

CQ #	Original Bidder Inquiry # (specified by Bidder)	Original Question (specified by Bidder)	OGS Response to Original Question (specified by Bidder)	Clarifying Question (specified by Bidder)	Response (provided by NYS)
1	491	Surprised that H1B candidates would be considered by NY State! Can we take out this category of workers? It puts our US and those legally able to work in NYS at a disadvantage cost wise....	This is not a question.	<p>With the importance of the financial component in this procurement, those firms with lower labor costs and bill rates will receive a disproportionately higher overall score, so we can anticipate that firms will look to find lower labor costs.</p> <p>One approach to reducing cost is to utilize lower cost individuals for certain skills via the L1 visa program. This program allows intra-company transfers of specialist offshore employees to come to the US to work on NYS engagements. There are no prevailing wage restrictions on these employees and they may be paid in local currency in their home location in which case they pay no US tax. This essentially outsources NYS work offshore. Will vendors be allowed to include L1 visa holders in their fulfillment approach?</p>	None of the HBITS job titles fall under prevailing wage. See RFP section 2.1.1. Additionally, Active Contractors must comply with the HBITS contractual provisions regarding the payment of Hourly Wage Rates, regardless of the visa status of the individuals proposed or placed with the State.
2	238	9) The RFP states "Prices will be posted on the OGS website." Do you realize that each company will have a different fixed hourly wage rate that will be posted to the OGS website and as a result, each candidate will seek the highest hourly wage rate among the 20 vendors and thereby guaranteeing OGS will always pay the highest labor wage rate.	The Hourly Bill Rates will be posted on the OGS website. See amendment to the RFP.	<p>Clarification to Questions 238,391,455</p> <p>We would like clarification about the process NYS will use to select candidates for consideration by authorized users. Your answer to Q 238 acknowledged that individuals currently employed by bidders at NYS, and sub firms, will shop the highest pay (and likely bill) rates among the 20 awarded contractors when presenting a new submission or seeking procurement for an incumbent. This issue is not effectively addressed in the answer to a similar question (#455).</p> <p>However, your amended section 3.2.1 reads: "In the event that two Active Contractors submit the same candidate for the same requisition, only the Contractor with the lower Hourly Bill Rate shall be considered. In the event a Candidate is submitted for different requisitions with overlapping schedules, only the submission to the earliest announced requisition shall be considered. In neither case will the Contractor that submitted the rejected Candidate resume be permitted to resubmit a new Candidate."</p> <p>With this new verbiage in mind, employees could simply resign from their current employer at the end of their current assignment, and apply to the highest paying awardee they can find, to be resubmitted at a higher pay and bill rate. Won't this funnel the majority of the business (certainly for incumbents) to one awardee each year? Wouldn't that firm then be better able to meet the contractor performance criteria in section 9.4. at the expense of the</p>	OGS declines the requested change. Please see the amended RFP Section 3.2.1.
3	391	Once financial scores are evaluated, is the intent to establish a rate card, and/or standardize/average the markups and rates across the selected bidders for purposes of the awarded contract, or will rates vary across the selected bidders based on their proposed pay rates and markups?	Hourly Bill Rates will vary across the Bidders. Hourly Bill Rates established in the resulting contracts will be a factor considered by the HBITS MSP when selecting resumes for agency consideration.	See Clarification to Questions 238,391,455 above	Please see amendment to the RFP. Each Contractor will be responsible for managing the Hourly Wage Rate paid and the resulting Markup to meet the contracted Hourly Bill Rate. Contractors can always pay a higher Hourly Wage Rate to increase competitiveness, but Bill Rates will remain fixed.

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4	455	<p>If Bidder applies these two provisions, then isn't the consequence that every individual that the Bidder supplies for a title must receive the same Hourly Wage Rate? Is it the State's intention to apply a single/same Hourly Wage Rate, which is the hourly rate that the Consultant receives for services, for all individuals that a Bidder may supply for a title? Is this in the nature of a prevailing wage rate for a title by Contractor? Given that contractor rates are public information, won't this have the effect that any individual that may consider working as a Consultant will only work for the Contractor that submits the greatest Hourly Wage Rate for a title? Won't this result in the State paying the greatest Hourly Wage Rate among all Contractors for a title most of the time?</p>	<p>The Hourly Bill Rate will be fixed in the contract and it will be up to the Contractors to manage costs and quality of candidates. The initial Hourly Bill Rates will be set based on a Wage Rate and Markup percentage. Actual placements of candidates could have slight deviations in Wage Rate as long as quality is maintained, but Hourly Bill Rates will not adjust at the time of placement.</p>	<p>See Clarification to Questions 238,391,455 above</p>	<p>Please see the amendment to the RFP.</p>
5	201	<p>Can a "Waitlist" contractor act as a subcontractor to an "Active" contractor during the "Waitlist" period?</p>	<p>No. A party who is awarded one of the 25 HBITS contracts cannot subcontract through any other Contractor.</p>	<p>Can you clarify the rationale for why a party who is awarded one of the 25 HBITS contracts, but waitlisted, cannot subcontract through any other Contractor while on the waitlist. This would seem to penalize firms that come close to winning, shutting them (and potentially their incumbent employees) out from the NYS market, for an entire year.</p>	<p>No.</p>
6	447	<p>Services Warranty - The RFP States that the authorized user shall have the right to interview the candidate in person. Who pays for the time and travel of that candidate to appear at the interview?</p>	<p>The Contractor and/or candidate shall bear the costs associated with proposing a candidate for selection, including, although not limited to, candidate identification, Contractor pre-interview, and Authorized User interview transportation/lodging.</p>	<p>Travel and lodging for candidates to attend an interview in NYS adds potentially \$1000 to every submission, which bidders will need to allow for in their overhead, thereby increasing their markup. The requirement in the RFP (Section 9.2.3) to provide webcasting would seem to acknowledge that travel to NYS for an interview is an unnecessary expense. Would OGS be willing to restrict or eliminate the requirement for out-of-town travel to save NYS money.</p>	<p>OGS does not acknowledge that traveling to NYS for an interview, for a NYS position, is an unnecessary expense. This is the current practice for several NYS agencies. OGS also declines the requested change to Section 9.2.3 of the RFP.</p>
7	648	<p>We understand that there may be circumstances which require an Authorized User to suspend a resultant contract. Our intent is to work diligently to maintain the original Consultant assigned to the suspended project; however, our obligation to resume the project is subject to our reasonably being able to re-establish the project team or an equivalent project team acceptable to the Authorized User.</p>	<p>This is not a question.</p>	<p>We request that the final contract reflect that resumption of a suspended project is subject to the Contractor reasonably being able to re-establish the project team or an equivalent project team acceptable to the Authorized User.</p>	<p>Appendix B §59 sets forth the basis for the declaration of a suspension. There is no requirement that the Contractor maintain the availability of the placed consultant during the period of the suspension. If such consultant was not available when the suspension was lifted, the Authorized User would recommence the requisition process.</p>

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8	233	3) The RFP states: "Hourly Wage Rate is defined as the hourly rate that the Consultant will receive, regardless of potential sub-contracting layers." Do you realize that the likely outcome of this will be that all sub-contracting will be virtually eliminated because either the prime contractor or the subcontractor will not profit on the placement? For example: Vendor A is one of the selected vendors (maximum 20) and quotes a labor rate for a mid level programmer of \$40.00 per hour and a markup percentage of 40%. This calculates to a bill rate of \$56.00 per hour (\$40.00 x 1.4). Vendor A seeks to subcontract to Subcontractor B that is an MWBE. Subcontractor B has a mid level programmer on staff that is being paid \$36.00 per hour. According to the terms of the RFP Subcontractor B would have to raise the compensation to its employee from \$36.00 per hour to \$40.00 because \$40.00 is the wage rate that Vendor A has quoted for a mid level programmer. But Subcontractor B, like every business, has payroll costs to cover and needs to make a profit to stay in business and calculates that it too needs to realize a markup of 40% to cover its costs and turn a profit. That means Subcontractor B would need to charge Vendor A \$56.00 per hour which	The Hourly Bill Rate will be fixed in the contract and it will be up to the Contractors to manage costs and quality of candidates. The initial Hourly Bill Rates will be set based on a Wage Rate and Markup percentage. Actual placements of candidates could have slight deviations in Wage Rate as long as quality is maintained, but Hourly Bill Rates will not adjust at the time of placement.	Once the 20 firms are selected, can the Hourly Bill Rate(s) be lower for a requisition than the submitted rate for this RFP? If not, is it accurate to assume that if two firms submit for the same requisition, the one firm with a higher bill rate (again submitted for this RFP), is already starting off at a disadvantage for the cost evaluation criteria? As in selected firm one will always have a cost advantage over selected firm 20? Again, if this is the case, is there any determination as to what the evaluation criteria will be for cost portion for future requisitions?	No, Bill Rates at the time of transaction will not differ from the contracted Bill Rates. You should be bidding your most competitive rates in your RFP response. The evaluation of resumes at the time of requisition is based on both cost and technical qualifications. See amendment to the RFP for the process by which Bill Rates will be used to select resumes to be forwarded from the MSP to the agencies.
9	405	Can the State provide more detail regarding what checks need to be performed. Does the state want the background check to go back 7 or 10 years? Should the background check be for County, State and or Federal check?	See Amendment to the RFP Background Check: An industry standard criminal history background check and all sound screening practices must be done prior to a Candidate's official start date.	Would OGS be more specific as to what they wish to see as part of an "Industry standard criminal history background check". For example: Do you prefer a National, State, Federal or a combination of all three criminal background check in addition to verification of Social Security Number?	As stated RFP section 9.3.2, in conducting a criminal history/security background check, the Contractor is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings. OGS encourages a Bidder to be as comprehensive as possible when discussing the screening procedures the Bidder utilizes to screen its consultants.
10	158	Specific to the MSP - will this function be outsourced to a third party outside of the state (and if yes could you let us know the outside agency who has been awarded the MSP) and if there is a VMS what are the charges associated with this function and will there be an additional contract with the MSP/VMS provider?	NYS OGS will operate and manage the MSP with internal NYS staff.	As the state is asking vendors to set a pricing structure for 5 yrs (minus CPI considerations), will the state guarantee bidders that the MSP model will not charge any fees to the selected vendors over this 5 year period. This question in light of the responses that OGS is still working on the MSP model. And although it will be done "in-house" we still have concerns about fees that might be assessed after the fact	The State has clearly articulated all fees in the RFP. A vendor should direct its attention to Section 9.2.4 of the RFP, entitled "Administrative Fee".
11	159	Could you expand just a bit more on joint ventures and how you see this working. Also could you make a firm distinction between joint ventures and sub-contracting?	Merging with another company is different from a joint venture. In general terms, when companies merge a singular entity exists at the conclusion of the merger process. In a joint venture, each company retains its independent existence and enter into a contractual agreement joining together two or more business enterprises, for the purpose of performing on a State Contract. With a joint venture, the experience and resources of all partners to the joint venture are considered during the evaluation process. A subcontractor's experience and resources are not considered during the evaluation process.	Our company is a major international corporation. As such we have several divisions. We had planned to bid this solely under our IT division but reference the government work done by other divisions within our company. If we do this will this be viewed as non-responsive?	Yes.
12	342 & 348	8. How much of Accenture's \$8,452,295 (Contract #C000398) was spent on developing HBITS?	This information is not necessary for the development of a proposal in response to this RFP.	Questioner references in this question and others a total spend with the state by specific corporations. Does this information exist on the NYS OGS website and if yes, could you please provide the URL? If not, if we filed a FOIL would it be possible to gather this information that is also referenced by the 22 vendors doing 90% of the business with NYS? This information would be most helpful in providing a quality competitive response to the state and its agencies.	OGS reiterates that this information is not necessary for the development of a proposal in response to this RFP. Disclosure of materials in response to a FOIL request is determined upon a receipt of a specific request.

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13	374	\$500k spend	OGS uses standard methods to verify the accuracy of the information submitted in a proposal. Such verification can include, but not be limited to, contacting the governmental entities listed in Table 2.	Answer references Table 2 in 4.2.2. We do not see a Table 2 in 4.2.2? Please advise as to which Table 2 is being referenced	OGS is referencing Table 2 in the revised Attachment 5 that was posted.
14	266 & others	3.2.1 timetable for MSP to interview	On page 13, the Requisition process indicates that "Upon completion of this screening, suitable resumes (up to 40) shall be passed on to the Authorized User by 5:00PM EST on the second business day after receipt from Contractors (exclusive of receipt date) day." If an active vendor submits a resume three days after the requisition is released, will that resume be passed on to the Authorized User on the second business day after receipt from that active vendor? Or will all resumes be passed to the Authorized User at the same time - on the second business day after the due date for submissions?	We just want to be clear that OGS understands that the process proposed may truly be a 20 day cycle until interview (11 days to respond - as the day received does not count), 3 days for MSP to pass onto agency, 6 days to review and notify selected candidates for interview. Also is there any sense how long the agencies will be allowed to set up and complete interviews. It appears that his still could be a very long process where quality candidates will have accepted other assignments	OGS understands the process it has described in the RFP.
15	general followup	4.2.5.1		Makes reference to making sure our corporations paperwork is in order with all registrations, filings, approvals, Is there a way we can confirm this as it seems very wide ranging and a way to fall victim to some incidental form. We have been a supplier and a NYS corporation for over 50+ years.	This question has been deemed by OGS to be "new" and OGS declines to provide a response.
16	general followup	final selections & 5 yrs of contract awards		Once the final 25 are made and posted on the NYS OGS website, will the state then post all individual agency awards along with rates (as currently done by NYS Contract Reporter) to all selected vendors for each assignment. My frustration with OGS is that with only a few exceptions of incredibly transparent state agencies who take the time to send us a letter with the selected company and the selected rate, it seems a FOIL is needed to find out about any of the mini-bids that were released in the past under the old way of doing business. Since NYS OGS and the good governor are attempting to move into a more competitive 21st century way of doing business we all would benefit by posting of each award on a website so we could know what company is doing the work and at what hourly rate.	This question has been deemed by OGS to be "new" and OGS declines to provide a response.
17	general followup	MWBE meet and greet		Could OGS provide us with a list of MWBE attendees who attended the meet and greet session. We had anticipated a large turnout but by the number of business cards received we believe that there were far fewer than even the state's website for certified MWBE's indicates much less those you are yet to certify. We have a great interest to meet and exceed this requirement.	For a comprehensive listing of potential M/WBE partners and subcontractors, please visit Empire State Development Corporation's director of certified Minority and Women-Owned Businesses at: http://www.nylovesmwbe.ny.gov/cf/search.cfm
18	4	Can I show the placements of the Joint venture firm with govt entities in last 2 years as part of my proposal to fulfill mandatory 5 placements in each category	Yes, the references submitted in the Technical Proposal can and should be based on the combined experience of the members of the Joint Venture	Other than the combined technical proposal, What are the documents that need to be submitted in the bid by a Joint venture firm, like Joint venture contract etc.	See amendment to the RFP.
19	4	Can I show the placements of the Joint venture firm with govt entities in last 2 years as part of my proposal to fulfill mandatory 5 placements in each category	Yes, the references submitted in the Technical Proposal can and should be based on the combined experience of the members of the Joint Venture	Can the Joint venture firm be someone who did not submit mandatory Intend to bid and pre bid conference. The prime bidder fulfilled all mandatory requirements.	Yes, only the prime bidder in a joint venture is required to have fulfilled all mandatory pre-bid tasks.
20	129	Must the bidder supply rates for ALL regions (1, 2, 3)? Due to geographic locations, some bidders are more likely to respond to 'upstate' requirements and others to 'downstate' (New York City agencies).	Yes, a responsive Bid will include proposed rates for ALL job titles in Attachment 6, across the two Service Groups and three geographic Regions.	Will the contract be awarded by Service Group specific or for both service groups together only. Each Job Title in service groups will have different bill rates. While evaluating will you consider each job bill rate or average of all.	Contract awards will not be awarded by Service Group, rather they will be made for both service groups together. Also, contract awards will also be made in accordance with the evaluation criteria set forth in Section 7 of the RFP.

