



**STATE OF NEW YORK
DEPARTMENT OF TAXATION AND FINANCE
Office of Budget & Management Analysis
Bureau of Fiscal Services
Building 9, Room 234
W.A. Harriman Campus
Albany, NY 12227**

**Patricia Mitchell, Chief Financial Officer
Eric Mostert, Assistant Director, Budget & Accounting Services
Catherine Golden, Assistant Director, Procurement Services**

March 11, 2010

Dear Bidder,

Attached is the Department's response to Bidder questions. We have also posted for your convenience:

- Corrected response forms from Amendment 1 (footers and page numbers corrected);
- The RFP in Word format;
- The Amendment 1 in word format; and
- This document in word format.

All other requirements and conditions of the RFP remain as indicated.

NYS Department of Taxation and Finance
Request for Proposal (RFP) #10-01
Collection Services for Delinquent In-state Tax Debt
Question and Answer Document

#	RFP Section	RFP Page #	Question	Answer
1	II. Inventory Background	16-17	Why is the contract out to bid at this time?	The NYS Department of Taxation and Finance is soliciting proposals from qualified entities to work with the Department to perform collection services as defined in the Request for Proposal.
2	II. Inventory Background	16	To how many vendors are you seeking to award a contract?	One
3	II. Inventory Background	16	Who are the incumbents, and how long have the incumbents been providing the requested services?	West Asset Management Since March 1, 2006
4	II. Inventory Background	16	Has the current contract gone full term?	Yes
5	II. Inventory Background	16	Have all options to extend the current contract been exercised?	Yes
6	II. Inventory Background	16	What current contingency fees or other fees are currently being billed by any incumbent(s), by category?	The fee rate for the incumbent through February 28, 2010 was 9.75%
7	II. Inventory Background	16	What is the average age of accounts at placement (at time of award and/or on a going-forward basis), by category?	Placements will consist of a random mix of cases in terms of all characteristics described.
8	II. Inventory Background	16	What estimated or actual dollars were paid last year, last month, or last quarter to any incumbent(s)?	The actual dollars paid for fiscal year ending March 31, 2009: \$462,446.

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				Please be aware the case categories placed under the current contract differ from the categories described in this RFP.
9	II. Inventory Background	16	What is the monthly or quarterly number of accounts expected to be placed with the vendor(s) by category?	The Department does not have any specific expectations. Ongoing monthly placements will be based on the number of cases resolved and returned by the contractor.
10	II. Inventory Background	16	What has been the historical rate of return or liquidation rate provided by any incumbent(s), and/or what is anticipated or expected as a result of this procurement?	For fiscal year ending March 31, 2009, the total rate of recovery was 2.53%. Please be aware the case categories placed under the current contract differ from the categories described in this RFP. The Department does not have any specific expectations with regards to rates of return.
11	II. Inventory Background	16	If applicable, will accounts held by any incumbent(s) or any backlog be moved to any new vendor(s) as a one-time placement at contract start up?	The initial case placement will contain a random mix of cases. It is the Department's intention to give cases previously assigned to the incumbent lower priority for initial placement.
12	L. Inventory Placement	26	What is the department's standard for a valid current IPA?	An IPA is an agreed upon payment schedule where the taxpayer substantiates their financial condition and present inability to pay in full. The agreed payment schedule is up to date.

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13	V. Case Resolution	31	Can the Department please explain why no litigation on these in-state cases are permitted?	The NYS Attorney General would handle litigation where the tax debtor or the tax debtor's source of income is found to be located in New York State.
14	Minority and Women-Owned Business Enterprises	50	Please confirm that since the Department states zero percent of total contract dollar value that there are no MBE/WBE requirements.	There are no MBE/WBE requirements.
15	Exhibit 1	80	What is the lowest dollar case amount the Department will place?	\$15.00.
16	Exhibit 1	80 & 85	Can the Department provide further breakdown regarding the number of prior vendor assignments for individual and business tax cases? Many of the cases are as old as 10 years. Can you estimate the assignments made for cases that are 2, 4, 6, 8 or 10 years old?	See charts attached to this document for age of cases. Placements will consist of a random mix of cases in terms of all characteristics described.
17	Exhibit 1	81 & 84	The majority of individual and business cases are fully warranted or partially warranted. Can the department please explain the significance of a warranted case and how it may affect the	A warrant is the equivalent of a legal judgment that creates a lien against real and personal property and may adversely affect the taxpayer's credit rating.

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			vendor's collection efforts as opposed to a unwarranted case?	Taxpayers have an incentive to satisfy an existing warrant and to avoid a new warrant.
18	Exhibit 1	82 & 86	Please describe the case make-up/assessment categories and explain how these categories may impact collection efforts?	Actual assessments are based on the taxpayer's filed return. Audit assessments are based on either additional income or adjustments after the taxpayer filed or if the taxpayer failed to file a return.
19	Exhibit 1	80	what happens to a case which is uncollected after 10 years?	The tax debt remains due. Presently, the Department does not write off aged debt.
20			What is the respective annual liquidation rates for individual and business cases?	The requested information is not available.
21			Can an agency bid a separate rate for primes and seconds?	No.
22			Who is/are the current vendor(s)?	Please see the Answer to Question 3.
23			What fee rate(s) is/are being charged by the incumbent(s)?	Please see the Answer to Question 6.
24			Is the fee added on to the amount due?	No.
25			Can a bidder propose a separate rate for primary and secondary accounts? Would the State accept a bid that includes multiple fixed rate collection	No.

