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The New York State Office of the Medicaid Inspector General (OMIG) released RFP #OMIG 23-01 for NYS Casualty & Estate (C&E) Recovery Services, on July 10, 2023. Prospective Offerors were given the opportunity to submit questions regarding this solicitation. Below, is OMIG's official response to the questions pertaining to RFP# OMIG 23-01.

1. Per page 8 of the RFP, "...required by Section 1902(a) (25) of the Social Security Act, 42 USC 1396a(a) (25)":

**Q:** *Are there additional State of New York Statutes that relate to casualty recoveries besides those by Section 1902(a) (25) of the Social Security Act, 42 USC 1396a(a) (25)?*

**OMIG Response** – Yes, please refer to Social Services Law § 104-b.

2. Per page 8 of the RFP, "...mandated by Section 1917(b) (1) (B) of the Social Security Act, 42 USC 1396p (b) (1) (B), subject to certain conditions":

**Q:** *Are there additional State of New York Statutes that relate to estate recoveries besides those are mandated by Section 1917(b) (1) (B) of the Social Security Act, 42 USC 1396p (b) (1) (B), subject to certain conditions?*

**OMIG Response** – Yes, please refer to Social Services Law § 369.

3. Per page 8 of the RFP, "...mandated by Section 1917(b) (1) (B) of the Social Security Act, 42 USC 1396p (b) (1) (B), subject to certain conditions":

**Q:** *What are "those conditions?"*

**OMIG Response** – "Those conditions" refer to any exemptions that are stated within that section.

4. Per page 11 of the RFP, "...In a bank or trust company of the State.":

**Q:** *Must the bank and therefore deposits be done in New York or can they be done in another state?*

**OMIG Response** – Banking services are a contracted service, and the contract is held by the NYS Department of Health (DOH). The Offeror would be required to utilize the contract vendor and its existing services. See NYS Office of the State Comptroller (OSC)'s [website](#) for general information.

5. Per page 15 of the RFP, “Attorney referrals;”:

**Q:** *Do attorneys representing Medicaid recipients have any legal responsibilities to notify OMIG of that representation? If so, what are the NY statutes that require notification from attorneys?*

**OMIG Response** – Yes, attorneys that represent Medicaid recipients do have legal responsibilities to notify OMIG of that representation. Please refer to N.Y. Civil Practice Law and Rules § 306-C for further guidance.

6. Per page 17 of the RFP, “The Offeror must utilize OMIG’s compromise negotiation standards to determine a settlement offer.”:

**Q:** *What are the “compromise negotiation standards?”*

**OMIG Response** – The “compromise negotiation standards” will be provided to the winning Offeror after contract execution.

7. Per page 30 of the RFP, “At minimum, the following staff must be assigned to this Contract, and must possess a current, active, and unrestricted license in one or more United States licensing jurisdictions (if applicable):”:

**Q:** *What kind of license is the “unrestricted license” for key personnel?*

**OMIG Response** – Key personnel must not hold any type of license that has been restricted, suspended, etc. by any Federal or State agency, licensing agency or certification board for the provision of services related to this contract.

8. Per page 10 of the RFP, “The Offeror may propose other areas of recovery, such as Special Needs Trusts, and Spousal Refusal cases for OMIG’s consideration and approval”:

**Q:** *Does the state of New York (OMIG) allow for recoveries on additional trusts beyond Special Needs trusts such as Qualified Income Trusts, Pooled Trusts, Annuities, Guardianships, or standard Irrevocable living trusts?*

**OMIG Response** – The Offeror may propose any other area of Medicaid recovery relevant under the Federal and State laws and regulations that govern Casualty or Estate recovery. OMIG will consider all proposals for feasibility as appropriate.

9. Per page 30 of the RFP, “The Offeror’s key personnel must include an IT Specialist, Project Director, Project Manager and Project Attorney.”:

**Q:** *Does the licensed New York attorney have to be physically located in New York?*

**OMIG Response** – No, however the licensed NY attorney must be solely assigned to NY’s Casualty & Estates Contract and must be available to arrive onsite at OMIG’s Albany location, at the request of the agency..

10. Per page 26 of the RFP, “Storing a minimum of 15 years of claims history and documentation for active cases accessible to users, and an annual case load of over 75,000 cases.”:

**Q:** *Approximately how much data is the 15 years' worth of data?*

**OMIG Response** – Please refer to the requirements outlined in Section III. Case Management System of the RFP.

11. Per page 11 of the RFP, “As part of customer service, the Offeror must provide an online portal/website option for attorneys and the public to provide and request documentation on active cases as well as the ability to request and obtain status updates on active case reviews.”:

**Q:** *Is the online portal/website in English only and if not, what other languages are needed?*

**OMIG Response** – No, the portal is not in English only. Other languages include, but are not limited to, Arabic, Bengali, Chinese, French, Haitian-Creole, Italian, Korean, Polish, Russian, Spanish, Urdu and Yiddish.

12. Per page 13 of the RFP, “The volume of calls and emails received can vary drastically; the Offeror should be prepared to field a high volume of both calls (estimates of up to 55,000 annually) and emails daily”:

**Q:** *What is the estimated volume of emails?*

**OMIG Response** – The volume of emails received can vary depending upon multiple factors including those under the control of the Contractor such as response time frames, accuracy of information provided to inquiries, and customer service satisfaction levels. If these variables aren't met, emails will increase and volume could exceed triple or more the amount of calls received annually.

13. Per page 13 of the RFP, “The volume of calls and emails received can vary drastically; the Offeror should be prepared to field a high volume of both calls (estimates of up to 55,000 annually) and emails daily”:

**Q:** *What is the average handle time of calls?*

**OMIG Response** – There is no standard, average handle time of calls. Call lengths can vary and should be handled as appropriate to the needs of the caller. Customer service is an essential aspect of this RFP; the successful Offeror should consider this when developing their staffing plan.

14. Per page 13 of the RFP, “The Offeror must respond to stakeholders and the public through various methods including, but not limited to, telephone, email, mailings, on-site visits, informational website, or portal, etc. Specifically, all calls and emails received must be responded to within one business day of receipt.”:

**Q:** *What is the estimated volume of callbacks (outbound calls)?*

**OMIG Response** – There is no estimated volume of callbacks. The actual volume of callbacks varies dependent upon the responsiveness of the contractor and should be handled as appropriate to the needs of the caller. Customer service is an essential aspect of this RFP; the successful Offeror should consider this when developing their staffing plan.

15. Per page 13 of the RFP, “The volume of calls and emails received can vary drastically; the Offeror should be prepared to field a high volume of both calls (estimates of up to 55,000 annually) and emails daily”:

**Q:** *If IVR is currently in use, what is the average IVR call volume and average handle time for IVR?*

**OMIG Response** – An accurate, average handle time for IVR cannot be provided and OMIG does not believe that it is a necessary statistic in order to provide a more accurate proposal. IVR call handling should only be used to direct callers to a customer service representative or caseworker dedicated to the C&E contract, or to a voicemail dedicated to the C&E contract. IVR volume may meet the calls handled annually if that is how the successful Offeror sets up their call handling process. The average length however should not exceed a few minutes.

16. Per page 13 of the RFP, “The volume of calls and emails received can vary drastically; the Offeror should be prepared to field a high volume of both calls (estimates of up to 55,000 annually) and emails daily”:

**Q:** *Is language translation required for calls or emails or document generation and if so what languages?*

**OMIG Response** – The winning Offeror will be expected to provide language translation for multiple languages, including, but not limited to Arabic, Bengali, Chinese, French, Haitian-Creole, Italian, Korean, Polish, Russian, Spanish, Urdu and Yiddish.

