



**Request For Proposals #C000588 (“RFP”)
for
Medical Malpractice Actuarial Services**

Issue Date: Wednesday, February 25th, 2026

Proposals Due Date: Tuesday, April 14th, 2026 by 3:00 pm ET

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

Kathy Hochul, Governor
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Section 1: Timetable of Key Events

Event:	Date and Time:
RFP issue Date:	Wednesday, February 25, 2026
Deadline for Questions:	Wednesday, March 18, 2026 by 3pm ET
Answers to Questions Released:	On or about Wednesday, March 25, 2026
Deadline for Receipt of Proposals:	Tuesday, April 14, 2026 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.

Section 2: Overview

The Department is soliciting proposals from a responsive and responsible Contractor for medical malpractice actuarial services. This procurement is being undertaken in accordance with New York State Finance Law (“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 people 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 Department employees other than Designated Contacts may result in rejection of bid.

Designated Contacts:

Cornelia Trombley, Contract Management Specialist Trainee 1

Jillian LeJeune, Contract Management Specialist 2

Alisa Fortune, Assistant Director of Financial Administration 2

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 Services/Commodities.

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 agreement that results from this RFP.

Contractor shall mean the Bidder awarded the Contract from this RFP.

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

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

Solicitation shall mean this RFP.

2.3 The Department of Financial Services

The Department regulates insurance, banking, and other financial services with the goal of promoting a robust economy 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 regulations, enabling New York to keep pace with a rapidly innovating financial industry.

2.4 Purpose

The purpose of this RFP is to obtain the services of an actuarial consultant to analyze loss and loss adjustment expense reserves and/or other related items (e.g. anticipated future investment income and provision for reinsurance) for specific insurance companies designated by the Department's Property Bureau and to submit reports thereon; provide recommendations for medical malpractice rates; and analyze the financial impact of potential legislation (e.g., Grieving Families Act) on the medical malpractice industry and/or individual insurance companies.

Such insurance companies may include, but are not limited to:

- (a) Academic Health Professionals Insurance Association (AHPIA)
- (b) Combined Coordinating Council, Inc. (CCC)
- (c) Hospitals Insurance Company (HIC)
- (d) Healthcare Professionals Insurance Company (HPIC)
- (e) MLMIC Insurance Company (MLMIC)
- (f) New York Medical Malpractice Insurance Plan (MMIP)
- (g) Physicians' Reciprocal Insurers (PRI)
- (h) EmPro Insurance Company (EmPro)
- (i) The Doctors Company Group (TDC Group)

2.5 Contract Period

The Department anticipates that an award from this RFP will be for five (5) years beginning on October 7, 2026 and ending on October 6, 2031.

Section 3: Minimum Qualifications

Bidder must meet the following Minimum Bidder Qualifications ("Minimum Qualifications") and certify that it meets those qualifications in **Attachment 8 - Minimum Bidder Qualification Certification**:

The Bidder must have completed:

- Five (5) loss reserve analyses in the medical malpractice sector within the last three (3) years; and
- Five (5) rate filing reviews in the medical malpractice sector within the last three (3) years.

The Bidder must also have:

- Minimum five (5) years of experience in the medical malpractice sector within the last ten (10) years.

Subcontractor experience will not substitute for Contractor’s experience required for these qualifications.

Section 4: Required Services

4.1 Reserve Analyses

The Contractor must conduct analyses on loss and loss adjustment expense reserves (i.e., discounted and undiscounted), anticipated future investment income, surplus, premium deficiency reserves, Death, Disability, and Retirement (DDR) reserves, cash flow analyses, risk-based capital calculations, and other medical malpractice items. The analyses must be performed for the insurers specified in Section 2.4 as well as any additional medical malpractice insurers that write New York medical malpractice insurance as requested by the Department. The Contractor must perform these analyses in accordance with the generally accepted Actuarial Standards of Practice as promulgated by the Casualty Actuarial Society and the American Academy of Actuaries; the New York Insurance Law (“Insurance Law”); the NAIC Annual Statement Instructions; the NAIC Accreditation Standards, using the Risk-Focused Examination (“RFE”) approach, as prescribed in the Financial Condition Examiner’s Handbook; and the NAIC Accounting Practices and Procedures Manual. All actuarial reports, exhibits, and related documentation, in the format requested by the Department, supporting these analyses must be submitted to the Department.

