

Questions and Answers

1. Q: **Section V. Requirements, Item D., page 7**

This item specifies a “perpetual” software license. We understand the need for the perpetual license in the situations that trigger software escrow release (breach, dissolution, etc.) As written the requirement seems to indicate that the contractor must also grant a license if the service contract is lost in a subsequent re-bid allowing the State to use the contractor’s software with another payment processing service provider? This may substantially increase the overall cost of the program. Would the State consider:

- limiting the license term to the contract term
- removing this requirement except in the situations that trigger escrow release
- change “must” to “should” to allow the evaluation team to score proposers lower if they do not offer this service without requiring it

A: Please refer to RFP 2014-09 ADDENDUM.

2. Q: **Section V. Requirements, Item F., page 7**

This item details the MBE/WBE requirements. Attachment D (Cost Sheet) has two sections: Section I. Cost to Releasee for Paying the Fee, Section II. Cost to DOCCS for Administration of Program. Can the State confirm that the MBE/WBE requirements only apply to Section II pricing where the State is paying the fee?

A: That is correct as the releases paying the fee are NOT MWBE entities.

3. Q: **Section VII. Information to Include in Your Proposal, Item A., page 13**

This item specifies that proposers should include any and all licensing. Can the State supply a specific list of the licenses that will be required for a proposal to be considered responsive?

A: No, We want to know what licenses they have .The only “license” required to be or have a relationship with a NYS or federal chartered bank.

4. Q: **Section VII. Information to Include in Your Proposal, Item B., page 13**

Can the State supply examples of other applicable insurance programs that could replace the need for a bond?

A \$2 million dollar bond seems excessive for the size of the contract. This represents 5 years of historical receipts. Would the state consider a bond of \$500,000 or 1 year worth of receipts? As bonding costs are project specific this cost would need to be absorbed into the pricing. A reduced bond cost would allow for reduced fees to the releasees/State.

A: We hope for the total amount of Fees collected to increase. Our historic level was \$1.8million so a \$2 million Bond is necessary.

5. Q: **Attachment B. Scope of Services, Section I, Item A. 4.**

This requirements states “All software specifications, programs, reports, data files and other materials prepared for or relating to the project shall be furnished to DOCCS and become the exclusive property of DOCCS and shall be treated as confidential by the Contractor.”

Would the State consider changing this to “All *project specific* ~~software specifications, programs,~~ reports, data files and other materials prepared for or relating to the project shall be furnished to DOCCS and become the exclusive property of DOCCS and shall be treated as confidential by the Contractor.”

A: Please refer to RFP 2014-09 ADDENDUM.

6. Q: **Attachment B. Scope of Services, Section I, Item C. 4.**

This requirements states “When a payment is rejected, the Supervision Fee account should be charged (debited) for the respective amount on the same day as the Contractor notification.” Can the State elaborate on this? Does “rejected” mean a returned payment or credit/debit chargeback? If so, the Supervision Fee account adjustment is expected but how does the contractor get reimbursed if the funds have already been transferred to the State? Can this be a deduction to a future transfer or should it be invoiced?

A: It can and will be handled either way subject to DOCCS Budget and Finance and Office of the State Comptroller (OSC) desires and requirements.

7. Q: **Attachment B. Scope of Services, Section I, Item D. 2.**

This requirements discusses releasees that are granted a waiver and states that “...the Contractor shall not accept the monthly fee from such releasee...” The rejection of Phone and Internet/Computer payments can be easily automated to restrict payment from waived offenders. This is significantly more expensive and error-prone for Walk-Up and Mail-In payment methods. Furthermore, in some cases, waived releasees may owe fees in arrears. Would the State consider one of the following alternatives:

- restrict this requirement to Phone and Internet/Computer payment only (in order to keep program costs low)
- change “shall” to should to allow the evaluation team to score proposers lower if they do not offer this service without requiring it

A: No, per the RFP these requirements are necessary for releasees that have been granted a waiver on an account.

8. Q: **Attachment B. Scope of Services, Section I, Item E. 1.**

This item states “...must accept payments through debit cards, credit cards, bank funds transfers and cash...” at walk-up facilities. Cash is well understood. It is not common for a walk-up outlet to provide guaranteed payments in exchange for a non-guaranteed payment, like a credit card, that can be reversed at a later date without requiring an additional fee.

Would the State consider one of the following alternatives:

- revise this requirement to only require cash payment methods at Walk-Up
- change “must” to “should” to allow the evaluation team to score proposers lower if they do not offer this service without requiring it

A: No, per the RFP payments through debit cards, credit cards, bank fund transfers and cash are necessary forms of service in order for a releasee to make payments.