17. Per page 13 of the RFP, “The Offeror must respond to stakeholders and the public through various methods including, but not limited to, telephone, email, mailings, on-site visits, informational website, or portal, etc. Specifically, all calls and emails received must be responded to within one business day of receipt.”:

**Q:** *If SMS is required, what is the monthly volume?*

**OMIG Response** – The provision of SMS is not a requirement of this RFP.

18. Per page 13 of the RFP, “The volume of calls and emails received can vary drastically; the Offeror should be prepared to field a high volume of both calls (estimates of up to 55,000 annually) and emails daily”:

**Q:** *Is Call recording required and if so how long must the recording be stored?*

**OMIG Response** – The provision of call recording is not a requirement of this RFP.

19. Per page 13 of the RFP, “The volume of calls and emails received can vary drastically; the Offeror should be prepared to field a high volume of both calls (estimates of up to 55,000 annually) and emails daily”:

**Q:** *Is there a PCI requirement for the call center or the handling of data?*

**OMIG Response** – The vendor should not accept any payment or account information (such as card or account numbers) through its call center. All such details will be entered by the provider directly in OMIG's electronic payment portal and checks should be sent to the appropriate lockbox.

OMIG's payment portal does not currently support card payments. Should it become an option during the contract term, the portal will be updated to accept the payment information directly from the provider.

20. Per page 25 of the RFP, "Reviews must be conducted to meet this requirement. OMIG requires that SOC reports are prepared and submitted annually.":

**Q:** *What SOC report is required?: SOC Report on (the effectiveness of: system-based financial reporting controls (SOC1) or security/operational controls (SOC 2)*

**OMIG Response** – Both, the SOC 1 and SOC 2 are required reports.

21. Per page 27 of the RFP, number 9a., "9. Document generation, intake from external sources, attachment to and storage within applicable cases. a. System generated documents and letters to be approved in form and function by OMIG":

**Q:** *Is the Offeror required to print or mail the generated documents, and if so, what is the average volume of each type of document*

**OMIG Response** – Printing and mailing are required only for certain types of documents. The volume fluctuates and is dependent on several variables.

22. Per page 27 of the RFP, "Scanning and associating all incoming documents and correspondence to the appropriate case file":

**Q:** *Is the Offeror required to staff a mailroom?*

**OMIG Response** – A mailroom is not required; however, a Contractor must be able to send and receive correspondence.

23. Per page 27 of the RFP, "Scanning and associating all incoming documents and correspondence to the appropriate case file":

**Q:** *If receipt of paper is involved: What are the document types to be processed? Provide description/ form, total number of pages per document, and estimated paper volumes.*

**OMIG Response** – Document types include, but are not limited to, the documents described within the RFP as well as legal documentation, forms and letters received from the public. The volume fluctuates depending on several variables.

24. Per page 27 of the RFP, "Scanning and associating all incoming documents and correspondence to the appropriate case file":

**Q:** *What is the volume of the Fax images that Offerors can expect?*

**OMIG Response** – Faxes are not as widely utilized as emailed or mailed documents. Some faxing will be required to correspond with a subset of stakeholders that still utilize this form of communication.

25. Per page 27 of the RFP, “Scanning and associating all incoming documents and correspondence to the appropriate case file”:

**Q:** *What is the volume of Emails that Offerors can expect?*

**OMIG Response** – Email correspondence is currently the most commonly used form of communication. Volume can double or triple the amount of calls received, however that amount can be mitigated by timely and accurate customer service response to inquiries.

26. Per page 27 of the RFP, “Scanning and associating all incoming documents and correspondence to the appropriate case file”:

**Q:** *In which languages is the data to be processed on the images? (e.g. English only, English and Spanish, etc.)*

**OMIG Response** – These are the languages currently required by NYC DSS, and the languages listed on OMIG's website for translation:

[Language Access Plan | Office of the Medicaid Inspector General \(ny.gov\)](#)

27. Per page 27 of the RFP, “Scanning and associating all incoming documents and correspondence to the appropriate case file”:

**Q:** *If receipt of paper is involved: Will the pages/images contain handwritten forms?*

**OMIG Response** – Paper is involved and, yes, the pages/images will contain handwritten forms

28. Per page 20 of the RFP, “In Appendix L it states: Contractor warrants, covenants, and represents that it shall comply fully with all security policies, standards, and procedures of the State located at <https://its.ny.gov/policies>. ISO/IEC 27002 is pointed to as a related document”:

**Q:** *Appendix L specifies that Cloud security must follow NIST 800-53 and FedRAMP guidelines. Is ISO/IEC 27002 applicable for the offeror's services?*

**OMIG Response** – The Contractor warrants, covenants, and represents that it will fully comply with all security policies, and procedures of the State that apply to the related procurement.

29. Per page 20 of the RFP, “In Appendix L it states: Contractor warrants, covenants, and represents that it shall comply fully with all security policies, standards, and procedures of the State located at <https://its.ny.gov/policies>. Publication 1075 is pointed to as a related document”:

**Q:** *Is IRS Pubs1075 applicable for the offeror's services?*

**OMIG Response** – The Contractor warrants, covenants, and represents that it will fully comply with all security policies, and procedures of the State that apply to the related procurement

30. Per page 9 of the RFP, “Pertinent statistics”:

**Q:** *Has the state identified any growth in total recoveries for the calendar year 2022?*

**OMIG Response** – Yes, the state has identified growth in total recoveries for the calendar year 2022.

31. Per page 9 of the RFP, “Pertinent statistics”:

**Q:** *Will the state provide an expected growth on the statistics during the 5-year term period of this contract?*

**OMIG Response** – No, the state is unable to provide an expected growth on the statistics during the 5-year term period of this contract. Growth is subjective to several variables including, but not limited to, the rate of accident suits and decedent rate within the Medicaid population, the effectiveness of the successful bidder's recovery efforts, and the general political climate regarding these types of recoveries.

32. Per page 12 of the RFP, “Payment Type numbers 1 – 5”:

**Q:** *How long after the invoice procedure has been completed can the vendor expect payment from the State?*

**OMIG Response** – The vendor can expect payment from the state 6 to 8 weeks after the invoice procedure has been completed.

33. Per page 43 of the RFP, “The Financial Proposal is worth thirty percent (25%) of the Offeror’s final score”:

**Q:** *Will the State revise the wording to clarify the discrepancy between 30-25% associated with the financial proposal?*

**OMIG Response** – Yes, the state will revise page 43 of the RFP to clarify that “the Financial Proposal will be worth twenty-five percent (25%) of the Offeror’s final score”.

34. Per page 28 of the RFP, “The Offeror must provide to OMIG an organizational chart that lists all positions including staff names and titles as well as the physical working locations for each staff person. Staff assigned must be solely assigned to New York State’s Casualty and Estate Contract.”:

**Q:** *Staff assigned must be solely assigned to New York State’s Casualty and Estate Contract.” Can support personnel be split between other OMIG contracts?*

**OMIG Response** – No, staff assigned, including support personnel, must be solely assigned to New York State’s Casualty and Estate Contract.

35. Per page 30 of the RFP, “The Project Attorney must possess a current, active, and unrestricted license to practice law in NY. They must have, at minimum, five (5) years of experience in Healthcare Program Integrity/Compliance and/or casualty or estate law and/or subrogation.”:

**Q:** *What is the scope of work for the attorney licensed to practice in NY? Are these services on behalf of the State? If so, has the State encountered any ethics concerns or conflicts of interest for the offeror or the State (stemming from the attorney’s license) with this approach?*

**OMIG Response** – The Scope of work for the attorney licensed to practice in NY includes communicating with attorneys for recipient plaintiffs, county attorneys and LDSS staff, and working with agency attorneys. These services, and the entire contract, are on behalf of the State. Generally, there have not been any issues with attorney licenses.

