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| **BUREAU OF FISCAL SERVICES**  **Procurement Unit** |  |  |

**December 2, 2021**

**Request for Proposals (RFP) 20-101**

**Collection Services for Delinquent Tax Debt**

**Response to Round One Bidder Questions and Amendment #1**

To All Potential Bidders:

Attached are the Department’s Responses to Round One of Bidder Questions received for the above referenced RFP.

Additionally, the Department is issuing Amendment #1 as clarification to:

* Amend the Schedule of Events
* Amend the Proposal Submission Requirement **9.1.1., Volume One Format**
* Amend the Proposal Submission Requirement **9.2., Proposal Submission**
* Amend Attachment 3 – Bidder’s Checklist

Corrected pages are attached to this document. All additions are shown as red text, and all deletions are shown as ~~red strikethrough text~~.

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

| **#** | **RFP Section** | **RFP Page #** | **Question** | **Answer** |
| --- | --- | --- | --- | --- |
| 1 | 1.3.3 | 21 | Other than Spanish, what other languages are needed to support the program?  What percentage of your customer accounts require non-English speaking agents? | All other languages besides Spanish are optional, but preferrable.  We are unable to provide this information. |
| 2 | 2.11 | 15 | If a consumer wishes to pay by credit / debit card, are there transaction-processing fees the consumer will incur and if yes, what are they? | Yes. These payments can be made through the Department’s online services. The current fee is 2.25%  Please see <https://www.tax.ny.gov/pay/card-payment-info.htm> for more information regarding the associated convenience fee. |
| 3 | 2.11 | 15 | Do you enable your vendor to present an offer of compromise should a taxpayer request consideration? | No. All offer in compromise requests need to be made directly to the Department by the Tax Debtor. |
| 4 | Exhibit 1 | 3 | Please provide the current liquidation percentage of recoveries your existing vendor is achieving after working your accounts for the 180 day placement timeframe for all placement levels involved in this opportunity (e.g. primary, secondary, in state and out of state) | The Department declines to answer. |
| 5 | Exhibit 1 | 3 | At what age of delinquency are tax liabilities forwarded to your vendor today?  a. Will DTF consider an alternative contingency fee for liabilities previously worked by the current vendor? | Refer to Assessment Age Summary on **Exhibit 1 – Case Characteristics** on page 4 of the Exhibits document.   1. No |
| 6 | Exhibit 1 | 3 | How often do you send placements, positive/negative adjustments, and direct payment files to the Vendor? Is it daily, weekly, or monthly? | New placement files are sent on a monthly basis. (See **Exhibit 2 – Assignment / Update File**)  Case balance update files, including positive/negative adjustments are sent on a weekly basis. (See Exhibit 2)  Direct payment files are sent every other week. (See **Exhibit 3 – Payment File Layout**) |
| 7 | Exhibit | 6 | What is the liquidation of individual tax accounts at six months and 12 months | The Department declines to answer. |
| 8 | Exhibit | 6 | What is the liquidation of business accounts at six months and 12 months | The Department declines to answer. |
| 9 | Exhibit | 6 | What is the breakout of the inventory:  a. Accounts with a phone versus no phone  b. Accounts with a good address versus no good address  c. Accounts with employment data versus no employment data | The Department does not have this information available. |
| 10 | General |  | What is the process by which the vendor may request an extension on the assignment of a particular case, and are there certain parameters that are typically granted, i.e., promise-to-pay within a certain number of days? | The vendor should request an extension of assignment on a case-by-case basis via email. There are no specific parameters to a vendor requesting an extension of an assignment. |
| 11 | General |  | Who is your current provider?  a. What is their current contingency rate?  b. What is the total amount of compensation paid to the incumbent provider over the past year? | Current Contract C400710 was awarded to Performant Recovery, Inc.   1. The current Contractor considers this information to be a trade secret. Therefore, pursuant to the Public Officers Law Section 87(2)(d), the Department cannot release this information. 2. The Department declines to answer. |
| 12 | General |  | Does the state allow access to the State’s employment division for employment data? | No, however any current employment information the Department has is transmitted to the vendor on the Assignment file. See **Exhibit 2 – Assignment / Update File**. |
| 13 | Table 4.3 | 48 | Table 4.3 says the bidder must provide proof of financial stability upon the Department’s request. Farther along, it says the Bidder must provide a bank contact, line of credit documentation, etc. Please clarify whether financial documents and information are required to be submitted with the bid. | These documents do not need to be submitted with the bid. A Bidder will need to submit this information upon the request of DTF. |
| 14 | 9.1 | 80 | Where shall bidders place required documents such as the audits required by Section 3.1? | Documents should be placed within the bid in such a manner that clearly delineates the requirement(s) associated with the documentation being provided.  Information related to RFP 20-101 **Sections 3 Qualifying Requirements**, **4** **Technical Requirements**, and **5** **Tax Secrecy; Non-Disclosure Forms, Record Keeping & Training Requirements** should be submitted within Volume One. Information related to **Section 7 - Financial Requirements** should be included in Volume Three, and all other information requested should be included in Volume Two.  Please see **Attachment 3 - Bidders Checklist** for additional information.  See Amendment 1, attached to this Question and Answer document. |
| 15 | 1.2 | 10 | What company or firm holds the current contract for the New York State Department of Taxation and Finance? | Current Contract C400710 was awarded to Performant Recovery, Inc. |
| 16 | 7.2 | 59 | What is the current collection fee structure? | The Contractor considers the current collection fee structure to be a trade secret.  Therefore, pursuant to the Public Officers Law Section 87(2)(d), the Department cannot release this information. |
| 17 | 2.1 | 12 | Are litigation services, including bankruptcy, part of the current contract? | Litigation services are part of the current contract, bankruptcy is not. Please note that litigation services are not in scope for this RFP 20-101. |
| 18 | 2.3 | 12 | What is the average age of first placements and subsequent placements? | Refer to Assessment Age Summary on **Exhibit 1 – Case Characteristics** on page 4 of the Exhibits. |
| 19 | 2.6 | 13 | Does the vendor expect wage garnishment and bank restraints to be completed in the 180-day period before the debt is recalled? | Wage garnishments and bank restraints are not permissible by the contracted vendor.  The contract for this RFP (see page 28 of **Exhibit A – Preliminary Base Contract** in RFP 20-101 Exhibits) specifically provides that the Contractor shall not commence civil legal collection action, including but not limited to, filing judgments against, serving levies and garnishments and seizing any Tax Debtor’s source of income or assets. |
| 20 | Table 4.3, #1 | 48 | We consider audited financials to be proprietary. Would the vendor approve of reviewing our financials online through a secure link and password? | The Department would be able to review documents through a secure link. |
| 21 | 2.4 | 13 | What is the approximate age of the cases being referred and what type of internal collection activity has been done by the Department? | Refer to Assessment Age Summary on **Exhibit 1 – Case Characteristics** on page 4 of the Exhibits. |
| 22 | 2.4 | 13 | Has the Department been assigning account on a regular monthly basis to the incumbent agency during the current contract term? | Yes. |
| 23 | 2.4 | 13 | Who is your incumbent agency? | Current Contract C400710 was awarded to Performant Recovery, Inc. |
| 24 | 2.5 | 13 | Approximately what percentage of cases being assigned each month have been previously assigned to a prior agency? | The requested information is not available. |
| 25 | 4 | 29 | Please explain the current methodology by which you place accounts with your incumbent agency (secure SFTP, website, manual placements, etc.) | The Department utilizes secure SFTP to place accounts. |
| 26 | 2.4 | 13 | What is the liquidation rate for accounts at 6 months and at 12 months from the date of placement to the agency? | The Department declines to answer. |
| 27 | 2.8 | 15 | Does the State dictate work standards, such as phone attempts, number of letters, and skip activity? If so, please provide these standards. | No, but as set forth in Table 4.1, Functional Requirements in **Section 1.3.4 – Documents and Phone Scripts** of the RFP, the Department reserves the right to change the Contractor’s collection practices for the Department’s collection work if it is determined that collection practices utilized by the Contractor are not consistent with Department policies and procedures. |
