



September 6, 2018

The following (Q&A) will serve as Amendment #1 to NYSIF's Request for Proposals (RFP) for Claims Investigative Services, bid number 2017-135-CL. Material in this Amendment supersedes any contradictory material in the RFP.

Please note that the due date for the submission of bids **remains unchanged**.

All bids are due 9/20/2018, by 2:00 p.m.(eastern).

Sincerely,

A handwritten signature in black ink, appearing to read "Megan McClune".

Megan McClune
Contract Management Specialist

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#	Question	NYSIF Response
1	<p>This security survey in several questions would be for very large enterprises. Question #20 refers to hiring an outside company to attempt an attack on our computer. We are a small business who has been servicing NYSIF for over 8 years. We do not have any type of network and posses only two computers one in our New York office and the other in our Florida office these computers are password protected as well as our modems are password enabled. No one but the two senior managers, 1 the owner, president and CEO 2-the director of operations. There is absolutely no access to the offices wherein these computers reside unless one or the other is present. The work done under this contract by its nature and our experience requires all employees to complete their assigned tasks in the field and have no reason to be at the offices unless delivering evidence and to do this one of the key people must be present.. The employees are all part timers since the work assignments are scattered through the regions assigned and assigned work is not high volume. The virus and malware protection software are on automatic back up for updates and each day the computer are turned on there s a screen advising any problems. In the last 9 years there has not been one attempt at accessing our computers. Can you advise how we as a small business can satisfy these requests for security protocols that seem excessive for our small business and our controls that are in place. We have submitted a security survey requested in the past that have what steps we take to protect NYSIF data</p>	<p>Systems that access individuals private personal information need to be hardened against cyber intrusion whether they are part of a small or a very large enterprise, and a past history of no known attempts to access a system is no guarantee it will not happen in the future. Smaller firms do not have a lower risk profile than large enterprises, they are connected to the internet and subject to attacks. A penetration test determines the amount of risk or potential issues present. Determining that a firm is low risk, and then using that assumption to show there is no need for testing, jeopardizes the data entrusted to the firm. NYSIF adheres to the NYS Department of Financial Services Cybersecurity Regulation (23 NYCRR 500) and vendors are required to have sufficient security controls in place.</p>
2	<p>Section 4.1.5 General, letter “C” states, “The Investigations Company must have been in business as an investigative company for at least three years as of the bid due date. This requirement applies to the company itself, not to the owner’s or staff’s experience.”</p> <p>I will only have two years in business at the time of award. Besides this requirement I believe I can meet all the additional requirements.</p> <p>Is this an automatic disqualifier? Will any consideration be given if I do not meet this requirement?</p>	<p>The requirements of the RFP must be met as stated. To waive a mandatory requirement please see Exhibit B Clause 37(j) and Exhibit B Clause 38(c).</p>
3	<p>I am a former Vendor (2004 - 2009) and have worked NYSIF investigations for 23 years. I've also been a NYSIF vendor point person for other agencies.</p> <p>My Private Investigative Agency was incorporated in NY and currently being operated as a foriegn corporation based out of Florida.</p> <p>I would like to submit an RFP this year with my partner, a NY License holder in New York State; and subsequently work both states. My current agency has operated for 8+ years in Florida and would like to make the license holder in NY under my company name.</p> <p>My question would be: With both license holder current active and legal existing P.I. Agencies, as long as I change the name of the NY License holder to my company name being it is incorporated in NY, that gives us licensing and the physical address in NY; and FL.</p> <p>By doing this, does this qualify me to apply and submit the current RFP?</p>	<p>The requirements regarding qualifications, certifications, and licenses are outlined in Section 4 of the RFP, and Bidders must meet all mandatory requirements within the RFP.</p> <p>In regard to required licenses and/or certifications: The company name on any license or certification required under the RFP must match name of the company that is submitting a bid.</p>