36. Per page 30 of the RFP, “At minimum, the following staff must be assigned to this Contract, and must possess a current, active, and unrestricted license in one or more United States licensing jurisdictions (if applicable):”:

**Q:** *Licensing. Besides the attorney licensed in NY, what labor categories require licenses under this contract?*

**OMIG Response** – If any offeror staff have professional licenses those licenses would be expected to remain current and valid in NY, including drivers licenses for potential travel and notary licenses.

37. Per page 32 of the RFP, “c. Provide a signed release allowing OMIG to access any evaluative information including, but not limited to, site reviews conducted by any state agency or commercial vendor for which Offeror has performed work in the past three (3) years.”:

**Q:** *A signed release for the state to evaluate. Is there any specific form required?*

**OMIG Response** – No, there is no specific form required but it must be legally sufficient and broadly worded.

38. Per page 34 of the RFP, “If the Contractor has known, written directives, from OMIG regarding a review, audit, or agency position on a topic, and the Contractor is found by OMIG to be in violation of the agency's written directive then OMIG will reduce the Contractor's contingency fee by 1% for the applicable payment vouchering month.”:

**Q:** *Please confirm our understanding that the invoice reduction penalty will only be applied once for any given vouchering month where the Contractor is in violation of any agency written directive not specifically addressed as a service level. Please confirm multiple violations will not result in penalties greater than 1% in any given vouchering month.*

**OMIG Response** – Each type of violation listed in the RFP has a unique applicable fee reduction. Each invoicing period will be assessed, and fee adjustments for any applicable violations by type will be applied with the caveat that the total fee adjustments will not reduce the contingency fee paid for any given month below 5%.

39. Per pages 37-38 of the RFP, “One (1) electronic copy of the proposal with three (3) sets of original signature pages that have been signed with a wet signature and scanned (and originals mailed), including everything in the original (forms, the Financial Proposal, text and narrative sections and all attachments) are to be submitted.”:

**Q:** *Please confirm that as long as the electronic proposal is submitted by the date and time indicated in the RFP, the original copies required to be mailed can arrive after the proposal deadline.*

**OMIG Response** – OMIG confirms that, as long as the electronic proposal is received by the date and time indicated in the RFP, the original copies required to be mailed can arrive after the proposal deadline but must be received prior to contract execution.



40. Per page 39 of the RFP, “• Audited financial statements for the last three (3) years including income/operating statements, balance sheets, statements of cash flow, and footnotes to financial statements.”:

**Q:** *Will the State accept the financial statements of the publicly traded parent company of the wholly-owned subsidiary submitting the proposal?*

**OMIG Response** – Per the 2<sup>nd</sup> bullet within that same paragraph, “If audited statements are not available, please provide copies of the internally generated financial statements used to prepare tax returns and / or management financial reports, for the last three (3) years.” If, for whatever reason, you are unable to provide financial statements for the entity offering a proposal, you may submit the “financial statements of the publicly traded parent company of the wholly-owned subsidiary submitting the proposal” but the state does not guarantee the requirement will be met until it has a chance to review the non-conforming statements.

41. Per page 37 of the RFP, “Provide Dun and Bradstreet DUNS number and comprehensive reports for the last three (3) years, if available.”:

**Q:** *Will the State accept a URL to the credit reporting agency’s website, versus attaching a report?*

**OMIG Response** – No, the state will not accept a URL to the credit reporting agency’s website (to avoid any possibility of an incorrect or non-working link). A copy of the report(s) must be provided with an Offeror’s proposal.

42. Per page 42 of the RFP, “The Financial Proposal is worth thirty percent (25%) of the Offeror’s final score.”:

**Q:** *How does the 25% price factor work in the context of a contingency fee award? Will it just be the percentage offered used to normalize the proposals?*

**OMIG Response** – Please see page 44 of the RFP for a detailed breakdown of how the normalization of scoring will take place. Please also note the typo on page 43 (“The Financial Proposal is worth thirty percent (25%) of the Offeror’s final score”), which will be amended to correctly state “twenty-five percent (25%)”.

43. **Q:** *Is OMIG willing to consider a reasonable limitation of liability clause?*

**OMIG Response** – Yes, proposed modifications may be considered and should be provided in Comments and Limitations section of the proposal.

44. **Q:** *How does OMIG intend to address intellectual property rights for any work product developed under this contract?*

**OMIG Response** – Intellectual property rights for any work product developed under this contract is addressed in the appendices.

45. Per page 56 of the RFP, “If the Offeror is proposing the use of any subcontractors to provide any of the services required by this RFP, each subcontractor must be identified, and the proposed services must be outlined in its proposal. All subcontractors are subject to OMIG’s prior approval.”:

**Q:** *In what section should Offerors place this section in our response?*

**OMIG Response** – The most appropriate place to include subcontracting information would be with a completed Attachment 3 – Subcontractor Forms; If Applicable.

46. Per page 70 of the RFP, “It is mandatory that all Offerors provide an Emergency Preparedness Plan outlining disaster recovery procedure in the event of destruction or corruption of the case management system, or disasters or emergencies which require the Offeror to restore backup information.”:

**Q:** *In what section should Offerors place this section in our response?*

**OMIG Response** – There is no specific location for the written certification of acceptance of the contract conditions. This may be placed anywhere within an Offeror’s proposal.

47. Per page 2 of the RFP:

**Q:** *Will the State please provide detailed instructions regarding the completion and submission of the Intent to Bid form including to whom the form should be submitted, how the form should be submitted, the submission deadline, etc.?*

**OMIG Response** – The Intent to Bid (ITB) form serves as a tool for OMIG to gauge interest. It is not a requirement and has no set date for submission, if at all. If an Offeror elects to submit an ITB form they may do so either electronically via the [procurements@omig.ny.gov](mailto:procurements@omig.ny.gov) email address or may send via regular mail to Edwin Lake.

48. Per page 2 of the RFP:

**Q:** *Will OMIG please provide the names of vendors that submitted a completed Intent to Offer or Not to Offer form that indicates that the vendor will submit a proposal?*

**OMIG Response** – No, OMIG will not release the names of vendors that submitted completed “Intent to Offer or Not to Offer” forms that indicates that the vendor will submit a proposal. OMIG expects that any potential Offeror should submit a proposal regardless of interest from other parties.

49. Per page 14 of the RFP:

**Q:** *Is the satisfying of requests for updated or final lien amounts within five business days only applicable to counties that are fully outsourced to the Contractor (i.e., Option 3)?*

**OMIG Response** – It is applicable to fully outsourced counties, the New York State of Health (Exchange), and New York City Department of Social Services upon request.

50. Per page 14 of the RFP:

**Q:** *The RFP states that the casework option in-place for New York City is Option 2. Does OMIG have approved process steps established for the administration of Option 2?*

**OMIG Response** – Yes. The established process steps will be provided to the winning Offeror after contract execution.

51. Per page 17 of the RFP:

**Q:** *The RFP states, “Within ten (10) business days from the receipt of payment in full, [...] The Offeror will mail the ‘Release of Lien’ to the county where it was filed.” This time period is shorter than the one associated with the notice of chargebacks (up to 30 days). In the event a check is returned for insufficient funds and notified to the Contractor after the Release of Lien is issued, is the State’s expectation to pursue an already-released lien?*

**OMIG Response** – A Release of Lien will not be issued until payment has cleared and is reconciled by the state.

52. Per page 24 of the RFP:

**Q:** *The RFP states, “The minimum review percentage can be changed at OMIG’s discretion;” with the understanding that modifications to customized processes and systems can be costly and/or time consuming to implement, will the State allow for a change order process to provide additional funding to support the requested changes? Also, how will necessary review modifications required by the State be reflected by correspondingly modified SLAs?*

**OMIG Response** – No, the Contractor will not be permitted to submit fee and cost adjustments. The bid price is inclusive of all processes and requirements outlined within the scope of work as further defined by OMIG based on needs as they emerge.

