



**AMENDED**  
**Request For Proposals (“RFP”) #C000637**  
**for**  
**Implicit Bias Training Services**

**Issue Date: April 17, 2026**

**Proposals Due Date: May 29, 2026, by 3:00pm Eastern Time**

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

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## Section 1: Timetable of Key Events

<b>Event:</b>	<b>Date and Time:</b>
RFP C000637 Issue Date:	Friday, April 17, 2026
Deadline for Questions:	Friday, May 1, 2026, by 3pm ET
Answers to Questions Released on or about:	Friday, May 15, 2026
Deadline for Receipt of Proposals:	Friday, May 29, 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 set forth 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 to provide implicit bias Training.

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

**MWBE Goals: 0%**

**SDVOB Goals: 0%**

### 2.1 Restricted Period and Designated Contacts

#### **Restricted Period:**

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

Designated Contacts:

Alisa Fortune, Assistant Director of Financial Administration 2

Lisa McLea, Contract Management Specialist 2

Kiersten Delgado, Contract Management Specialist Trainee 1

### 2.2 Definitions

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

**Bid/Proposal** shall mean a response to the RFP submitted by a Bidder to provide Services/Commodities.

**Bidder** shall mean any individual, business, contractor, 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 may result 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 services, commodities, and/or technology.

**Solicitation** shall mean this RFP.

**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, or their successor.

## 2.3 The Department of Financial Services

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

## 2.4 Purpose of RFP

The Department is seeking proposals from an eLearning and development company to create a virtual, instructor-led implicit bias training for its approximately 1,600 employees. The training must focus on implicit bias and its impact on the work of the Department. The Contractor must conduct each training in one three-hour virtual session, with no more than 30 staff per session, for approximately 70 sessions. These sessions must be completed in a twelve-month period, and the Contractor must provide a final report summarizing feedback from all sessions.

## 2.5 Contract Period

The Department anticipates that an award from this RFP will result in a two (2) year Contract.

## Section 3: Minimum Qualifications

Bidder must meet the following Minimum Bidder Qualifications (“Minimum Qualifications”) and certify that it meets these qualifications in **Attachment 8 – Minimum Bidder Qualifications Certification**:

- ~~• The Bidder must have conducted at least five (5) implicit bias training sessions, reaching at least 500 participants, within the three (3) years preceding the issuance date of this RFP. These sessions must have included at least one session provided to executive-level staff and one session provided to non-executive staff.~~
- The Bidder must have conducted implicit bias training for five (5) unique clients with an employee base of 500 or more, within the three (3) years preceding the issuance date of this RFP. These sessions must have included at least one session provided to executive-level staff and one session provided to non-executive staff. (Amended 5/11/2026)

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

## Section 4: Required Services

### 4.1 Implicit Bias Training Services

The Contractor must provide training that can be updated upon request for a three (3) hour, instructor-led, virtual training session focused on defining implicit bias in the workplace, strategies to mitigate bias, how to be an ally, and how to promote allyship and inclusion. The training must be tailored to the Department’s needs and inform employees of the relevant laws and rules as well as their rights and responsibilities pursuant to the New York State Office of Employee Relations “A Handbook for Employees of New York State Agencies.” The Contractor will retain ownership of any work product developed in the performance of services under this Contract.

#### **Basic Requirements:**

The training must cover the following topics:

- Definition of bias types (e.g., implicit, affinity, confirmation, age, gender, religious belief, disability);
- Impact of bias in the workplace;
- Principles of diversity, equity, and inclusion;
- Workplace/industry-specific scenarios;
- Bias mitigation strategies;
- Allyship and inclusive behaviors; and
- Leadership and accountability.

The training must be delivered in no more than 70 sessions, and be comprised of:

- No more than 30 minutes of lecture time;

- At least two interactive activities which may include: ice breakers, polling, cognitive reflection exercises, validated assessment tools, role-plays or simulations, structured small group discussions in breakout rooms, narrative storytelling, empathy-building exercises, scenario-based inquiry, reflective questioning, and implicit association tests.

**Pre-session assessments:**

- Pre-session assessment materials such as online bias quizzes, baseline survey on attitudes, or a reflective questionnaire must be provided to staff in advance of the training session.

**Post Session:**

- Within 24 hours of each session, Contractor must provide post-workshop resources such as curated resource libraries, reflection and application workbooks, and follow-up surveys via email with a link to the resources and survey.
- Within three business days of each session, the Contractor must provide to the Department a summary of the participants' feedback.
- Within two weeks after every 15 completed sessions, the Contractor must provide the Department with a cumulative summary of participant feedback.
- Within three weeks after the completion of all sessions, the Contractor must provide the Department with a report on all sessions.