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4	<p>[Part 1]- The initial monetary part of Appendix "Z"- "Surveillance Assignments and/or WCB Testimony" indicate that it must be bid in a block for 4 or 8 hours, is that correct?</p> <p>[Part 2]- Secondly, the next two categories, "Complex, Non-Surveillance Assignments" and also "Routine, Non-Surveillance Assignments" would appear to be bid by the hour, is that correct? Or are they also to be bid by the 4 and 8 hour blocks?</p>	<p>[Part 1]- Surveillance Assignments and/or WCB Testimony must be bid in 4 and 8 hours block of times.</p> <p>[Part 2]- "Complex, Non-Surveillance Assignments" & "Routine, Non-Surveillance Assignments" are <u>not</u> hourly. Complex/Routine Non-Surveillance are bid at a single rate per assignment (broken down into Completed, Incomplete and Successful Follow-up categories). Bidders will be paid the same rate per assignment regardless of the time it takes to complete the assignment.</p> <p><u>Complex, Non-Surveillance Assignments</u></p> <p>Completed Assignment \$ _____</p> <p>Incomplete Assignment \$ _____</p> <p>Successful Follow-up \$ _____</p> <p><u>Routine, Non-Surveillance Assignments</u></p> <p>Completed Assignment \$ _____</p> <p>Incomplete Assignment \$ _____</p> <p>Successful Follow-up \$ _____</p> <p>Additionally, as stated in Appendix Z:</p> <p><i>Wherein a requested investigation is not completed, but a valid attempt is documented, a partial fee will be billable. If the Bidder is subsequently successful in completing the request, the difference between the original agreed upon flat fee and the partial fee paid, will then be billable. In other words, incomplete rate plus successful follow up rate must equal complete rate.</i></p>
5	What are the requirements to be a bidder?	Please refer to the RFP.
6	1.8 pg 10 Insurance Policy Do we need to provide an invoice?	Proof of Insurances do not need to be supplied with a Bidders proposal. Insurances must be provided upon award, and the Awardees must provide proof of all required insurances on the documents outlined in Section 1.8 of the RFP.
7	2.2.3 D We currently work with other city, state and/or federal government agencies, but through insurance companies and third party administrators. Do we need to provide the background information indicated in subsection 2.2.3?	Yes
8	2.2.3 H Can we include references from clients and should it include specific work from them? - If allowed to put references, do we put it under 2.2.6?	References are not required.
9	2.2.3 M Are we providing one of our sample reports or do we fill in one of the provided samples with our letter head and information?	Provide a sample of your surveillance and non surveillance reports.
10	2.2.4 F How in depth do we need to cite the resources?	As in depth as you feel necessary for NYSIF to evaluate.
11	3.1 What certifications do we need to be considered a small business enterprise status?	Please refer to Section 3.1.3 and Appendix F of the RFP.
12	4.1.3 Personnel Do we need to fulfill this information before or after? If before, do we need to fulfill all parts?	Bidders must submit all the information requested under 4.1.3 with their proposal. This information would be updated post contract award as necessary when new personnel are added or removed.

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13	<p>Page 13 2.2 BID FORMAT</p> <ul style="list-style-type: none"> • Is there a preferred electronic file type? • Are PDF files acceptable? 	<p>There is no preferred electronic file type. PDF files are acceptable.</p>
14	<p>EXHIBIT 2 SAMPLE TEMPLATE MISCELLANEOUS INVESTIGATIONS (SUBMISSION NOT REQUIRED)</p> <ul style="list-style-type: none"> • The other Exhibits do not have the language (SUBMISSION NOT REQUIRED). Is there anything needed to be done with the other Exhibits 1, 3,4,5,6,7 with the preparation of the RFP response? 	<p>Exhibit 3 needs to be submitted per 4.1.3 The other exhibits are provided to assist in bidding process.</p>
15	<p>2.2 BID FORMAT Submission must include one (1) hard copy of the proposal, organized as outlined below. Submission must also include one (1) exact electronic copy (CD/DVD-ROM or USB flash drive) of the proposal.</p> <ul style="list-style-type: none"> • Should Appendix Z be included on the same CD/DVD-ROM or USB flash Drive as the technical proposal or does it need its own media? • Is there a preferred labeling of the printed and/or electronic submission of Appendix Z, the Fee Schedule Proposal to differentiate the Region for which it is submitted? 	<ul style="list-style-type: none"> • The electronic version of the Appendix Z can be provided on the same CD/DVD-ROM or USB flash Drive as the technical proposal; however, the Appendix Z should be included as a separate file from the proposal. • The Bid Format is addressed in section 2.2 of the RFP. The file name for the electronic copy of the Proposal and the Appendix Z should reflect which region it is associated with.
16	<p>Page 10 INSURANCE REQUIREMENTS The required insurance does not mention a Cyber Security Policy- is one required and if so, with what limits and coverages?</p>	<p>No, the cyber insurance is not necessary for this service. However, upon contract, each contractor must adhere to NYSIF and DFS cybersecurity requirements.</p>
17	<p>Page 15 m. Where it asks to Provide sample surveillance and non-surveillance reports- will NYSIF give permission to vendors to use actual NYSIF case reports without redactions to the samples?</p>	<p>Personal and identifying information must be redacted.</p>
18	<p>Page 19 / Section 3.1 – is the Small Business Enterprise status satisfied with the certification as a Veteran Owned Small Business through the VA?</p>	<p>Please see answer to question 11.</p>

