

Number	Solicitation Document Name	Document Section (Number & Name)	Question	Answer
1	RFP Main Document	7.1 Contract Terms and Conditions	Do these extensions apply only to the release of new task orders or can they be apply to the end date of existing task orders?	This Section of the Solicitation is referring to the term of the resulting Contract, not to individual Task Orders. Section 7.3 of the Solicitation states "Authorized User Form 1 Task Orders that are posted to the Contractors prior to the expiration of the resulting Contract shall survive the expiration date of the resulting Contract based upon the Engagement length stated on the Form 1." Please note that in Section 6.2.3, the correct length of a Task Order Engagement is from 2 to 30 months. Section 6.2.3 has been revised accordingly.
2	RFP Main Document	7.1 Contract Terms and Conditions, Item 3, pg. 56	NYC Authorized Users can extend 6 months past the extension year (totaling 18 months)?	For NYC Authorized Users whose contracts must be registered with the Office of the New York City Comptroller, the Contract term would extend 6 months beyond the termination date.
3	RFP Main Document	7.17 Drug and Alcohol Use Prohibited	Is drug test mandatory for all selected candidates ? If YES, 5 Panel drug test or 10 Panel drug test ?	This is at the discretion of the Authorized User.
4	RFP Main Document	7.5.1 Calculation of CPI	To mitigate unreasonable and unmitigatable market risk, would the State consider allowing CPI adjustments exceeding 3%?	OGS respectfully declines this request.
5	RFP Main Document	7.5.3 CPI Adjustment	Would the State consider limiting the CPI exclusion for existing placements to the current fiscal year the CPI eligibility, yet allow the application of a CPI adjustment to an existing placement where the existing placement extends, due to their length (up to 36 months), into subsequent fiscal years?	OGS respectfully declines to apply CPI increases to existing Task Orders. Please note that the correct length of a Task Order Engagement is from 2 to 30 months. Section 6.2.3 has been revised accordingly.
6	RFP Main Document	7.5.3 CPI Adjustment	"Under no circumstance will a CPI adjustment be granted to an existing placement. CPI adjustments shall only apply to Hourly Wage Rates for new Engagements posted to the Contractors after the effective date of the change" - this will promote a behavior for consultants to resign from their current positions, and pursue new ones, to receive higher pay rates. We request (and recommend) that CPI increase be applicable to existing placements also.	OGS respectfully declines to apply CPI increases to existing Task Orders. Please note that the correct length of a Task Order Engagement is from 2 to 30 months. Section 6.2.3 has been revised accordingly. OGS respectfully declines to speculate on the motivations of Candidates and does not agree that this will promote a behavior for consultants to resign from their current positions.
7	RFP Main Document	7.5.5 Government Mandated Program Price Adjustments	Would examples of this include the proposed mandatory 9 days paid sick leave for workers in Albany County?	This would be determined on a case-by-case basis in the State's sole discretion. It is the Contractor's responsibility to determine what benefits are provided to Consultants in accordance with applicable Federal, State and Local Laws.
8	Attachment 3 Mandatory Minimum Qualifications		Do all the participating proposers have to have NYS Vendor Identification number?	Yes. Please refer to Section 2.2.12 of the Solicitation.
9	General Questions	Response Submission	Are we correct in understanding that we need to provide 2 usb with both Administrative and technical proposal in it and 2 hardcopies (1 original and 1 copy) of administrative & technical proposal?	Yes, per Sections 3.2.1.1 and 3.2.2.1 of the Solicitation.
10	RFP Main Document	3 - Bid Submissions & 3.2.1.1 - Administrative & Technical Proposals	Section 3 list the three ways that bidders shall bid. If a company is bidding as a Joint Venture member entity with a Primary Bidder, what are they required to submit since in 3.2.1.1 under Joint Venture it states "...the following documents... must be completed by the Joint Venture and included with the PRIMARY BIDDERS response in a separate folder labeled "Joint Venture Documents." ?	A Joint Venture member would not submit a separate Bid package. The portions of the Bid that are required to be completed by the Joint Venture member would be submitted as part of the Primary Bidder's Bid.
11	RFP Main Document	3.1 - Joint Ventures	Please confirm that a Joint Venture for this solicitation are 2 or more companies coming together to provide services to the State with out having a Federal Employer Identification Number(EIN) for the Joint Venture Company. In essence a Joint Venture is just a team of a Prime & subcontractors that are not creating a new business entity.	A Joint Venture is not a subcontracting relationship. Participants in a Joint Venture are viewed as equal partners, however, only one single company shall be designated as the Primary Bidder.
12	RFP Main Document	3 Bid Submission	If multiple sub contractors are involved in the proposal, then is it necessary to provide the information of all the subs involved	Please refer to Sections 2.2.8 and 2.2.9 of the Solicitation regarding the MWBE and SDVOB Utilization Plans required to be submitted with the Bid Proposal. Additional information on MWBE and SDVOB requirements can also be found in Sections 7.11 and 7.12 of the Solicitation.
13	RFP Main Document	3 Bid Submissions	Please explain the difference between 2 and 3. (Prime bidder in association with a Joint Venture or Joint Venture member entity with a Prime Bidder)	These two examples represent the two ways in which an entity could participate in a Joint Venture Bid submission. In example #2, the entity is designated as the Primary Bidder of a Joint Venture Bid submission. In example #3, the entity is not designated as the Primary Bidder, but is a member of a Joint Venture bidding along with another entity who is designated as the Primary Bidder.
14	RFP Main Document	3 Bid Submissions	Where within the bidder response should reference or supporting documents be provided?	Please refer to Section 3 of the Solicitation for the necessary documentation.
15	RFP Main Document	3.1 Joint Ventures	In a joint venture response, is the joint partner going to appear as a subcontractor to the State, or is there some other contractual relationship that the State is looking for?	For the purpose of performing on a State Contract, participants in a Joint Venture are viewed as equal partners, however, only one single company shall be designated as the Primary Bidder.
16	RFP Main Document	3.1 Joint Ventures	If you respond as a joint venture with an MWBE and/or SDVOB will you receive the five percent or 1.5 points for that qualification?	Only a Bidder (Prime Contractor) may receive the Quantitative Factor. A maximum of 1.5 points will be awarded to any Bidder who is an SBE or is a certified MWBE and/or SDVOB. Please see Sections 5.3 and 5.5.3 of the Solicitation.
17	RFP Main Document	3.1 Joint Ventures	From a joint venture standpoint, is there anything outside the RFP that needs to be completed to create a joint venture? Can the State define the difference between a joint venture and subcontracting?	A Joint Venture is defined as "...a contractual agreement joining together two (2) or more business enterprises, for the purpose of performing on a State Contract.". Subcontracting is an agreement outside of the Contractual relationship between the State and the Prime Contractor. Please refer to Section 7.8 for additional information regarding Subcontracting.
18	RFP Main Document	3.1 Joint Ventures	Is it allowable for 2 or more companies to enter into a joint venture that have never had a formal partnership or past performance together?	For purposes of bidding as a Joint Venture, there is no requirement regarding formal partnership or past performance.
19	RFP Main Document	3.2.1 Electronic Media	The RFP states "All Bidder Submissions shall be saved in separate unprotected files in Microsoft Office products (Word and Excel) in product release 2010 or higher, or searchable PDF where indicated." Could OGS please confirm that the requirement of a searchable PDF would not apply to signed documents that bidders must scan to submit with their proposals?	OGS Confirms that the requirement of a searchable PDF does not apply to signed documents that must be scanned and submitted.
20	RFP Main Document	3.2.1 Electronic Media	Signed and scanned PDFs will not be "searchable" as required by this section. Would the state prefer digitally signed, searchable PDFs instead of scanned PDFs with original signatures?	OGS Confirms that the requirement of a searchable PDF does not apply to signed documents that must be scanned and submitted.
21	RFP Main Document	3.2.1 Electronic Media	Can we submit electronic documents on CD ROM drives instead of flash drives?	No. Per Section 3.2.1 "Electronic media shall be included on Microsoft Windows formatted USB flash drives and must be clearly labeled. USB flash drives (2.0 or higher) must not be password protected or require the installation of software in order to read files. All Bidder Submissions shall be saved in separate unprotected files in Microsoft Office products (Word and Excel) in product release 2010 or higher, or searchable PDF where indicated. Any of the documents listed below delivered in a format different from the format indicated will be considered non-responsive and will not be considered for evaluation."
22	RFP Main Document	3.2.1.1 - Administrative & technical proposals	Please confirm that the state is only looking to receive the attachments and specific pages mentioned in this section and not a consolidated word/pdf document containing all the information mentioned in Section 3.2.1.1	Section 3.2.1.1 states "Each component listed above shall be included in its own folder and labelled accordingly. Each electronic file submission shall be externally labeled "Bidder Name/Joint Venture (if applicable), #23096, HBITS Administrative/Technical Proposal".
23	RFP Main Document	3.2.1.1 Administrative & Technical Proposals	When labeling files, may bidders use "No. 23096" instead of "# 23096," as Windows does not allow "#" to be included in file names?	Yes. We will accept "No." in place of "#" or it can be left out, however, "23096" must be referenced.

24	RFP Main Document	3.2.1.1 Administrative & Technical Proposals	When labeling files, may bidders include the name of the document before the required information?	Each component listed shall be divided by Tabs and labelled according to its contents.
25	RFP Main Document	3.2.1.1 Administrative & Technical Proposals	Are Excel documents to be submitted both in Excel and in PDF (signed) format, or only in PDF (signed) format?	As stated in Section 6.3.2.1.1 <i>"These documents must be completed using Excel, signed (where applicable), notarized (where applicable) and submitted in PDF Format."</i>
26	RFP Main Document	3.2.1.1 Bid Submissions	Does OGS consider 1-11 separate "components" for the purpose of electronic bid submission and therefore bidders would have 11 folders?	Yes.
27	RFP Main Document	3.2.2 Bid Submissions	Does OGS consider 1-11 separate "components" for the purpose of hard copy bid submission and therefore bidders would have 11 tabs?	Yes.
28	RFP Main Document	3.2.1.2 Financial Proposal	The RFP states "Each electronic file submission shall be externally labeled "Company Name/Joint Venture (if applicable), #23096, HBITS Financial Proposal." Is it correct that OGS is requiring this label to be applied to the exterior of the physical USB drive?	Yes. Each Physical USB drive shall be labeled as instructed.
29	RFP Main Document	3.4 - Entire Bidder Submission	If we are mailing (via FedEx) our response, is it considered received once it is delivered to Empire State Plaza or once it arrives to the 38th floor NYS Procurement Services office? If it is considered received once it arrives to the NYS Procurement Services Office, how long is the average time it takes for a package that is in the mailroom to arrive to the NYS Procurement Services Office?	Please refer to Section 3.4 of the Solicitation. Average times are not available. A Bidder is solely responsible for timely delivery of its Bid Submission as specified in the Solicitation.
30	RFP Main Document	3.6 Proposal Security	As there is a large amount of confidential information being provided with this bid, what are the provisions for redaction under FOIL (Freedom of Information Law)? Should vendors supply a redacted proposal as well?	Please refer to Appendix B, Section 6, Confidential/Trade Secret Materials. See also Attachment 4 - <i>Administrative Information</i> , Foil Redaction Tab.
31	RFP Main Document	Individual, Corporation, Partnership, or LLC Acknowledgement	This form does not appear to have a space for the name of the individual acknowledging the form nor a place for that individual to sign the form. Should there be spaces for these items?	Please see Page 3 of the Solicitation.
32	RFP Main Document	Key events and dates	May we receive an extension of the bid due date of 2 weeks as the anticipated Q&A response is being returned on July 20th, which is very close to the current bid due date?	Please see the revised bid due date in Section 1.5, Key Events/Dates of the Solicitation.
33	RFP Main Document	page 1	is this the Bidder Information sheet you want returned with the bid response	Please refer to Sections 3.2.1.1 and 3.2.2.1 of the Solicitation for all necessary documents that must be returned with the Bid response.
34	RFP Main Document	Pages 1-3	Would you consider providing pages 1-3 of the NYS HBITS RFP in a writable format?	OGS respectfully declines to provide these documents in writable format.
35	RFP Main Document	5.3 Proposal Weighting	Does this mean that a non MWBE or SDVOB company can only get 28.5/30 points?	A Bidder who is not an MWBE, SBE or SDVOB would only be eligible to receive 28.5 of the 30 Technical Points.
36	RFP Main Document	5.3 Proposal Weighting	Does NYC MWBE certifications qualify for the Quantitative Factor points equal to NYS MWBE certification?	No. The Vendor must be a New York State certified MWBE.
37	RFP Main Document	6.4.2.3 Non-Compete	What about scenarios where we waive non-compete, but the sub-contractor who we sourced the candidates from does not?	It is the Contractor's responsibility to ensure compliance with this requirement, whether the Candidate is sourced directly or through a Subcontractor. In accordance with Section 7.24 of the Solicitation, "the Contractor shall be responsible for verifying, prior to proposing a Candidate, that such Candidate is not subject to any work restrictions as described herein, regardless of whether any restriction rights are held by the Contractor or any other party, including Subcontractors."
38	RFP Main Document	6.4.2.3 Non-Compete	What about scenarios where we waive non-compete, and the sub-contractor who we sourced the candidates from also agrees at the time of placement, yet the subcontractor changes their position at a later date? How will OGS help address such issues?	It is the Contractor's responsibility to ensure compliance with this requirement, whether the Candidate is sourced directly or through a Subcontractor. In accordance with Section 7.24 of the Solicitation, "the Contractor shall be responsible for verifying, prior to proposing a Candidate, that such Candidate is not subject to any work restrictions as described herein, regardless of whether any restriction rights are held by the Contractor or any other party, including Subcontractors."
39	RFP Main Document	6.4.2.3 Non-Compete, pg. 43	non-compete for Mr. [Redacted]	This question is incomplete and no response can be provided.
40	RFP Main Document	7.24 Non-Compete Agreements	With the non-compete agreement waiver, how would state protect the interest of vendors and subcontractors where candidates decide to work directly with managers during initial contract term? Candidates can very well talk to managers to have the initial contract cancelled and have a new bid advertised so that they can work around the process. Would OGS be open to have managers not cancel the contracts before the initial term is over or prohibit the candidate applying to same position if the contract is cancelled before the initial term? A simple communication to managers in this regard should be able to address this.	OGS will work with Authorized Users to ensure that all appropriate processes are followed in accordance with Attachment 10 - HBITS Contract (How to Use)
41	RFP Main Document	7.24 Non-Compete Agreements	Is the required waiver of any non-compete agreement applicable only with respect to the State hiring a Candidate, or does the Contractor also have to allow a Candidate to be hired by another Active Contractor?	This requirement is not limited with respect to what entity hires the Candidate. Therefore, the waiver would be required regardless of what entity hires the Candidate.
42	RFP Main Document	7.24 Non-Compete Agreements	Would OGS consider removing this section? The non-compete and restrictive covenant that many bidders have in place is based on best practices.	OGS respectfully declines to remove this requirement.
43	RFP Main Document	7.24 Non-Compete Agreements	Based on staffing best practices as defined by national staffing organizations, non-compete agreements are held in high regard to assist clients in reducing contractor turnover and minimizing contractor price escalation to job titles with higher prices within the original contract duration which ultimately increases client costs. Will NYS consider eliminating this requirement for vendors to not follow this best practice?	OGS respectfully declines to remove this requirement.
44	RFP Main Document	7.24 Non-Compete Agreements	Would the State consider allowing limited duration (6 months following an expired placement) non-compete agreements to afford a contractor the ability to preserve retention and training investments?	OGS respectfully declines to allow limited duration non-compete agreements.
45	RFP Main Document	7.24 Non-Compete Agreements	The potential result of removing non compete agreements is that every consultant in a particular job title may seek to optimize their pricing by moving to the vendor with the highest pricing in that respective title. Will NYS consider changing this requirement to keep costs in line ?	OGS respectfully declines to remove this requirement.
46	RFP Main Document	7.24 Non-Compete Agreements	By NYS telling an employer you can not enforce non-compete clauses is an employment agreement with an employee, legally isn't NYS creating a co-employment issue?	No. This is a Solicitation and Contract requirement only. OGS is not telling any employer that they cannot enforce non-compete agreements generally within their business practices. This requirement would only apply to work performed under the Contract(s) resulting from this Solicitation, and no employers are forced to bid on this Solicitation.
47	RFP Main Document	7.24 Non-Compete Agreements	Using this language, NYS is allowing / encouraging our competitors to solicit and recruit our consultants. In cases where this happens, will NYS automatically waive the 80 free hours of consulting for the replacement?	This is a case by case determination that is made between the Authorized User and the Contractor. Please see revised Section 6.9.1 of the Solicitation.
48	RFP Main Document	7.24 Non-Compete Agreements	American Staffing Association (ASA - a national industry organization) - article on "tempnapping and work force transfers" - recognizes that restrictive covenants are appropriate within "Technical Staffing" field. Adhering to industry standards, we request section 7.24 be eliminated from the RFP	OGS respectfully declines to eliminate this requirement.
49	RFP Main Document	7.24 Non-Compete Agreements	There is a federal appeals legal case "Butler Service Group Inc. v. Consultants and Designers, 720 F.2d 1553 (1983)". In this case, the federal court upheld restrictive covenants between Butler and its temporary staff. Isn't RFP section 7.24 in contradiction to this already decided federal case?	This is a Solicitation and Contract requirement only. OGS is not telling any employer that they cannot enforce non-compete agreements generally within their business practices. This requirement would only apply to work performed under the Contract(s) resulting from this Solicitation, and no employers are forced to bid on this Solicitation.
50	RFP Main Document	7.24 Non-Compete Agreements	If a competitor 'poaches' our consultant, by offering them a few more dollars, the original vendor who put in efforts to source / screen / interview loses out. There are many legal cases surrounding this topic using "Unjust Enrichment" legal grounds. While we may agree to waiving non-compete clauses, we are not being asked to not sue the competitor who poached our staff. Doesn't this "Non-Compete" language in the RFP encourage "Unjust Enrichment"? Does the language address one issue on current HBITS contract, only to bring on new unknown issues?	OGS respectfully declines to speculate on potential unknown issues.
51	RFP Main Document	7.24 Non-Compete Agreements	We request removal of the requirement for "Non-Compete" section 7.24. If OGS disagrees at present time, we request that OGS leave some wiggle room in resulting contracts to remove it at a future date, should OGS later discover that this 7.24 section has created additional unforeseen issues, and the language requires tweaking. This would be better than waiting for the entire contract term to run out before a alternate corrective action can be taken	OGS respectfully declines to remove or revise this requirement.

52	RFP Main Document	7.24 Non-Compete Agreements	If a competitor "poaches" our consultant, by offering them a few more dollars, the original vendor who put in efforts to source / screen / interview loses out. Consider the scenario where the Authorized User asks for 80 free hours on replacement as a result of action by our competitor. What did the original vendor do wrong, and why is the original vendor being penalized in this scenario? Is this Non-Compete language creating additional issues that may not currently exist?	OGS respectfully declines to speculate on hypothetical scenarios or unknown additional issues.
53	RFP Main Document	6.4.3.3 Additional Submission Requirements & 7.24 Non-Compete Agreements	These two clauses will encourage vendors to recruit from the current NYS consultant pool first. Shouldn't vendors be encouraged to recruit from the open marketplace first?	OGS respectfully declines to speculate on the recruiting practices of Contractors. Section 6.4.3.3 of the Solicitation sets forth limitations and restrictions on submitting Candidates who are already placed on an existing Task Order.
54	RFP Main Document	2.3.2.5 Retention and Attrition	"Methodologies used to retain Candidates and fulfill their placements". Not being able to have a non-compete clause with our employees and our competitors can take our employees, retention will be an issue. Can this non-compete requirement language be eliminated from the RFP?	OGS respectfully declines to remove this requirement.
55	Appendix B - General Specifications	43. Termination	There is no provision for early termination of the contract by the Contractor. There may be circumstances (not amounting to Force Majeure) where Contractor is no longer for whatever reason able or willing to fulfill his contractual obligations and should be permitted to withdraw. Will the Commissioner consider including a clause permitting the Contractor to terminate the contract for convenience with a reasonable notice period?	OGS respectfully declines to include a unilateral right for the Contractor to terminate the Contract for convenience.
56	Appendix B - General Specifications	Clause 45 Contract Invoicing	Clause 45 notes that the State Comptroller or other fiscal officer may request additional information to justify payment of invoices. Does the State comptroller or local fiscal officer of an Authorized User have the power to audit invoices? Does this power extend to audits of the work performed under the contract?	The Office of the State Comptroller will have constitutional and statutory audit rights pertaining to the Contracts resulting from this Solicitation. Other audit rights held by local government agencies or officials may vary depending on the applicable Authorized User.
57	Appendix B - General Specifications	Clause 56 Indemnification	Clause 56 imposes unlimited liability on Contractors for personal injury and for damages to real or personal tangible property caused by the contractor's negligent or intentional conduct. If a contractor's employee (HBITS Consultant) were to engage in conduct that was found to constitute sexual harassment, would the Contractor's liability be unlimited?	In accordance with Appendix B, Clause 56, Indemnification, a Contractor's liability may be unlimited depending on the type(s) of damages caused by any intentional act or negligence. OGS respectfully declines to speculate on what type(s) of damages would result from the hypothetical scenario proposed.
58	Appendix B - General Specifications	Clause 57 Indemnification relating to infringement	Clause 57 also appears to impose unlimited liability, although it does not state that clearly. In the event of an infringement claim, is it correct that the contractor's potential liability for damages is unlimited?	Appendix B, Clause 57, Indemnification Relating to Infringement, contains no monetary limitations of liability.
59	General Questions		If an employee of a Contractor is assigned to work at a State agency or an Authorized User, is the Contractor liable for the actions of employees or officers of the State or Authorized Users for claims of sexual harassment or other workplace environment/safety issues that occur in the State or Authorized User's offices? What is the responsibility of the State/Authorized User in these situations?	As provided in Appendix B, Clause 56, Indemnification, "the Contractor shall not be obligated to indemnify an Authorized User for any claim, loss or damage arising hereunder to the extent caused by the negligent act, failure to act, gross negligence or willful misconduct of the Authorized User."
60	General Questions		Does OGS/OSC or the State Department of Labor have the right to audit Contractors to determine if minimum wage or other employee protections (of the HBITS Consultant) are met?	All aspects of the Contracts resulting from this Solicitation may be audited in accordance with applicable law.
61	RFP Main Document	4.5 NYS Reserved Rights, item 28, pg. 35	What constitutes financial stability sufficient for the scope of this Solicitation?	This is a reserved right only and no single answer can be provided. This would be a case-by-case determination to be made based on the applicable circumstances and facts of each determination.
62	RFP Main Document	4.5 NYS Reserved Rights, item 28, pg. 35	Where can supportive documentation be provided that substantiates past performance, financial stability, organizational structure, etc.	This is a reserved right only. If necessary, supporting documentation could be provided upon request.
63	RFP Main Document	4.5 NYS Reserved Rights, item 28, pg. 35	Assuming average monthly payments to vendors (\$150M across 30 vendors, monthly = 416K/monthly) is a \$1 million line of credit be deemed responsible?	This is a reserved right only and no single answer can be provided. This would be a case-by-case determination to be made based on the applicable circumstances and facts of each determination.
64	RFP Main Document	Section: (4.5 NYC Reserved Rights)	Small minority business that meet mandatory qualifications like having a minimum of \$500,000 business over the past two years and provided 5 IT staff to the government agencies, should be able to demonstrate the financial stability to be evaluated through a financial rating service. Could you please clarify the definition for financial stability in a small minority company?	This is a reserved right only and no single answer can be provided. This would be a case-by-case determination to be made based on the applicable circumstances and facts of each determination.
65	RFP Main Document		Can two companies with shared vested interests (officer/director/spousal) both be awarded as a prime vendor?	OGS respectfully declines to provide a determination regarding the hypothetical scenario presented, however, as part of the Vendor Responsibility review process, OGS reserves the right, prior to award, to request additional information or make further inquiries into any potential ethical or conflict of interest issues, such as the example provided.
66	Attachment 10 - HBITS Contract (How to Use)		Is the HBITS contract mandatory to use for Authorized Users?	Authorized Users who are subject to the State Finance Law would be required to utilize these centralized statewide Contracts, to the extent the Contracts meet their form, function and utility requirements, prior to considering other methods of procurement, in accordance with the order of priority set forth in State Finance Law.
67	RFP Main Document	6.9	"the Authorized User has the right to request up to two (2) working weeks (80 hours) of work from the replacement Selected Candidate at no cost to the Authorized User during a transition/ramp-up period. The Authorized User may waive this right in whole or in part if it is determined that the need to replace the Selected Candidate was beyond the Control of the Contractor.".... We request that OGS provide more clarity on this topic. For example, if a candidate resigns because he/she decided to pursue other positions/opportunities, we feel this is considered "beyond Control of the Contractor" as Contractor had no say in candidate resigning. However, in current HBITS contract, the authorized user sometimes disagreed. Having further clarity on this topic will be of big help in reducing vagueness and addressing issues related to difference of opinions.	This is a case-by-case determination that is made between the Authorized User and the Contractor. Please see revised Section 6.9.1 of the Solicitation.
68	RFP Main Document	6.9	"the Authorized User has the right to request up to two (2) working weeks (80 hours) of work from the replacement Selected Candidate at no cost to the Authorized User during a transition/ramp-up period. The Authorized User may waive this right in whole or in part if it is determined that the need to replace the Selected Candidate was beyond the Control of the Contractor.".... We request that OGS provide some example scenarios of what is considered "in control of the contractor" and what is considered "beyond the control of the contractor"	This is a case-by-case determination that is made between the Authorized User and the Contractor. Please see revised Section 6.9.1 of the Solicitation.
69	RFP Main Document	6.9	If a competitor "poaches" our consultant, by offering them a few more dollars to place them back under HBITS contract. Consider the scenario where the Authorized User asks for 80 free hours on replacement as a result of action by our competitor. What did the original vendor do wrong, and why is the original vendor being penalized in this scenario? We request that HBITS eliminate the requirement for 80-free hours in this scenario.	OGS respectfully declines to eliminate the right to request up to 80-hours. Please see revised Section 6.9.1 of the Solicitation.
70	RFP Main Document	6.9 Selected Candidate Replacements/Cancellations	Since the HBITS contract is basically lowest price, technically acceptable, vendor margins are low and risks are high when replacing consultants. Would OGS consider eliminating the 80-hour penalty, or significantly reducing it 40 hours or less?	OGS respectfully declines to eliminate or reduce the right to request up to 80-hours. Please see revised Section 6.9.1 of the Solicitation.
71	RFP Main Document	6.9 Selected Candidate Replacements/Cancellations	In replacing consultants, would OGS consider only applying the penalty if the AU determines that the consultant needs to be replaced within the first 80 hours of work? Beyond 80 hours, no penalty would be applied.	OGS respectfully declines to make the requested change. See revised Section 6.9.1 of the Solicitation.
72	General Questions	N/A	Given the complexity of the RFP and the potential results/outcome of the 1st round of Q&A, if the State will be affording the vendor community another round of Q&A?	OGS respectfully declines to provide another round of Q&A. Please see the revised bid due date in Section 1.5, Key Events/Dates of the Solicitation.
73	General Questions	Preference	Any preference will be give to current active Vendors	No, all Bidders will be evaluated equally in accordance with this Solicitation.
74	General Questions		Since some aspects of financial evaluation are not clear will bidders be allowed to submit clarifying questions on responses given by OGS?	OGS respectfully declines to provide another round of Q&A. Please see the revised bid due date in Section 1.5, Key Events/Dates of the Solicitation.

