



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

ERIC T. SCHNEIDERMAN
ATTORNEY GENERAL

DIVISION OF ADMINISTRATION
BUREAU OF BUDGET AND FISCAL MANAGEMENT

PURCHASING MEMORANDUM

DATE: July 31, 2014

PLEASE ADDRESS INQUIRIES TO:

Ron Wachenheim, *Purchasing Team Supervisor*
Telephone Number: 518/486-6669
E-Mail: ron.wachenheim@ag.ny.gov

BID NO.: 14-002

TITLE: IT Personal Services

BID OPENING: September 3, 2014

CONTRACT PERIOD: January 1, 2015 through December 31, 2019

SUBJECT: Answers to Questions/Inquiries

TO: ALL PROSPECTIVE BIDDERS

In reference to the above bid solicitation, the following questions/inquiries were submitted by the July 28, 2014 deadline. We are hereby providing answers to each question below:

1. **QUESTION:** Page 5 Section D, Proposer's References: We submitted references in a PDF format for RFP #13-006. Will OAG accept the same references in PDF format for bid # 14-002?

ANSWER: Yes

2. **QUESTION:** Page 15 Section 4.5 C: Is OAG asking for financials or tax returns? We currently have 2011 & 2012 tax returns will that be acceptable?

ANSWER: **Please re-read this Section of the bid; it depends on whether you are a publicly traded company or not what needs to be submitted with your proposal.**

3. **QUESTION:** a) How much is the budget for this RFP? b) Do we need to submit the resumes as well? If yes, how many? c) Is there any incumbent? If yes, please provide the Incumbent Contract # and Value.

ANSWER: **a) There is no set budget as we do not know at this time how many consultant positions we will need to fill. Consultant resumes are not needed with the bid. b) Resumes of company staff who will be involved are not required, but you're welcome to submit if you wish. c) On page 3 of the RFP (Section 1.1), it indicates we are replacing current contracts. Expenditure information for all state contracts (not just the OAG) is available on the State Comptroller's Office website.**

4. **QUESTION:** Section 4.2 states "Bidder must demonstrate the professional ability to offer staffing resources as described below for information technology matters." Is this solicitation only limited to staffing agencies? Is the solicitation also open to IT security consulting firms that are not staffing agencies?

ANSWER: **We need bidders who can provide us with staffing resources (IT consultants).**

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BUDGET & FISCAL MANAGEMENT BUREAU
PURCHASING TEAM

State Capitol, Albany, NY 12224-0341 · Phone 518/486-6669 · Fax 518/473-1852 (NOT FOR SERVICE OF PAPERS)
<http://www.ag.ny.gov>

5. QUESTION: We understand different Reference Forms have to be used for each of the category reference, could you please clarify same References can be repeated for different category? (page 6 – Section D. (c))
- ANSWER: **Yes**
6. QUESTION: Are we to understand that only USC/GC candidates may be deployed by the vendor once they are qualified supplier for the category they bid? Can H1B candidates be also supplied?
- ANSWER: **H1B candidates can be provided.**
7. QUESTION: We have submitted a NY State Vendor Responsibility Questionnaire in May 2013, will that suffice or a new form should be submitted? However RFP page 30 states it should have been submitted 6 months ahead of bid opening?
- ANSWER: **If you submitted questionnaire online, you will have to re-certify the questionnaire as still being current and accurate. If not, a new paper form will have to be submitted with the bid.**
8. QUESTION: Is there a specific goal to engage MBE firms? Should a prime vendor demonstrate good faith efforts and submit evidence of having contacted MBEs to satisfy this goal along with response?
- ANSWER: **No M/WBE goals are set for this RFP (the OAG is not required to do so); but we always encourage M/WBE companies to participate either by submitting bids, or partnering with vendors who are submitting bids.**
9. QUESTION: Are there incumbents working on this contact and will they bid?
- ANSWER: **Incumbent contract vendors are allowed to submit bids, but they are not afforded any special advantages over any other vendors.**
10. QUESTION: Can rates be provided as a range than single per hour figure?
- ANSWER: **No**
11. QUESTION: I would like to request a clarification of Section 4.5 “Bidder Qualifications” Requirement “D”, this appears to state, that unless I have a minimum of 20 current placements in each of the individual categories (11), I cannot bid for these services. Is that correct? This would seem very restrictive and geared only to larger existing vendors only.
- ANSWER: **On Page 16, it indicates you can partner with another vendor to ultimately provide a minimum of 20 placements.**
12. QUESTION: You are asking for the forms to be completed in ink and manually signed. To clarify you are asking we print the “PDF” forms and hand complete in ink?
- ANSWER: **With the exception of the Reference Form, all forms to be completed by the bidder must be signed in original ink to be an acceptable bid.**
13. QUESTION: Can we access to the RFP 13-006 and its approved vendor list?
- ANSWER: **No, RFP 13-006 was cancelled; and we do not publish vendor lists.**
14. QUESTION: How many vendors/category did the agency award in RFP 13-006 and plan to award in RFP 14-002?
- ANSWER: **See Question #13 above; it was cancelled and no awards were made. Please see Page 22 of current RFP for potential number of awards.**
15. QUESTION: What is the historical spending of the RFP 13-006 and by categories?
- ANSWER: **See Question #13 above; it was cancelled.**
16. QUESTION: What is the estimated budget for the RFP 14-002 and by categories?
- ANSWER: **See answer to Question #3 on Page 1 of this memo.**