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			fees based on age of accounts?	
26			Is an in-state office required?	No.
27			If an in-state office is required, do collections need to be performed from that office or would a client service function be acceptable?	Not Applicable.
28			Will preference be given to an in-state vendor?	No.
29			How many vendors will be selected?	Please see the Answer to Question 2.
30			If a bidder's Commercial General Liability policy meets all other criteria but Personal & Advertising Injury is presently excluded, would the State be willing to waive that requirement?	No.
31			Please provide, to the best of your ability, historic recovery rates as follows: <ul style="list-style-type: none"> - Cases referred to CCED - Cases referred to an outside collection agency 	The Department does not provide recovery rates for cases assigned to CCED. Please see the answer to Question 10.
32			In Section IX. B. on page 75 of the bid specifications: "Please Note: Deliveries by delivery services (e.g. UPS, FedEx, etc.) and/or requiring a signature of receipt should be addressed to the Department's Campus address [in Albany, NY], however, the delivery service must be instructed to deliver bid documents to the following address: 90 Cohoes Avenue Green	The Bid Proposal should be addressed to the Campus address but the delivery service (Fed Ex) should be instructed to deliver the shipment to the Department's Mail Facility located at 90 Cohoes Avenue, Green Island, NY 12183

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			Island, NY 12183". Please clarify exactly how and to what address the bid documents should be addressed assuming the bidder will be utilizing FedEx for delivery.	
33			Section II. D. Page 17 of the bid specifications regarding "Case Characteristics" Please clarify the difference between fully warranted and partially warranted liens.	A fully warranted case means all assessments are warranted. A partially warranted case would mean at least one, but not all assessments are warranted.
34	I.D. Contract Term	14	How many collection vendors will the Department of Taxation and Finance be planning on awarding contracts to?	Please see the Answer to Question 2.
35			How many collection vendors does the Department of Taxation and Finance presently utilize on these portfolios of business? And, what are their names?	Please see the Answer to Questions 2 and 3.
36	II.C. Volume	16	What are the current one year liquidation rates on each of the two portfolios mentioned in the RFP over the past three full years?	Please see the answer to Question 10.
37	Financial		What are the current contingency rates charged by your existing vendors?	Please see the answer to Question 6.
38	III.B.	18	Based on the qualifying requirements, must the vendor be currently engaged in the collection of taxes for a state or Federal entity, or will a past contract covering the years 2005-2008 be sufficient to meet the requirements?	The Bidder does not have to be currently engaged in the collection of taxes for a state or Federal entity. The experience that is described is acceptable.

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39			Is it possible to obtain a copy of the RFP and the attachments in Word format?	The word document has been posted to our website.
40			Would the Department of Tax and Finance be open to the submittal of alternate proposals to address the needs of the Department?	No.
41			Is it the intent of the Department to award the contract to a sole source or will multiple vendors be selected?	There will be one contract awarded to a single vendor as a result of this RFP.
42			Who is the current provider(s) of these services and what is the current fee rate(s)?	Please see the answers to Questions 3 and 6.
43			If currently placed with an agency what is the current average liquidation rate over 180 days for new placements.	The requested information is not available.
44	General	N/A	What collection agency(ies) are you currently using?	Please the answer to question 3.
45	General	N/A	What is the current commission rate contracted with each agency?	Please see the answer to Question 6.
46	General	N/A	If the contract is awarded to a different vendor than currently contracted, will you be recalling the accounts previously listed to the current vendor and forwarding those accounts to the new vendor?	Please see the answer to Question 11.

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			<p>If yes, what is the overall volume of these accounts (number of accounts and total dollars), that you anticipate would be referred for collections?</p> <p>If yes, will these accounts be allowed to be bid at a different rate, since these are what the collection industry calls "seconds" and are not primary-placed accounts?</p>	
47	General	N/A	What is the age of the oldest accounts you will refer for collections?	10 years.
48	Schedule of Events	p. 7	Deadline for Submission of Follow-up Questions, March 18, 2010. Question: Do follow-up questions need to be specific to the Department's Response to Bidder Questions? Or can they be new questions that we may have missed asking in this first round of questions?	Follow-up questions do not need to be specific to the Department's response to Bidder Questions. New Questions may be asked.
49	I. D. "Contract Term"	p. 14	Please confirm, DTF plans to contract just one collection agency through this RFP?	Please see the Answer to Question 2.
50	Exhibit 1 – Case Characteristics	p. 80-88	Just to confirm, we assume "PIT" stands for Personal Income Tax and that "TPs" stands for Tax Payers. Correct?	Yes
51	IV. L.	p. 26	"The Department intends to make an initial	A. Yes.

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	Inventory Placement		<p>placement of 50,000 cases from the unresolved case pool at the beginning of the Active Collection Phase at the Department’s sole discretion. It is the Department’s intention to replenish resolved or returned cases on a monthly basis.” <u>Questions:</u> A.) For staffing purposes, should bidders assume an ongoing inventory of 50,000 cases? B.) Section II.C. “Inventory Background,” and Exhibit 1 – “Case Characteristics” indicate approximately 279,000 unresolved in-state cases. Why is the Department planning to only refer 50,000 cases to the awarded contractor? What about the other 229,000 cases?</p>	<p>B. The “unresolved” case status is not permanent. The Department continually re-evaluates “unresolved” cases for further collection effort by the Department.</p>
52	V.A.1. Collection Staff	p. 35	<p>“The proposed Collection Plan must address the following staffing to work exclusively on the Department’s Contract:</p> <ul style="list-style-type: none"> ▪ Number of collectors ▪ Number of collection leads/supervisors; and ▪ Number of collectors and leads/supervisors that are Spanish speaking <p>In addition, identify the number of years of Federal and/or state tax collection experience</p>	<p>A. Yes</p> <p>B. Yes.</p>