| 28 | 2.8 | 15 | Will the Contractor have any settlement or compromise authority? | No. All offer in compromise or settlement requests need to be made directly to the Department by the Tax Debtor. |
| 29 | 4 | 21 | What percentage of accounts have a cell phone number? | The requested information is not available. |
| 30 | 4 | 21 | Will the State allow for collection notices to be emailed to taxpayers? If so, what percentage of accounts have an email address? | Due to tax secrecy requirements and concerns, the Contractor will not be permitted to email Tax Debtors. |
| 31 | 4 | 21 | Is the Contractor able to send SMS text messages? Do you pass down SMS consent to your agencies? | Due to tax secrecy requirements and concerns, the Contractor will **not** be permitted to send SMS text messages to Tax Debtors. |
| 32 | 4 | 21 | Will the State supply all information that agencies need to be compliant with Regulation F mailing regulations? | The Department will respond to Contractor’s specific compliance questions. This question appears to be asking the Department to provide FDCPA updates and general guidance which is part of the Contractor’s responsibility. |
| 33 | 4.1 Functional Requirements | 21 | Item 1.3.1 states that the Contractor must not use subcontractors to assist with active collection work, including but not limited to: routine phone calls to Tax Debtors, review of the Department’s Case referrals, review and/or request copies of the Tax Debtors’ federal and/or state tax returns, access to the Department’s Cases, emails and computer system, access to the Contractor’s Cases, emails, and computer system. Subcontractors must not be given access to the Tax Debtor’s Federal Tax Information (FTI), especially their social security numbers.  We do not intend to use subcontractors to satisfy the requirements of this contract. As is customary in the business, we will need to use service providers to print notices and augment data. Please confirm the use of these service providers will be permitted. | The Department does not understand what is meant by ‘augment data’.  The Department anticipates that service providers will be deemed Subcontractors.  Subcontractors, upon approval by the Department, can be used. However, Subcontractors must not be given access to the Tax Debtor’s Federal Tax Information (FTI), especially their social security numbers. |
| 34 | 4.1 Functional Requirements | 23 | Item I.3.8 states that the Contractor and their Subcontractors must maintain a secure area for conducting all work relative to the Contract.  Please define “secured work space”, as all of our workspaces are secured. Will employees who are not dedicated to the New York contract but share the same level or clearance/security as those who are be permitted in the same workspace as employees dedicated to the New York contract? | Secure Area is defined in Table 4.1, Functional Requirements in **Section 1.3.8 – Secure Area** of this RFP and stipulates ‘no access by Contractor employees who are not directly involved with the contract.’ Accordingly, only employees dedicated to this contract will be permitted in the workspace utilized for this contract. |
| 35 | Preface C. Amendments | Pg. 7 | Will any amendments issued need to be signed and returned with a Bidder’s proposal, to indicate acknowledgement? If so, in which Volume should Bidders include their signed addenda? | The Department will publish Amendments to RFP 20-101 on its Procurement site at [www.tax.ny.gov/about/procure](http://www.tax.ny.gov/about/procure).  These Amendments contain replacement pages to be incorporated in a Bidder’s response. These replacement pages do not need to be individually signed to indicate acknowledgement. However, it is a Bidder’s responsibility to fully incorporate all RFP Amendments published by the Department into their Proposal.  All Bidders are required to complete and sign **Attachment 4 - Bidder Attestation**, certifying that the Bidder has read, understands and agrees to provide the Collection Services as specified in RFP 20-101, including any amendments to RFP 20-101. |
| 36 | 2.1 Background | Pg. 12 | We see that the Civil Enforcement Division (CED) does perform garnishments and issue levies as part of internal progressive collection efforts. Will the selected Contractor also be authorized to garnish and/or levy?  If so:   1. What will the process entail as it relates to New York State Department of Taxation and Finance involvement? 2. Will New York State Department of Taxation and Finance provide employment or bank information or access on cases?   Will the contractor be compensated at the same contingent fee for payments made through wage garnishment or levy? | The Contractor will not be authorized to garnish and/or levy.  The contract for this RFP (see page 28 of **Exhibit A – Preliminary Base Contract** in RFP 20-101 Exhibits) specifically provides that the Contractor shall not commence civil legal collection action, including but not limited to, filing judgments against, serving levies and garnishments and seizing any Tax Debtor’s source of income or assets. |
| 37 | 2.4 Volume | Pg. 13 | 1. What has been the historic average monthly gross collection dollars for 2019, 2020 and 2021?   What has been the historic liquidation rate by batch for a 6-month placement period? | The Department declines to answer. |
| 38 | 2.5 Inventory Placement | Pg. 13 | 1. What percentage of cases does the Department anticipate will have been previously placed with a collection agency?   What is the average monthly dollars and account volume placed with the collection agency? | * 1. The Department does not have this information.   Refer to **Exhibit 1 – Case Characteristics**. |
| 39 | 2.9 Department Programs | Pg. 15 | When was the last Amnesty Program conducted? In the event an Amnesty Program is conducted, what are the anticipated responsibilities of the Contractor, e.g., servicing tax debtor inquiries? | The last Amnesty Program was conducted by the Department in 2002.  It is unknown at this time what activities the Contractor would be responsible for if an Amnesty Program was conducted. |
| 40 | 3. Qualifying Requirements  3.1 Table | Pgs. 17-18 | Please confirm that affirmations in the checked boxes for 3.1 and 3.2 comprise a full response to the Department and that beyond separate completion of Attachments 4 and 5, no other narrative response is required for 3.1 and 3.2. | Confirmed. |
| 41 | 3. Qualifying Requirements  3.2 Qualifying Experience | Pgs. 17-18 | For the requirement about Bidders having multi-state experience:   * Is the Department looking for a Bidder to cite a client for which they provide collections for multiple states? * Or, instead, is the Department looking for a Bidder to cite a single-state client for which they have had to pursue debtors in multiple states? * Or, instead, is the Department looking for a Bidder to provide three state client references that demonstrate they have provided collections for multiple states? | The Department prefers that Bidders submit one (1) client reference for which the Bidder has performed collection activity in multiple states (more than one) for that client in order to demonstrate its Multi-State experience. However, Bidders may submit up to two (2) client references to meet this requirement as long as the submitted references are for debt collection activity in different states. Bidders are reminded that no more than three (3) collection contracts may be submitted to validate all of the qualifying experience required in **Section 3.2 - Qualifying Experience**. |
| 42 | 4. Functional Requirements  Table 4.1 | Pgs. 19-45 | In instances throughout this table Bidders are directed to describe a process or capability within an imbedded text area and to provide additional pages as necessary. Can Bidders provide in Volume One their completed Table 4.1 with checked affirmations and brief narrative references to additional pages, to be followed by full itemized and numbered responses to those items as narrative and supporting graphics in a Bidder’s standard proposal response template? | Documents should be placed within the bid in such a manner that clearly delineates the requirement(s) associated with the documentation being provided.  Please note: Generic system information, white papers and/or promotional material provided in response or supplemental to the requested narratives are not sufficient to meet the requirements. |
| 43 | 4. Functional Requirements  Table 4.1  1.3.2 Contacting Tax Debtors | Pg. 21 | For Technical Requirements such as 1.3.2 where the only required response from a Bidder seems to be an affirmation (and in this case, providing samples) and an additional field for “Description” is not included/provided, is the Department seeking any additional narrative response? | No – Where a description box is not included, the Department is not requiring a written response to that requirement. |
