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

**December 21, 2021**

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

**Collection Services for Delinquent Tax Debt**

**Response to Round Two Bidder Questions and Amendment #2**

To All Potential Bidders:

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

Additionally, the Department is issuing Amendment #2 as clarification to:

* Amend Attachment 3 – Bidder’s Checklist

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

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

| **#** | **RFP Section** | **RFP Page #** | **Question** | **Answer** |
| --- | --- | --- | --- | --- |
| 1 | 2.4 | 13 | Please confirm if the approximate 50,000 accounts the Vendor would receive monthly derives from the 930,000 unresolved cases?   1. If so, would the number of accounts the Vendor would receive increase?   Please confirm how the backlog volume would be placed. | 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**. |
| 2 | Financial Statement Requirements Section 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. | Financial documents are not required to be submitted with the Bid. However, the Department may require a Bidder to submit this information prior to contract award, as well as periodically throughout the contract term. |
| 3 | Exhibit 1 | 3 | Please confirm what the historical liquidation percentage was in 2019 prior to COVID for all placement levels involved in this opportunity (e.g. primary, secondary, in-state and out-of- state).  a. What has the State received in the most recent six- and 12-month period? | The Department declines to answer. |
| 4 | General |  | Please confirm if the State suspended liens and levies during the pandemic. If yes, has the State resumed the lien and levy program? | Some Department programs are automated such as filing Tax Warrants and issuing levies. During the pandemic, the Department suspended its automated collection process. The Department’s automated collection process has since been resumed. |
| 5 | General |  | Please confirm if the Bidder is allowed to include additional attachments to support their response? | Additional documents and attachments should only be submitted with a bid if they are specific to demonstrating the Bidder’s ability to meet the RFP requirements.  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. |
| 6 | Technical Requirements | 19 | Would a VPN fulfill this requirement as we don’t allow anyone into our system to ensure security or would it be a disqualifier if 24/7 access is not permitted? And if not a disqualifier, what is the point value if we don’t agree to comply to this? | The Contractor must provide the Department with remote access to the Contractor’s system. The way to obtain remote access cannot be a VPN but could be a remote access solution (such as for example VDI, Radmin, Teamviewer etc.) or a secure web application. If a bidder’s proposal indicates that the Department will not be allowed remote access to their system, the bidder’s proposal will be disqualified. Note that 24/7 access is not a mandatory requirement, the Department is requesting that bidder’s proposal include the timeframe that remote access would be available to the Department. |
| 7 | Insurance Requirements | 47 | What is the dollar amount that is required to be insured for the umbrella and/or Excess Liability? | The Department did not specify a dollar amount of coverage required for Umbrella and/or Excess Liability Insurance.  Bidders should provide copies of their current certificates of insurance or if self-insured, a letter, that includes a summary of the Bidder’s insurance coverages, including but not limited to, their umbrella and/or excess liability, along with the policy limits and effective dates for each type of insurance coverage listed on pages 46 & 47 of the RFP.  The dollar amount that will be required for umbrella and/or excess liability will be set forth in the Insurance section of the Agreement, as negotiated between the Parties. |
| 8 | Cost Proposal Requirements | 59 | RFP states that only one price proposal is to be submitted – does this infer that all placements will be primary and our fee should reflect primary placements? | The placements will be a mix of primary and secondary; however, 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.  Bidders must only provide one fee for all placements. |
| 9 | Attachment 17 |  | Attachment 17 request the bidder attach the names and identifying information of New York State business used in performance of this contract. Please confirm this is a separate list than Attachment 6. Additionally for attachment 17 are we also to identify Large businesses, M/WBE certified and SDVOB Certified businesses within the list provided? | **Attachment 6 – Listing of Proposed Subcontractors** must identify **all** Subcontractors to be utilized for the resultant Contract. **Attachment 6** also captures which Subcontractors are New York State MWBE certified and New York State SDVOB certified.  **Attachment 17 – Encouraging Use of New York State Businesses in Contract Performance** is for identification of **New York State** businesses that will be used in the fulfillment of the requirements of the Contract. Such partnering may be as subcontractors, suppliers, protégés or other supporting roles.  It is not necessary to provide any other identifying details including New York State MWBE certification or New York State SDVOB certification for businesses on **Attachment 17**. |
| 10 | Attachment 6 |  | In completing this attachment are we to only consider those M/WBE and SDVOSB that are New York State Certified or will other certification such as the U.S. Veterans Administration certification be acceptable? Additionally are Large businesses and small businesses that are not M/WBE or SDVOSB to be listed on this attachment if they are being considered subcontractors. | **Attachment 6 – Listing of Proposed Subcontractors** must identify **all** Subcontractors to be utilized for the resultant Contract. **Attachment 6** also captures which Subcontractors are New York State MWBE certified and New York State SDVOB certified. The Department does not require identification of any other certifications. |
| 11 | General | through RFP | Throughout the RFP the New York State Department of Taxation and Finance has referred to itself as the "Department"; "NYS DTF"; and "DTF". For clarity is there a specific acronym or abbreviation the New York State Department of Taxation and Finance would prefer bidders to use in their responses when referring to the New York State Department of Taxation and Finance? | The New York State Department of Taxation and Finance does not have a preference. |