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			required for the collection manager.” <u>Questions</u> : A. Please confirm, we assume the Department requires collectors and supervisors to be dedicated exclusively to working on the Department’s contract? B. In order to estimate staffing needs, should we assume a steady inventory of 50,000 cases, as indicated in Section IV.L. “Inventory Placement?”	
53	V. A.1., third bullet	p. 35	“Number of collectors and leads/supervisors that are Spanish speaking. <u>Question</u> : What percentage of cases does the Department estimate involved Spanish-speaking taxpayers?”	The Department does not have any way of estimating the number of Spanish speaking taxpayers. The Department has dedicated staff to answer Spanish Speaking callers.
54	VII.B.4. Minority and Women-Owned Business Enterprises	p. 50	Would subcontracting a percentage of this contract to a certified New York State minority or women-owned business enterprise earn a bidder any points in the evaluation? If yes, how many points?	No.
55	IX. B. Submission of Proposals - second	p. 75	“To facilitate request for information under the Freedom of Information Law, Contractors are requested to provide a copy of their complete proposal in a non-pdf format (e.g., MS Word, Excel, etc.) to allow for redaction of trade secret /	No. The Department has issued the RFP and Amendments in Word format as a result of Bidder Questions.

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	paragraph		proprietary information.” <u>Question:</u> Since the RFP was released in PDF format, we assume it is acceptable to provide the electronic copy of the completed bid forms in PDF format, with the other documentation in our proposal provided in Word, Excel, etc.?	
56	IX.B. Submission of Proposals	p. 75- 76	<p>“Bidder proposals must be enclosed in sealed containers with the following visibly inscribed on the outside of all containers:</p> <p style="text-align: center;">New York State Department of Taxation and Finance Attn: Catherine Golden, Assistant Director Procurement Services Unit WA Harriman State Campus Building 9, rm 234 Albany, NY 12227</p> <p>All proposals must have a label on the outside of the package or shipping container outlining the following information:</p> <p style="text-align: center;">“BID ENCLOSED” RFP 10-01 Collection Services for Delinquent In-State Tax Debt</p>	Yes. Please see response to question #32.

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			<p style="text-align: center;">Bid Submission date and time</p> <p>Please Note: Deliveries by delivery services (e.g. UPS, Fedex, etc.) and/or requiring a signature of receipt should be addressed to the Department's Campus address, however, the delivery service must be instructed to deliver bid documents to the following address:</p> <p style="text-align: center;">90 Cohoes Avenue Green Island, NY 12183</p> <p><u>Question:</u> We plan to ship our proposal via UPS. Based on the instructions above, we assume the delivery address on the outside of the package will need to be 90 Cohoes Avenue, Green Island, NY 12183. Is that correct? If yes, should the label also indicate "New York State Department of Taxation and Finance / Attn: Catherine Golden, Assistant Director / Procurement Services Unit"? If no, please clarify.</p>	
57	X. 2. a. Technical Evaluation (70	p. 78	Of the 70 points possible for the Technical Evaluation, how many points will be allotted, respectively, to i) Debt Collection Services	This information will not be disclosed.

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	points)		Requirements; ii) IT System Requirements; iii) Bidder Experience and Reference Requirements?	
58	2.a. Technical Evaluation	p. 78	“The Bidder is solely responsible for providing references that are readily available to be contacted by DTF and will respond to reference questions.” <u>Questions:</u> A) How will DTF be contacting client references? By telephone? E-mail? Both? B) Approximately how many days after bid submission does DTF plan to contact client references, so that bidders can notify clients regarding what timeframe to expect to be contacted?	References will be provided with a questionnaire via email with a response due date. This email will be sent within a few days of bid opening.
59	2.a. Technical Evaluation	p. 78	What, if any, weight in the evaluation will be given for a collection office based in New York State compared to a collection office based in another state?	None.
60	Attachment J – Collection Experience and Reference Response Form (also VIII.B.3.a.	p. 178	The bullet on this pages says, “Bidders should provide information for up to five (5) contracts ... if the Bidders is unable to provide five (5) contracts, it should provide as many contracts as possible.” However, below “”Part I – Section V.C.1 and VIII.B.3.a.-Bidder Experience,” it says “Please provide information for five contracts to	<p>A) Up to five references should be provided. Submitting less than five references will result in a reduced technical score.</p> <p>B) Please refer to Amendment 1. Experience that is similar in scope to the cases defined in this RFP will be given special weight.</p>

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	"Debt Collection Experience" on p. 68)		be used to evaluate the Bidders experience." <u>Questions:</u> A) Please clarify. Are five references required? Or is it acceptable to provide less than five? B) How many tax client references vs. how many non-tax client references should bidders provide? (If we have five tax client references, should we provide those and provide zero non-tax client references? Or are non-tax client references required, too?)	
61	Amendment No. 1	Amended Page 64 of 181	Should "System Response Requirements" be numbered "2." instead of "1."?	Yes.
62	Amendment No. 1	Amended Page 172 of 181	In the PDF of Amendment No. 1, there are two pages both marked "Amended Page 172 of 181." One is BEFORE Amended Page 171 of 181 and the top line says "Contract start date: _____" (Should that one really be "Amended Page 167 of 181"?) The other "Amended Page 172 of 181" comes AFTER Amended Page 171 of 181, and the first line at the top is a bulleted item, "If the	There is an error on the footer. Corrected pages are attached to this document.

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			collection system utilizes graphical user interface (GUI) system; and”. Also, in the footer of both versions of “Amended Page 172 of 181” it says “Attachment B – Debt Collection Experience Response Form,” while Amended Page 171 of 181 says “Attachment E – Debt Collection Services Response Form.”	
63	Amendment No. 1	Amended Page 174 of 181	The footer of Amended Page 174 of 181 says “Attachment B – Debt Collection Experience Response Form” when it should say “Attachment G – Systems Functionality Response Form.”	Please see the Answer to Question 62.
64	Amendment No. 1	Amended Pages 178-181	The footer of these amended pages says “Attachment B – Debt Collection Experience Response Form.” Amended Pages 178-179 should say “Attachment J – Collection Experience and Reference Response Form” and Amended Pages 180-181 should say “Attachment K – Alternate Collection Experience and Reference Response Form.”	Please see the Answer to Question 62.
65	RFP Page 13, RFP Glossary, RFP Page 57,		would the use of a letter mailing servicer be considered as a subcontractor under this service agreement?	Yes.