17. QUESTION: Section 4.5.4: subcontractors

- a) Can we submit proposal with out-of-state subcontractors?
- b) Are there any preference points for proposals with local subcontractors? And with local certified S/M/WBE subcontractors?
- c) Can we submit out-of-state certified S/M/WBE subcontractors? Any preference points for them?
- d) Does OAS have a preferred minimum number of subcontractors?
- e) If we use subcontractors for this contract with OAG, will we be allowed to use only the ones we submit with the proposal?
- f) If possible, could you please recommend us the state's sources where we can find local certified S/M/WBE?

ANSWER: a) Yes; b) No preference points; c) Yes but no preference points; d) No preferred minimum; e) Yes only those listed in your proposal (additions can be made after award, but must be submitted to the OAG for approval); f) The Empire State Development (ESD) agency has an online database of M/WBE vendors (none for Small businesses though).

18. QUESTION: References: If we bid for more than 1 category, Is it accurate understanding that:

- a) For each category: we need to provide at least 3 references AND a list of at least 20 resources
- b) Are these 20 resources required to be placed within the last 3 years? Can we provide resources placed more than 3 years ago?
- c) It is ok that only some of the 20 resources placed to the 3 references, the rest may be with other clients.

ANSWER: a) Yes; b) Yes to placements within last 3 years (more than 3 years ago not accepted); c) Yes the 20 placements do not have to come from only the 3 references.

19. QUESTION: We provide IT staff aug through several MSP (managed services provider) programs whose strict regulations don't allow us to get references from the end clients but only from the MSP program managers. Are references from MSP program managers acceptable?

ANSWER: No, it needs to be from the client who you actually provided staffing resources.

20. QUESTION: Are bidders all required to register with the State in prior to submitting proposals? Are we allowed to register in prior to contract award?

ANSWER: You will need to be registered to do business in New York State prior to any contract award with any State agency. It's recommended this be done as soon as possible, as the Department of State reviews and approves all applications, and we do not know how long it takes for registration to be completed.

21. QUESTION: Can we request to prevent some information of our proposal from disclosure as per related open records Acts? If so, what do we need to do? Do we need to have statement in the proposal only or do we need to submit those parts in a separate envelope?

ANSWER: On Page 5 of the RFP (Section 2.2.D) and Appendix B (Paragraph 9a), it spells out what you can do here.

22. QUESTION: Section 4.5- Specification Requirements: do we need to strictly respond with column format?

ANSWER: No standard format is required.

23. QUESTION: Section 4.5.1.C: are financial statements prepared by CPA acceptable? Are these statements required to have CPA's signatures?

ANSWER: Any financials prepared & completed by CPA's should have CPA signatures.

24. QUESTION: Section 1.1 Bid Overview – it indicates that the process mandates that the State Comptroller's Office approval is required before any selected candidates may begin work. Please explain what is required relative to this approval process.

ANSWER: Please see Pages 23-25 of the RFP.

