



**Request for Qualifications Proposals (RFQP) #C000638**  
**for**  
**Actuarial Rate Setting Services**

**Issue Date: October 17, 2025**

**Proposals Due Date: December 1, 2025 by 3:00pm Eastern Time**

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

Kathy Hochul, Governor  
Adrienne A. Harris, Superintendent

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Office of Financial Management  
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## TABLE OF CONTENTS

<b>SECTION 1: TIMETABLE OF KEY EVENTS .....</b>	<b>4</b>
<b>SECTION 2: OVERVIEW .....</b>	<b>4</b>
2.1 Restricted Period and Designated Contacts.....	4
2.1 Definitions .....	4
2.2 The Department of Financial Services.....	5
2.3 Purpose of this RFQP.....	5
2.4 Procurement Process Overview .....	6
2.5 Contract Period .....	7
<b>SECTION 3: MINIMUM BIDDER QUALIFICATIONS.....</b>	<b>7</b>
<b>SECTION 4: REQUIRED SERVICES.....</b>	<b>7</b>
4.1 Actuarial Rate Setting Recommendations.....	7
4.2 Titles, Mandatory Staffing Experience, and Qualification Requirements .....	8
4.3 Deliverables.....	8
4.4 Proceeding-Related Services .....	9
<b>SECTION 5: PROPOSAL REQUIREMENTS.....</b>	<b>9</b>
5.1 Overview of Proposal Format.....	9
5.2 Minimum Bidder Qualifications .....	10
5.3 Cost Proposal.....	10
5.4 Administrative Proposal.....	10
5.5 Proposal Submission .....	11
5.6 Questions and Answers.....	12
5.7 Bidder Proposed Modifications to the RFQP and Appendices.....	13
<b>SECTION 6: PROPOSAL EVALUATION .....</b>	<b>13</b>
6.1 Overview Proposal Evaluation .....	13
6.2 Minimum Bidder Qualifications (Pass/Fail).....	14
6.3 Cost Proposal Review .....	14
6.4 Award .....	14
6.5 Bidder Debriefing .....	14
6.6 Protest Procedures.....	14
<b>SECTION 7: DEPARTMENT’S RESERVATION OF RIGHTS .....</b>	<b>15</b>
<b>SECTION 8: MINORITY &amp; WOMAN-OWNED BUSINESS ENTERPRISE, EEO, SDVOB REQUIREMENTS &amp; DIVERSITY PRACTICES.....</b>	<b>16</b>
8.1 Minority and Woman-Owned Business Enterprise (MWBE).....	16
8.2 Equal Employment Opportunity (“EEO”) .....	16
8.3 Participation Opportunities for New York State Certified Service-Disabled Veteran-Owned Businesses (SDVOBs) ..	17

**SECTION 9: ETHICS.....17**  
**SECTION 10: SUBCONTRACTING .....18**  
**SECTION 11: POST CONTRACT AWARD REQUIREMENTS .....18**  
    11.1 Insurance Requirements ..... 18  
    11.2 Contractor Disclosure Forms..... 18  
    11.3 Sales Tax Certification Instructions ..... 19  
**SECTION 12: ADDITIONAL SECURITY/CONFIDENTIALITY REQUIREMENTS .....20**  
**SECTION 13: APPENDICES/ATTACHMENTS .....20**

## Section 1: Timetable of Key Events

Event:	Date and Time:
RFQP C000638 Issue Date:	Friday, October 17, 2025
Deadline for Questions:	Monday, November 3, 2025 by 3pm ET
Answers to Questions Released:	On or about Thursday, November 13, 2025
Deadline for Receipt of Proposals:	Monday, December 1, 2025 by 3pm ET

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

## Section 2: Overview

### 2.1 Restricted Period and Designated Contacts

#### **Restricted Period:**

This procurement is in a restricted period from the date this RFQP is issued until all awarded a Contracts have been approved. In compliance with New York State Finance Law (“State Finance Law”) §§ 139-j and 139-k, the individuals listed below are the Designated Contacts for this solicitation. All contacts/inquiries shall be made by email to the following address: [RFP@dfs.ny.gov](mailto:RFP@dfs.ny.gov). Contacting any Department employees other than Designated Contacts may result in rejection of bid.

