proposal.**

- **Attachment 1: Bidder Submission Checklist**

- **Attachment 2: Bidder Information and Attestation:** The Bidder Information and Attestation is an integral part of the Proposal and should be signed and submitted with the Administrative Proposal. The Bidder Information and Attestation should be signed by an individual authorized to contractually bind the Bidder. A proposal with an unsigned Bidder Information and Attestation page may be rejected. Modified forms will not be accepted.

- **Attachment 3: New York State Required Certifications Packet:** All documents in this packet should be completed, signed, and submitted with the Bidder's Administrative proposal. This packet includes:

- Non-Collusive Bidding Certification Required by Section 139-D of the State Finance Law;
- Offerer's Certification of Adherence to Executive Order 177 Regarding Anti-Discriminatory Policies and Practices;
- Offerer's Certification of Adherence to State Finance Laws §§139-j and 139-k;
- Sexual Harassment Prevention Certification Form State Finance Law §139L;
- Freedom of Information Law (FOIL) Redaction Request Form;
- Offerer's Certification of Adherence to Executive Order No. 16 Prohibiting State Agencies and Authorities from Contracting with Businesses Conducting Business in Russia; and

- Offerer Assurance of No Conflict of Interest or Detrimental Effect.

• **Attachment 4: MWBE and Equal Employment Opportunities Requirements:** Article 15-A Requirements. Complete and submit the following with the Administrative Proposal:

- **Attachment 4.1** – Workforce Composition Form
- **Attachment 4.2** – Minority and Women-Owned Business Enterprises – Equal Employment Opportunity Policy Statement – If Contractor or any of its subcontractors does not have an existing EEO policy statement, the Department may require the Contractor or subcontractor to adopt the attached model statement.

• **Attachment 5: Diversity Practices Questionnaire:** Complete and submit Responses to Diversity Practices Questionnaire, including any supporting documentation.

- **Attachment 5.1** – Diversity Practices Questionnaire
- **Attachment 5.2** – Diversity Practices Scoring Matrix

• **Attachment 6: Vendor Responsibility Questionnaire:** If online certification process is not used, please visit <https://www.osc.state.ny.us/state-vendors/vendrep/vendor-responsibility-forms> to print out and submit a vendor responsibility questionnaire with your bid. Either online certification or scanned copy of completed questionnaire must accompany your bid.

5.5 Proposal Submission

Submit all proposals electronically to RFP@dfs.ny.gov. Each of the three proposals should be separate documents, complete in themselves, and clearly labeled.

All Proposals must be delivered in their entirety by April 19, 2024 at 3:00 PM. Proposals received in whole or in part after April 19, 2024 will not be considered.

All proposals and accompanying documentation will become the property of the Department and will not be returned. The content of each Bidder's Proposal will be held in strict confidence during the evaluation process, and no details of any Proposal will be discussed outside the evaluation process. The successful Bidder's Proposal will be made part of the Contract. Therefore, an official authorized to commit the company to a Contract must sign the Proposal.

The rules established for Proposal content and format will be enforced. Variations from the rules prescribed herein may subject the Bidder to outright disqualification. It is in the best interests of the Bidder to become familiar with the constraints imposed on its Proposal, so that the evaluation process can proceed in a timely manner.

Bidders must submit via email a searchable, electronic version of their proposal. Scanned signatures are acceptable. However, Bidders must be prepared to submit an original signature to the Department, if requested. All Proposals must conform to the terms set forth in the RFP, as well as the submittal requirements; extraneous terms or material deviations (including additional, inconsistent, conflicting,

or alternative terms) may render the Proposal non-responsive and may result in rejection of the Proposal.

This RFP is not an offer and does not commit the Department to a Contract. Furthermore, the Department is not liable for any costs, in whole or in part, incurred by a Bidder in the preparation of a response to this RFP, or for any work performed prior to Contract execution.

A uniform Proposal format is required so that the Department can fairly evaluate all Proposals. For each item listed below, please respond in order, and provide the material required. Brochures or reproduced, copied or printouts of marketing literature may not be substituted for the Proposal narratives and responses specified. Cross-references in the main Proposal to any appendices are required. The Department will not review appendices or supplemental material that does not have a clearly indicated purpose.

Hyperlinks are not acceptable and will be redacted during the administrative review of Proposals. Evaluators will be instructed to ignore all hyperlinks in any Proposals.

The State does not indemnify Contractors.

Each Bidder's Proposal shall be valid for a minimum period of at least six (6) months.