| 44 | 4. Functional Requirements  Table 4.1  1.3.2 Contacting Tax Debtors | Pg. 21 | For the sample Collection Letters listed here, where does the Department want these and other referenced items to be placed? Should the Bidder create an *Appendix* at the end of **Volume One** for such items, or should they simply be included at the end of *Tab 3 Technical Requirements*? | The Department does not have a preference, as long as the information is included in Volume One. Documents should be placed within the bid in such a manner that clearly delineates the requirement(s) associated with the documentation being provided. |
| 45 | 4. Functional Requirements  Table 4.161.3.2 Contacting Tax Debtors | Pg. 21 | 1. What percentage of cases will be referred with telephone numbers? 2. Will the Department indicate with the placement if the referred number is a cell phone or a landline?   Does the Department have email addresses for taxpayers? If yes, can they be provided? | * 1. Most Cases will have a phone number.   2. No.   Email addresses will not be provided. Due to tax secrecy requirements and concerns, the Contractor will not be permitted to text or email Tax Debtors. |
| 46 | Table 4.3 Financial Stability Requirements | Pgs. 48-51 | Regarding financial data to be provided: the language here on page 48 – “upon the Department’s request” – would seem to indicate that the financial data listed here for items 1 thru 4 such as audited financial statements are not mandatory to be submitted with a Bidder’s proposal but would be required of the Bidder at any time during the contract upon request from the Department. Please clarify the intent and requirement here for items 1-4. | The Department may require a Bidder to submit this information prior to contract award, as well as periodically throughout the contract term. |
| 47 | 5. Tax Secrecy  Table 5.1 | Pgs. 52-54 | Should a Bidder include their completed acknowledgment of this section in **Volume One**, following *4.3 Financial Stability Requirements*? | Yes – Please see Amendment 1. |
| 48 | 5. Tax Secrecy  Table 5.1 | Pgs. 52-54 | Please confirm that affirmations in the checked boxes for 5.1 thru 5.5 comprise a full response to the Department and that no other narrative response is required for this section. | Confirmed. While no narrative response is required for these requirements, the Bidder must respond to **Requirement 5.2 – Contractor Signature on Non-Disclosure Forms** with the Completion and submission of **Attachment 13** - **DTF-202 New York State Department of Taxation and Finance Tax Information Access and Non-Disclosure Agreement (6/19)** and **Attachment 14 - Acknowledgement of Confidentiality of IRS Tax Return Information and Internal Revenue Code Selected Confidentiality Provisions Pertaining to Contractors (Technology Services)** with their Proposal. |
| 49 | 6. General Contract Requirements | Pgs. 55-58 | Please confirm that the Department is not seeking an itemized response to each of these requirements, but rather that they have been shared for general understanding and that a Bidder’s compliance is implied and understood in submitting a proposal. | Confirmed. |
| 50 | 7. Financial Requirements | Pgs. 59-60 | Please confirm that the Department is not seeking an itemized response to each of these requirements, but rather that they have been shared for general understanding and that a Bidder’s compliance is implied and understood in submitting a proposal. | A narrative is not required in response to the Financial Requirements. Bidders must respond to the Financial Requirements via completion of **Attachment 21 – Financial Response Form**, providing the requested pricing information and affirmation of understanding of, and agreement to comply with, the Financial Requirements of the RFP. |
| 51 | 7.2 Cost Proposal Requirements | Pg. 59 | What is the current collection rate being charged by the incumbent vendor? | The current Contractor considers this information to be a trade secret.  Therefore, pursuant to the Public Officers Law Section 87(2)(d), the Department cannot release this information. |
| 52 | 8. Administrative Requirements | Pgs. 61-79 | Please confirm that the Department is not seeking an itemized response to each of these requirements, other than the completion and return of all referenced Attachments and Exhibits cited therein. | Confirmed. |
| 53 | 8.2.9 Cover Letter | Pg. 70; Attch. 3 | Can Bidders also include in their Cover Letter the additional information sought as itemized on Attachment 3 – specifically, the Bidder-proposed changes to contract terms (if applicable) and the request for exemption from disclosure (if applicable)? Or does the Department prefer that address of these two areas remain freestanding apart from the Cover Letter? | The Department prefers that Bidders address these two areas to remain freestanding apart from the Cover Letter. |
| 54 | 9. Proposal Submission Requirements | Pg. 80 | **Volume Three** (and possibly **Volume 2**) will be much smaller than **Volume One** and could be comb-bound versus being submitted in a hard cover binder. Will the Department allow comb-binding for these volumes, or would the Department prefer hard cover binders for all volumes? | Comb binding for smaller volumes is acceptable. Please note that all volumes must be bound separately. |
| 55 | 9. Proposal Submission Requirements  9.1.1 | Pg. 80 | The *Executive Summary* to be included in **Volume One** has no other requirement language or guidance. Will the Department provide guidance or additional language to clarify what it is seeking in a Bidder’s Executive Summary? | The Executive Summary is the opportunity for a Bidder to provide an introduction and narrative of its organization. |
| 56 | 9. Proposal Submission Requirements  9.2 Proposal Submission | Pg. 81 | Is the deadline for the proposal also the deadline by which Bidders should email the passwords to the encrypted and password-protected flash drives that are packaged with a Bidder’s proposal? | Yes. |
| 57 | 9. Proposal Submission Requirements  9.2 Proposal Submission | Pg. 81 | Can Volumes One, Two, and Three be packaged with one another in sealed containers? Or are there restrictions (e.g., package Volume Three separately because it contains pricing)? | All 3 volumes must be bound separately but can be packaged in the same box to be shipped to the Department. |
| 58 | 9. Proposal Submission Requirements  9.2 Proposal Submission | Pg. 81 | Please confirm or otherwise clarify the shipping instructions: If a Bidder used a commercial carrier like FedEx to ship their proposal, they should affix an adhesive label to each sealed box/container with the W.A. Harriman campus address… BUT, for the actual DELIVERY address provided to FedEx, a Bidder would enter the 90 Cohoes Avenue, Green Island, NY address in the delivery fields. Is this correct? | This is correct. |
| 59 | 9. Proposal Submission Requirements  9.2 Proposal Submission | Pg. 81 | Regarding shipping instructions: What is the Department’s past experience and success with having the box labeled to go to one address but having a different shipping destination given to a commercial carrier? Are there any lessons learned or best practices to share in this regard, to assist Bidders with delivery of their proposals? | This is standard practice for mail coming into the Department. If the Bidder is concerned, the Department encourages Bidders to submit Proposals as soon as possible. |
| 60 | 9. Proposal Submission Requirements  9.2 Proposal Submission | Pg. 81 | What addressee name should Bidders use to precede “90 Cohoes Avenue, Green Island, NY 12183?” | The addressee would be: The NYS Department of Taxation and Finance. |
| 61 | 9. Proposal Submission Requirements  9.2 Proposal Submission | Pg. 81 | Can the “Attn: Director, Procurement Services” information and address be included on the same label as the “Proposal Enclosed” information, if both sets of information are presented as required? | Yes. |
| 62 | Attachment 1 Offerer Understanding of, and Compliance with, Procurement Lobbying Guidelines | Pg. 3 | In addition to being completed and sent to the Department by 11/5/2021, does this form need to be included anywhere in a Bidder’s proposal? If so, where? | As long as this form has been submitted to the Department electronically, it is not required for this form to be also included with a Bidder’s Proposal. However, if a Bidder wants to also include Attachment 1 with their Proposal, it should be included within Volume Two. |
| 63 | Attachment 2 Notification of Intent to Bid | Pg. 4 | In addition to being completed and sent to the Department by 12/17/2021, does this form need to be included anywhere in a Bidder’s proposal? If so, where? | As long as this form has been submitted to the Department electronically, it is not required for this form to be also included with a Bidder’s Proposal. However, if a Bidder wants to also include Attachment 2 with their Proposal, it should be included within Volume Two. |