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21		Can a "Waitlist" contractor act as a subcontractor to an "Active" contractor during the "Waitlist" period?	No. A party who is awarded one of the 25 HBITS contracts cannot subcontract through any other Contractor.	This will put the waitlisted vendor in a disadvantage position. How will the waitlisted vendor then place consultants currently working in NY state under the backdrop IT services contract.	The IT Services backdrop contract expired on 12/31/11 and the HBITS contracts should not be considered as IT Services backdrop contracts. The waitlisted vendor is not precluded from responding to non-HBITS procurements, such as agency-specific RFPs.
22	#10	Can a MBE or WBE or other subcontracting partner be submitted by multiple primes or must they be a part of only one vendor's proposal response?	This procurement does not regulate the number of subcontracting relationships that any subcontractor can develop with prime vendors. A given MBE or WBE can be identified on multiple Bidders' Utilization Plan submissions.	Can a prime bidder or selected prime vendor prohibit an MWBE subcontractor from working with other prime bidders or vendors on the HBITS proposals/contracts, thus requiring an MWBE subcontractor to work only with them?	The MWBE goals are specifically designed to encourage participation by MWBEs in the State contracting process. As a Contractor, an entity must document its good faith efforts to provide meaningful participation by MWBEs as subcontractors or suppliers in the performance of the Contract. While OGS does not provide legal advice to vendors, due consideration must be given to how a Contractor can demonstrate its good faith efforts if it restricts MWBE opportunities.
23	#536	Can you share with us the reason behind only choosing 20 active vendors and 5 waitlist vendors out of 629 active vendors currently in OGS IT vendor list?	The HBITS model was developed using input from vendors and Executive Agencies through the August 2011 RFI, data collection, end user interviews, and the Vendor Roundtable. Further, the State identified that only 21 vendors accounted for 91% of Executive Agency spend in the HBITS category during SFY 10-11.	Since the state has identified that 21 vendors accounted for 91% of Executive Agency spend in the HBIT category during SFY 10-11, will OGS release the names of those 21 vendors to the current bidders?	No.
24	#397	Can the State verify that "Wages" refers to W-2 employees and not 1099 contractors. According to the services as defined in this RFP, candidates would not qualify as 1099 contractors according to IRS' definition of allowable services.	While OGS cannot provide tax advice or interpretation, please note that the definition of "Candidate" in the RFP refers to a person proposed by a Contractor in response to a request from an Authorized User, prior to selection by an Authorized User. Additional information is needed. Please submit a clarifying question on this point.	Misclassification of IT consultants as 1099 contractors has been ongoing issue within the IT sector and costs the state government millions of dollars every year in lost tax revenue. This problem has been a point of emphasis within NYS and it would seem that OGS would want to ensure the terms of their contract are in line with both the DOL and the IRS on this matter. Since this contract is an hourly-based contract and specifically not for deliverables, no consultants provided by vendors should legally qualify by stated IRS standards to be classified as 1099 contractors. To ensure that all bidders comply with the law with regard to classifying employees properly and are on equal terms with regard to required payroll tax burdens for W-2 employees, will OGS make it a requirement that all consultants provided must be W-2 employees of either the prime contractor or their legitimate subcontractors?	OGS does not mandate that all consultants are to be W-2 employees. This response is not intended nor should be considered as an endorsement of vendors non-compliance with applicable State and Federal laws.
25	9	Can a company submit a proposal as a potential prime vendor AND be included in another company's proposal as a potential subcontracting partner?	Yes. Subcontractors will not be included as part of a Bidder's proposal unless the subcontractor is an MBE or WBE that is specified in the Utilization Plan. In either case, a potential subcontractor to another vendor may submit their own proposal as a primary Bidder.	This response appears to be in conflict with item 13 in the Bid Solicitation Update #1: "A Contractor serving as a Prime Contractor under this procurement is prohibited from also serving as a subcontractor to another Prime Contractor."	Bid Solicitation Update #1 refers to the Active Contractors, i.e. the phase after contracts have been awarded and approved by the State Comptroller's Office. The Original question referred to proposal submissions, not actual work under the resultant HBITS contracts.
26	44	Could you please clarify "minimum utilization"?	Authorized Users of the contract have discretion on the number of hours a consultant will work in any given week and/or month.	Will the Authorized Users be required to disclose the anticipated utilization in the initial definition of the staff requirements to be disclosed in advance to the potential bidders?	This process has not been finalized. OGS will consider this input to the final process.
27	397	Can the State verify that Wages refers to W-2 employees and not 1099 contractors. According to the services as defined in this RFP candidates would not qualify as 1099 contractors according to the IRS' definition of allowable services.	While OGS cannot provide tax advice or interpretation, please note that the definition of "Candidate" in the RFP refers to a person proposed by a Contractor in response to a request from an Authorized User, prior to selection by an Authorized User. Additional information is needed. Please submit a clarifying question on this point.	Does this contractor allow for the prime and/or their subs to submit candidates which are not their employees but rather independent contractors(i.e. one person corporations).	Any Active Contractor is allowed to submit candidates, in response to requisitions from Authorized Users, which are not their employees but rather independent contractors. A contractor is governed by State and Federal law.

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28	448	While the RFP sets minority and woman owned business goals of 11% and 9% respectively of billings there may be an assumption that MWBE subcontractors will enjoy a reasonable profit from the hourly markup as participants in this contract. However in some instances in other New York State engagements, while complying with MWBE participation goals prime contractors have required MWBE subcontractors to provide resources at unreasonably low margins in return for participating in the contract. Prime vendors can easily meet MWBE contract value participation goals by offering MWBE participation in the contract at negligible profit margins. The State assumes that participating in State contracts results in profitable work. While we are sure that is the State's intent it is not always the case, Small MWBE's therefore must choose between accepting unreasonably low margin rates or not participating at all. Since the State requires prime contractors to report on meeting MWBE participation goals would it also require prime contractors to report what margin rates were imposed on MWBE subcontractors?	The Report of Contract Purchases (Attachment 3 to the HBITS RFP) requires that Contractors report the Wage Rate and Markup for all consultants provided to the State during that reporting period, including MWBEs.	The attachment does not indicate who receives the difference between the pay rate and the markup. In other questions you have indicated that you do not want to get involved in the relationship between the prime and the subs. Do you not think it would be more responsible to the ideals of Minority subcontracting to keep track of how much of the markup is going to the prime and how much is going to the MBE.	The reporting of markup information to the State is a distinct and separate issue from the involvement in the actual Prime Contractor/subcontractor relationship. OGS understands the procurement model and reporting format it has described and explained.
29	32	Can subcontractors assume that they will receive an hourly wage rate that is, at a minimum, equal to the hourly wage rate in the primary contractors proposals?	The Hourly Bill Rate will be fixed in the contract and it will be up to the Contractors to manage costs and quality of candidates with subcontractors. Actual placements of candidates could have slight deviations in Wage Rate as long as quality is maintained, but Hourly Bill Rates will not adjust. NYS will not manage the relationship between Contractors and subcontractors.	You keep mentioning that the hourly bill rate is fixed and do not mention the Markup percentage. Does this mean that the markup percentage does not have to be maintained as long as the hourly wage rate does not change. In the case where a candidates pay rate is lower than the one submitted on the contract can a vendor use the contacts wage rate even though the calculated markup percentage would be higher than the one submitted in the proposal as long as the wage rate does not increase?	The Hourly-Bill rate to Authorized Users will not change, with the exception of CPI adjustments to the Hourly Wage Rates. Please see the amended Section 3.2.2.1 of the HBITS RFP for updated language regarding the Hourly Wage Rate.
30	293	Can subcontractors assume that they will receive an hourly wage rate that is, at a minimum, equal to the hourly wage rate in the primary contractors proposals?	The Hourly Bill Rate will be fixed in the contract and it will be up to the Contractors to manage costs and quality of candidates with subcontractors. Actual placements of candidates could have slight deviations in Wage Rate as long as quality is maintained, but Hourly Bill Rates will not adjust. NYS will not manage the relationship between Contractors and subcontractors.	The state is creating a situation where the prime is under no obligation to pay the MBE subcontractor a minimum markup and can keep most of the markup for themselves. You may be giving the MBE's revenue but absolutely no profit. A smart prime could subcontract all of their work to subs and keep a majority of the markup for themselves, since all of the candidates would be employees of the subs the prime would have no employee overhead. Would the state consider requiring a minimum percentage of the markup to MBE subs to avoid this situation?	OGS declines the requested change.
31	227	Can you define tie break rules if same candidate is submitted by mor than one contractor?	The candidate who is submitted by the Contractor first will be accepted.	Amendment 1 added the sentence that in the event two Active Contractors submit the same candidate for the same requisition, on the Contractor with the lower Hourly Bill Rate will be considered. However the answer posted to Question #227 states the cadidate who is submitted by the Contractor first will be accepted. Will the Contractor with the lower Hourly Bill Rate be considered or will the Contractor who submits the candidate first be accepted?	The OGS response to Question 227 is hereby deleted. The language added in Amendment 1 shall be controlling.

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32	9	Can a company submit a proposal as a potential prime vendor AND be included in another company's proposal as a potential subcontracting partner?	Yes. Subcontractors will not be included as part of a Bidder's proposal unless the subcontractor is an MBE or WBE that is specified in the Utilization Plan. In either case, a potential subcontractor to another vendor may submit their own proposal as a primary Bidder.	In BID SOLICITATION UPDATE # 1 Dated December 23, 2011 we find amendment No. 13 which states that "A Contractor is required to identify any and all subcontractors involved with the placement of a consultant with an Authorized User. This includes subcontractors that are directly paying the Hourly Wage Rate to the hired consultant. A Contractor shall also identify if any subcontractor is a New York State certified M/WBE. A Contractor serving as a Prime Contractor under this procurement is prohibited from also serving as a subcontractor to another Prime Contractor". This statement looks like a contradiction to the OGS response. Please clarify.	This is not a discrepancy. The information required in a Bidder's Utilization plans is separate from the questions asked in the Technical Proposal. M/WBE subcontractors must be identified in a Bidder's Utilization Plan so OGS is able to determine a Bidder's compliance with Appendix C of the RFP. Specific subcontractors are not being evaluated in a Bidder's proposal, especially for the purpose of determining compliance with mandatory minimum requirements, which was the intent of OGS' response to the original question.
33	9	Can a company submit a proposal as a potential prime vendor AND be included in another company's proposal as a potential subcontracting partner?	Yes. Subcontractors will not be included as part of a Bidder's proposal unless the subcontractor is an MBE or WBE that is specified in the Utilization Plan. In either case, a potential subcontractor to another vendor may submit their own proposal as a primary Bidder.	1. If a company could provide some specialized skills as a subcontractor, but that company is not a WBE or MBE, how can they become involved in this bidding process?	A company is not required to be a MBE or WBE to perform as a subcontractor under the HBITS contracts.
34	44	How will SBE's be provided an opportunity through this contract? How do we retain our current state customers?	As it pertains to this specific procurement, all bidders are provided an opportunity to do HBITS business with the state in the following ways: (1) win an award as a prime Contractor; (2) enter into a joint venture; or (3) subcontract with prime Contractors.	We are a NYS Business with a highly specialized skill set. We cannot provide all of the required services, so we will not be able to be a bidder on this contract. It appears that only MBE and WBE companies can be included in proposals as subcontractors. It was also stated at the Pre-Bid conference that a company can only enter into one Joint Venture proposal with one firm. If there are limits to subcontracting and joint ventures, it becomes a gamble to pick a company that will be one of the selected 20-25 firms. 1. Can you confirm that a company can only be proposed as part of one joint venture? and, 2. Will ALL future hourly IT Services contracts be limited to the 25 selected prime/joint bidders, and to the WBE/MBE subcontractors they utilize (thereby putting even subcontracting opportunities out of the reach of hundreds of other non-WBE/MBE IT companies)?	Potential subcontractors are not required to be MBEs and WBEs. A company must not appear as a bidder (joint venture or not) in more than ONE proposal.
35	186	the HBITS Contract shall not be used for deliverable-based consulting services. We are a single-source vendor that has supplied software and technical support services for our software alone via the old IT Services Back-Drop contract. As a very SBE, we do not have the resources to supply IT staffing nor the desire. Does this new HBITS contract apply to what we do? Do our services fall under the above "deliverable-based" definition? In which case, how do we continue servicing our own software?	Vendors providing services under the IT Services Back-Drop contract that are unrelated to HBITS will contract directly with agencies or utilize alternative contracts. The HBITS contract is limited to hourly-based deliverables.	In the old IT contract, we provided specialized hourly rate services to many agencies, to update software applications -- including web applications -- that our company developed. How can these types of on-going, hourly-rate maintenance contracts be continued or procured through this new hourly-rate based process?	The HBITS contracts are not meant to fully replace all services that were offered under the previous IT Services backdrop contract. NYS governmental entities will need to use different procurement mechanism, such as a Request for Proposals, to obtain services that fall outside the scope of the HBITS RFP.
36	226	Regarding the Out-of-Scope services, can you specify which services are considered "Ancillary"?	Under the current IT Services backdrop contract, Ancillary Job Classifications/Titles are intended for other than hourly pricing such as per call pricing. As such, they fall outside the scope of this RFP. For additional information, please refer to the IT Services backdrop contract which can be found at the following location: (http://ogs.ny.gov/purchase/snt/awardnotes/73012s960275spec.pdf).	The IT Services document referenced, http://ogs.ny.gov/purchase/snt/awardnotes/73012s960275spec.pdf , mentions ancillary services and gives examples (Help Desk Telephone Support, Imaging Services) but does not have any complete list of Group 2 Ancillary Services. Section VI.7 in the same document refers to another website containing the Contractor Amendment packet, but that document link is no longer active. Can you please provide a LIST of ancillary services referred to in the table in section 2.1.1 (page 9) of this RFP so that we can determine which services are not covered?	Such a list does not exist as ancillary services, if they were able to be provided, varied from vendor to vendor. The scope of the HBITS contract is limited to the job titles set forth in Attachment 6.