75	General Questions		Will contractors only be considered if they currently have a physical location in New York or New Jersey?	There is no requirement to have a physical location in New York or New Jersey.
76	General Questions		Will a local supplier presence be required if awarded contract?	There is no requirement to have a local presence if awarded a Contract. However, please see Section 2.3.2.3 regarding a Bidder's capacity to demonstrate a business presence throughout New York State that supports its Proposal to recruit staff across New York State.
77	General Questions		What is the average volume of positions that will be sent out per month/quarter/year? If not available, how many positions were filled in fiscal year 2017 through the HBITS program?	This is an estimated quantity Contract. Please refer to revised Section 1.4 of the Solicitation for historical usage information.
78	General Questions		How many incumbent suppliers do you plan to retain for award of this RFP?	All Bidders will be evaluated equally in accordance with this Solicitation.
79	General Questions		[1] How are positions distributed to contractors? [2] Is there a vendor management system in place?	(1) Please refer to Section 6.3 of the Solicitation. (2) Currently, there is not an electronic Vendor Management System in place. All correspondence/distribution is through Outlook/email. OGS reserves the right to modify this method at any time throughout the Contract term.
80	General Questions		What is the typical turnaround time from when a position is distributed to contractors and an offer is made?	The turnaround time varies by Authorized User. Please refer to Section 6 of the Solicitation and Attachment 10 - HBITS Contract (How to Use).
81	General Questions		We understand that there is a maximum restraint of 2 proposed candidates per position, but how many submissions on average do you receive for each position today?	OGS does not have this information available.
82	General Questions		How many interviews typically take place per positions today?	This is determined by the Authorized User. Please refer to Section 7.1.2 of Attachment 10 - HBITS Contract (How to Use).
83	General Questions		Do hiring managers receive all of the proposed hourly workers resumes or are they shortlisted prior to being sent to the manager for review?	Candidate resumes are not required to be submitted by Contractors with the Form 2 submissions. However, an Authorized User may request a Candidate resume from a Contractor at the time of interview. Please refer to Attachment 10 - HBITS Contract (How to Use).
84	General Questions		Are HBITS Consultants selected for Authorized User Task Orders entitled to NYS Paid Family Leave (PFL)?	Consultants are not employees of the State, and it is the Contractor's responsibility to determine what benefits are provided to Consultants in accordance with applicable Federal, State and Local Laws.
85	General Questions		In the event that a HBITS Consultant provided by the Contractor takes Paid Family Leave (PFL), is the Contractor responsible coordinating intermittent leave scheduling with the Authorized User?	Consultants are not employees of the State, and it is the Contractor's responsibility to determine what benefits are provided to Consultants in accordance with applicable Federal, State and Local Laws. The Contractor is responsible for coordinating any type of absences with the Authorized User.
86	General Questions		If the State or the Authorized User chooses to terminate a Task Order while an HBITS Consultant is on NYS PFL, is the Contractor still responsible for Paid Family Leave benefits (including but not limited to reinstatement)?	Consultants are not employees of the State, and it is the Contractor's responsibility to determine what benefits are provided to Consultants in accordance with applicable Federal, State and Local Laws.
87	General Questions		In the event that a HBITS Consultant provided by the Contractor takes Paid Family Leave (PFL), is the Contractor responsible for potentially providing a short-term replacement?	This is a case-by-case determination that is made between the Authorized User and the Contractor. Please see revised Section 6.9.1 of the Solicitation.
88	General Questions		May Contractors periodically evaluate the performance of HBITS Consultants on long-term Task Orders in an effort to actively manage value delivery to Authorized Users?	It is up to each individual Contractor as to how they choose to evaluate the performance of their Consultants.
89	General Questions		May Contractors provide HBITS Consultants on long-term Task Orders periodic training to execute Contractor-based performance management and staff development plans?	It is up to each individual Contractor as to how they choose to train their Consultants.
90	General Questions		Can an Authorized User decrease the billable hours worked by a HBITS Consultant at any time with or without notice to the Contractor?	Please refer to revised Section 6.12.
91	General Questions		Would the incumbent vendors participate in this RFP as well?	All Bidders, including incumbent vendors, may participate in this Solicitation.
92	General Questions		Does the local IT Services vendors have a local preference over the out of the State IT Services vendors?	There is no preference given to local IT Services vendors.
93	General Questions		What are the changes or improvements (if needed) that OGS is looking for in the new MSA and in the new suppliers list	Please refer to the Pre-Bid Conference Presentation that has been posted to the OGS Website at https://www.ogs.ny.gov/purchase/biddocument/23096BID.ASP
94	General Questions		How satisfied or successful the previous HBITS contract has been for OGS?	Please refer to Section 1.4 of the Solicitation for historical usage information.
95	General Questions		Are all 30 awarded vendors active and able to work on the MSA ? how many vendors will be in the Waitlist? Is Waitlist a subset of 30 awarded vendors?	Please refer to Section 6.11.2 of the Solicitation.
96	RFP Main Document	1.1 Overview	Will there be a target number of Waitlisted Contractors or is a performance threshold going to be set that must be maintained?	Please refer to Section 6.11.2 of the Solicitation.
97	RFP Main Document	1.12 Definitions	Standard hours are 9-5, but how is overtime handled if required?	Hours may vary by Authorized User. The Contract does not provide for overtime rates.
98	RFP Main Document	1.12 Definitions	How is "Hourly Based IT Services" defined?	Please refer to Section 1.3 of the Solicitation and Attachment 9 - Job Titles, Skill Levels, Regions.
99	RFP Main Document	1.12 Definitions	Does the definition of Hourly Based IT Services include contracts which are paid hourly regardless of deliverables or work product delivered or a contract cap?	Deliverable-based services are out of scope of this Solicitation and the resulting Contract(s). Please refer to Section 1.3 of the Solicitation.
100	RFP Main Document	1.2 HBITS Process Overview	The steps outlined in the table describe a process where the contractors identify candidates based on a "finalized initial request" and then the State sets the requirements and specifications for the position. Please elaborate on the reason for not providing requirements and specifications before a search is started.	The Table outlines the responsibilities that the Authorized Users, the OGS HBITS Team and the Contractors have in the process as a whole. The responsibilities are not listed in chronological order. Requirements and specifications for the Position will be set prior to the Contractor identifying Candidates. For details as to the process, please refer to Attachment 10 - HBITS Contract (How To Use)
101	RFP Main Document	1.4 Estimated Quantities	What was the \$ amount spent in the previous Contract Vehicle for each year?	Approximately \$150 million annually. Please refer to Section 1.4 of the Solicitation for historical usage information.
102	RFP Main Document	1.5 Key Events and Dates	Is there a possibility of an extension for the due date for responses on August 9th before 11am?	Please see the revised bid due date in Section 1.5, Key Events/Dates of the Solicitation.
103	RFP Main Document	1.6 Intent to Bid	We haven't submitted Intent to Bid as per section 1.3, can our proposal to be considered however we are meeting all mandatory qualifications	Submission of the Intent to Bid form was not mandatory and, therefore, is not a requirement for participation in this Solicitation
104	RFP Main Document	1.8 RFP Questions and Bid Deviations (Inquiry Period)	Will OGS address questions submitted before the pre-bid conference at the pre-bid conference?	Consistent with the Pre-Bid Conference Presentation, no questions were taken or answered.
105	RFP Main Document	5.2 Awarded Contracts	Is there any preference for local vendors?	There is no preference given to local vendors.
106	RFP Main Document	5.2 Awarded Contracts	Given the size and scope of the HBITS contract (\$150 million and 3 major regions), would the State entertain increasing the number of vendors and/or making regional specific awards?	OGS respectfully declines to increase the number of vendors and/or make regional specific awards at this time.
107	RFP Main Document	6 HBITS Process Requirements	Will we be allowed to access the hiring managers?	Contractors may contact the Agency Contact Person(s) listed on the Form 1 with any questions. Responses are at the discretion of the Agency. Please refer to Attachment 10 - HBITS Contract (How to Use).
108	General Questions		Is direct contact allowed between suppliers and hiring managers?	Contractors may contact the Agency Contact Person(s) listed on the Form 1 with any questions. Responses are at the discretion of the Agency. Please refer to Attachment 10 - HBITS Contract (How to Use).
109	General Questions		Are there any restrictions around direct contact/communication between suppliers and hiring managers?	Contractors may contact the Agency Contact Person(s) listed on the Form 1 with any questions. Responses are at the discretion of the Agency. Please refer to Attachment 10 - HBITS Contract (How to Use).
110	RFP Main Document	6.1 HBITS Process	Will process be identical for both Executive and Non-Executive agencies, including [question incomplete]	Yes, the Cost Methodology Process and the Qualified Candidates forwarded to Authorized Users for consideration are the same for both Executive and Nonexecutive Agencies.
111	Attachment 10 - HBITS Contract (How to Use)	6.3 Cost Methodology & 6.4 Qualified Candidates	Will process be identical for both Executive and Non-Executive agencies, including [question incomplete]	Yes, the Cost Methodology Process and the Qualified Candidates forwarded to Authorized Users for consideration are the same for both Executive and Nonexecutive Agencies.
112	RFP Main Document	6.1 HBITS Process	On current HBITS contract, many of our consultants use NYS timekeeping system. Can we receive an electronic feed of these time records, which will help improve our efficiency, and accuracy when submitting invoices under this new contract? This will further help OGS and the agency spend less time on reconciliations	It is at the determination of the individual Authorized User as to what timekeeping system the Candidates will be required to use and to what information is available to the Contractors.

113	RFP Main Document	6.1 HBITS Process	On current HBITS contract, we have had issue with some non-exec users, where interview requests came in, and only 1 option of date/time was provided. Our request for an alternate date/time was refused. This happened multiple times. Can there be a process that each authorized user must provide multiple options for interviews, to accommodate candidate availabilities as well?	It is at the determination of the individual Authorized User as to what their interview process is.
114	RFP Main Document	6.1 HBITS Process Overview	Is New York State using a technology tool for vendor management (i.e., a VMS) -- and if so, what tool are you using?	Currently, there is not an electronic Vendor Management System in place. All correspondence/distribution is through Outlook/email. OGS reserves the right to modify this method at any time throughout the Contract term.
115	RFP Main Document	6.10.2 - Administrative Fee	Your fee is listed as .75% is this a typo?	Per Section 6.10.2 of the Solicitation, the Administrative Fee is 0.75% as stated.
116	RFP Main Document	6.10.7.2 Selected Candidate Evaluation	Will the Contractor receive a copy of the Selected Candidate Evaluation Form (Form 4) after a Selected Candidate vacates a position?	These forms will be shared with the Contractors upon their request. Please refer to Attachment 10 - <i>HBITS Contract (How to Use)</i> Section 10.1.
117	RFP Main Document	6.11.1	What are the individual weights for each criteria - responsiveness, successful onboarding, compliance and general quality	Please refer to Attachment 11 - <i>HBITS Contract (Forms)</i> HBITS Annual Contractor Evaluation Results (beginning on Page 27).
118	RFP Main Document	6.11.1 Evaluation Criteria	Is the requirement to reply with a candidate to 60% of all Task Order Requests? Or is the requirement that 60% of all Responses are Valid?	Section 6.11.1 states "Responsiveness: Contractor will receive points based upon the percentage of valid Candidate submissions received in response to the total number of posted Task Order Requests. Per Section 6.10.6 Contractors are expected to provide valid responses to at least 60% of the posted Task Order Requests during each Contract year. Contractor will receive points for meeting at least 60% of valid Candidate submissions. Contractor will receive additional points for meeting or exceeding 70% of valid Candidate submissions."
119	RFP Main Document	6.11.1 Evaluation Criteria, #1, pg. 54	Are there any additional incentives to exceeding 70%?	Per Section 6.11.1 "Contractor will receive points for meeting at least 60% of valid Candidate submissions. Contractor will receive additional points for meeting or exceeding 70% of valid Candidate submissions." Please refer to Attachment 11 - <i>HBITS Contract (Forms)</i> HBITS Annual Contractor evaluation Results (beginning on Page 27) for percentage breakdowns.
120	RFP Main Document	6.11.1 Evaluation Criteria, #8 & #9, pg. 55	Points will be given based on the number of form 6s and 4s received: Is it lose all points if you receive a form like it is currently managed or is it truly based on a number? What is that number?	Please refer to Attachment 11 - HBITS Contract (Forms) HBITS Annual Contractor evaluation Results (beginning on Page 27) under General Quality for the breakdown of Points Assignment for Form 6 submissions (worth 20 total points) and under Authorized User Evaluation (worth 25 total points) for Form 4 submissions.
121	RFP Main Document	6.11.1 Evaluation Criteria, pg. 54	What is a successful candidate placement? Could this be defined? (Completion of assignment percentage? Performance issues? Retention issues? Insourced?)	A successful Candidate placement is a Selected Candidate who has been onboarded by an Authorized User.
122	RFP Main Document	6.11.1 Evaluation Criteria, pg. 54	Will there be thresholds or goals for Authorized Users to return Forms 4 & 6 as these are currently widely underutilized?	It is not mandatory for Authorized Users to submit either of these Forms. However, Authorized Users are encouraged to submit a completed Selected Candidate Evaluation (Form 4) for any Selected Candidate vacating a position. Please refer to Section 10.1 of Attachment 10 - <i>HBITS Contract (How to Use)</i> .
123	RFP Main Document	6.11.2 Active vs. Waitlisted Contractors	Please clarify how a Waitlisted Contractor can once again become an Active Contractor. Does the Waitlisted designation mean that they will automatically become Active the year following the Waitlisted year?	Yes. Please see revised Section 6.11.2.1 for clarification.
124	RFP Main Document	6.11.2.1	"Contractors who receive a score of less than 65 will be waitlisted for the upcoming year. However, Contractors who are waitlisted will be given a one-time opportunity per Contractor to improve their performance..." - please clarify what is meant by one-time - is it once for the entire contract duration (including optional renewal), or is it once per waitlist occurrence, or something else?	Once per the entire duration of the Contract. Please see revised Section 6.11.2.1.
125	RFP Main Document	6.11.2.1 Determination	The RFP states: "...all Contractors who receive a score of less than 65 will be waitlisted for the upcoming year. However, Contractors who are waitlisted will be given a one-time opportunity per Contractor to improve their performance, and will be re-evaluated in 6 months. This re-evaluation will be based solely upon the criteria in Part II of the Annual Evaluation, and the Contractor must attain a score of 46 or higher to return to Active Status for the remaining five (5) months of the Contract year. If the Contractor receives a score of less than 46, they will remain waitlisted for the remaining five (5) months of the Contract year." Is it correct that a waitlisted vendor will be reinstated as active automatically in the following contract year?	Yes. Please see revised Section 6.11.2.1 for clarification.
126	RFP Main Document	6.11.2.1 Determination	Why is the needed score to stay active 65 but a waitlisted company is only required to score 46 to return to active status?	Since a Waitlisted Contractor does not receive new Task Orders (per Section 6.11.2.3), they cannot be scored on Part I Annual Evaluation Criteria (Contractor Responsiveness and Onboarding), which is worth 30 Points. Waitlisted Contractors are, however, responsible to maintain at least 65% of the available 70 points (a score of 46) that make up Part II Annual Evaluation Criteria (Compliance Review, General Quality and Authorized User Evaluation). Please see Attachment 11 - <i>HBITS Contract (Forms), Annual Contractor Evaluation</i> .
127	RFP Main Document	6.11.2.1 Determination	Please clarify how a waitlisted vendor can achieve 46 points if no Tier 2 requirements are being sent to them.	Since a Waitlisted Contractor does not receive new Task Orders (per Section 6.11.2.3), they cannot be scored on Part I Annual Evaluation Criteria (Contractor Responsiveness and Onboarding), which is worth 30 Points. Waitlisted Contractors are, however, responsible to maintain at least 65% of the available 70 points (a score of 46) that make up Part II Annual Evaluation Criteria (Compliance Review, General Quality and Authorized User Evaluation). Please see Attachment 11 - <i>HBITS Contract (Forms), Annual Contractor Evaluation</i> .
128	RFP Main Document	6.11.2.3	"A Waitlisted Contractor shall not assist or subcontract with any Active HBITS Contractors while they are on the Waitlist." - does this apply only to HBITS placements? For example, if we work with a subcontractor currently for other non-HBITS positions, and this subcontractor is selected on new HBITS contract, will we be able to work with this subcontractor for non-HBITS related work?	This applies to this Procurement only. Please see revised Section 7.8 of the Solicitation.
129	RFP Main Document	6.11.2.3	Requirement that 2 selected vendors on the new HBITS contract cannot subcontract to each other - What if we currently have ongoing placements using this subcontractor - for both HBITS and non-HBITS contracts. How will these current placements be handled in both scenarios	This applies to this Procurement only. Please see revised Section 7.8 of the Solicitation. Existing engagements would not be impacted.
130	RFP Main Document	6.11.2.3 Waitlisted Contractor	Will contractor status (active/waitlisted) continue to be posted to the OGS website or otherwise be communicated to all vendors?	Yes. This information will be posted to the OGS Website and communicated to the Contractors.
131	RFP Main Document	6.11.2.3 Waitlisted Contractor	What is the number of contractors that the NYS - OGS plan on awarding under the 'Waitlisted Contractors' list?	OGS will not designate any Awards as "Waitlisted". Waitlisted status is based on performance only. Please refer to Section 6.11.2 of the Solicitation.
132	RFP Main Document	6.2.3 Engagement Duration	The RFP states contract length 36 months but the pre-bid conference ppt says 30 months, which is it?	The correct length of a Task Order Engagement is from 2 to 30 months. Section 6.2.3 has been revised accordingly. Please note that the term of the Contract is 5 years per Section 7.1 of the Solicitation.
133	RFP Main Document	6.2.3 Engagement Duration	What is the contract for End Users that require services under 2 months in length or over 36 months in length?	The correct length of a Task Order Engagement is from 2 to 30 months. Section 6.2.3 has been revised accordingly. Authorized Users requiring services greater than 30 months in length would have to seek an alternative procurement method or submit a new Task Order Request after the 30 months.
134	RFP Main Document	6.2.3 Engagement Duration	Is the requirement for 2 month engagement requiring continuous work? Or can the work be started and stopped over a longer period of time?	If the Authorized User set the length of the Task Order as a 2-month Engagement, it would be continuous work from the date of onboarding until its expiration after two months. There would be no starting and stopping in between and no option to extend the 2-month term.

135	RFP Main Document	6.2.8.1 Hourly Wage Rate Deviation	Please clarify the 5% deviation in Section 6.2.8.1 and how it is applied.	To allow the selected Contractors to better manage both their cost and the quality of the Candidates that they can provide to the State, OGS will permit a Contractor to pay a Selected Candidate an Hourly Wage Rate Deviation of up to 5% less than the Hourly Wage Rate bid in Attachment 7 – <i>Financial Proposal</i> . As a result of this permitted deviation, Contractors shall be required to pay the Selected Candidate no less than the Hourly Wage Rate bid minus the 5% Hourly Wage Rate Deviation permitted. Contractor may pay the Selected Candidate more than the Hourly Wage Rate bid in its discretion at any time during the Contract. Notwithstanding the above, all Hourly Bill Rates will remain fixed unless otherwise modified in accordance with the terms of the resulting Contract. Please see revised Section 6.2.8.1 of the Solicitation.
136	RFP Main Document	6.2.8.1 Hourly Wage Rate Deviation	The RFP states, "To allow the selected Contractors to better manage both their cost and the quality of the Candidates that they can provide to the State, OGS will permit a Hourly Wage Rate Deviation (no greater than 5%) to the Hourly Wage Rates proposed in Attachment 7 – Financial Proposal when submitting Candidates for consideration, provided that the Hourly Bill Rate remains unchanged." Could OGS respond to confirm that a Contractor may pay candidates any amount above the Wage Rate for any position awarded?	Yes. To allow the selected Contractors to better manage both their cost and the quality of the Candidates that they can provide to the State, OGS will permit a Contractor to pay a Selected Candidate an Hourly Wage Rate Deviation of up to 5% less than the Hourly Wage Rate bid in Attachment 7 – <i>Financial Proposal</i> . As a result of this permitted deviation, Contractors shall be required to pay the Selected Candidate no less than the Hourly Wage Rate bid minus the 5% Hourly Wage Rate Deviation permitted. Contractor may pay the Selected Candidate more than the Hourly Wage Rate bid in its discretion at any time during the Contract. Notwithstanding the above, all Hourly Bill Rates will remain fixed unless otherwise modified in accordance with the terms of the resulting Contract. Please see revised Section 6.2.8.1 of the Solicitation.
137	RFP Main Document	6.3 Posting Requirements	Where can we find Form 2?	All HBITS Forms are included in Attachment 11 – HBITS Contract (Forms).
138	RFP Main Document	6.4.2 Candidate Response Requirements	How many qualified resumes will be sent to the Authorized User for consideration?	Candidate resumes are not required to be submitted by Contractors with the Form 2 submissions. However, an Authorized User may request a Candidate resume from a Contractor at the time of interview.
139	RFP Main Document	6.4.2.6 Contractor Certification	Is it a requirement that we use a third party vendor to verify employment for background checks or will a member of the bidding company calling the employer ourselves suffice?	Please refer to Sections 6.4.2.6 and 6.7.2. The manner in which a Contractor verifies employment is at the discretion of the Contractor.
140	RFP Main Document	6.4.3 Candidate Submission	What are the determining factors to decide which resumes are sent to the AU?	Candidate resumes are not required to be submitted by Contractors with the Form 2 submissions. However, an Authorized User may request a Candidate resume from a Contractor at the time of interview.
141	RFP Main Document	6.4.3.2 Duplicate Submissions	Can we assume that a Candidate will not be released from consideration at a higher rate until proof of permission to submit is provided by the lowest bidding vendor?	No. Per Section 6.4.3.2 "The Candidate will be released from consideration for the Active Contractors with the higher Hourly Bill Rate for the Position and those Active Contractors will be notified accordingly."
142	RFP Main Document	6.4.3.2 Duplicate Submissions	Could the candidate themselves be asked directly which company has the permission to represent them prior to any financial down select? Vendors provide OGS with a personal candidate email so the candidate could commit to a vendor.	The selection of a Contractor by a potential Candidate is outside the purview of the resulting Contract.
143	RFP Main Document	6.4.3.3 Additional Submission Requirements	Given the administrative impact of holding a resource through a protracted interview schedule with no defined end dates, would the State consider a time frame to release candidates selected for an interview after a period of ____?	It is at the determination of the individual Authorized User as to what their interview timeframe is. OGS respectfully declines to make the requested modification to this provision.
144	RFP Main Document	6.4.3.3 Additional Submission Requirements	"However, an Active Contractor may submit a Candidate who is already placed on an existing Task Order if the Job Title and Skill Level of the new Position represent a higher Hourly Bill Rate than the existing Task Order." 1. Is there a restriction on how often or how many times this can be done?	There are no restrictions on how often this can be done.
145	RFP Main Document	6.4.3.3 Additional Submission Requirements	"However, an Active Contractor may submit a Candidate who is already placed on an existing Task Order if the Job Title and Skill Level of the new Position represent a higher Hourly Bill Rate than the existing Task Order." 2. If not, won't all active candidates be looking to move to higher titles thus drive up costs for NYS?	OGS respectfully declines to speculate on the motivations of Candidates and does not agree that this will drive up costs for NYS.
146	RFP Main Document	6.4.3.3 Additional Submission Requirements	"However, an Active Contractor may submit a Candidate who is already placed on an existing Task Order if the Job Title and Skill Level of the new Position represent a higher Hourly Bill Rate than the existing Task Order." 3. Are the NYS hiring managers okay with vendors moving their consultants before the project/contract is completed?	OGS respectfully declines to speak on behalf of the hiring managers.
147	RFP Main Document	6.5.3 Cost Methodology	Would it be possible to create an example of what is described in section 6.5.3 to further clarify how the described process will work?	The determination of the Candidates who are passed on to the Agency for consideration is based upon the criteria set forth in Section 6.5 of the Solicitation, and provides for a 5% cost differential that allows additional Candidates through after the Cost Methodology has been applied. Additionally, please note that Attachment 10 – HBITS Contract (How to Use), Section 6.3 has been revised to further detail this process and Example 1 has been created to illustrate its application.
148	RFP Main Document	6.5.3 Cost Methodology	Currently under HBITS, approximately 50% of the submitted candidates are eliminated due to cost and not passed onto the Authorized User. Please clarify how this will work under this new proposed contract.	The determination of the Candidates who are passed on to the Agency for consideration is based upon the criteria set forth in Section 6.5 of the Solicitation, and provides for a 5% cost differential that allows additional Candidates through after the Cost Methodology has been applied. Additionally, please note that Attachment 10 – HBITS Contract (How to Use), Section 6.3 has been revised to further detail this process and Example 1 has been created to illustrate its application.
149	RFP Main Document	6.5.3 Cost Methodology	Is it correct that the 5% deviation can only result in a decreased wage rate, and not an increased wage rate?	No. To allow the selected Contractors to better manage both their cost and the quality of the Candidates that they can provide to the State, OGS will permit a Contractor to pay a Selected Candidate an Hourly Wage Rate Deviation of up to 5% less than the Hourly Wage Rate bid in Attachment 7 – <i>Financial Proposal</i> . As a result of this permitted deviation, Contractors shall be required to pay the Selected Candidate no less than the Hourly Wage Rate bid minus the 5% Hourly Wage Rate Deviation permitted. Contractor may pay the Selected Candidate more than the Hourly Wage Rate bid in its discretion at any time during the Contract. Notwithstanding the above, all Hourly Bill Rates will remain fixed unless otherwise modified in accordance with the terms of the resulting Contract. Please see revised Section 6.2.8.1 of the Solicitation.
150	RFP Main Document	6.5.3 Cost Methodology	How will bill rates be factored into the equation in determining which resumes are forwarded to the AU?	Candidate resumes are not required to be submitted by Contractors with the Form 2 submissions. However, an Authorized User may request a Candidate resume from a Contractor at the time of interview.
151	RFP Main Document	6.5.3 Cost Methodology & 6.5.4 Qualified Candidates	Which one is done first, costs or skill qualification?	The Mandatory Qualification and the Requested Qualifications (as described in Sections 6.5.1 and 6.5.2) review is done prior to the Cost Methodology.
152	RFP Main Document	6.6.1 Technical Evaluation	In Section 6.4 Candidate Submission, it indicates that resumes, certifications, educationals credentials, or other information can be submitted along with Form 2. However, in 6.6.1 Technical Evaluation, it indicates that ONLY Form 2 will be used during the technical review. If this is true, what would be the reason for providing the supplemental information?	This is provided for convenience in the event that the Authorized User would like to review the documents should the Candidate proceed beyond the Authorized User Technical Evaluation (3A).
153	RFP Main Document	6.6.3 Candidate Selection	If relocation is required, would an exception to the 10-day rule be permitted?	Exceptions may be granted at the discretion of the Authorized User. Please refer to revised Section 6.6.3.
154	RFP Main Document	6.7.2 Background Check	Is there a list of OGS authorized Background check company to conduct BG verification process?	OGS does not maintain a list of companies authorized to conduct background checks.
155	RFP Main Document	6.7.3 Education Credential Validation	Page 47, Section 6.7.3, states "For those Candidates who obtain an educational credential from a foreign institution, defined as institutions residing outside the United States, the credential must be verified by a company approved by the New York State Department of Civil Service (https://www.cs.ny.gov/jobseeker/degrees.cfm)."	If this is indicated as a Candidate placement requirement by the Authorized User, verification must be completed prior to the Candidate start date.
156	RFP Main Document	6.8.2 Payment to Selected Candidates	How do the payment requirements change if our workers get paid the same salary regardless of when the End User pays us for the work performed?	The requirements of Section 6.8.2 do not change whether the worker is salaried or not.

