



New York State Insurance Fund
Procurement Unit

July 24, 2018

The following (Q&A) will serve as Amendment #2 to NYSIF's Request for Proposals (RFP) for Independent Medical Examinations (IME) Services, bid number 2017-123-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 8/9/2018, by 2:00 p.m.(eastern).

Sincerely,

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

Megan McClune
Contract Management Specialist

Independent Medical Examinations (IME) Services

RFP #2017-123-CL

Amendment 2

#	Question	NYSIF Response
1	Under section 2.2.4 is states" All technical publications cited in the Bidders proposal should be included at the end of the proposal." Can you clarify what you mean by publications? Would this be any attachments we are sending?	If Bidders make a reference or cite a published article in a trade paper, newspaper, or the like, a citation must be made and the publication must be included in the proposal.
2	Under section 4.1.3 a, 1, you are asking for a letter of commitment from the IME physicians regarding the RFP. The IME doctors do not have a copy of the RFP as the IME vendors take on all responsibilities detailed within it. Is a letter still necessary from the doctors?	<p>The necessary letter to be submitted is the IME physician's commitment to the IME vendor that the physician will abide by the RFP requirements.</p> <p>While the NYSIF contract is with the IME vendor, the physician is presenting the commitment to the IME vendor who holds the contract in regards to all IME reports, depositions, court appearances, the adherence to the NYS WCB law and physician RFP requirements, etc. It is up to the IME vendor to relay the RFP instruction details and the NYS WCB Law to the physician.</p>
3	Page 7, Section 1.3, Paragraph #1: The purpose of the RFP states "NYSIF is seeking bids for the provision of medical examinations of claimants who have applied for either disability or workers' compensation benefits. How often is an IME ordered for a disability claim? Is a separate proposal required for disability IMEs? Are these referrals reflected in the number of IME's listed in Exhibit 3?	<p>At the current time the number of exams on disability benefits claims is very minimal, if any. However, depending on future changes to the Disability Benefits Law, this could change.</p> <p>A separate proposal is not required for disability IMEs.</p> <p>There are no disability benefit referrals reflected in the number of IME's listed in Exhibit 3.</p>
4	Exhibit 3: Are these annual numbers?	These are annual numbers.
5	Page 7, Section 1.7, Paragraph #4,5,6,7: What percentage of IMEs will be assigned to the Primary Panel? Will contract recipients be told which panel they are assigned to? If NYSIF finds it necessary to increase the number of providers in the primary panel, will those providers come from the secondary panel?	This information is outlined in Section 1.7.1 "Engagement by Region". Additionally, Bidders can only be awarded for Regions that they have bid on under the RFP. Should NYSIF find it necessary to expand the Primary Panel in a region, the Contractors will come from the Secondary Panel.
6	Page 12, Section 2.2, Paragraph #4: Should the Fee Proposal be submitted in the same manner as the Technical Proposal i.e. one bound Fee Proposal in a separate envelope and one exact electronic copy of the Fee Proposal within the same envelope as the bound Fee Proposal?	Yes.
7	Page 14, Section 2.2.3, Paragraph #m: Does the word "staff" refer to the proposed physicians and psychologists? Will a copy of each providers license and American Board Certificate be required?	<p>Under Page 14, Section 2.2.3, Paragraph #m: Staff are IME physicians, podiatrists, chiropractors, and psychologists.</p> <p>A copy of each provider's license and American Board Certificate is required.</p>
8	Page 18, Section 3.3: The "response column" on Appendix "T" says to use a "drop down" to reply. Will Appendix T be available for completion electronically? If so, when will that be available?	An electronic version of Appendix T can be found within the RFP.
9	Page 19, Section 4.1.2: Is coverage required in each individual county within a Region in order to bid for that region?	Vendors must provide coverage for all counties within the Region they are bidding on.
10	Page 22, Section 4.1.4, Paragraph f: Is Ortho, Neuro & Chiro required in each county or in the region as a whole?	Ortho, Neuro & Chiro coverage is required for each county within the Region you are bidding on. See answer to question 9.
11	Appendix O, Form A: In the column entitled "Employment Category" what is required from the www.onetonline.org website, the description or the code number?	The description and the code number should be supplied.
12	How many vendors are presently contracted with NYSIF to do IMEs?	This is not relevant to the RFP.
13	Is there a list of physicians that NYSIF precludes from doing IMEs? If so, can that list be made available to prospective vendors?	NYSIF does not have a list of precluded physicians.