CQ #	Original Bidder Inquiry # (specified by Bidder)	Original Question (specified by Bidder)	OGS Response to Original Question (specified by Bidder)	Clarifying Question (specified by Bidder)	Response (provided by NYS)
37	576	You have lumped the skills Access and Oracle in the "Normal" group containing some 395 disparate skills. Is it your intention for vendors to quote the same labor rate for a Senior Access Programmer as a Senior Oracle Programmer even though the average salary of an Access Programmerr is approximately 23% less than that of an Oracle Programmer according to www.indeed.com?	See Amended version of Attachment 6 in which we have reclassified Oracle as a High Skill Demand.	When it was brought to your attention in Question # 576 that the wage for an Access Programmer is 23% less than that of an Oracle Programming according to www.indeed.com (both skills had been in the "Normal Skill Demand" group) your response was to remove Oracle from the Normal Skill Demand group and place it in the High Skill Demand group. Similarly you have Access and Java lumped in the "Normal Skill Demand" group containing some 405 disparate skills. Is it your intention for vendors to quote the same labor rate for a Senior Access Programmer as a Senior Java Programmer even though the average salary of an Access Programmer is approximately 31% less than that of a Java Programmer according to www.indeed.com?	Our expectation is that the wage rate will be market-driven and that each vendor will bid mark-up percentages where they believe they can be competitive while still making a reasonable profit.
38	576	You have lumped the skills Access and Oracle in the "Normal" group containing some 395 disparate skills. Is it your intention for vendors to quote the same labor rate for a Senior Access Programmer as a Senior Oracle Programmer even though the average salary of an Access Programmerr is approximately 23% less than that of an Oracle Programmer according to www.indeed.com?	See Amended version of Attachment 6 in which we have reclassified Oracle as a High Skill Demand.	Similarly you have CAD and CCNA Security lumped in the "Normal Skill Demand" group containing some 405 disparate skills. Is it your intention for vendors to quote the same labor rate for a Mid Level CAD Specialist as a Mid Level CCNA Security Specialist even though the average salary of a CAD Specialist is approximately 35.5% less than that of a CCNA Security Specialist according to www.indeed.com?	Our expectation is that the wage rate will be market-driven and that each vendor will bid mark-up percentages where they believe they can be competitive while still making a reasonable profit.
39	576	You have lumped the skills Access and Oracle in the "Normal" group containing some 395 disparate skills. Is it your intention for vendors to quote the same labor rate for a Senior Access Programmer as a Senior Oracle Programmer even though the average salary of an Access Programmerr is approximately 23% less than that of an Oracle Programmer according to www.indeed.com?	See Amended version of Attachment 6 in which we have reclassified Oracle as a High Skill Demand.	Similarly you have Drupal and OBIEE lumped in the "High Skill Demand" group containing some 207 disparate skills. Is it your intention for vendors to quote the same labor rate for a Drupal Developer (programmer) as an OBIEE Developer (programmer) even though the average salary of a Drupal Developer is approximately 25.3% less than that of an OBIEE Developer according to www.indeed.com?	Our expectation is that the wage rate will be market-driven and that each vendor will bid mark-up percentages where they believe they can be competitive while still making a reasonable profit.
40	576	You have lumped the skills Access and Oracle in the "Normal" group containing some 395 disparate skills. Is it your intention for vendors to quote the same labor rate for a Senior Access Programmer as a Senior Oracle Programmer even though the average salary of an Access Programmerr is approximately 23% less than that of an Oracle Programmer according to www.indeed.com?	See Amended version of Attachment 6 in which we have reclassified Oracle as a High Skill Demand.	Do you realize that the salaries of many skills in the Normal Skill Demand group match perfectly with salaries of many skills in the High Demand Group and yet you are requiring different Bill Rates? Doesn't it make more sense to have skills with similar wage rates grouped together?	OGS understands the pricing model it has described in the RFP.
41	576	You have lumped the skills Access and Oracle in the "Normal" group containing some 395 disparate skills. Is it your intention for vendors to quote the same labor rate for a Senior Access Programmer as a Senior Oracle Programmer even though the average salary of an Access Programmerr is approximately 23% less than that of an Oracle Programmer according to www.indeed.com?	See Amended version of Attachment 6 in which we have reclassified Oracle as a High Skill Demand.	Do you believe it is in New York State's best economic interest to pay inflated Bill Rates for Access, CAD and Drupal (please understand that we can give many more examples) ? If not, do you intend to correct this fundamental flaw in your model?	OGS disagrees with both the premise and assumptions raised in this clarifying question. A response to this question is not required for a Bidder to submit a response to this RFP.

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42	30, 31, 32, 125, 221, 233, 272, 291, 292, 293, 309, 310, 445, 446, 452, 455, 456, and 582	Will the 20-25 approved prime contractors be required to pay the hourly wage rate specified in the HBITS proposal when a candidate is placed through their firm?	The Hourly Bill Rate will be fixed in the contract and it will be up to the Contractors to manage costs and quality of candidates. The initial Hourly Bill Rates will be set based on a Wage Rate and Markup percentage. Actual placements of candidates could have slight deviations in Wage Rate as long as quality is maintained, but Hourly Bill Rates will not adjust.	In your answer you introduce a new term "slight deviations in Wage Rate" without defining it. Please define what the term "slight deviations in Wage Rate" means in either an arithmetic equation or percentage so that all respondents will be operating under the same assumptions.	Please see the amendment to the RFP.
43	221	If Contractor identifies a qualified resource that requests an Hourly Wage Rate that is less than the wage rate outlined in Contractors Attachment #6, can the Contractor pay the lower hourly wage rate to the resource, multiply the lower labor rate by the Contractors stated "Mark-up" and charge OGS a lower bill rate or should the Contractor pay the higher Hourly Wage Rate outlined in Contractors Attachment #6 and bill OGS the higher allowed bill rate?	The Hourly Bill Rate will be fixed in the contract and it will be up to the Contractors to manage costs and quality of candidates. The initial Hourly Bill Rates will be set based on a Wage Rate and Markup percentage. Actual placements of candidates could have slight deviations in Wage Rate as long as quality is maintained, but Hourly Bill Rates will not adjust at the time of placement.	It appears in your answer that you are stating that it is NOT permissible to lower the bill rate even though the wage rate is less than what is quoted in Attachment #6. Is this true? And if so are the Authorized Users in agreement with this position?	Please see the amendment to the RFP.
44	190, 232, 275, 308, 383, 384, 573, 589, 591, and 593	The State encourages firms, regardless of size to submit a bid in response to this RFP and to partner with other firms, S/M/WBE firms to meet the demand. However, the pricing algorithm of hourly wage plus markup percentage puts subs. especially SBEs at a severe pricing disadvantage. How does OGS plan to bridge this inconsistency.	OGS does not agree that there is inconsistency here. Wage rates are set by the market and you have complete discretion to set Markups. NYS intends to pay a consistent mark-up from wage rate paid to contractors. The prime vendors are responsible for managing the costs incurred for each placement regardless of the source of that consultant. Our expectation is that the wage rate will be market-driven and that each vendor will bid mark-up percentages where they believe they can be competitive while still making a reasonable profit.	In your answer to Questions #30, 31, 32, 125, 221, 233, 272, 291, 292, 293, 309, 310, 445, 446, 452, 455, 456, and 582 you state that Wage Rate "could have slight deviations" but in your answers to Questions # 190, 232, 275, 308, 383, 384, 573,589,591, and 593 you state that Wage Rates "will be market driven". These are 2 opposing views, for if Wage Rates are subject to only slight deviations they cannot be market driven (since the market does not limit itself to slight deviations) and if they are market driven they cannot be limited to slight deviations. The only time Wage Rates are market driven AND subject to slight deviations is when and only when the market itself is subject to slight deviations and those instances are impossible to predict. Please reconcile these 2 opposing views.	OGS has amended the RFP to clarify the term "slight deviations."
45	190, 232, 275, 308, 383, 384, 573, 589, 591, and 593	The State encourages firms, regardless of size to submit a bid in response to this RFP and to partner with other firms, S/M/WBE firms to meet the demand. However, the pricing algorithm of hourly wage plus markup percentage puts subs. especially SBEs at a severe pricing disadvantage. How does OGS plan to bridge this inconsistency.	OGS does not agree that there is inconsistency here. Wage rates are set by the market and you have complete discretion to set Markups. NYS intends to pay a consistent mark-up from wage rate paid to contractors. The prime vendors are responsible for managing the costs incurred for each placement regardless of the source of that consultant. Our expectation is that the wage rate will be market-driven and that each vendor will bid mark-up percentages where they believe they can be competitive while still making a reasonable profit.	If your response is that Wage Rates are market driven up to the proposal submission date but after the proposal submission date are only subject to slight deviations, do you understand that the market will continue to function robustly after the proposal submission date (in other words not be limited to slight deviations)?	OGS expects continued competition from the Contractors chosen for award.
46	201	Can a "Waitlist" contractor act as a subcontractor to an "Active" contractor during the "Waitlist" period?	No. A party who is awarded one of the 25 HBITS contracts cannot subcontract through any other Contractor.	Do you realize that the outcome will be that all the Waitlisted Contractors will be effectively frozen out of doing any business with any Authorized Users through HBITS for at least a year? Is that your intention?	Waitlisted Contractors are not precluded from responding to non-HBITS procurements in NYS. Furthermore, if a contractor receives work while an Active contractor, it would continue such work even if moved to a waitlist status (unless otherwise terminated by the Authorized User).
47	201	Can a "Waitlist" contractor act as a subcontractor to an "Active" contractor during the "Waitlist" period?	No. A party who is awarded one of the 25 HBITS contracts cannot subcontract through any other Contractor.	Pertaining to the above: Do you realize that given this model it would actually be more beneficial for a Contractor to have its proposal rejected outright than be waitlisted because if its proposal is rejected outright then it at least has the opportunity to subcontract to one of the "Active" Contractors? Is that your intention?	OGS understands the model it has proposed.
48	578	Attachment 6 of the RFP is divided into 3 Regions (Region 1, Region 2, and Region 3). Will the vendors be evaluated independently for each Region? In other words is it possible for the 20 winning vendors for Region 1 to be different from the 20 winning vendors for Region 2 and Region 3?	No, a responsive Bid will include proposed rates for ALL job titles in Attachment 6, across the two Service Groups and three geographic Regions.	Is it therefore, your intention to have the indential contractor pool for all three (3) regions?	Yes.