#### Designated Contacts:

Alisa Fortune, Assistant Director Financial Administration 2

Jillian LeJeune, Contract Management Specialist 2

Cornelia Trombley, Contract Management Specialist Trainee 1

### 2.1 Definitions

Unless terms are further defined within this RFQP, the following definitions will be used:

**Bid/Proposal** shall mean a response to the RFQP 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.

**Contract** shall mean any MSA that may result from this RFQP.

**Contractor** shall mean any Bidder awarded a Contract from this RFQP.

**Deliverables** shall mean the products or services defined in Section 4.3 of this RFQP.

**Department** shall mean the New York State Department of Financial Services.

**Master Service Agreement (“MSA”)** shall mean any Phase 1 agreement that may result from this RFQP.

**Phase 1** shall mean the process to create MSAs as described in this RFQP.

**Phase 2** shall mean the process to create SOWs as described in this RFQP.

**Services** shall mean items provided under any Solicitation or Contract.

**Solicitation** shall mean this RFQP.

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

**Statement of Work (SOW)** shall mean a resultant agreement awarded under an MSA for a specific project.

**Subcontractor** shall mean any individual or legal entity (including but not limited to a sole proprietor, partnership, limited liability company, firm, or corporation) who or that has entered into a contract, express or implied, for the performance of a portion of a Contract with a Contractor.

**Superintendent** shall mean the Superintendent of Financial Services of the State of New York.

## 2.2 The Department of Financial Services

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The Department regulates insurance, banking, and other financial services with the goal of promoting a robust economy in New York, while safeguarding the State 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.

## 2.3 Purpose of this RFQP

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The Department is seeking the services of qualified and experienced actuaries to assist the Superintendent and the Department in the actuarial review of filed property and casualty insurance rates in the State of New York and other matters pursuant to Article 23 of the New York Insurance Law (“Insurance Law”).

## 2.4 Procurement Process Overview

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The release of this RFQP is the first phase of a two-phase process for the Department to hire actuaries for Actuarial for Rate Setting Services and other matters.

### **Phase 1 – Request for Qualifications Proposals for Master Service Agreements (“MSAs”)**

1. Phase 1 of this procurement process is to solicit qualifications proposals from Contractors and award all qualified, responsive, and responsible Bidders an MSA, to expeditiously fulfill the Department’s ongoing needs for actuarial rate setting services.

Phase 1 will result in multiple awards of MSAs to all Bidders who successfully meet the RFQP minimum requirements.

2. During Phase 1, each Bidder must submit a proposal demonstrating that the Bidder meets all of the requirements described in Section 3 of this RFQP and agree that it will provide the requirements described in Section 4 of this RFQP. All responsive and responsible Bidders that meet all qualifications described in this RFQP will be awarded an MSA.
3. To maintain an up-to-date Contractor pool for Phase 2 of the procurement process, recruitment of Contractors will first occur at initial RFQP release and then again occur approximately mid-way through the five-year MSA term.

### **Phase 2 – SOWs under MSAs**

1. Phase 2 of the procurement is a mini-bid process, where the Department will issue Requests for Quotes (“RFQs”) to solicit quotes from the Contractors who have MSAs with the Department resulting from Phase 1 of the RFQP, for specified work assignments for actuarial rate setting services.
2. For each individual RFQ, the Department will identify its needs within the scope of the overarching MSA and send out a conflict-of-interest check to all Contractors with MSAs. See **Exhibit 1 – Sample Conflict of Interest Request**. The form of the conflict-of-interest request may change at the discretion of the Department.
3. Contractors that provide a no-conflict-of-interest response will be sent an RFQ to perform the specified work assignment.
4. Any quote submitted by a Contractor in response to an RFQ must not exceed the hourly rates agreed upon during Phase 1. However, the Contractor may apply discounts to the hourly rates on quote submission. The discounts will only apply to the specific quote submitted unless specified by the Contractor in subsequent RFQs.
5. All quotes received will be reviewed for completeness and evaluated on a pass/fail basis to determine whether the Contractor meets all of the mandatory

- requirements of the RFQ.
6. The responsive and responsible Contractor for each RFQ with the lowest cost quote may be deemed the awardee of that RFQ.
  7. The Department and awardee will execute an agreement memorializing the SOW. See **Exhibit 2- Sample Agreement**.

