

**Title:** Letter of Interest # 1028  
Child Care Time and Attendance System (CCTA) Maintenance

**Agency:** Children & Family Services, NYS Office of  
Bureau of Contract Management

**Contract Number:** TBD

**Contract Term:** 11/1/2020 - 10/31/2025

**Date of Issue:** 1/17/2020

**Due Date/Time:** 2/28/2020 by 4:00 p.m. Eastern Time

**Location:** All NYS counties

**Counties:** Statewide

### **Background**

The New York State Office of Children & Family Services (OCFS) announces an opportunity for qualified entities that can provide necessary information technology services to support the Child Care Time and Attendance System (CCTA).

This advertisement is public notice that OCFS is seeking to contract with one organization to maintain, host, provide Helpdesk support and enhance (as needed) the CCTA, which is a client server and database application that has been designed by Controltec, Inc. specifically for use in New York State. CCTA includes the ability to electronically record and track day care attendance records, calculate payments, make eligibility determinations and interfaces with other state systems. This system is used by all local social services districts outside of New York City, and supports the management of the child care subsidy program as prescribed by Title 18 of the New York State Codes, Rules and Regulations (NYCRR). It contains the proprietary components KinderTrack, KinderCare and KinderScan which were created/developed by Controltec, Inc. of Escondido, California and includes modules for automated time and attendance tracking, accurate payment calculations, interfaces to designated statewide systems, eligibility determination, and ongoing management of the child care subsidy program.

The purpose of this opportunity is to invite any eligible and interested entities who believes they can satisfy the needs of this program, to so inform OCFS by a Letter of Interest (LOI). To be considered responsive, your organization's LOI must be received no later than the no later than the deadline specified on the first page of this announcement. OCFS intends to use the results of this announcement to determine if this opportunity will be competitively bid. Please see the **How to Apply** section for additional information and submission requirements.

To be considered responsive to this opportunity, respondent's LOI must document the ability and legal authority to interface with the proprietary components KinderTrack,

KinderCare and KinderScan which were created/developed by Controltec, Inc. of Escondido, California. This includes describing how the organization or entity will maintain, enhance, host and provide support service to users of the system including the modules for automated time and attendance tracking, accurate payment calculations, interfaces with other designated statewide systems, and eligibility determination. The respondent must also demonstrate their ability to accommodate necessary changes to system functionality and interfaces resulting from the ongoing management of the child care subsidy program including, but not limited to, such changes as may be required as a result of policy, regulatory or statutory changes. The LOI must address the capacity to support the existing system in a manner which facilitates efficient integration of mobile capabilities and allow optimal viewing and navigation across a wide range of devices including traditional PC's, smart phones, and tablet devices.

### **Funding Details**

Funding for this project is contingent upon the availability of funds in the state and/or federal budgets. The contract value (amount bid) may increase over the five-year term. This would occur as a result of the need for system enhancements necessary to comply with program needs and/or changes to state or federal statutes or regulations.

To date, 485 hours have been utilized under the existing contract. The existing contract is in place for the the five-year term from 11/1/2015 – 10/31/2020. The 485 hours consist of 328 development hours and 157 quality assurance hours.

**The hourly utilization of the existing contract is being provided for reference only and is not a promise or guarantee of future utilization.**

### **Term of Contract**

Contract(s) awarded in response to this announcement will be for **five (5) years**. The anticipated start date is **11/1/2020**, and the anticipated end date is **10/31/2025**. Funding is anticipated to be available for the first year of the contract. The award of a contract does not guarantee that funding will be available for subsequent years. Contractors may not begin to provide services prior to the contract start date; OCFS has no obligation to pay for services rendered prior to the approval of the contract by the New York State Office of the State Comptroller and the Office of the Attorney General.

## **How to Apply**

To be considered responsive, interested parties must complete and submit all required documents to this solicitation conforming with the format and content requirements set forth herein. A response that does not provide all the information requested may be subject to rejection. The response should contain sufficient information to assure OCFS of its accuracy. The information provided should, wherever possible, provide verification that your organization meets the requirements indicated in the **Background** section of this announcement.