5.6 Questions and Answers

Questions regarding the RFP should be submitted on **Attachment 7 – Bidder Questions and Extraneous Terms Form** via electronic mail, no later than March 25, 2024 at 3:00 PM Eastern Time to: RFP@dfs.ny.gov

Questions will not be accepted orally, and any question received after the deadline may not be answered.

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

Responses to all questions, and any changes to the RFP resulting from such questions, will be communicated via published addenda that will be posted on the Department's website on or about April 1, 2024 at: https://www.dfs.ny.gov/contact_us/procurement.

It is the responsibility of the Bidder to check the website for any amendments, announcements, and clarifications. **All acknowledgements of applicable amendment information must be included in the Administrative Proposal. Failure to include this information in the Administrative Proposal may result in the Proposal being deemed non-responsive. (See Section 5.4 - Administrative Proposal for more details).**

5.7 Extraneous Terms

Proposals must conform to the terms set forth in the RFP. Extraneous terms or material deviations (including additional, inconsistent, conflicting or alternative terms) may render the Proposal non-responsive and may result in rejection of the Proposal. Any proposed extraneous terms submitted on standard, pre-printed forms (including 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 Proposal or resulting Contract but shall be deemed included for informational or promotional purposes only. Each proposed extraneous term must be specifically enumerated in writing in **Attachment 7 – Bidder Questions and Extraneous Terms Form** and specify the RFP section that Bidder proposes to modify and the reasons why. Any extraneous terms must be submitted during the Question and Answer period, as identified in this RFP’s Timetable of Key Events. Extraneous terms submitted after this time will not be considered. No extraneous term shall be incorporated into the Contract unless expressly accepted by the Department in writing. Acceptance and/or processing of a Proposal shall not constitute acceptance of extraneous terms. The Department will not entertain any exceptions to Appendix A – Standard Clauses for New York State Contracts.

Section 6: Proposal Evaluation

6.1 Overview Proposal Evaluation

The Department will evaluate the Proposals received and select the Bidder that has the requisite experience and staffing to support the work required by the Department and that does not have any conflicts. It is the Department’s intention to use the Proposals received for guidance purposes and it may request further clarification if deemed necessary, but only from those Bidders determined to meet the technical specifications of the RFP.

The Department wants to select the Bidder who will provide the “best value” taking into consideration the most beneficial combination of qualifications, services, and cost and who has met the minimum qualifications of this RFP. Under NYS Procurement Guidelines, “best value” is the basis for awarding all service contracts “... [it] optimizes quality, cost, and efficiency, among responsive and responsible Bidders.”

Upon determination of the “best value” Proposal, the Department reserves the right to negotiate with the selected Bidder to develop a binding Contract to provide the required services. In the case of failure to execute a Contract with the selected Bidder, the Department may pursue a Contract for the services proposed by the next best-rated Bidder.

The Department will administer any Contract that is executed between the Contractor and the Department.

6.2 Technical Proposal Evaluation (66 Points)

After completion of the Technical Evaluation, a composite score will be assigned to each Technical Proposal. The criteria for the evaluation of each Technical Proposal are described below.

(a) Technical Evaluation – (66%)
1) Staffing, Relevant Experience & References
2) Examination Content and Development
3) Examination Registration and Scheduling
4) Testing Centers/Locations, Remote Online Testing
5) Examination Procedures
6) Examination Security
7) Records and Reports
8) Business Continuity

6.3 Cost Proposal Evaluation (30 points)

After completion of the cost evaluation, a composite score will be assigned to each Proposal. The criteria for the evaluation of each Cost Proposal are described below.

(b) Cost Evaluation – (30%)
1) The Proposal quote (i.e. price) for the term of the contract.

The Cost Proposal with the lowest total cost will be awarded the maximum cost score weighted at **30** points. The remaining cost proposals will receive a proportional number of points based upon the ratio of the proposal's total cost to the lowest total cost proposal as follows: (Lowest Total Proposal / Proposal being Evaluated) x **30** = Cost score.

6.4 Diversity Practices (4 points)

MWBE Diversity Practices will be evaluated based upon the Bidders' responses to the Questionnaire developed by the New York State Division of Minority and Women's Business Development and found in Attachment 6.1. This Questionnaire consists of seven (7) questions for Bidders to answer. Some questions request supporting documentation to support certain answers. Additional scoring information for diversity practices can be found in Attachment 6.2.

6.5 Award

The Department expects to award one (1) contract as a result of this RFP. However, the Department reserves the right to not award a contract, at its sole discretion.