| 64 | Attachment 3 Bidder’s Checklist | Pgs.5-6 | Please confirm that Bidders are simply required to check each box to account for items included in their proposal and then submit the completed version in **Volume Two: Administrative Proposal**. | Attachment 3 is provided simply as a reference document for Bidders to ensure they have all required documents included with their Proposal. There is no requirement for a Bidder to supply a completed Attachment 3, however if a Bidder wants to also include Attachment 3 with their Proposal, it should be included within Volume Two. |
| 65 | Exhibit C | Pgs. 62-63 Exhibits | Please confirm that if a Bidder is not an MBE/WBE and is not proposing an MBE/WBE as a subcontractor, then it is not required to return Exhibit C in the proposal. | This is not a correct understanding. Bidders are required to submit an EEO Policy statement to the Department. If the Contractor does not have an existing EEO Policy Statement that it can submit, a Bidder is required to submit Exhibit C with its Proposal. |
| 66 | 4. Technical Requirements | 19 | Does the Department consider letter vendors and skip tracers to be subcontractors? | Yes, letter vendors and skip trace vendors are considered “Subcontractors”.  Subcontractors, upon approval by the Department, can be used. However, Subcontractors must not be given access to the Tax Debtor’s Federal Tax Information (FTI), especially their social security numbers. |
| 67 | 4. Technical Requirements 1.3.2. Contacting Tax Debtors | 21 | The CFPB’s revisions to the Fair Debt Collection Practices Act (FDCPA) effective November 30, 2021, allow for collection agencies to utilize text messaging and email to contact debtors. Will these methods of communication be allowed? | No. See the responses to Questions #30 and 31. |
| 68 | 4. Technical Requirements 1.3.2. Contacting Tax Debtors | 21 | Are Interactive Voice Response (IVR) systems and/or chat applications allowed for debtor communications to the collection agency? | No. Due to tax secrecy requirements and concerns, Interactive Voice Response (IVR) systems and/or chat applications will not be allowed to be used by the Contractor when communicating with Tax Debtors. |
| 69 | 4. Technical Requirements 1.3.3. Contact – Foreign Languages | 21 | Are languages other than Spanish optional? | Yes. |
| 70 | 4. Technical Requirements 1.3.3. Contact – Foreign Languages | 21 | Should interpretive services for deaf and hard of hearing tax debtors be included within this section? | This is not a requirement, but Bidders are welcome to include information on their processes for deaf and hard of hearing Tax Debtors within this section. |
| 71 | 4. Technical Requirements 1.3.8. Secure Area | 23 | Will the Department allow remote work? | Yes, remote work is permitted as long you meet the requirements for remote work in the NYS ITS Information Security Policies, IRS Publication 1075 and NIST 800 (moderate) and associated documentation. More information can be found on Pages 38-39 of this RFP. |
| 72 | 4. Technical Requirements 1.4.1. Disengagement Phase and Plan | 26 | Section 1.4.1. states the collection agency must “send to the Department any Tax Debtor communications received after the contract ends.” Should these documents be physical copies, or are electronically scanned and stored images acceptable? | The requirement is for the Contractor to forward any post-Contract communications it receives from Tax Debtors to DTF for DTF handling and response. The information may be forwarded to DTF in paper or secure (to protect confidential information) electronic format. Notwithstanding, DTF reminds Bidders that they are no longer to be in possession of any DTF records (in any format) related to their work for DTF as Contractor once they are no longer the Contractor for these services (this includes post-Contract communications they may receive from Tax Debtors).  Therefore, all originals and/or copies of records (in any format) received by the Contractor both before and after their Contract with DTF has ended, must be accounted for (as returned or destroyed) in a certification of records return or destruction that the Contractor will provide to DTF as part of the Disengagement Phase activities. This requirement includes the removal of any tax data related to work for DTF from any systems or devices.  See, e.g., RFP at **Section 1.4.1** (requirements for return/destruction of DTF records, including that Contractor must remove all DTF data in accordance with applicable laws and regulations, including IRS Publication 1075 and comply with record destruction policies in accordance with the Office of Technology Services Policy for Sanitization / Secure Disposal and that a notarized document must be provided at the conclusion of the contract affirming compliance with the terms and conditions for record destruction and sanitation requirements). |
| 73 | 4. Technical Requirements  3.1. Security, Confidentiality, Integrity, and Availability | 40 | Please confirm audits need to be submitted with the RFP response. | As set forth in RFP Section 4, Table 4.1, **Requirement 3.1** (Page 40), the Bidder must submit a copy of any audits, internal or external, performed within the past three years that cover the specific requirements set forth in this section. Summary audit results or redacted audits are acceptable, as necessary, to address confidentiality concerns. Bidder must at least indicate if security measures relating to requirements set forth in this section were adequate or deficient. |
| 74 | Table 4.3: Financial Stability Requirements | 50 | Please confirm privately held companies must provide audited financial statements for the last three (3) years. | Audited financial statements for the last three years are preferred.  If not available, reviewed financial statements are also acceptable.  In the event the company has neither, then submit unaudited/company prepared financial statements for the last three years, a recent Dun and Bradstreet Comprehensive Report, along with a statement why audited/reviewed financial statements are not available.  Please note that Financial Stability documents should only be provided at the request of the Department. These documents do not need to be submitted with the Bidder’s Proposal. |
| 75 | 6. General Contract Requirements 6.12 Right to Survey | 58 | Are bidders permitted to utilize an automated survey to solicit feedback from the Tax Debtor on the service they received? | No. |
| 76 | 9. Proposal Submission Requirements 9.2 Proposal Submission, bullet point #2 | 81 | Does the Department want one (1) electronic copy that consists of the Qualifying and Technical, Administrative, and Financial Proposals with proprietary information redacted or three (3) separate electronic copies with proprietary information redacted? | The Department prefers that these are submitted as three (3) separate files.  Please note that electronic copies of the Bidders’ Proposals must not be redacted. Bidders should request Exemption from Disclosure in accordance with RFP **Section** **8.2.19 – Request for Exemption from Disclosure**.  See Amendment 1 to RFP 20-101 published with this document. |
| 77 | General | 1 | Does NYSDTF require all original documents be ink signed or will the NYSDTF accept digital signatures on signed forms and documents? | NYSDTF requires original ink signatures for all signed forms and documents. |
| 78 | Exhibit 1 Case Characteristics | 3 | What is the 12 month and 24 month recovery percentages by your current vendor? | The Department declines to answer. |
| 79 | Exhibit 1 Case Characteristics | 3 | Does NYSDTF have an anticipated or expected rate of return as a result of this procurement? | No. |
| 80 | Exhibit 1 Case Characteristics | 3 | What is the average age of cases at placement for each category of cases (Primes, Seconds, etc.) | Refer to Assessment Age Summary on **Exhibit 1 – Case Characteristics** on page 4 of the Exhibits for the potential pool of eligible Cases. |
| 81 | RFP Section 2.3 Case Characteristics | 12 | Can a case be assigned to a Collection agency more than one time? If so, how many times can a case can be assigned? (3, times? 4 times?) Does the placement file identify how many times the case has been placed with a collection agency? Does the placement file identify if the case was worked previously? Upon Placement will the contractor be informed as to how many previous collection agencies have worked the case prior to placement? | A Case can have previously been assigned to a prior collections contractor. A Case is typically assigned to each vendor only once. However, a Case can be reassigned to the current vendor if additional debt that meets the criteria for reassignment has been incurred.  The placement file does not specify if a Case was previously assigned or the amount of times it may have been assigned. |
| 82 | RFP Section 2.3 Case Characteristics | 12 | What Collection activity is performed internally at NYSDTF or its partner state agencies, prior to case placement? | A Case may have previously gone through the Department’s collection process prior to placement.  Please see RFP **Section 2.1 - Background** for additional information regarding the Department’s internal collection process. |
| 83 | RFP Section 2.3 Case Characters | 12 | Does the statement "Tax debtors will be located in the United State" (first bullet include U.S. territories e.g. Puerto Rico? | Yes. |