**The following documents are required to be completed and provided by each applicant:**

- **Letter of Interest**
- **Organizational Charts**
  - General: overall organization showing contract level staff within organization, and
  - Project specific: contract level team structure and hierarchy
- **Two or more professional references** from customers who have utilized the applicant's services within the past twelve (12) months.
- **Resumes** of key organizational staff and individuals who will be assigned to direct project work.

**Applicants must submit these documents via email to [RFP@ocfs.ny.gov](mailto:RFP@ocfs.ny.gov) no later than the deadline specified on the first page of this announcement.**

Please enter "**LOI # 1028 CCTA Maintenance**" in the subject line of the email submission of your application and identify the name of the applicant in the body of the email and in the filenames of attached documents to ensure your submission is processed efficiently. **Early submissions are encouraged as late responses may be subject to rejection.**

Please limit your Letter of Interest to a maximum of fifty (50) pages, Arial twelve-point font, single line spacing and one-inch margins. Please see the **Attachment 1 – Sample Letter of Interest** and **Attachment 3 – References** provided for your use. If applicable, Letters of Interest should attempt to conform to the guidance outlined in **Attachment 2 – Guidelines for Preparing Letters of Interest.**

## **Questions**

Questions must be submitted via e-mail to [RFP@ocfs.ny.gov](mailto:RFP@ocfs.ny.gov) prior to the due date and time of this announcement. Please submit your question with adequate time for response; OCFS recommends allowing at least five (5) business days. Be sure to put "**LOI # 1028 CCTA Maintenance**" in the subject line. **Late questions may not be addressed.**

Under the requirement of the Procurement Lobbying Act all communications regarding advertised projects are to be channeled only through the primary contact identified herein.

## **Evaluation Process**

An internal review by OCFS will evaluate LOIs submitted in response to this announcement. This announcement is not a guarantee or promise of funding. OCFS may require additional information from an organization prior to deciding whether the interested organization is responsive and can supply the requested commodities or services. Additional information requested by OCFS must be provided within five (5) business days from request. OCFS intends to use the results of this announcement to determine if this opportunity will be competitively bid.

## **OCFS Reserved Rights**

OCFS reserves the right to withdraw, amend or postpone this announcement, without notice, and without liability, to any applicant, or other party, and may exercise these rights at any time. In addition, OCFS reserves the right to

- place a monetary cap on the funding amount made in each contract award;
- change any of the schedule dates stated in the LOI;
- make an award under the LOI in whole or in part;
- disqualify any applicant whose conduct and/or response fails to conform to the requirements of the LOI;
- reject any LOI if, in the sole discretion of OCFS, it determines the applicant is not a responsible vendor;
- request all bidders who submitted proposals to present supplemental information clarifying their proposals either in writing or by formal presentation;
- direct all organization who submitted LOI's to prepare modifications addressing announcement amendments;
- make funding decisions that maximize compliance with and address the outcomes identified in this announcement;
- fund only one portion, or selected activities, of the selected applicant's response and/or adopt all or part of the selected applicant's response based on federal and state requirements;
- eliminate any LOI requirements unmet by all applicants, upon notice to all parties that submitted LOI's;
- waive procedural technicalities, or modify minor irregularities, in proposals received, after notification to the applicant involved;
- correct any arithmetic errors in any proposal, or make typographical corrections to proposals, with the concurrence of the applicant;
- negotiate with the eligible applicant(s) prior to contract award;
- require that all proposals be held valid for a minimum of 180 days from the closing date for receipt of applications, unless otherwise expressly provided for in writing;
- fund any or all of the proposals received in response to this announcement. However, issuance of this announcement does not commit OCFS to fund any proposals. OCFS can reject any proposals submitted;
- use the LOI submitted in response to this announcement as part of an approved contract. At the time of contract development, awardees may be requested to provide additional budget and program information for the final contract;
- make inquiries of third parties, including but not limited to applicant's references, with

regard to the applicant's experience or other matters deemed relevant by OCFS. By submitting a LOI in response to this announcement, the applicant gives its consent to any inquiry made by OCFS;

