

**RFP C140397 - WORKERS' COMPENSATION ON-CALL PERFORMANCE AND OPERATIONAL CLAIMS REVIEW SERVICES
WCB Responses to Inquiries**

No.	RFP Section	Inquiry	WCB Response
1.	General	Are there any known issues with specific Workers' Compensation providers that the WCB is currently evaluating? Is the WCB currently evaluating the affect of COVID 19 on Workers' Compensation providers?	There are no known issues with the current service providers. To the extent workers' compensation claims involve COVID-19, there may be a need for these cases to be included in a review.
2.	General	Are there any new WCB rulings, regulations or rules that RFP respondents should be aware of?	Bidders are individually responsible for being familiar with WCB rulings, regulations and rules. The selected contractor will be responsible for staying independently current on legal and regulatory updates.
3.	General	Who are the current service providers for the services outlined in this RFP? How frequently have the current service providers been retained to provide services to the WCB?	The Board is not currently under contract with service providers for on-call performance and operational claims review.
4.	General	Can the WCB clarify the intended requirements for executing the work on-site vs. remotely? In light of the COVID-19 pandemic and the associated social distancing protocols, many organizations are currently encouraging and/or requiring remote work for the foreseeable future.	The Board does not foresee any issues with allowing work to be performed remotely so long as the services can be performed efficiently and in accordance with all contractual requirements, including all security, confidentiality and non-disclosure provisions. The selected contractor shall be responsible for ensuring that all individuals responsible for the provision of services under the resulting contract have sufficient internet access, backup capabilities and security measures in place. The officers and employees, subcontractors or agents of the selected contractor, who will be performing services under the resulting contract, may be required to sign a non-disclosure agreement.
5.	General	Are any vendors currently delivering claims review services to the WCB?	See response to question #3.
6.	General	If there is a vendor currently performing claims review services for the WCB, what is the average number of FTEs working on these claim reviews in a given year?	See response to question #3.
7.	General	Does the WCB offer training on legal and procedural updates that the selected vendors may participate in?	The WCB website has a variety of resource available, including legal and procedural resources and trainings in certain areas. Bidders are encouraged to review the website to see what resources are available. Also, see response to question # 2.
8.	General	Is the WCB expecting a large increase in volume of claims to review due to the COVID-19 pandemic? If yes, can the WCB provide an estimate of the expected total volume?	COVID-19 is not presently expected to have a significant impact on the number of claims for which these services are required.
9.	General	Please identify the Third Party Administrators currently handling the WCB claims.	The TPAs that currently have a contract with the WCB for claims handling are: SAFE, NCAComp, Triad, and FCS Administrators.
10.	General	If the work is being done internally, how many FTEs and at which staffing level, are assigned to reviewing claims on a weekly, monthly, and annual basis?	While internal staff perform oversight and a variety of other tasks in relation to the administration of these claims, the details of internal review are not relevant to an audit of the Board's Third Party Administrator (TPA) contractors. The TPA contractors are fully responsible for administration of the claims.
11.	3.1 - Minimum Bidder Eligibility Requirements	The RFP states that the "Bidder's staffing roster must include, at a minimum, one (1) licensed NYS workers' compensation claims adjuster who has at least three (3) years of New York State workers' compensation claims handling experience, including adjusting and reserving." In particular, is the WCB looking for an individual with a New York Independent Motor Vehicle No-Fault and Workers' Compensation Health Services Adjuster (Series 17-72) designation to be included on the Bidder's staffing roster?	The license required is per N.Y. Comp. Codes R. & Regs. tit. 11, 26.3(e) (Regulation 25).
12.	3.2 - Service Requirements	Will claims review services be expected on a regular basis for the duration of the contract? For staffing purposes, what are the approximate length and size of the projects in FTE hours or number of claims?	The review services may be requested at any point during the contract period. The Board is unable to provide any information regarding the possible volume of work that may be assigned under a resulting contract beyond that which has already been described in the RFP.
13.	3.2 - Service Requirements	Will the WCB commit to a minimum number of claims to be reviewed weekly, monthly, or annually? If yes, what minimum can be committed?	There is no guaranteed volume of work that will be assigned under a resulting contract.

