

Title: Request for Qualifications (RFQ) # 1057
Low Vision Examination and Prescription Services

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

Contract Number: TBD

Contract term: 5/1/2021 – 4/30/2026 (5 years)

Date of issue: October 28, 2020

Amended: December 1, 2020

Due date/time: ~~December 2~~ December 8, 2020 by 4:00 PM Eastern Time

Location: New York City and Long Island

Counties: New York County (Manhattan), Kings County (Brooklyn), Bronx
County (The Bronx), Richmond County (Staten Island), Queens
County (Queens), Nassau County and Suffolk County

Background

The New York State Office of Children & Family Services (OCFS) and New York State Commission for the Blind (NYSCB) announces a funding opportunity for qualified entities who are willing and able to provide Low Vision Examination and Prescription Services to individuals who are legally blind, as described within this Request for Qualifications (RFQ) . Please see the **Qualifications of Eligibility** below for additional information.

The NYSCB is the state entity designated to provide services to New Yorkers who are legally blind. NYSCB requires Low Vision Examination and Low Vision Aid Prescription services for legally blind individuals, referred by NYSCB for the purpose of maximizing the use of their residual vision. When necessary, these services are provided by NYSCB for the achievement of their vocational goal. Low vision services are often medically necessary in order to increase a person's visual functioning and their ability to perform daily living activities such as self-care; mobility in the home and community; and reading.

This advertisement is public notice that OCFS is seeking to contract with qualified entities, who are willing and able to provide Low Vision Examinations and Prescription Services in the location/counties listed above.

Qualifications of Eligibility

In order to be eligible, Low Vision Examinations Services providers must be an individual who is, or an organization who employs, the following:

1. A licensed ophthalmologist OR a licensed optometrist that is certified as a low vision

specialist by the New York Optometric Association (NYSOA)
<http://www.nysoa.org/index.php>;
AND

2. Must agree to accept NYSCB Low Vision Exam Rates and Low Vision Device Rates as set forth in the “2021 - 2026 Low Vision Guidelines - Version 1.0”. (hereinafter referred to as Low Vision Guidelines), *Section 3*. Rates schedules that can be found at: http://ocfs.ny.gov/main/cb/provider_info.asp under the **Future Guidelines** section.

Description of Services to be Performed

Low Vision Examinations

NYSCB expects that one (1) initial Low Vision examination be completed, and three (3) follow up examinations, per referral, to occur within a 2-year period. Low vision services may also include training on the use of devices for daily living activities. For additional information on examination requirements, please see [Low Vision Guidelines - Section 2.1 Initial Examination](#).

Low Vision Aids

The low vision device must enable the individual to perform tasks that are necessary to the achievement of their vocational goal or a functional objective, i.e. use in the classroom, reading labels, etc. For additional information, please see [Low Vision Guidelines - Section 1.1.2 Guidelines for Prescribing Low Vision Aids](#).

Payment Terms

The following are the payment terms under the contract(s) for Low Vision Examination Services and Prescription Services resulting from this RFQ:

1. Low Vision Examination Service providers will be reimbursed payment in full for Services provided based on the rates in the Low Vision Exam Rate Schedule. See [Low Vision Guidelines – Section 3.1 Low Vision Exam Rate Schedule](#)
2. Low Vision Device(s) will be reimbursed according to the rates in the Low Vision Device Rates. See [Low Vision Guidelines – Section 3.2 Low Vision Device Rates](#)
3. Items not found on the Low Vision Exam Rate Schedule may be provided with prior approval by NYSCB. See [Low Vision Guidelines – Section 1.1.3 Special Request Prior Approval Process](#) .
4. Upon completion of the examination, the Contractor will submit a fully completed [OCFS – 1119 Low Vision Evaluation Report](#) form.
5. To obtain reimbursement for services, the Contractor will return the signed NYSCB authorization to the District Office which made the referral.
6. Providers are required to seek/obtain any and all available insurance reimbursements. See [Low Vision Guidelines – Section 1.9 Third Party Reimbursements and](#)

Participants out of Pocket Expenses. All authorizations for low vision services must include the statement “**Less any third-party insurance reimbursement**”. If providers are reimbursed after NYSCB has paid for services, the provider is obligated to reimburse NYSCB for any excess payment.

7. Only those items required to meet the consumers stated goals will be approved for reimbursement.
8. Low Vision Providers may not solicit referrals of NYSCB consumers nor should they assume payment for services not pre-authorized by NYSCB.

NYSCB expects there to be between 500 to 700 participant referrals amounting to about \$500,000 to \$700,000 annually in low vision services.