1. Notification of selection/non-selection will be sent to Bidders by email.
2. Contract award is subject to the approval of the Office of the Attorney General and the Office of the State Comptroller (“OSC”).
3. Upon contract award, public announcements or news releases pertaining to the contract shall not be made without the prior written consent of the Department.

6.6 Bidder Debriefing

An unsuccessful Bidder may request a debriefing within fifteen (15) calendar days from the date of the Department’s letter advising that the Bidder was not selected. The debriefing will be limited to the reasons the Bidder’s Proposal was not selected. Debriefings will be held remotely at the discretion of the Department, or at the Department’s office located at One Commerce Plaza, Suite #1850, 99 Washington Avenue, Albany, NY.

6.7 Protest Procedures

In the event unsuccessful Bidders wish to protest the award resulting from this RFP, Bidders should follow the protest procedures established by OSC. These procedures can be found in Chapter XI, Section 17, of the Guide to Financial Operations (GFO), available on-line at: <http://www.osc.state.ny.us/agencies/guidelines.htm>.

Section 7: Department’s Reservation of Rights

By submitting a Proposal, the Bidder covenants not to make any claim for, or have any right to, damages because of any misinterpretation or misunderstanding of the specifications, or because of any misinformation or lack of information. The Department has the following prerogatives regarding Proposals submitted:

- To change any of the scheduled dates upon appropriate notification to all prospective Bidders;
- To accept or reject any or all Proposals, or separable portions of Proposals;
- Prior to the Bid opening, amend the RFP specifications and to direct Bidders to submit proposal modifications addressing subsequent amendments;
- To disqualify a Bidder from receiving an award if the Bidder, or anyone in the Bidder’s employ, has previously failed to perform satisfactorily in connection with public bidding or contracts;
- To disqualify any Bidder whose conduct and/or proposal fails to conform to the requirements of the RFP;
- To correct any arithmetic errors in any or all Proposals;
- To waive or modify minor technicalities, irregularities and omissions in Proposals, after notification to the Bidder;
- To waive any mandatory and/or non-material requirement(s) not met by all Bidders;
- To accept or reject illegible, incomplete or vague Proposals;
- To seek clarifications of Proposals;
- To adopt any part or all of a successful Bidder’s Proposal;
- To use any and all ideas submitted in the Proposals unless those ideas are protected by legal

- patent or property right;
- To consider conditional or revocable Proposals that clearly communicates the terms or limitations of acceptance; and contract award may be made in compliance with the Bidder's conditional or revocable terms in the Proposal;
- To not award from this solicitation;
- To have any service completed via separate competitive Proposal or other means, as determined to be in the best interest of NYS;
- To have the flexibility to consider Proposals with minor deviations or technicalities and to waive minor deviations or technicalities that may be consistent with the intent and scope of the solicitation. This flexibility may permit a reasonable outcome in cases where the results of a fair, competitive process are clear, but the award of a Contract is threatened due to a minor technicality or a minor deviation;
- To break tie bids as follows: In the event two Proposals are found to be substantially equivalent, price shall be the basis for determining award recipient. If two or more Bidders submit substantially equivalent Proposals as to pricing or other factors, the decision of the Department to award a Contract to one or more of such Bidders shall be final;
- To negotiate with the selected Bidder(s) prior to Contract award; and
- To begin negotiations with another Bidder should the Department be unsuccessful in negotiating a Contract with the selected Bidder(s) within thirty (30) calendar days.

Section 8: Minority & Woman-Owned Business Enterprise, EEO, SDVOB Requirements & Diversity Practices

8.1 Minority and Woman-Owned Business Enterprise

- A. The Department is required to implement the provisions of New York State Executive Law Article 15-A and Parts 140-145 of Title 5 of the New York Codes, Rules and Regulations ("NYCRR") for all State contracts, as defined therein, with a value (1) in excess of \$25,000 for labor, services, equipment, materials, or any combination of the foregoing or (2) in excess of \$100,000 for real property renovations and construction.
- B. For purposes of this solicitation, the Department hereby establishes an overall goal of **0%** for MWBE participation, **0%** for New York State-certified minority-owned business enterprise ("MBE") participation and **0%** for New York State-certified women-owned business enterprise ("WBE") participation (collectively, "MWBE Contract Goals") based on the current availability of MBEs and WBEs.

8.2 Equal Employment Opportunity (EEO)

The provisions of Article 15-A of the Executive Law and the rules and regulations promulgated thereunder pertaining to equal employment opportunities for minority group members and women shall apply to the Contract resulting from this RFP.

