

ORANGE COUNTY DEPARTMENT OF MENTAL HEALTH

CONTRACT SERVICES

REQUEST FOR QUALIFICATIONS



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NOTICE TO OFFERORS

Qualification Proposals for **RFQ #OCDMH-CS-23** will be received by the undersigned Commissioner of the Department of Mental Health or her designee on a rolling basis to fulfill the needs of the County.

Copies of the Request for Qualifications may be obtained beginning October 25, 2022 at the address below between the hours of 9:00 A.M. and 4:45 P.M., Monday through Friday as well as through [www.orangecountygov.com/mental health](http://www.orangecountygov.com/mental%20health).

October 25, 2022

Darcie M. Miller, Commissioner
 Department of Mental Health
 County of Orange
 30 Harriman Drive
 Goshen, NY 10924

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INSTRUCTIONS TO OFFERORS

The only official distribution source for this Request for Qualifications (RFQ) is through the Department of Mental Health. If you've obtained this RFQ from a different source, you are encouraged to contact the Department to receive an official copy. You may not receive addenda or important information regarding this RFQ if you are not registered with the Department of Mental Health as having obtained a copy of this RFQ through the Department. To register, submit your name, phone number, and email to the following email address: OCDMHRFQRFQ@orangecountygov.com

By submitting a proposal, you are asking the County to accept your offer for the provision of services. It is important that you READ and UNDERSTAND all terms and conditions contained herein, as well as understand the laws that govern Public Contracts in New York State. **If you do not agree with the terms and conditions contained in this RFQ you should not submit a qualifications proposal.**


Your qualifications proposal will be considered by the County if the following conditions are met:

1. State Finance Law §139-j and §139-k, are designed to prevent procurement lobbying and require County staff to keep a record of contacts made by potential contractors and lobbyists regarding a procurement so that the public knows who is contacting the County about procurements. With certain exceptions potential consultants are restricted from contacting other than designated staff from the issue date of the RFQ through execution of a contract by the County Executive ("restricted period"). **Exceptions to contacts during the restricted period include: submission of questions and proposals, interviews, protests, and contract negotiations after an award, among other specified in State Finance Law §139-j(3)(a).** The designated staff contact is Darcie M. Miller, Commissioner of Mental Health, or her representative, telephone (845) 291-2600.

2. Offerors are responsible for reporting in writing any errors, omissions, or ambiguities found in this RFQ. All such reports, requests for information, questions, etc. shall be on the "Questions Form" provided in this RFQ and either emailed to the Department of Mental Health at OCDMHRFQ@orangecountygov.com, or faxed to (845) 360-9058 or mailed to Darcie M. Miller, Commissioner, Department of Mental Health, 30 Harriman Ave., Goshen, New York 10924. No questions will be entertained by any other means. **For potential consultants interested in 2023 contracts, questions should be submitted by November 28, 2022 at noon, prevailing time. Responses will be posted on or about December 1, 2022.** Questions received after this time will be addressed in future addenda. If the Department is not currently hiring for any positions, questions may be held and responded to in a monthly/quarterly addendum at the Department's discretion. The status of position openings is available on the Department webpage for this RFQ [www.orangecountygov.com/mental health](http://www.orangecountygov.com/mental%20health) so questions seeking that information will not be responded to in addenda since the information is available on that webpage. Please be patient, questions will be answered in an Addendum/Addenda to be shared with all interested Offerors. Questions will not be responded to individually.

3. Unless otherwise specified herein, all proposals shall be made upon forms furnished in this RFQ, if any, and as may be modified by addenda, contained in a sealed envelope marked with RFQ #OCDMH-CS-23, and addressed to Darcie M. Miller, Commissioner, Department of Mental Health, 30 Harriman Drive in Goshen, New York 10924. It is the Offeror's responsibility to ensure that FedEx, UPS, etc. deliveries are clearly marked with the RFQ number on the outside of their envelopes. Faxed proposals are not permitted. **Qualifications shall be received on a rolling basis to fulfill the needs of the County for the duration of this RFQ through December 15, 2028, unless that date is modified by an addendum and/or replacement RFQ.**

4. **Two (2)** copies of all proposals shall be submitted, **ONE SET OF WHICH MUST CONTAIN ORIGINAL SIGNATURES** including completed copies of any forms or certifications required in this RFQ. Forms, if any, included in this RFQ shall

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be completely filled in, in ink or by typing, on the original form. Failure to respond to the RFQ on any form(s) included in this RFQ, may result in disqualification of a proposal as non-responsive. No proposal form will be accepted which contains any alteration of the form template or omissions or erasures of Offeror responses. Each proposal shall be properly executed and signed by the Offeror. Illegible and unsigned proposals will be rejected as non-responsive.