| 84 | RFP Section 2.5 Inventory Placement | 13 | If NYSDTF determines the vendor is able to successfully manage the anticipated 50,000 cases will there be any possibility of raising this limit without return or recall of cases? | It is the Department’s intention to maintain a consistent inventory with the Contractor of 50,000 total Cases. However, the Department reserves the right to modify Case placements at its sole discretion. |
| 85 | RFP Section 2.6 Inventory Placement | 13 | Will the NYSDTF grant extensions past the 180 day return requirement due to an administrative resolution or hold not finalized by the 180 day time limit? | Extensions may be granted on a case-by-case basis, upon request. |
| 86 | RFP Section 2.6 Inventory Placement | 13 | After the initial placement of 50,000 cases, when will the monthly additions to the unresolved case pool with Recalled or Returned cases start? | Monthly additions to the unresolved Case pool with Recalled or Returned Cases will start the following month. |
| 87 | RFP Section 2.7 Administrative Resolutions | 14 | Do you have a vendor operating guide for this contract? | Yes, we will provide a training manual. |
| 88 | RFP Section 2.3 Case Characteristics | 13 | Can Contractors setup an Installment Payment Agreement (IPA) with tax debtors that have an outstanding return? | Yes. However, if the Contractor is aware of outstanding tax return(s) they will need to instruct Tax Debtors to submit them directly to the Department. |
| 89 | RFP Table 4.1 Functional Requirements ITEM 1.1 | 19 | Throughout this section and other sections in the RFP it states "Describe: The space will expand as you type. Provide additional pages as necessary." How would the NYSDTF prefer the bidder provide additional pages? As attachments or exhibits or is this done by imbedding the additional pages in the designated area. Does this also apply to Flowcharts and other diagrams? | Documents should be placed within the bid in such a manner that clearly delineates the requirement(s) associated with the documentation being provided.  These documents referenced above include flowcharts and other diagrams. |
| 90 | RFP Table 4.1 Functional Requirements ITEM 1.3.9 | 24 | How does working out of one facility impact telework? Will NYSDTF allow telework on this contract? What is NYSDTF's disaster plan if another COVID shut down happens? | Yes, telework is permitted as long you meet the as long you meet the requirements for remote work in the NYS ITS Information Security Policies, IRS Publication 1075 and NIST 800 (moderate) and associated documentation. More information can be found on Pages 38-39 of this RFP.  The Department is unclear what is meant by “What is NYSDTF's disaster plan if another COVID shut down happens?”. However, as per the RFP **Section** **1.3.10 – Business Continuity**, the vendor is required to have a business continuity plan to ensure they can continue working in the event of disruption. |
| 91 | RFP Section 7.2 Cost Proposal | 59 | What is the current contingency fee being charged by your vendor under the current contract? | The current Contractor considers this information to a be trade secret.  Therefore, pursuant to the Public Officers Law Section 87(2)(d), the Department cannot release this information. |
| 92 | RFP Section 7.1 Contractor Fee Paid | 59 | What did NYSDTF pay in total agency compensation in 2019, 2020 and YTD 2021? | The Department declines to answer. |
| 93 | RFP Section 8.2.20 NY State Business in Contract Performance | 78 | Is it NYSDTF's preference to select an agency that is headquartered and all contract functions being located in the State of NY? | No, we do not have a preference. |
| 94 | 2.5 | 13 | Please provide the following for each FY (FY19, FY20 & FY21):   * Volume and dollar value of accounts assigned to incumbent. * Total gross dollars collected by incumbent. * Total fees earned by incumbent after net remittance. * Liquidation rate achieved by incumbent. | Volume and dollar value of accounts assigned are as follows:  FY19:   * 197,395 Cases worth a total of $805,876,052   FY20:   * 229,005 Cases worth a total of $907,029,821   FY21:   * 138,200 Cases worth a total of $237,748,030   The Department declines to provide the additional requested information. |
| 95 | 4.3 | 50 | What are the line of credit requirements for this RFP if any? | There is no specific requirement regarding a line of credit.  Bidders are required to submit documentation attesting to any significant line(s) of credit that are available to the entity. |
| 96 | 8.2.17 | 77 | Can the Department please clarify if letter and skip trace vendors are considered “subcontractors”? | Yes, letter vendors and skip trace vendors are considered “Subcontractors”.  Subcontractors, upon approval by the Department, can be used. However, Subcontractors must not be given access to the Tax Debtor’s Federal Tax Information (FTI), especially their social security numbers. |
| 97 | Miscellaneous | N/A | * What is the name of the incumbent? * What is the current commission rate percentage under the existing contract? * Will accounts currently assigned to incumbent be recalled and assigned to contractor?   + If so, please provide an estimated amount and dollar value of accounts currently held by incumbent. | * Current Contract C400710 was awarded to Performant Recovery, Inc. * The current Contractor considers this information to be a trade secret.  Therefore, pursuant to the Public Officers Law Section 87(2)(d), the Department cannot release this information. * It is the Department’s intention to give Cases previously assigned to the incumbent Contractor a lower priority for initial placement with the new Contractor. |
| 98 | 3 | 17 | For each of the requirements sections (3, 4, and 5), does the Department prefer that we use the Table provided, or can vendors use their own template? If we are to use the table provided, does the Department prefer that we do so within the original RFP document? | The Department prefers Bidders use the table format provided.  The Department does not have a preference on whether Bidders use the table within the original RFP document.  Bidders must ensure that their Proposals submitted are in compliance with RFP **Section 9 – Proposal Submission Requirements**. |
| 99 | 2.4 | 13 | We understand that the Department has a backlog of 930k cases with a total estimated value of $3.7B. We further understand that this backlog will be placed at a rate of 50k accounts per month. What is the average age of the accounts in that backlog? When they are placed 50k at a time, will it be the oldest accounts placed first? If so, what is the estimated average age of that initial batch? If not, how will it be determined which 50k accounts to place each month? | The Department intends to make an initial placement of 50,000 Cases from the unresolved Case pool at the beginning of the Active Collection Phase.  It is the Department’s intention to replenish and/or add to the unresolved Case pool with Recalled or returned Cases on a monthly basis to **maintain an average caseload placed with the Contractor of approximately 50,000 Cases**.  All placements will consist of a random mix of Cases in terms of all the characteristics described in RFP **Section 2.3. - Case Characteristics** and RFP **Exhibit 1 – Case Characteristics**. |
| 100 | 3.2 | 17 | Would the Department allow more than three references? | No. |
| 101 | 1.4.1 | 26 | Requirement 1.4.1 lays out the Department’s expectations for a Disengagement Plan, and states that the successful vendor must provide that plan within two years from go-live. The requirement goes on to ask bidders to describe how the requirement will be met. Is the Department asking for an actual Disengagement Plan as part of the proposal, or perhaps a summarized one? Or is the Department asking that we explain how we will work with the Department to draft such a plan in a timely manner, when it is required? | No, the Department is not asking for an “actual” Disengagement Plan at this time. However, you may provide a summarized one if you wish.  In 1.4.1, the Bidder must *affirm* understanding, *agreement* and *compliance* with the *Requirements* and *explain* how the Requirements will be met.  Example response may be, “The company/firm understands and agrees to comply with the requirement to provide a Disengagement Plan within the timeframe required. We plan to work with the Department to schedule meetings to discuss the Disengagement Plan in the beginning of the second year to ensure that the Plan will be timely finalized and provided within two years of the start date of the Active Collective Phase. If the Department requests a Disengagement Plan sooner than within the two years, we will adjust the scheduled meetings accordingly. Also, we understand and agree to comply with the bulleted items described in the requirements under 1.4.1. The company/firm’s Chief Information Security Officer (or equivalent position) has read and understands the sanitization process and procedures required to comply and confirms that the company’s technology and security environment and infrastructure are or can be configured to meet all requirements as necessary.” |