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	Section VII.B.17 Prime Contractor/Su bcontractor, RFP Page 162, and Attachment 12 Subcontractor List			
66	RFP Page 26, Section IV.L Inventory Placement,		“The Contractor will be responsible for identifying and returning cases deemed non-productive.” Does the Contractor have the ability to return some cases prior to the six month retention period expiring for situations not addressed in the RFP such as hardship or refusal to pay?	Yes
67	RFP Pages 26-27, Section IV.M Inventory Retention.		What are the standard terms for Installment Payment Agreements (IPAs)? Do they differ among tax types? Will the awarded Contractor be able to retain the account for the duration of the repayment plan if it qualifies for the IPA?	Please see the answer to Question 12. The standards do not differ among tax types. It is the Department’s intention to allow the contractor to retain the account for the duration of the payment plan or term of the contract whichever comes first unless the case needs to be recalled for any other reason.

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68	RFP Page 27, Section IV.N (Incarcerated Tax Debtors)		For administrative resolutions for the reason of incarcerations, what is the minimal term and/or remaining term that would qualify for immediate return to the DTF?	The Department expects the contractor to make that determination keeping in mind cases will be automatically recalled in 180 days unless on an IPA.
69	RFP page 28 & 29, Section IV.O Payments Remitted by Tax Debtors.		<ul style="list-style-type: none"> • Payment by Electronic Funds Withdrawal (ACH Debits) - who will be responsible for obtaining the signed ACH Debit authorization from the tax debtor? Contractor or Department? • Can the Department elaborate on the potential additional payment options? • Will credit card payments be taken through the Department's web-site similar to ACH? • Will it be the responsibility of the Contractor to send notification to the tax debtor the correct mailing address of payments if received in the Contractor's office? 	<p>All payments should be directed to the Department. Payment options will be finalized during the development phase.</p> <p>Any additional payment options remain to be determined.</p> <p>Credit card payments can be processed through the Department's website or directly through the designated service provider's website.</p> <p>The Department will require the correct mailing address be included on the contractor's letters to the taxpayer.</p>

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70	IV.R. Reports	29	Many of the required reports appear to be electronic file exchange with the department (Inventory, Collection Action Taken). Will these reports also be required hard copy?	Reports may be through electronic file exchange (including word, excel, etc sent through secure email) or hard copy sent via mail.
71	IV.R. Reports	29	When will contractors be advised of the frequency and format of the required hard copy reports?	During the Development Phase
72	IV.V Case Resolution	31	What categories, other than deceased, incarcerated or bankruptcy taxpayers, fall into the classification of administrative resolutions?	Including but not limited to taxpayer protests of the amount due, taxpayers serving in combat zones, and taxpayers affected by designated disaster areas.
73	IV.W. Contractor Fees Paid	31	Will DTF supply a detailed invoice of the payments received from tax debtors electronically to the Contractor to use for reconciliation?	The Department intends to provide an electronic file to the contractor with the necessary payment data for the contractor to report out as needed.
74	Section V.A .2 Contacting Debtors	35	“Describe a proposed methodology of automated phone attempts...” Is DTF referring to predictive dialing campaigns using live collectors, unattended messaging, or both when referring to automated phone attempts?	Both.
75	V.A.5	36	for the purposes of this contract, will DTF	Yes

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			consider a person who is independent of collection operations (a Complaint Handling Team member) an independent Quality Assurance person?	
76	V.B.1 Tax Employee Access	37	please provide an approximate number of DTF employees that would require access to the contractor's system.	10 or less.
77	Section VII.B.4.a Minority and Women-Owned Business Enterprises Participation Levels	50	Will evaluation points be given for Contractors that commit to a greater than zero percent MBE/WBE spend?	No.
78	Section III.D. Financial Stability.	18-19	requires audited financials to be submitted to DTF within 90 days of the fiscal year end. Currently our audited financial statements are completed by our third-party auditor within 120 days of our fiscal year end. Would this be	No.

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			acceptable?	
79	Section VII.A.4.a.i. Financial Data	61	are quarterly 10Q SEC filings acceptable as interim financial statements for both parent and subsidiary?	Yes. 10Q SEC filings are acceptable interim financial statements.
80	Section VIII.A.4.a.i	60-61	As three years of our parent company's financial statements would be more than 650 pages, may Contractors instead provide a web link to our parent company's SEC filing information which includes audited financial statements for each of the past three years as well as the 1 st , 2 nd and 3 rd quarter statements for 2009? All documents can be viewed online or downloaded and printed.	No. Financial statements must be submitted in print format.
81	IX.B	75-76	For purposes of clarification, please confirm Contractors utilizing delivery services (e.g. UPS, FedEx, etc.) for shipping their response should visibly inscribe the following address on the outside of their containers: New York State Department of Taxation and Finance Attn: Catherine Golden, Assistant Director	This is correct.

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			<p style="text-align: center;">Procurement Services Unit WA Harriman State Campus Building 9, rm 234 Albany, NY 12227</p> <p>And should utilize the following address information on their delivery service's label:</p> <p style="text-align: center;">New York State Department of Taxation and Finance Attn: Catherine Golden, Assistant Director Procurement Services Unit WA Harriman State Campus 90 Cohoes Avenue Green Island, NY 12183</p>	
82	Exhibit 1 (Case Characteristics)	80	It's our understanding that approximately 70% of the existing pool of in-state PIT and Business cases would have been previously assigned to a collection contractor. Would DTF allow for a separate rate for this specific pool of accounts and a different rate for the cases that would not have been previously assigned to a collection	No.