53. Per page 25 of the RFP:

**Q:** *Does the State require that the case management system include functionality that enables the ability to restrict user access levels?*

**OMIG Response** – Yes. Restricted user access levels are required in order to properly secure confidential and personal health information.

54. Per page 25 of the RFP:

**Q:** *Does the State require that the case management system include functionality that enables the ability to display combined Encounter and (fee-for-service) (FFS) claims with formatting?*

**OMIG Response** – Yes. This functionality is required to properly determine lien amounts and document recovery cases appropriately.

55. Per page 25 of the RFP:

**Q:** *Does the State require that the case management system include functionality that enables the ability to allow for mass batch case assignment?*

**OMIG Response** – Yes. Due to the volume of cases created annually, this functionality is required to assist the winning Offeror.

56. Per page 25 of the RFP:

**Q:** *Does the State require that the case management system include functionality that enables the ability to deploy different service Options (1, 2, or 3) within the counties and also enable the ability to allow for additional customizations when a county requests additional service support?*

**OMIG Response** – Yes. This functionality is required as different service standards are provided depending on the county Option. Due to the differing standards and support provided to the counties, customization may be required.

57. Per page 25 of the RFP:

**Q:** *Does the State require a separate User Acceptance Testing (UAT) environment for the case management system in response to future releases and/or enhancements?*

**OMIG Response** – Yes. A testing environment is required to ensure all measures are taken to mitigate database system issues and downtime after release of system updates.

58. Per page 25 of the RFP:

**Q:** *If the Offeror already offers a proprietary case management system that meets all service requirements described in the RFP, whose system is multi-tenant and configurable for each client and each client's access and data is segregated from all other clients, will OMIG agree that all rights of ownership to the case management system and any modifications remain solely with the Offeror?*

**OMIG Response** – The Offeror will maintain ownership of the system; however, ALL data will belong to OMIG. Furthermore, the data will need to be provided to OMIG, in a format determined by OMIG and then purged after the contractual relationship with OMIG has come to an end.

59. Per page 26 of the RFP:

**Q:** *With the understanding that modifications to customized processes and systems can be costly and/or time consuming to implement, will the State allow for a change order process to provide additional funding to support the requested changes? Also, how will necessary system modifications required by the State be reflected by correspondingly modified SLAs?*

**OMIG Response** – The Contractor will not be permitted to submit fee and cost adjustments. The bid price is inclusive of all processes and requirements outlined within the scope of work as further defined by OMIG based on needs as they emerge. Any SLAs will be provided to the winning Offeror after contract execution.

60. Per page 26 of the RFP:

**Q:** *The RFP lists the following as one of the required case management system basic functions, "Interfacing with various lead and end users, in addition to the ability to interface with the MDW [Medicaid Data Warehouse]." By "interfacing," does OMIG consider the case management system's ingestion of MDW data to be considered "interfacing"?*

**OMIG Response** – Yes. "Interfacing" is defined as the ability to receive information from various lead and end users.

61. Per page 30 of the RFP:

**Q:** *The RFP states, “At minimum, the following staff must be assigned to this Contract, and must possess a current, active, and unrestricted license in one or more United States licensing jurisdictions (if applicable);” However, there is no other text after the semi-colon; will the State please provide the detailed description of the staff members that must be assigned to this Contract and that must possess the qualifications described in this section?*

**OMIG Response** – Detailed descriptions of the staff members that must be assigned to the Contract can be found on Section IV. Key Personnel of the RFP.

62. Per page 32 of the RFP:

**Q:** *Because diminished recoveries are costly to the State, will the resulting contract include early termination clauses associated with a Contractor’s poor performance?*

**OMIG Response** – Section VI. Contractor Accountability in the RFP outlines the levels of reviews and corrective action associated with a Contractor’s performance. Should the Contractor’s poor performance require termination, OMIG would do so in accordance with Appendix B of this RFP.

63. Per page 33 of the RFP:

**Q:** *Will OMIG provide notice and an opportunity to respond regarding any alleged violations? If it is ultimately determined that a violation of a written directive occurred, please confirm that the 1% fee reduction will only be applied to those claims that are directly related to the violation.*

**OMIG Response** – OMIG will provide written notice of the alleged violation, and yes, the contractor can respond to this violation. The 1% fee reduction applies to all claims for the applicable vouchering month, not just the claims that were directly related to the violation.

64. Per page 35 of the RFP:

**Q:** *The RFP states, “OMIG identified inaccuracies or discrepancies in the Contractor’s submitted monthly fee invoicing documentation to OMIG of Casualty and Estate recoveries, from the prior month, will result in a fee reduction of .25% for the applicable vouchering month;” will adjustments not included in the lockbox information that the Contractor has access to be relayed to the Contractor prior to invoicing? Or, are those adjustments not considered discrepancies?*

**OMIG Response** – OMIG will notify the vendor of any items that would result in a fee adjustment.

65. Per page 37 of the RFP:

**Q:** *The RFP states, “The proposal must be submitted to [procurements@omig.ny.gov](mailto:procurements@omig.ny.gov) with hard copies of the signature pages submitted to the address listed in the Designated Contacts listed on page 1 of this RFP.” To whom and which address listed on RFP page 1 should the hard copies be submitted: Edwin Lake or Alicia Wilson?*

**OMIG Response** – Please submit the hard copies to Edwin Lake.

66. Per page 37 of the RFP:

**Q:** *The RFP states, “The proposal must be submitted to procurements@omig.ny.gov with hard copies of the signature pages submitted to the address listed in the Designated Contacts listed on page 1 of this RFP.” Will the State please confirm that the only hard copy documents that the Offeror is to submit are the signature pages portion of its Technical proposal submission and the signature pages portion of its Financial proposal submission?*

**OMIG Response** –

67. Per page 37 of the RFP:

**Q:** *If an Offeror intends on submitting responses to the three cost containment RFPs issued by OMIG on July 10, 2023 (OMIG 23-03 for TPL Services, OMIG 23-01 for Casualty and Estate Recovery Services and OMIG 23-02 for Recovery Audit Contractor [RAC] Services), will the State consider price concessions associated with two or more contract awards to that Offeror to maximize value for the State? If yes, how should the Offeror present this information in the Financial Proposal?*

**OMIG Response** – Each of OMIG’s RFPs is its own, stand-alone RFP. The intention is that each would have its own cost and payment mechanism. However, if a vendor is willing and able to perform all functions expected within all three (3) RFPs, it may offer a special narrative that explains its intentions with each of the RFPs. However, there is no guarantee that this would be acceptable thus the vendor is encouraged to also offer separate pricing, as outlined within each RFP. Any special narrative must be submitted separately from the expected Financial Proposal for each RFP and must be appropriately labeled to avoid confusion.

68. Per page 43 of the RFP:

**Q:** *The RFP states, “The Financial proposal is worth twenty-five percent (25%) of the Offeror’s final score. The lowest total financial proposal will receive the full twenty-five (25) points allotted to the Final Financial score;” will the State require that the Offeror awarded the contract deliver a minimum or guaranteed annual recovery value to preserve budgeted recoveries?*

**OMIG Response** – No, the State does not require the awarded Offeror to deliver a minimum or guaranteed annual recovery value.

69. Per page 43 of the RFP:

**Q:** *The RFP states, “The Financial Proposal is worth thirty percent (25%) of the Offeror’s final score.” Will the State please clarify the percentage of the final score associated with the Offeror’s Financial Proposal?*

**OMIG Response** – Yes, the state will revise page 43 of the RFP to clarify that “the Financial Proposal will be worth twenty-five percent (25%) of the Offeror’s final score”.

