



ATTACHMENT 4

MANDATORY REQUIREMENT CERTIFICATION

CERTIFICATIONS:

- _____ 1. Bidder has completed the attached Appendix T, Vendor Security Survey. Appendix T, and any substantiating documents, even if included or referenced elsewhere in a bidder's response, must be submitted as one file and labeled separately in the electronic copy.
- _____ 2. Bidders responding to Categories A affirm the following:
 - a. Bidder has a minimum of two (2) years' experience performing the services required in Category A.
 - b. Bidder meets the following requirements for the NYSIF FROI EDI System (see Attachment 5 for details):
 - i. Bidder has the capability to transfer data with NYSIF through NYSIF's FROI EDI System and must adhere to all the processes and file layouts requirements outlined in Attachment 5 to submit FROI data.
 - ii. Process requirements
 - 1) Bidder has the capability to validate all the data elements outlined in FROI EDI system prior to submission.
 - 2) Bidder has the capability to implement NYSIF-Specific data validation rules and data capture including but not limited to validating body parts, nature of injury, and cause of injury.
 - 3) Bidder has the ability to identify possible duplicate submissions prior to submission to NYSIF.
 - 4) Bidder will meet with NYSIF to review errors in submissions, develop process improvements, and implement changes within timeframes as designated by NYSIF.
 - iii. Quality control
 - 1) Bidder has quality control process implemented.
 - 2) Bidder has dedicated personnel, including IT development personnel, assigned to the NYSIF account.
 - 3) Bidder has a plan in place that NYSIF will be notified of any changes to vendor systems or business process.

- (a) Bidder has a plan in place that NYSIF will be notified of any software updates.
 - (b) Bidder has a plan in place that changes will be developed in a time period that is mutually agreed upon at the time of the change request.
 - (c) Bidder has a plan in place to complete three successful test cycles before any change is implemented in production. If any changes are to be made to the vendor's system, NYSIF must be notified in advance, and integration testing, including but not limited to three successful consecutive cycles, must be completed before production implementation.
 - (d) Bidder must not manipulate test files or production files.
- 4) Bidder has a plan in place to implement any WCB statutory and regulatory changes for eClaims FROI reporting.
- (a) Bidder has a plan in place that changes will be developed in a time period that is mutually agreed upon, and meet the WCB statutory and regulatory deadline, at the time of the change request.
 - (b) Bidder has a plan in place to complete three successful test cycles before any change is implemented in production
 - (c) Bidder will not manipulate test files or production files.
- 5) Bidder will maintain separate development, testing, and production environments; testing should mirror the production environment, and production must be secure.
- 6) Bidder has a test environment that will be capable of ingesting NYSIF's test data, to facilitate proper integration testing.
- c. NYS Workers Compensation Law Section 25(3)(e) requires payors, including NYSIF, to file a First Report of Injury (FROI) with the WCB within a time period consistent with the 18 and 10 Rule. Failure to comply with the timing requirements can result in a compliance penalty. Bidder shall reimburse NYSIF for these penalty fees if the delay was caused, for any reason, by the bidder due to (a) loss or corruption of data, and/or (b) disruption of any business process, where such loss or disruption is attributable to vendor's actions or inactions.
- _____ 3. Bidders responding to Categories B affirm the following:
- a. Bidder has a minimum of two (2) years' experience performing the services required in Category B.
- _____ 4. Bidders responding to Category C, Telehealth, affirm the following:
- a. Bidder has a panel of physicians licensed/certified by the NYS WCB.

- b. Bidder has Physicians that are in good standing with the NYS WCB.
 - c. Telehealth services are compatible with the common operating systems of smartphones, tablets, and computers.
 - d. Telehealth Physicians are available 24 hours, 7 days per week.
 - e. If Bidder provides payments to vendors, issue and file appropriate 1099 Forms in compliance with applicable federal regulations, including, but not limited to vendors and medical providers under the Bidders Federal Tax ID Number.
 - f. Within 30 days of the Telehealth visit, a CMS1500 (or comparable form prescribed by the WCB) shall be submitted, electronically, through NYSIF's clearinghouse, or in an alternative manner acceptable to NYSIF. Medical reports shall include: a narrative description of the injured worker's medical history, a description of how and where the injury occurred, what body parts were injured, and work status/disability.
- _____ 5. Bidders responding to Category D affirm the following:
- a. Bidder has a minimum of five (5) years' experience performing the services required in Category D.
 - b. All nurse case managers servicing claims under this RFP and any contract awarded under this RFP meet the minimum qualifications required of nurse case managers in Category D.
- _____ 6. Bidders responding to Category E affirm the following:
- a. Bidder has a minimum of five (5) years' experience performing the services required in Category E.
 - b. All nurse case managers servicing claims under this RFP and any contract awarded under this RFP meet the minimum qualifications required of nurse case managers in Category E.
- _____ 7. Bidders responding to Category F affirm the following:
- a. Bidder has a minimum of three (3) years' experience performing the services required in Category F.
 - b. All return to work coordinators servicing claims under this RFP and any contract awarded under this RFP meet the minimum qualifications required of a return to work coordinator in Category F.
- _____ 8. Bidders, for Category D & E confirm their understanding that if the claimant is represented by legal counsel on the WC claim, from point of referral or anytime thereafter and/or during service provision, acquisition of attorney consent prior to providing or continuing to provide services is required. Bidder affirms that this consent shall be confirmed in writing with a copy to all interested parties.
- _____ 9. Bidder is willing to enter into a non-disclosure agreement (hereinafter