All work performed under the resultant Contract must be performed by or under the direction of a Fellow or an Associate of the Casualty Actuarial Society with at least ten years of experience in management consulting work, and a minimum of five years’ experience in Medical Malpractice.

4.2 Premium Rate Recommendations

The Contractor must make recommendations to the Department regarding what premium rates the Department should establish for: (a) primary coverage (e.g., \$1 million/\$3 million) directly purchased by a physician; (b) excess coverage directly purchased by a physician; and (c) statutory excess coverage (coverage purchased by the Department and the New York State Department of Health jointly in accordance with Section 18 of Chapter 266 of the Laws of 1986 as extended and modified).

4.3 Recommendations Related to Proposed Legislative Changes Affecting the Medical Malpractice Sector

At the request of the Department, the Contractor must conduct actuarial studies to assess the anticipated impact of any changes to premiums, reserves (on retrospective and prospective bases), and rates. Each study must include data collection (in accordance with Insurance Law Section 308) and verification; compilation of data; analyses; and a written report detailing the results and

recommendations. All work must comply with the Insurance Law and be in accordance with actuarial standards and procedures as promulgated by the Casualty Actuarial Society and the American Academy of Actuaries.

4.4 Meetings

The Contractor must be available to attend meetings, either in-person or remote, as requested by the Department. At times, the Contractor may be required to present and discuss their findings with the Department and the designated insurance company as needed.

4.5 Proceeding-Related Services

If there is an administrative or judicial proceeding related to the deliverables described in this RFP, 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 of this RFP.

All hourly services performed by the Contractor must be at the request of the Department and will be reviewed pursuant to Appendix E, Section 1.4 Billing.

4.6 Key Personnel

Personnel will be expected to fulfill the following roles, as well as perform services as defined in Section 4 of this RFP.

- **Qualifications of Project Manager:** Overseeing the entire project, ensuring timely deliveries, performing final review. The Project Manager must have at least ten (10) years of experience in management consulting work, with a minimum of five (5) years of experience in Medical Malpractice. Project Manager must have Fellow of the Casualty Actuarial Society (“FCAS”) or Associate of the Casualty Actuarial Society (“ACAS”) designation.
- **Qualifications of Principal/Lead Actuary:** Performing analysis, day-to-day project supervision. Must have a minimum ten (10) years of experience in actuarial work, with a minimum of five (5) years of experience in Medical Malpractice. Principal/Lead Actuary must have FCAS or ACAS Designation.

- **Qualifications of the Senior Analyst:** Assist Principal/Lead Actuary on analysis as needed (e.g. analysis/model set up, performing diagnostics). The Senior Analyst must have a minimum of three (3) years' experience, as well as a bachelor's degree.
- **Qualifications of the Actuarial Analyst:** Assist Principal/Lead Actuary and Senior Analyst on analysis as needed (e.g. data compilation and reconciliation, analysis/model set up). The Actuarial Analyst should have up to three (3) years' experience and a bachelor's degree.

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: the 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 Services.
- **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 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.

5.2 Technical Proposal

The purpose of the Technical Proposal is to demonstrate the qualifications, competence, 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 the Services included in this RFP. The Technical Proposal cannot be any longer than 15 pages, not including cover page, table of contents, **Attachment 8: Minimum Bidder Qualification Form**, Resumés, Relevant Experiences, and References of the Bidder. 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 Bid/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**
- **Attachment 8: Minimum Bidder Qualification Form**
- **Executive Summary**
- **Sample Work Plan**
- **Staffing Resumés, Relevant Experience, and References for the Bidder**

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. **Attachment 8: Minimum Bidder Qualifications:** Bidder should complete and submit Attachment 8: Minimum Bidder Qualifications form with its Technical Proposal.
3. **Executive Summary:** Provide the Department with a brief overview of the Bidder and how the Bidder meets the Minimum Qualifications found in Section 4 of the RFP. Bidder must include past experience that reflects its technical expertise in providing the Services described in Section 4 of this RFP.
4. **Sample Work Plan:** Provide a sample work plan to demonstrate understanding of expectations. Upon award of the Contract, the work plan will be finalized with the Department.
5. **Staffing, Relevant Experience and References:**
 - a. **Resumés for Key Staff** involved in the day-to-day operations.
 - b. **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 provide the number and names if available, of individuals in each title as defined in Section 4.6 Key Personnel and in Attachment 9 – Cost Proposal Form. Additionally, Bidder should include full details and resumés of the senior staff that will be available for this engagement and how they will fulfill the scope of work. The Bidder should state whether it has any conflict of interest, actual or perceived, that would prevent Bidder

from functioning under an agreement with the Department. The Bidder shall identify any relationships or arrangements it has with the Department or with any entity regulated by the Department.