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19	<p>Page 24 / Section 4.1.4 Background Checks for Investigators- It is stated that Compliance with New York State Department of State requirements for the NYS Private Investigator License will satisfy this requirement- will the fingerprinting and licensing for investigators in other states for that state's licensing also satisfy the background requirement?</p>	<p>Please see section 4.1.4 & section 4.1.5(b) for requirements for out of state investigations.</p> <p><u>Except RFP Section 4.1.4</u> <i>For out-of-state investigators</i> (investigators licensed under a state other than New York), Vendors must submit the documentation required under the jurisdiction they are licensed under, as well as a statement that the individual meets all requirements to be employed by awardee to conduct investigations in the jurisdiction.</p> <p><i>The results of these background checks must be shared with NYSIF prior to being assigned work. Additionally, periodic background checks may be required, at the cost of the vendor, by the other Agencies which work with NYSIF on investigations.</i></p> <p><u>Excerpt RFP Section 4.1.5(b)</u> <i>In the event The Investigations Company is assigned a case outside the State of New York, The Investigations Company must comply with the laws of the state in which services are provided.</i></p>
20	<p>Page 26 / 4.2.1 NATIONAL AND INTERNATIONAL COVERAGE Appendix Z "Fee Schedule Supplemental"</p> <p>Will NYSIF consider National Coverage just in the Continental United States without a vendor offering Hawaii, Alaska and Puerto Rico?</p> <p>Can a vendor turn down an assignment if they are approved for National Coverage- but don't have manpower in the area at the time of the assignment?</p>	<p>Bidders are not required to provide coverage for all of the United States for a single rate; Individual states (including Puerto Rico) can be bid on; however, Bidders must have the ability to provide coverage for the entire state(s) for which they are bidding on.</p>
21	<p>Page 29 4.5.2 SURVEILLANCE</p> <p>States- Video must also be obtained, at these same intervals, of a device such as a cell phone which generates date and time display which cannot be manipulated. Will a GPS device with time display fulfill this requirement?</p>	<p>It is the investigation company's responsibility to ensure that whatever device is used generates date and time display that cannot be manipulated.</p>
22	<p>4.10 SUBCONTRACTING Page 32 5th paragraph-</p> <p>Requests for subcontractor approval will only be granted when there is a specific need on an assignment such as when NYSIF has no acceptable vendor with staff in the geographical location involved.</p> <p>Does this mean that a vendor offering National Coverage can inform NYSIF that it does not have coverage for an area but will use a sub contractor when an assignment is given- and can offer to subcontract it (with the necessary steps outlined)? This question specifically if for the non Continental United States?</p>	<p>No. If an investigation company bids on state they are expected to provide services in that state with their employees. Do not bid on a state if you intend to subcontract work in that state.</p>