5. Qualification proposals shall be received on a rolling basis for the duration of this RFQ through October 31, 2028, unless that date is modified by addendum and/or a replacement RFQ. The County intends to award contracts to multiple entities under this RFQ in accordance with County needs for the positions described herein. The County reserves the right to reject any proposal as non-responsive if compliance with the specifications is not clearly evident. In addition, the County reserves the right to waive any informality, reject any and all proposals, or accept any proposal in whole or in part, if deemed to be in the best interest of the County.

6. All awards under this RFQ shall be subject to the execution of a contract between the Offeror and the County. Upon full execution of a contract, Offeror shall be referred to as a "Consultant". The County's contract obligation is contingent upon execution of the contract between the County and each selected Consultant and the availability of appropriated funds for this contract. No legal liability on the part of the County for payment of any money shall arise unless and until a contract is executed by both parties, funds are appropriated and made available in each year of the term of the contract and all performance requirements for each payment are met. The County shall have no responsibility or liability for any Offeror's costs related to preparation of proposals, attendance at interviews, etc.; all such costs are solely at Offeror's risk and expense.


7. Offeror(s) awarded a contract agree to execute the contract in the same form as the applicable template enclosed in this RFQ in the timeframe, if any, indicated in the notice of award. While not required in the qualification's proposal package, Offerors are reminded that Certificates of Insurance evidencing compliance with the Insurance requirements of this RFQ must be provided prior to execution of the contract by the County. The number of days for submission may vary but it may be less than one business week, please be prepared. **FAILURE TO SUBMIT INSURANCE DOCUMENTS WITHIN THE TIME SPECIFIED IN THE NOTICE OF AWARD MAY RESULT IN DISQUALIFICATION OF THE OFFEROR AS NON-RESPONSIVE.**

8. The County maintains a unilateral right to cancel or extend the contract in accordance with the terms of this RFQ and the incorporated contract template. If a Consultant fails to perform or otherwise breaches the contract, in addition to any other rights and remedies the County may have, the Consultant may be listed as non-responsible and may be ineligible for future proposal or bid awards.

9. Offerors should be properly registered to do business in the State of New York and furnish applicable certificates of authority/incorporation/partnership/dba, etc. with their proposal. Regardless of the propriety or legality of registration status, as a condition of contract, the Consultant shall agree to service of process as follows: In addition to the methods of service allowed by New York's Civil Practice Law and Rules, the Consultant consents to service of process upon it by registered or certified mail, return receipt requested, to the address indicated in this Agreement. Service shall be complete upon Consultant's actual receipt of process, or upon the County's receipt of the return by the United States Postal Service as refused or undeliverable. Consultant shall immediately notify the County, in writing, via registered or certified mail, return receipt requested, of each change or address to which service of process can be made. Service by the County to the last known address shall be sufficient.

10. The County encourages submission of proposals by certified Minority- and Women-Owned Business Enterprises (M/WBE).

11. A Non-Collusion Certification is included in this RFQ. Offerors must complete and submit a signed original with their proposal.

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12. A Disclosure of Non-Responsibility Determination is included in this RFQ. Offerors must complete and submit a signed original with their proposal.

13. An Iran Divestment Act Certification is included in this RFQ. Offerors must complete and submit a signed original with their proposal.

14. Consultants that have not received a purchase order in the last twelve (12) months from Orange County must submit completed and executed Supplier Forms prior to execution of a contract by the County. Also, any change in name, tax identification, address, etc. requires an updated Supplier Form prior to payment.

INSURANCE REQUIREMENTS

During the term of the contract, or longer if required, the Consultant shall maintain, at its expense, insurance policies of the types and minimum coverages outlined below. Certificates of insurance evidencing compliance with these requirements shall be required prior to execution of the contract by the County. Failure to submit insurance documents within the time specified in the Notice of Award may result in disqualification of the Offeror as non-responsive. These insurance requirements may be waived in part or in whole depending upon the particular position(s).