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49	578	Attachment 6 of the RFP is divided into 3 Regions (Region 1, Region 2, and Region 3). Will the vendors be evaluated independently for each Region? In other words is it possible for the 20 winning vendors for Region 1 to be different from the 20 winning vendors for Region 2 and Region 3?	No, a responsive Bid will include proposed rates for ALL job titles in Attachment 6, across the two Service Groups and three geographic Regions.	Pertaining to the above: If this is so, do you realize that this response is in opposition to the concept of "best value" and fails to acknowledge the benefit of having regional vendors support regional needs?	OGS understands the model it has proposed but disagrees that the resultant contracts and placements are not "best value."
50	578	Attachment 6 of the RFP is divided into 3 Regions (Region 1, Region 2, and Region 3). Will the vendors be evaluated independently for each Region? In other words is it possible for the 20 winning vendors for Region 1 to be different from the 20 winning vendors for Region 2 and Region 3?	No, a responsive Bid will include proposed rates for ALL job titles in Attachment 6, across the two Service Groups and three geographic Regions.	Pertaining to the above: For example how would you handle the following scenario: Contractor A is doing a fantastic job supporting the Authorized Users in Region 1 but is virtually absent in Region 2 to the point that the Authorized Users in Region 2 are effectively down to 19 Active Contractors. Do you waitlist Contractor A effectively penalizing the satisfied Authorized Users in Region 1 depriving them of a responsive Contractor or do you keep Contractor A "Active" and effectively provide inferior support to the Authorized Users of Region 2? (There are many other scenarios we can develop to illustrate that this is an inferior model)	The criteria that will be used to establish and maintain the HBITS Waitlist has been provided in the RFP.
51	578	Attachment 6 of the RFP is divided into 3 Regions (Region 1, Region 2, and Region 3). Will the vendors be evaluated independently for each Region? In other words is it possible for the 20 winning vendors for Region 1 to be different from the 20 winning vendors for Region 2 and Region 3?	No, a responsive Bid will include proposed rates for ALL job titles in Attachment 6, across the two Service Groups and three geographic Regions.	Pertaining to the above: Isn't it far better to have each Contractor pool be independent across Regions so if a Contractor fails to perform in one region it can be waitlisted without adversely impacting Authorized Users it happens to be supporting well in other Regions?	OGS believes the model it has proposed, and the resultant Contractors that are selected, will be able to serve all regions of NYS efficiently.
52	578	Attachment 6 of the RFP is divided into 3 Regions (Region 1, Region 2, and Region 3). Will the vendors be evaluated independently for each Region? In other words is it possible for the 20 winning vendors for Region 1 to be different from the 20 winning vendors for Region 2 and Region 3?	No, a responsive Bid will include proposed rates for ALL job titles in Attachment 6, across the two Service Groups and three geographic Regions.	Pertaining to the above: Why isn't it in New York State's best economic interest to have the best Contractor Pool unique to each region? (In the same way New York State determined it was in it's best economic interest to have regional suppliers of road salt.)	This information is not necessary for the development of a proposal in response to this RFP.
53	578	Attachment 6 of the RFP is divided into 3 Regions (Region 1, Region 2, and Region 3). Will the vendors be evaluated independently for each Region? In other words is it possible for the 20 winning vendors for Region 1 to be different from the 20 winning vendors for Region 2 and Region 3?	No, a responsive Bid will include proposed rates for ALL job titles in Attachment 6, across the two Service Groups and three geographic Regions.	Pertaining to the above: Do you realize that having different Contractor pools for each Region will be virtually transparent to the operation of HBITS in that OGS will still be only receiving a maximum of 40 resumes per requirement whether each Region has the same Contractor pool or not?	This is not a clarifying question.
54	90	It is likely that firms within the Active Vendor Pool will have different prices for the same title. Will price be a factor in the ultimate selection of IT consultants by agencies and Authorized Users or will they be able to select resumes solely based on qualifications and experience?	Hourly Bill Rates will vary across the Bidders. Hourly Bill Rates established in the resulting contracts will be a factor considered by the HBITS MSP when selecting resumes for agency consideration.	What percentage will the financial factor be compared to the technical competency of the resume? Is it a qualifying resume with the lowest price or is it a combination of technical and financial?	Please see the amendment to the RFP.
55	7	will you consider placements to Gov't entity through another prime vendor for the mandatory 5 placements. We can prove those placements.	No. We will only consider direct sales, i.e. those that were directly invoiced to the government entity.	A number of states use a Managed Service Provider (Maine, Pennsylvania, Arkansas, New Jersey, Delaware, Virginia). Invoices go to the company who is managing that system not to the government entity. Can these placements be used by the company that has submitted to consultant into the system? Or does the company who has the vendor management contract use them? That would be literally hundreds of placements for them and none for the companies that sourced the consultants. Will companies be scored higher for the amount of placements that have been made?	We will only consider direct sales, i.e. those that were directly invoiced to the government entity. Contract awards will be made in accordance with the evaluation criteria set forth in RFP Section 7.

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56	289	The HBITS model emphasizes a significant decrease in the number of primary contractors(20-25). The "Current Contract" has 700+ approved contractors. Clearly there will be a large emphasis on subcontracting arrangements. Because subcontractors will most certainly now be required to pay a fee to the approved prime contractors, would the Procurement Services Group consider adding a section on the proposal that would require all bidders to publish(at submission) their pre-approved markup when dealing with subcontractors?	Once the contracts are executed all contract information, including pricing, will be posted to the internet.	OGS requires a Bidder to provide Hourly Wage Rates and Markup percentages for Service Groups 1 and 2. This information will ultimately become public information in the final HBITS contract on the OGS PSG website if a bidder is selected for award. Our company considers Hourly Wage Rates and Markup percentages as confidential/proprietary information of the company. Will this information be exempt from public disclosure if a bidder requests the State to not disclose the information in accordance with Section 87 of the Public Officers Law?	Disclosure of materials in response to a FOIL request is determined upon a receipt of a specific request. As noted in the RFP, please see appendix B §§14 and 16 for additional information regarding the process for asserting claims of confidentiality on materials submitted in a proposal.
57	466	Last paragraph, first bullet: Please specify what constitutes an "approved" form per OGS.	Typically that is an Accord form.	The RFP requires that: "Unless otherwise agreed, policies shall be written so as to include a provision that the policy will not be canceled, materially changed, or not renewed without at least thirty (30) days prior written notice except for non-payment as required by law to OGS." In 2010 the ACCORD company updated its' ACCORD certificate of insurance form due to regulatory requirements. ACCORD replaced the (30) day written cancellation notice with the following wording: "Should any of the above described policies be cancelled before the expiration date thereof, notice will be delivered in accordance with the policy provisions." Will OGS revise the requirement in Section 9.6.1.1 to reflect ACCORD's current wording?	No, OGS will not revise the requirement. The thirty day notice can be provided through an endorsement and we require that the endorsement be provided.
58	201	Can a "Waitlist" contractor act as a subcontractor to an "Active" contractor during the "Waitlist" period?	No. A party who is awarded one of the 25 HBITS contracts cannot subcontract through any other Contractor.	It would seem that a vendor on the waitlist is precluded from doing any business with NYS under HBITS while all other vendors have the opportunity to do so - either directly or indirectly as a subcontractor. The business impact of this decision on the waitlisted vendor has the potential to be very large. Would the state re-consider allowing a waitlisted contractor to subcontract while on the waitlist?	No.
59	86	Will a vendor on the waitlist have any opportunity to provide any resources to the State during the year that the vendor is not part of the "Active Vendor Pool"?	A Contractor on the Waitlist will not have any opportunity to provide any new resources to any Authorized User under the contract.	It has been noted in the answer to Question 86 that a vendor awarded a position on the Wait List will not have an opportunity to provide any new resources. As a S/M/WBE this would severely impact our business. Would OGS reconsider and allow S/M/WBE's to function as subs to the vendors on the active list?	No.
60	9	Can a company submit a proposal as a potential prime vendor and be included in another company's proposal as a potential subcontracting partner?	Yes. Subcontractors will not be included as part of a Bidder's proposal unless the subcontractor is an MBE or WBE that is specified in the Utilization Plan.	Can a vendor classified as an SBE on the old OGS Backdrop be listed on a prime vendor's MWBE Utilization Plan? Can a SBE function as a subcontractor to a Prime?	An SBE can function as a subcontractor to a Prime Contractor under the HBITS contracts. If the SBE is certified as a MBE or WBE, it can be listed on the MWBE Utilization Plan by a prime vendor.
61	New			Can additional questions be submitted after the January 10th date for the release of Clarifying Questions and Answers?	No.
62	15	Has the state mandated that any contractors awarded under the HBITS contract be given to S/W/MBE firms?	New York State Finance Law does not permit OGS to give preference to any Bidder, regardless of MWBE status. In addition, New York State Law does not permit the setting of goals regarding the engagement of small business enterprises.	This response indicates that NYS can't give preference to MWBE per NYS finance law, yet the proposal clearly states a 20% MWBE goal. Does NYS finance law specify the difference between a "goal" and a "preference"? If the goal of 20% is not achieved, will there be an action plan to strive for the 20% goal?	Appendix C governs the procedures OGS will use regarding Contractors compliance with the MWBE goals that have been set for this procurement. The term "preference" refers to the fact that NYS Finance Law does not permit OGS to give preference to any Bidder based on their status as an MWBE. This language includes the concept of setting a side of a certain number of contract awards to directly award to MWBEs.
63	18	What determines minimum position requirements used for rejection and where will they be defined?	Minimum position requirements are those that are included in the job title, level and skill demand definitions of the attachment 6 of the RFP. In addition, an Authorized User will provide additional desired skill sets or qualifications via a standard Requisition form?	Will the initial screen by the MSP just look at minimum technical requirements or will the MSP reject submissions that they deem to be financially unresponsive? For example, if the MSP receives 10 resumes, will they rank the 10 resumes based on the hourly bill rate, and apply a cutoff hourly bill rate and only forward the resumes that are below that bill rate?	Please see the amendment to the RFP.
64	25	After award, where can we get the list of awarded vendors?	Awarded contractors will be posted to the OGS website after contracts have received the control agency approvals.	There are several concerns that potential bidders have expressed as a result of this contract. Will the control agencies referred to in this questions also receive the entire list of Q&A's as well as the Clarifying Questions?	All questions and responses have been posted to the HBITS RFP website. This website is accessible to both the general public and control agencies.

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65	25	After award, where can we get the list of awarded vendors?	Awarded contractors will be posted to the OGS website after contracts have received the control agency approvals.	Will OGS provide a location where all proposals(in their entirety) can be viewed?	The timing of when such a request would be made was not identified in this question. Disclosure of materials in response to a FOIL request is determined upon a receipt of a specific request.
66	25	After award, where can we get the list of awarded vendors?	Awarded contractors will be posted to the OGS website after contracts have received the control agency approvals.	Are all submitted proposals available under the Freedom of Information Law?	Disclosure of materials in response to a FOIL request is determined upon a receipt of a specific request.
67	30	Will the 20-25 approved prime contractors be required to pay the hourly wage rate specified in the HBITS proposal when a candidate is placed through their firm?	The hourly bill rate will be fixed in the contract and it will be up to the contractors to manage costs and quality of candidates. The initial hourly bill rates will be set based on a Wage Rate and Markup Percentage. Actual placements of candidates could have slight deviations in Wage Rates as long as quality is maintained, but Hourly bill rates will not adjust.	The term "slight deviations" in regard to the wage rate is used extensively throughout the Q&A. Furthermore, as a potential prime contractor, we can potentially be audited by the Procurement Services Group with regard to our correctly paying the wage rate. How can we possibly be sure we are paying the correct wage rate when the language allows for "slight deviations" against this wage rate? Would it be possible to place a more objective qualifier around this language? For example, wage rate must be within x% of the published wage rate?	Please see the amendment to the RFP.
68	30	Will the 20-25 approved prime contractors be required to pay the hourly wage rate specified in the HBITS proposal when a candidate is placed through their firm?	The hourly bill rate will be fixed in the contract and it will be up to the contractors to manage costs and quality of candidates. The initial hourly bill rates will be set based on a Wage Rate and Markup Percentage. Actual placements of candidates could have slight deviations in Wage Rates as long as quality is maintained, but Hourly bill rates will not adjust.	Will the Wage Rates be publicly posted for the winning vendors?	Please see Section 6.2 of the HBITS RFP.
69	30	Will the 20-25 approved prime contractors be required to pay the hourly wage rate specified in the HBITS proposal when a candidate is placed through their firm?	The hourly bill rate will be fixed in the contract and it will be up to the contractors to manage costs and quality of candidates. The initial hourly bill rates will be set based on a Wage Rate and Markup Percentage. Actual placements of candidates could have slight deviations in Wage Rates as long as quality is maintained, but Hourly bill rates will not adjust.	We believe that a large portion of future NYS IT spend will come in the form of existing consultants reapplying for existing positions. If we currently have a consultant in a NYS contract position at a wage rate below our published wage rate, will we be required to raise his or her wage to the wage rate when this contract goes into effect? We are not referring to the "current contract" but rather consultants working under the "Current Contract" that get transitioned to the HBITS contract.	Existing assignments will continue through their current project end date, or until terminated by the Authorized User. NYS has not mandated wage rate adjustments on a statewide level, however, nothing in this RFP or the resulting contracts shall be construed to impede a NYS governmental entity's rights under terms and conditions of existing contracts.
70	30	Will the 20-25 approved prime contractors be required to pay the hourly wage rate specified in the HBITS proposal when a candidate is placed through their firm?	The hourly bill rate will be fixed in the contract and it will be up to the contractors to manage costs and quality of candidates. The initial hourly bill rates will be set based on a Wage Rate and Markup Percentage. Actual placements of candidates could have slight deviations in Wage Rates as long as quality is maintained, but Hourly bill rates will not adjust.	Please define what is meant by "slight deviations" to the wage rate.	Please see the amendment to the RFP.
71	30	Will the 20-25 approved prime contractors be required to pay the hourly wage rate specified in the HBITS proposal when a candidate is placed through their firm?	The hourly bill rate will be fixed in the contract and it will be up to the contractors to manage costs and quality of candidates. The initial hourly bill rates will be set based on a Wage Rate and Markup Percentage. Actual placements of candidates could have slight deviations in Wage Rates as long as quality is maintained, but Hourly bill rates will not adjust.	As a potential Joint Venture or Subcontractor, what process will be put in place to protest a Prime Vendor who refuses to pay the wage rate?	A failure of a prime vendor to make payments in accordance with the terms of the contract constitutes a breach of contract. A breach of contract could result in termination. Please refer to Appendix B, Section 60 entitled "Termination." Additionally, see RFP section 8.16 for the listing of terms that must be included in any subcontracts of a prime vendor and Section 9.4.11 which provides that "the MSP will account for instances in which it finds that Consultants are not being compensated at the Hourly Wage Rate within the slight deviation."
72	54	Once financial scores are evaluated, is the intent to establish a rate card, and/or standardize/average the markups and rates across the selected bidders for purposes of the awarded contract, or will rates vary across the selected bidders based on their proposed pay rates and markups?	Hourly Bill Rates will vary across the Bidders. Hourly Bill Rates established in the resulting contracts will be a factor considered by the HBITS MSP when selecting resumes for agency consideration.	Could you please verify that it is possible for a submitting prime contractor to have a candidate who meets all technical requirements and is being submitted at the hourly rate specified in the prime's contract, get rejected from executive agency consideration because HBITS MSP makes a determination that the hourly bill rate is too high relative to the other submissions?	OGS has elaborated on the candidate selection process in the amendment to the RFP.