The Contractor must use feedback to identify any deficiencies and modify the training accordingly. Contractor must also replace trainers as requested by the Department.

The Contractor must provide after every session an attendance report that includes:

- Participant names;
- When the participants joined and left the training; and
- Polling results at the discretion of the Department.

**Post-session assessments:**

The Contractor must provide a post-session assessment questionnaire for participants. The post-assessment questionnaire must demonstrate that participants can:

- Accurately define the concept of implicit bias;
- Identify their own implicit biases; and
- Determine what implicit biases should be considered when assessing the safety and soundness of entities within their portfolios.

**Technology**

- Contractor must supply all technology required to provide the required services.

## 4.2 Process for Finalization of the proposed Project Plan and approval by the Department

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Upon Contract award and approval by the Office of the Attorney General (“OAG”) and Office of the State Comptroller (“OSC”), the Contractor will work with the Department to approve a final project plan.

1. The Department will provide edits to the awarded Contractor’s proposed project plan.
2. The Contractor must incorporate the Department’s edits into the proposed project plan.
3. The Department will review the revised proposed project plan and either approve or provide additional edits.
4. This process will continue until the Department approves a final project plan (“Final Project Plan”) and accepts Deliverable: Final Project Plan.
5. Once this process is completed, the Contractor will begin training sessions as required by the Department.

## 4.3 Updates to the Final Project Plan

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Over the term of the resultant Contract, the Department may require textual or technical updates to the Final Project Plan. Upon request, the Contractor must update the Final Project Plan as specified. The approval process outlined in Section 4.2 must be followed for all updates.

# 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 three (3) separate proposals: Technical Proposal, Cost Proposal, and Administrative Proposal:

- **Technical Proposal** – The purpose of the Technical Proposal is for the Bidder to demonstrate its qualifications, competence, and capacity to provide the Services described in Section 4 of this RFP.
- **Cost Proposal** – The Cost Proposal is a list of the Contractor fees associated with the Services to be provided as described in Section 4 of 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.

A uniform Proposal format is required so that the Department can fairly evaluate all Proposals. For each item listed below, please respond in order, and provide the material required. Brochures or reproductions, copies, or printouts of marketing literature may not be substituted for the Proposal

narratives and responses specified. Cross-references in the main Proposal to any appendices are required. The Department will not review an appendix or supplemental material that does not have a clearly indicated purpose.

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 criteria herein may be rejected.

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 Bid/Proposal shall be valid for a minimum period of at least six (6) months.**

## 5.2 Technical Proposal

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The purpose of the Technical Proposal is to demonstrate the qualifications, competency, and capacity of the Bidder to perform the Services contained in Section 4 of this RFP. The Technical Proposal should demonstrate the qualifications of the Bidder and of the Bidder's staff that are to be assigned to provide 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 and proposed training plan (including pre-session assessment and post-session assessment plans).~~ **The Technical Proposal cannot be any longer than 15 pages, not including cover page, table of contents, Attachment 8 Minimum Bidder Qualification Form, and resumés. All other requested information will be included in the 15-page count. (Amended 5/11/2026)** 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
- ~~Staffing resumés, relevant experience, and references of the Bidder~~ **Staffing resumés and relevant experience. (Amended 5/11/2026)**
- Proposed implicit bias training plan – including pre-session assessment and post-session assessment plans

1. **Table of Contents:** The Table of Contents should clearly identify the location of all material within the Technical Proposal by section and page number.
2. **Attachment 8: Minimum Bidder Qualifications Form:** Bidder must complete and submit Attachment 8: Minimum Bidder Qualifications form with its Technical Proposal.

3. **Executive Summary**: The Executive Summary should provide the Department with a brief overview of the Bidder and how the Bidder meets the minimum qualifications found in Section 3 of the RFP.
4. **Staffing Resumés, Relevant Experience, and Staffing Resumés and Relevant Experience (Amended 5/11/2026)**:
  - a. **Resumés for Key Staff**: The Bidder should include resumés for key staff involved in the day-to-day operations.
  - b. **Relevant Experience**: The Bidder should describe other similar projects for government agencies and how this will allow the Bidder to meet the needs of the Department, as outlined in Section 4 of this RFP.
5. **Proposed Implicit Bias Training Plan – including pre-session assessment and post-session assessment plans**: The Bidder should submit a proposed implicit bias training plan, including pre-session assessment and post-session assessment plans, that meet all Required Services as outlined in Section 4 – Required Services.