The minimum requirements for insurance are as follows:


Type of Coverage	Limits of Coverage
Worker's Compensation	Statutory
Disability Benefits	Statutory
Employer's Liability or Similar Insurance	\$1,000,000 each occurrence
Automobile Liability	\$1,000,000 aggregate
Bodily Injury	\$1,000,000 each occurrence
Property Damage	
Comprehensive General Liability, including	\$1,000,000 aggregate
broad form contractual liability, bodily injury, and property damage	\$1,000,000 each occurrence
Professional Liability	\$3,000,000 aggregate
(if commercially available for your profession)	\$1,000,000 each claim

The certificate holder is to be addressed as follows:

Orange County
 C/O Orange County Dept. of Mental Health
 30 Harriman Drive
 Goshen, NY 10924

Orange County is to be listed as **additional insured** with respect to liability and the work performed for Orange County. Professional liability is required for anyone who provides counseling services. If professional liability is listed on a separate certificate, additional insured coverage is not required.

Insurance coverage is required for the length of the contract. It is the responsibility of the Consultant to provide updated insurance certificates to the County upon expiration.

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The following is a list of accepted forms:

Employer’s Liability, General Liability, Professional Liability, Automobile Coverage


- A) ACORD form 25-S is acceptable proof of Coverage.

Workers’ Compensation Requirements under Workers’ Compensation Law §57

- A) CE-200 (replaces WC/DB-100), Certificate of Attestation of Exemption from New York State Workers’ Compensation and/or Disability Benefits Insurance Coverage. Starting December 1, 2008, ONLY applicants eligible for exemptions must file a new CE-200 for each and every new or renewed permit, license or contract issued by a government agency. Each CE-200 will specifically list the issuing government agency and the specific type of permit, license or contract requested by the applicant.
 An instruction manual that will further clarify the requirements, including instructions for the CE-200 exemption form, is available to download at the Workers’ Compensation Board’s website, www.wcb.ny.gov Once you are on the website, click on Employers/Businesses, then Business Permits/Licenses/Contracts; from there, click on Instruction Manual for Businesses Obtaining Permits/Licenses/Contracts; **OR**
- B) C-105.2 -- Certificate of Workers’ Compensation Insurance. **PLEASE NOTE:** The State Insurance Fund provides its own version of this form, the U-26.3; **OR**
- C) SI-12 -- Certificate of Workers’ Compensation Self-Insurance (Consultant calls the Board’s Self-Insurance Office at 518-402-0247); **OR**
- D) GSI-105.2 -- Certificate of Participation in Worker’s Compensation Group Self-Insurance (the Consultant's Group Self-Insurance Administrator will send this form to the government entity upon request).

Disability Benefits Requirements under Workers’ Compensation Law §220(8)

- A) CE-200 (replaces WC/DB-100), Certificate of Attestation of Exemption from New York State Workers’ Compensation and/or Disability Benefits Insurance Coverage. Starting December 1, 2008, ONLY applicants eligible for exemptions must file a new CE-200 for each and every new or renewed permit, license or contract issued by a government agency. Each CE-200 will specifically list the issuing government agency and the specific type of permit, license or contract requested by the applicant.
 An instruction manual that will further clarify the requirements, including instructions for the CE-200 exemption form, is available to download at the Workers’ Compensation Board’s website, www.wcb.ny.gov Once you are on the website, click on Employers/Businesses, then Business Permits/Licenses/Contracts; from there, click on Instruction Manual for Businesses Obtaining Permits/Licenses/Contracts.; **OR**
- B) DB-120.1 -- Certificate of Disability Benefits Insurance; **OR**
- C) DB-155 -- Certificate of Disability Benefits Self-Insurance (the business calls the Board’s Self-Insurance Office at 518-402-0247).