70. Per page 50 of the RFP:

**Q:** *The RFP states, “For the Offeror to claim the exemption from disclosure provided by this provision of law, the Offeror must mark as “CONFIDENTIAL” any proprietary information contained in their proposal(s) that they wish to protect from further disclosure or dissemination.” To support*

*the State's responses to future FOIL requests, will the State please accept one (1) electronic copy of the redacted version of the proposal that is submitted by the Offeror in addition to the Offeror's submission of one (1) electronic copy of the original, unredacted version of the proposal per the submission instructions on page 37?*

**OMIG Response** – Yes, in addition to the unredacted version, a suggested redacted version may be provided. However, it may not be appropriate for use. A justification for the requested exemption must also be provided.

71. Per page 75 of the RFP:

**Q:** *The RFP states, "OMIG requires that all the appendices with a check box, listed below, be completed, and submitted with your proposal." The box next to Appendix K Affidavit of Sexual Harassment Prevention Certification is not checked. Will the State please confirm that the Offeror is not required to include this completed form in its proposal?*

**OMIG Response** – A completed Appendix K is not required with submission of a proposal but will be required to be completed prior to contract execution if the Offeror is selected as the winning bidder.

72. Per page 38 of the RFP:

**Q:** *Page 2 of the RFP states, "By signing you certify your explicit authority to sign on behalf of yourself, your company, or other entity and full knowledge and acceptance of this RFP, Appendix A (Standard Clauses For New York State Contracts), Appendix B (General Specifications), Appendix F (Procurement Lobbying Legislation), and Appendix H (HIPAA), and that all information provided is complete, true, and accurate." Additionally, the Transmittal Letter Required in the transmittal letter to, "Include a statement as to the willingness of the Offeror to enter into a contractual agreement containing, at a minimum, those terms and provisions identified in the Scope of Work section of this RFP. Any exceptions to these terms and conditions must be explicitly stated in accordance with the terms of the Comments and Limitations section of this RFP. A. Comments and Limitations - Any exceptions, caveats, or additional information to the Offeror's responses to specifications in this RFP must be listed and cross-referenced to the response to which it applies and be clearly explained." Will the State consider proposed modifications to the terms and provisions contained throughout the RFP, including all appendices? If so, shall the bidder submit any requested modifications to any terms and provisions in the appendices in Comments and Limitations section of the proposal as well?*

**OMIG Response** – Yes, proposed modifications may be considered and should be provided in Comments and Limitations section of the proposal.

73. Per page 39 of the RFP:

**Q:** *The RFP states, "Although it is acceptable for the Offeror to use its experience in providing similar services to complete this section, the Offeror must not refer to the monetary value of the services rendered." Because recovery services are associated with monetary value, an Offeror's experience in this service area is also associated with monetary value; therefore, may the Offeror include in its proposal descriptions of recovery experience success values measured in dollars (e.g., recoveries and savings generated for similar clients) while not disclosing payments received for providing the services described?*

**OMIG Response** – No. Although recoveries have a monetary value, this is not reflective of how a Contractor will perform the duties and services outlined in the RFP.

74. Per page 39 of the RFP:

**Q:** *In addition to the content described in the “Financial Proposal” subsection of the RFP on page 39, may the Offeror also include in its Financial Proposal submission a brief narrative that provides a justification and value associated with its proposed Cost?*

**OMIG Response** – The Offeror may offer a brief narrative that provides justification and value associated with its proposed cost but it may not contain any identifying characteristics, or branding and must be submitted as a separate attachment, labeled something similar to: “Financial Proposal Explanatory Narrative”.

75. Per page 40 of the RFP:

**Q:** *Will the State please clarify where in its submission the Offeror is to provide its responses to the “Statement of Competing Commitments” and “Comments and Limitations” requirements described on page 38?*

**OMIG Response** – The Offeror shall provide its responses to “Statement of Competing Commitments” and “Comments and Limitations” within the Technical Proposal narrative. There is no definitive placement for these statements thus they may be included wherever an Offeror believes they fit most appropriately, per their proposal.

76. Per page 48 of the RFP:

**Q:** *In reference to RFP Section VIII.G. (Contract Conclusion Transition Requirements, this requirement states, “The Contractor must prepare and submit an Exit Transition Plan and Schedule of Activities to facilitate the transfer of responsibilities, information, software and documentation, materials, etc., to a successor Offeror and/or OMIG. The Exit Transition Plan must be submitted by the Contractor within thirty (30) calendar days of the date of notification of termination by OMIG.” Will OMIG please add the term “non-proprietary” to the reference to “software” in this requirement in the Transition Plan to clarify that the Contractor will not be required to transfer its proprietary software to another vendor or OMIG?”*

**OMIG Response** – The Contractor’s pre-existing proprietary software is not required to be transferred as part of OMIG’s transition plan. OMIG will modify the language in the RFP to clarify this point.

77. Per Appendix H of the RFP:

**Q:** *The Appendix reads, “The Business Associate shall ensure that any agent, including a subcontractor, to whom it provides protected health information...agrees to the same restrictions and conditions that apply through the agreement to Business Associate with respect to such information.” All of the Offeror’s downstream business associate agreements are HIPAA-compliant and stringently written, but in some cases may be applicable to services provided by the subcontractor across a range of clients. Will OMIG agree to amend this sentence to state that the vendor shall ensure that any agent, including a subcontractor, agree to substantially the same*



*restrictions and conditions that apply through the agreement to the Business Associate with respect to such information?*

**OMIG Response** – OMIG advises all Offerors to list any requested, potential modifications within the Comments and Limitations section of their proposals.

78. Per pages 7 to 8 of the RFP:

*Q: Will Medicaid MCO membership information be included/provided for this contract?*

**OMIG Response** – Medicaid recipient eligibility information will be made available.

79. Per page 9 of the RFP:

*Q: Of the \$111M referenced for CY 2021 total recoveries, how much is identified through pre-payment avoidance vs. post-pay recovery?*

**OMIG Response** – All recoveries referenced in this section are identified through post-pay recovery.

80. Per pages 9 to 25 of the RFP:

*Q: What are the auditing standards and processes for contractor performance pertaining to post-payment/pay-and-chase third-party liability recovery work.*

**OMIG Response** – OMIG will work with the Contractor to review their proposed protocols and standards to ensure they align with the requirements of the RFP, Federal and State law, and OMIG's expectations. Processes include but are not limited to oversight of quality assurance.

81. Per pages 10 to 11 of the RFP:

*Q: What are the key performance indicators, metrics, or turnaround deadlines applicable to responses to third-party liability lien or claims itemization requests from third parties or Medicaid recipients' counsel?*

**OMIG Response** – Information regarding itemization requests can be found on Section II. Case Types of the RFP. Exact indicators, metrics, and turnaround times will depend on variables, including, but not limited to, the receipt of the required medical authorizations prior to release of itemizations.

82. Per pages 12 to 13 of the RFP:

*Q: Will the OMIG consider a hybrid contingency fee with a pay-for-performance bonus contingency fee structure under which a third-party liability post-payment recovery vendor would have a higher contingency fee for amounts recovered in excess of historical baselines?*

**OMIG Response** – No. Pay-for-performance bonus contingency fee structure will not be considered. The bid price is inclusive of all processes and requirements outlined within the scope of work as further defined by OMIG based on needs as they emerge.

83. Per page 17 of the RFP:

**Q:** *What are the OMIG's third-party liability post-payment recovery settlement authority guidelines? What is the approval process for any post-payment third-party liability settlements?*

**OMIG Response** – Authority guidelines are outlined as per Federal and State law and regulation. The process for settlements will be provided to the winning Offeror after contract execution.

84. Per pages 37 to 38 of the RFP:

**Q:** *The RFP indicates "electronic proposals must be received by the date and time indicated in the RFP Schedule of Events. However, the RFP does not specify whether hard copies of the signature pages must be received simultaneously. What is the deadline for receipt of the hard copy signature pages?*

**OMIG Response** – To be compliant, an Offeror must submit one (1) scanned copy of a fully-signed and scanned proposal by the due date and time, to be followed by three (3) hard copies of signature pages (with ink signatures), mailed separately.