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23	<p>APPENDIX M</p> <p>Form 106 (continued)- For purposes of this Contract, NYSIF conducted a comprehensive search and determined that the Contract does not offer sufficient opportunities to set goals for participation by MWBE's as subcontractors, service providers and suppliers to Contractor</p> <p>Does this need to be completed? Are the goals supposed to be entered as 0%?</p> <p>Appendix M, Page 5</p> <p>Is there a need to completed the M/WBE AND EEO POLICY STATEMENT? If yes- could there be some clarification as to what is wanted for the first three lines that are to be filled in-</p> <p>I, __ (Is this name of entity or contract Signer?) __, the (awardee/contractor) __ (What is wanted on this line?) __ agree to adopt the following policies with respect to the project being developed or services rendered at __ (Would this be the RFP BID#?) __</p>	<p>Yes, the MWBE goal on this contract is 0%.</p> <p>Yes, Bidders are still required to complete Form 106 as this also addresses Equal Employment Opportunity (EEO). The top of Form 106 would be completed as follows.</p> <p>I, <u>[CONTRACT SIGNATORY]</u>, the (awardee/contractor) <u>[BIDDER COMPANY NAME]</u> agree to adopt the following policies with respect to the project being developed or services rendered at <u>[BIDDER NAME AND/OR ADDRESS]</u>.</p>
24	<p>Does Appendix S FORM S-100: SDVOB UTILIZATION PLAN need to be completed by bidder even though there are no goals set by this contract for SDVOB utilization?</p>	<p>Bidders are not required to complete the forms within Appendix S.</p>
25	<p>Form 101/ STAFFING PLAN</p> <p>What is the period that this is supposed to forecast? Is it for a quarter? A year? Or the length of the contract?</p>	<p>The reporting period for these services would be Quarterly.</p>
26	<p>APPENDIX T</p> <p>Does an exact copy of all SUBSTANIATING DOCUMENTS need to be included with the hard copy response to the proposal- or only if requested?</p>	<p>For Appendix T, Bidders are not required to provide the substantiating documentation with the bid. The substantiating documentation would be requested upon contract award. However, if a Bidder intends to submit this documentation in their bid submission, the documents would need to be included in both the hard copy and the electronic copy per Section 2.2 of the RFP.</p> <p><u>Excerpt from RFP Section 2.2 "BID FORMAT"</u> -Submission must include one (1) hard copy of the proposal, organized as outlined below. Submission must also include one (1) exact electronic copy (CD/DVD-rom or USB flash drive) of the proposal.</p>
27	<p>Please let us know if we are supposed to address in some way the various blank NYSIF templates that are included toward the end of the RFP.</p>	<p>No. They are samples for informational purposes.</p>
28	<p>4.1.2 PERSONNEL</p> <p>a) Qualifications (Para. 2)</p> <p>List the Names, Titles, Dates of Birth, and Years with the Bidder...</p> <p>Question...</p> <p>Why is the NYSIF requiring Dates of Birth information for all personnel in this submitted proposal. We are concerned that this sensitive information could be accessed when any company or individual submits a F.O.I.L. request; therefore, possibly subjecting our personnel to identity theft and/or financial fraud.</p>	<p>Upon further consideration, Dates of Birth are not required to be provided.</p>