| 12 |  |  | Please reconfirm the due date for this procurement by providing it in response to answers to questions. | See **Amendment 1** for the revised schedule of events which was posted to the Department’s website (<https://www.tax.ny.gov/about/procure/current-bid-opportunities.htm>) on 12/02/2021.  Please note that the Proposal due date may also be changed via further Amendments to the RFP, if necessary.  Please monitor the Department website for any future updates of this RFP.  [www.tax.ny.gov/about/procure](http://www.tax.ny.gov/about/procure) |
| 13 |  |  | Are bidders permitted to deviate in any way from any manner of quoting fees you may be expecting? For example, if there is a pricing page in the RFP, can bidders submit an alternate fee structure? If there is no pricing page in the RFP, do you have any preference for how bidders should quote fees or can bidders create their own pricing categories? | No. Bidders must not deviate from the **Attachment 21, Financial Response Form**.  Per RFP **Section 7.2, Cost Proposal Requirements,** the Bidder must provide the pricing information only as requested on **Attachment 21** and must not modify or change the Attachment. Any pricing information or add-on costs that do not conform to the presentation allowed on **Attachment 21** cannot be evaluated, will be disregarded as extraneous, and cannot be charged to the Department after award of a Contract.  The percentage rate on **Attachment 21** must be inclusive of all costs associated with the services. The Bidder must propose only one (1) percentage rate. There must be no additions, deletions, or omissions of percentage rate from the response form. |
| 14 |  |  | Please describe your level of satisfaction with your current or recent vendor(s) for the same purchasing activity, if applicable. | The Department agreed to and completed two one-year renewals after the initial three-year contract term. |
| 15 |  |  | To what extent will the location of the bidder’s proposed location or headquarters have a bearing on any award? | The Department is not evaluating the location of where services under the Contract are provided but is evaluating whether services are provided at a single location or multiple locations. The Department prefers services under the Contract be provided from a single location. However, Bidders should be aware of the below restriction.  Section 165(6)(d) of the State Finance Law requires all State agencies, and Section 2879(5)(d) of the Public Authorities Law requires all public authorities and public benefit corporations, to deny to a business in a jurisdiction that discriminates against New York State businesses an award of a contract if two conditions are met:  •the businesses’ “principal place of business” is in a jurisdiction that discriminates against New York businesses, and  • the goods and services being offered are substantially produced or performed anywhere outside New York State.  The current list of discriminatory jurisdictions identifies the following jurisdictions as continuing their discriminatory policies against New York State bidders: Alaska, Hawaii, Louisiana, South Carolina, West Virginia and Wyoming. |
| 16 |  |  | How are fees currently being billed by any incumbent(s), by category, and at what rates? | 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 |  |  | What estimated or actual dollars were paid last year, last month, or last quarter to any incumbent(s)? | The Department declines to provide the requested information. |
| 18 |  |  | To how many vendors are you seeking to award a contract? | One Contract will be awarded to one vendor. |
| 19 |  |  | To what extent are these accounts owed by private consumers versus commercial businesses? | The majority of Cases are individual taxpayer accounts. The Department does not have an exact breakdown of what will be placed. |
| 20 |  |  | Will accounts be primary placements, not having been serviced by any other outside collection agency, and/or will you also be referring secondary placements? If so, should bidders provide proposed fees for secondary placements also? | The placements will be a mix of primary and secondary; however, 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.  Bidders must only provide one fee for all placements. |
| 21 |  |  | What collection attempts are performed or will be performed internally prior to 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. |
| 22 |  |  | What is the average age of accounts at placement (at time of award and/or on a going-forward basis), by category? | 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**. |
| 23 |  |  | What billing servicer do you utilize? | The Department is unclear what is meant by ‘billing servicer’. |
| 24 |  |  | Have all cases been fully adjudicated by the time of placement? | The Department is unsure what is meant by ‘fully adjudicated’. However, 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**. |
| 25 |  |  | 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? | 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. |
| 26 |  |  | What is your case management/accounting software system of record? | The Department does not deem this to be a substantiative question. |
| 27 |  |  | Who is your electronic payment/credit card processing vendor? | The Department has a contract with Wells Fargo Bank, N.A. for processing electronic payments/credit card payments. |
| 28 |  |  | What process should a vendor follow, or which individual(s) should a vendor contact, to discuss budget-neutral services outside of the scope of this procurement, but related to it, designed to recover more debt prior to outside placement and lower collection costs? | Bidders must follow the Procurement Lobbying Guidelines outlined in this RFP.  Contacting individuals other than the designated contacts for this RFP may result in the disqualification of a Bidder’s proposal. |
| 29 |  |  | How do your current processes and/or vendor relationship(s) systematically determine if the death of a responsible party has occurred? | This information is most often discovered through phone attempts or skip tracing efforts. |
| 30 |  |  | How do your current processes and/or vendor relationship(s) handle the death of a responsible party? | Per **Section 2.7, Administrative Resolution** of the RFP, if the Contractor becomes aware that a Tax Debtor is deceased, the Contractor must immediately cease all collection activity and forward any pertinent documentation to the Department in the manner prescribed by the Department. The Case will be Recalled.  If the Department becomes aware that a Responsible Party is deceased, the Case will be Recalled. |