In performing the Contract resulting from this RFP, the Contractor shall:

1. Ensure that each Contractor and Subcontractor performing work on the Contract resulting from this RFP, shall undertake or continue existing EEO programs to ensure that minority

group members and women are afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status. For these purposes, EEO shall apply in the areas of recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff, or termination and rates of pay or other forms of compensation. This requirement does not apply to (i) work, goods, or services unrelated to the Contract resulting from this RFP; or (ii) employment outside New York State.

2. The Contractor shall submit an EEO policy statement (see **Attachment 4.2** - “Minority and Woman-Owned Business Enterprises Equal Opportunity Statement”) to the Department with its bid or proposal.

8.3 Participation Opportunities for New York State Certified Service-Disabled Veteran-Owned Businesses (SDVOBs)

Article 3 of the New York State Veterans’ Services Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses (“SDVOBs”), thereby further integrating such businesses into New York State’s economy. The Department recognizes the need to promote the employment of service-disabled veterans and to ensure that certified service-disabled veteran-owned businesses have opportunities for maximum feasible participation in the performance of Department 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, contractors are strongly encouraged and 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. For purposes of this procurement, the Department conducted a comprehensive search and determined that the CONTRACT does not offer sufficient opportunities to set specific goals for participation by SDVOBs as subcontractors, service providers, and suppliers to the CONTRACTOR. Nevertheless, CONTRACTOR is encouraged to make good faith efforts to promote and assist in the participation of SDVOBs on the CONTRACT for the provision of services and materials. The directory of New York State Certified SDVOBs can be viewed at: <https://online.ogs.ny.gov/SDVOB/search>.

CONTRACTOR is encouraged to contact the Office of General Services’ Division of Service-Disabled Veteran’s Business Development at 518-474-2015 or VeteransDevelopment@ogs.ny.gov to discuss methods of maximizing participation by SDVOBs on the CONTRACT.

Section 9: Ethics

Ethics Compliance: All Bidders/Contractors and their employees must comply with the requirements of §§ 73 and 74 of the Public Officers Law, other NYS codes, rules, and regulations and executive orders establishing ethical standards for the conduct of business with NYS. In signing the Bid, Bidder certifies full compliance with those provisions for any present or future dealings, transactions, sales, contracts, services, offers, and/or relationships, involving NYS and/or its employees. Failure to comply with those provisions may result in disqualification from the bidding process, termination of contract, and/or other civil or criminal proceedings as required by law.

Legal Compliance: The Bidder/Contractor represents and warrants that it shall secure all notices and comply with all applicable laws, ordinances, rules, and regulations of any governmental entity in conjunction with the performance of obligations under the Contract. Prior to award and during the Contract terms and any extensions thereof, Contractor must establish to the satisfaction of the Department that it meets or exceeds all requirements of the RFP and Contract and any applicable laws, including but not limited to, permits, and licensing, and shall provide such proof as required by the Department. Failure to comply or failure to provide proof may constitute grounds for the Department to terminate or suspend the Contract, in whole or in part, or to take any other action deemed necessary by the Department. Contractor also agrees to disclose information and provide affirmations and certifications to comply with §§ 139-j and 139-k of the State Finance Law.

Section 10: Subcontracting

The selected Contractor must assume full responsibility for the services offered in the Proposal for the duration of the Contract. The Contractor shall remain liable even when the Contractor subcontracts out a portion of the services. Subcontracting shall be permitted only with the prior written approval of the Department.

Section 11: Post Contract Award Requirements

11.1 Insurance Requirements

The selected Contractor is required to procure, at its sole cost and expense, and provide upon notice of contract award proof of required insurance as detailed in Appendix F, The Department of Financial Services Insurance Requirements, and maintain in force at all times during the Contract term, policies of insurance pursuant to the requirements outlined in Appendix F.

11.2 Contractor Disclosure Forms

Chapter 10 of the Laws of 2006 amended the Civil Service Law and the State Finance Law, relative to maintaining certain information concerning contract employees working under State agency service and consulting contracts. State agency consultant contracts are defined as “contracts entered into by a state agency for analysis, evaluation, research, training, data processing, computer programming, engineering, environmental health and mental health services, accounting, auditing, paralegal, legal, or similar services” (“covered consultant contract” or “covered consultant services”). The amendments also require that certain contract employee information be provided to the state agency awarding such contracts, OSC, the Department, and the Department of Civil Service (DCS).

To meet these requirements, the selected Contractor must to complete:

Form A – Contractor’s Planned Employment Form. The successful Contractor must complete this form upon notification of selection by the Department.