- where applicable, require contractors to participate in a formal evaluation of the program to be developed by OCFS. Contractors may be required to collect data for these purposes. The evaluation design will maintain confidentiality of participants and recognize practical constraints of collecting this kind of information;
- when applicable consider statewide distribution and regional distribution within New York City, including borough distribution methodology, in evaluating proposals; and
- reject any extraneous terms, alternate activities/work to be performed, added conditions, or exceptions stated by applicants within their response. This includes, but is not limited to, proposed changes to the standard terms and conditions of the resulting contract(s).

### **Contract Documents**

The applicant must review the contract terms and conditions of the contract template provided below.

If applying, your organization must read, understand, and accept all provisions of Appendix A – Standard Clauses for NYS Contracts. Appendix A contains important information related to the contract to be entered into as a result of this SOI and will be incorporated, without change or amendment, into the contract entered into between OCFS and the selected organization(s). By submitting a response to the SOI, your organization agrees to comply with all the provisions of Appendix A. Please review the sample non-grant contract template, which includes the Appendix A, available at: <https://ocfs.ny.gov/main/bcm/grantawards.asp>.

In addition, the following documents will be required prior to contracting:

- [Vendor Responsibility Questionnaire](#) (if applicable)
- [Proof of Workers Compensation Insurance](#) (if applicable)
- [Proof of Disability Benefits Coverage](#) (if applicable)
- [Attachment A-2, Federal Assurance and Certifications](#) (if applicable)
- [OCFS-4631, MWBE Utilization Plan Form](#) (if applicable)
- [OCFS-4629, Project Staffing Plan Form](#)
- [OCFS-3460, Equal Employment Opportunity \(EEO\) Policy Statement](#)
- [OCFS-2647, EO 177 Certification](#)
- [OCFS-4821, CMS User Authorization](#)

### **State Finance Law §139-I; Statement on Sexual Harassment in Bids**

New York State Finance Law §139-I, effective January 1, 2019, requires, in relevant part, that “[e]very bid . . . made to the state or any public department or agency thereof, where competitive bidding is required by statute, rule or regulation, for work or services performed or to be performed or goods sold or to be sold, shall contain [a] statement subscribed by the bidder and affirmed by such bidder as true under the penalty of perjury. . . [that] [b]y submission of this bid, each bidder and each person signing on behalf of any

bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that the bidder has and has implemented a written policy addressing sexual harassment prevention in the workplace and provides annual sexual harassment prevention training to all of its employees. Such policy shall, at a minimum, meet the requirements of section two hundred one-g of the labor law.” The Contractor must provide the foregoing certification prior to any award being made by OCFS. For additional guidance on drafting an appropriate sexual harassment policy and developing appropriate training please refer to State Finance Law §139-l and <https://www.ny.gov/combating-sexual-harassment-workplace/employers#top>