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14.	3.2 - Service Requirements	Will the selected vendor work alongside claims adjusters and other reviewers at the WCB? If yes, how many full-time reviewers will be assigned to reviewing claims at the WCB? Does the WCB expect to hire more resources to be able to complete reviews?	Typically, the selected contractor will be solely responsible for performing the requested review services. The Board will assist by ensuring that the vendor has access to necessary Board and/or claim documents and files, but the Board will not typically provide any dedicated staff. However, in limited circumstances, the WCB may request that the selected contractor work closely with WCB staff to conduct more targeted reviews; the scope and staffing expectations of these reviews will be clearly defined.
15.	3.2 - Service Requirements	Does the WCB already have documented procedures for performing claims review services that it would like the selected vendor to continue using?	The selected contractor will be required to apply industry standard procedures when performing review services.
16.	3.2 - Service Requirements	How are claims selected for review?	The selected contractor will be required to apply industry standards to select a sufficient sample size and cross-section of claims for review. The Board will expect its contracted administrators or other entities being reviewed to select and provide access to the requisite files.
17.	3.2 - Service Requirements	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?	The selected contractor will be required to operate in a properly secure internet environment. Access to all Board and/or claims data must comply with all contract requirements, including all security, nondisclosure and confidentiality provisions. The selected contractor will be granted access to information relevant to the requested review.
18.	3.2 - Service Requirements	For any data access needs for the requested services, 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 question #4.
19.	3.2 - Service Requirements	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 Board will be requesting a review of a sample of claims; however, in some instances, the Board may request an operational review of all claims an administrator is handling. The Board will consider any recommendations regarding appropriate sample size from the contractor based on industry standards.
20.	3.2.1 - Tasks and Deliverables	The RFP states that "assignments under the contract will vary and may arise quickly and, in most cases, the WCB will rely on the Contractor's ability to provide assistance, guidance, or analysis relating to the assignment in a short time frame." To be most responsive to this RFP and to meet the expectations of the WCB, please provide estimates regarding the volume, such as a range of expected requests, even if that range is large. Providing a range will help ensure that the successful Contractor can secure qualified resources to perform claims review services.	See responses to questions #12 and #16.
21.	3.2.1 - Tasks and Deliverables	Have all claims review services described on pages 20 and 21 of the RFP been performed in the past, either by the WCB or a vendor? If no, which ones have not yet been performed?	The operational claims review services described on pages 20 and 21 of the RFP have not previously been conducted by the WCB or a vendor.
22.	4.1 - General Procedures	The RFP states that the "Bidder must submit one USB thumb drive containing the Cover Letter, Administrative Volume, Technical Volume, and Cost Volume files in an envelope labeled with the Bidder's name and NYS Workers' Compensation Board, Workers' Compensation On-Call Performance and Operational Claims Review Services RFP, C140397." As part of our firm's security preventative controls, we are not permitted to copy or move files from our computers to a USB thumb drive. Will the WCB accept electronic submissions of proposal documentation?	<p>The Board has determined that Bidders must submit proposals in response to this procurement either on a USB thumb drive or in electronic format, via email. Pursuant to RFP Section 4.1, bullet point #7, "Bidder must submit their proposal either:</p> <ol style="list-style-type: none"> 1) On a USB thumb drive containing the Cover Letter, Administrative Volume, Technical Volume, and Cost Volume files in an envelope labeled with the Bidder's name and NYS Workers' Compensation Board, Workers' Compensation On-Call Performance and Operational Claims Review Services RFP, C140397; or 2) Via an electronic copy of the Cover Letter, Administrative Volume, Technical Volume, and Cost Volume files via email to WCBContracts@wcb.ny.gov; the subject line must be titled Workers' Compensation On-Call Performance and Operational Claims Review Services, C140397. <p>The Cover Letter, Administrative Volume and Technical Volume must be submitted in PDF format. The Cost Volume must be submitted in the Excel format of Attachment 3."</p> <p>The RFP will be amended to reflect this change.</p>