### 5.3 Cost Proposal

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The Cost Proposal sets forth the costs for the requested Services. The Cost Proposal should be complete, accurate, well-documented, and prepared using the Cost Proposal Quote Form only. Cost information is **not** to be included in the Technical Proposal or Administrative Proposal. All prices must be inclusive of all costs necessary for proper performance under the Contract. The Cost Proposal should include a per session cost. The Department will purchase at minimum at least **25** sessions.

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 including travel. The Cost Proposal Response Form is to be submitted at the same time as the remainder of the Proposal but in a document detached from the Administrative and Technical Proposals. **No changes, edits or additional information is permitted on Attachment 9, as they may make the Proposal non-responsive.**

### 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 items required below may result in the rejection of the Bidder's Proposal.**

- **Attachment 1: Bidder Submission Checklist**
- **Attachment 2: Bidder Information and Attestation**: The Bidder Information and Attestation is an integral part of the Proposal and should be signed and submitted with the Administrative Proposal. The Bidder Information and Attestation form 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 State Finance Law § 139-D;
  - Offerer’s Certification of Adherence to Executive Order No. 177 Regarding Anti-Discriminatory Policies and Practices;
  - Offerer’s Certification of Adherence to State Finance Laws §§ 139-j and 139-k;
  - Sexual Harassment Prevention Certification Form pursuant to State Finance Law § 139L;
  - Freedom of Information Law (FOIL) Redaction Request Form;
  - Offerer’s Certification of Adherence to Executive Order No. 16 Prohibiting State Agencies and Authorities from Contracting with Businesses Conducting Business in Russia;
  - Offerer Assurance of No Conflict of Interest or Detrimental Effect; and
  - NYS Office for the Prevention of Domestic Violence (State Finance Law § 139-M) Gender-Based Violence and Workplace Certification.
- **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 Utilization Form
    - **Attachment 4.2** – MWBE Utilization Plan
  - **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 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. Either online certification or a scanned copy of the completed questionnaire must accompany your Bid.

## 5.5 Proposal Submission

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Submit all Bids/Proposals electronically to [RFP@dfs.ny.gov](mailto:RFP@dfs.ny.gov). Each of the three proposals should be a separate document, complete in itself, and clearly labeled.

All Bids/Proposals must be delivered in their entirety by May 29, 2026, at 3:00 PM Eastern Time. Bids/Proposals received in whole or in part after May 29, 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 interests 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 their 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, as well as 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 **May 1, 2026, at 3:00 PM Eastern Time** to: [RFP@dfs.ny.gov](mailto:RFP@dfs.ny.gov)

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

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

Responses to all questions, and any changes to the RFP resulting from such questions, will be communicated via published addenda that will be posted on the Department's website on or about **May 15, 2026** at: <https://www.dfs.ny.gov/procurement>.

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

## 5.7 Bidder Proposed Modifications to the RFP and Appendices

Bid/Proposals must conform to the terms set forth in the RFP. 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 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.**

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

## Section 6: Proposal Evaluation

### 6.1 Overview Proposal Evaluation

The Department will evaluate the Bids/Proposals received by eligible Bidders as outlined in Section 5 and select the Bidder who or that has the requisite experience and staffing to support the work required by the Department and who or that does not have any conflicts. It is the Department’s intention to use the Bids/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 who or that provides the “best value” taking into consideration the most beneficial combination of qualifications, services, and cost and who or that has met the minimum qualifications of this RFP. Under 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.”

Upon determination of the “best value” Bid/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 Bidder’s Proposal being disqualified, deemed non-responsive, and eliminated from consideration.

### 6.3 Technical Proposal Evaluation (51 Points)

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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 – (51%)
1) Executive Summary
2) <del>Staffing Resumes and Relevant Experience &amp; References</del> <b>Staffing Resumes and Relevant Experience (Amended 5/11/2026)</b>
3) Proposed Implicit Bias Training Plan – including pre-assessment and post-assessment plans

### 6.4 Cost Proposal Evaluation (30 points)

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

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

The Cost Proposal with the lowest total cost will be awarded the maximum cost score weighted at **30** points. The remaining cost proposals will receive a proportional number of points based upon the ratio of the proposal’s total cost to the lowest total cost proposal as follows:

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

### 6.5 Diversity Practices (4 points)

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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 Diversity Practices Questionnaire**. This Questionnaire consists of seven (7) questions for Bidders to answer. Some questions request documentation to support certain answers. Additional scoring information for diversity practices can be found in **Attachment 5.2**.