85. Per pages 41 to 44 of the RFP:

**Q:** *In addition to this RFP for Medicaid Casualty and Estate Recovery Services, the OMIG has two other open RFPs for Medicaid Recovery Audit Contractor (RAC) Services (RFP# OMIG 23-02) and Medicaid Third-Party Liability (TPL) Match and Recovery Services (RFP# OMIG 23-03). Will each of the three RFPs be evaluated independently using unrelated criteria, or will the OMIG consider all three RFPs when evaluating proposals using interdependent criteria?*

**OMIG Response** – OMIG will review each RFP individually using independent criteria.

86. Per page 3 of the RFP:

**Q:** *Would New York consider multiple vendors for the Casualty & Estate Recovery Services RFP?*

**OMIG Response** – No. The State is seeking one vendor to efficiently handle all casualty and estate recovery services outlined in the RFP.

87. Per page 8 of the RFP:

**Q:** *Would the State consider providing a description and workflow for the casualty and estate recovery work currently being performed from LDSS to OMIG and its contractor?*

**OMIG Response** – Current descriptions and workflows will be provided to the winning Offeror after contract execution. The State is seeking Offerors who can present a thorough description of processes, including stages and/or other process points, which illustrate the workflow of the system and ensure timely and accurate lead identification, recipient eligibility and demographic identification, claim or lien valuation and filing, communication with stakeholders, documentation, and document generation.

88. Per page 8 of the RFP:

**Q:** Please clarify what is meant by partial implementation of the centralization of the management and reporting of casualty estate recovery?

**OMIG Response** – Counties were given three service level options to choose from with the future goal for all counties to fully outsource the Casualty & Estate recovery activities. Currently several counties are still utilizing partially outsourced, or non-outsourced processes.

89. Per page 9 of the RFP:

**Q:** Can the State provide the total population of Medicaid recipients referenced broken down by fee-per-service and manage care programs?

**OMIG Response** – Please refer to OMIG’s annual reports ([Annual Reports | Office of the Medicaid Inspector General \(ny.gov\)](#)).

90. Per page 9 of the RFP:

**Q:** What is the breakdown of collections from casualty vs. estate recoveries for the years listed (i.e., 2018 through 2021)?

**OMIG Response** – Please refer to OMIG’s annual reports ([Annual Reports | Office of the Medicaid Inspector General \(ny.gov\)](#)).

91. Per page 9 of the RFP:

**Q:** What is the average collection amount for casualty and estate recoveries for each of the four years listed?

**OMIG Response** – The average isn’t accurately reflective of the work. Recoveries can range drastically from a few dollars to thousands of dollars per case. Please refer to OMIG’s annual reports ([Annual Reports | Office of the Medicaid Inspector General \(ny.gov\)](#)).

92. Per page 9 of the RFP:

**Q:** In reference to the breakdown of OMIG’s Medicaid Casualty and Estate Recoveries provided by Calendar Year from 2018 through 2021, can the State please provide the transaction count of the recoveries by month and by year for the amounts listed?

**OMIG Response** – Transaction counts are not reflective of the work as it is possible to have several transactions per recovery case. Please refer to OMIG’s annual reports ([Annual Reports | Office of the Medicaid Inspector General \(ny.gov\)](#)).

93. Per page 9 of the RFP:

**Q:** In reference to the breakdown of OMIG’s Medicaid Casualty and Estate Recoveries provided by Calendar Year from 2018 through 2021, can the State please provide the dollar amount of the recoveries by month?

**OMIG Response** – Please refer to OMIG’s annual reports ([Annual Reports | Office of the Medicaid Inspector General \(ny.gov\)](#)).

94. Per page 9 of the RFP:

**Q:** *In reference to the breakdown of OMIG’s Medicaid Casualty and Estate Recoveries provided by Calendar Year from 2018 through 2021, can the State please provide the transaction volume, as requested above, broken out by payment type? (ACH Credit, Cash, Paper Check, Debit or Credit Card, or Money Order)*

**OMIG Response** – All recoveries reported in the RFP were received by Check or Money Order. Transaction counts are not reflective of the work as there can be several transactions per recovery case.

95. Per page 10 of the RFP:

**Q:** *What is the number of estate recovery cases processed over the last four years and what are the average recovery amounts from 2018-2021?*

**OMIG Response** – Approximately 100,000 cases were processed in total over the last four years. The average isn’t accurately reflective of the work. Recoveries can range drastically from a few dollars to thousands of dollars per case.

96. Per page 10 of the RFP:

**Q:** *How many counties require liens to be recorded with the court or clerks?*

**OMIG Response** – All Medicaid liens must be recorded in all counties.

97. Per page 10 of the RFP:

**Q:** *Can the State provide the percentage of the 75,000 cases that resulted in a collection? And what percentage of cases is currently still open?*

**OMIG Response** – No, the 75,000 cases referenced approximates the annual caseload.

98. Per page 10 of the RFP:

**Q:** *Does the 75,000 caseload include both casualty and estate recovery caseload? Can the state provide a breakdown of each?*

**OMIG Response** – Yes, the 75,000 caseloads do include both casualty and estate recovery caseload. No, a breakdown cannot be provided because this is an approximation, which can vary annually.

99. Per page 10 of the RFP:

**Q:** *What is the current volume of Special Needs Trusts and Spousal Refusal cases on a monthly basis?*

**OMIG Response** – There is no current volume as this is not currently pursued by OMIG.

100. Per page 11 of the RFP:

**Q:** *Does the state have criteria and procedures for the vendor to follow as it relates to limited settlement funds?*

**OMIG Response** – Yes. These procedures and criteria will be provided to the winning Offeror after contract execution.

101. Per page 11 of the RFP:

**Q:** *Can lockbox be located outside of New York?*

**OMIG Response** – The State will be responsible for providing the lockbox.

102. Per page 11 of the RFP:

**Q:** *“Reconciling payments that are sent to the wrong lockbox or ACH account and/or are made out to unacceptable payees; and” In reference to the above, can the State please clarify which account is the correct ACH bank account that the funds need to be deposited? Is this a state-owned account or would the Successful Vendor provide an account?*

**OMIG Response** – Banking services are a contracted service; the contract is held by DOH. The Offeror would be required to utilize the contract vendor and its existing services and accounts.

103. Per page 11 of the RFP:

**Q:** *“As part of customer service, the Offeror must provide an online portal/website option for attorneys and the public to provide and request documentation on active cases as well as the ability to request and obtain status updates on active case reviews.” In reference to the above, would the State allow for a payment site to be added to this portal that would allow for recovery payments to be remitted via ACH, debit, or credit cards subject to a convenience fee?*

**OMIG Response** – Yes, a suggested payment site may be provided, however it may not be appropriate for use with the contracted vendor’s existing services and accounts.

104. Per page 13 of the RFP:

**Q:** *Can the state provide a breakdown of how many calls/emails are received for casualty and how many are from Estate Recovery?*

**OMIG Response** – The estimated number of calls and emails isn’t accurately reflective of the work. This could vary depending upon multiple factors including responsiveness of the Contractor.

105. Per page 14 of the RFP:

**Q:** *Can the State please provide a brief description of the current case management system with an outline of its features. For example, LDSS and/or NYC HRA requirements?*

**OMIG Response** – No, OMIG is unable to provide information on the current vendor’s proprietary system.

106. Per page 14 of the RFP:

**Q:** *Can the State please provide the referral network partners in reference to Option 1 (Case Management System Only)?*

**OMIG Response** – The referral network partners are provided in Section II. Case Types in this RFP and are referenced as “leads and sources”.

