

**RFP C140388 - WORKERS' COMPENSATION ON-CALL PROFESSIONAL SERVICES  
Attachment 2 - Inquiries Template**

List your inquiries about RFP C140388 - Workers' Compensation On-Call Professional Services. All inquiries will be answered and posted at the URL listed on the Cover Page of this RFP. Please be clear with your inquiry(ies) and list the applicable RFP Section number which your inquiry refers to. If your inquiry does not refer to a particular RFP Section then list it as "General".

No.	RFP Section	Inquiry	Response
1.	General	Are Third Party Administrator (TPA) Consulting Services allowed to respond to this RFP?	Any company that meets the qualifications as outlined in this RFP is eligible to bid.
2.	6.30 INSURANCE	Section 3: Data Breach and Privacy/Cyber Liability Insurance indicates that "Cloud Insurance" in varying amounts as being required. Please provide the level of risk and applicable liability limit the WCB has assigned to the duties under the Lot #1 portion of the RFP.	The WCB has classified the data which the Contractor will have access to, and potentially be storing on its computer system, as "moderate" for purposes of Section 6.30(3) of the RFP, "Insurance - Data Breach and Privacy/Cyber Liability."
3.	Attachment 8 - MWBE EEO Policy Statement	Attachment 8 includes fill-ins for both MWBE contract goals and EEO contract goals. RFP Section 2.2.15, II - "Contract Goals" indicates that the overall goal for MWBE participation for the contract is 0%, however, EEO contract goals (if any) are not addressed by the RFP. Please provide the EEO contract goals for the contract.	There are no EEO contract goals.
4.	3.3.3	Is WCB requesting an operational review of ALL claims an administrator is handling, or a SAMPLE of claims? If a SAMPLE, approximately how many per Review?	Typically the reviews would be a sample but there is the potential for both. We will take into consideration recommendations on sample size from the Contractor based on industry standards.
5.	6.18 & 6.19	What amount of time does WCB consider a "prompt and timely manner" to pay properly submitted invoices by the contractor?	Properly submitted invoices are paid within 30 days of invoice receipt.
6.	1.1	Has, or is, an operational review of the administrators handling these claims been performed previously? If so, please name the entity who performed the review.	These contracts are relatively new, and the WCB has not conducted or directed any operational reviews.
7.	3.3.3	Please identify the Third Party Administrators currently handling the WCB claims.	The TPAs currently handling WCB claims are: FCS Administrators, NCAComp, SAFE, and Triad Group.
8.	3.1, Lot #2	What will the timing of the 3-month analysis of 100-150 self-insured reports be? Will it be different the second year of the contract?	Reports are to be submitted annually on May 1st. Generally reviews must be completed by September 1st during the term of the contract. If a more in-depth review is required, the schedule can be adjusted accordingly.
9.	General, Lot #2	Is this a newly created position? If not, who is the incumbent and what is the current fee?	The WCB has not directly contracted with an actuary in recent years.
10.	6.30, Lot #2	Data Breach and Privacy/Cyber Liability Cloud Limit - will the work for Lot #2 be considered Low Risk (\$2,000,000 limit)?	See response to #2 above.

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11.	3.3.1	Will you be looking for Lot # contractor 1 to do financial statement audits on the Self-Insured Trusts?	Foresic reviews of newly defaulted GSITs will be conducted in a separate procurement. Reviews of active or run-off GSITS may be included in this procurement.
12.	3.3.1	Please elaborate on the types of independent financial statement review or audit you would be requiring from the contractor.	The WCB manages various funds, and each individual project scope will vary.
13.	4.4.2	Are you able to subcontract work out to specialists?	Due to the criticality and size of the reviews needed, there will be no subcontracting opportunities available. The Contractors awarded these contracts will have very defined roles and responsibilities, which cannot be subcontracted.
14.	3.3.1	Please elaborate on what is meant by "Provide an independent assessment of the performance and effectiveness of any WCB program, for which the WCB has a fiduciary duty"	The WCB manages various funds and project scopes will vary. As an example, accounting expertise may be needed to perform a cost benefit analysis or agreed upon financial reviews for a particular fund or project.
15.	3.3.1	Will the contractor for Lot#1 be responsible to assess the performance and effectiveness of the GSIT program?	See response to #11 above.
16.	3.1.3	Can you please provide clarification on 3.1.3 to ascertain if the bidder must have a dedicated "in-house" financial advisory services department, or if this can be subcontracted out?	See response to #13 above.
17.	2.2.15 - Minority- and Women Owned Business Enterprises	The RFP states "For purposes of this Contract, the Board hereby establishes an overall goal of 0% for MWBE participation, since there are no subcontracting opportunities." Does this mean that subcontracting is disallowed during the contract period, or only that there is no required MWBE participation goal for the selected Contractor to achieve? If subcontracting is allowed, what is the process for obtaining approval from the WCB for use of specific subcontractors?	See response to #13 above.
18.	3.1 - Minimum Bidder Eligibility Requirements	The RFP states that the "Bidder's staffing roster must include, at a minimum, three licensed NYS workers' compensation claims adjusters; one of which has at least three (3) years of New York State Workers' Compensation claims handling experience, including adjusting and reserving." May the Bidder subcontract with a firm or an individual to meet this NYS licensure requirement?	See response to #13 above.
19.	3.1 - Minimum Bidder Eligibility Requirements	The RFP states that the "Bidder must have the capacity to perform comprehensive auditing services of multiple administrators engaged in administering upwards of 25,000 active workers' compensation claims." To most efficiently and effectively review large amount of claims, it would be beneficial to obtain raw data files to be able to quickly analyze and review the information. Does the WCB anticipate being able to provide such data files, assuming a secure transmission of data can be established? This information will help the Bidder prepare a more responsive proposal.	Every effort will be made to provide access to the pertinent data based on the project scope.
20.	3.1 - Minimum Bidder Eligibility Requirements	Please provide additional information on the expected timing of the "analysis of 100-150 self-insured employer actuarial reports within a 3-month timeframe on an annual basis." Are all the analyses expected within the same three month period or will they occur throughout the year? If the former, what months of the year are they expected? If the latter, are there specific evaluation dates with a concentration of reports?	See response to #8 above.