### 6.6 Finalists and Module Demonstration (15 points)

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An initial composite score for each responsive Bidder will be calculated by adding the Technical Proposal points, MWBE Diversity Practices points, and Cost Proposal points. The Finalist Bidders will be those that are susceptible to award after initial composite scores have been tabulated.

Finalists will be notified of the date, location, and time of their demonstration. The demonstration will

allow finalists to demonstrate their proposed implicit bias training plan and its ability to meet the required Services. An agenda for the demonstration will be provided to the Bidder prior to the demonstration. The Department reserves the right to request the demonstrations in person or virtually at its sole discretion. Further information regarding the format of the demonstration may be provided to the Bidder prior to the demonstration.

Each Bidder invited to the demonstration may be awarded up to fifteen (15) points based on their demonstration. Demonstrations will not be an opportunity to cure material omissions in the Bidders' proposals and is not a substitute for a well-written proposal.

If only one Bidder is susceptible to award after the initial composite score calculation, the Department may choose to forego the demonstration at its discretion.

## 6.7 Award

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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 OAG and the OSC.
3. Upon Contract award, no public announcements or news releases pertaining to the Contract shall be made without the prior written consent of the Department.

## 6.8 Bidder Debriefing

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

## 6.9 Protest Procedures

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In the event an unsuccessful Bidder wishes to protest the award resulting from this RFP, Bidders 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: <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 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 Bids/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, 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 Contract award may be made 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 an 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 & Woman-Owned Business Enterprise, EEO, SDVOB Requirements & Diversity Practices

### 8.1 Minority and Woman-Owned Business Enterprise

- A. The Department is required to implement the provisions of New York State Executive Law ("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. 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 MWBEs information for consideration by prime contractors.

## 8.2 Equal Employment Opportunity (EEO)

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

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

1. Ensure that each Contractor and Subcontractor performing work on the Contract resulting from this RFP 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 **Attachments 4.1 and 4.2**) to the Department with its bid or proposal.

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

Article 3 of the New York State Veterans’ Services Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses (“SDVOBs”), thereby further integrating such businesses into New York State’s economy. The Department recognizes the need to promote the employment of service-disabled veterans and to ensure that certified service-disabled veteran-owned businesses have opportunities for maximum feasible participation in the performance of Department contracts.

In recognition of the service and sacrifices made by service-disabled veterans and in recognition of their economic activity in doing business in New York State, contractors are strongly encouraged and expected to consider SDVOBs in the fulfillment of the requirements of the contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles. For purposes of this procurement, the Department conducted a comprehensive search and determined that the Contract does not offer sufficient opportunities to set specific goals for participation by SDVOBs as subcontractors, service providers, and suppliers to the Contractor. Nevertheless, Contractors are 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>.

Contractors are 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 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

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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

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Chapter 10 of the Laws of 2006 amended the New York 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 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 1 through March 31 fiscal year, or for the period during which such Contract was in effect during such prior State fiscal year, Contractor shall report 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](mailto:SubmitformB@cs.ny.gov)  
Department of Civil Service  
Alfred E. Smith State Office Building  
Albany, NY 12239  
Attn: Executive Office

E-mail: [CDMOST@osc.ny.gov](mailto:CDMOST@osc.ny.gov)  
Office of the State Comptroller  
Bureau of Contracts  
110 State Street, 11<sup>th</sup> Floor  
Albany, New York 12207  
Attn: Consultant Reporting

Contractor is advised herein and understands that this information is available for public inspection and copying pursuant to § 87 of the 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 New York Tax Law ("Tax Law") was amended to require contractors with State agencies to certify to the Department of Taxation and Finance ("DTF") that they, their affiliates, their subcontractors, and the affiliates of their subcontractors have a valid certificate of authority to collect New York State and local sales and compensating use taxes. Tax Law § 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 certification (ST-220-TD) has been made to DTF and, to the best of the Contractor's knowledge, that the requisite certification (ST-220-TD) 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 provides 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 and its agents, subcontractors, officers, distributors, resellers, and employees will comply fully with all security procedures of the Department set forth in the RFP, **Appendix C – Information Security & Cyber Security Requirements, 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: MWBE Utilization Plan**
- **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**
- **Attachment 9: Cost Proposal Response Form**