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73	54	Once financial scores are evaluated, is the intent to establish a rate card, and/or standardize/average the markups and rates across the selected bidders for purposes of the awarded contract, or will rates vary across the selected bidders based on their proposed pay rates and markups?	Hourly Bill Rates will vary across the Bidders. Hourly Bill Rates established in the resulting contracts will be a factor considered by the HBITS MSP when selecting resumes for agency consideration.	Were authorized users (Executive Agencies) made aware that potential candidates may be disallowed by HBITS MSP in spite of the fact that the candidate met all requirements and was submitted at a bill rate equal to the bill rate under HBITS?	This information is not necessary for the development of a proposal in response to this RFP.
74	54	Once financial scores are evaluated, is the intent to establish a rate card, and/or standardize/average the markups and rates across the selected bidders for purposes of the awarded contract, or will rates vary across the selected bidders based on their proposed pay rates and markups?	Hourly Bill Rates will vary across the Bidders. Hourly Bill Rates established in the resulting contracts will be a factor considered by the HBITS MSP when selecting resumes for agency consideration.	Does HBITS MSP plan on publishing the criteria they will be using to denote which candidates get rejected because of the "Hourly Bill Rates established in the resulting contracts will be a factor considered by the HBITS MSP when selecting resumes for agency considerations." clause? For example will HBITS MSP only take the top 5 candidates with the lowest hourly bill rate? Perhaps just the top 3?	Please see the amendment to the RFP.
75	89	Are there any firm requirements to engage with SBE's?	NYS finance law does not permit the setting of goals regarding engagement of small business enterprises.	Does NYS finance law permit the setting of goals for MBE's and WBE's?	No. The law governing the setting of goals for MWBEs is set forth in Executive Law Article 15-A.
76	98	The RFP notes that financial costs will be evaluated "according to the states prescribed formula" How will the financial score be derived? Will you calculate the cost of all titles evenly, or weight titles according to expected spend, or take a market basket, or use another approach? Will you weight the 3 regions evenly? How will you calculate and allocate weighing of normal vs high rates?	In accordance with state finance law, OGS has provided the relative weights of the technical and financial proposal in RFP section 7. The RFP identifies the factors that constitute the technical criteria, but does not identify the allocation of points among the factors.	Will HBITS MSP be publishing the criteria used (beyond the high level technical/financial weights) in the selection process after the contract has been approved?	No.
77	98	The RFP notes that financial costs will be evaluated "according to the states prescribed formula" How will the financial score be derived? Will you calculate the cost of all titles evenly, or weight titles according to expected spend, or take a market basket, or use another approach? Will you weight the 3 regions evenly? How will you calculate and allocate weighing of normal vs high rates?	In accordance with state finance law, OGS has provided the relative weights of the technical and financial proposal in RFP section 7. The RFP identifies the factors that constitute the technical criteria, but does not identify the allocation of points among the factors.	Are all work papers, emails, correspondence, score sheets, etc.. Used in the selection of the 20-25 HBITS contractors deemed accessible under the Freedom of Information Law?	Disclosure of materials in response to a FOIL request is determined upon a receipt of a specific request.
78	98	The RFP notes that financial costs will be evaluated "according to the states prescribed formula" How will the financial score be derived? Will you calculate the cost of all titles evenly, or weight titles according to expected spend, or take a market basket, or use another approach? Will you weight the 3 regions evenly? How will you calculate and allocate weighing of normal vs high rates?	In accordance with state finance law, OGS has provided the relative weights of the technical and financial proposal in RFP section 7. The RFP identifies the factors that constitute the technical criteria, but does not identify the allocation of points among the factors.	Is HBITS MSP required to retain all work papers, emails, correspondence, score sheets, etc.. Used in the selection of the 20-25 HBITS contractors? Will these artifacts be published by HBITS MSP?	This is not a "clarifying" question within the scope of the original questions, therefore no response is provided.
79	130	What is the method for informing the general vendor community of the awards? For example, will the winning contractors and/or hourly rates for titles/regions be readily available on the OGS website?	Once the Contracts resulting from this RFP are approved by OSC. Contractor's Hourly Bill rates will be posted on the OGS website.	Will the wage rates and markups also be posted?	Please see Section 6.2 of the HBITS RFP.
80	181	Will the resultant CPI percentage change (assuming there is one) be applied to the contractors hourly bill rates?	No, it will be applied to the hourly wage rate and hourly bill rates will be adjusted accordingly.	Since we are required to pay the hourly wage rate, can we assume that a CPI increase must be passed on to any employee, JV, or subcontractor we are engaged with?	CPI adjustments will be applied to the Hourly Wage Rates. Please see Section 9.1 of the RFP regarding CPI Adjustments and the amended Section 3.2.2.1 on Hourly Wage Rate.

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81	184	The RFP states that it is the intent of OGS to provide answers to RFP questions at the pre-bid conference. Assuming these are the answers to all the questions that vendors submitted by 12/14, how are these answers going to be provided? Will there be a handout to only those that attend or are the answers going to be emailed to all bidders who have submitted an "Intent to Bid" form?	The date for the pre-bid conference has passed. Q&A has been posted publicly.	Since the original RFP stated the pre-bid conference would be used to answer questions, does OGS plan on holding another conference to allow vendors the opportunity to ask 'live' questions? We feel that the scope and complexity of this proposal should, at a minimum, warrant at least 1 meeting between vendors and PSG staff in an interactive format.	OGS will not be holding another pre-bid conference. OGS also refers Bidders to the 719 RFP questions which were received and answered.
82	235	OGS has previously stated its desire to procure hourly based it services as a commodity analagous to road salt for example. If this is so, do you understand that an attribute inherent to all commodities is that the price of a commodity will fluctuate overtime depending on market forces, ie commodity supply and market demand?	NYS OGS conducted market research to understand supply and demand related to hourly IT services.	Could OGS please make this market research available?	No.
83	235	OGS has previously stated its desire to procure hourly based it services as a commodity analagous to road salt for example. If this is so, do you understand that an attribute inherent to all commodities is that the price of a commodity will fluctuate overtime depending on market forces, ie commodity supply and market demand?	NYS OGS conducted market research to understand supply and demand related to hourly IT services.	Was this market research conducted under a particular NYS IT contract? If so, what number was the contract?	No.
84	235	OGS has previously stated its desire to procure hourly based it services as a commodity analagous to road salt for example. If this is so, do you understand that an attribute inherent to all commodities is that the price of a commodity will fluctuate overtime depending on market forces, ie commodity supply and market demand?	NYS OGS conducted market research to understand supply and demand related to hourly IT services.	Is this market research available under the Freedom of Information Law?	Disclosure of materials in response to a FOIL request is determined upon a receipt of a specific request.
85	250	Does OGS have any breakdown of the \$140 million by location or by agency or both? The RFP indicates that a detailed analysis was done. Can that detailed analysis be provided to the vendors bidding? Again, with more detail, a more competitive price can be provided.	NYS SST conducted a detailed spend profile. All bidders for this RFP have been provided the same information to provide a competitive bid.	Is the detailed \$140 million dollar spend analysis available under the Freedom of Information Law?	Disclosure of materials in response to a FOIL request is determined upon a receipt of a specific request.
86	250	Does OGS have any breakdown of the \$140 million by location or by agency or both? The RFP indicates that a detailed analysis was done. Can that detailed analysis be provided to the vendors bidding? Again, with more detail, a more competitive price can be provided.	NYS SST conducted a detailed spend profile. All bidders for this RFP have been provided the same information to provide a competitive bid.	Did the "detailed analysis" involve voluntary disclosures from the vendor community? If so, were these responses vetted by the Office of the State Comptroller to insure accurate repsonses?	Question #1) Yes. Question #2) No.
87	250	Does OGS have any breakdown of the \$140 million by location or by agency or both? The RFP indicates that a detailed analysis was done. Can that detailed analysis be provided to the vendors bidding? Again, with more detail, a more competitive price can be provided.	NYS SST conducted a detailed spend profile. All bidders for this RFP have been provided the same information to provide a competitive bid.	Would the HBITS group be willing to reconsider its decision to not release the detailed analysis of the \$140 million spend? We feel that the decision to select just 20-25 vendors is driven directly from the fact that 90% of that \$140 million is sourced from just 22 vendors. Accordingly, a complete and accurate assesment of that \$140 million is critical to the integrity of this proposal.	No.

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88	250	Does OGS have any breakdown of the \$140 million by location or by agency or both? The RFP indicates that a detailed analysis was done. Can that detailed analysis be provided to the vendors bidding? Again, with more detail, a more competitive price can be provided.	NYS SST conducted a detailed spend profile. All bidders for this RFP have been provided the same information to provide a competitive bid.	Was the \$140 million spend claimed by PSG, audited by the State Comptrollers Office as to the accuracy and the vendor breakdown of those figures?	The detailed spend profile data was not audited by the Office of State Comptroller.
89	383	How would a vendor working with a subcontractor verify that the wage being paid to their consultant is accurate according to the hourly wage rate proposed?	NYS will not actively manage the relationships between Contractors and their subcontractor networks. However, from time to time NYS might conduct an audit to verify that consultants are being paid reasonable wage rates. NYS intends to pay a consistent mark-up from wage rate paid to contractors. The prime contractors are responsible for managing the costs incurred for each placement regardless of the source of that consultant. Our expectation is that the wage rate will be market driven and that each vendor will bid mark-up percentages where they believe they can be competitive while still making a reasonable profit.	Could you please define reasonable wage rate? It seems clear that you either pay the wage rate, or are out of compliance.	Please see the amendment to the RFP.
90	383	How would a vendor working with a subcontractor verify that the wage being paid to their consultant is accurate according to the hourly wage rate proposed?	NYS will not actively manage the relationships between Contractors and their subcontractor networks. However, from time to time NYS might conduct an audit to verify that consultants are being paid reasonable wage rates. NYS intends to pay a consistent mark-up from wage rate paid to contractors. The prime contractors are responsible for managing the costs incurred for each placement regardless of the source of that consultant. Our expectation is that the wage rate will be market driven and that each vendor will bid mark-up percentages where they believe they can be competitive while still making a reasonable profit.	Could you please define reasonable profit?	This information is not necessary for the development of a proposal in response to this RFP.
91	383	How would a vendor working with a subcontractor verify that the wage being paid to their consultant is accurate according to the hourly wage rate proposed?	NYS will not actively manage the relationships between Contractors and their subcontractor networks. However, from time to time NYS might conduct an audit to verify that consultants are being paid reasonable wage rates. NYS intends to pay a consistent mark-up from wage rate paid to contractors. The prime contractors are responsible for managing the costs incurred for each placement regardless of the source of that consultant. Our expectation is that the wage rate will be market driven and that each vendor will bid mark-up percentages where they believe they can be competitive while still making a reasonable profit.	What mechanism will be in place for employees, JV's, or subcontractors to report prime contractors not paying "reasonable wage rates" Will there be a hotline, anonymous email, or other mechanism implemented?	Please make such reports to the MSP. In addition, please see amendment to Section 9.4.11 of the RFP which provides that "the MSP will account for instances in which it finds that Consultants are not being compensated at the Hourly Wage Rate within the slight deviation."
92	383	How would a vendor working with a subcontractor verify that the wage being paid to their consultant is accurate according to the hourly wage rate proposed?	NYS will not actively manage the relationships between Contractors and their subcontractor networks. However, from time to time NYS might conduct an audit to verify that consultants are being paid reasonable wage rates. NYS intends to pay a consistent mark-up from wage rate paid to contractors. The prime contractors are responsible for managing the costs incurred for each placement regardless of the source of that consultant. Our expectation is that the wage rate will be market driven and that each vendor will bid mark-up percentages where they believe they can be competitive while still making a reasonable profit.	If an audit reveals a prime is not paying a reasonable wage rate, will the prime be forced to adjust that wage rate or be wait listed?	See amendment to the RFP for language regarding hourly wage rates.

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93	383	How would a vendor working with a subcontractor verify that the wage being paid to their consultant is accurate according to the hourly wage rate proposed?	NYS will not actively manage the relationships between Contractors and their subcontractor networks. However, from time to time NYS might conduct an audit to verify that consultants are being paid reasonable wage rates. NYS intends to pay a consistent mark-up from wage rate paid to contractors. The prime contractors are responsible for managing the costs incurred for each placement regardless of the source of that consultant. Our expectation is that the wage rate will be market driven and that each vendor will bid mark-up percentages where they believe they can be competitive while still making a reasonable profit.	Will MSP staff be conducting these audits?	This information is not necessary for the development of a proposal in response to this RFP.
94	383	How would a vendor working with a subcontractor verify that the wage being paid to their consultant is accurate according to the hourly wage rate proposed?	NYS will not actively manage the relationships between Contractors and their subcontractor networks. However, from time to time NYS might conduct an audit to verify that consultants are being paid reasonable wage rates. NYS intends to pay a consistent mark-up from wage rate paid to contractors. The prime contractors are responsible for managing the costs incurred for each placement regardless of the source of that consultant. Our expectation is that the wage rate will be market driven and that each vendor will bid mark-up percentages where they believe they can be competitive while still making a reasonable profit.	Will MSP be staffed with individuals with audit backgrounds?(With a particular emphasis on NYS/Federal benefits and regulations)	This information is not necessary for the development of a proposal in response to this RFP.
95	383	How would a vendor working with a subcontractor verify that the wage being paid to their consultant is accurate according to the hourly wage rate proposed?	NYS will not actively manage the relationships between Contractors and their subcontractor networks. However, from time to time NYS might conduct an audit to verify that consultants are being paid reasonable wage rates. NYS intends to pay a consistent mark-up from wage rate paid to contractors. The prime contractors are responsible for managing the costs incurred for each placement regardless of the source of that consultant. Our expectation is that the wage rate will be market driven and that each vendor will bid mark-up percentages where they believe they can be competitive while still making a reasonable profit.	The IRS regulations used to determine independent contractor vs employee status are strict and well defined. Part of the contractor vs employee test is criteria specifying how wages are set. While the HBITS MSP is not setting the wage rates, they do plan on enforcing these rates once set. Is the HBITS MSP group concerned that this level of control opens up the possibility that NYS IT contractors can be reclassified as New York State employees?	Consultants hired under the HBITS contracts will not be employees of New York State. See Appendix B §68, Independent Contractor, for additional language regarding the legal status of the Contractor, its agents, officers and employees.
96	398	In evaluating pricing for this RFP will the state consider providing alternative scoring for those vendors who provide training and health benefits to their employees as these provide benefit to the State through increased retention.	Benefits to employers are considered in the technical evaluation regarding methods used for retention and attrition of employees.	Does this response indicate that firms providing expanded benefits to employees will be scored higher? Please be aware that employment arrangements between employees and employers is a complex relationship that must be managed on an individual basis. Simply stating that firms that provide expanded benefits are better than firms that do not, is a gross oversimplification.	Contract awards will be made in accordance with the evaluation criteria set forth in RFP Section 7.
97	410	Can a prime vendor be also a sub-contractor to other primes?	No. A Party who is awarded one of the 25 HBITS contracts cannot subcontract through any other contractor.	Can a firm that is a joint venture to a prime contractor subcontract with another prime?	No.
98	424	What mechanism will OGS use to disqualify bidders that lowball hourly bill rates since the financial score has a weight of 60% in the evaluation criteria.	A Bidder that takes this approach would risk not meeting the service level requirements of the HBITS program.	It appears that not meeting the service level requirements would result in the contractor being wait listed. Since all wait listed contractors are made active after 1 year, a contractor would be able to run a lucrative business by lowballing their rates and just be wait listed every other year. Would PSG consider a more severe punishment?	In addition to the waitlist concept, OGS has retained all other contractual rights, including determinations of non-responsibility and termination. Please refer to Appendix B, §34, "Performance and Responsibility Qualifications" and § 60, "Termination."
99	426	Are bidders required to pay prevailing wage to consultants?	None of the HBITS job titles fall under prevailing wage.	While "prevailing wage" is not being used, Could PSG please confirm that contractors ARE required to pay the wage rate for a particular job title? Per PSG, this payment can be verified by random audits, correct?	Confirmed. Contractors are required to pay the Hourly Wage Rate within the slight deviation as defined in the amendment to the RFP. Additionally, in accordance with Appendix A the State has the right to audit the payments made to ascertain contract compliance.