| 31 |  |  | Do you have a designated process or policies around deceased accounts today, and what is envisioned in the future? | Please see the response to question # 30. |
| 32 |  |  | Do you currently search and file probated estate claims? Have you considered an automated tool to identify and file probated estate claims? | The Department does not consider this question to be in scope of this RFP. |
| 33 | 9.1 | 81 | In which volume, and under which tab, should Table 4.2 (Insurance requirements) appear? | All Technical Requirements, including **Table 4.2: Insurance Requirements,** should be placed in **Volume One, Tab 3**.  For more information, see **Section 9, Proposal Submission Requirements** of this RFP. |
| 34 | 9.1 | 81 | In which volume, and under which tab, should Table 4.3 (Financial stability requirements) appear? | All Technical Requirements, including **Table 4.3: Financial Stability Requirements,** should be placed in **Volume One, Tab 3**.  For more information, see **Section 9, Proposal Submission Requirements** of this RFP. |
| 35 | Exhibit C – Minority and Women-Owned Business Enterprises – Equal Employment Opportunity Policy Statement | Attachments p. 62-63 of 74 | What should Offerors fill in as percentages under “EEO Contract Goals”? (We do not see any EEO Contract Goals specified in the RFP.) | 0%. There are no ‘EEO Contract Goals’ associated with this Contract. |
| 36 | Attachment 17 – Encouraging Use of New York State Businesses in Contract Performance | Attachments p. 32 of 37 | Attachment 17 asks, “Will New York State Businesses be used in the performance of the Contract resulting from this RFP? Yes/No”  QUESTIONS: 1. Does the Bidder’s answer to this impact the evaluation in any way? If yes, please elaborate.  2. Does a Bidder earn any points in the evaluation for being based in New York State? If yes, how many points?  3. Does a Bidder earn any points in the evaluation for proposing to utilize a subcontractor based in New York State? If yes, how many points? (We note that RFP Section 8.2.5 sets a goal of 0% for participation of New York State certified minority-owned and woman-owned business enterprises.) | No. The information provided on **Attachment 17 – Encouraging Use of New York State Businesses in Contract Performance** is for informational purposes only and does not factor into a Bidder’s score. |
| 37 | Attachments Final/5. Tax Secrecy: Non-Disclosure Forms, Record Keeping & Training Requirements | 25/52 | Attachment 13: The Tax Information Access and Non-Disclosure Agreement form states that “All officers and agents of the Tax Department must sign”, yet in the RFP, Table 5.1: Secrecy Requirements states “Bidder must have a representative authorized to bind the organization complete and submit with its Proposal: (1) a signed Tax Information Access and Non-Disclosure Agreement (“DTF-202 Form”), attached as RFP Attachment 13”. Is it acceptable to have just our representative officer sign the document? | Per Requirement 5.2 of the RFP, a representative authorized to bind the organization must complete and submit the Tax Information Access and Non-Disclosure Agreement (“DTF-202 Form”) with the Proposal.  Per Requirement 5.4 of the RFP, after the contract is awarded, all individuals who will have access to DTF information or facilities must sign the Tax Information Access and Non-Disclosure Agreement (“DTF-202 Form”) prior to being granted access. |
| 38 | 9.2 Proposal Submission as altered by Amendment 1 | Pg. 81 of Amendment 1 | Bidders were originally instructed to provide an electronic copy of Volumes I, II, and III to be used for FOIA requests, but this has been amended to strike out that proprietary content be redacted from these volumes.   1. Are these volumes still to be used for FOIA requests? If so, how will the information be protected?   If proprietary information is not to be redacted from these volumes, should the information still be watermarked or labeled to indicate its proprietary nature? | Per RFP **Section 8.2.19, Request for Exemption from Disclosure:**  To obtain trade secret protections, the Bidder must submit with its Proposal, a letter specifically identifying the page number, line, or other appropriate designation of the information that is trade secret and explain in detail why such information is a trade secret and would be exempt from disclosure. No other identification is necessary.  This should be placed in **Volume 2, Administrative Proposal.** Please see further information in RFP **Section 9.1, Proposal Content and Organization.** |
| 39 | Table 4.3 Financial Stability Requirements, cross-referenced with Amendment 1 | Pgs. 48-51 of RFP; Question #143, pg. 28 of Amendment 1 | The response provided to question 143 in Amendment 1 clarifies that the information for items 1 through 4 in the referenced table does not need to be provided in a Bidder’s proposal. However, does the information following “In addition, the Bidder must provide the following information” require response following the completed Table 4.3? | This information does not need to be submitted with the bid. A Bidder will need to submit this information upon the request of DTF.  In response to this requirement the Bidder must affirm understanding of, and agreement to comply with, this requirement with its proposal. |
| 40 | Table 5.1 Secrecy Requirements | Pgs. 52-54 | Please confirm that forms referenced in this section (e.g., Attachments 13 and 14) are still to be included only within Tab 2 of Volume II Administrative Proposal and are **not** to be included in Volume I Qualifying and Technical Proposal. **OR**: as per the response to question #14 in Amendment 1, should Attachments 13 and 14 in fact instead be included in *Volume I* and **not** *Volume II*? | These forms should be included in **Volume One, Tab 4.** |
| 41 | Attachment 7 Staffing Plan | Attachment | Please confirm that a completed and signed *Attachment 7 Staffing* Plan is **not** required of subcontractors such as letter and skip tracing vendors. | **Attachment 7 – Staffing Plan** must be completed and submitted for a subcontractor if that subcontractor is engaged by the Bidder strictly for the performance of this contract. |
| 42 | 2.1 Background | 12 | Please define your current level of satisfaction with the incumbent collections vendor. | The Department agreed to and completed two one-year renewals after the initial three-year contract term. |