The purpose of this opportunity is to invite any eligible and interested entities that believe they can satisfy this program’s needs to inform OCFS by a Letter of Interest (LOI). To be considered responsive, your organization’s LOI must be received no later than the deadline specified on the first page of this RFQ. OCFS anticipates that all interested and eligible entities will receive an award. Please see the **How to Apply** section for additional information and submission requirements.

To be considered responsive to this RFQ, respondent’s LOI must:

- Provide a completed **Attachment 1 – Letter of Interest** that states the following:
 - Applicants **must** be an individual who is, or an organization who employs, the following:
 - A New York State licensed ophthalmologist (please provide copy of license), OR
 - A New York State licensed optometrist who is certified as a low vision specialist by the New York Optometric Association (NYSOA) <http://www.nysoa.org/index.php>. Please provide copy of license and proof of certification.
 - Applicants **must** agree to accept NYSCB Low Vision Examination Rates and Low Vision Device Rates. See [Low Vision Guidelines – Section 3.1 Low Vision Exam Rate Schedule](#) and [Low Vision Guidelines – Section 3.2 Low Vision Device Rates](#)

Funding Details

Funding for this project is contingent **upon the availability of funds in the state and/or federal budgets** and the number of eligible applicants that respond to this LOI. In making awards, OCFS must verify geographic coverage of the regions proposed.

NYSCB intends to make fee-based awards throughout New York City and Long Island, ranging in value from \$50,000 to \$650,000 per 5-year term, in response to this RFQ. Referrals of NYSCB participants to funded organizations will be made in accordance with federal regulation “[Title 34 → Subtitle B → Chapter III → Part 361.52 Informed Choice](#)” that requires the participant to select the vendors based upon information/options provided by NYSCB.

NYSCB further intends to award a fee-based contract or letter of agreement (LOA) to all organizations meeting the eligibility requirements. Payment for services will be according to the rates in the Low Vision Guidelines and upon NYSCB’s approval of the Consumer Information System (CIS) authorization, as applicable.

The individual award funding levels will be determined by a panel of experts consisting of vocational rehabilitation specialists and other subject matter experts. The panel will estimate levels of utilization for each award and use the utilization amounts to estimate the award value for each funded organization. In the event the panel underestimates usage for any award, NYSCB will reach out to the funded organization and perform the necessary amendment to realign values with utilization.

Organizations who meet the eligibility requirements to receive an award under this RFQ, but are determined by the NYSCB panel of experts to be providing less than the discretionary limits (currently set at \$49,999) over the period from first date of service to last date of service during the 5/01/2021 - 4/30/2026 , will be offered an LOA to provide services as a “Non-Contract Provider” (*This LOA will hereafter be referred to as a “Non-Contract Provider Authorization Agreement”*). Funded organizations providing services under a Non-Contract Provider Authorization Agreement will be paid the rate(s) applicable for the service(s) provided to NYSCB’s referred participants, through a CIS authorization (*In accordance with [New York State Division of Budget Bulletin H-1032 Revised](#)*). Further, organizations can request to be designated as a Non-Contract Provider by submitting a completed Non-Contract Provider Authorization Agreement (Attachment 3). The Non-Contract Provider Authorization Agreement provides an administratively streamlined way for otherwise qualified organizations who are unsure of the fiscal viability of expanding into the provision of Low Vision Examination and Prescription Services to individuals who are legally blind. To provide and receive payment for more than the discretionary limit, a funded organization may be required to have a contract with NYSCB/OCFS. Any organization that opts to initially be designated a Non-Contract Provider in response to this RFQ will have the ability to become a “contract provider” at any time during this 5-year award term, contingent upon contract approval by the NYS Attorney General (AG) and the NYS Office of the State Comptroller (OSC).

Please be aware that NYSCB promotes Participant Informed Choice and ultimately the usage of any contract or Non-Contract Provider Authorization Agreement will be determined by NYSCB participants and not by the panel of experts and therefore all contract or Non-Contract Provider Authorization Agreement values should be considered estimates of potential usage only.

Organizations that do not respond to this RFQ will not be eligible to become providers under this procurement. Successful bidders responding to the RFQ and who have been determined by NYSCB to be providing less than \$50,000 in Low Vision Examination and

Low Vision Prescription Services in any given 12 month period , will be considered for said Letter of Agreement.