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14	<p>Section 4.2.3 – Page 24-25 Paragraph C& D</p> <p>This section advises that if an IME Company does not request a “Higher Fee” or a “No-Show” fee and have NYSIF’s response prior to scheduling the exam or review, NYSIF will not be held liable. A bill for an exam or review in this situation will be paid as per the NYSIF IME fee schedule.</p> <p>When the assignment is received and accepted we do not know the size of the file to be reviewed and forwarded to the IME specialist. We only know the volume after we accept the assignment and e-case access is granted and we print the medicals. Can higher fees be requested at that time? Do we need to cancel the assignment and request a higher fee?</p> <p>Can a higher fee be requested when the number of attending physicians exceeds a certain number? Real costs, including copying and postage are associated with each mailing and a large number of attending physicians can be very costly</p> <p>Can we charge FedEx for rush appointments or do we need to request a higher fee?</p> <p>Can we charge FedEx to mail reports same day same manner when a report is a rush?</p>	<p>If an IME company feels that an additional fee is indicated based upon the volume of documents to be reviewed, the IME company can bill this as an additional fee at the time they create their billing to upload to NYSIF. NYSIF will review the additional fee request and pay what NYSIF feels is the appropriate amount.</p> <p>The IME vendor <u>cannot</u> charge an additional fee based upon the number of attending physicians.</p> <p>A higher fee <u>cannot</u> be requested when the number of attending physicians exceeds a certain number.</p> <p>NYSIF will reimburse the IME vendor for FedEx mailings when requested by NYSIF.</p>
15	<p>Section 4.6.2 – Page 28</p> <p>Is there a pre-determined fee for an addendum requesting additional information or would it be based on the volume of records to review and complexity of the request?</p>	<p>There is <u>not</u> a pre-determined fee for an addendum requesting additional information. The fee is based on the volume of records to review and complexity of the request. However, as per Appendix Z, last two bullets, if the volume of records is in the inches, the Appendix Z fees would apply.</p>
16	<p>Section 4.6.12 Paragraph– Page 37</p> <p>This section states that if an addendum is requested solely to correct an omission from the original report, there shall be no additional cost to NYSIF.</p> <p>If an addendum is requested due to an omission or as noted under Workers' Compensation Board Subject No. 046-324 where report is mailed “as is” it is because an IME Entity is not permitted to have communication with the IME physician. In this case can a small administrative fee be charged as it is not due to the IME entity’s negligence that the omission/error took place and there are real costs of copying and mailing to all parties?</p>	<p>NYSIF will not pay an administrative fee for the addendum when a correction is warranted. (NYSIF did not receive the completed product that was requested.)</p> <p>Note: the IME company should also be submitting a letter to the WCB and all parties stating that an addendum will be forwarded on behalf of the physician. Making this type of correction is the cost of doing business.</p>
17	<p>Appendix Z</p> <p>With reference to Chart Review or Hospital Record Review there is a blank space for a single bid for each category.</p> <p>Can our charge for either of these categories be based upon a number of pages and/or specialty required to make this review?</p>	<p>There is not a pre-determined fee for a review. The fee is based on the volume of records to review and complexity of the request. However, as per Appendix Z, last two bullets, the volume of records is measured by inches, the Appendix Z fees would apply.</p> <p>Per Appendix Z, the review includes the amount of records in inches:</p> <ul style="list-style-type: none"> - Chart review is defined as a review of an inch of records and responding to a question, such as necessity for surgery. - Hospital record review is defined as a review of three inches of hospital records and responding to a question, such as causal relationship.