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23.	4.1 - General Procedures	The RFP states that the "Bidder must deliver proposal to WCB Issuing Officer or Alternate no later than 2:00 PM EST on the Closing Date for Receipt of Proposals specified in Section 2.2.2, RFP Calendar. Proposals received after the date and time specified in the RFP Calendar will be rejected. Bidders mailing proposals should allow sufficient mail delivery time to ensure timely receipt of their proposals. WCB will not accept faxed or emailed proposals." In light of the COVID-19 pandemic and the associated social distancing protocols, will the WCB accept electronic submissions of proposal documentation?	See response to question #22.
24.	4.4.2 - Tasks and Deliverables	The RFP asks the Bidder to "Indicate if and how information reported within an administrator or fund system will be checked by Bidder for authenticity." Can the WCB provide more details about the requirements of this particular service, including the expected process and data access requirements?	The Board anticipates securing limited access to the claims systems maintained by its TPA contractors - or for any other entities flagged for operational review - for the selected contractor. As part of the operational review, the selected contractor may be expected to validate the information contained therein.
25.	4.4.2 - Tasks and Deliverables	The RFP asks the Bidder to "Review record-keeping and reporting electronic claims system (as applicable) and determine whether it sufficiently meets all applicable law and policy requirements, including privacy protections;" Can the WCB provide more details about the requirements of this particular service. For example, would this service include the review of claims systems to determine if the system contains proper controls that align with applicable laws and policy protections?	See response to question #24.
26.	4.5 - Cost Volume (Volume III)	We understand the request for rates per level, but what is the total dollar value budgeted for these services each contract year?	There is not an annual budget established for these reviews; the budget will be determined based upon the number of claims reviewed and the scope of each review.
27.	4.5 - Cost Volume (Volume III)	Section 4.5 of the RFP states "The hourly rates submitted will be used to score and rank the Cost Volume using a methodology to be determined by the Board prior to submission of proposals. Such methodology will be set forth in the evaluation criteria that will become part of the procurement record." Given that the methodology will be set forth in the evaluation criteria that will become part of the procurement record, will the WCB publish the methodology for the bidders to review before proposals are due?	No.
28.	4.5 - Cost Volume (Volume III)	Does the WCB expect to assign a lower weight to the "Partner/Principal" level when scoring the Cost Volume? If yes, what is the approximate percentage?	The WCB has not yet assigned weights to any Key Staff positions, and once such weights are assigned, the Board will not publish this information.
29.	4.5 - Cost Volume (Volume III)	Does the WCB expect to assign a lower weight to the "Administrative Support/Clerical" level when scoring the Cost Volume? If yes, what is the approximate percentage?	See response to question #28.
30.	1.2	Please define "on-call". Is the intent of the WCB to have an audit conducted on a certain number of randomly selected claims over a period of time or will audits be scheduled on an as needed basis?	As stated in Section 1.2 of the RFP, the review services will be requested on an as-needed basis.
31.	3.2.1	What amount will be considered a sample amount of claims? Will the WCB accept the Contractor's definition of a "random sample" based on statistically valid calculations?	See response to question #16.
32.	3.2.1	What is the expected timeframe for the sample amount of claims to be completed?	The completion timeframe for an assignment will depend upon the size of the sample selected; however, the selected contractor will be required to complete the review services within a reasonable timeframe.
33.	3.2.1	Will the bi-weekly updates be via conference call or in written form? What is the format?	This will be determined by the parties involved in a particular project. Expectations will be clearly outlined.
34.	3.2.1	Will the contractor have remote access to the administrator or fund's computer system to conduct the operational claims review?	See responses to questions #17 and #24.
35.	3.2.1	Approximately how many assignments are expected to be assigned during the course of the year?	See response to question #12.
36.	3.2.1	Does WCB have a number of claim files anticipated to be audited over the course of a one-year period?	See responses to questions #12 and #16.
37.	3.2.1	Is it the intent of the WCB to have assignments made to the Primary Contractor on an ongoing basis throughout the year but broken out by individual assignment?	See responses to questions #12 and #13.
38.	3.2.1	"The contractor may be asked to supplement WCB staff in performing work required and to develop joint recommendations" Can you further explain this? Is it the intent of the WCB to utilize their staff in place of the Primary Contractor staff? Or is it the intent of the WCB that the Primary Contractor staff assist the WCB? Can you provide an example of when/why this would occur?	See response to question #14.
39.	3.2.1	Is staff at WCB currently providing the operational claims review services? If so, is there a template used and if so would that be provided to the Contractor who is awarded the contract?	See responses to questions #10, #15, and #21.

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40.	3.2.1	Can you better define "short time frame" by providing a period of time in days or weeks?	This will be determined by the parties involved in a particular project. Expectations will be clearly outlined.
41.	3.2.1	Specifically referencing "D" is the WCB expecting the Contractor to review the invoices the Administrator is submitting for reimbursement of their claim administration services?	The Board may ask the selected contractor to review and verify any or all aspects of the administration services being performed by the Board's TPA contractors or other claim services providers.
42.	3.2.1	Is the WCB (Contractor) utilizing the Vendor as an extension of their Audit Department? If so, will the Vendor be expected to conform to WCB Audit Department practices?	See responses to questions #10, #15 and #21.
43.	3.2.1	Although the term "on-call" denotes the need for an unknown and undetermined process, would it be possible for the Contractor to prepare a schedule of projects in consultation with the Vendor?	This may occur with the selected contractor at the Board's discretion.
44.	3.3	What is the process for approving the adjuster that we hire if awarded the contract?	See response to question #11.
45.	4.4.2	Does WCB expect medical bill repricing to be completed by the Contractor? If so, does every bill need to be reviewed for repricing, or just a random sample of bills?	It is unlikely that the Board will seek large scale review of medical bill payments as part of this project; however, see responses to questions #16 and #41.
46.	4.4.2	Can you confirm the meaning of the paragraph under <i>Task Description - Approach/Methodology</i> on page 26 is stating, in laymens terms, that the bidder should be demonstrating they have knowledge of the NYS Workers' Compensation laws and systems as well as issues that are specific to those laws and systems? If not, please clarify the meaning of the paragraph.	The successful bidder is expected to demonstrate that they have the expertise and experience needed to conduct the required reviews, including specific knowledge of the New York State workers' compensation environment.
47.	6.18	What is the maximum budget/amount allocated by WCB to reimburse the vendor for on-call performance and operational claims review services annually?	See response to question #26.
48.	6.3	Can you confirm that Contractor will not be asked to begin work prior to the final execution of the contract as defined in this section?	No work will commence until the contract is approved by the Office of the Attorney General and the Office of the State Comptroller.