25. QUESTION: Section 4.5 1-D – This section states “Helping place individuals who become full time employees cannot be counted” towards the 20 placements. Does this apply to a person who is placed with a client on a contract basis and is then subsequently hired by the client?
ANSWER: **Yes.**
26. QUESTION: Section 5.1 – This section states that multiple contract awards will be made as a result of this RFP. How many vendors does the AG plan to award contracts?
ANSWER: **Please see Page 22 of the RFP.**
27. QUESTION: Section 7-D – Contains a table of the current vendors under contract with the AG and associated rates. Are these incumbent vendors included in the bidding process for this RFP?
ANSWER: **See answer to Question #9 on Page 2 of this memo.**
28. QUESTION: The RFP did not include a form/template for the lists of 20 placements required for each category bid. The RFP did define the information that is needed for each placement. Is it acceptable to develop these lists as individual Excel worksheets with one Excel workbook?
ANSWER: **See answer to Question #22 on Page 3 of this memo.**
29. QUESTION: From the RFP page 27, we understand there are 7 incumbent vendors serving this contract. Would it be possible to publish the entire list of incumbents?
ANSWER: **No, we do not publish vendor or contractor lists.**
30. QUESTION: Most of our References have privacy policies because of which they may not be able to provide a written Form in the format as provided in the RFP. In such an event can we submit the Forms on their behalf? They will be in a position to speak on phone or vouch for us through email though.
ANSWER: **No, forms must be completed and signed by the References.**
31. QUESTION: Should the Reference Forms be sent separately in a different package or submitted along with the response packet?
ANSWER: **Please see Page 16 of the RFP, it indicates how this form can be submitted.**
32. QUESTION: If it is mandatory for References to fill the Form, should they submit it directly to the NY Attorney General’s Office?
ANSWER: **Yes it’s required; see answer to Question #31 above for handling of form.**
33. QUESTION: In the event that a vendor has less than 20 placements in last three years, will the response be rejected/removed from evaluation/marked non-responsive resulting in non-award? Please state Yes or No.
ANSWER: **Yes it will be rejected but for only that category. If 20 or more provided in other categories, your bid will still receive consideration in just those categories.**
34. QUESTION: Can a bidder be allowed to be another bidder’s subcontractor?
ANSWER: **As stated on Page 16 of the RFP: only if you are not partnering with any of them.**
35. QUESTION: Can a company be a subcontractor of more than one bidder?
ANSWER: **See answer to Question #34 above.**
36. QUESTION: What information/documents about subcontractors do we need to provide with our proposal? Do you expect us to provide only the list of subcontractors, names, addresses, NY certified S/M/WBE or not only?
ANSWER: **The information described in the Question is all we need.**
37. QUESTION: For NYS certified S/M/WBE subs, do we need to provide their copies of certifications? How will it affect the scoring?
ANSWER: **You can if you wish, but not required. Either way, it will have no effect on scoring.**

38. QUESTION: Since the proposal is almost the same as Bid#13-006 is the Q&A from the original solicitation still valid? If so, will you be providing the BID#13-006 Q&A with the BID#14-002 Q&A?
ANSWER: **No, but most of the Q&A information has already been incorporated into RFP #14-002.**
39. QUESTION: On page 17 Section 2.A. It states that the proposer must submit its relevant standards and procedures. Please clarify if you are asking for the proposer's internal procedures or an example of how the proposer would address the requested services?
ANSWER: **Your standards and procedures in providing staff augmentation services.**
40. QUESTION: Page 16, Section D. (left side third paragraph) Please elaborate on what is expected by nature of the project – is it enough to provide the job title of the consultant?
ANSWER: **What kind/type of work the placement did for client. Job titles don't always tell us what work was done by the placement.**
41. QUESTION: Page 16, Section D. (left side third paragraph) Is it acceptable to do a table for each category we are bidding on or are you requesting one table with all the placements?
ANSWER: **Use your best judgment how you would like to present the required information.**
42. QUESTION: In regards to the reference form, many of our clients do not have the version of Adobe that allows for editing or adding text and when the form is converted to MS Word the check boxes (i.e. Bid Category) are converted as an image and do not allow for editing, can we delete the boxes from the form and have our clients just add X's in the appropriate area?
ANSWER: **You will have to provide those references with the form to complete, or e-mail the form to them to print, and either use typewriter or write the answers by hand.**
43. QUESTION: Page 6, Section 2.2.I-L: We understand that ST-220-CA, ST-220-TD, W-9, and evidence of insurance are not typically required with bid submission, but rather upon award and prior to contract start. However, page 6 lists these as required bid content. Does OAG require them to be submitted with the response in this instance?
ANSWER: **Yes.**
44. QUESTION: Page 6, Section 2.2.D; Page 16, Section 4.5.1.D: Can the same references be used for multiple categories? Page 6 states, "one Reference Form cannot be used for multiple categories (only one per category)". However, page 16 states, "The same reference may be used for more than one category."
ANSWER: **Yes, the same reference may be used for more than one category; but a different form for each category will be needed.**
45. QUESTION: Page 5; Section 2.2.D – "Minimum of three (3) references, plus all resources (placements) information, as per Section 4.5.1.A" – should the statement read "as Per Section 4.5.1.D"
ANSWER: **Yes you are correct. The RFP is hereby corrected to read as noted.**
46. QUESTION: Page 16, Section 4.5.1.D "You may list more than twenty if so desired, but it does not necessarily make for a more favorable bid submission." – Question is while the sentence reads "it does not necessarily make for a more favorable bid submission", can this be interpreted that listing more than 20 placements could make for a more favorable submission?
ANSWER: **It will not make for a more favorable submission.**
47. QUESTION: Page 16, Section 4.5.1.D : Does the reference have to be for the work performed within the last 3 years? Or can the references be for the work which company has performed beyond 3 years?
ANSWER: **We're looking at business done by bidder in the last 3 years, so references should also be within the last 3 years.**