157	RFP Main Document	6.8.2 Payment to Selected Candidates	"Contractor must pay Selected Candidates no later than fifteen (15) Business Days after receiving payment from the Office of General Services for Executive Agencies and the Authorized User for Non-Executive Agencies" - On current HBITS contract, Some Non-Executive Agencies (especially NYC agencies that require contract registration with NYC Comptroller Office) have not paid our invoices for up to 1 year following start of assignment - How will OGS enforce timely payment from Non-Executive agencies?	Timeliness of payments by Non-Executive Agencies is outside the control of OGS.
158	RFP Main Document	6.9.2	"Contractor must provide the Authorized User with twenty (20) Business Days' prior written notification describing the circumstances of the need for replacement."... considering most employments are offered "at-will", it may not be feasible (and possibly against the law) to mandate that candidates provide ~1 month (20 business days) advance notice to us allowing us to provide the same to the authorized users. We request that OGS reconsider the 20-business-day requirement, by either eliminating this requirement, or significantly reducing this requirement	OGS respectfully declines to reduce or eliminate the requirement. OGS expects the Contractor to use best efforts to provide the twenty (20) business day notice. However, OGS understands there may be extenuating circumstances.
159	RFP Main Document	6.9.2	[1] "Contractor must provide the Authorized User with twenty (20) Business Days' prior written notification describing the circumstances of the need for replacement."... Considering OGS is allowing candidates to move from their current positions to ones with higher titles - would NYS managers wait ~1 month (20 business days) to onboard? [2] This prolonged on-boarding cycle - will it negatively impact vendor annual evaluation (assuming manager of future position candidate was selected for, is unwilling to wait this long)	(1) This is a case-by-case determination that is made between the Authorized User and the Contractor. (2) OGS respectfully disagrees with the interpretation of a "prolonged on-boarding cycle" and this should not have any impact on the Annual Evaluation.
160	RFP Main Document	7 HBITS Process Requirements	Will there be a VMS or vendor management team of some sorts that interfaces with the vendors?	Currently, there is not an electronic Vendor Management System in place. All correspondence/distribution is through Outlook/email. OGS reserves the right to modify this method at any time throughout the Contract term.
161	RFP Main Document	7.4 Pricing	Did OGS institute an optional price decrease exercise at any time during the existing HBITS contract period?	Yes. At the beginning of Year 2 of the Contract.
162	RFP Main Document	7.4 Pricing	Is there any provision for adjusting Wage Rate and/or Markups after the award?	Per Section 7.4 of the Solicitation "OGS reserves the right to conduct an optional price decrease exercise during the term of the resulting Contract to increase the potential cost savings to New York State and to be more competitive within the HBITS market if it is deemed to be in the best interest of the State." Per Section 7.5 of the Solicitation "At the start of Contract years 2 through 5, and any renewal years, the Contractor's Hourly Wage Rates in Attachment 7 – Financial Proposal may be subject to an increase, at Contractor's option..." There is no provision to change the Markup during the duration of the Contract.
163	RFP Main Document	General	Can we see samples of prior Engagement Requests under HBITS to better understand typical client requirements and the process?	Please refer to Attachment 11 - <i>HBITS Contract (Forms)</i> , specifically, Pages 2-9.
164	RFP Main Document	General	Is there an approved budget for this RFP?	This Solicitation will establish Backdrop Centralized Contracts only. Projects will vary by Authorized User and will be specified in individual Task Orders issued under the Centralized Contracts. Please refer to Section 1.4 of the Solicitation for Estimated Quantities.
165	RFP Main Document	General	How much is the budget?	This Solicitation will establish Backdrop Centralized Contracts only. Projects will vary by Authorized User and will be specified in individual Task Orders issued under the Centralized Contracts. Please refer to Section 1.4 of the Solicitation for Estimated Quantities.
166	RFP Main Document	General	[1] Is there an incumbent competing? [2] Is there an internal team currently working on the development, or are you outsourcing current development?	(1) Please refer to our current Award #22439 located at https://www.ogs.ny.gov/purchase/snt/awardnotes/7301222439can.htm (2) Please refer to Section 1.1 of the Solicitation.
167	RFP Main Document	General	How long after the submission due date will you issue an award?	Please refer to revised Section 1.5 of the Solicitation.
168	RFP Main Document	General	What is the priority of this project?	This Solicitation will establish Backdrop Centralized Contracts only. Projects will vary by Authorized User and will be specified in individual Task Orders issued under the Centralized Contracts.
169	RFP Main Document	General	When are you expecting to engage with the vendor after the award has been given?...	This Solicitation will establish Backdrop Centralized Contracts only. Projects will vary by Authorized User and will be specified in individual Task Orders issued under the Centralized Contracts. Please refer to Section 1.5 of the Solicitation.
170	RFP Main Document	General	What is the expected/needed "go-live" date of the project?	This Solicitation will establish Backdrop Centralized Contracts only. Projects will vary by Authorized User and will be specified in individual Task Orders issued under the Centralized Contracts. Please refer to Sections 1.1, 1.2, 1.3 and 1.5 of the Solicitation.
171	RFP Main Document	General	Do you accept offshore development services for this project?	This Solicitation will establish Backdrop Centralized Contracts only. Projects will vary by Authorized User and will be specified in individual Task Orders issued under the Centralized Contracts. Please refer to Sections 1.1, 1.2, and 1.3 of the Solicitation.
172	RFP Main Document	General	Will onsite visits be required during development?	This Solicitation will establish Backdrop Centralized Contracts only. Projects will vary by Authorized User and will be specified in individual Task Orders issued under the Centralized Contracts. Please refer to Sections 1.1, 1.2, and 1.3 of the Solicitation.
173	RFP Main Document	General	Is the project scope listed in the RFP finalized	This Solicitation will establish Backdrop Centralized Contracts only. Projects will vary by Authorized User and will be specified in individual Task Orders issued under the Centralized Contracts.
174	RFP Main Document	General	To the best of your knowledge, are there any circumstances that will cause you to: a. Cancel the RFP? b. Not move forward with the winning bidder? c. Lower the budget for the project? d. Prolong the evaluation process or reissue the RFP?	At this time, OGS has no intention of cancelling the Solicitation, moving forward without the winning Bidders or prolonging the evaluation process. There is no budget for this Solicitation.
175	RFP Main Document	General	Are you interested in an 'off-the-shelf' or more custom software solution?	Software is outside the Scope of this Solicitation and the resulting Contract(s).
176	RFP Main Document	Section 6.2.3 Engagement Duration	This section states that the minimum duration of an engagement is 2 months and the maximum is 36 months. What happens if at the end of the 36 month period, additional work is required to complete the assignment. Can the Authorized User extend the agreement beyond that period?	Per Section 6.2.3 "There will be no optional extensions for individual Engagements." Also please note that the correct length of a Task Order Engagement is from 2 to 30 months. Section 6.2.3 has been revised accordingly.
177	RFP Main Document	Section 6.4.1 Form 2 Candidate Response Form	This question requires disclosure of Visa numbers. In light of current events, would OGS consider removing this requirement, or at least protecting that information from disclosure? If the information is to be protected, how can that be guaranteed if the contract is with an Authorized User?	Please refer to Appendix B, Section 6, Confidential/Trade Secret Materials. See also Attachment 4 - <i>Administrative Information</i> , Foil Redaction Tab.
178	RFP Main Document	Section 6.4.1 Form 2 Candidate Response Form	Does OGS Share HBITS Consultants' immigration status with ICE?	This question is outside the scope of this Solicitation and resulting Contracts.
179	RFP Main Document	Section:(1.4 Estimated Quantities) Section:(1.1 Overview)	Since the annual sales 150 million for 5 years i.e around 700 million, can the bidder's list be extended to 50?	OGS respectfully declines to increase the number of vendor awards at this time.
180	RFP Main Document		Do we have to respond to all the position mentioned as requested in the RFP?	Section 6.11.1 states "Responsiveness: Contractor will receive points based upon the percentage of valid Candidate submissions received in response to the total number of posted Task Order Requests. Per Section 6.10.6 Contractors are expected to provide valid responses to at least 60% of the posted Task Order Requests during each Contract year. Contractor will receive points for meeting at least 60% of valid Candidate submissions. Contractor will receive additional points for meeting or exceeding 70% of valid Candidate submissions."
181	RFP Main Document		What are the requirements to remain in good standing?	Please refer to Section 6.11 of the Solicitation.

182	Attachment 10 - HBITS Contract (How to Use)	2 HBITS Process Overview	How will IT positions be distributed to the approved firms? Via portal, email, etc.	All correspondence/distribution is through Outlook/email. OGS reserves the right to modify this method at any time throughout the Contract term.
183	Attachment 10 - HBITS Contract (How to Use)	6.3 Cost Methodology	We would like to suggest the costing model of submitted candidates be based upon a mean average of all the candidates, not just dropping the highest 50%. This would ensure a more balanced and equitable pool of candidates with which to interview.	OGS respectfully disagrees with this interpretation of this Section. The Cost Methodology that is used by OGS does not "drop the highest 50%". The determination of the Candidates who are passed on to the Agency for consideration is based upon the criteria set forth in Section 6.5 of the Solicitation, and provides for a 5% cost differential that allows additional Candidates to pass through after the Cost Methodology has been applied. Additionally, please note that Attachment 10 – HBITS Contract (How to Use), Section 6.3 has been revised to further detail this process and Example 1 has been created to illustrate its application.
184	Attachment 10 - HBITS Contract (How to Use)	6.5.3 Cost Methodology	The application of the Cost Methodology will be based upon the Hourly Bill Rate of the Position and the number of Positions sought. Once the OGS HBITS Team determines the number of Candidates who pass the Cost Methodology, additional Candidates may also pass due to a 5% cost differential. How would OGS determine the number of candidates who pass the cost methodology?	The 5% differential will be applied to the highest hourly bill rate passed through to determine an hourly bill rate threshold. All Candidates with an hourly bill rate less than or equal to the threshold will also pass the Cost Methodology. Additionally, please note that Attachment 10 – HBITS Contract (How to Use), Section 6.3 has been revised to further detail this process and Example 1 has been created to illustrate its application.
185	Attachment 10 - HBITS Contract (How to Use)	General	This document says "Draft". Can we assume narrative described in Cost Methodology and Process of Forwarding candidates to Authorized User is Final?	Please refer to Sections 6.5.3 and 6.5.4 of the Solicitation for the Cost Methodology and Process of Forwarding Candidates to Authorized Users. Attachment 10 is an instructional document for the Authorized Users and supplements the Solicitation and resulting Contract and is subject to change.
186	Attachment 10 - HBITS Contract (How to Use)	Section 8	In the event that the workplace policies and procedures of the State office or an Authorized User conflict with those of the Contractor, do the policies of the State/Authorized User control?	Please see Section 6.12 of the Solicitation. "An Authorized User may have distinct requirements that must be met by all individuals employed by or working at the Authorized User. The Candidates will be expected to comply with these requirements as a condition of the placement."
187	Attachment 10 - HBITS Contract (How to Use)		What agency under the HBITS contract has utilized the vendor resources the most?	OGS respectfully declines to provide this information.
188	Attachment 10 - HBITS Contract (How to Use)		When the HBITS contract is in effect, all 30 awarded vendors will provide HBITS services to all regions or will the NYSOAS will divide into three groups that manage IT services in three regions?	All 30 Contractors will be awarded Statewide Contracts to provide services across all Regions of New York State. Please see Section 1.3 of the Solicitation.
189	Email	Email	We are incorporated in NJ, but have business license to do business in NY State. Do we need to have physical office and incorporation in NY State to participate in this bid.	There is no requirement to have a physical location in New York State.
190	RFP Main Document	Bid Document Appendices	We noticed the "Submission of Intent to Bid" Due Date was 6/14/18. For Clarification: Does this mean all "Submission of Intent to Bid" will not be accepted after 6/14/18?	Submission of the Intent to Bid form was not mandatory and, therefore, is not a requirement for participation in this Solicitation.
191	RFP Main Document	Bid Document Appendices	For Clarification: Can RFP Bids still be submitted even though the "Intent to Bid was not filed timely on or before the due date?	Submission of the Intent to Bid form was not mandatory and, therefore, is not a requirement for participation in this Solicitation.
192	Attachment 3 Mandatory Minimum Qualifications	Bid Document Appendices	Should technical resource resumes be included in the RFP Bid?	No, this Solicitation will establish Backdrop Centralized Contracts only. Projects will vary by Authorized User and will be specified in individual Task Orders issued under the Centralized Contracts.
193		Bid Document Appendices	Can additional questions be submitted regarding the remaining documents? As we have questions regarding the partnering interest email?	OGS respectfully declines to include an additional question and answer period.
194		Bid Document Appendices	Can we obtain a copy of a previously awarded HBITS?	The current HBITS Contracts are located at https://www.ogs.ny.gov/purchase/snt/awardnotes/7301222439can.htm
195	Attachment 6 Technical Proposal	Bid Document Appendices	Proposal designed to emphasize are capabilities to supply the talent listed?	OGS respectfully does not understand the question. A Bidder's Proposal should show its capacity to undertake, manage and complete assignments for all aspects of providing hourly-based IT services as described in this Solicitation.
196	Attachment 9 Job Titles, Skill Levels, Regions	Additional Titles	There are NYS agencies that utilize Peoplesoft ERP. Rates for a "Peoplesoft Programmer" vs rates for "Programmer" are not the same. Similarly, rates for "Peoplesoft Functional Analyst" is not the same as "Business Analyst" or "Software Analyst". We recommend that OGS add titles specific to handling ERP / PeopleSoft requirements	OGS respectfully declines to make the requested change. Any specific specialties/skill levels would be indicated by the Authorized User on the Form 1 Task Order Request in the Requested Qualifications Section.
197	Attachment 9 Job Titles, Skill Levels, Regions	Additional Titles	Many Non-Exec agencies use technologies like Oracle EBS / Oracle Applications, Maximo, Hyperion, Marketo etc. Rate for e.g. Oracle EBS Programmer is not the same as Programmer. We recommend OGS have some titles e.g. "Emerging / Turnkey / Unique" technologies not addressed by other titles, to allow non-executive users be interested in using the HBITS contract	OGS respectfully declines to make the requested change. Any specific specialties/skill levels would be indicated by the Authorized User on the Form 1 Task Order Request in the Requested Qualifications Section.
198	Attachment 9 Job Titles, Skill Levels, Regions	Attachment 9 - Job Titles	Do you have the scope of work for all the mentioned resources?	The Solicitation will establish Backdrop Centralized Contracts only. Projects will vary by Authorized User and will be specified in individual Task Orders issued under the Centralized Contracts.
199	Attachment 9 Job Titles, Skill Levels, Regions	Attachment 9 - Job Titles	Is there any technology defined for Software developer/Web developer/Web manager?	Any specific specialties/skill levels would be indicated by the Authorized User on the Form 1 Task Order Request in the Requested Qualifications Section.
200	Attachment 9 Job Titles, Skill Levels, Regions	Regions	Will awards be given on a regional basis? (i.e., is it possible for a contractor to be awarded a contract for only one or two of the three total regions?	All Contractors will be awarded Statewide Contracts to provide services across all Regions of New York State. Please see Section 1.3 of the Solicitation.
201	Attachment 8 Insurance Requirements	all	Please confirm if we need to supply proof of insurance with the bid documents	Per Section II of Attachment 8, evidence of Workers' Compensation and Disability Benefits is due at the time of bid submission, while all other required proof of insurance is due at time of Tentative Award.
202	Attachment 8 Insurance Requirements	I. General Conditions	Is a COI required with the proposal response?	Per Section II of Attachment 8, evidence of Workers' Compensation and Disability Benefits is due at the time of bid submission, while all other required proof of insurance is due at time of Tentative Award.
203	Attachment 8 Insurance Requirements		Can we submit our current Certificate of Insurance with NY OGS. And, Attachment 8 – Insurance Requirements" requires upon Contract Award by NY OGS?	Per Section II of Attachment 8, evidence of Workers' Compensation and Disability Benefits is due at the time of bid submission, while all other required proof of insurance is due at time of Tentative Award.
204	RFP Main Document	2.2.6 Insurance	Can you please provide sample insurance documents required to be submitted?	OGS respectfully declines to provide sample insurance documentation.
205	RFP Main Document	6.1 HBITS Process Insurance	On current HBITS contract - we have had to submit insurance documentation multiple times to Non-Executive agencies. Can there be a process with such non-exec agencies, eliminating this extra step, which causes significant delays in engagement start dates	There is no requirement in the resulting Contracts for insurance documentation to be provided to Non-Executive agencies.

206	Attachment 4 Administrative Information		If the proposer is an out of state vendor and currently doesn't have consultant on its pay roll, does the proposer still have to submit its proof of Workers' Compensation and Disability Benefits Insurance?	Bidder must either submit proof of Workers' Compensation and Disability Benefits coverage or proof of exemption, in accordance with applicable law.
207	Attachment 2 Bidder Questions Form	Submission of Questions	In the financial section, in the Excel price list, is the hourly cost rate strictly a W2 rate or is it a loaded hourly cost that includes direct and in-direct cost,	The Hourly Wage Rate is defined as "the rate that the Selected Candidate will receive under each Engagement ...". A Bidder's Markup shall include all costs a Bidder will incur beyond the Hourly Wage Rate paid to a Candidate...". Please refer to Section 1.12 of the Solicitation.
208	Attachment 2 Bidder Questions Form	Submission of Questions	Based on the above, is the markup percentage only the profit margin alone or is it a total of all indirect cost, such as payroll taxes, holidays and vacation, medical insurance, 401K etc. and the profit margin.	A Bidder's Markup shall include all costs a Bidder will incur beyond the Hourly Wage Rate paid to a Candidate...". Please refer to Section 1.12 of the Solicitation.
209	Attachment 7 Financial Proposal	1.3 Scope	Rates will be Fixed Rates or Not-To-Exceed rates?	Section 1.3 states "This Solicitation includes fixed rates rather than not-to-exceed rates."
210	RFP Main Document	Section 2.4.3 - Hourly Bill Rate	Can we submit a candidate with Hourly Bill Rate less than the established not to exceed single Hourly Bill Rate for a specific position? For example, if our single not to exceed Hourly Bill Rate for Region 2, Project Manager, and Senior Skill Level is \$80.00, can we submit a candidate with required skills and expertise at \$75.00?	No. Section 1.3 states "This Solicitation includes fixed rates rather than not-to-exceed rates." These fixed rates are in effect until price adjustments are made in accordance with Sections 7.4 and 7.5 of the Solicitation.
211	Attachment 7 Financial Proposal	2.4.1 Hourly Wage Rate	Each proposer can submit three mark up percentages for three regions or the same mark up percentage for three regions. Is it correct to do that?	A Bidder shall provide one Markup percentage per Region, not to exceed a total of three (3) Markup percentages.
212	Attachment 7 Financial Proposal	2.4.2 5% Hourly Wage Rate Deviation	In this column, we will put down the hourly wage rate after deducting 5%. Is it correct to do that?	No. Once the Hourly Wage Rate is entered in Attachment 7 – Financial Proposal, a formula will automatically populate the 5% Slight Deviation Hourly Wage Rate Column at 5% below the Hourly Wage Rate bid.
213	Attachment 7 Financial Proposal	5.5.4 Financial Proposal Evaluation	This section states: "The Financial Score shall be based on a pre-determined market basket of Job Title, Skill Level and Region combinations (Market Basket Combination) as deemed appropriate by the Financial Evaluation Team, but which shall be determined prior to the Bid opening and applied equally for all Bidders" Would OGS expand on the process it will use to determine the Market Basket Combination to be utilized in the financial evaluation?	OGS respectfully declines to disclose the Job Titles, Skill Levels and Regions that make up the Market Basket Combinations. Please see revised Section 5.5.4 of the Solicitation for clarification.
214	Attachment 7 Financial Proposal	5.5.4 Financial Proposal Evaluation	This section states: "The Financial Score shall be based on a pre-determined market basket of Job Title, Skill Level and Region combinations (Market Basket Combination) as deemed appropriate by the Financial Evaluation Team, but which shall be determined prior to the Bid opening and applied equally for all Bidders" Will each Job Title with its corresponding skill level have a market basket combination for each region for financial score evaluation?	OGS respectfully declines to disclose the Job Titles, Skill Levels and Regions that make up the Market Basket Combinations. Please see revised Section 5.5.4 of the Solicitation for clarification.
215	Attachment 7 Financial Proposal	5.5.4 Financial Proposal Evaluation	"An Average Hourly Bill Rate (Average Bid) shall be calculated for each Bidder using the pre-determined market basket combinations" In the example OGS used 4 market combination titles. Will OGS take collective average of all Job Titles (i.e Technical Architect, Programmer, Database Administrator etc) and corresponding skill levels (i.e Junior, Mid-Level Senior and Expert) or OGS will evaluate each job title separately with corresponding skill levels?	Each Market basket combination consists of one Job Title, one Skill Level and one Region. Please see revised Section 5.5.4 of the Solicitation for clarification.
216	Attachment 7 Financial Proposal	5.5.4 Financial Proposal Evaluation	This section states that a pre-determined Percentage of Median Permitted as deemed appropriate by the Financial Evaluation Team, but which shall be determined prior to the Bid opening and applied equally for all Bidders, shall be applied above and below the Median Bid to obtain a Low Acceptable Bid and a High Acceptable Bid. Bidders with an Average Bid that is higher than the High Acceptable Bid or lower than the Low Acceptable Bid shall not receive a Financial Score and shall be eliminated from further consideration. Will OGS score each region and job title and skill level separately?	No. OGS will evaluate a pre-determined market basket of Job Title, Skill Level and Region Combinations. Please see revised Section 5.5.4 of the Solicitation for clarification.
217	Attachment 7 Financial Proposal	5.5.4 Financial Proposal Evaluation	This section states that a pre-determined Percentage of Median Permitted as deemed appropriate by the Financial Evaluation Team, but which shall be determined prior to the Bid opening and applied equally for all Bidders, shall be applied above and below the Median Bid to obtain a Low Acceptable Bid and a High Acceptable Bid. Bidders with an Average Bid that is higher than the High Acceptable Bid or lower than the Low Acceptable Bid shall not receive a Financial Score and shall be eliminated from further consideration. If a bidder is in range in one job title and/or region but out of range for other job title and/or region, Will OGS make awards for each region and Job title for which the bidders fall in range?	No. OGS will evaluate a pre-determined market basket of Job Title, Skill Level and Region Combinations. Please see revised Section 5.5.4 of the Solicitation for clarification. Note that awards will be Statewide for all Job Titles and not by individual Region or Job Title.
218	Attachment 7 Financial Proposal	5.5.4 Financial Proposal Evaluation	Of the Bids that passed step three (3) above, each Market Basket Combination will be evaluated separately using the lowest Hourly Bill Rate to determine the number of points awarded. Each Market Basket Combination will be equally weighted and a corresponding Points Value will be assigned to each Market Basket Combination. The lowest Hourly Bill Rate for each Market Basket Combination will receive the maximum points for that combination, and all other Hourly Bill Rates will receive a proportionate number of points (Lowest Hourly Bill Rate / Bidder Hourly Bill Rate * Points Value = Points Awarded). All points awarded for each Market Basket Combination (rounded to two (2) decimal places) will be totaled to determine each Bidder's Financial Score. This method does not guarantee that any one (1) Bidder will receive a total of 70 points. In the example OGS has used 20 market basket combinations. Can OGS clarify how OGS will arrive at exact number of market basket combinations?	OGS respectfully declines to disclose the number of Job Titles, Skill Levels and Regions combinations that make up the Market Basket. Please see revised Section 5.5.4 of the Solicitation for clarification.
219	Attachment 7 Financial Proposal	General	Some recent OGS Contracts (PBITS for example) utilize Most Favored Nation Pricing (MFN). Could a Contractor's HBITS Prices be used as a basis for MFN pricing for future OGS or NYS Contracts?	This question is outside the scope of this Solicitation and the resulting Contract(s).
220	Attachment 7 Financial Proposal	Hourly Bill Rate	Do we propose two Skilled demands (Normal and High) for the Hourly Bill Rate.	Please refer to Section 2.4.3 of the Solicitation.
221	Attachment 7 Financial Proposal	Hourly Wage Rate	Do we propose two Skilled demands (Normal and High) for the Hourly Wage Rate.	Please refer to the Instructions provided on Attachment 7 – Financial Proposal. "A Bidder must enter a single Hourly Wage Rate (rounded to two (2) decimal places) for each and every Job Title and Skill Level in each of the three (3) Regions."
222	Attachment 7 Financial Proposal	N/A	Can we have separate pricing for remote and on-site work? If not, how are travel & expenses covered for on-site work?	OGS respectfully declines to allow separate pricing for remote versus onsite work. Please see Section 6.10.9 of the Solicitation.
223	Attachment 7 Financial Proposal	N/A	Can one individual employee be submitted for multiple Job Titles?	Please refer to Section 6.4 of the Solicitation for Candidate Submission Requirements and Section 6.5.4 for how a qualified Candidate is determined. If an individual employee meets the requirements for multiple Job Titles, such individual may be submitted for any Job Titles for which he or she may be qualified.
224	Attachment 7 Financial Proposal	N/A	If the cost per hour for one role is outside of the acceptable average range for that position, but the rest of the roles are in line with the average range, will that result in disqualification or simply a lower score?	There is no acceptable average range for a single Job Title. Please refer to revised Section 5.5.4 of the Solicitation.
225	Attachment 7 Financial Proposal	N/A	How do we determine hourly wage rate if we typically have fully-employed, salaried employees doing this work? Are overhead costs included in this rate?	The Hourly Wage Rate is defined as "the rate that the Selected Candidate will receive under each Engagement ...". A Bidders Markup shall include all costs a Bidder will incur beyond the Hourly Wage Rate paid to a Candidate...". Please refer to Section 1.12 of the Solicitation.