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SPECIFICATIONS

The County of Orange Department of Mental Health seeks qualified individuals and/or entities to fulfill the need for a wide range of specialized services within its clinics and administrative divisions. Brief descriptions of the scope of services, specifications and rate ranges can be found on the Rolling RFQ Summary Table available at [www.orangecountygov.com/mental health](http://www.orangecountygov.com/mental%20health). These summaries will not be part of the contract, however the template Schedule A/B provided for each position shall serve as the specifications for the position and be incorporated into the contract for each applicable position. In addition to the applicable Schedule A/B, the following requirements will also apply to Consultants whose work may involve the types of contacts or information described in the provisions below:

Statewide Central Register Clearance

In accordance with Section 424-a of the New York State Social Services Law and as a legally authorized agency, the County will inquire of the Statewide Central Register (SCR) as to the existence of any indicated reports of child abuse and maltreatment against an applicant prior to employment, certification, or licensure for those working with children and youth.

Criminal History Record Check

Mental Hygiene Law §31.35 and Executive Law §845–b require that criminal history information be obtained from the Division of Criminal Justice Services (DCJS) and the Federal Bureau of Investigation (FBI) before certain providers of mental health or developmental disabilities services can hire or engage prospective employees/volunteers who will have "regular and substantial unrestricted physical contact" with clients.


Confidentiality:

The Consultant, including its officers, employees, partners, agents or other representatives assigned to perform work under any contract issued pursuant to this RFQ, agrees to observe the confidentiality provisions of all applicable federal and New York state laws and regulations relating to confidentiality of records and information gathered, obtained, reviewed, or developed in the performance of the work under contracts issued pursuant to this RFQ.

Note that services performed by some Consultants may involve review of confidential data that may contain HIV related confidential information as defined by Section 2780(7) of the New York State Public Health Law. Therefore, as required by New York State Public Health Law Section 2782(5), the County provides the following notice:

NOTICE

This information has been disclosed to you from confidential records which are protected by state law. State law prohibits you from making any further disclosure of this information without the specific written consent of the person to whom it pertains, or as otherwise permitted by law. Any unauthorized further disclosure in violation of state law may result in a fine or jail sentence or both. A general authorization for the release of medical or other information is NOT sufficient for further disclosure.

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Consultant agrees to include the above NOTICE as well as references to statutory citations in any agreement that the Consultant executes with a sub consultant or other party. The Consultant also agrees that any further disclosure of confidential data requires prior written approval of the County. In addition, any oral disclosure shall be accompanied or followed by such a notice within ten days from the date of disclosure. The Consultant agrees to state in any such agreement that the sub consultant or other party may not further disclose the confidential data without the prior written approval of the County.

TERM

The County anticipates that the initial term of any contracts resulting from this RFQ will be for one (1) year. The County reserves the right to extend any particular contract for up to four (4) additional one (1) year periods, at the sole option of the County and under all terms and conditions of the original contract.


Upon expiration of the original term, a contract may be extended unilaterally by the County for an additional period of up to two months upon notice to the Contractor with the same terms and conditions as the original contract including, but not limited to, quantities (prorated for such extension), prices, and delivery requirements. With the concurrence of the Contractor, the extension may be for a period of up to three months in lieu of the up to two-month period.

PRICING

1. The proposed specifications are not a guarantee, were developed based on past or anticipated needs, and are as accurate as the County can ascertain at the time of issuance of this RFQ. When an anticipated volume of services or other quantities are listed, the County has listed these either based upon a history of usage over a previous period or anticipated need. The County in no way guarantees that the actual volume or quantities listed will be necessary or ordered, although every attempt is made to provide accurate information. When volume or quantities are listed, the Offeror should understand that the actual volume or quantities may be more or less, depending on the actual needs of the County. The Offeror shall hold the County harmless against any damages because of estimated volume or quantities. In the event quantities exceed the estimate, the County shall receive the price as specified in the Agreement for Consultant Services.
2. Invoices submitted shall be exclusive of federal and state sales taxes (or other taxes inapplicable to government entities) and must not include any tax for which the Offeror may claim exemption because of doing business with the County. Unless otherwise indicated in this RFQ, prices shall be net, including any applicable transportation and delivery charges fully prepaid by the successful Consultant to the destination indicated in the proposal. No freight and/or handling and/or fuel surcharges will be accepted, unless otherwise agreed to in the contract.
3. Rates for each contract shall be negotiated and agreed upon in writing for each year of the contract within the current range applicable to the position as published in the **Rolling RFQ Summary Table available at www.orangecountygov.com/mental health**, as may be revised by the Department from time to time. The contract rates for any consultant shall be set within the range dependent upon qualifications and experience.