107. Per page 14 of the RFP:

**Q:** *Can the State provide more detail around the intake and referral process referenced in Option 1 (Case Management System Only)?*

**OMIG Response** – Processes will be provided to the winning Offeror after contract execution.

108. Per page 15 of the RFP:

**Q:** *Can the state provide the amount recovered by each lead source for the last four years?*

**OMIG Response** – The amount recovered by each lead source for the last four years cannot be provided and OMIG does not believe that it is a necessary statistic in order to provide a more accurate proposal. Data provided within the RFP and OMIG’s annual report should contain enough information to successfully submit a bid proposal.

109. Per page 15 of the RFP:

**Q:** *When a lead is entered into the case management system, does the current vendor manually key in the Recipient’s eligibility information?*

**OMIG Response** – No, the Offeror’s case management system should have the functionality to interface with lead and end users to load recipient eligibility information.

110. Per page 16 of the RFP:

**Q:** *What is the frequency of MCO encounter data for medical claims being shared with the current contractor? For example, daily, weekly, monthly.*

**OMIG Response** – Data is currently loaded weekly.

111. Per page 16 of the RFP:

**Q:** *Is it possible to receive fee-for-service and MCO encounter data for medical claims on a daily basis?*

**OMIG Response** – The frequency will be determined and provided to the winning Offeror after contract execution.

112. Per page 16 of the RFP:

**Q:** *Does the State have a list of reasons they currently leverage in their system in reference to the below? i.e. "Claims not related to the incident must have an indicator to identify why they were determined not to be related for future quality assurance reviews."*

**OMIG Response** – No, a reason indicator after determination of related and unrelated claims is not currently offered.

113. Per page 16 of the RFP:

**Q:** *Is there a fee for filing a lien in a county?*

**OMIG Response** – The State does not pay filing fees and the lien filings are done on behalf of the State, therefore there is no fee.

114. Per page 16 of the RFP:

**Q:** *In reference to the below, does the State send out the lien with the total amount [indicating the total amount of expenditures] if the health authorization form has not been signed by the recipient? (I.e., without the itemization) i.e., "The Offeror must require a valid medical release from the member or their guardian to release any protected health information. The Offeror must submit requested documentation to interested third parties within five (5) business days from the date the valid medical release is received. For requests of itemization of claims, the Offeror must highlight or indicate all related claims, diagnosis codes, dates of services, and expenditures for the benefit of the interested third-party. Medical release forms, and requests for information as well as the Offeror's third-party. Medical release forms, and requests for information as well as the Offeror's responses must be documented in the case management system."*

**OMIG Response** – Yes, liens can still be filed and sent out as the current documents do not contain protected health information.

115. Per page 16 of the RFP:

**Q:** *What is the frequency that the vendor will receive the state's eligibility file?*

**OMIG Response** – The frequency will be determined and provided to the winning Offeror after contract execution.

116. Per page 16 of the RFP:

**Q:** *Are Fee for Service and Capitation payments sent out on the same itemization on the lien or are their separate itemizations for each?*

**OMIG Response** – Yes, Fee for Service and Capitation payments are sent on the same itemization on the lien.

117. Per page 16 of the RFP:

**Q:** *Does the state allow the recipient's attorney to sign a medical release document on their behalf?*

**OMIG Response** – The recipient, or their legal guardian, must sign the medical release document.

118. Per page 16 of the RFP:

**Q:** *What will the Contractor's access to and frequency of Medicaid claims data from the State's Data Warehouse be?*

**OMIG Response** – The frequency will be determined and provided to the winning Offeror after contract execution.

119. Per page 16 of the RFP:

**Q:** *How will the contractor access MCO encounter data? Does the State supply this information, or does the contractor work with the MCO to obtain this information?*

**OMIG Response** – The State currently provides it.

120. Per page 17 of the RFP:

**Q:** *On average, how many cases are referred to OMIG on a monthly basis for final determination?*

**OMIG Response** – There is insufficient data to provide an accurate answer (Covid affected the numbers), but monthly amount varies.

121. Per page 17 of the RFP:

**Q:** *Can the state provide a breakdown of how many sources from each listed category they receive on an annual basis?*

**OMIG Response** – No. The sources documented in the RFP are not an all-inclusive list and may vary.

122. Per page 18 of the RFP:

**Q:** *Will the vendor be manually entering in the Recipient's eligibility information?*

**OMIG Response** – No, the Offeror's case management system should have the functionality to receive recipient eligibility information.

123. Per page 19 of the RFP:

**Q:** *What is the breakdown of estate cases that resulted in closed, collected, and exempt resolutions?*

**OMIG Response** – This question is not relevant to responding to the RFP. Please refer to OMIG's annual reports (Annual Reports | Office of the Medicaid Inspector General (ny.gov))

124. Per page 20 of the RFP:



**Q:** *Can assets that do not go through probate court be liened?*

**OMIG Response** – Generally, no. There may be exceptions in very rare instances.

125. Per page 20 of the RFP:

**Q:** *How many Notice of Claims were sent via certified mail for each of the last four years?*

**OMIG Response** – Each county has its own requirements, although most have transitioned to electronic correspondence. This has not been tracked in recent years.

126. Per page 21 of the RFP:

**Q:** *What frequency are capitation claims currently shared with the vendor? Daily, Weekly, monthly?*

**OMIG Response** – Data is currently shared weekly.

127. Per page 21 of the RFP:

**Q:** *How many MCOs are in the State of NY?*

**OMIG Response** – Please refer to [Managed Care Organization Directory \(ny.gov\)](http://Managed Care Organization Directory (ny.gov)).

128. Per page 21 of the RFP:

**Q:** *How would the Offeror receive capitation payments to be used in the case valuation process? How is the capitation payment applied in the valuation process (i.e., formula)?*

**OMIG Response** – Data regarding capitation payments is currently provided weekly. A detailed description regarding application of capitation payments is provided in the Managed Care Recovery section of the RFP.

129. Per page 23 of the RFP:

**Q:** *How many TEFRA liens were filed for each of the last four years what was the total amount of these liens?*

**OMIG Response** – Each county has its own requirements. Due to the complexities involved, this question is too broad for calculation.

130. Per page 25 of the RFP:

**Q:** *Where will the 15 years of claims history come from, the vendor or the State?*

**OMIG Response** – The Vendor's system should have the capacity to hold 15 years of claims history, however, the State will provide the claims history data.

131. Per page 30 of the RFP:

**Q:** *With respect to the following, can the State confirm whether the Project Attorney needs to be named at the time proposals are submitted? The Offeror's key personnel must include an IT Specialist, Project Director, Project Manager and Project Attorney.*

**OMIG Response** – All 'Key Personnel' positions must be filled upon initiation of the Contract by the Contractor.

132. Per page 31 of the RFP:

**Q:** *What is the difference between CSRs and Caseworkers in this context?*

**OMIG Response** – Customer Service Representatives would be responsible for handling general call, email, and mail correspondence. Caseworkers would be responsible for handling case specific work.

133. Per page 31 of the RFP:

**Q:** *What is the total number of staff performing RFP requirements at this time? What is the breakdown of staff assigned to Casualty Recovery vs. Estate Recovery as well as a position breakdown (FTE).*

**OMIG Response** – This question is not relevant to responding to the RFP. However, please note that staffing is subject to change as needs of the agency evolve.

134. Per page 35 of the RFP:

**Q:** *How many fee adjustments were applied in the state processing for each of the four years?*

**OMIG Response** – Fee adjustments will be a new process upon award of the contract.

135. Per page 35 of the RFP:

**Q:** *What is the total dollar amount of fee adjustment for the prior four years?*

**OMIG Response** – Fee adjustments will be a new process upon award of the contract.

136. Per page 9 of the RFP:

**Q:** *In reference to the breakdown of OMIG's Medicaid Casualty and Estate Recoveries provided by Calendar Year from 2018 through 2021, can the State please provide the transaction count of the recoveries by month and by year for the amounts listed?*

**OMIG Response** – Transaction counts are not reflective of the work as it is possible to have several transactions per recovery case. Please refer to OMIG's annual reports ([Annual Reports | Office of the Medicaid Inspector General \(ny.gov\)](#)) for additional information on historic recoveries.