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18	<p>Section 4.6.3 – page 28</p> <p>This section relates to the format of the IME-5 form and states, in the box titled “The Practitioner Intends/Does not Intend to Record or Videotape This Examination”, the IME company should mark “Does Not Intend”.</p> <p>Our company has previously received permission, in writing, from the WCB to write in this paragraph” The Practitioner does not intend to videotape or otherwise record the examination unless the claimant videotapes or otherwise records the examination.</p> <p>Since we did receive permission through the WCB may we continue to use this wording on the IME-5 form?</p>	Not Applicable to RFP.
19	<p>4.6.4 THE IME-3 FORM:</p> <p>b. If the physician is examining the claimant and the IME Company has received correspondence that is not present in WCB eCase: Any correspondence not present in WCB eCase, must be sent with the IME-3 form within ten days of receipt of the correspondence request if received after the IME or record review is arranged.</p> <p>c. If additional correspondence is received after the IME-3 form is sent to the WCB, and some or all of this correspondence is not present in WCB eCase, a new IME-3 form and the new correspondence not in WCB eCase must be sent within ten days.</p> <p>NYS WCB Subject No. 046-769, dated 7/9/2015 states: The amended regulation added a requirement that every record, document, or test result supplied to an IME examiner for review in connection with an IME or records review must be a part of the Board file. Any information that is not already part of the Board file must be submitted before or at the time the IME or records review is arranged. This information should not be submitted to the Board via a Request for Information using an IME-3.</p> <p>Please clarify as NYSIF requirements re: the IME-3 and sending medicals to the WCB seem to conflict with the above subject number.</p>	<p>The IME company will be given e-Case access to the Board file.</p> <p>Since the information that the IME company submits to the IME physician "before or at the time the IME or records review is arranged" comes from the Board file, there will be nothing requiring an IME-3 form.</p> <p>If NYSIF sends any additional information to the IME company after "the time the IME or records review is arranged":</p> <p>The IME company will check eCase to ascertain whether the information is in eCase-</p> <p>1) If the additional information is in eCase, then nothing more needs to be done.</p> <p>2) If the additional information is <u>not</u> in eCase, then the information needs to be attached to a completed IME-3 form and sent to the WCB. (The IME-3 form should indicate that eCase was checked on <i>(date)</i> and the attached correspondence was not found in eCase.</p>
20	<p>4.1.3 PERSONNEL</p> <p>a) Qualifications, # 5.</p> <p>Number of IMEs that the IME physician has completed for your firm within the last two years. If the physician is a recent addition to your panel, please indicate so.</p> <p>Does this apply to NYSIF only or total number of exams for all clients?</p> <p>What is the requested time frame designation for a recent provider?</p>	<p>The number of New York State Workers' Compensation exams for the past two years, broken out by:</p> <ul style="list-style-type: none"> - Total number of exams NYSIF. - Total number of exams for all clients including NYSIF. <p>If the provider is less than two years (a recent provider), indicate how many months they have been with your firm examining on New York State Workers' Compensation claims.</p>