226	Attachment 7 Financial Proposal	N/A	How is the deviation from the wage rate handled if employees are paid a salary regardless of the number of hours they work on a given project (salaried employees)?	There is no difference in the way that the deviation is handled whether the employee is salaried or not. To allow the selected Contractors to better manage both their cost and the quality of the Candidates that they can provide to the State, OGS will permit a Contractor to pay a Selected Candidate an Hourly Wage Rate Deviation of up to 5% less than the Hourly Wage Rate bid in Attachment 7 – Financial Proposal. As a result of this permitted deviation, Contractors shall be required to pay the Selected Candidate no less than the Hourly Wage Rate bid minus the 5% Hourly Wage Rate Deviation permitted. Contractor may pay the Selected Candidate more than the Hourly Wage Rate bid in its discretion at any time during the Contract. Notwithstanding the above, all Hourly Bill Rates will remain fixed unless otherwise modified in accordance with the terms of the resulting Contract. Please see revised Section 6.2.8.1 of the Solicitation.
227	Attachment 7 Financial Proposal	Section 5.3	Section 5.3, is the Quantitative Factor only applied to proposer who has MBE, WBE, SDVOB certificates?	Only a Bidder (Prime Contractor) may receive the Quantitative Factor. A maximum of 1.5 points will be awarded to any Bidder who is an SBE or is a certified MWBE and/or SDVOB. Please see Sections 5.3 and 5.5.3 of the Solicitation.
228	Attachment 7 Financial Proposal	Section 5.5.4	How does OGS determine the Percentage of Median Permitted	Please refer to Section 5.5.4, which states in part "A pre-determined Percentage of Median Permitted as deemed appropriate by the Financial Evaluation Team, but which shall be determined prior to the Bid opening and applied equally for all Bidders, shall be applied above and below the Median Bid to obtain a Low Acceptable Bid and a High Acceptable Bid."
229	Attachment 7 Financial Proposal	Section 5.5.4	Are the Median Bid and Point Value assessed for each Region or for all titles for all Regions?	Neither. OGS will evaluate a pre-determined market basket of Job Title, Skill Level and Region Combinations. Please see revised Section 5.5.4 of the Solicitation for clarification. Note that awards will be Statewide for all Job Titles and not by individual Region or Job Title.
230	Attachment 7 Financial Proposal	Section 5.5.4	How does OGS determine the basket combinations?	OGS respectfully declines to disclose the Job Titles, Skill Levels and Regions that make up the Market Basket Combinations. Please see revised Section 5.5.4 of the Solicitation for clarification.
231	Attachment 7 Financial Proposal	Section 5.5.4	It is correct to understand that the basket combination rates are used to detect the lowest and the highest rates and the acceptable rates in that basket will be compared with the median rates?	There is only one Market Basket that consists of an undisclosed number of Market Basket Combinations. Each Market Basket Combination consists of one Job Title, one Skill Level and one Region. All Market Basket Combinations in the Market Basket for each Bidder will be averaged to determine the Average Hourly Bill Rate (Average Bid). A Median Bid will be determined from all Average Bids and an acceptable range will be determined based on a pre-determined Percentage of Median Permitted. A Bidder whose Average Bid falls outside of the acceptable range shall be eliminated from further consideration.
232	Attachment 7 Financial Proposal	Section 5.5.4	Does the Market Basket Combination rate is the pre-determined rate set by the Financial Team before the bid openings?	OGS respectfully does not understand the question. There is no "pre-determined rate" set by the Financial Team. The Average Bid is determined by calculating the Hourly Bill Rates bid for each Market Basket Combination.
233	Attachment 7 Financial Proposal	Section 5.5.4	1. Average Hourly Bill Rate [1] Is the Average Hourly Bill Rate of the Bidder 1 calculated by calculating average of all titles in one region of Bidder 1? [2] What does 4 Market Basket Combination mean?	There is only one Market Basket that consists of an undisclosed number of Market Basket Combinations. Each Market Basket Combination consists of one Job Title, one Skill Level and one Region. All Market Basket Combinations in the Market Basket for each Bidder will be averaged to determine the Average Hourly Bill Rate (Average Bid). (2) For purposes of the example provided in Section 5.5.4 of the Solicitation only, four Market Basket Combinations are being used.
234	Attachment 7 Financial Proposal		Is it cost plus markup?	OGS respectfully does not understand the question. Please refer to the Instructions provided on Attachment 7 – Financial Proposal. Note: The Hourly Wage Rate is defined as "the rate that the Selected Candidate will receive under each Engagement ...". A Bidders Markup shall include all costs a Bidder will incur beyond the Hourly Wage Rate paid to a Candidate...". Please refer to Section 1.12 of the Solicitation.
235	Attachment 7 Financial Proposal		Will the focus of the Financial Proposal Evaluation be on the markup percentage or the final bill rate?	The Markup percentage is part of the equation that determines the Hourly Bill Rate. For Financial Evaluation purposes, the Hourly Bill Rate will be used.
236	Attachment 7 Financial Proposal		When a position is released, will there ever be a cap on the bill rate vs. adherence to the proposed rates? We understand that State of NY reserves the right to negotiate at the time of an offer, but am curious if this is ever stated directly when a position is released.	Section 1.3 states "This Solicitation includes fixed rates rather than not-to-exceed rates." There is no negotiation of rates at the time of an offer.
237	Attachment 7 Financial Proposal		Are the wages that the Contractor pays to consultants subject to New York State's Minimum Wage Laws? Must the hours worked by consultants adhere to New York State's Predictive Scheduling Laws? If so, how does the Contractor work with an Authorized User to confirm those requirements are met?	Consultants are not employees of the State, and it is the Contractor's responsibility to determine what benefits are provided to Consultants in accordance with applicable Federal, State and Local Laws.
238	Attachment 7 Financial Proposal		Is the Contractor required to disclose the wages that it pays to its employees and administrative staff on the Form EEO-162?	OGS is not familiar with Form EEO-162.
239	Attachment 7 Financial Proposal		Would NYSOGA provide the current max/min not to exceed rates of the existing HBITS contracts?	The rates on the current Contract may be found at: https://www.ogs.ny.gov/purchase/snt/awardnotes/7301222439can.htm
240	Attachment 7 Financial Proposal		How is the proposer's cost proposal be valued across three regions? Will the proposer have to pass all three regions cost proposal in order to be awarded the contract?	No. There is only one Market Basket that consists of an undisclosed number of Market Basket Combinations. Each Market Basket Combination consists of one Job Title, one Skill Level and one Region. Note that awards will be Statewide for all Job Titles and not by individual Region or Job Title.
241	Attachment 7 Financial Proposal		Where can we find the usage and awarded rates for the current contract?	Please refer to Section 1.4 of the Solicitation for historical data. The rates on the current Contract may be found at: https://www.ogs.ny.gov/purchase/snt/awardnotes/7301222439can.htm
242	General Questions		Do small minority businesses have to price all the titles or can they choose limited ones and add later on?	Please refer to the Instructions provided on Attachment 7 – Financial Proposal. "A Bidder must enter a single Hourly Wage Rate (rounded to two (2) decimal places) for each and every Job Title and Skill Level in each of the three (3) Regions."
243	General Questions		Will the bidder be allowed to revised their rates once at a later point or not?	No. Section 1.3 states "This Solicitation includes fixed rates rather than not-to-exceed rates." These fixed rates are in effect until price adjustments are made in accordance with Sections 7.4 and 7.5 of the Solicitation.
244	RFP Main Document	1.12 Definitions	"Markup" - Does this include cost of benefits, like health insurance, vacation pay, holiday pay etc.	A Bidder's Markup shall include all costs a Bidder will incur beyond the Hourly Wage Rate paid to a Candidate. " Please refer to Section 1.12 of the Solicitation.
245	RFP Main Document	1.3 Scope	The RFP states, "The awarded Contractors' rates are actual Wage Rates and shall include any actual Markup that a Contractor intends to charge the State. This Solicitation includes fixed rates rather than non-to-exceed rates." Could OGS respond to confirm that a Contractor may pay candidates any amount above the Wage Rate for any position awarded?	To allow the selected Contractors to better manage both their cost and the quality of the Candidates that they can provide to the State, OGS will permit a Contractor to pay a Selected Candidate an Hourly Wage Rate Deviation of up to 5% less than the Hourly Wage Rate bid in Attachment 7 – Financial Proposal. As a result of this permitted deviation, Contractors shall be required to pay the Selected Candidate no less than the Hourly Wage Rate bid minus the 5% Hourly Wage Rate Deviation permitted. Contractor may pay the Selected Candidate more than the Hourly Wage Rate bid in its discretion at any time during the Contract. Notwithstanding the above, all Hourly Bill Rates will remain fixed unless otherwise modified in accordance with the terms of the resulting Contract. Please see revised Section 6.2.8.1 of the Solicitation.
246	RFP Main Document	2.4 Financial Proposal	Will the three regions be treated equally from the standpoint of scoring the financial proposal? If not, what are the relative weights of each region?	OGS respectfully declines to disclose the Job Titles, Skill Levels and Regions that make up the Market Basket Combinations or the weighting assigned to each Market Basket Combination. Please see revised Section 5.5.4 of the Solicitation for clarification.
247	RFP Main Document	2.4 Financial Proposal	Will there be an inflation percentage applied to future years for the hourly wage and bill rates?	Please refer to Section 7.5 of the Solicitation, CPI Price Adjustments.
248	RFP Main Document	2.4.1 Hourly Wage Rate	Has the State considered the impact of the Tax Cut and Jobs Act of 2017 and its impact to W2 & 1099 (subcontractor) composition? Would the State consider posting hourly wage rates for both W2 and 1099 to employees? Otherwise, subsequent to award, there will be a incentive to shift employees to 1099 subcontractor status and the prime vendors pocket the deviation.	OGS respectfully declines to allow separate hourly wage rates for W2 and 1099 employees.

249	RFP Main Document	2.4.1 Hourly Wage Rate	Are these minimum wage rates, or fixed or maximum?	To allow the selected Contractors to better manage both their cost and the quality of the Candidates that they can provide to the State, OGS will permit a Contractor to pay a Selected Candidate an Hourly Wage Rate Deviation of up to 5% less than the Hourly Wage Rate bid in Attachment 7 – Financial Proposal. As a result of this permitted deviation, Contractors shall be required to pay the Selected Candidate no less than the Hourly Wage Rate bid minus the 5% Hourly Wage Rate Deviation permitted. Contractor may pay the Selected Candidate more than the Hourly Wage Rate bid in its discretion at any time during the Contract. Notwithstanding the above, all Hourly Bill Rates will remain fixed unless otherwise modified in accordance with the terms of the resulting Contract. Please see revised Section 6.2.8.1 of the Solicitation.
250	RFP Main Document	2.4.1 Hourly Wage Rate	Will wages rate be compared to prevailing wages for each region?	No. Please see Section 1.3 of the Solicitation. Any installation work which is considered Public Works is excluded from the scope of this Solicitation and the resulting Contract(s).
251	RFP Main Document	2.4.2 Hourly Wage Rate Deviation	Please explain the meaning and objective of the 5% calculation.	To allow the selected Contractors to better manage both their cost and the quality of the Candidates that they can provide to the State, OGS will permit a Contractor to pay a Selected Candidate an Hourly Wage Rate Deviation of up to 5% less than the Hourly Wage Rate bid in Attachment 7 – Financial Proposal. As a result of this permitted deviation, Contractors shall be required to pay the Selected Candidate no less than the Hourly Wage Rate bid minus the 5% Hourly Wage Rate Deviation permitted. Contractor may pay the Selected Candidate more than the Hourly Wage Rate bid in its discretion at any time during the Contract. Notwithstanding the above, all Hourly Bill Rates will remain fixed unless otherwise modified in accordance with the terms of the resulting Contract. Please see revised Section 6.2.8.1 of the Solicitation.
252	RFP Main Document	2.4.3 Hourly Bill Rate	Do you have any pre-specified mark-up cost attached to base pricing?	No. This is at the discretion of the Bidder when determining their pricing.
253	RFP Main Document	5.0 Method of Award	Financial Score is based on wage rate, bill rate or mark up? Which one or all?	The Markup percentage and the Hourly Wage Rate determine the Hourly Bill Rate. For Financial Evaluation purposes, the Hourly Bill Rate is used.
254	RFP Main Document	5.1 New York State Philosophy; 5.3 Proposal Weighting	The RFP states “A best value award optimizes quality, cost, and efficiency among responsive and responsible Bidders and is consistent with the best interests of the State of New York.” In this RFP, the weighting of Technical and Financial scores is listed as 30% Technical and 70% Cost. Given the success of the previous HBITS contract, wouldn't lowering the focus on Technical score from 40% to 30% decrease the quality of candidates submitted?	OGS respectfully disagrees that lowering the weighting of the Technical Evaluation will decrease the quality of Candidates submitted by the Awarded Contractors.
255	RFP Main Document	5.4.2 Financial Proposal Eval Team	Please confirm if the evaluators will be the same for all proposals? It is critical to have consistency across all evaluations, if possible.	All evaluators will review the same portion(s) of all proposals received, in a consistent manner.
256	RFP Main Document	5.4.4 Financial Proposal Evaluation	What percentage of the 372 individual rates, bid on Attachment 7, contribute to the overall market baskets?	OGS respectfully declines to disclose the Job Titles, Skill Levels and Regions that make up the Market Basket Combinations. Please see revised Section 5.5.4 of the Solicitation for clarification.
257	RFP Main Document	5.4.4 Financial Proposal Evaluation	Are market buckets distributed across the 3 regions evenly or proportionally to each region's expected number of task orders?	OGS respectfully declines to disclose the Job Titles, Skill Levels and Regions that make up the Market Basket Combinations. Please see revised Section 5.5.4 of the Solicitation for clarification.
258	RFP Main Document	5.5.4	[1] How many titles will be in the market basket and [2] how many market baskets will be used for analysis?	(1) OGS respectfully declines to disclose the Job Titles, Skill Levels and Regions that make up the Market Basket Combinations. Please see revised Section 5.5.4 of the Solicitation for clarification. (2) There is only one Market Basket that consists of an undisclosed number of Market Basket Combinations. Each Market Basket Combination consists of one Job Title, one Skill Level and one Region.
259	RFP Main Document	5.5.4	What is the criteria for selecting which market baskets will be used?	OGS respectfully declines to disclose the Job Titles, Skill Levels and Regions that make up the Market Basket Combinations. Please see revised Section 5.5.4 of the Solicitation for clarification.
260	RFP Main Document	5.5.4 Financial Proposal Evaluation	Please clarify the process for applying the Market Basket, under what conditions is it applicable and how is it applied?	There is only one Market Basket that consists of an undisclosed number of Market Basket Combinations. Each Market Basket Combination consists of one Job Title, one Skill Level and one Region. Please see revised Section 5.5.4 of the Solicitation for clarification.
261	RFP Main Document	5.5.4 Financial Proposal Evaluation	[1] What percent of median does OGS intend to apply? [2] How is the percent derived? [3] Will it be consistent across all labor types?	(1) Please refer to Section 5.5.4, which states in part “A pre-determined Percentage of Median Permitted as deemed appropriate by the Financial Evaluation Team, but which shall be determined prior to the Bid opening and applied equally for all Bidders, shall be applied above and below the Median Bid to obtain a Low Acceptable Bid and a High Acceptable Bid .” (2) Please refer to Section 5.5.4, which states in part “A pre-determined Percentage of Median Permitted as deemed appropriate by the Financial Evaluation Team, but which shall be determined prior to the Bid opening and applied equally for all Bidders...” Please also note “...that the Financial Evaluation Team may change the Percentage of Median Permitted to ensure that up to 60 Bids from the Bidder pool...” 3) Yes, the application of the median percentage will be consistent across all Market Basket Combinations.
262	RFP Main Document	5.5.4 Financial Proposal Evaluation	Will the Market Basket sampling be distributed equally across all regions?	OGS respectfully declines to disclose the Job Titles, Skill Levels and Regions that make up the Market Basket Combinations. Please see revised Section 5.5.4 of the Solicitation for clarification.
263	RFP Main Document	5.5.4 Financial Proposal Evaluation	How many Market Basked Combinations (Groups) does the Financial Evaluation Team anticipate using for price evaluation and financial scoring?	There is only one Market Basket that consists of an undisclosed number of Market Basket Combinations. Each Market Basket Combination consists of one Job Title, one Skill Level and one Region. Please see revised Section 5.5.4 of the Solicitation for clarification.
264	RFP Main Document	5.5.4 Financial Proposal Evaluation	What is the criteria for establishing a Market Basket combination?	Each Market basket combination consists of one Job Title, one Skill Level and one Region. Please see revised Section 5.5.4 of the Solicitation for clarification.
265	RFP Main Document	5.5.4 Financial Proposal Evaluation	If a vendor is out of the competitive range in one or more Market Baskets will they be eliminated from the competition? For example, if OGS uses 10 market baskets and a vendor is in the competitive range on 9 but out on 1 market basket, are they eliminated from competition?	There is only one Market Basket that consists of an undisclosed number of Market Basket Combinations. Each Market Basket Combination consists of one Job Title, one Skill Level and one Region. OGS will evaluate a pre-determined market basket of Job Title, Skill Level and Region Combinations. Please see revised Section 5.5.4 of the Solicitation for clarification. Note that awards will be Statewide for all Job Titles and not by individual Region or Job Title.
266	RFP Main Document	5.5.4 Financial Proposal Evaluation	Does one title, skill level in one region equal one Market Basket?	Each Market basket combination consists of one Job Title, one Skill Level and one Region. Please see revised Section 5.5.4 of the Solicitation for clarification.
267	RFP Main Document	5.5.4 Financial Proposal Evaluation	Does one title, skill level in all regions equal one Market Basket?	Each Market basket combination consists of one Job Title, one Skill Level and one Region. Please see revised Section 5.5.4 of the Solicitation for clarification.
268	RFP Main Document	5.5.4 Financial Proposal Evaluation	Does one title, all skill levels in one region equal one Market Basket?	Each Market basket combination consists of one Job Title, one Skill Level and one Region. Please see revised Section 5.5.4 of the Solicitation for clarification.
269	RFP Main Document	5.5.4 Financial Proposal Evaluation	Does one title, all skill levels in all regions equal one Market Basket?	Each Market basket combination consists of one Job Title, one Skill Level and one Region. Please see revised Section 5.5.4 of the Solicitation for clarification.
270	RFP Main Document	5.5.4 Financial Proposal Evaluation	Does a Market Basket combination contain more than one Title?	Each Market basket combination consists of one Job Title, one Skill Level and one Region. Please see revised Section 5.5.4 of the Solicitation for clarification.
271	RFP Main Document	5.5.4 Financial Proposal Evaluation	Please provide more information about the pre-determined market basket which will be used to evaluate all bids? Is this from OGS research or provided to OGS via a vendor? If the latter, which vendor?	OGS respectfully declines to disclose the Job Titles, Skill Levels and Regions that make up the Market Basket Combinations. Please see revised Section 5.5.4 of the Solicitation for clarification.
272	RFP Main Document	5.5.4 Financial Proposal Evaluation	“OGS reserves the right to exclude any unbalanced, unrealistic or inordinately low or high bids from the following calculations if, in the judgment of OGS, the bid would skew the results.” Can you explain the methodology OGS will use to determine inordinately low or high bids?	OGS respectfully declines to provide a methodology. OGS reserves the right to exclude any unbalanced, unrealistic or inordinately low or high bids, if, in the judgement of OGS, the Bid would skew the results.