"NDA") with NYSIF. NDA is attached as Attachment 3. The NDA will be required after an award has been issued to the Bidder.

- _____ 10. Bidder is authorized to do business in the State of New York.
- _____ 11. To the extent required by law or regulation, Bidder is licensed, certified, or otherwise authorized to perform the services in the category or categories for which Bidder is bidding.
- _____ 12. Bidder has included, in their bid response, audited financial statements for each of the past two fiscal years and the most recent interim financial statements (audited or unaudited).
- _____ 13. Bidder is currently providing the services required in each category they bid on, and such services are currently provided for workers' compensation claims in the State of New York.
- _____ 14. Bidder affirms that substitutions of key staff must be approved by NYSIF. Bidder affirms they may not delegate any responsibility performed pursuant to any contract resulting from this RFP to anyone not identified in its proposal, without prior written approval from NYSIF.
- _____ 15. Bidder has designated a specific individual to serve as the key liaison with NYSIF in contract matters.
- _____ 16. Bidder certifies that it has performed a conflict of interest check and determined that there is no potential or actual conflict with any current or reasonably foreseeable future client. If any conflict of interest arises during the performance of work herein, Bidder will notify NYSIF immediately and follow such steps as directed by NYSIF.
- _____ 17. Bidder has disclosed to NYSIF if any license of Bidder or of any of Bidder's affiliates have ever been revoked by the state of New York or by any other state.
- _____ 18. Bidder has disclosed to NYSIF if Bidder or any of Bidder's owners or principal officers have ever been convicted of a felony, a securities law violation, or has been subject to any regulatory or disciplinary action.
- _____ 19. Bidder has disclosed to NYSIF if Bidder, Bidder's parent company, or any of Bidder's affiliates or subsidiaries have ever filed for bankruptcy law protection.
- _____ 20. Bidder has disclosed to NYSIF if Bidder, Bidder's parent company, or any of Bidder's affiliates or subsidiaries have ever been subject to any regulatory action by the federal, state, or securities authorities, including insurance departments.
- _____ 21. Bidder understands and acknowledges that NYSIF makes no representation about the volume of work assigned to any Bidder and that assignment of work is within NYSIF's discretion.

- _____ 22. Bidder understands and acknowledges that upon NYSIF’s request, Bidder must immediately remove an employee from performing work on behalf of NYSIF.

- _____ 23. Bidder understands and acknowledges that Bidder may be disqualified if NYSIF determines Bidder lacks sufficient technical, operational or financial stability to provide the services required under this RFP.

- _____ 24. Bidder understands and acknowledges that during the duration of the contract, if requested by NYSIF, the Bidder must provide a copy of your most recent Type I or Type II SOC1 report or Report on Internal Control Evaluation if a SOC1 report has not been prepared.

NOTE: SSAE 18 Reports:

If Contractor utilizes a Statement on Standards for Attestation Engagements (SSAE) No. 16, or Statement on Standards for Attestation Engagements (SSAE) No. 18, as developed by the American Institute of Certified Public Accountants (AICPA), within the past twenty-four months prior to the Agreement, Contractor shall provide NYSIF with a copy of Contractor’s Service Organization Control (SOC) Report types 1, 2, or 3, on an annual basis. Such Report(s) shall be used for information purposes only. NYSIF reserves the right to request a copy of the Report(s) during the Agreement duration (including option periods). Production of Contractor SSAE 16 or 18 Report(s), or SOC Reports shall not take the place of NYSIF’s right under the Agreement to independently audit Contractor.

Signature

Date

Typed/Printed Name

Company Name

Title