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21.	6.12 - Subcontractors	<p>The RFP states that "a Contractor shall not assign, convey, transfer, or subcontract any of its duties and responsibilities under this Agreement without the prior written consent of the WCB." It also states that "the requirement of prior approval of any contract by WCB does not apply to...subcontracts that are executed prior to the date of release of the RFP. Any existing pertinent subcontracts must be identified in the Response to the RFP, and a copy of any subcontract must be attached to the Response."</p> <p>For subcontractors with whom we did not have a contract prior to the release date of this RFP, may we include them in the proposal response and acknowledge that we will seek written consent from the WCB prior to the commencement of any services before a statement of work is executed?</p>	See response to #13 above.
22.	3.3.1 - Lot #1 Workers' Compensation Financial and Advisory Services Tasks and 3.3.2 Lot #2 Workers' Compensation Actuarial Services Tasks	As it pertains to the services requested in Lots 1 and 2, are there any data transmission or environmental constraints that the Bidder should be aware of while considering its approach to these potential services? Will the Contractor be granted access to pertinent data in the WCB environment deemed necessary for the requested services?	See response to #19 above.
23.	3.3.1 - Lot #1 Workers' Compensation Financial and Advisory Services Tasks and 3.3.2 Lot #2 Workers' Compensation Actuarial Services Tasks	For any data access needs for the requested services in Lots 1 and 2, may the Contractor access the data on their own machines or does the work need to be performed within the WCB data environment?	See response to #19 above.
24.	3.5 Contractor Performance Requirements	For any required reports, analyses, or other deliverables that the Contractor shall provide to the WCB on Lots 1 and 2, is there a consistent and required or preferred format for these submissions (e.g., excel or PDF, etc.)?	The reporting format will be determined based on each individual project scope.
25.	3.3.1 - Lot #1 Workers' Compensation Financial and Advisory Services Tasks	The RFP states "Provide an independent financial statement review or audit of any fund, part of fund, or program managed by the WCB." Can the WCB provide further detail on the nature of this work for the potential review or audit services that may be requested of the Contractor, such as examples of these reviews or audits?	See response to #12 above.
26.	6.12 - Subcontractors	<p>The Section 6.12 of the RFP states: "Any existing pertinent subcontracts must be identified in the Response to the RFP, and a copy of any subcontract must be attached to the Response." This appears to suggest that Contractors are allowed to engage subcontractors with whom they had a contract executed prior to the date of release of the RFP. However, the responses to questions indicated that subcontracting was not allowed for specialists. Please clarify if subcontracting is allowed provided that the Contractor has an existing contract with them. Furthermore, would the use of a subcontracting vendor be permitted whose role was not defined in Section 3.4 (Contractor Key Personnel) of the RFP, but rather provided general services such as those related to a web-based tool platform designed to enhance the quality of the services delivered? May subcontractors be considered by the winning bidder on projects if advanced approval is received by the WCB during each Assignment/Statement of Work?</p>	Subcontracting of direct services will not be permitted under this contract, regardless of whether the subcontracts for the services were in place prior to execution of the contract. Section 6.12, "Subcontracting," applies to instances of permissible subcontracting, and the statement, "[a]ny existing pertinent subcontracts must be identified in the Response to the RFP, and a copy of any subcontract must be attached to the Response," only applies to the extent that subcontracting is allowed for direct services. Direct services are the services which are defined in Section 3.3, "Tasks and Deliverables." Subcontracting of indirect services is permissible and such subcontracts are not subject to the requirement of prior approval of the WCB, as set forth in Section 6.12.