273	RFP Main Document	5.5.4 Financial Proposal Evaluation	How is Wage Rate / Markup used in Financial Evaluation? Will OGS only use final bill rates in Financial Evaluation? Please provide details on this step of the evaluation process	The Markup percentage and the Hourly Wage Rate determine the Hourly Bill Rate. For Financial Evaluation purposes, the Hourly Bill Rate is used.
274	RFP Main Document	5.5.4 Financial Proposal Evaluation	"pre-determined market basket combinations" and "pre determined percentage of median permitted" - please clarify what OGS means by "pre-determined"	Pre-determined means that the determination will be made prior to the Bid Opening Date.
275	RFP Main Document	5.5.4 Financial Proposal Evaluation	[1] Table 1 - which shows 4 Market Basket Combinations - if OGS receives 200 proposals, will OGS use all 200 rates to calculate average? [2] Will OGS remove inordinately low and high bids, before calculating average?	(1) The rates of all Bidders who advance to the Financial Proposal Evaluation will be used for the purposes of calculating the Average Hourly Bill Rate (Average Bid). (2) OGS reserves the right to exclude any unbalanced, unrealistic or inordinately low or high bids, if, in the judgement of OGS, the Bid would skew the results.
276	RFP Main Document	5.5.4 Financial Proposal Evaluation	Example 3 - eliminates a bidder - but this example is specific to a particular job title. Is a vendor completely eliminated, due to failure of 1 single title	This example is not specific to a particular Job Title. The percentage of Median Permitted is applied to each Average Bid for the Market Basket, not to a particular Job Title.
277	RFP Main Document	5.5.4 Financial Proposal Evaluation	Example 3 - 40% is used as an example - Can OGS share the actual % number that it will use? If no, please clarify why not.	OGS respectfully declines to disclose the Percentage of Median Permitted. This shall be determined prior to the Bid Opening and applied equally for all Bidders.
278	RFP Main Document	5.5.4 Financial Proposal Evaluation	How many market basket items will be in the pre-determined list?	OGS respectfully declines to disclose the Job Titles, Skill Levels and Regions that make up the Market Basket Combinations. Please see revised Section 5.5.4 of the Solicitation for clarification.
279	RFP Main Document	5.5.4 Financial Proposal Evaluation (70 Points)	[1] In consideration of the sample financial evaluation provided on pages 37 to 39, is it correct that if a Bidder's Average Bid rate was \$41.16, that Bidder's proposal would be eliminated from further consideration because its Average Bid lies \$0.01 below the Low Acceptable Bid rate? [2] If so, it is also correct that if a Bidder's Average Bid rate was \$41.17, that Bidder's would receive the highest points allowable under the scoring methodology?	(1) For the purposes of the example only with a Low Acceptable Bid of \$41.17, a Bidder with an Average Bid of \$41.16 would be eliminated from consideration in Step #3. 2) No. Continuing with the example provided in the Solicitation, it is incorrect that this Bidder would receive the highest points allowable under the scoring methodology. This Bidder would then proceed to Step #4, where each Market Basket Combination is evaluated separately using the lowest Hourly Bill Rate to determine the number of points awarded for each Market Basket Combination.
280	RFP Main Document	5.5.4 Financial Proposal Evaluation	What is the Percentage of Median Permitted by NY OGS?	OGS respectfully declines to disclose the Percentage of Median Permitted. This shall be determined prior to the Bid Opening and applied equally for all Bidders.
281	RFP Main Document	Sec 6.10.2	Is the 0.75% Administrative Fee included in the Markup percentage?	A Bidder's Markup includes all costs a Bidder will incur beyond the Hourly Wage Rate paid to a Candidate. This may include, but is not limited to, statutory requirements (i.e.: FICA, FUTA, SUTA, Worker's Comp, Living Wage, etc.), overhead, recruiting costs, training, visa sponsorship, and profit. Contractors may not charge Authorized Users for any additional costs, including the Administrative Fee .
282	RFP Main Document	Section 5.5.4 Financial Proposal Evaluation	How will OGS ensure that the median Market Basket bid rate appropriately aligns with market rates for the skills associated with the corresponding Job Title given today's economy, high demand for IT talent and shrinking workforce?	All Market Basket Combinations in the Market Basket for each Bidder will be averaged to determine the Average Hourly Bill Rate (Average Bid). A Median Bid will be determined from all Average Bids and an acceptable range will be determined based on a pre-determined Percentage of Median Permitted. OGS respectfully declines to disclose the Job Titles, Skill Levels and Regions that make up the Market Basket Combinations. Please see revised Section 5.5.4 of the Solicitation for clarification.
283	RFP Main Document	Section 5.5.4 Financial Proposal Evaluation	Group 73012 - Solicitation 23096 Hourly-Based IT Services RFP states the Financial Score shall be based on a pre-determined market basket of Job Title, Skill Level and Region combinations (Market Basket Combination) as deemed appropriate by the Financial Evaluation Team, that shall be determined prior to the Bid opening and applied equally for all Bidders. [1] Can OGS clarify how the market basket used to score the proposals which will be submitted has been developed. Specifically, we would like to know from what source hourly rates for all job titles, skill levels and regional differences are arrived at. [2] Can OGS confirm that the Market Basket Combination is arrived at by adding the hourly rates for each and every job title, job skill levels separately for each for each region to arrive at one hourly rate for each job title which is then averaged that is the average of all job, titles skill levels for each of the three regions?	(1) OGS respectfully declines to disclose how we will determine the Job Titles, Skill Levels and Regions that make up the Market Basket Combinations. (2) All Market Basket Combinations in the Market Basket for each Bidder will be averaged to determine the Average Hourly Bill Rate (Average Bid). A Median Bid will be determined from all Average Bids and an acceptable range will be determined based on a pre-determined Percentage of Median Permitted. Each Market basket combination consists of one Job Title, one Skill Level and one Region. Please see revised Section 5.5.4 of the Solicitation for clarification.
284	RFP Main Document	Section 5.5.4 Financial Proposal Evaluation	Financial Proposal Evaluation, Subsection 3 states "A pre-determined Percentage of Median Permitted as deemed appropriate by the Financial Evaluation Team, but which shall be determined prior to the Bid opening and applied equally for all Bidders, shall be applied above and below the Median Bid to obtain a Low Acceptable Bid and a High Acceptable Bid. Bidders with an Average Bid that is higher than the High Acceptable Bid or lower than the Low Acceptable Bid shall not receive a Financial Score and shall be eliminated from further consideration." If a bidder submits an average bid for a single position that is higher than the OGS High Acceptable Bid or Lower than the Low Acceptable bid is that bidder eliminated for further consideration for the placement of consultants within that single position for the term of the contract or does that mean the bidders entire proposal is eliminated from further consideration and that bidder will not participate as one of the 60 HBITS contract holders?	There is only one Market Basket that consists of an undisclosed number of Market Basket Combinations. Each Market Basket Combination consists of one Job Title, one Skill Level and one Region. OGS will evaluate a pre-determined Market Basket of Job Title, Skill Level and Region Combinations. Please see revised Section 5.5.4 of the Solicitation for clarification. Note that awards will be Statewide for all Job Titles and not by individual Region or Job Title.
285	RFP Main Document	Section 5.5.4 Financial Proposal Evaluation	Given the weight of the financial score and that score's importance to both every proposer and OGS, would OGS consider giving bidders an additional opportunity for proposers to ask questions and engage in a dialogue with OGS prior to submission of bids. At the June 20 bidders conference, bidders were not afforded the opportunity to ask questions and under the RFP guidelines are allowed only to submit written questions, only one time in writing without any opportunity to seek clarification of answers or ask follow up questions. While many bidders have had the privilege of participating in the existing HBITS contract, many others have not, and without a full understanding of the process it is in our opinion very difficult to be both competitive and responsive to this solicitation. Would OGS consider an additional bidders conference, webinar, conference call or other forum to allow bidders to ask questions, seek and receive clarifications and better understand the criteria upon which they are being evaluated?	OGS respectfully declines to include an additional question and answer period, Bidders conference, webinar, conference call or other forum.
286	RFP Main Document	Section 5.5.4 Financial Proposal Evaluation	Will OGS define the term "market basket" and how the "market basket" calculations are derived. As bidders we understand that OGS has the right to not disclose the market basket price points however we believe that all bidders should be able to fully understand the evaluation criteria, the process that was undertaken in which OGS will evaluate their proposals. We especially seek clarification on the statement in the subject RFP that "The Financial Score shall be based on a pre-determined market basket of Job Title, Skill Level and Region combinations (Market Basket Combination) as deemed appropriate by the Financial Evaluation Team, but which shall be determined prior to the Bid opening and applied equally for all Bidders." Without a full understanding of the definition of market basket and a detailed description of how the market basket rates are arrived at, bidders have no way to identify competitive prices, the elements which make up a market basket, whether a separate and distinct a market basket rate will be developed for each and every job title or whether the market basket rate is a mathematical conglomeration of all job titles, skill levels and all regions.	There is only one Market Basket that consists of an undisclosed number of Market Basket Combinations. Each Market Basket Combination consists of one Job Title, one Skill Level and one Region. All Market Basket Combinations in the Market Basket for each Bidder will be averaged to determine the Average Hourly Bill Rate (Average Bid). A Median Bid will be determined from all Average Bids and an acceptable range will be determined based on a pre-determined Percentage of Median Permitted. A Bidder whose Average Bid falls outside of the acceptable range shall be eliminated from further consideration. Please see revised Section 5.5.4 of the Solicitation for clarification. OGS respectfully declines to disclose how we will determine the Job Titles, Skill Levels and Regions that make up the Market Basket Combinations.

287	RFP Main Document	6.5.3 Cost Methodology	When the 5% deviation applies, does the bill rate reduce accordingly? For example, if the vendor's wage rate for a category is \$100/hr, with a markup of 25% and a fixed bill rate of \$125, and the candidate for a particular requisition is making \$95/hr as a wage rate, then does the bill rate also adjust to become \$118.75?	No. The Hourly Bill Rates remain fixed, notwithstanding the amount of compensation paid to the Selected Candidate.
288	Attachment 6 Technical Proposal	#1, #2	Does assignment refer to managing the consultant on billing or the process to submit candidates?	The capacity to undertake, manage and complete assignments refers to all aspects of providing hourly-based IT services.
289	Attachment 6 Technical Proposal	#2, 1b	Please explain what you are referring to as 'staff who will provide placements under the contract'?	This refers to whatever staffing resources the Bidder proposes to use in order to provide placements under the Contract.
290	Attachment 6 Technical Proposal	2 a and 2 b	Please explain the difference between a. and b.	2.1a refers to the staffing resources who will execute and manage the Contract. 2.1b refers to the staffing resources who will provide placements under the Contract.
291	Attachment 6 Technical Proposal	2.3.2 Capacity Reporting, Table 1	How heavily will vendors be penalized who are not currently contracted with the State for not having mass placements with the State or other government entities in the State?	There is no penalty for vendors who are not currently contracted with the State.
292	Attachment 6 Technical Proposal	2.3.2 Capacity Reporting, Table 1	Can we confirm that higher education entities count as government entities?	Some higher education entities, such as SUNY and CUNY, would be considered governmental entities, however, private educational entities would not.
293	Attachment 6 Technical Proposal	2.3.2 Capacity Reporting, Table 1	How many points will be allotted to Attachment 6 – Technical Proposal, Table 1, Capacity Reporting, page 2 seeing that former and current HBITS vendors would have such a dominant advantage in answering that question?	OGS respectfully disagrees with the interpretation of the Technical Evaluation criteria as being advantageous towards current HBITS vendors. Table 1 is not limited to resources provided under the current HBITS Contract. Section 5.5.3 of the Solicitation states "The criteria will be weighted as deemed appropriate by the Technical Evaluation Team prior to the Bid opening."
294	Attachment 6 Technical Proposal	2.3.2. 5 Retention and Attrition, question 1a	"Specific examples of rewarding good Candidates/Companies": How many examples are you looking for?	Bidder should provide as many examples as they feel will fully describe how they reward good Candidates/Companies.
295	Attachment 6 Technical Proposal	2.3.2. 6 Subcontractor Management, question 2	Will the State be awarding higher scores to vendors who have more partners, i.e., vendors with 20 partners score higher than a vendor who has 3 partners?	It is at the Bidder's discretion as to how many Subcontractors they deem necessary to meet their goals. Additionally, Section 5.5.3 states "The criteria will be weighted as deemed appropriate by the Technical Evaluation Team prior to the Bid opening."
296	Attachment 6 Technical Proposal	3. Capacity	Please confirm that both prime and subcontractor staff placements can be used in completing the capacity table.	For the purposes of Capacity Reporting, both prime and subcontract staff placements to Government Entities can be used in completing the Capacity Table.
297	Attachment 6 Technical Proposal	3. Capacity	"Bidder must describe.....operational units", is requested within this section but there is not a space provided to respond to the request.	This requirement has been removed. Please see revised Section 2.3.2.3 of the Solicitation and revised Attachment 6 - Technical Proposal, 3 Capacity.
298	Attachment 6 Technical Proposal	3. Capacity	Please elaborate on the intent of the following requirement: 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.	This requirement has been removed. Please see revised Section 2.3.2.3 of the Solicitation and revised Attachment 6 - Technical Proposal, 3 Capacity.
299	Attachment 6 Technical Proposal	3.1 Capacity	So that we can avoid doing so in our report, can you provide further clarification on how a Resource could be placed multiple times within one engagement?	For example, if the original Candidate on an engagement required replacement, the replacement Candidate on that same engagement does not count as an additional placement.
300	Attachment 6 Technical Proposal	3.1 Capacity Reporting	Bidder must demonstrate how many resources for each title that they have provided to a government entity in the last two (2) years - Can resources placed in another state's government entity be used as well as those placed in NYS?	No. For the purposes of Capacity Reporting, the Bidder must demonstrate a business presence throughout New York State, therefore, only placements in New York State may be included.
301	Attachment 6 Technical Proposal	4 Recruitment	Is the information requested around our overall engineering hiring practices or are you specifically looking for how we would identify new hire / subcontractor candidates for a specific engagement?	The requested information includes both overall hiring practices as well as identification of Candidates for specific engagements.
302	Attachment 6 Technical Proposal	4. Recruitment	Should samples be provided as separate documents? If so, where within the bidder response should these be placed?	The sample should be provided as part of the narrative description and not as a separate document.
303	Attachment 6 Technical Proposal	5 Retention & Attrition	Is the information requested around our full-time engineering employees or are you specifically looking for how we would retain temporary employees that are hired for a specific engagement?	The requested information includes both overall retention and attrition practices as well as retention and attrition of Candidates for specific engagements.
304	Attachment 6 Technical Proposal	6. Subcontractor Management	Please confirm that if the an MBE prime purchases can be used to support the 15% MBE goal.	If the Prime is an MBE, credit can be obtained for the 15% MBE portion of the goal.
305	Attachment 6 Technical Proposal	7.1 Knowledge transfer	Knowledge transfer under the Client Management section, what are the specific types of knowledge transfer is OGS referring to?	The Bidder should include any methods they have used to accomplish knowledge transfer on past engagements.
306	Attachment 6 Technical Proposal	All textual response blocks	Can the State please provide the character limits for each box?	OGS did not set any character limitations in the text boxes in Attachment 6.
307	Attachment 6 Technical Proposal	General	What is the point weighting/distribution for each section of the technical proposal response?	Section 5.5.3 states "The criteria will be weighted as deemed appropriate by the Technical Evaluation Team prior to the Bid opening." OGS declines to disclose the specific weighting.
308	Attachment 6 Technical Proposal	Section 4 - Recruitment, questions 1 and 2	Do the uses of the terms "staff" and "candidate" in questions 1 and 2, respectively, both refer to individuals recruited to fill positions for Authorized Users, i.e. candidates to be submitted on task orders? We would like to confirm that "staff" is not referring to our company's internal staff.	Both Questions 1 and 2 in Section 4, Recruitment, are referring to individuals proposed by a Contractor in response to a request by an Authorized User.
309	Attachment 6 Technical Proposal	Table 1- Capacity Reporting	Is it a requirement to have placed government hourly workers in the State of NY in order to be considered? Or will government hourly workers in other states and hourly workers in the private sector in New York suffice?	For the purposes of Capacity Reporting, the Bidder must demonstrate a business presence throughout New York State, therefore, only placements in New York State may be included.
310	Attachment 6 Technical Proposal		Is there any specific requirement in term of the technical proposal formats (number of pages limits, font size, single sided/double sided pages, and etc.)	A Bidder should not alter the format of Attachment 6 - Technical Proposal. There are no page limitations.
311	Attachment 8 Insurance Requirements [Attachment 6 - Technical Proposal]	2.3.2 Capacity Reporting, Table 1	[1] Is it the State's intent to gather the information for number of professionals placed within categories specifically within the State of New York only? [2] If so, can we include placements our organization has made as a subcontractor? [3] Can we include the placements made by the subcontractor we are partnering with on this in this total?	(1) For the purposes of Capacity Reporting, the Bidder must demonstrate a business presence throughout New York State, therefore, only placements in New York State may be included. (2) For the purposes of Capacity Reporting, both prime and subcontract staff placements to Government Entities can be used in completing the Capacity Table. (3) A Bidder may only include the placements made by the subcontractor if the Bidder was the Prime Contractor on those placements.
312	RFP Main Document	2.3 Technical Proposal Requirements	How much of the technical score is based on the executive summary vs. the detailed narrative?	Section 5.5.3 states "The criteria will be weighted as deemed appropriate by the Technical Evaluation Team prior to the Bid opening." OGS declines to disclose the specific weighting.
313	RFP Main Document	2.3 Technical Proposal Requirements	Out of the narrative, how much is each section of seven sections weighted?	Section 5.5.3 states "The criteria will be weighted as deemed appropriate by the Technical Evaluation Team prior to the Bid opening." OGS declines to disclose the specific weighting.
314	RFP Main Document	2.3.2.1 - 2b Company Background	What does OGS seek to address the capacity to undertake, manage, and complete assignments promptly and to the satisfaction of the Governmental entity? Please detail the types of examples that would be acceptable.	The Bidder should provide examples as to how this has been accomplished by the Bidder. OGS declines to provide types of examples that would be acceptable.
315	RFP Main Document	2.3.2.1 Company Background	"Experience with Government Entities..." and "list of Government entities" - What if a bidder has experience as a subcontractor to a Prime on current HBITS contract? Is this considered acceptable Government experience? If yes, how will OGS verify that this was a service provided to "Government" entity, since the subcontractor submits invoices to the Prime?	Mandatory Minimum Qualifications will only be met if the Bidder was the Prime Contractor to the Government Entity. Please see revised Sections 2.1.2 and 2.1.3.
316	RFP Main Document	2.3.2.1 Company Background, 1. c.	What details are desired regarding the "Actual locations where staff have been deployed", are you looking for city, street addresses, business units, non-governmental?	The Bidder should provide sufficient detail to identify the location of the placement. Only experience with Governmental Entities should be included in accordance with Section 2.3.2.1 of the Solicitation.
317	RFP Main Document	2.3.2.3 Capacity	For the purposes of demonstrating capacity and ability to acquire organizational presence, would the State consider placement of like job titles and skill levels in government jurisdictions outside the State of New York?	No. For the purposes of Capacity Reporting, the Bidder must demonstrate a business presence throughout New York State, therefore, only placements in New York State may be included.

318	RFP Main Document	2.3.2.4 - 1a Recruitment (Quality Control)	Please define locations of recruitment	Locations of recruitment would include any places where the Bidder conducts recruitment activities.
319	RFP Main Document	2.3.2.4 Recruitment (Quality Control)	"How candidates are recruited" - Can recruitment be done offshore / overseas? If yes, doesn't this contradict 2.2.3 "Encourage NYS businesses"? If no, how will OGS verify that some vendors are not performing these activities overseas?	There are no limitations on where recruitment can be conducted, however, OGS encourages the use of New York State businesses.
320	RFP Main Document	5.4.1 Technical Eval Proposal Team	Please confirm if the evaluators will be the same for all proposals? It is critical to have consistency across all evaluations, if possible.	All evaluators will review the same portion(s) of all proposals received, in a consistent manner.
321	RFP Main Document	5.4.1 Technical Eval Proposal Team	Who is the designated one individual from the Executive Agency and does this person have experience with the HBITS contract?	OGS declines to disclose the identity of the individual. The individual will have experience with the HBITS Contract.
322	RFP Main Document	5.4.1 Technical Proposal Evaluation Team	Would OGS consider increasing the number of Executive agencies representing on the Technical Evaluation Team. Preferably representatives with IT experience?	OGS declines to increase the number of Executive Agencies represented on the Technical Evaluation Team. The representative(s) will have IT experience.
323	RFP Main Document	5.5.3 Technical Proposal Evaluation	What are the objective criteria by which a proposal will be considered 'non-responsive'? This is not clearly stated in sections 2.3 or 5.3.	Please refer to New York State Finance Law Section 163. "Responsive" means a bidder or other offeror meeting the minimum specifications or requirements as prescribed in a solicitation for commodities or services by a state agency.
324	RFP Main Document	5.5.3 Technical Proposal Evaluation	Para 1, Last line - All responses to this Section will be subject to verification for accuracy - Please provide details on how OGS will perform this verification?	OGS declines to provide verification details.
325	RFP Main Document	Section 5.5.3 Technical Proposal Evaluation	What criteria will be used by OGS to ensure that a prospective vendor has the breadth and depth necessary to meet the volume of task orders and the diverse skills required by its Authorized/Non-Authorized Users?	Please refer to the criteria noted in Section 2.3 of the Solicitation and Attachment 6 - <i>Technical Proposal</i> .
326	RFP Main Document	Sections 2.3 and 5.3 Technical	Under Detailed Narrative, are there any specific weightages allocated within 30 points for each section? Such as 1) Company Background, 2) Organization Structure, 3) Capacity, 4) Recruitment (Quality Control), etc.?	Section 5.5.3 states "The criteria will be weighted as deemed appropriate by the Technical Evaluation Team prior to the Bid opening." OGS declines to disclose the specific weighting.
327	RFP Main Document	2.3.2.6 Subcontractor Management	Please clarify if we should list any non-certified NY subcontractors to be used at our discretion during the contract understanding that we will not be allotted points in the scoring for MWBE and/or SDVOB for the original bid submission for these subcontractors?	Question Number 1 in this Section refers to all proposed subcontractors, including non-certified MWBE's, SDVOB's and SBE's. Question Number 2 refers specifically to MWBE's, SDVOB's and SBE's.
328	RFP Main Document	2.3.2.6 Subcontractor Management	Is it mandatory to have a SDVOB/ MWBE as a sub-contractor ?	A Bidder must submit a MWBE Utilization Plan or Request for Waiver in accordance with Section 7.11 of the Solicitation for MWBE's, and a Bidder must submit a SDVOB Utilization Plan or Request for Waiver in accordance with Section 7.12 of the Solicitation for SDVOB's.
329	RFP Main Document	2.3.2.6 Subcontractor Management	Can a bidder utilize a subcontractor that is in process of certification or does the subcontractor have to be certified at the time of bid submission?	The Bidder may utilize any subcontract, however, no credit towards the MWBE goal will be granted until a company has received their MWBE certification.
330	RFP Main Document	5.5.3 Technical Proposal Evaluation	Is it possible to receive 1.5 points (out of 100) for each WBE/MBE/SDVOB subcontractor or is it a max of 1.5 points regardless of number of such subcontractors? (e.g., 2 WBEs, 1 MBE and 1 SDVOB would result in 6 points or 1.5 points?)	Only a Bidder (Prime Contractor) may receive the Quantitative Factor. A maximum of 1.5 points will be awarded to any Bidder who is an SBE or is a certified MWBE and/or SDVOB. Please see Sections 5.3 and 5.5.3 of the Solicitation.
331	Attachment 5 Bidder Submission Checklist	All response blocks	What does the State want to see in each box: a check mark, 'yes', or a textual response?	Please use the drop-down menu provided, as indicated in the Instructions.
332	Attachment 5 Bidder Submission Checklist	General	Can answers be provided outside of the table within the document so that formatting and graphics can be used?	No. All responses should appear in the boxes highlighted in yellow only, as indicated in the Instructions.
333	RFP Main Document	2.2.5 Bidder Submission Checklist	When we opened this MS Excel file, we received a message that the file was corrupted. We were able to recover the document and view it, but are unsure if anything is missing. Please provide another copy.	The documents are available at: https://www.ogs.ny.gov/purchase/biddocument/23096BID.ASP Please be sure to register with the NYS Contract Reporter to receive notifications regarding any updates to this Solicitation.
334	Attachment 4 Administrative Information	Bidder Agreements	[1] What is the process for negotiating changes to the terms and conditions of the contract? [2] If a vendor requests changes, or makes note of terms they would like to negotiate changes to, will that have any bearing on the scoring of the RFP (i.e., will you be penalized if you request changes, or be disqualified)?	(1) Section 1.8 of the Solicitation states "If a Bidder intends to submit a Bid that deviates from the requirements of this Solicitation in any way, the proposed deviations must be submitted during the Inquiry Period so that they may be given due consideration prior to the submission of Bids. Material deviations (including additional, inconsistent, conflicting, or alternative terms) submitted with the Bid may render the Bid non-responsive and may result in rejection of the Bid. Bidder is advised that OGS will not entertain any exceptions to Appendix A - Standard Clauses for New York State Contracts (January 2014). OGS will also not entertain exceptions to the Solicitation or Appendix B – General Specifications (April 2016) that are of a material and substantive nature. While it is not the intent of OGS to deviate from the terms and conditions of this Solicitation, extraneous terms shall only be addressed as part of the Inquiry Period where OGS has established a specific process for the submission of extraneous terms and bid deviations. Any extraneous terms submitted with the Bidder Submission shall not be considered part of the Bidder Submission or resulting Contract, and shall be disregarded. (2) OGS will not penalize or disqualify a Bidder if "a vendor requests changes, or makes note of terms they would like to negotiate changes to", however, per Section 1.8 of the Solicitation, "Any extraneous terms submitted with the Bidder Submission shall not be considered part of the Bidder Submission or resulting Contract, and shall be disregarded."
335	Attachment 4 Administrative Information	Bidder Information Tab	Is the state expecting a separate toll-free phone number for the Billing Contact and the Emergency contact? Is the expectation that bidders have individual/unique toll-free numbers for the "Toll-Free Number" Section, the "Billing Contact" Section, and the "Emergency Contact" section? Or is it acceptable to have 1 toll-free phone number that gives access to all contacts previously mentioned and that would be working on this account?	There is no expectation for separate toll-free numbers. There only has to be one toll-free phone number for the Contractor.
336	Attachment 4 Administrative Information	Small Business Certification	There is a discrepancy between the definition of a NYS Small Business in that in the 'Helpful Tips' section it states 'and (d) employs 100 or fewer persons.' while in the Small Business Certification section, the definition states 'D. employs less than three hundred persons.'	There are separate statutory definitions for a small business within the NYS Executive Law and NY State Finance Law. For purposes of awarding the Quantitative Factor points only, the Executive Law definition is used (300 or less employees). For all other purposes under the Solicitation and the resulting Contract(s), the State Finance Law definition is used (100 or less employees).
337	Attachment 4 Administrative Information	NYS Required Certifications, Row 23, D.	Are NYS SBE defined as less than 100 or 300 employees?	There are separate statutory definitions for a small business within the NYS Executive Law and NY State Finance Law. For purposes of awarding the Quantitative Factor points only, the Executive Law definition is used (300 or less employees). For all other purposes under the Solicitation and the resulting Contract(s), the State Finance Law definition is used (100 or less employees).
338	Attachment 4 Administrative Information	Bidder Information Tab, Row 22	If our firm meets all the requirements for a Small Business Enterprise as defined in row 23 but is not currently certified as a small business enterprise with New York State, should we answer 'YES' to row 22?	There is no certification process or list for SBEs.
339	RFP Main Document	1.12 Definitions, Pg. 18	SBE, are SBE defined by the number of employees being less than 100 or 300 employees? This count is contradicted by Attachment 4?	There are separate statutory definitions for a small business within the NYS Executive Law and NY State Finance Law. For purposes of awarding the Quantitative Factor points only, the Executive Law definition is used (300 or less employees). For all other purposes under the Solicitation and the resulting Contract(s), the State Finance Law definition is used (100 or less employees).