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			contractor?	
83	Exhibit 2 – Assignment/Update File	89	one of the fields is labeled "Taxpayer Identification Number". Please confirm this refers to the taxpayers Social Security Number or business Employer Identification Number.	Generally, if the number begins with a "P", it is an SSN and if it begins with a "B" it is an EIN or SSN. Either could be a Department assigned number if the actual is SSN or EIN is unknown.
84	Exhibits A-B and Attachment A	99-105 and 147	Attachment A lists required forms for submittal and does not reference Exhibits A-B. Please confirm these forms should be returned as part of Volume 2, Administrative Response Requirements and provide required order or subsection they should be included with.	As indicated in Section VIII.D.9, completion of these forms at the time of bid submission is not required. The forms must be filed upon notification of contract award.
85	Exhibit B	105	<p>Please provide detailed submittal requirements including whether to submit with proposal response and in what order, how to be submit (electronic or original), and to what agency (if other than DTF)?</p> <p>Do you have employment categories that we should use for this form? If so, can they be provided?</p> <p>Employment Category – does this include only those that are fully dedicated to this contract or do we include support functions that may</p>	<p>Exhibit B will need to be completed upon notification of Contract Award.</p> <p>As indicated in Section VII. B.20, the employment categories can be found at: http://online.onetcenter.org.</p> <p>This should include any hours expended on this contract.</p> <p>Yes.</p>

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#	RFP Section	RFP Page #	Question	Answer
			<p>support multiple contracts? Number of hours worked – is this for duration of contract? Amount Payable under the contract – are we to include all costs relative to employment or just base hourly rate?</p>	<p>This amount would be an estimate based on the expected recovery.</p>
86	Exhibit C	106	<p>When does this form need to be submitted?</p> <p>How should this be submitted – electronic or original? Do you have employment categories that we should use for this form? If so, can they be provided?</p> <p>Employment Category – does this include only those that are fully dedicated to this contract or do we include support functions?</p> <p>Number of hours worked – is this for duration of contract or just an annual basis?</p> <p>Amount Payable under the contract – are we to include all costs relative to employment or just</p>	<p>Exhibit C needs to be filed annually no later than May 15th.</p> <p>Originals.</p> <p>As indicated in Section VII. B.20, the employment categories can be found at: http://online.onetcenter.org.</p> <p>This should include any hours expended on this contract.</p> <p>Annual basis.</p> <p>The information on Exhibit C should be the actual numbers for the previous fiscal year (actual hours worked and actual monies paid by the state).</p>

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			base hourly rate?	
87	Attachment A – Insurance Response Form	165	Please confirm that the listing of the Insurance Broker information is acceptable here and not the name and contact information for each individual insurance company and agent.	Yes.
88			Will the awarded Contractor have view-only access to the DTF’s tax collection system in order to assist in answering taxpayer inquiries? If not, what information will be provided from the DTF to aid in this endeavor?	The contractor will not have view-only access to DTF’s tax collection system. The Department intends to provide the contractor a link for consolidated balance inquiries. In addition, the Department intends to have representatives available for the contractor to call with the taxpayer to answer inquiries. Also, please see Exhibit 2 of the RFP for data the Department will send regarding the collection cases.
89			What is the anticipated forward flow of placements (number of cases, dollar value, by tax type, etc)?	Please see the answer to Question 9.
90			Does this RFP reflect a new collection service requirement for DTF or is this solicitation being issued as a replacement for the services that were requested by DTF in your RFP back in 2005?	Please see the answer to Question 1.

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#	RFP Section	RFP Page #	Question	Answer
91			Is DTF currently using any collection Contractors? If so, who are these Contractors?	Please see the answer to Question 3.
92			How long have your current Contractor(s) provided collection services for your organization?	Please see the answer to Question 3.
93			Can DTF provide existing Contractor(s) liquidation rates for the past contract period by tax type and age?	No
94	Section VI Financial Proposal	44	What are the incumbent contractor's fee rate percentages?	Please see the answer to Question 6.
95			What areas, processes and/or results are you looking to improve or enhance under this new contract?	Any improvement the Department is seeking has been addressed in the current RFP.
96	Section X, Amnesty	32	If there is an amnesty program, client may recall accounts or terminate contract. Does the Department anticipate offering an amnesty program during the contract term? Would all accounts be recalled, or may the agency retain paying accounts? What would the anticipated	Amnesty programs are set by legislation; we are not aware of any pending legislation for an Amnesty program. Only the affected cases would be recalled. Collection activity will continue on the remaining case load.

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			<p>vendor participation and compensation be? If the contract is placed on hold during an amnesty program, will the contract be extended for a corresponding timeframe?</p>	
97			<p>Joint Accounts (see RFP sections below): For Joint Accounts, must the Agency pursue both liable entities for the debt?</p> <p>P. 12</p> <p>Primary Taxpayer - One of two taxpayers who is responsible for the same personal income tax assessment, the other being the Joint Taxpayer. Each is equally and fully responsible for tax, penalty and interest due.</p> <p>P. 39</p> <ul style="list-style-type: none"> • The Contractor must store a joint indicator at the assessment level and link one assessment to two tax debtors. The Contractor must be able to work and return joint tax debtor cases independently 	<p>The contractor may pursue both joint taxpayers only if both joint taxpayers are assigned to the contractor.</p> <p>The contractor must be aware a joint taxpayer may remain assigned with the Department for a variety of reasons.</p> <p>If both joint taxpayers reside at the same address and only have shared liabilities, a payment agreement with either will be considered a payment agreement for both taxpayers.</p> <p>Once a taxpayer or their sources of income or assets are located outside New York state, the contractor must cease all collection activity and return the case to the Department.</p>