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	<p>APPENDIX T NYSIF VENDOR SECURITY SURVEY</p> <p># 15 WIRELESS ACCESS CONTROL</p> <p>29 If our firm doesn't utilize a wireless network is that acceptable? What should we fill out for this section?</p> <p># 18 APPLICATION SOFTWARE SECURITY</p> <p>Our firm doesn't use any in house developed software...what is required in this section?</p>	<p>#15 - If a firm does not utilize a wireless network and can prevent or would know if someone were to plug in an unauthorized wireless router to your network, they should indicate so in this section.</p> <p>#18 - If a firm does not use any in-house developed software, they should indicate the security controls they have in place to manage any third party or commercial off the shelf (COTS) software such as Microsoft Windows, Microsoft Office, Adobe Reader, etc. they utilize.</p>
30	<p>2.2 BID FORMAT (Para. 3)</p> <p>Appendix T, the Vendor Security survey...should be submitted as one file labeled separately in the electronic copy.</p> <p>Question...</p> <p>For clarification...the one (1) exact electronic copy of the proposal referred to in (Para. 1) shall also include a separate and additional file for Appendix T?</p>	<p>Yes.</p>
31	<p>On page 22 of 38 under 4.1.3 Personnel a) Qualifications, respecting the requirement to provide birth dates for all proposed officers, managers, supervisors, and investigators, we consider this to be sensitive Personally Identifiable Information (PII). As such, may we request that NYSIF allow this information to be provided upon award of contract?</p>	<p>Upon further consideration, Dates of Birth are not required to be provided.</p>
32	<p>Will our on-line Vend Rep certification suffice or are we required to complete Appendix E Vendor Responsibility Questionnaire in hard copy?</p>	<p>Yes, the OSC Online VendRep certification can be completed in lieu of NYSIF's Appendix E; however, this must be represented in the Bidders proposal.</p>
33	<p>Will the NYSIF share the list of current panelists?</p>	<p>This is not relevant to the RFP.</p>
34	<p>Will the NYSIF share the contract rates on the current Claims Investigative Services contract?</p>	<p>This is not relevant to the RFP.</p>
35	<p>How many international investigations are being performed under this contract? Can NYSIF share the number of international investigations last year?</p>	<p>Unknown.</p>
36	<p>In what countries were international investigations performed in the past?</p>	<p>Various.</p>
37	<p>Regarding Appendix M, does NYSIF expect SDVOB/small businesses to establish MWBE subcontractor participation goals?</p>	<p>This procurement/contract has a 0% MWBE Goal; however, Appendix M also addresses Equal Employment Opportunity (EEO). Bidders are required to complete Forms 101 and 106 in their bid submission.</p>
38	<p>Section 1 General Information, Page 10 of 38, Paragraph 4: Will NYSIF allow for the use of subcontractors? If so is there a limit to the amount of work that a selected bidder can submit to his subcontractor?</p>	<p>Please refer to Section 4.10 of the RFP.</p>
39	<p>Section 4 Technical Specifications, Page 32 of 38, 4.10 Subcontracting: If a selected bidder wishes to utilize a subcontractor must we submit the name of the subcontractor and their information now with our bids or should we wait and see if we are awarded a contract 1st before submitting all of that information?</p>	<p>Per Section 4.10 of the RFP, "<i>Requests for subcontractor approval will only be granted when there is a specific need on an assignment such as when NYSIF has no acceptable vendor with staff in the geographical location involved.</i>" As such, Bidders would not have the necessary information to provide the documentation for subcontractor approval at the time of bid submission. This would be handled post contract execution on a case-by-case basis.</p>
40	<p>Appendix T: If a bidder is missing just one of the listed requirements does that mean that particular bidder will automatically be dismissed and fail?</p>	<p>The listed requirements are necessary for Cybersecurity controls. If there are compensating controls that meet all of the requirements then the firm can be compliant.</p>