137. Per page 37 of the RFP:

**Q:** *In reference to the following, can the State clarify where in the RFP a definitive and comprehensive format and order for proposal responses is articulated? Or should we assume that*

*the following is intended to mean that Offerors' proposals should follow the same format and order of items as presented in the corresponding RFP? To expedite the review of the proposals, all documents and technical information should be submitted in the order and format specified within this RFP.*

**OMIG Response** – A definitive and comprehensive format and order for proposal responses is articulated beginning on page 37, section VIII. Proposal Submission Guidelines and concludes on page 40.

138. Per page 37 of the RFP:

**Q:** *To be certain, can the State confirm that it is not seeking hard copies of proposals [via mail] in their entirety (along with signature pages). This is in reference to the following: One (1) electronic copy of the proposal with three (3) sets of original signature pages that have been signed with a wet signature and scanned (and originals mailed), including everything in the original (forms, the Financial Proposal, text and narrative sections and all attachments) are to be submitted.*

**OMIG Response** – To be compliant, an Offeror must submit one (1) scanned copy of a fully-signed and scanned proposal by the due date and time, to be followed by three (3) hard copies of signature pages (with ink signatures), mailed separately.

139. Per page 37 of the RFP:

**Q:** *Can the State clarify whether the mailed signature pages must be received by the date and time that the full electronic responses are due?*

**OMIG Response** – To be compliant, an Offeror must submit one (1) scanned copy of a fully-signed and scanned proposal by the due date and time.

140. Per page 37 of the RFP:

**Q:** *Can the State advise as to whether its email client has a size threshold limitation for email attachments and if so, what that threshold is? If Offerors' responses exceed that threshold, can the State provide guidance on whether using content-sharing services such as DropBox or ownCloud would be permissible?*

**OMIG Response** – Size threshold limitations for email attachments currently follow Microsoft Outlook size limitations. If an issue arose with size limitation, alternative solutions would be considered.

141. Per page 37 of the RFP:

**Q:** *This section notes that "[t]he Offeror must submit a proposal that provides a complete and sufficient response to all the requirements of Section II, Scope of Work." When assembling responses for the Technical Proposal, can the State confirm that Offerors should address the Scope of Work, Section II, and Sections III-VII?*

**OMIG Response** – Yes, the state confirms that the Offerors should address Sections II through VII. The RFP will be amended as follows: "The Offeror must submit a proposal that provides a complete and sufficient response to all the requirements of Sections II through VII. OMIG will review the

proposal and determine whether the Offeror is responsible. A failure to provide all the requested information will automatically disqualify an Offeror for being non-responsive. An Offeror must meet the requirements of Section VIII. Proposal Submission Guidelines to have its financial proposal considered for final contract award.”

142. Per page 42 of the RFP:

**Q:** *For the third and fourth bullets listed under this Section, can the State confirm that "Section III" is actually in reference to Section VIII?*

**OMIG Response** – Yes, the state confirms that “For the third and fourth bullets listed under this Section, that "Section III" is actually in reference to Section VIII. Proposal Submission Guidelines. The RFP will be amended to reflect this change.

143. Per page 47 of the RFP:

**Q:** *Can the State confirm that it is not seeking narrative responses from Offerors in response to this section and that transition plans only need to be provided within the ten (10) business days of contract commencement, as listed?*

**OMIG Response** – The state confirms that it is not seeking a narrative response from Offerors in response to this section and that the transition plans only need to be provided within the ten (10) business days of contract commencement, as listed.

144. Per page 47 of the RFP:

**Q:** *Seeking clarification on the following: The current Contractor will be able to recover all payments identified during its reviews. The current Contractor’s cutoff for reviews will be 90 days prior to the end date of the existing contract. How will the outstanding liens (generated by current vendor) be handled after the 90-day transition period? Will they be handled by the State or the new vendor? If the new vendor will be working this backlog, does the agreed upon contingency fee apply upon closure and collection?*

**OMIG Response** – Any transactions fully received and processed by the State within the 90 days transition period will be paid according to the agreed upon contingency fee. Transactions received after the 90 days may not be paid. The new vendor would only be paid for cases that they worked.

145. Per page 50 of the RFP:

**Q:** *In the event Offerors submit confidential information, can the State advise as to whether it would also like Offerors to provide two (2) electronic copies of its technical response, one with confidential information marked and the other with confidential information marked and redacted?*

**OMIG Response** – The Offeror may submit two (2) electronic copies of its technical response, one with confidential information marked and the other with confidential information marked and redacted but there is no guarantee that the one marked redacted would satisfy future FOIL requests thus the original, un-redacted version, may be used as a base version that would be redacted, as appropriate.

146. Per page 53 of the RFP:

**Q:** *Can the State confirm that Offerors (prime and sub, as applicable) do not need to provide proof that meets all insurance requirements within its proposals?*

**OMIG Response** – Proof that an Offeror meets all insurance requirements is not required with a proposal but would be required prior to contract execution if the Offeror were chosen as the winning bidder.

147. Per page 55 of the RFP:

**Q:** *With respect to the "Vendor Responsibility Attestation" cited in this Section, can the State provide guidance as to where Offerors can access this form and where the completed version should be included in respective proposals?*

**OMIG Response** – The "Vendor Responsibility Attestation" serves as a means for a vendor to attest, annually, to the veracity of the items outlined within their Vendor Responsibility Questionnaire. The first step is to either obtain a "VendRep" Questionnaire and fill it out manually or to sign-up and complete the questionnaire online. This can be done [here](#). If completed online, OMIG can access and verify, thus there is no need to submit a form with a proposal. If a manual VendRep form is completed, it must be submitted with the proposal and may be placed anywhere within the proposal.

148. Per page 59 of the RFP:

**Q:** *The instructions under this Section note that any Offeror submitting a proposal in response to this RFP must certify in writing acceptance of the contract conditions listed. Can the State advise where in Offerors' proposals it would like these written certifications?*

**OMIG Response** – There is no specific location for the written certification of acceptance of the contract conditions. This may be placed anywhere within an Offeror's proposal; but is generally placed near the cover letter.

149. **Q:** *Can the State advise as to whether it has any style preferences that Offerors' technical proposals should adhere to? For example, font type & size, line spacing, margins, etc.*

**OMIG Response** – The state has no style preferences that Offerors' technical proposals should adhere to.

150. **Q:** *What is New York's current (active) Medicaid population?*

**OMIG Response** – New York's Medicaid population is about 8 million as of June 2023. DOH posts enrollment figures for public viewing, [here](#).

151. **Q:** *Can the State advise whether the contract work for the resulting agreement needs to take place within New York State?*

**OMIG Response** – No, however staff must be solely assigned to NY's Casualty & Estates Contract and key personnel must be available to come onsite to OMIG's Albany office, at the request of the agency.

152. **Q:** *Can the State share who currently operates its MMIS system?*

**OMIG Response** – DOH contracts with GDIT - General Dynamics Information Technology for its MMIS solution: eMedNY

153. **Q:** *How often is the MMIS system updated with encounter data (medical bills) from the MCOs?*

**OMIG Response** – Encounter data is not entered in the MMIS, it is populated in the MDW weekly. The winning bidder will receive the information.

154. **Q:** *Will the State share a list of Offerors that also submitted questions in relation to RFP# OMIG 23-01?*

**OMIG Response** – No, the state will not share a list of Offerors that also submitted questions in relation to RFP# OMIG 23-01. However, all questions that were asked, have been recorded and are being reported via this document.