

**NYS OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE (OTDA)  
DIVISION OF DISABILITY DETERMINATIONS**

**CONSULTATIVE EXAMINATION CONTRACT MEDICAL PROVIDER  
MANHATTAN AND/OR WESTCHESTER COUNTY**

**OFFICIAL QUESTIONS AND ANSWERS**

**September 4, 2013**

- 1. Q. Page 23, III.A. Technical Proposal. The RFP states “Two electronic copies on CD in Microsoft Office Word Document must be submitted according to the following outline and include each of the items specified.” May we include files in another format on the CD, i.e. TIFF, Excel, PDF, instead of Word files for items such as sample EKG’s, PFT’s, or other documents which are not generally created in Word?**

**A. Yes.**
- 2. Q. Appendix W “Conditions Governing Referrals for Consultative Examinations,” Section 1.2 Qualifications, include certified social workers in the list of providers performing examinations who must be licensed and registered in New York State. What role may a certified social worker have in providing CE exams?**

**A. Currently a certified social worker does not have any role in providing CE exams; however, the Social Security Administration rules and regulations may change so this title could reappear in the future. See RFP Section II.D.3. for current mandatory specialties.**
- 3. Q. Page 6, Section I.F, Identification and Submission of Proposals. The RFP states “As specified in Section III of this RFP, the Offeror’s proposal must be organized into separately sealed volumes. Six paper copies of the financial proposal (sealed separately from the technical proposal), six paper copies and two electronic copies on CD in Microsoft Office Word Document format of the technical proposal (sealed separately from the financial proposal) must be delivered or mailed return receipt requested to...” Please confirm by separately sealed volumes you mean that the six copies of the financial proposal, six copies of the technical proposal and the two CD’s must be submitted in three separately sealed packages.**

**A. Two sealed packages per bid location are required. Six paper copies of the financial proposal must be submitted in a sealed package to the address cited on Page 6 of the RFP. In a separate sealed package, six paper copies of the technical proposal along with two electronic copies of the technical proposal on CD must be submitted to the same address.**

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**4. Q. Page 8, Section K, Minimum Qualifications Required of Offerors, “A subcontractor is considered to be any individual or legal entity, as defined in the Glossary of Terms, that performs a portion of the prime contractor’s obligation under the terms of a written agreement with the prime contractor.” Please confirm that individual physicians, psychologists, or professional corporations owned by individual physicians or psychologists providing services as independent contractors (receiving a 1099) are not considered subcontractors under the definition listed on page 3 of the RFP?**

A. The term “independent contractor” in the context of this RFP means simply that a contractor receives an IRS 1099 form; the term is not mutually exclusive of the term “subcontractor”, and, in fact, our understanding is that most subcontractors providing services of the nature being sought under this RFP are independent contractors.

You have correctly apprehended, however, that the term “subcontractor” has a special meaning within the terms of this RFP. Section I.K of the RFP requires a general contractor to describe how it intends to provide the services required under the RFP. If a general contractor intends to provide a given constellation of services by going to the marketplace and procuring those services in response to various perceived needs, then the contractor needs to describe the methodology it will use to assure that needs are timely perceived and the methods it will use to assure that the marketplace will respond timely and adequately to needs in question; seemingly there is no special relationship to any members of the potential provider community and there would be no “subcontracting” arrangements.

However, if a contractor has a legal entity or a consortium of legal entities that are recognized in the business community or by virtue of their history as providers as reliably providing a given set of services, the general contractor may iterate its intention to access the services of that entity/consortium through a contract, which in terms of this RFP would be a “subcontract”. The portion of the Offeror’s proposal responding to the associated requirements alluded to in Section I.K can then be phrased in terms of the potential subcontracting arrangement, an approach that frequently is easier for general contractors to articulate and which may result in higher scoring than statements of generalized intentions to access the marketplace.

- 5. Q. Pages 14-15, Section D.6 cites specific scheduling intervals for all exams. Page 19, Section G.10, states that “Average ‘no show’ rates for all specialties are generally in the range of 20-25% for missed first and second appointments.” How are we to allow for historic rate of 20-25% of “no shows” when creating schedules?**
- A.** The no show rates included in II.G.10 are best estimates based on past scheduling results, but actual no show rates may vary. An awareness of potential no show rates may be beneficial in resource planning. Please note that all contract requirements must be met, including scheduling intervals outlined in D.6., regardless of fluctuations in no show rates.
- 6. Q. Page 25, Section 4, Staffing, regarding completion of a 4095 Consultant Enrollment Form for all medical staff, the RFP states that “this form must be completed as an original by the physician only, and must be completed and signed by the physician in blue ink.” Inasmuch as the form is available as a fillable PDF, is it permissible for a form with the basic demographic information already completed be presented to the provider who would sign, date and answer the four “yes-no” questions in his/her own handwriting in blue ink?**
- A.** Yes as long as the physician understands that his/her signature is an attestation to the 4095 form’s accuracy.
- 7. Q. Will the successful bidders be disclosed to the public, and if so, by what means?**
- A.** The winning bids are posted in the NYS Contract Reporter and any offeror that has submitted a bid will either receive an award or non-award letter.
- 8. Q. Section III.A.4, 4<sup>th</sup> dash. There is a reference that Appendix W contains the 4095 Consultant Enrolment form. However, there is no form. Can you provide the 4095 Consultant Enrollment form?**
- A.** See Attachment 1 for the 4095 Consultant Enrollment form.