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100	383	How would a vendor working with a subcontractor verify that the wage being paid to their consultant is accurate according to the hourly wage rate proposed?	NYS will not actively manage the relationships between Contractors and their subcontractor networks. However, from time to time NYS might conduct an audit to verify that consultants are being paid reasonable wage rates. NYS intends to pay a consistent mark-up from wage rate paid to contractors. The prime contractors are responsible for managing the costs incurred for each placement regardless of the source of that consultant. Our expectation is that the wage rate will be market driven and that each vendor will bid mark-up percentages where they believe they can be competitive while still making a reasonable profit.	We understand that the HBITS MSP group will be potentially be auditing prime contractors to insure the wage rate is being paid to jv's, subcontractors, or employees. However, could you please confirm that payments in EXCESS of the wage rate to jv's, subcontractors, and employees; provided they don't exceed the contract hourly rates, are not considered to be non-compliant. Specifically, a prime WILL NOT be punished if they choose to pay their jv's, subcontractors, or employees more than the wage rate?	Confirmed, provided that the Hourly Bill Rate remains fixed. Contractors are required to pay the Hourly Wage Rate within the slight deviation as defined in the amendment to the RFP.
101	511	Can we get a list of the 67 contractors that are indicated in Section 3.3?	This data will not be released.	Our firm is interested in comparing the top 25 HBITS winning contractors against the top 25 billing firms for the time period specified in the HBITS proposal. Would HBITS/MSP reconsider its decision to not release the data?	No.
102	511	Can we get a list of the 67 contractors that are indicated in Section 3.3?	This data will not be released.	Is this data available via a Freedom of Information Law request?	Disclosure of materials in response to a FOIL request is determined upon a receipt of a specific request.
103	Question # 9	Can a company submit a proposal as a potential prime vendor AND be included in another company's proposal as a potential subcontracting partner?	Yes. Subcontractors will not be included as part of a Bidder's proposal unless the subcontractor is an MBE or WBE that is specified in the Utilization Plan. In either case, a potential subcontractor to another vendor may submit their own proposal as a primary Bidder.	The response to question 9 states "Subcontractors will not be included as part of a Bidder's proposal unless the subcontractor is an MBE or WBE that is specified in the Utilization Plan." The first topic in section 5 (Subcontractor Management) of the technical proposal instructs us to "identify all proposed subcontractors..." Could you please clear up this apparent discrepancy? Thank you.	This is not a discrepancy. The information required in a Bidder's Utilization plans is separate from the questions asked in the Technical Proposal. M/WBE subcontractors must be identified in a Bidder's Utilization Plan so OGS is able to determine a Bidder's compliance with Appendix C of the RFP. Specific subcontractors are not being evaluated in a Bidder's proposal, especially for the purpose of determining compliance with mandatory minimum requirements, which was the intent of OGS' response to the original question.
104	Question # 30	Will the 20-25 approved prime contractors be required to pay the hourly wage rate specified in the HBITS proposal when a candidate is placed through their firm?	The Hourly Bill Rate will be fixed in the contract and it will be up to the Contractors to manage costs and quality of candidates. The initial Hourly Bill Rates will be set based on a Wage Rate and Markup percentage. Actual placements of candidates could have slight deviations in Wage Rate as long as quality is maintained, but Hourly Bill Rates will not adjust.	This is the first of many question responses where the concept of "slight deviations in Wage Rate" is mentioned in the OGS responses. Up until this point we had assumed that all contractors/employees had to be paid the exact hourly rate specified in our bid for a particular job title. Please clearly define what is meant by "slight deviation in Wage Rate". Is 10% slight?, 20%?, 40%?. Or, is 6% slight but not 7%? Also, is the "slight deviation" the same for all titles? If not, please clearly define "slight deviation" by title. We feel definitive answers to these questions before bids are submitted is paramount to insuring a fair bidding process.	Please see the amendment to the RFP.
105	Question # 382	Does OGS consider in the mark-up the price for benefits including health insurance,dental insurance, life insurance, 401k contribution match,finance companies, vacation, sick leave and holidays?	Yes. Hourly Wage Rate and Markup are both defined in RFP Section 1.6 - Definitions. Benefits are part of the costs incurred above and beyond the Hourly Wage Rate.	The definition of Hourly Wage Rate was changed in the new bid materials that were transmitted with the Q&A responses. What is the significance of the change to the definition of "Hourly Wage Rate"?	The definition of Hourly Wage Rate was changed to be permissive, rather than the mandatory amount to be paid to the resource, to allow for a slight deviation in the rate as defined in the most recent amendment to the RFP.
106	1	General	General	If my company does not participate in the HBITS RFP bid, are we still eligible for future IT Training RFPs from NYS ?	Yes.
107	2	General	HBITS not for Deliverable Services	Is HBITS RFP different than IT Training RFPs altogether?	Yes, it is specific to Hourly-Based IT Services.
108	3	General	No Mini Bids	Do you intend to have an additional RFP specifically for IT Training Services?	The State does not have any such plans at this time.
109	4	General	General	Our company is an IT Training Company. We do IT Training (Microsoft, Cisco, Citrix, Media/Graphics; Business Skills and Online Marketing) for business to business, federal, state and city entities. Is the HBITS RFP the right opportunity for our type of firm to pursue?	OGS cannot make the determination that a vendor should bid on the HBITS RFP. It is up to the vendor to make that decision.
110	1	M/WBE on MWBE 100 form (This is a new question).		Our joint venture partner is WBE but they are not NY state WBE certified yet. They are in the process. Can we put them in the MWBE 100?	Yes, firms that are in the process of certification can be included on the MWBE 100 form. However, the use of non-certified firms that have submitted applications for certification but are not approved prior to completion of this contract are not acceptable for goal attainments.

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111	31	Will the Procurement Services Group require documentation that demonstrates prime contractors are actually paying the hourly wage rate specified in their proposals?	The Hourly Bill Rate will be fixed in the contract and it will be up to the Contractors to manage costs and quality of candidates. The initial Hourly Bill Rates will be set based on a Wage Rate and Markup percentage. Actual placements of candidates could have slight deviations in Wage Rate as long as quality is maintained, but Hourly Bill Rates will not adjust. Additionally, in accordance with Appendix A the State has the right to audit the payments made to ascertain contract compliance.	Can SST clarify: "Actual placements of candidates could have slight deviations in Wage Rate as long as quality is maintained, but Hourly Bill Rates will not adjust." (a) can SST quantify or qualify the term "slight" and (b) can deviations in Wage Rates be plus and minus from the quoted wage rate?	Please see the amendment to the RFP.
112	54	Once financial scores are evaluated, is the intent to establish a rate card, and/or standardize/average the markups and rates across the selected bidders for purposes of the awarded contract, or will rates vary across the selected bidders based on their proposed pay rates and markups?	Hourly Bill Rates will vary across the Bidders. Hourly Bill Rates established in the resulting contracts will be a factor considered by the HBITS MSP when selecting resumes for agency consideration.	Can SST clarify specifically how the MSP will factor rates into consideration before selecting resumes to be forwarded to Agency users? Will this "factor" be evaluated randomly at the discretion of an individual MSP staffer or will it be explicit and auditable by OSC?	Please see the amendment to the RFP.
113	179	The RFP states that consultants may be required to attend training sessions, and that if there is a fee for attendance, such fee will be paid by the Authorized Users. Will Contractors be able to bill for the time the consultants attend the training sessions, since NYS law will require the Contractor to pay the consultants for attendance during the training?	Yes, the Contractor may bill the State for the hours worked by the consultant as a result of mandated training by the Authorized User. The Bill Rate for training attendance is not different from that as listed in the Contract.	Will SST clarify why Authorized Users may require the training of outsourced consultants who are engaged to meet real/perceived internal NYS skill deficiencies?	This information is not necessary for the development of a proposal in response to this RFP.
114	180	The RFP states that " Contractor must commit to paying Consultants no later than 15 business days after receiving payment from the Authorized User." Given monthly billing, this could amount to over 60 days or more after the work was performed by the Consultant. NYS law requires that employees be paid within 2 weeks of performing services for which they are entitled to be paid. How does OGS reconcile their RFP statement with NYS law?	While unclear, this question appears to be referencing the employer obligations to make payments established by NYS Labor Law section 191 regarding frequency of payments. As this is an obligation imposed on an employer, there is no inconsistency with the payment methodology proposed by this solicitation. New York State and the various Authorized Users are not the "employer" of the consultants; the Contractor is the employer of the consultants. Accordingly, the requirements of Labor Law section 191 apply to the payment by the Contractor to the Consultant. The payments from the State to the Contractor are governed by the provisions of NY State Finance Law Article XI-A, which in general terms provides for a 30 calendar day period for the State to make payments after the receipt of a proper invoice. See also Appendix B sections 62 (as amended) and 64.	Can SST clarify the statement "New York State and the various Authorized Users are not the 'employer' of the consultants" with respect NYS ruling on common law employers (New York state has actually ruled that the client is the common law employer of leased employees and is primarily responsible for providing workers' compensation benefits)?	Under the HBITS contracts, New York State and the various Authorized Users are not the "employer" of the consultants; the Contractor is the employer of the consultants. See appendix B §68 for additional information.

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115	236	<p>6) Do you understand that if a consumer agrees to purchase a commodity at a fixed price over an extended period of time (for example 2 years) the consumer will either over pay for the commodity, not obtain the commodity and only rarely pay the fair market price for the commodity? An illustration follows: Scenario 1: when the fair market price for a commodity drops below the quoted price for the commodity the consumer (in this case NYS OGS and participating NYS agencies) will always over pay for the commodity (in this case IT services) because the price for the commodity is fixed and will not decrease to reflect the fair market price. Scenario 2: when the fair market price for a commodity rises above the quoted price for the commodity the consumer (in this case NYS OGS and participating NYS agencies) will be unable to procure the commodity because the market will be selling the commodity to other consumers willing to pay the fair market price. Scenario 3: the fair market price for the commodity (in this case IT services) exactly matches the quoted price for the commodity. Because commodity prices tend to fluctuate based on market forces this will be a random and brief occurrence and will only happen when the fair market price intersects with the quoted</p>	<p>NYS OGS conducted market research to understand supply and demand related to hourly IT services.</p>	<p>Can SST clarify if their assumption is that OSC will not require "reasonableness of cost" and "best value" criteria satisfaction at transaction event under HBITS?</p>	<p>This is not a clarifying question and accordingly no response is provided.</p>
116	491	<p>Surprised that H1B candidates would be considered by NY State! Can we take out this category of workers? It puts our US and those legally able to work in NYS at a disadvantage cost wise....</p>	<p>This is not a question.</p>	<p>Can SST clarify if they either (a) SST understand and accepts that foreign workers will be used as consultants on the HBITS contract or (b) SST does not understand that foreign workers will be used on the HBITS contract?</p>	<p>This information is not necessary for the development of a proposal in response to this RFP.</p>
117	504	<p>Can services be offered remotely to help further reduce cost ?</p>	<p>The location of the work being performed will be specified by the Authorized User at the time of transaction. However, Bidders should assume that the majority of work performed under this contract will take place within the respective Authorized User locations.</p>	<p>Can SST explicitly clarify the word "majority" in its answer? Does this mean that remote work is explicitly allowed and billable?</p>	<p>A Bidder should note that OGS's response to the original question did not mean that remote work is explicitly allowed and billable.</p>
118	509	<p>Will the interviews with the candidates be in person or over the telephone ?</p>	<p>Interview format will be determined by the requesting Authorized User.</p>	<p>Can SST clarify what administrative savings (in dollars and time) the MSP produces in the context of this question's answer? In other words, if the Authorized User has this much latitude in the requisition process, what value-added does the MSP perform that justifies its fees?</p>	<p>This information is not necessary for the development of a proposal in response to this RFP.</p>