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#	RFP Section	RFP Page #	Question	Answer
			<p style="text-align: center;">of each other. See Exhibit 2.</p> <p>Page 26, Section M, Inventory Retention: This section states that out-of-state accounts must be returned. Is it the Department's intent to have the vendor cease collection efforts on out-of-state accounts even if progress has been made on the account?</p>	
98			<p>General: Does the state anticipate that the selected vendor will submit accounts for involuntary enforcement measure such as levies? If so, what is the anticipated process?</p>	<p>No, the contractor will not be able to submit accounts for involuntary collection the Department.</p>
99	Draft Contract		<p>None of the Department's contract terms offer protection for any confidential information provided by the Contractor during the life of the contract, including information provided by the Contractor to prove its continuing financial stability (See Ex. D, Art. XI). Is the contractor's only redress to apply for "trade secret protection," even for information submitted after a contract is awarded?</p>	<p>Yes.</p>

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100	Draft Contract		Neither the Preliminary Contract nor the standard terms and conditions allow Contractor to terminate the contract for cause or convenience (<i>See Ex. D, Art. XII</i>). Will the Department allow Contractor to add termination for cause provisions?	The Department would consider alternate language to the draft contract to allow for termination by the Contractor for a material breach by the Department. Such proposed extraneous terms must be included in the bid proposal as indicated in section VIII.D.11.
101	Draft Contract		The indemnification does not carve out actions arising out of Contractor's employees following the Department's policies and procedures (<i>See Ex. D., Art. IV & Ex. D., Art. XIII(A)</i>). Will the Department allow Contractor to add something similar to the following to the end of Article XIII(A): “, except Contractor shall have no duty to indemnify or hold harmless the Department to the extent such suits, actions, or damages arose out of Contractor's (or its officers, employees, subcontractors, partners, or agents') compliance with the Department's policies and procedures.”	The Department would consider alternate language to the draft contract as long as it is expressly agreed by both parties that the Contractor is not relieved of any responsibility as a Contractor including, but not limited to, compliance with laws and regulations. Such proposed extraneous terms must be included in the bid proposal as indicated in section VIII.D.11.
102	Section II.A, Background	16	“The tax debtor has a statutorily required amount of time in which to respond to the bill(s).” Would the Department please specify how long it must allow taxpayers to respond to bill(s) to be statutorily compliant?	Assessments placed with the contractor will have aged beyond that period.

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103	Section II.A, Background	16	Background also states that the CCED may use, among other means, levies on banks and other third parties, income executions (wage garnishments), and property seizures. Is the winning contractor to assume that these collections activities had already been attempted on the accounts prior to placement with it? Or, would these options still be available to the contractor to use in its pursuit of the tax liability?	The Department may have used any or none of the available collection means on cases that will be placed. The contractor may not institute civil legal collection action including, but not limited to levies, garnishments, and seizures on any Department case.
104	Section IV.L,	26	Inventory Placement states: "The Department intends to treat valid, current Installment Payment Agreements, which meet the Department's standards, as closed inventory for the purpose of case assignment." Would the Department specify the exact characteristics of a "valid, current Installment Payment Agreement" that meets the Department's standards?	Please see the answer to Question 12.
105			Would the Department please provide the name(s) of the most recent contractor(s) for this current contract?	Please see the answer to Question 3.
106			Would the Department please specify the number of years that the most recent contractor(s) has/have been under contract? How many contract extensions has/have they received?	3 year term with two one year extensions.
107			What was/were the contingency percentage(s) for the most recent contractor(s)?	Please see the answer to Question 6.
108			Would the Department please provide performance statistics of the most recent	FYE 3/31/2007: Total collected: \$1,483,855; 2.70%

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			contractor(s) for the entire contract in terms of total annual collection dollars and related liquidation percentages?	FYE 3/31/2008: Total collected: \$3,777,722; 3.15% FYE 3/31/2009: Total collected: \$4,748,812; 2.15% Please be aware the case categories placed under the current contract differ from the categories described in this RFP.
109			Regarding case volumes, would the Department please estimate the number of assessments (i.e., non-filers) that will be referred versus the number of tax liabilities?	Case placements will consist of a random mix of cases in terms of all characteristics described.
110			How often will additional cases be referred? Would the Department tell us the approximate number of ongoing referrals that will be made?	Please see the answer to Question 9.
111			Should there be a new agency awarded the contract, will it receive the cases that remain in the current contractor's inventory as well as receiving new work?	Please see the answer to Question 11.
112	Section II Inventory Background, B. Unresolved Case Pool	16	How many cases from the unresolved case pool have been assigned to date under the existing contract ?	The requested information is not available.
113	Section II Inventory	16	How many collection agencies are under contract currently ?	Please see the answer to Question 1.

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#	RFP Section	RFP Page #	Question	Answer
	Background, B. Unresolved Case Pool			
114	Section II Inventory Background, B. Unresolved Case Pool	16	What is the current 12 month and 24 month liquidation of the cases that have been assigned to existing collection agencies?	Please see the answer to Question 108.
115	Section IV. Financial Proposal	44	What is the average fee rate under the existing contracts ? Does this average fee rate include multiple fee rates for multiple services performed ?	Please see the answer to Question 6. One fee rate for services performed.
116	Section IV General Contract Requirements, L Inventory Placement	26	Can the terms of the Installment Payment Agreement (IPA) be elaborated on.	Please see the answer to Question 12.
117	Section IV	26	If non-productive cases are returned will an equal	Please see the answer to Question 9.

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#	RFP Section	RFP Page #	Question	Answer
	General Contract Requirements, L Inventory Placement		number of new assignments be made to the contractor the following month ?	
118	Section IV General Contract Requirements, L Inventory Placement	26	Will the initial placement only contain cases not previously assigned to a collection agency?	Please see the answer to Question 11.
119	Section IV General Contract Requirements, L Inventory Placement	26	At what point does the Department expect to begin assigning cases that were previously assigned to previous collection agencies.	Cases assigned to previous collection agencies may be assigned at anytime under this contract. However, it is the Department's intention to give these cases lower priority for assignment under this contract.
120	Section IV General Contract Requirements, M. Inventory	26	Does the Department intend to maintain an inventory of 50,000 cases approximately for each collection agency or will the volume be based on performance indicators ?	The Department will only be awarding one contract for this RFP.