PAYMENT

Payment shall be made in accordance with Article 3. Compensation of the Agreement for Consultant Services enclosed in this RFQ.

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SUBMISSION OF QUALIFICATIONS

The Qualifications Proposal must include:

- A. Qualifications Proposal Form; and
- B. Background and Experience: Provide a brief written history of your business and experience and/or a resume/curriculum vitae plus any applicable certifications, licenses, etc.; and
- C. References: Provide names and contact information for at least three (3) professional references for which similar services have been completed. References for New York government entities are preferred, but not required.

ADDITIONAL INFORMATION, INTERVIEWS & SITE VISITS

The County reserves the right to require any or all Offerors to present additional evidence of experience, ability and financial standing as well as a statement as to the personnel which the Offeror will have available for the performance of this contract. The County reserves the right to interview, any or all Offerors and/or visit any or all Offeror's sites during the evaluation of proposals. If applicable, the County shall contact Offerors to arrange an interview to be held at the office of County of Orange Department of Mental Health, 30 Harriman Avenue, Goshen, NY 10924 and/or a site visit of Offeror's facilities at any time during the evaluation process. The County may award any contract without interviews and/or site visits for any or all Offerors, if deemed to be within the best interests of the County.

BASIS OF AWARD

Award of any contract shall be made to a responsive, responsible, and qualified Offeror, whose proposal is determined to be in the best interest of the County, taking into consideration the following factors each of approximately equal weight:

- A. Qualifications, Background, and References
- B. Response to Proposal
- C. Experience and Service
 - 1. demonstrated prior experience in providing similar services; and
 - 2. capability of providing responsive service

The submission of a proposal implies the Offeror's acceptance of the evaluation criteria and Offeror's acknowledgment that subjective judgments must be made by the evaluation committee. The County reserves the rights to accept other than the lowest priced offer, waive any informality, or reject any or all proposals, with or without filling the position(s) or advertising for new proposals, if in the best interest of the County. Multiple contracts may be awarded for certain of the services described in this RFQ.



ORANGE COUNTY, NEW YORK

Department of Mental Health
30 Harriman Drive
Goshen, New York 10924

OCDMH Contract Services

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QUALIFICATIONS PROPOSAL FORM

NAME, TITLE, TELEPHONE, FAX AND EMAIL OF CONTACT PERSON: _____

BUSINESS NAME: _____


Note: Individuals doing business in their own name are "sole proprietorships" so should insert their name and address as the "business" address. If you use an "assumed name" or "d/b/a" please provide that as well.]

BUSINESS ADDRESS: _____

DOES THIS BUSINESS HAVE A MINORITY, WOMEN, DISADVANTAGED, OR SMALL BUSINESS STATUS? YES NO
IF YES, PLEASE LIST THE DESIGNATION(S) AND THE CERTIFYING ENTITY(TIES)

IMPORTANT: PLEASE CHECK THE LINE NEXT TO THE POSITION(S) FOR WHICH THIS QUALIFICATIONS PROPOSAL IS BEING SUBMITTED.