## 2.5 Contract Period

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The Department anticipates that awards from this RFQP will result in five (5)-year Contracts from the time of approval by the New York State Office of the Attorney General (OAG) and The Office of the New York State Comptroller (OSC).

## Section 3: Minimum Bidder Qualifications

A Bidder must meet the following qualifications and certify that it meets the qualifications in **Attachment 7 - Minimum Bidder Qualification Certification**:

1. Bidder must have a minimum of three (3) years of experience performing functions similar to those described in Section 4.
2. Bidder must have performed, at a minimum, three (3) rate studies in the property/casualty insurance industry in the past three (3) years using a Fellow of the Casualty Actuarial Society.

Subcontractor experience may fulfill the Bidder's experience for purposes of these qualifications.

## Section 4: Required Services

The Contractor may be requested to provide one or more of the following services over the term of the MSA including, but not limited to, the services set forth in Subsections 4.1 through 4.4 herein.

### 4.1 Actuarial Rate Setting Recommendations

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The Contractor must make recommendations for the disposition of rate filings assigned to Contractor in Phase 2.

Contractor may be required to participate in meetings related to the work as described in each awarded SOW.

Subject lines of business may include any property/casualty annual statement line of business, including, but not limited to:

- Property
- Farm Owners
- Homeowners

- Commercial Multi-Peril
- Ocean Marine
- Inland Marine
- Medical Malpractice
- Workers Compensation
- Other Liability
- Personal Auto
- Commercial Auto
- Credit
- Dwelling Fire

## 4.2 Titles, Mandatory Staffing Experience, and Qualification Requirements

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Staff members must have the following experience and qualifications:

The Contractor must have a lead that oversees each Phase 2 work assignment awarded. The lead must be a Fellow of the Casualty Actuary Society with three (3) years of experience in rate making in the line of business that is the subject of the rate filing.

All services under any SOW must be performed by individuals that meet the following title and experience requirements:

**Lead** - Must be assigned and working as the lead for the SOW and must be a Fellow of the Casualty Actuarial Society with five (5) years of experience preparing rate indications in the property/casualty insurance industry.

**Fellow** – Must be a Fellow of the Casualty Actuarial Society with five (5) years of experience preparing rate indications in the property/casualty insurance industry.

**Associate** – Must be an Associate of the Casualty Actuarial Society with three (3) years of experience preparing rate indications in the property/casualty insurance industry.

**Professional Staff** – Must have a bachelor’s degree including 24 semester credit hours in mathematics, statistics, or actuarial science.

Resumes may be requested for each SOW to verify that each individual meets the qualifications of one of the titles defined in this RFQP.

## 4.3 Deliverables

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Over the term of each SOW awarded to a specific Contractor, the Contractor may be asked to perform hourly-based or deliverable-based services. Some examples of deliverables that may be requested are as follows:

1. A draft report that includes:

- Actuarial rate recommendations
- Description of the process used to evaluate the rate filing
- Recommendations to the preparer of the subject rate filing
- Assumptions and methods
- Reliability of underlying data sources
- Caveats related to the study

2. A final report that includes:

- Actuarial rate recommendations
- Description of the process used to evaluate the rate filing
- Recommendations to the preparer of the subject rate filing
- Assumptions and methods
- Reliability of underlying data sources
- Caveats related to the study

The draft and final reports must include all written and electronic reports, along with all supporting documentation for the recommended rates as described in each SOW.

Deliverables must be quoted based on Firm Fixed Price for each deliverable using hourly rates that are no higher than the Not to Exceed rates approved in the MSA.

No Deliverable will be deemed provided unless the Department accepts the Deliverable pursuant to Appendix E, Section 1.4 Billing.