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119	573	<p>Given that some segments of the IT market such as programmers are dominated by lower paid H-1B consultants, we are concerned that the pricing model for the RFP and subsequent contract will bias Authorized Users and OGS to hire candidates that are non-US citizens or long-term residents of NYS because of the wide pay discrepancy between H-1Bs and US citizens. To insure our pricing was low enough, we would have no choice, based on how the pricing sheet is created, to assume H-1B pay rates for all programmer positions, for example. This would leave no room in the bill rate to ultimately hire American citizens. To get around this, would OGS consider allowing two sets of pricing for certain positions that are dominated by H-1B consultants so we can offer different pay and bill rates for both H-1B and US citizen candidates? Otherwise, only those companies that sponsor H-1B consultants will be able to offer competitive pricing on many positions and compete effectively on the financial evaluation of this RFP.</p>	<p>NYS intends to pay a consistent mark-up from wage rate paid to contractors. The prime vendors are responsible for managing the costs incurred for each placement regardless of the source of that consultant. Our expectation is that the wage rate will be market-driven and that each vendor will bid mark-up percentages where they believe they can be competitive while still making a reasonable profit.</p>	<p>Can SST clarify if they either (a) SST understand and accepts that foreign workers will be used as consultants on the HBITS contract or (b) SST does not understand that foreign workers will be used on the HBITS contract?</p>	<p>This clarification is not necessary for the development of a proposal in response to this RFP.</p>
120	377	<p>Will any firm that is giving guidance to NYS regarding this procurement model or how to run this procurement model be precluded from bidding this RFP?</p>	<p>All firms providing consulting services related to HBITS are specifically precluded from bidding.</p>	<p>Can SST clarify if a firm named "Accenture" has provided services related to HBITS? If so, is "Accenture" precluded from bidding?</p>	<p>The firms who are allowed to submit proposals in response to the HBITS RFP were published in Solicitation Update #2 on the HBITS RFP website.</p>
121	Attachment 6	<p>Job Title Definitions</p>	<p>Microsoft</p>	<p>Can SST clarify the use of the term "MCS"? Does this stand for Microsoft Consulting Services?</p>	<p>It stands for Microsoft Consulting Services.</p>
122	6	<p>If I submit with a Joint Venture will the contract be awarded to both myself and the joint venture firm as one entity or will the contract be awarded only to me. If it only to me then no one will do Joint Venture with me</p>	<p>AS stated in RFP section 4.2.1.1, joint ventures are permitted, but a single company must be designated as the primary Bidder and only the primary Bidder will be awarded the contract</p>	<ul style="list-style-type: none"> • What Joint Venture documents do the state need that bidder has to provide pertaining to the Joint Venture agreement? • As the responses in Joint Venture have to submit one technical proposal, do we introduce each companies involved in the Joint Venture in the Executive Summary of Attachment 5? 	<p>See amendment to the RFP.</p>
123	70	<p>It mentions we must submit 1 MBE and 1 WBE subcontractor. Can we count our company and one if we are certified MBE?</p>	<p>The MBE requirement can be met by your company performing the work and you would not have to identify a separate MBE on the Utilization plan.</p>	<p>Does this mean that if the Prime Bidder is a MBE, we would need to include a subcontractor that is a WBE to be compliant?</p>	<p>Yes. Also, please refer to Section 4.1.4 and Appendix C of the RFP.</p>
124	300	<p>Can a bidder qualify for the sales volume of \$500,000 with the government entities over the past two years by providing resources through Sub Contracting / Indirectly?</p>	<p>Only direct or prime vendor sales volume counts toward the \$500,000 threshold.</p>	<p>Will State consider the following scenario:</p> <ul style="list-style-type: none"> • If the bidder is a MBE partner in the State Contract with a prime contractor, and the State has issued a commitment letter to the bidder stating the required spend to the bidder AND • The bidder has been MBE partner on State Contracts with the prime contractor and submits quarterly report (along with the invoices sent to the prime as a proof) to the State with the monthly spend • The spend is over \$500,000 <p>Under these circumstances, does the potential bidder qualify the mandatory requirement?</p>	<p>No.</p>

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125	464	In paragraph 2, can you confirm that "evidence of such policies" would be in the form of a certificate of insurance. This form would also be considered "acceptable" pursuant to the second paragraph of this section. If it is not acceptable, please clearly state what would be required.	A certificate of insurance is acceptable, except for proof of Workers' Compensation and Disability coverage which must be provided in accordance with the Workers' Compensation Board's requirements.	As part of the proposal response to the RFP. What insurance related documents does a potential bidder have to submit? We understand that once the contract has been awarded, awardee has to provide Certificate of Insurance meeting all the coverage mentioned in the RFP. We would like to know at the stage of response to the RFP, what insurance related documents have to be submitted.	Section 4.1 of the RFP details which insurance related documents are required when submitting a response to the RFP. If awarded a Contract, Contractor must provide proof of current insurance within twenty (20) business days of tentative award and throughout the Contract term if requested by an Authorized User or OGS. The specific insurance coverage requested is detailed in Section 9.6 of the RFP.
126	30	Will the 20-25 approved prime contractors be required to pay the hourly wage rate specified in the HBITS proposal when a candidate is placed through their firm?	The Hourly Bill Rate will be fixed in the contract and it will be up to the Contractors to manage costs and quality of candidates. The initial Hourly Bill Rates will be set based on a Wage Rate and Markup percentage. Actual placements of candidates could have slight deviations in Wage Rate as long as quality is maintained, but Hourly Bill Rates will not adjust.	the response states that "actual placements of candidates could have slight deviations in wage rate as long as quality is maintained, but hourly bill rates will not adjust." Does this mean that vendors may provide candidates under their proposed direct labor rates but just not above them? or does this mean that regardless of market conditions all vendors MUST bid candidates at their proposed direct labor rates, not above or below them?	Please see the amendment to the RFP.
127	48	In Section 8.12 of the proposal, it states that by submitting a bid as well as a OSC Substitute W-9 form, we, the vendor, is agreeing to be registered with the New York State Vendor File administered by the OSC, which will be initiated by the OGS, including the issuance of a ten-digit vendor number. Yet, the following section, 8.13 as well as Attachment 4B-"Administrative Form," Question 6, states that Bidder certification or recertification of the Vendor Responsibility Questionnaire should occur one (1) month before the opening bid date. In order to file the questionnaire to be certified by the New York State Vendor File, aren't we supposed to register with the Vender File, first? But in section 8.12 it states that the registration process is initiated by the OGS, including the issuance by the OGS of a ten-digit vendor number? So how can we register one (1) month before the opening date of the bid, if the initiation process is done by the OGS, who then issues a ten-digit vendor number required to register with the New York State Vendor File for us to certify the questionnaire? And then, why does it state in section 8.12 that we can submit a OSC Substitute W-9 form along with our bid, if we haven't yet registered with the New York State Vendor File?	To request assignment of a Vendor ID, please contact the Help Desk at 866-370-4672 or 518-408-4672 or by email at ciohelpdesk@osc.state.ny.us. Once notification of your assigned Vendor ID is received, please allow an additional 24-48 hours for all systems to be updated and for the Vendor ID to become valid. This only applies to those Bidders who are attempting to enroll to use the VendRep System but do not have a Vendor ID. This will allow a Vendor to certify their questionnaire.	if a vendor is currently enrolled on the VendRep system, are they still required to recertify one month before bid opening date?	Yes, however the requirement certify (or recertify) regards the Responsibility Questionnaire, not the VendRep system. As stated in Section 8.13 of the RFP, the Bidder must complete and certify (or recertify) the Questionnaire (i.e. the Non-Construction For-Profit version) no more than one (1) month prior to the bid opening date. OGS recommends each Bidder file the required Questionnaire online via the New York State VendRep System.
128	50	Can resumes be submitted prior to the 10th day deadline? If so, will they be reviewed and forwarded, or will all resumes be reviewed on the 10th day?	Yes, resumes can be submitted prior to the 10th day deadline. However, the MSP will wait to forward resumes to Authorized Users until between the 10th and 12th business day, after conducting its review.	if a vendor submits a candidate prior to the 10 day deadline, will review of that candidate occur immediately or not until close out on the 10th day?	It will not occur until close out on the 10th day.
129	54	Once financial scores are evaluated, is the intent to establish a rate card, and/or standardize/average the markups and rates across the selected bidders for purposes of the awarded contract, or will rates vary across the selected bidders based on their proposed pay rates and markups?	Hourly Bill Rates will vary across the Bidders. Hourly Bill Rates established in the resulting contracts will be a factor considered by the HBITS MSP when selecting resumes for agency consideration.	the response states that " hourly bill rates established in the resulting contracts will be a factor considered by the HBITS MSP when selecting resumes for agency consideration." We thought that cost was only a factor in the tier 1 award, not the tier 2 award. Being that vendors cannot modify pricing at tier 2 under this procurement, why is cost being considered in tier 2? How will cost be a factor and how will that possibly impact selection/presentation of tier 2 candidates proposed to the agencies?	Cost is being considered in Tier 2 to ensure compliance with State Finance Law §163(10)(c).

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130	86	Will a vendor on the waitlist have any opportunity to provide any resources to the State of New York, during the year that the vendor is not part of the "Active Vendor Pool" ?	A Contractor on the Waitlist will not have any opportunity to provide any new resources to any Authorized User under the contract. However, existing engagements that are in process at the end of the Contract Year will continue regardless of Contractor status.	if a contractor is waitlisted, can they procure new IT Services under other contracts besides HBITS with the State of NY or no? Is this same vendor allowed to re-procure their incumbent consultants under HBITS once existing contracts end or no?	Yes, a Contractor can procure new IT Services under other contracts besides HBITS with the State of NY.
131	90	It is likely that firms within the Active Vendor Pool will have different prices for the same title. Will price be a factor in the ultimate selection of IT consultants by agencies and Authorized Users or will they be able to select resumes solely based on qualifications and experience?	Hourly Bill Rates will vary across the Bidders. Hourly Bill Rates established in the resulting contracts will be a factor considered by the HBITS MSP when selecting resumes for agency consideration.	Could a technically viable candidate not be sent for agency evaluation due to a high rate determined by the MSP?	Yes.
132	100	Bidders are required to submit hourly wages for certain IT titles. While there is a requirement in the RFP that Bidders comply with all New York State laws including disability insurance and employee taxes, there is no requirement that Bidders and their subcontractors supply health insurance and other employee benefits. Hence, those firms that have richer employee benefits will be disadvantaged in financial scoring. Will the evaluation process give an advantage to those companies which provide health and other benefits? Or is it NYS' intent that bidders disregard health and other benefits as a component of their pricing approach for this contract?	Benefits should be included in proposed Markups. Contract awards will be made in accordance with the evaluation criteria set forth in RFP Section 7.	is NYS mandating that company benefits, such as healthcare, be included in our markups or no? Will their be a penalty for companies that do not include benefits in their markups? If so, what is that penalty? If the federal government mandates these benefits be offered after this contract is awarded, will NYS be open to allowing vendors to adjust their mark ups accordingly or no?	NYS is not mandating that company benefits, such as healthcare, be included in a Bidder's markups. OGS has stated, however, benefits to employees are considered in the technical evaluation regarding methods used for retention and attrition of employees. Contract awards will be made in accordance with the evaluation criteria set forth in RFP section 7.
133	107	Please confirm that consistent with Appendix B, Clause 5 prime/subcontractor relationships are excluded from the RFP definition of Joint Venture.	Yes. A prime/subcontractor relationship is distinct from a joint venture.	how soon will NYS be releasing the update on Joint Ventures? This is critical for bid preparation by vendors and is needed asap.	This update has been posted to the HBITS RFP website.
134	182	The RFP states that Contractors cannot submit the same Candidate for multiple placement requests until such Candidate is released from consideration by the MSP. What is the process if the Authorized User does not respond to MSP within the 5 business days stated in Section 3.2.1? How long can a candidate remain ineligible to be submitted to another Authorized User?	If the Authorized User does not respond to the MSP within 5 business days, the Candidate will be released and made available to be submitted to other Requisitions.	authorized users may put out multiple positions that are similar at the same time, where the same consultant could fill either position. Could the MSP make an exception for this rule given such a situation?	No.
135	193	Who will perform scoring on candidates' resumes, MSP or Authorized User? Whom should a contractor contact in order to set a debrief meeting if and when a contractor is notified of non-selection?	The MSP team will review resumes against a set of mandatory requirements. Only resumes for candidates that meet all of the mandatory requirements will be passed on to the Authorized User's. The hiring manager will be responsible for reviewing the individual candidate resumes and assessing qualifications against the requirements of the role. There will not be a debrief meeting for placements of individual candidates. End user's will be notify the MSP within 5 days if they desire to interview or decline candidates for each role. The MSP will notify Contractors with declined candidates as quickly as possible. Please refer to Section 3.2.1 of the RFP.	if debriefs will not be conducted, how will vendors get timely and accurate feedback on why their candidate was not selected? Without this feedback, it is very hard to determine if price or technical capabilities were the reason for the loss. Recruiting teams rely on this feedback to continuously improve their recruiting.	This process has not been finalized. While OGS maintains that we will not have debriefing meetings, we will consider building a feedback mechanism into the final process.