| 102 | 1.2 Program Overview | 10 | Does the contract require any special handling of debtor correspondence? | The Department will respond to Contractor’s specific questions about handling Tax Debtor’s correspondence.  This question appears to be asking the Department to provide specific instructions for handling Tax Debtor’s correspondence. Tax Debtor’s correspondence can be about various issues such as enclosing a payment, tax return, notification of a  bankruptcy filing, information to dispute a debt, complaints against the Contractor, etc.  The RFP, including but not limited to, various sections in **2. Scope of Services,  4. Technical Requirements, 5. Tax Secrecy: Non-Disclosure Forms, Record Keeping & Training Requirements, 6. General Contract Requirements** and **Exhibit A – Preliminary Base Contract**, include specific requirements the Contractor must comply with when handling various types of correspondence from or about Tax Debtors.  The bidders should review the entire RFP regarding requirements that pertain to handling Tax Debtor communications. |
| 103 | 1.2 Program Overview | 10 | What is the DTF’s target or anticipated fee rates for this contract? | The Department does not have target or anticipated fee rates for this contract. |
| 104 | 1.2 Program Overview | 10 | Will the winning collection vendor(s) use its own collection platform, or will a preferred platform be provided? | The Contractor will use its own platform. |
| 105 | 2.1 Background | 12 | What are the names of the DTF’s incumbent collection vendors? | Current Contract C400710 was awarded to Performant Recovery, Inc. |
| 106 | 2.1 Background | 12 | How long has the DTF’s current vendor(s) provided collection services on behalf of its organization? | Current Contract C400710 was executed on 8/17/16. |
| 107 | 2.1 Background | 12 | What metrics, results, and/or processes is the DTF seeking to improve or enhance under this contract? | As a part of the development of RFP 20-101, the Department reviewed the current processes and resulting metrics of the existing contract and incorporated all considerations into the requirements of this Request for Proposals. |
| 108 | 2.1 Background | 12 | Will the DTF consider providing a copy of the current contract, as well as copies of any recent collection/liquidation reports? | Requesting contract documentation must be done through the Freedom of Information Law (FOIL) process. Information on how to submit a FOIL request to the Department can be found at <https://www.tax.ny.gov/help/contact/foil.htm>. |
| 109 | 2.1 Background | 12 | What was the incumbent’s liquidation rate (total gross dollars collected divided by total dollars referred) by fiscal year? | The Department declines to answer. |
| 110 | 2.1 Background | 12 | What is the current vendor’s historical recovery rate (liquidity rate) on accounts over the last three years? | The Department declines to answer. |
| 111 | 2.1 Background | 12 | What are the dollar amounts and contingency fees paid to the DTF’s incumbent vendor(s) over the last three years (please include by account type if applicable)? | The Department declines to answer. |
| 112 | 2.3 Case Characteristics | 12 | What debtor information will be provided (e.g., SSN, telephone, address, amount owed)? | Please refer to **Exhibit 2 - Assignment Update File**. |
| 113 | 2.3 Case Characteristics | 12 | What is the average age of accounts that will be assigned for collection (by account type)? | Please refer to the Assessment Age Summary table on **Exhibit 1 – Case Characteristics**. |
| 114 | 2.8 Case Resolution | 15 | How many accounts were submitted by the DTF’s incumbent vendor for litigation during the lifetime of the contract by fiscal year? | During the current contract term, 53 Cases were referred for litigation services.  NOTE: This RFP 20-101 does not include litigation services. |
| 115 | 2.8 Case Resolution | 15 | Will the DTF act on vendor supplied information (i.e., asset and income) to administer and execute judgments, or does the vendor need to have legal capabilities either in house or through a sub-contractor? | See the Department’s response to Question # 19.  Since the Contractor will not be able to administer and execute judgments, the Department may act upon Contractor supplied information to administer and execute judgments.  This RFP 20-101 does not include litigation services. Any Cases assigned to the vendor will be for soft collections only. |
| 116 | 2.11 Payments Remitted by Tax Debtors | 15 | Can the Vendor take a check-by-phone (PAC) remotely created check, print it in house, make it payable to the DTF, and forward to the DTF? | Yes. |
| 117 | 2.11 Payments Remitted by Tax Debtors | 15 | Does DTF have a website in which the debtor can make a payment by ACH or Debit/Credit Card? | Yes. Please see [https://www.tax.ny.gov/pay/](https://www.tax.ny.gov/pay/pay-bill.htm#quickpay) for more payment options. |
| 118 | 2.11 Payments Remitted by Tax Debtors | 15 | It is referenced by the DTF that additional payments options may be developed during the term of the Contract. Will this include the potential for the Contractor to accept and process payments internally and remit to DTF electronically? | No. |
| 119 | 4.1.3.8 Secure Area | 23-24 | In response to the COVID-19 pandemic, many Private Collection Agencies have deployed staff to work from home. Will collections work on the DTF contract work be allowed to be carried out remotely? | Yes, remote work is permitted as long you meet the requirements for remote work in the NYS ITS Information Security Policies, IRS Publication 1075 and NIST 800 (moderate) and associated documentation. |
| 120 | 4 Technical Requirements | 46-47 | Please clarify where to include Table 4.2: Insurance Requirements in the proposal response. | This should be included in Volume One, Tab 3: Technical Requirements. |
| 121 | 4 Technical Requirements | 48-51 | Please clarify where to include Table 4.3: Financial Stability Requirements in the proposal response. | This should be included in Volume One, Tab 3: Technical Requirements. |
| 122 | 5 Tax Secrecy | 52-54 | Please clarify where to include Table 5.1: Secrecy Requirements in the proposal response. | This should be included in Volume One, Tab 4: Tax Secrecy: Non-Disclosure Forms, Record Keeping & Training Requirements. Please see Amendment 1. |
| 123 | 6.11 Tax Debtor’s Complaints Against Contractor/ Subcontractor | 57 | It is referenced that the DTF needs to be notified within 48 hours of receipt of a complaint. Is this requirement for written complaints only or does it also include any/all verbal complaints received? | This notification requirement is for all complaints, verbal and written. |
| 124 | 7.1Contractor Fees Paid | 59 | What are the fee rates of the DTF’s incumbent collection vendor(s)? How are the fees calculated? | The current Contractor considers this information to be a trade secret.  Therefore, pursuant to the Public Officers Law Section 87(2)(d), the Department cannot release this information.  The fees are calculated as a fixed rate charged as a percentage of the money collected. |
| 125 | 9.2 Proposal Submission | 81 | Due to COVID-19, would the DTF consider allowing bidders to submit an electronic submission of the response instead of hard copies? | At this time the Department requires the submission of hard copies of Bidders’ Proposals. |
| 126 | 10 Proposal Evaluation | 83-84 | What are the roles of the individuals who comprise the evaluation committee? | The individuals on the evaluation committee are those individuals who have the expertise to evaluate the Proposals submitted by Bidders in response to RFP 20-101.  Evaluators will be evaluating only the requirements in which they have expertise. |
| 127 | RFP Table 4.1: Functional Requirements / 1.3.1 Limitation in Subcontracting | RFP p. 20 of 85 | “Subcontractors must not be given access to the Tax Debtor’s Federal Tax Information (FTI), especially their social security numbers.” QUESTION: Does the Department use Social Security Number or other FTI as the unique identifier for each Taxpayer case placed for collection services, or do you assign a New York specific number to identify cases? | The Department does use social security numbers as well as other unique identifiers for Cases as noted in **Exhibit 2 – Assignment / Update File**.  Note: It is possible that the SSNs, Names, and Addresses sent to you as part of this contract could be from an IRS source and thus considered FTI. |
| 128 | RFP Table 4.1: Functional Requirements / 1.3.1 Limitation in Subcontracting | RFP p. 20 of 85 | Does the current contractor utilize a letter vendor to send notices? | Yes. |
| 129 | 7.2 Cost Proposal Requirements | RFP p. 60 of 85 | What is the current contingency fee rate charged by your current collection agency? | The current Contractor considers this information to be a trade secret.  Therefore, pursuant to the Public Officers Law Section 87(2)(d), the Department cannot release this information. |