#### 4.4 Proceeding-Related Services

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If there is an administrative or judicial proceeding related to the Deliverables described in this RFQP, the Contractor will be expected to provide subsequent services for a proceeding. Upon the request of the Department, the Contractor must provide the following services:

- Preparation for proceeding(s);
- Testimony at proceeding(s); and
- All support incidental to proceeding(s).

All staffing provided for Proceeding-Related Services must meet the requirements described in Section 4.2 of this RFQP.

No hourly rate services will be deemed provided unless the Department accepts the services pursuant to Appendix E, Section 1.4 Billing.

## Section 5: Proposal Requirements

### 5.1 Overview of Proposal Format

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Interested Bidders must submit a complete proposal that is comprised of two (2) separate proposals:

the Cost Proposal and the Administrative Proposal:

- **Cost Proposal** – The Cost Proposal is a list of the Bidder’s fees associated with the services to be provided as described in this RFQP.
- **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.

## 5.2 Minimum Bidder Qualifications

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Bidder must meet the requirements and certify that it meets the requirements set forth in **Attachment 7 – Minimum Bidder Qualifications**. Failure of Bidder to meet and to certify that it meets the requirements described in Section 3 may result in the Bidder’s Proposal being disqualified, deemed non-responsive, and eliminated from consideration.

## 5.3 Cost Proposal

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Interested Bidders must complete **Attachment 8 – Cost Proposal Response Form**. The Cost Proposal sets forth the costs for the requested services. The Cost Proposal should be complete, accurate, and prepared using the Cost Proposal Response Form only. All rates on the Cost Proposal Response Form should be quoted and reflect the not-to-exceed rates for the entirety of the MSA term. However, lower rates may be proposed for SOW RFQs. Cost information is **not** to be included in the Administrative Proposal.

## 5.4 Administrative Proposal

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The following must be completed and submitted with the Bid in the Administrative Proposal. **Failure to submit any of the forms required below may result in 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;

- Offeror’s Certification of Adherence to Executive Order 177 Regarding Anti-Discriminatory Policies and Practices;
  - Offeror’s Certification of Adherence to State Finance Law §§ 139-j and 139-k;
  - Sexual Harassment Prevention Certification Form (State Finance Law § 139L);
  - Freedom of Information Law (“FOIL”) Redaction Request Form;
  - Offeror’s Certification of Adherence to Executive Order No. 16 Prohibiting State Agencies and Authorities from Contracting with Businesses Conducting Business in Russia;
  - Offeror Assurance of No Conflict of Interest or Detrimental Effect; and
  - NYS Office for the Prevention of Domestic Violence and Workplace Certification (State Finance Law §§ 139-M)
- **Attachment 4: MWBE and Equal Employment Opportunities Requirements: New York Executive Law 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: Vendor Responsibility Questionnaire:** If the 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. A Bidder must either use the online certification process or include a scanned copy of the completed questionnaire with its Bid.

## 5.5 Proposal Submission

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Submit all Proposals electronically to [RFP@dfs.ny.gov](mailto:RFP@dfs.ny.gov). The Cost and Administrative Proposals should be separate documents, complete in themselves, and clearly labeled.

All Proposals must be delivered in their entirety by December 1, 2025, at 3:00 PM Eastern Time. Proposals received in whole or in part after December 1, 2025, at 3:00 PM Eastern Time 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. Each successful Bidder’s Proposal will be made part of its MSA. Therefore, an official authorized to commit the company to its MSA 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.

Each Bidder must submit via email a searchable, electronic version of its 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 this RFQP, 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 RFQP 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 RFQP, or for any work performed prior to Contract execution.

All Bids/Proposals, including all information required by the RFQP 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 Bid/Proposal format is required for a fair evaluation of all Bids/Proposals by the Department. For each item listed below, please respond in order, and provide the material required. Brochures or reproduced, copied, or printed out marketing literature may not be substituted for the Bid/Proposal narratives and responses specified. Cross-references in the main Bid/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 six (6) months.