- c. **Staffing and Personnel Biographies of Key Management Personnel:** The Bidder must provide a description of the qualifications and category of individuals who will perform the required work, including cover page, table of contents, Attachment 8: Minimum Bidder Qualification Form, Resumés, Relevant Experience, References of the Bidder, and sample reports.
- d. **References:** Submit at least three (3) separate references from other than employees of the Department, preferably from government agencies, or other former or current customers with similar objectives.

For each reference include the following:

- The name of the company/agency and a brief description of its business;
- The name, address, phone number, fax number and e-mail address of the company/agency contact person;
- A description of work performed and/or services provided, including a description of (1) all deliverables and services (reports, presentations, etc.) and (2) all timeframes and deadlines of work performed and/or services provided, noting whether or not these timelines and deadlines were met;
- The beginning and ending dates of the work performed; and
- Results/client outcomes.

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.

Cost Proposal-Fee Schedule: Bidders must sign and submit **Attachment 9 - Cost Proposal Response Form**. The rates proposed by the Bidder must be for the duration of the Contract, and inclusive of all costs necessary for proper performance under the Contract 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 are permitted on Attachment 9, as they may make the Proposal non-responsive.**

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 Bid/Proposal and should be signed and submitted with the Administrative Proposal. The Bidder Information and Attestation must be signed by an individual authorized to contractually bind the Bidder. A proposal with an unsigned Bidder Information and Attestation 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 Law;
- Sexual Harassment Prevention Certification Form;
- 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;
- Offerer Assurance of No Conflict of Interest or Detrimental Effect; and
- Gender-Based Violence and Workplace Certification.

- **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 Utilization Form
- **Attachment 4.2** – Minority and Women-Owned Business Enterprises – Equal Employment Opportunity ("EEO") 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 an online certification or a scanned copy of a completed questionnaire must accompany your Bid.

5.5 Proposal Submission

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

All Bids/Proposals must be delivered in their entirety by April 14, 2026, at 3:00 PM Eastern Time. Bids/Proposals received in whole or in part after April 14, 2026, at 3:00 PM Eastern Time will not be considered.

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

The rules established for Bid/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 interest of the Bidder to become familiar with the constraints imposed on its Bid/Proposal, so that the evaluation process can proceed in a timely manner.

Each Bidder must submit via email a searchable, electronic version of its Bid/Proposal. Scanned signatures are acceptable. However, Bidders must be prepared to submit an original signature to the Department, if requested. All Bids/Proposals must conform to the terms set forth in the RFP, and the submittal requirements; extraneous terms or material deviations (including additional, inconsistent, conflicting, or alternative terms) may render the Bid/Proposal non-responsive and may result in rejection of the Bid/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.

5.6 Questions and Answers

Questions regarding the RFP should be submitted on **Attachment 7 – Bidder Questions and Proposed Modifications Form** via electronic mail, no later than Wednesday, March 18th, 2026 by 3:00 pm Eastern Time to: 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 RFP must be written in generic terms and must **not** contain pricing information. The inclusion of specific information about a Bidder's pricing

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 Wednesday, March 25th, 2026, at: <https://www.dfs.ny.gov/procurement>.

It is the responsibility of the Bidder to check the website for any amendments, announcements, and clarifications.

5.7 Bidder Proposed Modifications to the RFP and Appendices

Bids/Proposals must conform to the terms set forth in the RFP. Any proposed additional, inconsistent, conflicting or alternative terms may render a Bid/Proposal non-responsive and may result in rejection of the Bid/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 7 – Bidder Questions and Proposed Modifications Form** and must 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 RFP'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.

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 will select the Bidder that provides the "best value," taking into consideration the most beneficial combination of qualifications, services, and cost, and that has met the minimum qualifications of this RFP. Under NYS Procurement Guidelines, "best value" is the basis for awarding all service contracts as "[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.