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41	Appendix T: A system as required by NYSIF can cost tens of thousands of dollars and for NYSIF to expect all bidders to have a system as they require in place just to submit a bid is a bit unrealistic. Is it possible NYSIF can re-evaluate this portion of the contract and make an amendment? Perhaps it would be fairer to all bidders involved if only the bidders granted a contract should have that system in place before the commencement of the contract. For all bidders to have to go out and spend tens of thousands of dollars on a system as required NYSIF is just unfair and unrealistic.	All insurance firms in NY state, and their vendors are required to protect sensitive information. Additionally, there are statutes requiring NYSIF to protect workers compensation information. Awardees' cybersecurity is comprehensively evaluated to ensure sufficient cybersecurity controls are in place, prior to commencement of the contract.
42	NYSIF Exhibit B, page 11, #34: Disqualification for past performance and findings of Non-responsibility: Can you please elaborate on this section? What does NYSIF mean by "Past performance " and "Findings of Non-Responsibility"?	Please refer to section 39.w of Exhibit B, the State Finance Law Sections 139-j and 139-k and NYS Finance Law Section 163(1)(c), for further details as to determinations of bidders responsibility.
43	Section 2 Bid/Proposal Format, Page 17 of 38, 2.27 Appendices and Exhibits, Paragraph 3: What other appendices is NYSIF referencing?	Please refer to the Appendices & Exhibits listed at the bottom of the Table of Contents. Copies of all of the Appendices & Exhibits are attached to the RFP.
44	Section 1 General information, Page 11 of 38, Paragraph 3: Investigators normally utilize their own personal vehicles for field work. Does NYSIF require all investigators to have \$1,000.000.00 worth of Comprehensive Business Automobile Liability Insurance on their own personal vehicles? This can be very costly to the investigators in which turn the employer would have to compensate the investigators for or does NYSIF only require \$1,000,000.00 worth of Comprehensive Business Automobile Liability Insurance on company issued vehicles?	No, the insurance requirements are on the bidding companies. The requirement is \$1M each accident for liability arising out of any automobile including owned (if any), leased, hired and non-owned automobiles used in the provision of these contracted services.
45	Section 3 Method of Evaluation and Criteria, Page 19 of 38, Paragraph 2: Who is this committee NYSIF references? What are their names and titles? Is this committee comprised of NYSIF employees or is this an impartial committee not employed by NYSIF?	The committee is comprised of NYSIF personnel. The names and titles of these individuals is not relevant to the submission of proposals under this RFP. The NYSIF's evaluators are impartial in their review of proposals.
46	Section 3 Method of Evaluation and Criteria, Page 19 of 38, Paragraph 6: Will bidders receive one score which will be utilized for each region they place a bid on or will a bidder receive multiple scores that will be determine by each and every region they bid on?	Proposals will be scored separately for each region.
47	Section 1 General information, Page 9 of 38, Paragraph 3: Who are the Investigation Point Persons? What are their names and how many Investigation Point Persons can we anticipate dealing with per each region?	Presently there are 1 to 2 Investigation point persons per region. Their identities are not relevant to the RFP.
48	NYSIF Exhibit C, Page 10, #37 Insurance: Do we need to submit all insurance certificates now with our bids or do we wait until we are awarded a contract to submit our insurance certificates?	Bidders are not required to supply insurance documentation with their proposal. Insurances would be requested and supplied upon contract award.
49	Appendix M, Paragraph 3: Do we need to submit a staffing plan now with our bids or only if we are granted a contract?	Appendix M Form 101 "Staffing Plan" must be submitted with the Bidders proposal.
50	NYSIF Exhibit C, Page 3, #7: Do we need to submit a Disaster Recovery Plan now with our bids or only if we are granted a contract?	A Disaster Recovery Plan does not need to be supplied with the proposal.
51	Regarding Tax Forms ST-220-CA and ST-220-TD: Do we need to submit both of those tax forms now with our bids or only if we are granted a contract?	Bidders are not required to supply this documentation with their proposal. These forms would be requested and supplied upon contract award.
52	Regarding Exhibit 8: Do we need to submit this form now with our bids or only if we are granted a contract?	No, the Non Disclosure Agreement would be addressed upon contract award.

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53	I am a returning contractor from a few years prior. I did not submit a proposal in for the last contract but prior I held contracts since 2004 under [Vendor Name]... I ran [Vendor Name] for 20 years and In 2014 I purchased [Vendor Name] after obtaining my own NYS Private Investigators License. I since changed the name to [Vendor Name] I am the sole owner and am in the process of obtaining my NYS M/WBE credentials... How do I proceed with filing the RFP if my certification for M/WEB isn't completed by the 9/20 due date.. Is it okay to submit in paperwork to show it's in progress?	The proposal should reflect the status of your company as of the date of the bid submission.
54	4.1.4 Background checks for investigations, For out of state investigators: Do you require out of state and international investigators to be fingerprinted and photographed? Who is responsible for the costs of fingerprinting and photos?	See answer to #20 above. Investigation company is responsible for all costs of background checks.
55	4.8.1 Volume: Do the cited surveillance and non surveillance claims reflect annual amounts?	No.
56	4.1.3 Personnel: Will an adjuster license suffice in lieu of a Private Investigator license?	No.
57	I would like to inquire about an out of state Vendor (Florida) applying for the 2018 NYSIF Bid submission. I am a Florida licensed agency (Lic # A100242). What is required for an out of state agency to apply for the RFP? I have a partner agency in NY with a physical address and who is licensed in NY and would like to apply for both states.	See answer to question #3.
58	Exhibit B section 27 subsection b indicates a request for product samples may be made by NYSIF. Can you confirm if samples should be submitted with our proposal since we are a current vendor with numerous report submissions over the contract period or if this is just to be supplied if requested? We are happy to provide, just wanted to be sure this is something needed for current awardees or if this is just intended to indicate that samples can be requested at a later date.	NYSIF reserves the right to request this information per Exhibit B; however, at this time NYSIF is only requesting the information outlined within the RFP document.