340	Attachment 4 Administrative Information	Bidder Questions	NYS Vendor ID. If two companies jointly submitting the bid proposal, does both entities need NYS Vendor ID?	All companies submitting jointly should have a NYS Vendor ID.
341	Attachment 4 Administrative Information	Bidder Questions Tab - Question# 1B	If this question is not applicable since we do have a NYS 10 digit ID number, please confirm that you would like us to respond "Yes" to this question.	Attachment 4 - <i>Administrative Information</i> , Bidder Questions Tab, Question 1B has been modified to include "N/A"
342	Attachment 4 Administrative Information	Bidder Signature Cell	The cell is password protected. How can we sign on this assignment electronically?	Please refer to Sections 3.2.1.1 and 3.2.2.1 of the Solicitation. Note that electronic signatures are not acceptable.
343	Attachment 4 Administrative Information	Req Cert Tab and Bidder Agreement Tab	do you want a signature embedded in the excel version?	No. Please refer to Sections 3.2.1.1 and 3.2.2.1 of the Solicitation. Note that electronic signatures are not acceptable.
344	Attachment 4 Administrative Information	Encouraging Use of NYS Business	Do companies who are headquartered in another state but have locations/facilities in NYS serving the bidder qualify as a New York State business for the purposes of this section?	Please note that for purposes of this Attachment, this is an encouragement only and there are no qualifications or points awarded, however, OGS encourages Bidders to list any New York State businesses with locations in New York State.
345	Attachment 4 Administrative Information	Instructions tab	The instructions state that "Failure to answer in the yellow cells will delay the evaluation of your submission and may result in the rejection of your submission". How should bidders respond to questions where there is only a drop down response of "yes" or "no" but the question is not applicable to the company?	It is at the discretion of the Bidder to either select the answer from the drop down that best answers the question being asked or to leave the answer blank if not applicable. OGS reserves the right to seek clarification as necessary.
346	Attachment 4 Administrative Information	Sections 3.2.1 and 3.2.2 - Joint Ventures	[1] If we are NOT submitting a Joint Venture, do we need to complete "Joint Venture Information", "JV NYS Req Certs", and "JV Agreements" tabs of Attachment 4? [2] Can we leave them blank?	(1) No. (2) Yes.
347	Attachment 4 Administrative Information	Joint Venture	If no Joint Ventures will be used should we leave document blank or put N/A?	If not submitting a Joint Venture Bid, the Joint Venture Tabs should be left blank.
348	Attachment 4 Administrative Information	Joint Venture Tabs	If we are bidding as Primary without a Joint Venture should we leave all yellow fields in response in the 3 Joint Venture Tabs in Attachment 4 blank?	If not submitting a Joint Venture Bid, the Joint Venture Tabs should be left blank.
349	Attachment 4 Administrative Information		Do we need to submit any IRS tax documents or audited financial statements?	Please refer to Section 3 of the Solicitation for document submission requirements.
350	RFP Main Document	2.2 Administrative Proposal Requirements	Does the Administrative proposal contribute to the overall Technical scoring or is it more so pass/fail requirements?	Please refer to Section 5.5.2 of the Solicitation.
351	RFP Main Document	2.2.1.2 Toll Free Number	Do you want bidders to have the toll free number at time of bid or upon contract start?	A toll-free number is mandatory for use by Authorized Users once a Contract has been awarded. Therefore, an Awarded Contractor must have a toll-free number in place at the start of the Contract.
352	RFP Main Document	2.2.1.2 Toll-Free Number	[1] Is the Toll-Free Number mandatory? If required, is it required at the time of bid submission or after winning the contract? [2] What information we need to provide in the bid response.	(1) A toll-free number is mandatory for use by Authorized Users once a Contract has been awarded. Therefore, an Awarded Contractor must have a toll-free number in place at the start of the Contract. (2) If you do not currently have a toll-free number, indicate "to be provided upon award" on Attachment 4 - Administrative Information, Contract Administration Tab
353	RFP Main Document	2.2.1.2 Toll-Free Number	Is the states expectation that all bidders have the Toll-Free phone number up and running prior to contract award/during rfp submission? Or can we set it up once we receive the notification that we have been awarded the contract?	A toll-free number is mandatory for use by Authorized Users once a Contract has been awarded. Therefore, an Awarded Contractor must have a toll-free number in place at the start of the Contract.
354	RFP Main Document	2.2.1.3 Webcasting	[1] What information need to be provided as proof of webcasting? Do we need to have the webcasting software at the time of bidding or after winning the bid? [2] What information we need to provide in the bid response. [3] Is skype or gotomeeting are the only accepted software or can we offer other software that can server the purpose?	(1) Webcasting capabilities are mandatory for potential use by Authorized Users once a Contract has been awarded. Therefore, an Awarded Contractor must have webcasting technology in place at the start of the Contract. (2) If you do not currently have webcasting technology, indicate "to be provided upon award" on Attachment 4 - Administrative Information, Contract Administration Tab. (3) Skype and GoTo Meeting are just examples of accepted webcasting technologies. Skype and GoTo Meeting are just examples of accepted webcasting technologies.
355	RFP Main Document	2.2.1.3 Webcasting	At present, We are using Skype for Business for all our meetings. Are we allowed to use RineCentral (www.rinecentral.com) for meetings?	
356	RFP Main Document	2.2.1.5 Emergency Contact	Please define the roles and responsibilities of the Emergency Contact.	The HBITS Contract requires all Contractors to have a point of contact that can be reached at all times in regards to the Contract.
357	RFP Main Document	2.2.1.5 Emergency Contact	Please clarify if the Emergency Contact is expected to be an escalation of the Contract Administrator or an contact that can be reached for contact .	The HBITS Contract requires all Contractors to have a point of contact that can be reached at all times in regards to the Contract.
358	RFP Main Document	2.2.10 NYS Vendor Responsibility	Does a vendor need to have an active Business license before the Solicitation's due date? Does the Business license need to be a Statewide license?	Prior to Contract award, as part of the Vendor Responsibility review process, OGS will review the legal authority of all prospective Contractors to do business in New York State, in accordance with applicable law.
359	RFP Main Document	2.2.10 NYS Vendor responsibility	The 4th paragraph states "...the bidder must complete and certify (or recertify) the Questionnaire no more than six(6) months prior to the Bid due date." We were not aware of this opportunity until early June and have since completed and submitted the Questionnaire. Would we still be eligible for contract award?	If the certification was completed within 6 months of the Bid Due Date, the Questionnaire would be valid for use in determining Vendor Responsibility. If the certification was completed beyond 6 months of the Bid Due Date, the Questionnaire would have to be re-certified by the Vendor in order to be valid for use in determining Vendor Responsibility.
360	RFP Main Document	2.2.10 NYS Vendor Responsibility, pg 23	In the situation where a prime contractor or a subcontractor has ownership of the company whose spouse, or other relative, is a state employee, how will HBITS ensure a fair selection process? Under what form or filing would this information be disclosed prior to award?	OGS respectfully declines to provide a determination regarding the hypothetical scenario presented, however, as part of the Vendor Responsibility review process, OGS reserves the right, prior to award, to request additional information or make further inquiries into any potential ethical or conflict of interest issues which may arise.
361	RFP Main Document	2.2.11 NYS Tax Law Section 5-a	We have 2 questions regarding ST-220-CA. 1) As Consulting work is not subject to sales tax, we do not collect it. Will the HBITS work be subject to sales tax? 2) Since we do not currently have a contract in place with OGS, we cannot complete and notarize Form ST-220-CA certifying that we have filed the ST-220-TD with DTF. Can you please clarify	(1) Purchases made by the State of New York and certain Authorized Users are generally exempt from Sales Tax. Please see Appendix B, Section 8, Taxes for additional information. (2) There is no requirement that a Bidder hold a current contract with OGS in order to file the ST-220-TD and/or ST-220-CA.
362	RFP Main Document	2.2.13 Administrative Proposal Contents 2.3 Technical Proposal Requirements	Will bidders have the option of submitting redacted proposals that would be released in the event of an open records request? If not, how should bidders indicate confidential material in a submission?	Please refer to Appendix B, Section 6, Confidential/Trade Secret Materials. See also Attachment 4 - <i>Administrative Information</i> , Foil Redaction Tab.

363	RFP Main Document	2.2.2 New York state required certification	We are a NYS firm with Authority to do business certificate currently, however we are in the final stage of getting certified as NYS Certified Firm. Also our NYS MBE Certification has been pending since November 2017. Does it qualify our firm as NYS Certified (pending) and/or NYS MBE (pending) firm with respect to this RFP?	A firm cannot be considered as a qualified MWBE until the firm receives the applicable NYS Certification(s).
364	RFP Main Document	2.2.2 New York State Required Certifications	Is there a preference or points for a small business or any weightage over other businesses in evaluating the bid proposal?	Please refer to Sections 5.3 and Sections 5.5.3 of the Solicitation.
365	RFP Main Document	2.2.3 Encouraging the Use of New York State Businesses	Is there a preference or points for using NY businesses or any weightage over other businesses in evaluating the bid proposal?	Please refer to Sections 5.3 and Sections 5.5.3 of the Solicitation.
366	RFP Main Document	2.2.3 Encouraging Use of NYS Business	How will OGS monitor and assure compliance during contract performance period?	While OGS encourages the use of NYS Businesses, performance monitoring and compliance is performed only for MWBE and SDVOB usage.
367	RFP Main Document	2.2.3 Encouraging Use of NYS Business	In proposal evaluations, is there any score associated with vendors complying with or exceeding this requirement? It does not appear so, since Administrative Proposal is simply Pass/Fail. If NYS truly wants to encourage NYS business utilization, shouldn't this be part of Technical Proposal, with a score associated for meeting/exceeding these requirements?	It is a requirement to submit Attachment 4 - <i>Administrative Information</i> Encouraging Use of NYS Businesses as part of the Administrative Proposal, however, there is no points value assigned and no points will be awarded. While OGS encourages the use of NYS Businesses, performance monitoring and compliance is performed only for MWBE and SDVOB vendors.
368	RFP Main Document	2.2.3 Encouraging Use of NYS Business	Will a bidder supplying 100 NYS subcontractor business names receive any extra points compared to another bidder who simply provides 1?	It is a requirement to submit Attachment 4 - <i>Administrative Information</i> Encouraging Use of NYS Businesses as part of the Administrative Proposal, however, there is no points value assigned and no points will be awarded.
369	Attachment 3 Mandatory Minimum Qualifications	Minimum Qualifications	We would like to apply as a Prime, but have a question about one of the Mandatory requirements. The RFP mentions needing at least \$500,000 in sales with Government entities. We have done a great deal of work with Government entities, but often through another Prime Vendor. Meaning much of our billing was to a Prime vendor who in turn billed the Government entity. However, we can list who the client was for each of these projects. Does this requirement mean that we have to be the Prime Vendor or can we have billed through another vendor for work at a government entity?	OGS will only consider sales where the Bidder was the Prime Contractor to the Government Entity. Please see revised Section 2.1.3.
370	RFP Main Document	2.1.3 Verifiable Sales	In regards to the IT Staff and Verifiable Sales requirements on the Mandatory Minimum Qualifications, we'd like to know since we do not have direct sales to the government entity, as our firm was subcontractor to Prime at the referenced projects in government entities, is it acceptable that we are able to reference our invoices to the Prime for our IT staff placed in the referenced projects?	OGS will only consider sales and/or IT Staff placements where the Bidder was the Prime Contractor to the Government Entity. Please see revised Sections 2.1.2 and 2.1.3.
371	Attachment 3 Mandatory Minimum Qualifications	2.1 Mandatory Minimum Requirements	Is it mandatory to have office in New York in order to qualify to bid for HBITS? As we are located in New Jersey and we don't have office in New York.	It is not mandatory to have an office in New York State in order to meet the Mandatory Minimum Qualifications.
372	RFP Main Document	Section 2.1.2	Must the supporting documentation to meet this mandatory minimum requirement contain previously placed "Job Titles" that are exact matches to the Job Titles on Attachment #9? For example, if our supporting documentation lists "Systems Engineer" and Attachment #9 only lists Systems Administrator, Systems Analyst, Systems Architect and Systems Developer, would our "Systems Engineer" placement not qualify?	OGS may consider Job Titles that are not exact matches but are deemed to be equivalent to the Job Titles included in Attachment 9 - <i>Job Titles, Skill Levels, Regions</i> at OGS's discretion. Please see revised Section 2.1.2.
373	Attachment 3 Mandatory Minimum Qualifications	Continuous Operation	Past three years continuous operation supplying hourly base ITS Service question is referring New York only? Or another State too?	This requirement is not specific to New York State.
374	Attachment 3 Mandatory Minimum Qualifications	Continuous Operation	[1] Past three years continuous operation supplying hourly base ITS Service requirement, if submitting the bid with a joint collaboration by two companies (a less than year old New York corporation and a large corporation with 20 years of history), does combined experience suffice this requirement? [2] Also, on bidder information like FEIN and name hasbe to 20 year company information or can it be 9 months old corporation information? In this case, mean can a primary bidder be 9 months NY old corporation?	[1] If Bidder is relying on operations of a parent company, subsidiary, predecessor entity, Joint Venture member(s) or other entity for purposes of satisfying any of the Mandatory Minimum Qualifications, Bidder is required to provide a full explanation describing such relationship and how it satisfies the requirement(s). Please see revised Section 2.1 of the Solicitation. [2] Either member of the Joint Venture may be listed as the Primary Bidder.
375	RFP Main Document	2.1.1 Continuous Operation	Can Certificate of Good Standing be used as a supporting document for Continuous Operation?	Only a Certification is required with the Bid. However, OGS reserves the right to request additional information as necessary. Please see Section 2.1 of the Solicitation.
376	RFP Main Document	2.1.1 Continuous Operation	Would Certificate of Good Standing from the State of NJ work?, since we are in the process getting NYS Certified Firm?	Only a Certification is required with the Bid. However, OGS reserves the right to request additional information as necessary. Please see Section 2.1 of the Solicitation.
377	RFP Main Document	2.1.1 Continuous Operation	Will corporate longevity be more favorably evaluated beyond the 3-year threshold?	For purposes of the Mandatory Minimum Requirements, continuous operation beyond the three-year threshold will not be evaluated more favorably.
378	Attachment 3 Mandatory Minimum Qualifications	2.1.2 IT Staff	We never provided IT Staff directly to any Government Agency. Our consultants has been working at Government Agency through Mid Vendors. If those nos. are less than 5 or it meets but considering more than past last 2 years, do we still qualify?	Bidders will be required to demonstrate five IT Staff placements that were provided by the Bidder as the Prime Contractor to the Government Entity. Please see revised Section 2.1.2.
379	Attachment 3 Mandatory Minimum Qualifications	2.1.2 IT Staff	What titles should be used, the actual candidate title or the would-be title on Attachment 9? (ex. Sr. Java Developer vs. Programmer)	OGS may consider Job Titles that are not exact matches but are deemed to be equivalent to the Job Titles included in Attachment 9 - <i>Job Titles, Skill Levels, Regions</i> at OGS's discretion. Please see revised Section 2.1.2.
380	Attachment 3 Mandatory Minimum Qualifications	2.1.2 IT Staff	The 5 IT Staff are in total or per job title?	The requirement is for five total IT Staff placements.
381	Attachment 3 Mandatory Minimum Qualifications	2.1.2 IT Staff	For IT Staff and Verifiable Sales, do you require the consultant names on the qualified invoices?	Consultant names are not required on the qualifying invoices.
382	Attachment 3 Mandatory Minimum Qualifications	Instructions	The instructions state that we can add a "minimum" of 5 IT titles but there are only enough editable rows to add a maximum of 5 IT titles. Is this a spreadsheet error or can we only add a "maximum" of 5 IT titles in this tab?	Attachment 3 - <i>Mandatory Minimum Qualifications</i> IT Staff Tab has been modified to allow additional entries. Please note that no additional credit will be given for exceeding 5 IT Staff Placements.

383	Attachment 3 Mandatory Minimum Qualifica tions	IT Staff	Does project executed to county government count towards staff? Can we include its invoice?	A Government Entity is defined as "an entity at the federal, state, county, city or provincial level".
384	Attachment 3 Mandatory Minimum Qualifica tions	IT Staff	Would providing services to State and City agencies as a subcontractor to a prime vendor qualify for our requirement of prior work to a Government entity?	OGS will only consider sales and/or IT Staff placements where the Bidder was the Prime Contractor to the Government Entity. Please see revised Sections 2.1.2 and 2.1.3.
385	Attachment 3 Mandatory Minimum Qualifica tions	IT Staff	IT Staff sheet in the excel document is locked and we can fill the information for only five (5) successful IT staff deployed to Governmental Entities. Will the OGS is going to provide the unlocked excel document to fill all the placements information or OGS is looking for an information for only five (5) IT staff	Attachment 3 – <i>Mandatory Minimum Qualifications</i> IT Staff Tab has been modified to allow additional entries. Please note that no additional credit will be given for exceeding 5 IT Staff Placements.
386	Attachment 3 Mandatory Minimum Qualifica tions	IT Staff	Can more than 5 IT Staff be provided? The sheet is protected and currently does not allow more than 5 entries	Attachment 3 – <i>Mandatory Minimum Qualifications</i> IT Staff Tab has been modified to allow additional entries. Please note that no additional credit will be given for exceeding 5 IT Staff Placements.
387	Attachment 3 Mandatory Minimum Qualifica tions	IT Staff Tab	The drop down list containing NYS Government Entity names does not seem complete. It is missing many agencies that we have placements with and would like to select. Example, NYS Division of Criminal Justice Services, NYS Department of Health, etc.	NYS Division of Criminal Justice Services is listed as "Criminal Justice Services, Division of" and NYS Department of Health is listed as "Health, Department of" in the drop down. If you prefer, you may elect to bypass using the drop down and type the information in directly.
388	Attachment 3 Mandatory Minimum Qualifica tions	IT Staff Tab	The drop down list containing "Government Entity Type" does not seem complete. It is missing City Agency.	A City Agency is a "Municipality" under Government Entity Type.
389	Attachment 3 Mandatory Minimum Qualifica tions	IT Staff worksheet	There are only 5 entry lines provided for us to show evidence, we need many more. Could the IT Staff worksheet be modified to be similar to the Verifiable Sales worksheet which allows many more entries?	Attachment 3 – <i>Mandatory Minimum Qualifications</i> IT Staff Tab has been modified to allow additional entries. Please note that no additional credit will be given for exceeding 5 IT Staff Placements.
390	Attachment 3 Mandatory Minimum Qualifica tions	Tab "IT Staff"	We have listed 5 IT titles over two years in a government entity. Could you please clarify if it would be beneficial to list more than 5 IT titles if we can? If so, would we be permitted to add lines to the excel sheet?	Attachment 3 – <i>Mandatory Minimum Qualifications</i> IT Staff Tab has been modified to allow additional entries. Please note that no additional credit will be given for exceeding 5 IT Staff Placements.
391	Attachment 3 Mandatory Minimum Qualifica tions	Tab #3 IT Staff	We would like to add more IT Staff, Can we add more rows just to ensure we meet the minimum mandatory qualifications?	Attachment 3 – <i>Mandatory Minimum Qualifications</i> IT Staff Tab has been modified to allow additional entries. Please note that no additional credit will be given for exceeding 5 IT Staff Placements.
392	Attachment 3 Mandatory Minimum Qualifica tions	Tab #3 IT Staff	How many Invoices need to be Submitted? For Example, on a two-year Contract With Services invoiced Monthly, there are 24 invoices. Do all 24 copies need to be submitted?	Bidders are only required to submit the number of invoices necessary to meet the Mandatory Minimum Qualifications. Please note that no additional credit will be given for exceeding the Mandatory Minimum Qualifications.
393	Attachment 3 Mandatory Minimum Qualifica tions	Tab #3 IT Staff	We are exceeding more than 5 different IT Staff having similar Titles, will that meet the Mandatory minimum qualification?	Bidders are only required to submit the number of invoices necessary to meet the Mandatory Minimum Qualifications. Please note that no additional credit will be given for exceeding the Mandatory Minimum Qualifications.
394	Attachment 3 Mandatory Minimum Qualifica tions	Tab #3, IT Staff	We Do not have individual invoices for individual IT staff based on some of our clients invoice system, we have to submit one invoice for all the consultants for all the hours they worked as a consolidated invoice. (e.g. invoice total hours = \$XXXX) What Documentation can we provide to substantiate our IT staff placements? Can we provide the Work Orders?	The consolidated invoice would be sufficient as long as it meets the Mandatory Minimum Qualification(s).
395	Attachment 3 Mandatory Minimum Qualifica tions		We had 5 Staff Working at various locations like 3 direct for 2 years, 1 thru prime vendor in state for 12 months and 1 thru prime vendor in MTA for 3 months in 2016 .. Is it acceptable as count of 5	OGS will only consider IT Staff placements that were provided by the Bidder as the Prime Contractor to the Government Entity. Please see revised Section 2.1.2.
396	General Questions		Our Invoices to our Prime Contractor Does not Show the Job Title and Government Entity Name. What Documentation can we provide to substantiate our it staff placements and Verifiable Sales?	OGS will only consider sales and/or IT Staff placements where the Bidder was the Prime Contractor to the Government Entity. Please see revised Sections 2.1.2 and 2.1.3.
397	RFP Main Document	2.1.2 (IT Staff)	As per the Mandatory requirement (IT Staff Bidder must have provided at least five (5) IT staff to Governmental Entities in Job Titles included in Attachment 3 – Mandatory Minimum Qualifications within the last two (2) years (June 2016 through May 2018). So my question for government is, Can we show 5 IT staff from the different entities I mean not particular for New YORK? Please clarify.	A Government Entity is defined as "an entity at the federal, state, county, city or provincial level". This is not limited to New York.
398	RFP Main Document	2.1.2 IT Staff	If we provide resources to Government entities as a Sub-Contractor to the Prime supplier of that Government entity, can we use those placements as evidence to satisfy the IT Staff requirements? In this case our invoice would be to the Prime, not the Government entity. Ex. as a Sub-Contractor, we've provide resources to a current HBITS Prime, can that be used?	OGS will only consider IT Staff placements that were provided by the Bidder as the Prime Contractor to the Government Entity. Please see revised Section 2.1.2.
399	RFP Main Document	2.1.2 IT Staff	Does 5 placements with the MTA (New York Metro Transit Authority) qualify a company to bid on this RFP?	A Government Entity is defined as "an entity at the federal, state, county, city or provincial level".
400	RFP Main Document	2.1.2 IT Staff	When attaching supporting paid invoices, will a 'PAID' stamp on the invoice be sufficient as proof the invoice was paid by a qualifying agency?	There is no requirement that the invoice be stamped "PAID", however, OGS reserves the right to request additional information as necessary. Please see revised Section 2.1.2.
401	RFP Main Document	2.1.2 IT Staff	Bidder must have provided at least five (5) IT staff to Governmental Entities in Job Titles included in Attachment 3" but Attachment 3 only has 5 rows for IT Staff. Is 5 the maximum or will you provide a different spreadsheet?	Attachment 3 – <i>Mandatory Minimum Qualifications</i> IT Staff Tab has been modified to allow additional entries. Please note that no additional credit will be given for exceeding 5 IT Staff Placements.
402	RFP Main Document	2.1.2 IT Staff	If paid invoices do not include Job Title, is it permissible to write the Job Title on the invoice and submit the Statement of Work as back-up?	Yes, the Job Title may be written on the invoice and accompanied by the Statement of Work as supporting documentation. Please see Section 2.1.2 of the Solicitation.
403	RFP Main Document	2.1.2 IT Staff	Should our job titles not directly align to those on Attachment 3, is it permissible to provide our equivalent job title and submit the Statement of Work as back-up? For example, Trainer vs. Training Developer; Technical Consultant vs. Systems Developer, as long as the duties outlined in the SOW align with the job title definitions provided in Attachment 9.	OGS may consider Job Titles that are not exact matches but are deemed to be equivalent to the Job Titles included in Attachment 9 - <i>Job Titles, Skill Levels, Regions</i> at OGS's discretion. Please see revised Section 2.1.2.
404	RFP Main Document	2.1.2 IT Staff	If we provided at least five (5) IT staff to a Federal Governmental Entity in the last two years, but no placements in a NYS Governmental Entity, do we qualify for a potential contract award?	A Government Entity is defined as "an entity at the federal, state, county, city or provincial level". This is not limited to New York.