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#	RFP Section	RFP Page #	Question	Answer
	Retention			
121	Section IV General Contract Requirements, M. Inventory Retention	26	What percent of cases held by existing collection agencies are under Installment Payment Agreements ?	The number of cases under installment payment agreements has averaged 570 over the past 3 months.
122			Who are the Department's current collection vendors?	Please see the answer to question 3.
123			What are the current vendors' commission fee percentages?	Please see the answer to Question 6.
124			Please provide the current liquidity for the existing portfolio.	Please see the answers to Questions 10 and 108.
125			How many contracts does the Department plan to award?	Please see the answer to question 29.

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Instate Personal Taxpayer Cases - Prior Vendor Assignment												
	Case Age											
	0-2 Years		2-4 Years		4-6 Years		6-8 Years		8-10 Years		10+ Years	
	# of TPs	\$ Amount	# of TPs	\$ Amount	# of TPs	\$ Amount	# of TPs	\$ Amount	# of TPs	\$ Amount	# of TPs	\$ Amount
No Prior Vendor Assignment	22,389	\$23,240,764.83	5,725	\$7,620,141.15	4,232	\$6,102,888.38	3,310	\$8,719,091.27	3,699	\$6,207,622.15	10,110	\$22,152,220.23
Vendor Assignment	10,385	\$1,061,651.86	15,482	\$17,479,463.82	14,378	\$24,280,250.59	12,811	\$30,485,142.17	9,224	\$36,693,981.04	12,827	\$56,475,740.52
Total	32,774	\$24,302,416.69	21,206	\$25,099,604.97	18,611	\$30,383,138.97	16,121	\$39,204,233.44	12,922	\$42,901,603.19	22,937	\$78,627,960.75

Instate Business Taxpayer Cases - Prior Vendor Assignment												
	Case Age											
	0-2 Years		2-4 Years		4-6 Years		6-8 Years		8-10 Years		10+ Years	
	# of TPs	\$ Amount	# of TPs	\$ Amount	# of TPs	\$ Amount	# of TPs	\$ Amount	# of TPs	\$ Amount	# of TPs	\$ Amount
No Prior Vendor Assignment	18,885	\$19,392,510.64	12,027	\$52,302,080.99	13,589	\$94,052,773.54	12,286	\$149,512,214.06	13,584	\$172,194,277.39	21,434	\$414,555,496.37
Vendor Assignment	3,077	\$1,918,357.80	8,785	\$13,846,747.61	11,937	\$62,144,947.89	12,738	\$55,267,223.51	10,814	\$76,759,131.99	15,490	\$117,076,519.20
Total	21,961	\$21,310,868.44	20,812	\$66,148,828.60	25,526	\$156,197,721.43	25,023	\$204,779,437.57	24,398	\$248,953,409.39	36,924	\$531,632,015.57

Attachment B – Qualifying Debt Collection Experience

This form is for the Debt Collection Experience requirements as specified in III. B and VIII. A. 2.

Note: All contracts submitted in response to this section must have been in the active collection phase for a minimum of one year.

1. The Bidder must demonstrate that they have continuously engaged in the **collection of debts on behalf of clients** since February 1, 2005 with at least one contract for a minimum period of 3 years; and

Date Bidder began business of Debt Collection (including month and year): _____

Client Name: _____

Client Address: _____

Client Contact Name: _____

Client Phone Number: _____ Client Fax Number: _____

Client e-mail address: _____

Contract Start date: _____ Contract End date: _____

Date Active Collections began: _____

2. The Bidder must have experience with a portfolio of collection cases from one client with an average annual placement of at least 50,000 cases over the life of the contract.

Client Name: _____

Client Address: _____

Client Contact Name: _____

Client Phone Number: _____ Client Fax Number: _____

Client e-mail address: _____

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Contract Start date: _____ Contract End date: _____

Date Active Collections began: _____

Number of cases placed annually: _____

1. The Bidder must have had one contract with a Federal or state entity for which the primary objective is the collection of taxes. ~~ctive is the collection of taxes and has been in the active collection phase for a minimum of one year.~~

Type of entity: Federal State

Type of Tax: Personal Income Corporation Sales Withholding Other: _____

Contract Start date: _____ Contract End date: _____

Date Active Collections Began: _____

Entity Name: _____

Entity Address: _____

Entity Contact Name: _____

Entity Contact Phone Number: _____ Entity Fax Number: _____

Entity email: _____

Attach additional sheets as necessary to meet the requirement.

Attachment E – Debt Collection Services Response Form

This form is for the Debt Collection Services requirement as specified in Sections V. A. and VIII. B. 1.

Bidder Name: _____

The Bidder must have a clear understanding of the Department’s needs and attach a narrative describing a comprehensive collection plan that addresses , at a minimum, the following:

A. Collection Staff:

The proposed Collection Plan must address the following staffing to work exclusively on the Department’s Contract:

- Number of collectors;
- Number of collection leads/supervisors; and
- Number of collectors and leads/supervisors that are Spanish speaking.

In addition, identify the **total** number of years of Federal and/or state tax collection experience **possessed by** ~~required for~~ the collection manager **to be assigned under the prospective contract.**

B. Contacting Debtors

Describe efforts to contact debtors by phone and mail including the following detail:

- Indicate the number of letter attempts within 30 and 60 days;
- Describe methodology of Automated phone attempts including of phone attempts are made on Saturdays;
- Indicate the number of manual phone attempts within 30 days; manual phone attempts on Saturdays; and how many Saturdays per month; and
- Provide samples of all collection letters proposed including bi-lingual letters.