6.2 Minimum Bidder Qualifications (Pass/Fail)

Bidder must meet the Minimum Qualifications in this solicitation and certify that it meets the requirements set forth in **Attachment 8 – Minimum Bidder Qualifications**. Failure of Bidder to certify that it meets the Minimum Qualifications may result in the Bidder’s Proposal being disqualified, deemed non-responsive, and eliminated from consideration.

6.3 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) Executive Summary
2) Sample Work Plan
3) Staffing, Relevant Experience & References

6.4 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 each Cost Proposal’s total cost to the lowest total Cost Proposal as follows:

$$(\text{Lowest Total Cost Proposal} / \text{Cost Proposal being Evaluated}) \times \mathbf{30} = \text{Cost score.}$$

6.5 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 5.1. 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 5.2.

6.6 Award

The Department expects to award one Contract from 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 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.

6.7 Bidder Debriefing

An unsuccessful Bidder may request a debriefing within fifteen (15) calendar days from the date the Department notified the Bidder 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 offices located at One Commerce Plaza, 99 Washington Avenue, Albany, NY.

6.8 Protest Procedures

In the event an unsuccessful Bidder wishes to protest the award resulting from this RFP, the Bidder must 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: <http://www.osc.state.ny.us/agencies/guidelines.htm>.

Section 7: Department's Reservation of Rights

By submitting a Proposal, a 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 rights regarding Proposals submitted:

- To change any of the scheduled dates upon appropriate notification to all prospective Bidders;
- To accept or reject any or all Bids/Proposals, or separable portions of Bids/Proposals;
- Prior to the Bid opening, to 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 Bids/Proposals;
- To waive or modify minor technicalities, irregularities and omissions in Bids/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 Bids/Proposals;
- To seek clarifications of Bids/Proposals;
- To adopt any part or all of a successful Bidder's Bid/Proposal;
- To use any and all ideas submitted in the Bids/Proposals unless those ideas are protected by legal patent or property right;
- To consider conditional or revocable Bids/Proposals that clearly communicate the terms or limitations of acceptance, and to make a contract award in compliance with the Bidder's conditional or revocable terms in the Bid/Proposal;
- To not award from this solicitation;
- To have any service completed via separate competitive Bid/Proposal or other means, as determined to be in the best interest of the Department;
- To have the flexibility to consider Bids/Proposals with minor deviations or technicalities and to waive minor deviations or technicalities when the overall Bid/Proposal is 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 Bids/Proposals are found to be substantially equivalent, price shall be the basis for determining the award recipient. If two or more Bidders submit substantially equivalent Bids/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;
- To request best and final offers; 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 & Women-Owned Business Enterprise, EEO, SDVOB Requirements & Diversity Practices

8.1 Minority and Women-Owned Business Enterprise

- A. The Department is required to implement the provisions of New York State Executive Law ("Executive Law") Article 15-A and Parts 140-145 of Title 5 of the 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.

- C. If there are no goals set for this solicitation, New York 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 and the Department will publish the MWBE and/or SDVOB information for consideration by prime contractors.

8.2 Equal Employment Opportunity (EEO)

The provisions of Executive Law Article 15-A 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 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 RFP; or (ii) employment outside New York State.
2. The Contractor shall submit an EEO policy statement (see **Attachment 4.2** - “Minority and Women-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 contractor 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 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 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 its Bid/Proposal, a 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 RFP 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 Bid/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 during the Contract Term insurance policies 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”). 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 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 15 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 1 through March 31 fiscal year, or for the period during which 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:

E-mail: SubmitformB@cs.ny.gov
Department of Civil Service
Alfred E. Smith State Office Building
Albany, New York 12239
Attn: Executive Office

E-mail: CDMOST@osc.ny.gov
Office of the State Comptroller
Bureau of Contracts
110 State Street, 11th Floor
Albany, New York 12236
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 Financial Operations, Chapter XI, Section 18.C: <https://www.osc.ny.gov/state-agencies/gfo/chapter-xi/xi18c-consultant-disclosure>.

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 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 that are set forth in the RFP, **Appendix C – Information Security & Cyber Security Requirements, 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 cybersecurity 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 Women-Owned Business Enterprises Equal Opportunity Statement**
- **Attachment 4.3: Interested MWBE and SDVOB Vendors**
- **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: Minimum Bidder Qualifications Form**
- **Attachment 9: Cost Proposal Response Form**