405	RFP Main Document	2.1.2 IT Staff	"If a Bidder has no direct sales to any Government Entity, but sells Hourly-Based IT Services through a Subcontractor or other provider (e.g. Contract Management Provider) to Government Entities..." - What if a bidder doesn't subcontract to e.g. VMS / MSP / Contract Management Provider, but to another Prime Vendor (e.g. a subcontractor to a Prime on current HBITS contract)? Is this considered acceptable experience? If yes, how will OGS verify that this was a service provided to "Government" entity	OGS will only consider IT Staff placements that were provided by the Bidder as the Prime Contractor to the Government Entity. Please see revised Section 2.1.2 of the Solicitation.
406	RFP Main Document	2.1.2 IT Staff	Proof of "Paid Invoices" - do we just provide invoices submitted? How does this address the word "Paid"? How will OGS verify that the invoice was "paid"?	There is no requirement that the Bidder provide proof of payment of the invoice, however, OGS reserves the right to request additional information as necessary. Please see revised Section 2.1.2 of the Solicitation.
407	RFP Main Document	2.1.2 IT Staff	Proof of "Paid Invoices" - many clients pay using electronic payments. How do we submit this proof of payment from the client?	There is no requirement that the Bidder provide proof of payment of the invoice, however, OGS reserves the right to request additional information as necessary. Please see revised Section 2.1.2 of the Solicitation.
408	RFP Main Document	2.1.2 IT Staff	Data required for "Last 2 years" - For example - if we chose 2 separate client contracts - do we submit invoices for each month for each contract (= 48 invoices in all). Is that an overkill in amount of information furnished? What if we chose 3 client contracts, meaning we will submit as many as 72 invoices? What is satisfactory number of invoices we should submit, in order to receive MAXIMUM points in our proposal evaluation?	Bidders are only required to submit the number of invoices necessary to meet the Mandatory Minimum Qualifications. Please note that no additional credit will be given for exceeding the Mandatory Minimum Qualifications.
409	RFP Main Document	2.1.2 IT Staff	It is our understanding that a bidder that has provided five (5) IT Staff to Government Entities in Job Titles included in Attachment 9 within the last two (2) years, as a subcontractor, meets the Mandatory Minimum Qualifications for IT Staff. Please Confirm or Clarify.	OGS will only consider IT Staff placements that were provided by the Bidder as the Prime Contractor to the Government Entity. Please see revised Section 2.1.2.
410	RFP Main Document	2.1.2 IT Staff	Please Clarify the Term "Contract Management Provider". Would a prime contractor to a Government Entity be considered a Contract Management Provider?	The reference to a Contract Management Provider was included as one example only of a Bidder who may have no direct sales to a Government Entity. This could also include instances where a Bidder invoiced through a Vendor Management System or Managed Services Provider, for other examples. However, if the Bidder was a Prime Contractor directly to a Government Entity, there would be no need to rely on this provision relating to indirect sales.
411	RFP Main Document	2.12 IT Staff	Regarding the requirement "at least 5 IT staff to Government Entities in Job titles included in Attachment 3-Mandatory Minimum Qualifications within the last 2 years"; we have the IT experience in the private sector and government experience in the Admin including servicing the NYS OGS Admin contract. We also have key personnel who have previous experience in servicing the government with IT consultants. Would this possibly meet the Mandatory Qualifications?	Bidder must have provided at least five (5) IT staff as a Prime Contractor to Governmental Entities in Job Titles included in Attachment 9 – Job Titles, Skill Levels, Regions or job titles deemed to be equivalent at OGS's sole discretion, within the last two (2) years (June 2016 through May 2018). Please see revised Section 2.1.2 of the Solicitation.
412	Attachment 3 Mandatory Minimum Qualifications	Example of Qualifying Invoice	In your Attachment 3 example of a Qualifying invoice the data at the top is for a specific invoice (invoice number, invoice date, etc., but the line items appear to be summaries "Programmer, 400 hours, etc." Do you want copies of specific invoices or do you want some sort of summaries? We propose submitting copies of invoices as presented for payment.	The example provided in Attachment 3 was provided as an example only. Each qualifying invoice must contain or be accompanied by the information listed in Sections 2.1.2 and 2.1.3. No separate summaries are required.
413	Attachment 3 Mandatory Minimum Qualifications	Qualifying invoices	IT staff supplied to state agencies had an intermediate prime vendor, invoices are paid by these prime vendor. Does these invoices suffice or should these be billed directly to state?	OGS will only consider sales and/or IT Staff placements where the Bidder was the Prime Contractor to the Government Entity. Please see revised Sections 2.1.2 and 2.1.3.
414	Attachment 3 Mandatory Minimum Qualifications	Qualifying invoices	IT staff supplied to state agencies had vendor management system(VMS), invoices are paid by VMS vendor. Does these invoices suffice or should these be billed directly to state?	Please refer to Section 2.1.2 "If a Bidder has no direct sales to any Government Entity, but sells Hourly-Based IT Services through a Subcontractor or other provider (e.g. Contract Management Provider) to Government Entities, then that Bidder may use those Subcontractor or other provider invoices to demonstrate verifiable sales. Paid invoices from a Bidder's authorized Subcontractor or other provider (e.g. Contract Management Provider) will be accepted only if the Bidder is identified on the paid invoice. The Bidder's name must be written on the invoice if not already included."
415	RFP Main Document	Sec 3.1	[1] May we redact the private personal information contained on submitted invoices? [2] Can NYS provide assurances of the continued protection of the information?	(1) All information required in Sections 2.1.2 and 2.1.3 regarding qualifying invoices must be free of restrictions on confidentiality. Any private personal information beyond that may be redacted. (2) Please refer to Appendix B, Section 6, Confidential/Trade Secret Materials. See also Attachment 4 - Administrative Information, Foil Redaction Tab.
416	Attachment 2 Bidder Questions Form	Submission of Questions	The business volume generated out the government agencies, do we show individual \$500K or all total a minimum of \$500K	The requirement is for a total minimum of \$500,000 in sales to Governmental Entities.
417	Attachment 3 Mandatory Minimum Qualifications	2.1.2 and 2.1.3	Can the same qualified invoices be used for both the IT Staff and Verifiable Sales?	Yes, as long as the qualifying invoices satisfy the Mandatory Minimum Qualifications.
418	Attachment 3 Mandatory Minimum Qualifications	IT Staff & Verifiable Sales tabs	May we redact the private personal information contained on submitted invoices? Can NYS provide assurances of the continued protection of the information?	(1) All information required in Sections 2.1.2 and 2.1.3 regarding qualifying invoices must be free of restrictions on confidentiality. Any private personal information beyond that may be redacted. (2) Please refer to Appendix B, Section 6, Confidential/Trade Secret Materials. See also Attachment 4 - Administrative Information, Foil Redaction Tab.
419	Attachment 3 Mandatory Minimum Qualifications	IT Staff and Verifiable Sales worksheets	We would like to partner with another firm. Can that other firm's IT Staff and Verifiable Sales be listed and used to meet the Mandatory Minimum Qualifications?	If Bidder is relying on operations of a parent company, subsidiary, predecessor entity, Joint Venture member(s) or other entity for purposes of satisfying any of the Mandatory Minimum Qualifications, Bidder is required to provide a full explanation describing such relationship and how it satisfies the requirement(s).
420	Attachment 3 Mandatory Minimum Qualifications	IT Staff, Verifiable sales	How to add the images of required invoices in the excel sheet for the Attachment 3 - Mandatory Minimum Qualifications form?	Please refer to Sections 3.2.1.1 and 3.2.2.1 regarding the Administrative and Technical Proposals submission. Qualifying invoices must be provided in searchable PDF format.
421	Attachment 3 Mandatory Minimum Qualifications	Tab #4 Verifiable Sales	In the Paid Invoice Date Column, Would you like the date of the invoice generated or the date the invoice was paid to us?	The date the invoice was generated is the date that should be entered in this Column. Please see revised Attachment 3 - Mandatory Minimum Qualifications, Verifiable Sales Tab.
422	Attachment 3 Mandatory Minimum Qualifications	Verifiable Sales tab	Is "paid invoice date" the date of payment receipt, or the date of invoicing?	The date the invoice was generated is the date that should be entered in this Column. Please see revised Attachment 3 - Mandatory Minimum Qualifications, Verifiable Sales Tab.
423	Attachment 3 Mandatory Minimum Qualifications	Verifiable Sales	Would Purchase Orders from the prime vendor for services we provided naming the State and City agencies and the contract number be sufficient proof, along with billing reports and invoices?	OGS will only consider sales where the Bidder was the Prime Contractor to the Government Entity. Please see revised Section 2.1.3.

424	Attachment 3 Mandatory Minimum Qualifications	Verifiable Sales	For verification, do you need a copy of our original Invoice to the End User or do you also need a copy of the voided check, ACH, or wire payment from the End User?	There is no requirement that the Bidder provide proof of payment of the invoice, however, OGS reserves the right to request additional information as necessary. Please see revised Attachment 3 - Mandatory Minimum Qualifications, Verifiable Sales Tab.
425	Attachment 3 Mandatory Minimum Qualifications	Verifiable Sales	When verifying our sales, can we only submit SKUs that our organization controls or can we include SKUs from other companies when we have performed work under those SKUs as a subcontractor? If we can include third-party SKUs, what do you need to verify that our team delivered the work as a subcontractor?	OGS will only consider sales where the Bidder was the Prime Contractor to the Government Entity. Please see revised Section 2.1.3.
426	Attachment 3 Mandatory Minimum Qualifications	Verifiable Sales	Can we include sales of service engagements that are less than 2 months in length?	There is no requirement regarding the length of the engagement for verifiable sales purposes.
427	Attachment 3 Mandatory Minimum Qualifications	Verifiable Sales	If a bidder is a sub-contractor to a current HBITs Prime Vendor and have invoiced the Prime, been paid, and the transaction has been recorded in NYS Contract System, how does the bidder represent the verifiable sale?	OGS will only consider sales where the Bidder was the Prime Contractor to the Government Entity. Please see revised Section 2.1.3.
428	RFP Main Document	Section 2.1.3 - Verifiable Sales	Minimum Qualification of having \$500,000 - [1] Can we submit invoices in excess of the specified amount? For example, 1 Million worth verifiable invoices? [2] If yes, does this get us more points in evaluation?	(1) Section 2.1.3 states "Only the minimum number of invoices needed to meet requirements should be provided." (2) No additional points will be given during the evaluation for verifiable sales in excess of \$500,000.
429	Attachment 3 Mandatory Minimum Qualifications	Verifiable Sales	Does OGS prefer that bidders show all public sector sales within this 2 year timeframe or only the minimum needed of \$500,000?	Section 2.1.3 states "Only the minimum number of invoices needed to meet requirements should be provided."
430	Attachment 3 Mandatory Minimum Qualifications		Our Gross Sales is more than 500 K, is it acceptable.	Section 2.1.3 states "Bidder must demonstrate a minimum of at least \$500,000 in verifiable sales for providing Hourly-Based IT Services to any Government entity over the past two (2) years (June 2016 through May 2018)."
431	RFP Main Document	2.1.3 Verifiable Sales	Requirement asks for us to demonstrate \$500K+ sales. If we submit just 1 invoice exceeding that amount, will we receive MAXIMUM points in our proposal evaluation? Is there an advantage to submit e.g. 72 invoices totalling \$50mm+? Will we receive a higher score if submit more quality with larger dollars?	This is a Mandatory Minimum Qualification only. No additional points will be given during the evaluation for verifiable sales in excess of \$500,000.
432	RFP Main Document	2.1.3 Verifiable Sales	Will additional points be awarded if we are able to demonstrate more than \$500,000 worth of sales to government entities (i.e., the minimum requirement) in the specified 2-year period?	This is a Mandatory Minimum Qualification only. No additional points will be given during the evaluation for verifiable sales in excess of \$500,000.
433	Attachment 3 Mandatory Minimum Qualifications	Verifiable sales Tab	Can we enter the Government entity name if it is not in the drop down?	Yes.
434	RFP Main Document	2.1.3 Verifiable Sales	[1] It has been mentioned that minimum number of invoices needed to meet requirement should be provided but in the example in attachment 3 it was shown that 3 invoices totalling more than \$500k were shown whereas one invoice in that example totalling \$550k would have been sufficient; if we show more invoices than \$500k will there be any advantage? [2] if we show more than \$500k invoices will there be any penalty or rejection of submission? [3] The example is contradicting as to how many invoices to be included. Please clarify.	(1) No additional points will be given during the evaluation for verifiable sales in excess of \$500,000. (2) There will be no penalty or rejection of the submission if additional invoices are included. (3) Please see revised example provided in Attachment 3 - <i>Mandatory Minimum Qualifications</i> .
435	RFP Main Document	2.1.3	As described in the Verifiable Sales Bidder must demonstrate a minimum of at least \$500,000 in verifiable sales for providing Hourly-Based IT Services to any Government entity over the past two (2) years (June 2016 through May 2018). Bidder shall utilize Attachment 3 – Mandatory Minimum Qualifications (Verifiable Sales), which summarizes the qualifying Government Entity, paid invoice date, paid invoice number and invoice total. My question to the government in pertains to the aforementioned that are the variable sales needs to be included in the financial Proposal or it's a part of the Administrative/Technical Proposal?	This should be included with the Administrative and Technical Proposal. Please refer to Section 3 of the Solicitation.
436	RFP Main Document	2.1.3 Verifiable Sales	Bidder must demonstrate a minimum of at least \$500,000 in verifiable sales for providing Hourly-Based IT Services to any Government entity. Do these sales need to be to a single entity or can the sales be to multiple Government entities, which totals over \$500K?	The sales can be from either a single or multiple Government Entities.
437	RFP Main Document	2.1.3 Verifiable Sales	Please advise if the \$500,000 in verifiable sales required has to be met with any one of the Government entity or if the verifiable sales can be across multiple Government entities.	The sales can be from either a single or multiple Government Entities.
438	RFP Main Document	2.1.3 Verifiable Sales	Much of our Hourly Based IT Sales are to non-Government entities. Would you please consider allowing us to use non-Government hourly based sales to satisfy the \$500K verifiable sales? This would allow firms who have success in the Commercial market to transition to Government markets.	OGS respectfully declines to accept sales to non-Government Entities in order to satisfy the Mandatory Minimum Requirements.
439	RFP Main Document	2.1.3 Verifiable Sales	We would like to bid as a prime on this contract. To meet the qualifying criteria, we are a subcontractor to Prime with a qualifying Agency. We have invoices with us (subvendor), the Prime and the Agency on them. If we submit invoices that show in excess of \$500,000 proving that we received more than the qualifying amount, will that suffice or would you like to see the cancelled checks from the Prime vendor as well?	OGS will only consider sales where the Bidder was the Prime Contractor to the Government Entity. Please see revised Section 2.1.3.
440	RFP Main Document	2.1.3 Verifiable Sales	"Each paid invoice must contain or be accompanied by all the following information: • Government Entity name • Job Title • Invoice Date • Invoice Number • Invoice Total" We do not include Job Title on our invoices and our invoices contain multiple agencies and task orders which in turn contain multiple job classifications. How can we satisfy the requirement to provide Job Titles since there are a multiplicity within each invoice? We propose submitting copies of invoices as presented for payment.	The Job Title may be included on the invoice or accompanied by supporting documentation. Please see Section 2.1.3 of the Solicitation.
441	RFP Main Document	2.1.3 Verifiable Sales	If paid invoices do not include Job Title, is it permissible to write the Job Title on the invoice and submit the Statement of Work as back-up?	Yes, the Job Title may be written on the invoice and accompanied by the Statement of Work as supporting documentation. Please see Section 2.1.2 of the Solicitation.
442	RFP Main Document	2.1.3 Verifiable Sales	In case prime has not specified the invoice to the sub, then by which mode should the invoice be submitted by the sub?	OGS will only consider sales where the Bidder was the Prime Contractor to the Government Entity. Please see revised Section 2.1.3.
443	RFP Main Document	2.1.3 Verifiable Sales	which of the two invoice numbers are required in attachment 3 - sub-contractor invoice number to State (or) Bidder invoice number to sub-contractor?	OGS will only consider sales where the Bidder was the Prime Contractor to the Government Entity. Please see revised Section 2.1.3.
444	RFP Main Document	2.1.3 Verifiable Sales	What will be the confidentiality treatment for invoices that are submitted as part of this proposal, given that this constitutes key material business information?	Please refer to Appendix B, Section 6, Confidential/Trade Secret Materials. See also Attachment 4 - Administrative Information, Foil Redaction Tab.

445	RFP Main Document	2.1.3 Verifiable Sales	It is our understanding that a Bidder that has sold at least \$500,000 of Hourly-Based IT Services to any Government Entity over the past (2) years, as a subcontractor, meets the <u>Mandatory Qualifications for Verifiable Sales. Please Confirm or Clarify.</u>	OGS will only consider sales where the Bidder was the Prime Contractor to the Government Entity. Please see revised Section 2.1.3.
446	RFP Main Document	Sec 5.5.4	Please clarify if the State wants invoices from the current 'Hourly-Based ITS Services' contract or from all contracts that provide 'hourly-based IT services'.	Section 2.1.3 states "Bidder must demonstrate a minimum of at least \$500,000 in verifiable sales for providing Hourly-Based IT Services to any Government entity over the past two (2) years (June 2016 through May 2018)." These services can be from any Contract, not limited to the current HBITS Contracts.
447	RFP Main Document	3.2.2 Hardcopy Submissions	Please advise if we need to provide printed copies of all the Invoices to be provided as a part of 'Attachment 3 - Verifiable Sales'.	Yes. Please refer to Section 3.2.2 of the Solicitation.
448	Attachment 3 Mandatory Minimum Qualifications	Verifiable Sales	Is it required to submit individual invoices of the contracts that comprise the \$500k+ of verifiable sales or is it okay to submit an aggregate report which includes details such as the customer, type of work/staffing, time period, amount invoiced, etc.?	Please see revised Attachment 3 - <i>Mandatory Minimum Qualifications</i> , Verifiable Sales Tab, which requires aggregate reporting of verifiable sales and images of qualifying invoices in searchable PDF format.
449	1.1 Overview	1.1 Overview	[1] If [Vendor A] does not meet any of the listed criteria: 15% for MBE, 30% MWBE or 6% SDVOB [Redact] can we still participate in this RFP and independently bid on RFPs within scope of this RFQ. [2] [Vendor A] has GSA accreditation for Services as a SBE. Are the qualifications for SBE for the state similar to the Federal qualifications that we can be considered SBE and bid independently on RFQs that fall within scope?	(1) Please refer to Section 2.1 of the Solicitation for the criteria that must be met, at minimum, for a Vendor to determine if they meet the Mandatory Minimum Requirements and are eligible to submit a response to this Solicitation. The goals that you are referring to are not a requirement for bidding on this Solicitation. However, if you are awarded a Contract as a Prime Vendor, you will be required to meet the participation goals stated in Sections 7.11 and 7.12 of this Solicitation through the use of your Subcontractor network. Only awarded Contractors will be eligible to participate in the process of Candidate submission as outlined in Section 6 of Solicitation. (2) Please refer to Section 1.12 for a definition of SBE (Small Business Enterprise). Please be aware that there are no RFQ's under the Contracts resulting from this Solicitation. Only awarded Contractors will be eligible to participate in the process of Candidate submission as outlined in Section 6.
450	Attachment 2 Bidder Questions Form	Submission of Questions	As a prime bidder who has lots of experience working with NYS and being a minority company, can we also be associated as a MBE sub-contractor with other prime bidders. Will that be favorably considered or will NYS look at it adversely if we bid both as a prime as well as a sub-vendor.	It is within your right to set up sub-contracting activities, however, if you submit a Bid and are awarded as a Prime Contractor, you are prohibited from sub-contracting activities with any other Prime Contractors per Section 7.8 of this Solicitation.
451	Attachment 2 Bidder Questions Form	Submission of Questions	As a prime bidder, should we include only those companies that are certified NYS MBEs, SBEs, WBEs, SDVOBs or can we include those companies that certified from other states.	Only New York State Certified Companies can be counted towards meeting the MWBE and SDVOB Goals stated within the Solicitation.
452	Attachment 2 Bidder Questions Form	Submission of Questions	In our bid, if we include certain MBEs, SBEs, WBEs and SDVOBs, are we stuck using only these companies or can we use other certified companies that may ultimately result as a benefit for NYS.	You are not limited to only those firms that are included on the initial Utilization Plan submitted with the Solicitation.
453	RFP Main Document	2.2.8 MWBE Utilization Plan	If We submit our SubContractor Plan, are we limited to use those subcontractors upon the award or are we able to find other subcontractors besides the ones in the plan?	You are not limited to only those firms that are included on the initial Utilization Plan submitted with the Solicitation.
454	Attachment 3 Mandatory Minimum Qualifications		Can we as MWBE Firm bid as Prime.	Yes, an MWBE firm may submit a bid as a Prime. Please refer to Section 2.1 of the Solicitation for the criteria that must be met, at minimum, for a Vendor to determine if they meet the Mandatory Minimum Requirements and are eligible to submit a response to this Solicitation.
455	Email	Email	We are a Maryland based MBE as well as NY State certified MBE – Do we qualify for the 15% MWBE requirement? Or do we need to have another MWBE company as sub to qualify for this goal? Do we need a NY based WBE to meet 15% goal and SVOB to meet 6% goal? Can we use a Maryland based company? <u>Does Small Business certification have any goals on this RFP to meet?</u>	As a NYS Certified MBE you can get credit for the 15% MBE portion of the goal, however you are still required to utilize a NYS Certified WBE to meet the remaining 15% WBE Goal. You will need a certified SDVOB to meet the 6% Goal. Small Business certification does not have any goals on this RFP.
456	Email	Email	We [Vendor A] are a very small MWBE certified company. I have been approached by different big primary HBITS vendors to become their 'sub-contractor' for NYS OGS RFP #23096/Hourly-Based IT Services (HBITS). My understanding is that I am allowed to become sub-contractor with multiple primary HBITS vendors. <u>Can you please clarify this for NYS OGS RFP #23096/</u>	This Solicitation does not prohibit small MWBE certified companies from subcontracting opportunities with multiple primary HBITS Contractors.
457	General Questions		Can a prime Bidder also bid as a subcontractor?	It is within your right to set up sub-contracting activities, however, if you submit a Bid and are awarded as a Prime Contractor, you are prohibited from sub-contracting activities with any other Prime Contractors per Section 7.8 of this Solicitation.
458	General Questions		Since we are a certified Minority Business Enterprise, do we have to meet the goals of subcontracting through an MBE?	As a NYS Certified MBE you can get credit for the 15% MBE portion of the goal, however you are still required to utilize a NYS Certified WBE to meet the remaining 15% WBE Goal.
459	General Questions		If a Certified Minority Business Enterprise is a prime of this contract, can we subcontract to another Minority Business Enterprise to meet the Minority Women Business Goals of Thirty Percent?	As a NYS Certified MBE you can get credit for the 15% MBE portion of the goal, however you are still required to utilize a NYS Certified WBE to meet the remaining 15% WBE Goal.
460	General Questions		We have applied for NYS MBE certification however it may take sometime for us to be certified. Do we qualify for meeting 15% MBE goal if we submit the proof of registration (MBE certification)?	No. You will not qualify to meet the 15% MBE goal until you become certified.
461	RFP Main Document	1.9 MWBE & SDVOB Interest in Participating with Bidders	We are currently talking with companies in regards to teaming for this opportunity and if it turns out that we have not finalized our Team by the 7/20 deadline and we still want to have a MWBE or SDVOB what should we submit in our MWBE/SDVOB Interest email?	You are not required to provide us with a listing of who you are partnering with. Section 1.9 is used by Prospective Prime Contractors to locate potential firms to subcontract with in order to meet their goals if awarded a Contract. The deadline of July 20, 2018 was the deadline for New York State Certified MWBE and/or SDVOB Vendors to submit their Company information to us so that we can add them to this list and post to the OGS Website.
462	RFP Main Document	1.9 MWBE and SDVOB Interest in Participating with Bidders	What is the purpose of this Listing?	Prospective Prime Contractors may use this Listing to locate potential firms to subcontract with in order to meet their goals if awarded a Contract.
463	RFP Main Document	1.9 MWBE and SDVOB Interest in Participating with Bidders	Does a non-certified NY State MWBE and/or SDVOB subcontractor who we may use need to indicate their interest in participating in this RFP by the 7/20/18 deadline or is that requirement only for NY State certified subcontractors in these categories?	The Listing referred to in Section 1.9 is used by Prospective Prime Contractors to locate potential firms to subcontract with in order to meet their goals if awarded a Contract. The deadline of July 20, 2018 was the deadline for New York State Certified MWBE and/or SDVOB Vendors to submit their Company information to us so that we can add them to this list and post to the OGS Website.
464	RFP Main Document	2.2.7 EEO 100 (Equal Employment Opportunity Staffing Plan)	How this will impact the outcome of bid result? Is there a relation to what a company employs to how many points a company can expect in evaluation of the bid? Or is it only for information purpose with in impact on bid evaluation?	The EEO 100 form is for information purpose only and is not used as part of the bid evaluation process.
465	RFP Main Document	2.2.7 EEO 100 (Equal Employment Opportunity Staffing Plan)	Our company is required to use the U.S. Equal Employment Opportunity Commission (EEOC) format for reporting staff data, as this form contains updated reporting categories. May bidders submit their EEO staffing plans in this format required by the federal government? As reference, a sample of the EEOC's form is on page 2 of the linked document: https://www.eeoc.gov/employers/eo1survey/upload/eo1-2-2.pdf .	No. The staffing plan must be submitted on the form provided.
466	RFP Main Document	2.2.7 EEO 100 (Equal Employment Opportunity Staffing Plan)	Would OGS like the EEO 100 filled out for just this contract or for the entire company?	Please refer to Number 3 under Section 2.2.7.