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136	256	Once the 20 active contractors are identified and awards completed, how will work be divided up among the contractors? Will it be based upon the candidate(s) resume and qualifications only? The RFP implies the answer is yes but why would the state potentially pay a higher price for a candidate with superior qualifications when another lower cost candidate may have sufficient qualifications to do the project? What safeguard does the state have that the best value is considered by the Authorized User at the time of selection when best value may be the lowest price?	All Active Contractors will have an opportunity to provide resumes for individual candidates during the requisition process. NYS will pay the Hourly Bill Rate in the contract for the position title. Hourly Bill Rates established in the resulting contracts will be a factor considered by the HBITS MSP when selecting resumes for agency consideration.	why wouldn't the MSP send all technically viable resumes to the authorized users?	Such actions may not comply with the requirements of State Finance Law §163(10) regarding multiple award contracts.
137	301	1. Company background : Should all the Joint venture partners represent and warrant that, as of date of submission of the proposal that they have completed, obtains, performed all registration, filings, approvals, authorizations, consents and examination required by any governmental authority for the provision of the services and that bidder will, in order to perform the said services ?	Yes. A specific form to collect joint venture information is being created and will be released with the Clarifying Question responses.	the answer to this question indicates that a joint venture response form will be issued. Where and when can this form be found?	This form has posted to the HBITS RFP website in accordance with the schedule for clarifying question release and as stated by OGS in its response to the original round of questions.
138	521	Is there a score point cut off to determine who get wait listed and who gets an actual award? If so what is it? For example two companies come close, how will OGS determine what company gets awarded and what company gets wait-listed?	As noted in RFP section 7.1.1. contracts will be awarded to the top 20 ranked bidders. There is no specific point score predetermining award.	The answer to this question states that the top 20 companies will be awarded contracts. Should this be the top 25 or will the waitlist companies be contracted at a later date?	As stated in Section 7.1.1 of the RFP, the State shall award up to 25 contracts to responsive and responsible Bidders. The top 20 ranked Bidders, after the evaluation process is completed, will be awarded Active contracts for the first contract year.
139	398	In evaluating pricing for this RFP will the State consider providing alternative scoring for those vendors who provide training and health benefits to their employees as these provide benefit to the State through increased retention as well as reduction in costs borne by the Citizens of New York to subsidize irresponsible employers who do not offer these benefits to their employees.	Benefits to employees are considered in the technical evaluation regarding methods used for retention and attrition of employees	How will the state verify that benefits disclosed are actually provided? Small business often contract with consultants on a 1099 or Corp-to Corp basis and pay increased rates to those 1009/Independent contractors at their request that often surpass the value of company provided benefits from larger firms. How will OGS in evaluating responses normalize the retention value of those increased independent rates against company provided benefits from larger companies?	There is no contractual requirement in the HBITS RFP for Contractors to provide benefits to consultants. OGS has stated, however, benefits to employees are considered in the technical evaluation regarding methods used for retention and attrition of employees. Contract awards will be made in accordance with the evaluation criteria set forth in RFP section 7.
140	384	How will the state verify a vendor's subcontractor's (layered) wage rates?	NYS will not actively manage the relationships between Contractors and their subcontractor networks. However, from time to time NYS might conduct an audit to verify that consultants are being paid reasonable wage rates. NYS intends to pay a consistent mark-up from wage rate paid to contractors. The prime Contractors are responsible for managing the costs incurred for each placement regardless of the source of that consultant. Our expectation is that the wage rate will be market-driven and that each vendor will bid mark-up percentages where they believe they can be competitive while still making a reasonable profit.	The term reasonable wage rates as described in this answer is not defined in the RFP. Could OGS please define what it means by "reasonable wage rate" and how does reasonable wage rate differ from "Hourly wage rate" which is defined as the hourly rate the consultant will receive regardless of subcontracting layers? Also there is reference of consistent mark-up and slight deviation in wage rates which are market driven. Could you please define how much deviation will OGS allow on wage rates proposed by bidders in their cost proposal?	Please see the amendment to the RFP.

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141	448	While the RFP sets minority and woman owned business goals of 11% and 9% respectively of billings there may be an assumption that MWBE subcontractors will enjoy a reasonable profit from the hourly markup as participants in this contract. However in some instances in other New York State engagements, while complying with MWBE participation goals prime contractors have required MWBE subcontractors to provide resources at unreasonably low margins in return for participating in the contract. Prime vendors can easily meet MWBE contract value participation goals by offering MWBE participation in the contract at negligible profit margins. The State assumes that participating in State contracts results in profitable work. While we are sure that is the State's intent it is not always the case, Small MWBE's therefore must choose between accepting unreasonably low margin rates or not participating at all. Since the State requires prime contractors to report on meeting MWBE participation goals would it also require prime contractors to report what margin rates were imposed on MWBE subcontractors?	The Report of Contract Purchases (Attachment 3 to the HBITS RFP) requires that Contractors report the Wage Rate and Markup for all consultants provided to the State during that reporting period, including MWBEs.	Attachment 3 requires markup percentage for the prime contractor only – not markup percentages negotiated with MWBE subcontractors. Accordingly OGS has no way of knowing what markup percentage is afforded a MWBE "partner" in Attachment #3 and further states that they consider the negotiated MWBE markup "a business decision between the two parties." Therefore a prime contractor may require a MWBE subcontractor to provide to them, at the reported hourly wage rate, a consultant at a zero or negligible markup to the MWBE firm and take the entire or the bulk of the approved markup for themselves and still satisfy the MWBE goals stated in the RFP." Since OGS does not ask for MWBE subcontractor markup in Attachment #3 or monitor the margin split between the parties, how will OGS determine that a prime contractor has shown "good faith efforts" to provide meaningful participation by MWBE's as subcontractors or suppliers in the performance of this Contract as the RFP and Executive Law Article 15A requires since in 142.8 subsection 5, Contractors Good Faith Efforts of Parts 140-144 of the Regulations of the Commissioner of the Department of Economic Development Parts 140-145 states that an agency may ask for the terms and conditions of any subcontract offered to certified minority- or women-owned business enterprises to determine if "Good faith Efforts" have been met. Since OGS is not requiring this information how will it determine if "good Faith Efforts" have been achieved by Active Contractors in the provision of services related to the HBITS contract to MWBE subcontractor?	Nothing in this RFP is intended to, nor does it, conflict with the laws and regulations cited by this clarifying question. A Contractor's "good faith efforts" are evaluated on a case-by-case basis in accordance with Appendix C of the RFP.
142	34	Has the Procurement Services Group solicited feedback from The Office of Children and Family Services or the Office of Temporary and Disability Assistance related to their cost savings attributed to their Personal Services Solicitation contract?	The HBITS RFP strategy is based on broad input from Executive Agencies gathered by the Strategic Sourcing Team	Was the input from the agencies consultative regarding how the contract can best serve their needs or was the broad input mentioned confined to statistics regarding consultant useage in terms of frequency and rates?	This information is not necessary for the development of a proposal in response to this RFP.
143	369	We are the prime vendor in a joint venture but we don't have a MWBE designation. Our joint venture partner is a MWBE, how will the state interperate our MWBE compliance for placement through our joint venture?	The state will require a copy of the joint venture agreement which describes the percentage of interest owned by each party to the agreement and value added by each party. The value added by the MWBE will be assessed against the goals established in the contract.	If two parties enter into a joint venture and one party (Party A) is not a NYS certified minority or NYS certified woman owned business but the other party (Party B) is both a NYS certified minority and NYS certified woman owned business is OGS saying that the second party (Party B) can count for both the 11% minority and 9% woman owned participation in this contract?	No, only the Prime Contractor's status will count toward either the 11% MBE and 9% WBE goals, not both. See prior questions regarding the regulations on dual certification.
144	190	The State encourages firms, regardless of size to submit a bid in response to this RFP and to partner with other firms, S/M/WBE firms to meet the demand. However, the pricing algorithm of hourly wage plus markup percentage puts subs. especially SBEs at a severe pricing disadvantage. How does OGS plan to bridge this inconsistency.	OGS does not agree that there is inconsistency here. Wage rates are set by the market and you have complete discretion to set Markups.	Our understanding of the requirements of the HBITS RFP is that bidders must set one single wage rate for approximately 400 Normal skill levels and 184 high skill levels along with only one markup percentage. The prime contractor is the party that sets both hourly wage rate and markup. The S/M/WBE has no control over what the hourly rates and markup is submitted by the prime bidder so we do not understand OGS's assertion that "you have complete discretion to set markups." Therefore in order to participate in this contract at the percentages OGS has set for MWBE participation, MWBE's must work within the confines of the primes wage rates and markup and as such MWBE's are at a wage rate and markup disadvantage since as a subcontractor we must pay the consultant the declared hourly wage rate but have no discretion over what margin percentage the prime affords us? Is it OGS's position that subcontractors can dictate the markup they will recieve from prime contractors?	It is OGS' position that the Active Contractors selected for award will meet the M/WBE goals established in Appendix C. OGS will not manage the Active Contractors' subcontracting network. A contractor and subcontractor must negotiate regarding the portion of the markup each will retain.

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145	275	second paragraph, "HBITS Contract are actual wage rates" - what does the actual wage rate mean? Does it have to be the actual hourly rate that the consultant is paid, how can this rate be decided at this stage? For example with a Job Title of Mid Level Programmer: Access Programmers have a diff pricing level, .Net Programmers have a different pricing level, Cobol Programmers have a different pricing level. If the same price is paid to all 3 consultants, regardless of skill and market value, then how will the State avoid paying more for an Access Programmer? Conversely, the consultants with latest technologies and higher skill sets will be discouraged since they are getting paid at the same level as a lower skilled and lower market value programmer.	NYS intends to pay a consistent mark-up from wage rate paid to contractors. The prime vendors are responsible for managing the costs incurred for each placement regardless of the source of that consultant. Our expectation is that the wage rate will be market-driven and that each vendor will bid mark-up percentages where they believe they can be competitive while still making a reasonable profit.	Since OGS's expectation is that the wage rate will be market driven but only one wage rate can be proposed and paid a consultant who provides expertise in any of the skills over the course of the five years. Since market conditions are dynamic, will OGS allow contractors to adjust wage rates paid to consultant?	Please see the amendment to the RFP.
146	291	Will the 20-25 approved prime contractors be required to pay the hourly wage rate specified in the HBITS proposal when a candidate is placed through their firm?	The Hourly Bill Rate will be fixed in the contract and it will be up to the Contractors to manage costs and quality of candidates. The initial Hourly Bill Rates will be set based on a Wage Rate and Markup percentage. Actual placements of candidates could have slight deviations in Wage Rate as long as quality is maintained, but Hourly Bill Rates will not adjust.	Please define what is a "slight deviation in wage rate" and what would be an acceptable deviation -- both positive and negative- in terns of percentage of Hourly Wage rate paid to the consultant.	Please see the amendment to the RFP.
147	198	Will the State consider the combined experiences of a Prime contractor and multiple subcontractors while evaluating the qualifications to perform the type, magnitude and quality of work specified in this RFP assuming that the Prime meets minimum qualifications to submit a bid? For example if a prime contractor Company A consisting of 4 recruiters and making an average of 80 placements per year teams with two subcontractors Company B (2 recruiters, average of 25 placements) and Company C (100 recruiters, average of 500 placements), will the State evaluate this as a joint venture team comprised of 109 recruiters making an average of 605 placements?	No, the State will not consider the combined experience of a Prime contractor and its subcontractors. The State however, will consider the combined experience of joint venture partners. Joint ventures should submit one technical proposal in total – the responses can and should be based on combined experience from the companies that comprise the joint venture. It is unclear which scenario was posed in this question.	Will the state evaluate joint capacity of Joint Venture? Can Joint Venture team combine their qualifications to meet minimum qualifcators?	Yes and yes.
148	292	Will the 20-25 approved prime contractors be required to pay the hourly wage rate specified in the HBITS proposal when a candidate is placed through their firm?	The Hourly Bill Rate will be fixed in the contract and it will be up to the Contractors to manage costs and quality of candidates. The initial Hourly Bill Rates will be set based on a Wage Rate and Markup percentage. Actual placements of candidates could have slight deviations in Wage Rate as long as quality is maintained, but Hourly Bill Rates will not adjust.	Please define slight deviation in Wage rate? Will OGS standardize wage rates across 25 selected vendors and pay different markups?	Please see the amendment to the RFP. OGS will not standardize wage rates across the selected vendors.
149	425	For out of town candidates the consultant may to be paid a wage rate that includes travel expenses, how would OGS handle such compensation since both components are blended into one rate?	Travel components should be separated from wage rates for the purposes of the HBITS bid.	There are two components for determining bill rate- wage rate and markup. Travel / per diem components cannot be included in markups as they only apply to out of town resources. For out of town candidates, how should vendors separate travel/perdiem components from wage rate?	All costs to the vendor beyond the Hourly Wage Rate should be included in the Markup.

CQ #	Original Bidder Inquiry # (specified by Bidder)	Original Question (specified by Bidder)	OGS Response to Original Question (specified by Bidder)	Clarifying Question (specified by Bidder)	Response (provided by NYS)
150	440	The Bidder must possess and/or demonstrate a business presence throughout New York State that supports its proposal to recruit staff across all regions in the State (specifically, the three regions identified in Attachment 6). The Bidder must describe the extent to which it has and/or will acquire an organizational presence throughout New York State, including the Bidder's operational units. Can you clarify whether or not a bidder must demonstrate an existing organizational presence throughout the State or can a bidder acquire such presence in the future?	You have to demonstrate a business presence to support your ability to recruit staff across all regions of the State.	Can bidder demonstrate business presence through subcontractors?	A business presence means that the proposer must have the ability to place hourly based IT services in all three regions of NYS. It is up to the Bidder to demonstrate how it has that business presence.
151	461	Are the vendors free to include whatever overhead costs, whether actually incurred or projected over time, that the vendors determine appropriate in their markup percentage (such as costs associated with the administrative fee, webcasting services, the toll free number etc.) ? Will vendors need to disclose only a total markup percentage or will the state also require a breakdown (either in the invoice or through audit) of the individual components of the markup rate/percentage. If disclosure is required, will the bidder be compelled to disclose all details of the markup percentage, including its profit margin?	Vendors can include any costs they view as relevant in the Markup. NYS is not requiring a breakdown of Markup percentages now, and does not intend to do so in the future.	Can active contractors charge fully loaded markup that may have provision for benefits and vacation for independent contractors where benefits and vacation are not provided?	OGS is seeking for Bidders to provide an hourly wage rate for each of the corresponding job titles, skill levels and skill demands in addition to a markup for each Service Group. Vendors can include any costs they view as relevant in the Markup.
152	30	Will the 20-25 approved prime contractors be required to pay the hourly wage rate specified in the HBITS proposal when a candidate is placed through their firm?	The Hourly Bill Rate will be fixed in the contract and it will be up to the Contractors to manage costs and quality of candidates. The initial Hourly Bill Rates will be set based on a Wage Rate and Markup percentage. Actual placements of candidates could have slight deviations in Wage Rate as long as quality is maintained, but Hourly Bill Rates will not adjust.	Please define more precisely what is meant by "slight deviations".	Please see the amendment to the RFP.
153	11	If an MBE or WBE is not included in a proposal, can an Active Awardee use an MBE/WBE subcontractor that was not named in their original proposal when they are engaged on an actual assignment	There will be a process in place by which Awardees can add MBE or WBE subcontractors to the list provided in their original proposal.	If a selected vendor uses non-MWBE subcontractors during the course of the contract, do these subcontractors have to be registered or listed with OGS in the same manner that MWBE subcontractors are listed?	As stated in RFP Section 8.16, a Contractor is required to identify any and all subcontractors involved with the placement of a consultant with an Authorized User. This includes subcontractors that are directly paying the Hourly Wage Rate to the hired consultant. Attachment 3 also requires the disclosure of all subcontractors involved with the placement of a consultant. Further, OGS' has not requested subcontractors to "register" with the agency.