C. Case scoring and prioritization, skip tracing efforts

Describe efforts and sources used: automated and manual. Additionally provide:

- Flowcharts of processes;
- Indicate if any statistical or algorithmic scoring is used for case scoring in terms of recovery expectations; and
- Indicate is specialized personnel 100% dedicated to skip tracing will be utilized for this contract.

D. Department access to contractor's collection system

Section IV. DD, states the contractor must provide the Department remote access to the contractor’s collection system, in real time, for active, recalled, and retuned cases. Describe the proposed collections system in terms of access, functionality and navigation including, but not limited to:

- if client access is user or terminal based,;

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- if the collection system utilizes graphical user interface (GUI) system; and
- Availability of client access (e.g. 24/7 etc.)

E. Quality Assurance

- Describe the policy for handling/resolving debtor complaints including, but not limited to, if an independent Quality Assurance person or Ombudsman reviews debtor complaints;
- Describe the policy for reviewing collector phone calls; and
- Describe the collectors' training program ~~in terms of the nature and length of time for the client~~ **for standard collections laws and regulations, the collection system used and for client specific training. Include information on how much time is devoted to each in terms of classroom versus on the job training.**

F. Contract Administration / Facilities

It is the Department's desire to utilize only one contract facility for this contract. State how many of the following proposed staff will be on the same site: Contract Administrator, Client Services Manager, Collection staff and IT staff.

Attachment G – System Functionality Response Form

This form is for the System Functionality requirement as specified in **Section V. B. 2. and VIII. B. 2. b.**

The Bidder's response must provide Department personnel with a clear understanding of how the proposed system will support the collection process and requirements set forth in this RFP.

The Bidder must provide: (1) a complete narrative description of its proposed system and (2) system flowcharts. At a minimum, this narrative description must include:

- The process for receiving files sent from the Department (see Exhibit 2), including edits and validations performed, storage of the data on the Contractor's system, exception processing (identification, reporting, resolution), storage of new tax debtor records, and update of previously stored tax debtor records.
- The process for creating files sent to the Department (See Exhibits 2, 3 and 4).
- The process that will store the records needed to support the case history requirement and required management reporting.
- A Data Model Diagram that shows how the tax debtor records will be stored in the Bidder's system, including all keys and relationships.
- A development timeline that shows projected dates for each phase and milestones for the project.

The Bidder must also indicate which processes of the proposed system are: 1) existing; 2) modifications of existing processes and 3) new processes.

Attach additional sheets as needed.

Attachment J – Collection Experience and Reference Response Form

Complete (1) form for each contract/reference provided in response to Sections V. C. . and VIII. B. 3.

- Bidders should provide information for up to five (5) contracts that meet the requirements outlined in Section V.C.1. If the Bidder is unable to provide five (5) contracts, it should provide as many contracts as possible.

Note: The contract(s) that the bidder is submitting as the “qualifying experience” as required in section III. B. must also be included as a contract(s) in response to the “technical experience” required in this section.

Part I - Section V.C.1 and VIII.B.3.a– Bidder Experience

Please provide information for **up to** five contracts to be used to evaluate the Bidders experience.

Client Name: _____

Client Address : _____

2. Contract Information:

a) Contract Dates (Month/Year)

Begin Date _____ End Date _____

b) Date Contract began Active Collection (Month/Year): _____

3. Type of Entity: Federal State Other

4. Average Annual Case Placement (**number of cases**): _____

5. Debt Collection Experience

a) For Tax Clients - Please indicate type of tax collected - check all that apply

Personal Income Tax Corporation Tax Sales Tax Withholding Tax

Other, please specify _____

b) For Non-Tax Clients – Please describe type of debt collected: _____

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5. Total Inventory value placed: \$ _____
7. The Bidder must indicate if the collection strategy proposed to be utilized by the Bidder in Section V.
A. ~~2~~-was successfully employed by the Contractor in the past.

Section V.C.2 and VIII.B.3.b– Bidder Reference

Part II - Debt Collection Services Reference

Contact Name: _____

Phone Number _____

Fax Number _____

Email Address _____

Part III - Systems Reference

Contact Name: _____

Phone Number _____

Fax Number _____

Email Address _____

*Attach additional forms as necessary for each contract submitted for Collection Experience.

Attachment K – Alternate Collection Experience and Reference Response Form

Complete (1) form for each alternate contract/reference provided, for a maximum of two (2) in response to Sections V. C. . and VIII. B. 3.

Part I - Section V.C.1 and VIII.B.3.a– Bidder Experience

Please provide information for **up to** five contracts to be used to evaluate the Bidders experience.

Client Name: _____

Client Address : _____

2. Contract Information:

c) Contract Dates (Month/Year)

Begin Date _____ End Date _____

d) Date Contract began Active Collection (Month/Year): _____

3. Type of Entity: Federal State Other

4. Average Annual Case Placement (**number of cases**): _____

5. Debt Collection Experience

c) For Tax Clients - Please indicate type of tax collected - check all that apply

Personal Income Tax Corporation Tax Sales Tax Withholding Tax

Other, please specify _____

d) For Non-Tax Clients – Please describe type of debt collected: _____

6. Total Inventory **value** placed: \$ _____

7. The Bidder must indicate if the collection strategy proposed to be utilized by the Bidder in Section V. A. 2 was successfully employed by the Contractor in the past.

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Section V.C.2 and VIII.B.3.b– Bidder Reference

Part II - Debt Collection Services Reference

Contact Name: _____

Phone Number _____

Fax Number _____

Email Address _____

Part III - Systems Reference

Contact Name: _____

Phone Number _____

Fax Number _____

Email Address _____

*Attach additional forms as necessary for each contract submitted for Collection Experience.