## 5.6 Questions and Answers

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Questions regarding the RFQP should be submitted on **Attachment 6 – Bidder Questions and Proposed Modifications Form** via electronic mail, no later than November 3, 2025, at 3:00 PM Eastern Time to: [RFP@dfs.ny.gov](mailto:RFP@dfs.ny.gov).

**Questions will not be accepted orally**, and questions received after the deadline may not be answered.

Bidders are cautioned that any question or inquiry regarding the RFQP 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 RFQP resulting from such questions, will be

communicated via published addenda that will be posted on the Department’s website on or about November 13, 2025 at <https://www.dfs.ny.gov/procurement>.

It is the Bidder’s responsibility to check the Department’s 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 Bidder Proposed Modifications to the RFQP and Appendices

Bids/Proposals must conform to the terms set forth in this RFQP. Any proposed additional, inconsistent, conflicting or alternative terms may render the Bid/Proposal non-responsive and may result in rejection of the Proposal. No proposed additional, inconsistent, conflicting, or alternative 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 will be considered part of the Bid/Proposal or resulting Contract but shall be deemed included for informational or promotional purposes only. Each proposed additional, inconsistent, conflicting, or alternative term must be specifically enumerated in writing in **Attachment 6 – Bidder Questions and Proposed Modifications Form** and specify the RFP section or appendix that Bidder proposes to modify and the justification for the modification. All proposed additional, inconsistent, conflicting, or alternative terms must be submitted during the Question-and-Answer period, as identified in this RFQP’s Calendar of Events. No proposed additional, inconsistent, conflicting, or alternative terms submitted after this time will be considered. No proposed additional, inconsistent, conflicting, or alternative terms shall be incorporated into the Contract unless expressly accepted by the Department in the Question-and-Answer period. Acceptance and/or processing of a Bid/Proposal shall not constitute acceptance of proposed additional, inconsistent, conflicting, or alternative terms.

**Note: Appendix A – Standard Clauses for New York State Contracts cannot be modified in any manner. Do not submit any proposed additional, inconsistent, conflicting, or alternative terms for Appendix A as they will automatically be rejected.**

**The Department does not indemnify Contractors.  
The Department will not waive any statutory warranties.**

## Section 6: Proposal Evaluation

### 6.1 Overview Proposal Evaluation

In Phase 1, the Department will evaluate Proposals received and select the Bidders that have the requisite experience and staffing to support the work required by the Department and that are deemed responsive and responsible. It is the Department’s intention to use the Proposals received for guidance purposes and it may request further clarification if deemed necessary.

In Phase 2, the Department will select the Bidders that provides the “best value,” taking into consideration the most beneficial combination of qualifications, services, and cost and that have met

the requirements of this RFQP. Under the New York State Procurement Guidelines, “best value” is the basis for awarding all service contracts as “[it] optimizes quality, cost, and efficiency, among responsive and responsible Bidders.”

## 6.2 Minimum Bidder Qualifications (Pass/Fail)

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Bidder must meet the Minimum Qualifications in this solicitation and certify that it meets the requirements set forth in **Attachment 7 – Minimum Bidder Qualifications**. Failure of Bidder to meet and to certify that it meets the requirements described in Section 3 may result in the Bidder’s Proposal being disqualified, deemed non-responsive, and eliminated from consideration.

## 6.3 Cost Proposal Review

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Bidder must provide Not to Exceed (“NTE”) rates for all titles for each year as outlined in Section 4 on **Attachment 8 – Cost Proposal Response Form**. Bidders who fail to provide NTE rates for all titles and years may be removed from further evaluation.

## 6.4 Award

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The Department expects to award multiple MSAs from this RFQP. However, the Department reserves the right to not award any MSAs, at its sole discretion.

1. Notification of selection/non-selection will be sent to Bidders by email.
2. Contract awards are subject to the approval of the Office of the Attorney General and the Office of the State Controller (“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.

## 6.5 Bidder Debriefing

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An unsuccessful Bidder may request a debriefing within fifteen (15) calendar days from the date of the Department’s email advising the Bidder that it 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.