# Attachment 3 – Bidder’s Checklist

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| **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 | | |
|  |  | Attachment 13 – DTF-202, Tax Information Access and Non-Disclosure Agreement | | |
|  |  | Attachment 14 – IRS Tax Secrecy Acknowledgment Form - Technology Services | | |

| **Volume Two** | | | | |
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| **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 |

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| **Volume Two (cont’d)** | | | | |
|  |  | Attachment 10 | – | Non-Collusive Bidding Certification | |
|  |  | Attachment 11 | – | Offerer Disclosure of Prior Non-Responsibility Determinations | |
|  |  | Attachment 12 | – | Offerer’s Certification of Compliance with State Finance Law 139-k(5) | |
|  |  | ~~Attachment 13~~ | ~~–~~ | ~~DTF-202 New York State Department of Taxation and Finance Tax Information Access and Non-Disclosure Agreement (6/19)~~ | |
|  |  | ~~Attachment 14~~ | ~~–~~ | ~~Acknowledgement of Confidentiality of IRS Tax Return Information and Internal Revenue Code Selected Confidentiality Provisions Pertaining to Contractors (Technology Services)~~ | |
|  |  | Attachment 15 | – | Public Officers Law Form | |
|  |  | Attachment 16 | – | Public Officers Law – Post Employment Restrictions | |
|  |  | Attachment 17 | – | Encouraging Use of New York State Businesses in Contract Performance | |
|  |  | Attachment 18 | – | Vendor Assurance of No Conflict of Interest or Detrimental Effect | |
|  |  | Attachment 19 | – | Certification of Non-Discrimination Practices | |
|  |  | Attachment 20 | – | Sexual Harassment Prevention Certification | |
|  |  | Exhibit C | – | Minority and Women-Owned Business Enterprises - Equal Employment Opportunity Policy Statement | |

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| **Volume Three** | | | |
|  | Attachment 21 | – | Financial Response Form |