| 130 | 7.3 Cost Increases | RFP p. 61 of 85 | “The rate shall not be increased during the first two (2) years of the Contract term. Thereafter, the rate may be increased for each subsequent annual period of said term, including any renewals or extensions of this Contract …” QUESTION: Did the current contractor increase its collection fee rate(s) at any time during the current contract? If yes, what is the current fee rate? | Yes, the Contractor requested and was granted CPI-U increases to contract rates during the contract term.  The current Contractor considers this information to be a trade secret.  Therefore, pursuant to the Public Officers Law Section 87(2)(d), the Department cannot release this information. |
| 131 | 7.2 Cost Proposal Requirements | RFP p. 60 of 85 | In each of the three most recent fiscal years, what dollar amount did each of current contractor retain in fees? | The Department declines to answer. |
| 132 | N/A | N/A | Are digital signatures allowed on required bid forms? Our company utilizes DocuSign, which provides certified legally binding digital signatures of contract documents. The signer will be a person legally authorized to bind our company. | At this time the Department requires wet ink signatures on all documents. |
| 133 | Schedule of Events | RFP p. 5 of 85 | What is the latest date by which you will issue any addendum related to this RFP? | The Department may issue Amendments to this RFP as necessary until the Proposal due date. Please note that the Proposal due date may also be changed via an Amendment to the RFP, if necessary. |
| 134 | 1.4 Disengagement Phase and Plan | RFP p. 26-27 | “• make sure to remove all Department data from the Contractor’s system, including both on-site and off-site backup copies, in accordance with” QUESTION: The preceding sentence is cut off at the bottom of RFP p. 27 of 85. Can you please provide the rest of that sentence? | The Department does not find where text has been cut off when utilizing MS Word. Note that requirement 1.4 in Table 4.1 begins on page 26 and concludes on page 29.  If the Bidder still has any issue, the Department encourages them to call one of the designated contacts listed in the RFP. |
| 135 | 3. SECURITY, CONFIDENTIALITY, INTEGRITY, AND AVAILABILITY / 3.1 | RFP p. 39 of 85 | Text is cut off at both the top and bottom of Page 39 of 85. Can you please provide the parts that were cut off? | The Department does not find where text has been cut off when utilizing MS Word. Note that requirement 3.1 in Table 4.1 begins on page 38 and concludes on page 41.  If the Bidder still has any issue, the Department encourages them to call one of the designated contacts listed in the RFP. |
| 136 | 7. Financial Requirements | RFP p. 60-61 of 85 | What were the total dollars placed under the most recent contract (by year)? | See answer to question #94. |
| 137 | 7. Financial Requirements | RFP p. 60-61 of 85 | What were the dollar recoveries from collections under the most recent contract (by year)? | The Department declines to answer. |
| 138 | 7. Financial Requirements | RFP p. 60-61 of 85 | Could the Department please provide performance statistics of the most recent contractor(s) for the entire contract in terms of total annual dollars collected and related liquidation percentages? | The Department declines to answer. |
| 139 | RFP Table 4.1: Functional Requirements / 1.3.1 Limitation in Subcontracting  Also, Appendix C – Glossary, definition of Subcontractor(s) | RFP p. 20 of 85  Also Appendices p. 15 of 16 | Are letter vendors and skip-trace vendors considered subcontractors? | Yes, letter vendors and skip trace vendors are considered “Subcontractors”.  Subcontractors, upon approval by the Department, can be used. However, Subcontractors must not be given access to the Tax Debtor’s Federal Tax Information (FTI), especially their social security numbers. |
| 140 | RFP Table 4.1: System Requirements / 2.1.1 Electronic Data File Exchange | RFP p. 29 of 85 | What types of FTI does the Department anticipate transmitting to the Contractor? Will FTI be flagged and/or designated so that Contractor is aware which elements of the file includes FTI and the data that is considered FTI within each file? | SSNs, Names, Addresses and Assessment reason code are the types of FTI that may be transmitted as part of this contract.  The Contractor will be provided training to know which Assessment reason codes are considered FTI. The Department is working on a process to flag the SSNs, Names, or Addresses that are transmitted. |
| 141 | RFP Table 4.1: Security, Confidentiality, Integrity, and Availability / 3.5 Background Checks | RFP p. 43 of 85 | If Contractor’s employees have already undergone and successfully passed a background check that is Pub. 1075 compliant for other clients, are those employees required to undergo another background check or may Contractor submit proof of that employee’s previous Pub. 1075 compliant background check? | Contractor may submit adequate documentation that proves the employee’s previous background check complies with all IRS Publication 1075 background check requirements if  (1) the employees went through and successfully passed a background check that is compliant with the current\* IRS Publication 1075,  (2) the employee’s successful background investigation/check was conducted/confirmed within the last five (5) years, and  (3) the Contractors’ current\* background investigation policies and procedures (which includes all “minimum requirements” per IRS Publication 1075) are the same policies and procedures in place at the time of the background check that the employee successfully passed for other clients.  \*current version of IRS Publication 1075 at the time of execution of the contract and at the time any new/added employees are subsequently assigned work under the contract. |
| 142 | RFP Section 64 Professional Conduct | RFP p. 56 of 85 | This section states that “[t]he Contractor must operate within all laws, regulations, and industry guidelines and standards regarding debt collection practices including, but not limited to, full compliance with the provisions of the federal Fair Debt Collection Practices Act (FDCPA) (15 USC 1692 et. seq)…”  It is our understanding that Department accounts are not subject to the requirements of the FDCPA, as the FDCPA only applies to debts that arise for personal, family, or household purposes. The types of debts assigned by the Department, such as delinquent tax accounts, are typically excluded from the FDCPA definition of debt. Please clarify whether the Department intends that the Contractor comply with the spirit of the FDCPA, or comply only with the actual applicable federal requirements. Please also consider that with the CFPB’s issuance of Regulation F that significantly expands the requirements of the FDCPA, it is in clients’ interest not to require contractual compliance with the FDCPA for debts that are not within the scope of the FDCPA given that Regulation F will expand requirements on creditors/clients. | The Department complies with the FDCPA by not engaging in abusive, deceptive and/or unfair debt collection practices. Article 41 of the NYS Tax Law sets forth the Taxpayers’ Bill of Rights and applies to all Contractors, Subcontractors, and employees thereof, under contract with the Department for collection of outstanding tax Liability. The Contractor awarded a contract pursuant to this RFP will be required to also comply with the FDCPA and Article 41 of the NYS Tax Law by not engaging in abusive, deceptive and/or unfair debt collection practices when providing Collection Services on the Department’s tax debts. |
| 143 | Table 4.3: FINANCIAL STABILITY REQUIREMENTS | p. 48 of 85 | In Table 4.3: FINANCIAL STABILITY REQUIREMENTS, section #1 in the “REQUIREMENT” column states, “The Department will conduct an initial evaluation of the *selected* Bidder’s financial stability.” (italics added) In the “RESPONSE” column, it says, “*Upon the Department’s request*, the Bidder must provide DTF with proof of financial stability required for the particular organizational structures, as set forth in the requirements listed in paragraphs 1, 2, 3, and 4 below.” (italics added) QUESTION: Just to verify, are the financial statements and other information required in paragraphs 1, 2, 3 and 4 required to be submitted by each Bidder as part of their proposals? Or only upon request by the Department to the selected Bidder? | These documents do not need to be submitted with the bid. A Bidder will need to submit this information upon the request of DTF. |
| 144 | Table 4.3: FINANCIAL STABILITY REQUIREMENTS | p. 48 of 85 | If financial statements are required to be submitted with the Bidders’ proposal, will the financial statements of privately held companies be protected from public disclosure under the state’s Freedom of Information Law (Article 6 of the New York State Public Officers Law (“Public Officers Law”)? | The Proposals are presumptively available for public inspection. If this would be unacceptable to a Bidder, the Bidder must apply to the Department for trade secret protection of its Proposal at the time of Proposal submission. See RFP **Section 8.2.19 – Request for Exemption from Disclosure** for further information. |