## 6.6 Protest Procedures

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In the event unsuccessful Bidders wish to protest, 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, available on-line at: <https://www.osc.ny.gov/state-agencies/gfo/chapter-xi/xi17-protest-procedures>.

## Section 7: Department's Reservation of Rights

By submitting a Proposal, the Bidder agrees 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, to amend the RFQP 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 RFQP;
- To correct any arithmetic errors in any or all Proposals;
- To waive or modify minor technicalities, irregularities, or 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 communicate the terms or limitations of acceptance – 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 the Department;
- 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 request a best and final offers;
- 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 (MWBE)

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- A. The Department is required to implement the provisions of New York Executive Law (“Executive Law”) Article 15-A and Parts 140-145 of Title 5 of the New York Codes, Rules and Regulations 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 Minority and Woman-Owned Business Enterprises “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.
  
- C. While there are no goals set for this solicitation, NY Certified MWBEs that are interested in subcontracting for this engagement should email the Department **Attachment 4.3 – Interested M/WBE and SDVOB Vendors** to [RFP@dfs.ny.gov](mailto:RFP@dfs.ny.gov) and the Department will publish the MWBE information for consideration by prime contractors.

### 8.2 Equal Employment Opportunity (“EEO”)

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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 RFQP.

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

- 1. Ensure that each Contractor and Subcontractor performing work on the Contract resulting from this RFQP undertakes or continues 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 RFQP; 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)

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Article 3 of the New York 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 SDVOBs 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, contractor is 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://sdves.ogs.ny.gov/business-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](mailto: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 New York Public Officers Law ("Public Officers Law") §§ 73 and 74, New York State regulations, and New York State executive orders establishing ethical standards for the conduct of business with New York State. In signing the Bid/Proposal, Bidder certifies full compliance with those provisions for any present or future dealings, transactions, sales, contracts, services, offers, and/or relationships, involving New York State 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 will 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 RFQP and Contract and any applicable laws, including but not limited to permits and licensing, and shall provide such proof as is 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 the Department deems necessary. Contractor also agrees to disclose information and provide affirmations and certifications to comply with State Finance Law §§ 139-j and 139-k.

## 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: Contractor's 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 New York Civil Service Law and the State Finance Law to require the maintenance of 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 New York State Department of Civil Service ("DCS").

**To meet these requirements, the selected Contractor must 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 regarding 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 DCS and OSC as designated below:

E-mail: [SubmitformB@cs.ny.gov](mailto:SubmitformB@cs.ny.gov)  
Department of Civil Service  
Alfred E. Smith State Office Building  
Albany, NY 12239  
Attn: Executive Office

E-mail: [SDMOSF@cs.ny.gov](mailto:SDMOSF@cs.ny.gov)  
Office of the State Comptroller  
Alfred E. Smith State Office  
110 State Street, 11th Floor  
Albany, New York 12236  
Attn: Consultant Reporting

E-mail: [CDM](mailto:CDM)  
Office of the  
Bureau of Co  
110 State Str  
Albany, New  
Attn: Consul

Contractor is advised herein and understands that this information is available for public inspection and copying pursuant to FOIL (Public Officers Law § 87). 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 Financial Operations, Chapter XI, Section 18.C: [XI.18.C Consultant Disclosure – XI. Procurement and Contract Management | Office of the New York State Comptroller](#).**

### 11.3 Sales Tax Certification Instructions

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The New York 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 valid certificates of authority to collect New York state and local sales and compensating use taxes. Tax Law § 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: [XI.18.D Sales and Compensating Use Tax Documentation – XI. Procurement and Contract Management | Office of the New York State Comptroller](#). Contractors can refer to the DTF website or Tax Law § 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 RFQP, **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 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**
- **Attachment 4.3: Interested MWBE and SDVOB Vendors**
- **Attachment 5: Vendor Responsibility Questionnaire**
- **Attachment 6: Bidder Questions and Proposed Modifications Form**
- **Attachment 7: Minimum Bidder Qualifications**
- **Attachment 8: Cost Proposal Response Form**
- **Exhibit 1: Sample Conflict of Interest Request**
- **Exhibit 2: Sample Agreement**