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21	Exhibit 2 Not To Exceed Rates, All Other Specialties. How does the IME entity list a provider fee for a non ortho, chiro, neuro/neurosurgical exam where the fee is based on the amount of medical records and cannot give a flat fee?	The "Exam Fee" is an overall fee which is composed of the fee the physician charges for the actual exam plus the IME company's administrative fee. "Exam Fee" does not consider the amount of medical records, since this is a variable. If medical record review is being billed, see question 14. NYSIF does not give individual physicians approval for fees for medical record review. Thus, the answer to the question is that the IME entity <u>should not list</u> a provider fee for an exam in any specialty where the fee is based on the amount of medical records and cannot give a flat fee.
22	2.2.3 COMPANY BACKGROUND j. If subcontracting some portion of this RFP to another company, a letter of agreement must be included from each subcontractor indicating that the subcontractor has received and read the RFP, agrees to subcontract with the Bidder if the contract is awarded to the Bidder and agrees to RFP requirements. Does this requirement refer to the subcontracting IME physician or the IME Entity that provides the physician?	The IME Entity that provides the physician.
23	Page 8 of 46 and page 12 of 46 Is NYSIF requesting we submit a separate proposal for each region or is there to be 1 proposal that addresses all regions?	Separate proposals must be provided for each region the Bidder intends to bid upon.
24	Page 12 2.2 Bid Format Appendix Z. Should an electronic copy (dc/dvd-rom or USB flash drive) of the fee schedule also be included in the separately sealed envelope that contains the hard copy of the fee schedule?	See answer to question 6.
25	Page 14, 2.2.3 Company Background m. – Requests “A list of all staff being proposed by Bidder, include all certifications and licenses”. Is NYSIF requesting a list of medical and psychological providers and support staff or just providers?	Under Page 14, Section 2.2.3, Paragraph #m: Staff are IME physicians, podiatrists, chiropractors, and psychologists. A copy of each provider's license and American Board Certificate is required.
26	Page 15 of 46 section 2.2.7 appendices and Exhibits May we place the most up to date VENDREP certification page from the official website showing that we have filled out and updated the Vendor Responsibility Questionnaire, Appendix E online as opposed to filling out all 7 pages of Appendix E? (VENDRep is the state’s required online site and contains the information and is required to be updated every 6 months and the online update would be July 2018)	Yes.
27	Page 15 of 46 section 2.3 “Hand deliveries/US Postal Service/Courier” – does the terms “courier” include UPS and FED EX as well as smaller, non-national courier services?	Yes
28	Appendix M – Form 101 EEO Staffing Plan – is this included in the RFP or upon award?	Appendix M Form 101 must be completed and supplied with the proposal.
29	Appendix M “page 5 and Form 106 continued” – Since there are no required MWBE/SDVOB required goals for this contract, do we write 0% on all three lines?	Yes
30	“page -0.1-” Appendix O – is Form A required to be submitted with the RFP?	Yes, Appendix O Form A is to be included in the Bidders proposal.
31	Appendix S form S-100 – if we have no SDVOB, are we required to include the blank form on the RFP submission?	No, Appendix S was provided should Bidders find they are able to utilize an SDVOB while providing the services under the RFP. Appendix S does not need to be completed and returned with proposals.