**Schedule of Events**

|  |  |
| --- | --- |
| Issuance of RFP | 10/22/2021 |
| Deadline for Submission of Round One of Bidder Questions  and  Deadline for Submission of **Attachment 1, Offerer Understanding of, and Compliance with, Procurement Lobbying Guidelines** | 11/05/2021 |
| Department Response to Round One of Bidder Questions | ~~11/19/2021~~ 12/02/2021 |
| Deadline for Submission of Round Two of Bidder Questions | ~~11/26/2021~~ 12/09/2021 |
| Department Response to Round Two of Bidder Questions | ~~12/10/2021~~ 12/21/2021 |
| Deadline for Submission of **Attachment 2, Notification of Intent to Bid** | ~~12/17/2021~~ 12/30/2021 |
| Proposals Due | ~~12/22/2021~~ 01/07/2022  By 2:00 p.m. ET |
| Anticipated Notification of Intent to Award | ~~01/26/2022~~ 02/07/2022 |
| Anticipated Approval of Contract | 04/04/2022 |
| Anticipated Commencement of Network Connectivity | 04/18/2022 |
| Anticipated Commencement of Development Phase | 05/18/2022 |
| Anticipated Commencement of Active Collection Phase | 11/18/2022 |
| Anticipated Commencement of Disengagement Phase | Six months prior to the expiration of the contract. |

# Proposal Submission Requirements

The Bidder must provide a Proposal that clearly and precisely provides all required information. Emphasis should be placed on conformance with the RFP instructions, responsiveness to the RFP requirements, and clarity of the Bidder’s intent.

Proposals that do not comply with these instructions or do not meet the full intent of all of the requirements of this RFP may be subject to scoring reductions during the evaluation process or may be deemed non-responsive. The Department does not require, nor desire, any excessive promotional material which does not specifically address the response requirements of this RFP. To assist Bidders, the Department has provided **Attachment 3, Bidder’s Checklist**. A proposal that does not provide all the information requested may be subject to rejection.

**Faxes or electronically transmitted proposals will not be accepted.**



## **Proposal Content and Organization**

To facilitate the State’s evaluation process, the Bidder must organize its Proposal into three distinct volumes, as follows:

Volume One: Qualifying and Technical Proposal

Volume Two: Administrative Proposal

Volume Three: Financial Proposal

# Volume One Format

Volume One should contain a table of contents with page numbers and each section should be tabbed as follows:

1. Tab 1 – Executive Summary
2. Tab 2 – Qualifying Requirements
3. Tab 3 – Technical Requirements
4. Tab 4 – Tax Secrecy: Non-Disclosure Forms, Record Keeping & Training Requirements

# Volume Two Format

1. Tab 1 – Cover Letter (See **Section 8.2.9., Cover Letter**)

* Bidder-Proposed Change(s), if applicable (must conform to **Section 8.2.18., Bidder-Proposed Change(s) to Preliminary Base Contract Terms**)
* Request for exemption from Disclosure, if applicable (must conform to **Section 8.2.19., Request for Exemption from Disclosure**)

1. Tab 2 – Administrative Requirements Response Forms

# Volume Three Format

This volume must contain **Attachment 21, Financial Response Form.**

1. 1. **Proposal Submission**

The Bidder must submit two originals and two copies of **Volume One: Qualifying and Technical Proposal**, **Volume Two: Administrative Proposal,** and **Volume Three: Financial Proposal**. All volumes must be bound separately, be clearly identified, and should contain page numbers.

Proposals must be received by the date and time specified in the Schedule of Events.

For Administrative purposes only, it is desirable that the Bidder also provide electronic copies via physical media (CD/DVD/Flash Drive), as follows:

* One electronic copy of Volume One - Qualifying and Technical Proposal ONLY
* One electronic copy of the Qualifying and Technical, Administrative, and Financial Proposals ~~with any proprietary information redacted~~. This will be used to facilitate DTF response to requests for information under the Freedom of Information Law.

The electronic copies should be encrypted and password protected. The password should be submitted via email to [BFS.Contracts@tax.ny.gov](mailto:BFS.Contracts@tax.ny.gov).

All proposals must be enclosed in sealed containers with the following visibly inscribed on the outside of all containers:

Attn: Director, Procurement Services

New York State Department of Taxation and Finance

Office of Budget and Management Analysis

Procurement Services Unit

W. A. Harriman State Office Building Campus

Albany, NY 12227

All proposals must have a label on the outside of the package or shipping container outlining the following information:

“PROPOSAL ENCLOSED”

RFP 20-101

Collection Services for Delinquent Tax Debt

[Proposal Due Date and time]

**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 W.A. Harriman Campus address; however, the delivery service provider must be instructed to deliver the Proposal documents to the following address:**

90 Cohoes Avenue

Green Island, NY 12183

# Attachment 3 – Bidder’s Checklist

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Volume One** | | | | |
| **Tab 1 – Executive Summary** | | | | |
| **Tab 2 – Qualifying Requirements** | | | | |
|  |  | Attachment 4 | – | Bidder Attestation |
|  |  | Attachment 5 | – | Experience and References |
|  | Responses to Qualifying Requirements | | |
| **Tab 3 – Technical Requirements** | | | | |
|  |  | Responses to Technical Requirements | | |
| **Tab 4 – Tax Secrecy: Non-Disclosure Forms, Record Keeping & Training Requirements** | | | | |
|  |  | Responses to Tax Secrecy: Non-Disclosure Forms, Record Keeping & Training Requirements | | |

| **Volume Two** | | | | |
| --- | --- | --- | --- | --- |
| **Tab 1 – Cover Letter** | | | | |
|  | ☐ | An affirmation that the proposal is binding for 180 days | | |
| ☐ | Bidder’s name, address, federal ID, and ten-digit vendor file ID number (if available) | | |
| ☐ | Signed by an official authorized to bind the Bidder to its provisions | | |
| ☐ **Bidder-Proposed Changes to Contract Terms, if applicable** | | | | |
| ☐ **Request for Exemption from Disclosure, if applicable** | | | | |
| **Tab 2 – Administrative Requirements Response Forms** | | | | |
|  |  | Attachment 3 | – | Bidder’s Checklist |
|  | Attachment 6 | – | Listing of Proposed Subcontractors |
|  |  | Attachment 7 | – | Staffing Plan |
|  |  | Attachment 8 | – | Vendor Responsibility Response Form |
|  |  | Attachment 9 | – | Designation of Prime Contact |