9. Q: **Attachment B. Scope of Services, Section I., Item E. 2.**

This item states “...must accept payments through debit cards, credit cards, bank funds transfers” via Phone. Debit and Credit Cards are well understood. Accepting bank funds transfers will significantly increase costs for all payers in order to provide the service for a small number of payers that choose this option. Are “bank funds transfers” to be considered as FED wires (which are guaranteed funds) or ACH transfers (which are not guaranteed and akin to accepting personal checks)?

Would the State consider one of the following alternatives:

- revise this requirement to remove bank funds transfer
- change “must” to “should” to allow the evaluation team to score proposers lower if they do not offer this service without requiring it

A: (A.1) No, DOCCS will need all of these forms for potential payment options available.

(A.2) All bank fund transfers have to be guaranteed funds.

10. Q: **Attachment B. Scope of Services, Section I., Item E. 3.**

This item states “...using debit cards, credit cards, bank funds transfers” via Computer/Internet. Debit and Credit Cards are well understood. Accepting bank funds transfers will significantly increase costs for all payers in order to provide the service for a small number of payers that choose this option. Are “bank funds transfers” to be considered as FED wires (which are guaranteed funds) or ACH transfers (which are not guaranteed and akin to personal checks)?

Would the State consider one of the following alternatives:

- revise this requirement to remove bank funds transfer
- change “must” to “should” to allow the evaluation team to score proposers lower if they do not offer this service without requiring it

A: No, please see all answers to question 9 above.

11. Q: **Attachment D. Cost Sheet**

The State has two cost components: Section I. Cost to Releasee for Paying the Fee, Section II. Cost to DOCCS for Administration of Program. Section I. is based on a “per single transaction” fee. The contractor’s revenue and costs will go up and down proportionally each month depending upon the number of payments processed. Since Mail-In payments cannot be assessed a transaction fee, the real costs of processing these payments must be either “blended” into the per transaction fees for the other payment methods or as a part of Section II. If the contractor attempts to “blend” the cost into the other fees, this will raise the cost of the other fees, thereby decreasing their use (resulting in more cost to process Mail-In payments).

If the contractor attempts to recoup these costs in Section II they will be forced to propose a fixed per month price even though the actual cost will be entirely based on Mail-In volume. Would the State consider:

- breaking Section II into two components
 - per month administrative fee (as is)
 - per transaction fee for Mail-In payments (invoiced monthly)

A: No, Section II is designed to enable the contractor to propose a cost to DOCCS that covers all their needs not covered by the cost structure in Section 1.

12. Q: (12.A) Fieldware respectfully requests that the DOC amend the RFP to make debit and credit card payments at walk-up outlets optional rather than required.

A: No, per the RFP the use of debit and credit card payments at walk up outlets will remain a required payment option.

Q: (12.B) What exactly does the DOC mean when specifying “bank fund transfer”

A: When using the term “bank fund transfer” the Department means an “electronic transfer” or “wire transfer” of funds that are guaranteed into the vendors account.

13. Q: Will the State consider any change to Section II of the Cost Sheet to allow for any per transaction fee structure?

A: No, the Section II is designed to enable the contractor to propose a cost to DOCCS that covers all their needs not covered by cost structure in Section 1.

14. Q: Will the DOC accept alternate proposals from a single bidder? If so, is there a preferred format (i.e., multiple Cost Sheets vs. multiple complete proposals)?

A: Yes, the Department will accept more than one proposal response to the RFP from a single bidder. Bidders providing more than one proposal should submit multiple complete proposals. The submission of multiple cost sheets will not be accepted.

15. Q: The RFP states that pricing pages do not count against the 20 page response limit. Do the requested letters of recommendation or appendix items count against the page limit?

A: No, letters of recommendation or appendix items do not count against the page limit.

16. Q: Section X (C) of the RFP ‘Proposal Submission’ states proposals must include documentation identified in the pass/fail checklist. Item 5 of the checklist list lists “Completed State Finance Law 139-j and 139-k” (*Attachment F – 4 Attachments*).

- Our question is two-fold:
 - What, if any, Legal Forms are Subcontractors required to submit? (1. Vendor Responsibility Questionnaire; 2. Workers’ Compensation Insurance/Disability Insurance; 3. Tax Certification; 4. Encouraging Use of NY State Subcontractors and Suppliers)?
 - If Subcontractor is required to submit Legal Forms, when must the Legal Forms be submitted: with the Proposal or after Bidder is notified of contract award?

A: Please see detailed instructions included in Section X, Proposal Submission Pgs 19-20.