Please be aware that NYSCB believes in participant informed choice and thus, any usage of anticipated contract(s) or award(s) that **may** result from the information provided in response to this RFQ, will be determined by NYSCB participants. **There is no guarantee of referrals and/or revenues pursuant to this LOI.**

Term of Contract

Contract(s) awarded in response to this RFQ will be for **five (5) years**. The anticipated start date is **5/1/2021**, and the anticipated end date is **4/30/2026**. Contractors may not begin providing services before the contract start date; OCFS has no obligation to pay for services rendered before the New York State Office of the State Comptroller and the Office of the Attorney General approve the contract.

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 as explained. 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, verify that your organization meets the requirements in the **Background** section of this announcement.

Each applicant is required to complete and provide the following documents:

- **Attachment 1 – Letter of Interest**
- **Copy of your current New York State license to practice as an Ophthalmologist or Optometrist**
- **Copy of your current New York State Low Vision Specialist certification (applicable to Optometrists only)**

Applicants must submit these documents via email to RFP@ocfs.ny.gov no later than the deadline specified on the first page of this announcement.

Please enter “**RFQ # 1057 Low Vision Services**” 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 ten (10) pages, Arial 12-point font, single line spacing and one-inch margins. Please see the **Attachment 1 – Letter of Interest** provided for your reference. 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 before the due date and time of this announcement. Please submit your question with adequate time for response; OCFS recommends allowing at least five business days. Be sure to put “**RFQ # 1057 Low Vision Services**” 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 RFQ. This RFQ is not a guarantee or promise of funding. OCFS may require additional information from an organization before deciding whether the interested organization is responsive and can supply the requested commodities or services. If OCFS requests additional information, it must be provided within five business days from request. OCFS intends that all interested and eligible entities will receive an award.

OCFS Reserved Rights

OCFS reserves the right to withdraw, amend or postpone this RFQ, 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 RFQ;
- make an award under the RFQ in whole or in part;
- disqualify any applicant whose conduct and/or response fails to conform to the requirements of the RFQ;
- 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 organizations who submitted LOIs 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 RFQ requirements unmet by all applicants, upon notice to all parties that submitted LOIs;
- 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 RFQ as part of an approved contract. At the time of contract development, awardees may be asked to provide additional budget and program information for the final contract;
- make inquiries of third parties, including but not limited to applicant's references, regarding the applicant's experience or other matters deemed relevant by OCFS. By submitting an LOI in response to this RFQ, 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 participants' confidentiality 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 RFQ 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 RFQ, your organization agrees to comply with all the provisions of Appendix A. Please review the sample non-grant contract template, which includes Appendix A, available at: <https://ocfs.ny.gov/main/contracts/docs/Non-Grant-Contract-Template.pdf>.

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)
- [ST-220-TD, Contractor Certification](#) (if applicable, for reference only)
- [ST-220-CA, Contractor Certification to Covered Agency](#) (if applicable)
- [Attachment A-2, Federal Assurance and Certifications](#) (if applicable)
- [OCFS-4822, Procurement Lobbying Act – Offerer Certification Form](#) (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](#)

Letter of Agreement (LOA) Documents (Non-Contract Provider Authorization Agreement)

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

The contract documents consist of the following:

1. Non-Contract Provider Authorization Agreement
2. Appendix A – Standard Clauses for the New York State Contracts

A copy of the LOA has been provided as **Attachment 3 – Low Vision Examination and Low Vision Prescription Services Non-Contract Provider Authorization Agreement**. This agreement can be submitted with at the time of bid, if the bidder requests to be a Non-Contract Provider or can be completed after the bid.

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

- [Proof of Workers Compensation Insurance](#) (if applicable)
- [Proof of Disability Benefits Coverage](#) (if applicable)

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 before 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-I 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 before 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](#) before 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 determine that a bidder is responsible before awarding that bidder a state contract. Vendor responsibility will be determined based on the information provided by the bidder, online, 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 (MWBE) 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 MWBE 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 MWBE 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 charity's registration information, contact: 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 – Procurement Unit
Rensselaer, NY 12144
RFP@ocfs.ny.gov

Submit to contact:

Director of Contracts
NYS Office of Children & Family Services
52 Washington Street
Room 202S – Procurement Unit
Rensselaer, NY 12144
RFP@ocfs.ny.gov

Attachments

Please see the following attachments to this announcement, which are available on The New York State Contract Reporter (Contract Reporter) website at <https://www.nyscr.ny.gov> or the OCFS website at <https://ocfs.ny.gov/main/contracts/funding/>.

Attachment 1 – Letter of Interest*

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

Attachment 3 – Low Vision Examination and Low Vision Prescription Services Non-Contract Provider Authorization Agreement (optional and only for Low Vision Providers requesting to be designated as a non-contract provider. **See Contract/Funding Details** section for more information.)

Attachment 4 – Low Vision Guidelines

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