Form B – Contractor’s Annual Employment Report. Throughout the term of the Contract, by May 15th of each year the Contractor agrees to report the following information to the Department. For each covered consultant contract in effect at any time between the preceding April 1st through March 31st

fiscal year, or for the period of time such contract was in effect during such prior State fiscal year, Contractor reports the:

1. Total number of employees employed to provide the consultant services, by employment category.
2. Total number of hours worked by such employees.
3. Total compensation paid to all employees that performed consultant services under such Contract.*

*NOTE: The information to be reported is applicable only to those employees who are directly providing services or directly performing covered consultant services. However, such information shall also be provided relative to employees of subcontractors who perform any part of the service contract or any part of the covered consultant contract. This information does not have to be collected and reported in circumstances where there is ancillary involvement of an employee in a clerical, support, organizational or other administrative capacity.

Contractor agrees to simultaneously report such information to the DCS and the OSC as designated below:

Department of Civil Service
Alfred E. Smith State Office Building
Albany, NY 12239

Office of the State Comptroller
Bureau of Contracts
110 State Street, 11th Floor
Albany, New York
Attn: Consultant Reporting

Contractor is advised herein and understands that this information is available for public inspection and copying pursuant to § 87 of the New York State Public Officers Law (Freedom of Information Law). In the event individual employee names or social security numbers are set forth on a document, the State agency making such disclosure is obligated to redact both the names and social security numbers prior to disclosure.

Further information regarding the Contractor Consultant Law requirements and report Forms A and B is available in the OSC's Guide to Finance Operations, Chapter XI, Section 18.C: <http://www.osc.state.ny.us/agencies/guide/MyWebHelp>.

11.3 Sales Tax Certification Instructions

The Tax Law was amended to require contractors with State agencies to certify to the Department of Taxation and Finance ("DTF") 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. Tax Law Section 5-a applies to all contracts in excess of \$100,000 for the purchase by a covered agency of commodities or services, awarded pursuant to Article XI of the State Finance Law.

The successful Contractor must complete Contractor Certification Form ST-220-CA upon notification of selection by the Department. This certification to the procuring agency, also made under penalty of perjury, states that the requisite (ST-220-TD) certification has been made to DTF and, to the best of the

Contractor's knowledge, that the requisite (ST-220-TD) certification is correct and complete.

If Contractor has any questions regarding either forms, ST-220-CA or ST-220-TD, the OSC's Guide to Financial Operations will provide background information and the forms: <http://www.osc.state.ny.us/agencies/guide/MyWebHelp/#XI/18/D.htm?Highlight=st-220>.

Contractors can refer to the DTF website, or the NYS Tax Law, Section 5-a, *Contractor Affiliate, Subcontractor, and Subcontractor Affiliate Sales and Compensating Use Tax Registration* for additional information and guidance.

Section 12: Additional Security/Confidentiality Requirements

The Contractor warrants, covenants and represents that, in the performance of the Contract, Contractor, its agents, subcontractors, officers, distributors, resellers and employees will comply fully with all security procedures of the Department set forth in the RFP, **Appendix C – Information Security & Cyber Security Requirements** and **Appendix D – Primary Security and Privacy Mandates**, and the Contract, or otherwise communicated in advance to the Contractor, including but not limited to physical, facility, documentary and cyber security rules, procedures and protocols.

Section 13: Appendices/Attachments

- **Appendix A: Standard Clauses for All New York State Contracts**
- **Appendix C: Information Security & Cyber Security Requirements**
- **Appendix D: Primary Security and Privacy Mandates**
- **Appendix E: The Department of Financial Services Standard Contract Clauses**
- **Appendix F: The Department of Financial Services Insurance Requirements**
- **Attachment 1: Bidder Submission Checklist**
- **Attachment 2: Bidder Information and Attestation**
- **Attachment 3: New York State Required Certifications Packet**
- **Attachment 4: MWBE and Equal Opportunities Requirements**
- **Attachment 4.1: Workforce Composition Statement**
- **Attachment 4.2: Minority and Woman-Owned Business Enterprises Equal Opportunity Statement**
- **Attachment 5: MWBE Diversity Practices**
- **Attachment 5.1: Diversity Practices Questionnaire**
- **Attachment 5.2: Diversity Practices Scoring Matrix**
- **Attachment 6: Vendor Responsibility Questionnaire**
- **Attachment 7: Bidder Questions and Extraneous Terms Form**
- **Attachment 8: Cost Proposal Response Form**