48. QUESTION: Regarding the IT Personal Services RFP 14-002, will the RFP document be available in Microsoft Word?
ANSWER: **Yes, just send in an e-mail request to the designated contact listed on the RFP.**
49. QUESTION: Can the three references provided for one category be used for other categories as well?
ANSWER: **See answer to Question #44 on Page 5 of this memo.**
50. QUESTION: Can the references be of government as well as commercial clients?
ANSWER: **Yes, as already indicated on Page 16 of the RFP.**
51. QUESTION: Can we give our Hourly rates for only selected job titles for the categories we are proposing?
ANSWER: **No, you must provide hourly rates for all job titles listed within each category.**
52. QUESTION: Are the incumbent vendors eligible to participate in this contract? If yes, is there any special preference given to them?
ANSWER: **See answer to Question #9 on Page 2 of this memo.**
53. QUESTION: Could you please clarify the TYPE (T&M, Cost Plus, Etc.) of contract that will be issued to the winning bidder(s) who propose on the following opportunity?
ANSWER: **Just hourly rates to be paid to IT candidates who are selected to work in the OAG.**
54. QUESTION: a) How many positions per year were filled under the current contract? b) Will OAG consider awarding to more than 8 companies?
ANSWER: **a) We have had a range from 11-37 consultants across all categories in the OAG at any one time during the life of the current contract. B) No.**
55. QUESTION: Page 5, paragraph 2.2.D – Resources: Will OAG consider reducing the number of resources required for the Database / Application Server Administration Category? Most projects only require 1 or 2 of these types of personnel. Providing 20 unique resources for this Category is excessive and most likely can only be provided by a very large company.
ANSWER: **No; and see answer to Question #11 on Page 2 of this memo.**
56. QUESTION: Please explain how Development resources and Integration resources can be used again in different Categories as placements/resources? Please explain how resources used in these two Categories can and cannot be used in another Category.
ANSWER: **Only in the Development and Integration categories may resources appear in multiple categories. They cannot appear in any other categories.**
57. QUESTION: Page 16, paragraph 1.D – References: When the work performed on an engagement applies to multiple categories, can the reference be reused without restriction in another Category? Please clarify if there are any restrictions on where a reference can be reused in a different Category.
ANSWER: **See answer to Question #25 on Page 4 of this memo.**
58. QUESTION: Can we use references from firms that subcontracted to us previously or are currently, but are not a subcontractor in our bid?
ANSWER: **No.**
59. QUESTION: With regard to the reference forms, if a vendor responded to RFP New York State (NYS) Office of the Attorney General (OAG) IT Personal Services Solution RFP 13-006, is it possible for that vendor to use the same reference form that was submitted 6 months ago without obtaining a new signature so as to avoid undue hardship for the reference to again review and authorize the reference?
ANSWER: **Yes if you still have the paperwork in your possession. If not, you will have to start over with new reference forms.**

All other terms and conditions of the bid solicitation remain the same.

This Purchasing Memorandum is to be signed, submitted and made a part of your bid. If you have any questions, do not hesitate to contact the person listed on top of this memorandum.

VENDOR: _____

ADDRESS: _____

SIGNATURE OF BIDDER: _____

DATE: _____

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