### **Other Contracting Requirements**

1. If applicable, Not-For-Profit organizations must be registered in the NYS Grants Gateway and complete the Vendor Prequalification process prior to contract execution per [New York State Division of Budget Bulletin H-1032 Revised](#), dated July 16, 2014.
2. Executive Order 177, signed on February 3, 2018, by Governor Andrew M. Cuomo, directs New York State agencies and authorities not to enter into any contracts with entities that have institutional policies or practices that fail to address the harassment and discrimination of individuals on the basis of their age, race, creed, color, national origin, sex, sexual orientation, gender identity, disability, marital status, military status, or other protected basis. The Contractor must provide the [EO 177 certification statement](#) prior to any award being made by OCFS.
3. Sections 57 and 220 of the Workers’ Compensation Law (WCL) and section 142 of the State Finance Law require that businesses contracting with New York State have and maintain and [provide evidence of appropriate workers’ compensation and disability benefits insurance coverage](#). If an award is made from this announcement, updated proof of coverage must be provided during contract development. Failure to submit the proof will delay the contract development process and may result in the award being rescinded. Municipalities are not required to show proof of coverage.
4. Section 163(9)(f) of the NY State Finance Law requires that a state agency make a determination that a bidder is responsible prior to awarding that bidder a state contract. Vendor responsibility will be determined based on the information provided by the bidder, on-line, through the [New York State VendRep System Questionnaire](#) or through a paper copy of the [Vendor Responsibility Questionnaire](#). OCFS will review the information provided before making an award.
5. By submitting an LOI in response to this solicitation or by assuming the responsibility of a contract awarded hereunder, bidder/contractor (or any assignee) certifies that it is not on the “Prohibited Entities List,” as defined by the *Entities Determined To Be Non-Responsive Bidders/Offerers Pursuant to The New York State Iran Divestment Act of 2012* (the Act), which is posted on the OGS website at <http://www.ogs.ny.gov/about/regs/docs/ListofEntities.pdf> and further certifies that it will not utilize on such contract any subcontractor that is identified on the “Prohibited Entities List.” Bidder/contractor is advised that should it seek to renew or extend a contract awarded in response to the solicitation, it must provide the same certification

at the time the contract is renewed or extended.

6. All offerers and their employees must be aware of and comply with the requirements of the New York State Public Officers Law, and all other appropriate provisions of New York State law and all resultant codes, rules and regulations from state laws establishing the standards for business and professional activities of state employees and governing the conduct of employees of firms, associations and corporations in business with the state. In signing the proposal, each offerer guarantees knowledge and full compliance with those provisions for any dealings, transactions, sales, contracts, services, offers, relationships, etc. involving the state and/or state employees. Failure to comply with those provisions may result in disqualification from the bidding process and in other civil or criminal proceedings as required by law: <https://www.nysenate.gov/legislation/laws/PBO>
7. Pursuant to New York State Executive Law Article 15-A and Parts 140-145 of Title 5 of the New York Codes, Rules and Regulations OCFS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority and Women-owned Business Enterprises (MWBES) and the employment of minority group members and women in the performance of OCFS contracts. If applicable, a contractor on any contract resulting from this procurement must document its good faith efforts to provide meaningful participation by MWBES as subcontractors and suppliers in the performance of the contract. To that end, by submitting a response to this opportunity, the respondent agrees that OCFS may withhold payment pursuant to any Contract awarded as a result of this announcement pending receipt of the required MWBE documentation. The directory of MWBES can be viewed at: <https://ny.newnycontracts.com>. OCFS will request any necessary completed MWBE documents from the contractor during the contract development process.
8. If applicable, Not-for-profit vendors must be registered with the New York State Office of the Attorney General as a charitable organization, and the registration must be up to date at the time of contracting. Vendors must be sure all their documents are up-to-date and comply with the vendor responsibility requirements as outlined below. To determine the status of your charities registration information, contact: [https://www.charitiesnys.com/RegistrySearch/search\\_charities.jsp](https://www.charitiesnys.com/RegistrySearch/search_charities.jsp)

**Contact Information**

**Primary contact:**

Director of Contracts  
Office of Children & Family Services  
52 Washington Street  
Room 202S – RFP Unit  
Rensselaer, NY 12144  
[RFP@ocfs.ny.gov](mailto:RFP@ocfs.ny.gov)

**Submit to contact:**

Director of Contracts  
Office of Children & Family Services  
52 Washington Street  
Room 202S – RFP Unit  
Rensselaer, NY 12144  
[RFP@ocfs.ny.gov](mailto:RFP@ocfs.ny.gov)

**Attachments**

Please see the following attachments to this announcement, which are available on the NYS Contract Reporter website at <https://www.nyscr.ny.gov>.

**Attachment 1 – Sample Letter of Interest\***

**Attachment 2 – Guidelines for Preparing Letters of Interest** (for reference only)

**Attachment 3 – References\***

\* Attachments marked with an asterisk must be completed and included with your bid proposal.