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32	At this time, clarification is requested pertaining to the allowable travel distance in the more remote/rural regions of the larger geographic regions covering many counties such as Albany and Binghamton. In those regions, claimants are known to travel over 150 miles for treatment. Therefore is it permissible to schedule an IME with a provider if the distance is over 100 miles (i.e. Tupper Lake to Albany or Bath to Binghamton). Page 21 (Sec 4.1.2) and page 28 (Sec 4.5) states "reasonable distance" therefore clarification is requested for a more specific allowable distance in remote areas of NYS.	The WCB determines the "reasonable distance" on a "case by case" basis. There is no defined "distance". WCB decisions are based upon the specific circumstances of each case. Consideration is given to geographic location, availability of doctors, access to transportation, level of disability, distance the claimant travels to their attending physician, etc.
33	Regarding bidders and regions, will the regions bid on by a bidder be considered individually or only the bidder as a whole (for each region bid on). For example if a bidder chooses to bid on all regions can they be selected for only regions A, B & D?	Each region will be considered individually. (For example, if a bidder chooses to bid on all regions they can be selected for only regions A, B & D.)
34	Please confirm that the method requested for submission of IME reports (page 33 - report is to be submitted ONLY electronically 5 calendar days after mailing) is fully compliant with WCL Sec 137 whereby all parties are to be supplied a copy of the IME report by the same manner at the same time. Page 31 (Sec 4.6.5) "All such reports shall be sent on the same day and in the same manner as required by Workers' Compensation Law section 137 (1)(a)." If all interested parties are supplied a paper copy via US Mail, is the NYSIF also required to receive a report by the same manner?	Confirmed that the method requested for submission of IME reports (page 33 - report is to be submitted ONLY electronically 5 calendar days after mailing) is fully compliant with WCL Sec 137 whereby all parties are to be supplied a copy of the IME report by the same manner at the same time. (The IME company should please remember, that concerning reports to NYSIF- on Time Sensitive reports NYSIF also wants the report "same day/same manner" as it was sent to the other parties. The method of sending to all parties is indicated in section 4.6.8 of the RFP: <ul style="list-style-type: none"> - On an exam assignment which has a Time Sensitive "due date", the report must be sent overnight mail and received by all parties- by the "due date" or within ten business days of the exam, whichever is earlier. - On a review assignment which has a Time Sensitive "due date", the report must be sent overnight mail, and received by all parties by the "due date". NYSIF <u>does want a paper report for Time Sensitive</u> (i.e. expedited) examinations and reviews. The paper report sent to NYSIF and the other parties should be sent as indicated in Section 137 (1)(a) of the WCL, but as overnight delivery instead of posted by United States mail.
35	The distribution of work in a "straight alphabetical rotation" referenced on page 10 (sec 1.7), will that manner continue beyond the initial 90 day period?	After the initial 90 day period, the rotation will be determined based upon performance.
36	For the insurance requirements on page 11/12 (sec 1.8 #4) please confirm the requirement of 2,000,000 per occurrence.	Bidders are required to have a Professional Liability Policy with a limits of liability of not less than \$2,000,000 each occurrence, with a limit not less than \$5,000,000 aggregate.
37	On page 14 (sec 2.1) "Prepare your proposal on the forms provided" – please clarify as only the appendices supplied forms.	The proposal is to be provided in the format outlined in the format outlined in Section 2, and the appendices are to be completed on the supplied forms.
38	On page 33, Sec 4.6.6 states requirements for interested parties to be listed on the IME-4 form. The IME-4 form recently updated by the NYS WCB has less space for cc's to be listed than the previous version. Is it permissible to use a cc list as the final page of the report when the parties of interest do not fit onto the IME-4 form?	Stephanie Zoufaly, WCB, sent to all IME contacts (that she had an email addresses for) on May 23rd: One additional frequent question is: "where do I place the cc:s on the IME-4, since there is no room?" I received clarification that there is no requirement to place the cc:s on page 1 of the IME-4; for example, they can be placed at the end of the narrative, included as an attached list, or on a listing of affidavit of service. The only place where the cc:s should NOT be placed is on page 2 of the IME-4, since this instructions page is not scanned into the eCase folder. I hope this helps clarify the same day/same manner requirement.
39	Appendix G – Encouraging Use of New York State Businesses in Contract Performance: The RFP requires us to use Language Today, Inc. for translation services, which bills NYSIF directly. Should we list this company on Appendix G and if so please advise their FEIN and the Dollar Value?	Bidders are to include the list of companies that they will utilize to provide services under this RFP, who will be paid directly by the Bidder. Bidders would not include companies that are provided or paid by NYSIF under Appendix G.
40	Appendix Z – Fee Schedule: How will NYSIF evaluate a bidder submitting a fee that is higher than the 'NOT TO EXCEED RATES' ?	Notwithstanding terms and conditions within the RFP, Bidders that provide pricing that exceed the rates established in Exhibit 2 may be deemed non-responsive.

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41	Appendix O – Contractor Consultant Law: Please define the following so we can properly complete the form: a. What are the Contract Start and End Dates? b. The 'Hours to be Worked' . Are they per contract, per week, per year, etc.? c. 'Amount Payable Under the Contract is unknown at this time	a. To be determined b. To be determined, this is dependent upon the volume of work assigned. c. To be determined, fees to be paid in accordance with Appendix Z Fee Schedule.
42	Appendix U – Vendor Profile: Please define the unit for 'Volume of NYSIF Data Stored by your Organization' in item 9.	The unit of measure is Bytes (KB, MB, GB, TB etc.). Bidders should also include the number of claimants they intend to store information on.
43	Can you please clarify Appendix O form A .. how do we know amount payable under contract ?and hours worked, number of employees?	Please see the response to Question 41. In regard to the number of employees, this would be dependent upon the vendor and the number of employees the Contractor intends to use during the term of the contract.