17. Q: What is the monthly forecast of payments made via the following channels:
a. IVR
b. Cash
c. Online through the NY DOCCS portal (not through online banking)
- A: Regarding letters A, B and C, DOCCS is unable to provide information regarding the projection of payment methods.
18. Q: Would DOCCS consider notification of rejected ACH payments within the NACHA-established guidelines for personal accounts (meaning the RDFI has up to 60 days to return a payment, with the majority being returned in 2-3 business days), instead of the one business day in the requirements (*Appendix B, I.C4 on page 3: The Contractor will notify DOCCS of all rejected payments within one business day of the Contractor's determination. When a payment is rejected, the Supervision Fee account should be charged (debited) for the respective amount on the same day as the Contractor notification.*)
- A: No.
19. Q: DOCCS has indicated that parolees will no longer be provided with coupon books that contain vouchers that were previously submitted with the parolee's checks. Additionally, parole officers will no longer be collecting the payments from the parolees and sending them to the processing site. As a result, what new measures or policies will DOCCS be rolling out and enforcing to ensure that the parolees include their parolee ID number on the checks or money orders?
- A: DOCCS will continue to implement policies and procedures as appropriate to manage the Supervision Fees Program.
20. Q: Attachment B, Section I paragraph C(4) references rejected payments. What situation would result in a payment rejection?
- A: A payment would be rejected if it does not meet all requirements outlined in the RFP.
21. Q: Attachment B, Section I, paragraph E: Would DOCCS consider a fee collection system that did not accept bank fund transfers?
- A: No, at this time DOCCS will only consider those mandatory payment options as identified in the RFP. Also, please refer to question 9 of this question and answer document.
22. Q: Attachment B, Section II, paragraph C(2) indicates, "DOCCS will provide to the Contractor a Releasee Billing Data File or web service on at least a monthly basis." Would DOCCS consider providing this file more frequently to ensure the Contractor always has accurate, up to date information?
- A: Yes.

23. Q: Attachment B, Section I, paragraphs F(2) and (3) indicate that remittances are to be deposited within 24 hours of receipt, but Section III, Paragraph A(1) states that remittances received before a specified cutoff time be deposited the same day. Would DOCCS be open to revising Section III, Paragraph A(1) to reflect the 24 hour deposit time?
- A: No
24. Q: RFP Section VII, paragraph B: If the bidder already has a surety bond on file with the New York Department of Financial Services (DFS), can this be used to satisfy the bonding requirement? If so, and DFS has determined that a bond of \$500,000 is sufficient to insure the bidder's transaction volume, would DOCCS consider accepting this lower bond amount?
- A: No
25. Q: Question: Will the State evaluate and accept proposals that deploy localized technology and remote contact in lieu of local contractor offices being located throughout New York State and New York City?
- A: Yes
26. Q: Please provide the total number of drop box payments expected and the estimated overall percent of expected drop box payments in comparison to the overall total number of participants?
- A: DOCCS is unable to provide this information.
27. Q: The RFP states there is an Integration requirement with the current CMS legacy systems, please provide details on the CMS legacy system, including operating system and if the required integration can be accomplished through Web Services?
- A: Please refer to Attachment B, Section II Technical Requirements.
28. Q: Page 7 paragraph E' states, "Upon award, the successful bidder shall escrow all software and routines, documentation and operational information necessary for the full production operation of the proposed systems with an escrow agent approved by DOCCS. The escrow agreement shall specify that the software source and production code and all related material shall be provided to DOCCS at no cost in the event that the selected bidder is unable or unwilling to meet its obligations under this contract. In such event, DOCCS shall be deemed to have full ownership rights to the software and materials. The bidder shall at all times assure that the escrowed software and materials are for the current DOCCS' production system.
- a) Question, would DOCCS remove the following in the above paragraph "deemed to have full ownership rights to the software"? and,
 - b) In lieu of the "software source and production code" that are proprietary and company confidential, is it acceptable for the contractor to provide "all exported participant data in a format mutually agreeable between provider and DOCCS?"
- A: Regarding letters A and B, please refer to the RFP 2014-09 ADDENDUM posted on the DOCCS (Community Supervision) website or on the NYS Contract Reporter.

29. Q: Please provide the amount of funding DOCCS (if any) has for this contract?
A: DOCCS will not be providing this information.
30. Q: Please confirm any and all formats that are acceptable to DOCCS for the provision of data?
A: Please see Attachment B, Section II Technical Requirements, Letter C Data Exchanges.
31. Q: The RFP states, “It is necessary for DOCCS business continuity to seamlessly carry forward current releasee account balances from the prior contract.” Please provide the name of the prior contract provider and a copy of the prior contract?
A: No, DOCCS will not be providing this information.
32. Q: Does DOCCS currently accept credit card payments and what if any of the credit card fees are passed on to the participant?
A: DOCCS does not currently accept credit card payments.
33. Q: Of the 38 DOCCS field offices can the state provide the payment volume history by office?
A: No.
34. Q: Does the state allow cash to be collected at the local office?
A: Under the current contract, cash is not an acceptable form of payment for Supervision Fees in local offices.

Please sign and submit with your proposal.

Bidder's Name: _____

Signature: _____

Title: _____ Date: _____