467	RFP Main Document	2.2.7 EEO 100 (Equal Employment Opportunity Staffing Plan)	Regarding Form EEO 100, the report is to include "Contractor's workforce" which we assume are direct full-time employees of our company as a Prime Contractor. The report also includes "Subcontractors workforce". How should we proceed with this form on bid submission in the event that we do not yet know which subcontractors we will be working with depending on what the job requisitions will be until after the contract award and during the term of the contract?	Please refer to Number 3 under Section 2.2.7.
468	RFP Main Document	2.2.8	2.The total subcontracting goal of this requirement is 36% as we are MBE and WBE certified firm, can we assume that we have completed 30% of the goal by its own certifications? Or do we still have to have a local subcontractor for MBE and WBE? Please Clarify.	As a NYS Certified MWBE you can get credit for either the 15% MBE portion of the goal or the 15% WBE portion of the goal but not both. You will need a certified SDVOB to meet the 6% goal.
469	RFP Main Document	2.2.8 - MWBE 100	If a subcontractor is both M&WBE can they satisfy both goals or does it need to be separate companies?	As a NYS Certified MWBE you can get credit for either the 15% MBE portion of the goal or the 15% WBE portion of the goal but not both.
470	RFP Main Document	2.2.8 - MWBE 100	If prime respondent is NYS Certified as both M&WBE can they self satisfy the goal by its self with out subcontracting?	As a NYS Certified MWBE you can get credit for either the 15% MBE portion of the goal or the 15% WBE portion of the goal but not both.
471	RFP Main Document	2.2.8 - MWBE 100 & 2.2.9 - SDVOB 100	If a teaming partner (that will be a subcontractor in the Joint Venture) is a NYS certified SDVOB, MBE, &WBE could they be used to satisfy the MWBE and SDVOB requirements if the amount subcontracted comes to 36%?	Joint Venture is not a subcontracting relationship. Participants in a Joint Venture are viewed as equal partners, however, only one single company shall be designated as the Primary Bidder. If one of the companies in the Joint Venture is a MWBE and SDVOB, you can get credit for either the 15% MBE portion of the goal or the 15% WBE portion of the goal but not both and you would meet the SDVOB 6% goal.
472	RFP Main Document	2.2.8 - MWBE 100 & 2.2.9 - SDVOB 100	If a prime is a NYS certified SDVOB, MBE, &WBE could they self satisfy the 36% subcontracting goals?	If a Prime is a MWBE and SDVOB, you can get credit for either the 15% MBE portion of the goal or the 15% WBE portion of the goal but not both and you would meet the SDVOB 6% goal.
473	RFP Main Document	2.2.8 MWBE	From which certification agency does the state recognize for the certification body certifying MWBE and SDVOB firms?	New York State only recognizes certification of Minority and Women-Owned Businesses from Empire State Development and the certification of Service-Disabled Veterans from NYS Office of General Services Division of Service-Disabled Veterans' Business Development.
474	RFP Main Document	2.2.8 MWBE 100	[1] We are NY State MWBE and applying as main Bidder. Can we include our company as MBE and WBE towards minimum requirement of one MBE and one WBE? [2] If not, can we include one another MWBE towards one MBE and also same MWBE for one WBE requirement?	(1) As a NY State MWBE, you can get credit for either the 15% MBE portion of the goal or the 15% WBE portion of the goal but not both. (2) An MWBE can get credit for either their MBE status or their WBE status but they cannot get credit for both.
475	RFP Main Document	2.2.8 MWBE 100	If the bidder is a MBE, does the MWBE 100 MWBE Utilization Plan still need to submit a MBE contractor name?	As a NYS Certified MBE you can get credit for the 15% MBE portion of the goal, however you are still required to utilize a NYS Certified WBE to meet the remaining 15% WBE Goal.
476	RFP Main Document	2.2.8 MWBE 100	By having MBE Certificate from NYNJMSDC, would it be a qualifying document and would it be recognized by NYS ?	No. NYS only recognizes certification of Minority and Women-Owned Businesses from NYS Empire State Development.
477	RFP Main Document	2.2.8 MWBE 100	If we bid as a Prime and if we are also an MBE firm ourselves, do we still need to have to list out other MBE/ WMBE/SDVOB as Sub from the State of NY, for meeting the 15 % Minority requirement ?	As a NYS Certified MBE you can get credit for the 15% MBE portion of the goal, however you are still required to utilize a NYS Certified WBE to meet the remaining 15% WBE Goal and a certified SDVOB to meet the 6% SDVOB goal.
478	RFP Main Document	2.2.8 MWBE 100 (MWBE Utilization Plan)	[1] Is there a preference or points for using MWBE or any weightage over other businesses in evaluating the bid proposal? [2] If higher the usage of MWBE will there be greater preference in evaluating the bid?	(1) There are no additional points for using MWBE's when it comes to evaluating the proposal. (2) There are no additional points for higher usage of MWBE's when it comes to evaluating the proposal.
479	RFP Main Document	2.2.8 MWBE 100 (MWBE Utilization Plan)	If a vendor is MBE certified and priming this opportunity, will the vendor be eligible to fulfil 15% set-aside goal for MBE by itself?	As a NYS Certified MBE you can get credit for the 15% MBE portion of the goal, however you are still required to utilize a NYS Certified WBE to meet the remaining 15% WBE Goal.
480	RFP Main Document	2.2.8 MWBE 100 (MWBE Utilization Plan)	Can a vendor bid as an MBE if the MBE certification is still in processing stage?	No, no credit can be received until the Bidder is certified.
481	RFP Main Document	2.2.8 MWBE 100 (MWBE Utilization Plan)	Can a New York State Certified minority woman owned business name itself in their MWBE 100 (MWBE Utilization Plan) and will naming themselves in the MWBE 100 achieve the 30% MWBE participation goal?	As a NYS Certified MBE you can get credit for the 15% MBE portion of the goal, however you are still required to utilize a NYS Certified WBE to meet the remaining 15% WBE Goal.
482	RFP Main Document	2.2.8 MWBE 100 (MWBE Utilization Plan)	As a NYS Certified WBE, does a bidder need to complete the MWBE 100 (MWBE Utilization Plan)? If so, how does the bidder reflect this information in consideration of the bidder's own certification?	Yes, the bidder will need to complete the MWBE 100. As a NY State WBE, you can get credit for the 15% WBE portion of the goal but will still need to identify a NYS certified MBE to meet the 15% MBE goal.
483	RFP Main Document	2.2.8 MWBE 100 (MWBE Utilization Plan)	If a bidder is a NYS Certified WBE, does the bidder need to name a MBE as part of the Utilization?	Yes. As a NY State WBE, you can get credit for the 15% WBE portion of the goal but will still need to identify a NYS certified MBE to meet the 15% MBE goal.
484	RFP Main Document	2.2.8 MWBE 100 (MWBE Utilization Plan)	If we're a Certified NYS WBE bidding as a Prime, are we also required to subcontract to Certified NYS MBE for the 15% goal?	As a NYS Certified WBE you can get credit for the 15% WBE portion of the goal, however you are still required to utilize a NYS Certified MBE to meet the remaining 15% MBE Goal.
485	RFP Main Document	2.2.8 MWBE 100 (MWBE Utilization Plan)	The HBITS RFP didn't include the MWBE 100 form. The form downloaded from the OGS website has indicated it needs to be sent to Commodities and Services. Please clarify should the bidder send the MWBE 100 form to Commodities and Services or send it OGS with the proposal submission.	The MWBE 100 Form can be found at https://www.ogs.ny.gov/MWBE/Forms.asp . Section 2.2.8 of the Solicitation states that the Bidder "...shall complete MWBE 100 (MWBE Utilization Plan) in its entirety, sign and submit with its Bidder Submission."
486	RFP Main Document	2.2.8 MWBE 100 (MWBE Utilization Plan) & 2.2.9 SDVOB 100 (SDVOB Utilization Plan)	In the event that we have not identified any certified MWBE and/or SDVOB subcontractors by the bid submission deadline, our intentions would be to continually recruit them throughout the contract term based on the skills needed via job requisitions. Are we still required to submit these forms (MWBE 100 and SDVOB 100) which are stated as required in Attachment 5: Bidders Checklist, or are we to submit request for a waiver (Form BDC 333) even though this may be a temporary situation until we recruit and utilize these categories of subcontractors during the contract term?	Yes, you are still required to submit these forms. A contract cannot be awarded without an acceptable MWBE Utilization Plan or a granted waiver of the MWBE participation goals.
487	RFP Main Document	2.2.8 MWBE 100 2.2.9 SDVOB 100	Is the total carve-out for WBE (15%), MBE (15%), and SVD0B (6%) mutually exclusive, i.e., a total of 36%?	No, not if you utilize a NYS Certified MWBE that is also a NYS Certified SDVOB.
488	RFP Main Document	2.2.8 MWBE 100 2.2.9 SDVOB 100 5.5.3 Technical Proposal Evaluation	[Vendor A] is currently holder of MBE and WBE certificates that were granted by Empire State Development's Division of Minority and Women's Business Development. Consequently, if we (i.e., [Vendor A]), were to submit as a prime contractor, would this qualify us for both (i) the MBE and WBE share of work (i.e., 15% and 15%), and (ii) the MBE and WBE points in the evaluation criteria (i.e., 1.5 points)?	(i) As a NYS Certified MWBE you can get credit for either the 15% MBE portion of the goal or the 15% WBE portion of the goal but not both. (ii) As a NYS Certified MWBE, Quantitative Factor points as described in Section 5 of the Solicitation would be awarded.
489	RFP Main Document	2.2.8 MWBE 100; 2.2.9 SDVOB 100	If prime is a certified M, WBE, or SDVOB, can the related utilization goal be self-fulfilled by the Prime?	No. As a NY State MWBE, you can get credit for either the 15% MBE portion of the goal or the 15% WBE portion of the goal but not both. You can also get credit for your SDVOB status.
490	RFP Main Document	2.2.8 MWBE Utilization Plan	Can a Prime Bidder meet the MWBE Subcontracting Goals if we use an MBE whose certification is in process?	No. Credit will only be applicable from the date that the company received their NYS Certification.
491	RFP Main Document	2.2.8 MWBE Utilization Plan, 7.11 Contractor Requirements and Procedures	Is it compulsory to sub contract the work?	Contractors must document "good faith efforts" to provide meaningful participation by New York State Certified M/WBE subcontractors or suppliers in the performance of this contract."
492	RFP Main Document	2.2.9	Do we need to have local SDVOB to complete the goal for this project? Please Clarify	OGS does not require a local SDVOB company to complete the goal. However, goals must be met in accordance with Section 2.2.9 and 7.12 of the Solicitation.
493	RFP Main Document	2.2.9 SDVOB 100	[1] Is it mandatory to have one SDVOB to submit the bid? [2] If we are unable to get one SDVOB at the time of bid submission, can we still qualify?	(1) Goals must be met in accordance with Sections 2.2.9 and 7.12 of the Solicitation. (2) See clause I.B of Section 7.12: "Contractor must document "good faith efforts" to provide meaningful participation by SDVOBs as Subcontractors or suppliers in the performance of the Contract (see clause IV below)."

494	RFP Main Document	2.2.8 MWBE	Will we have to identify a MWBE or SDVOB in responding to the RFP or can it be post award and we state that we will meet the participation requirement?	MWBE Goals must be met in accordance with Sections 2.2.8 and 7.11 of the Solicitation. See clause IV.C of Section 7.11 "Contractor must document "good faith efforts" to provide meaningful participation by MWBEs as subcontractors or suppliers in the performance of the Contract (see clause VII below)." "
495	RFP Main Document	2.2.9 SDVOB 100 (SDVOB Utilization Plan)	[1] Is there a preference or points for using SDVOB businesses or any weightage over other businesses in evaluating the bid proposal? [2] Is it mandatory to use at least one SDVOB? [3] Will the response be rejected if we can not find a SDVOB to work with us at this time?	(1) There are no additional points for using SDVOB's or any weightage over other businesses when it comes to evaluating the proposal. (2) Goals must be met in accordance with Sections 2.2.9 and 7.12 of the Solicitation. (3) See clause I.B of Section 7.12: "Contractor must document "good faith efforts" to provide meaningful participation by SDVOBs as Subcontractors or suppliers in the performance of the Contract (see clause IV below)." "
496	RFP Main Document	2.3 Technical Proposal	[1] In addition to MWBE and SDVOB partnerships we plan on establishing, we would like to partner with an additional firm that is not an MWBE and SDVOB. This would be a partnership, not a Joint Venture. Is this permitted? [2] If so do we depict this partnership proposal in 2.3, the Technical Proposal or should this be documented somewhere else?	(1) If the partnership is not a Joint Venture, then one of the firms would need to be the Prime Contractor and the other(s) would be considered subcontractors. Not all subcontractors are required to be MWBE's and/or SDVOB's. (2) Proposed subcontractors should be identified in the Technical Proposal in Section 2.3.2.6.
497	RFP Main Document	2.3.2.6 - 2 Subcontractor Management	Are NYS Certified MWBE/SDVOB/SBE required to have the same utilizations?	Please refer to Section 7.11 for MWBE Goals and Section 7.12 for SDVOB Goals. There are no required goals for SBE's. If the Prime is a MWBE and SDVOB, you can get credit for either the 15% MBE portion of the goal or the 15% WBE portion of the goal but not both and you would meet the SDVOB 6% goal.
498	RFP Main Document	2.3.2.6 Subcontractor Management	We are a NYS certified WBE firm. Can we use our own company on our MWBE Utilization Plan to meet the 15% WBE goals?	As a NYS Certified WBE you can get credit for the 15% WBE portion of the goal, however you are still required to utilize a NYS Certified MBE to meet the remaining 15% MBE Goal.
499	RFP Main Document	2.3.2.6 Subcontractor Management	Could OGS please provide links to the following required forms: SDVOB 100 (SDVOB Utilization Plan), MWBE 100 (MWBE Utilization Plan), and EEO 100 (Equal Employment Opportunity Staffing Plan)?	The link to the SDVOB Form is in Section 7.12 on Page 69 of the Solicitation: https://ogs.ny.gov/Veterans/default.asp The link to the MWBE Form(s) is in Section 7.11 on Page 67 of the Solicitation: http://www.ogs.ny.gov/MWBE/Forms.asp
500	RFP Main Document	Missing Forms	Following forms are missing which needs to be submitted as a part of response document: Equal Employment Opportunity Staffing Plan Form EEO100 MWBE Utilization Form MWBE 100 SDVOB Utilization Form SDVOB100 ST220 CA	The link to the SDVOB Form is in Section 7.12 on Page 69 of the Solicitation: https://ogs.ny.gov/Veterans/default.asp The link to the MWBE Form(s) is in Section 7.11 on Page 67 of the Solicitation: http://www.ogs.ny.gov/MWBE/Forms.asp The link to the ST220 CA is in Section 2.2.11 on Page 24 of the Solicitation: https://www.tax.ny.gov/pdf/current_forms/st4220ca_fill_in.pdf
501	RFP Main Document	7.11 (IV Contract Goals)	Can we use one MBE partner to satisfy the entire 30% set aside?	In the scenario that you have presented where you plan to use one MBE partner (subcontractor), which would satisfy the 15% MBE goal, your firm (Prime Contractor) would have to be either a NYS Certified WBE or MWBE in order to satisfy the 15% WBE goal.
502	RFP Main Document	7.11 (IV Contract Goals)	Can we use a current HBITS prime vendor as our MBE partner for this contract?	It is within your right to set up sub-contracting activities, however, if you submit a Bid and are awarded as a Prime Contractor, you are prohibited from sub-contracting activities with any other Prime Contractors per Section 7.8 of this Solicitation.
503	RFP Main Document	7.11 Contractor Requirements and Procedures	Are the MBE/WBE/SDVOB target sales percentages per Job Title or overall for the entire contract?	The overall percentage goals are for the entire Contract.
504	General Questions		Would OGS consider including NYS Certified DBEs (Disadvantaged Business Enterprise) on this contract as a preferred designation for firms that can provide these services?	This Solicitation does not prohibit subcontracting opportunities with Disadvantaged Business Enterprise vendors, however, at this time, no goals have been established for this Solicitation.
505	RFP Main Document	7.11 MWBE Participation	Would the State consider the inclusion of DBEs (Disadvantage Business Enterprise) specifically to better serve those agencies that are recipients of Federal funds and subject to DBE regulations.	This Solicitation does not prohibit subcontracting opportunities with Disadvantaged Business Enterprise vendors for any of its Authorized Users, regardless of funding type.
506	RFP Main Document	7.11, IV, Contract Goals, A, pg. 63	[1] There is an overall MWBE goal of 30% which is broken down into 15% MBE and 15% WBE but then it says the goal can be obtained by utilizing any combination of MWBEs for subcontracting. Is it the total goal we are bound to or the individual goals? [2] If a prime is certified can they use themselves towards the goals?	(1) You are bound by the total MWBE Goals. (2) As a NY State MWBE, you can get credit for either the 15% MBE portion of the goal or the 15% WBE portion of the goal but not both.
507	RFP Main Document	7.8 Subcontractors	"The State and/or Authorized User must have the same authority to audit the records of all Subcontractors as it does those of the Contractor;" In the past HBITS vendors were audited by OSC for overall contract compliance. Was this or will this be at the direction or request from OGS? Would OSC initiate this independently?	The State, Authorized Users, and any Control Agencies, including OSC, may Audit this Contract at any time.
508	RFP Main Document	7.8 Subcontractors	[1] "A Contractor serving as a Prime Contractor under this procurement is prohibited from also serving as a Subcontractor to another Prime Contractor." Does this apply to HBITS placements only? [2] What if we currently have ongoing placements using a subcontractor (for both HBITS and non-HBITS contracts), who is selected on the new HBITS contract being solicited in this RFP. How will these current placements be handled in both scenarios (both HBITS and non-HBITS contracts)	(1) This applies to this Procurement only. Please see revised Section 7.8 of the Solicitation. (2) This applies to this Procurement only. Please see revised Section 7.8 of the Solicitation. Existing engagements would not be impacted.
509	RFP Main Document	7.8 Subcontractor	[1] Does the exclusion of bidding as a Prime Contractor and serving as a Subcontractor extend to certified M/WBE vendors? As a certified M/WBE vendor, we would appreciate an opportunity to submit a proposal as a Prime Contractor, but also have the opportunity to serve as a subcontractor to another partner. [2] Would NYS OGS consider enforcing the exclusion once the awards are made for M/WBE vendors. We agree with the intent of this requirement that it's not fair for the same vendor to be awarded a Prime contract and also awarded part of another Prime contract as a subcontractor; however, we request the exclusion be applied once the awards are made to allow complete participation from the M/WBE vendor community.	(1) It is within your right to set up sub-contracting activities, however, if you submit a Bid and are awarded as a Prime Contractor, you are prohibited from sub-contracting activities with any other Prime Contractors per Section 7.8 of this Solicitation. (2) This Section only applies upon award, and as stated above does not exclude a Vendor from bidding as a prospective Prime Contractor.
510	RFP Main Document	IV. Contract Goals	Please explain the clause of subcontracting? We are certified as an MBE & WBE contractor from the State of New York; can he/she can establish with SDVOB Vendor to fulfill the goal or it's mandatory to have all the MBE, WBE & SDVOB vendor as a subcontractor with our firm.	If the Prime is a MWBE, you can get credit for either the 15% MBE portion of the goal or the 15% WBE portion of the goal but not both. You would also need a certified SDVOB to meet the 6% SDVOB Goal.
511	RFP Main Document	Section 7.11 MWBE	Sub-section IV of Section 7.11 imposes a 30% goal (15% MBE and 15% WBE) for participation. It appears that under sub-section IX, the contractor could be liable for liquidated damages if it fails to meet these goals. Has OGS ever imposed liquidated damages under these provisions, and if so, how is this enforced?	This question is outside the scope of this Solicitation and the resulting Contract(s).
512	RFP Main Document	Section 7.11 MWBE	Sub-section IV of Section 7.11 imposes a 30% goal (15% MBE and 15% WBE) for participation. It appears that under sub-section IX, the contractor could be liable for liquidated damages if it fails to meet these goals. How is a Contractor's MWBE compliance measured for the purposes of liquidated damages?	Liquidated damages shall be calculated as an amount equaling to the difference between: 1. All sums identified for payment to MWBEs had the Contractor achieved the contractual MWBE goals; and/or 2. All sums paid to MWBEs for work performed or materials supplied under the Contract.
513	RFP Main Document	Section 7.12 SDVOB	It is difficult to identify Service Disabled Veterans for some of this work. We see that OGS may enter a finding of non-responsibility for failure to meet the SDVOB requirements. Are liquidated damages also possible if a vendor does not meet its goals?	Section 7.12 does not provide for liquidated damages.
514	RFP Main Document		Can a firm bid both as a Prime and be listed as a Sub-Contractor on another Prime's bid?	It is within your right to set up sub-contracting activities, however, if you submit a Bid and are awarded as a Prime Contractor, you are prohibited from sub-contracting activities with any other Prime Contractors per Section 7.8 of this Solicitation.
515	RFP Main Document		Our MBE is in process of certification, is it possible to sub with Prime as an MBE? OR as MWBE?	No credit towards the MWBE goal will be granted until a company has received their MWBE certification. As a NY State MWBE, you can get credit for either the 15% MBE portion of the goal or the 15% WBE portion of the goal but not both.

516			Our firm is a NYS Certified M/WBE that holds IT GSA Governmentwide contract - Will OGS be interest in a piggy back offer.	OGS is not interested in a piggy back offer at this time. However, NYS Certified MWBE's are encouraged to submit a Bid as a Prime or seek subcontracting opportunities with prospective Prime Contractors.
517			If I submit a Bid as a Prime Contractor and do not receive an Award, am I eligible to sub-contract for the Awarded Contractors?	Yes.
518			We could not attend the pre Bid conference. Can we still submit our proposals? We are NYS certified MBE.	Attendance at the Pre-Bid Conference was not mandatory and, therefore, is not a requirement for participation in this Solicitation.
519			We are already a NYS Certified MBE and can meet 15% requirements; can we subcontract to another MBE/MWBE for another 15% making it total of 30%?	As a NYS Certified MBE you can get credit for the 15% MBE portion of the goal, however you are still required to utilize a NYS Certified WBE to meet the remaining 15% WBE Goal.
520			If we bid as Prime can we be sub to another Prime contractor or Vice Versa?	It is within your right to set up sub-contracting activities, however, if you submit a Bid and are awarded as a Prime Contractor, you are prohibited from sub-contracting activities with any other Prime Contractors per Section 7.8 of this Solicitation.
521	RFP Main Document	7.3 Contract Survival	If a current HBITS Prime Vendor is not awarded on the new contract, what effect will that have on their existing contract staff?	Please see revised Section 7.8 of the Solicitation. Existing engagements would not be impacted.
522	RFP Main Document	3 Bid Submission	Are we allowed to bid as a Prime and also continue working as a Sub with another Prime ?	It is within your right to set up sub-contracting activities, however, if you submit a Bid and are awarded as a Prime Contractor, you are prohibited from sub-contracting activities with any other Prime Contractors per Section 7.8 of this Solicitation.
523	RFP Main Document	3 Bid Submissions	Can a Prime Vendor also be listed as a MWBE subcontractor under another Prime Vendor?	It is within your right to set up sub-contracting activities, however, if you submit a Bid and are awarded as a Prime Contractor, you are prohibited from sub-contracting activities with any other Prime Contractors per Section 7.8 of this Solicitation.
524	RFP Main Document	3.1 Joint Ventures	Section 3.1 Joint Ventures states that 'a company must not appear as a Bidder (Joint Venture or not) in more than one (1) proposal. Can a company that is submitting a bid as Prime, appear on other bids as certified M/WBE/SDVOB subcontractor supporting that prime? This would allow the M/WBE/SDVOB to attempt to win a contract, but still include them should their bid submission be rejected.	It is within your right to set up sub-contracting activities, however, if you submit a Bid and are awarded as a Prime Contractor, you are prohibited from sub-contracting activities with any other Prime Contractors per Section 7.8 of this Solicitation.
525	Email	Email	On the HBITS RFP, page 13, section 1.5, is the submission of MWBE/SDVOB Partnering Interest Email the same as the MWBE and SDVOB Interest in Participating with Bidders found on page 15, section 1.9? Please Clarify-MWBE/SDVOB Partnering Interest Email. Can a participating Bidder that is MBE participate and show interest and pursue section 1.9 on page 15 of the RFP?	The deadline of July 20, 2018, listed in Section 1.5, was the deadline for New York State Certified MWBE and/or SDVOB Vendors to submit their Company information to OGS, so that OGS could add them to this listing referred to in Section 1.9. This listing may be used by Prospective Prime Contractors to locate potential firms to subcontract with in order to meet their goals, if awarded a Contract.
526	Email	Email	[1] Regarding the due date July 20 for Submission of MWBE/SDVOB Partnering Interest Email, this date is for the New York State certified MWBE and New York State certified SDVOB firms that would like to partner with the prime proposing vendors. Is it correct? [2] Can a prime vendor reach out to the New York State certified MWBE and New York State certified SDVOB who are in the NYS MWBE and SDVOB Directory and might not register with NYS OGS for this particular HBITS project and invite them as subcontractors for the HBITS project?	(1) The deadline of July 20, 2018 was the deadline for New York State Certified MWBE and/or SDVOB Vendors to submit their Company information to OGS so that OGS could add them to this list and post to the OGS Website. (2) Prospective Prime Contractors may use this listing to assist them in locating potential firms interested in providing their services as subcontractor(s) in order for the Prime to meet their goals, if awarded a Contract. It is being provided to Primes as a convenience only, and is not a comprehensive list of certified MWBE/SDVOB vendors.
527	RFP Main Document	3.1 Joint Ventures	[1] Can a SDVOB, MBE Subcontractor team with other Primes as part of meeting the MBE, SDVOB Utilization requirement? [2] A Prime, Sub is not a Joint Venture and therefore can a Subcontractor appear in more than one proposal?	(1) A Joint Venture is not a subcontracting relationship. Participants in a Joint Venture are viewed as equal partners, however, only one single company shall be designated as the Primary Bidder. If one of the companies in the Joint Venture is a MWBE and SDVOB, you can get credit for either the 15% MBE portion of the goal or the 15% WBE portion of the goal but not both and you would meet the SDVOB 6% goal. (2) This Solicitation does not prohibit MWBE and/or SDVOB certified companies from subcontracting opportunities with multiple primary HBITS Contractors.
528	RFP Main Document	2.3 Technical Proposal	Is the MBE/WBE and SDVOB Utilization Plan apart of the Technical Proposal overall evaluation or will the Utilization Plan be evaluated separate?	The MWBE and SDVOB Utilization Plans are not part of the Technical Proposal. However, you are still required to submit these forms as part of the Administrative Proposal. A contract cannot be awarded without an acceptable MWBE and SDVOB Utilization Plan or a granted waiver of the respective participation goals.
529	RFP Main Document	1.9 MWBE and SDVOB	Our MBE and SDVOB Certification is pending review and approval, can we still be considered toward meeting a Primes Utilization Plan as long as we are certified by the award date?	Credit will only be applicable from the date that a company receives their NYS Certification.
530	Email	Email	When filling out the Attachment 3 Mandatory Min Qualifications under the IT Staff tab I'm not being allowed to fill in the "Paid Invoice Date" field. Every time I fill out the date in the MM/DD/YYYY format it gives me an error message.	Please see revised Attachment 3 and Section 2.1.2 of the Solicitation. You must ensure that you are within the date range specified.