<input type="checkbox"/> #0001 Interpreting Services-Sign	<input type="checkbox"/> #0012 MH Evaluator	<input type="checkbox"/> #0034 Community Mental Health Specialist
<input type="checkbox"/> #0002 Interpreting Services-Spanish	<input type="checkbox"/> #0015 Occupational Therapist	<input type="checkbox"/> #0035 Behavior Intervention Specialist I
<input type="checkbox"/> #0004 Psychiatrist Child Psychiatrist Child Psych-Spanish Speaking	<input type="checkbox"/> #0019 DD Assessment Specialist	<input type="checkbox"/> #0036 Behavior Intervention Specialist II
	<input type="checkbox"/> #0023 Behavioral Health Assessment Specialist	<input type="checkbox"/> #0037 Special Project Assistant & Family Navigator
<input type="checkbox"/> #0005 Nurse Practitioner in Psychiatry NP-Spanish Speaking	<input type="checkbox"/> #0025 Forensic Connections Care Coordinator	<input type="checkbox"/> #0040 Mental Health Nurse
	<input type="checkbox"/> #0026 Resource Assistant	<input type="checkbox"/> #0042 Data Surveillance Coordinator
<input type="checkbox"/> #0007 Engagement Specialist	<input type="checkbox"/> #0027 Occupational Therapist Assistant	<input type="checkbox"/> #0043 Behavior Intervention Specialist Assistant
<input type="checkbox"/> #0008 Addiction Case Manager	<input type="checkbox"/> #0028 Clinic Case Manager Bi-Lingual Spanish	<input type="checkbox"/> #0045 Community Engagement Facilitator
<input type="checkbox"/> #0009 MH Competency Evaluator	<input type="checkbox"/> #0031 Children's Mental Health Outreach Worker	<input type="checkbox"/> #0046 Community MH Specialist Trainee
<input type="checkbox"/> #0010 MH Specialty Evaluator	<input type="checkbox"/> #0032 Outreach Worker Adult Mental Health	#0003, #0006, #0012, #0013, #0014, #0016, #0017, #0018, #0020, #0021, #0022, #0024, #0029, #0030, #0038, #0039, #0041, #0044 All have been eliminated at this time
<input type="checkbox"/> #0011 MH Polygraph Examiner	<input type="checkbox"/> #0033 Outreach Worker-Nurse Adult Mental Health	

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The undersigned proposes to furnish and deliver the services described in RFQ #OCDMH-CS-23 for OCDMH Contract Services and the responding proposal to the County of Orange at the prices within the applicable range as described in the Payment section of this RFQ and as negotiated and agreed upon in writing in the Agreement for Consultant Services. The individual submitting this proposal on behalf of his or her firm, certifies by his or her signature below that:

- he or she understands and has complied with the requirements of State Finance Law Sections 139-j and 139-k and will continue to do so throughout the restricted period;
- he or she has read and understood the full Request for Proposal cited above;
- he or she is duly authorized to submit the proposal on behalf of the business entity noted above.

BY: _____

DATE: _____

NAME

TITLE



ORANGE COUNTY, NEW YORK

Department of Mental Health
30 Harriman Drive
Goshen, New York 10924

QUESTIONS

OCDMH Contract Services

RFQ #OCDMH-CS-23

QUESTIONS

ALL QUESTIONS REGARDING THIS RFQ MUST BE ON THIS FORM and either faxed to the Department of Mental Health at (845) 360.9058 or mailed to Darcie M. Miller, Commissioner, Department of Mental Health, 30 Harriman Ave., Goshen, New York 10924.

NAME: _____ PHONE: _____ FAX _____ DATE _____

Series of horizontal lines for writing questions.

 ORANGE COUNTY, NEW YORK Department of Mental Health 30 Harriman Drive Goshen, New York 10924	Non-Collusion Certification
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NON-COLLUSION CERTIFICATION

- (a) "By submission of this proposal, each Offeror and each person signing on behalf of any Offeror certifies, and in the case of a joint proposal each party thereto certifies as to its own organization, under penalty of perjury, that to the best of knowledge and belief:
- (1) The prices in this proposal have been arrived at independently without collusion, consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other Offeror or with any competitor.
 - (2) Unless otherwise required by law, the prices which have been quoted in this proposal have not been knowingly disclosed by the Offeror and will not knowingly be disclosed by the Offeror prior to opening, directly or indirectly, to any other Offeror or to any competitor; and
 - (3) No attempt has been made or will be made by the Offeror to induce any other person, partnership, or corporation to submit or not to submit a proposal for the purpose of restricting competition."
- (b) A proposal shall not be considered for award, nor shall any award be made where the provisions of (a)(1)(2) and (3) above have not been complied with; provided however, that if in any case the Offeror cannot make the foregoing certification, the Offeror shall so state and shall furnish with the proposal a signed statement which sets forth in detail the reasons therefore. Where (a)(1)(2) and (3) above have not been complied with, the proposal shall not be considered for award nor shall any award be made unless the head of the purchasing unit of the political subdivision, public department, agency or official thereof to which the proposal is made, or his designee, determines that such disclosure was not made for the purpose of restricting competition.

The fact that an Offeror (a) has published price lists, rates, or tariffs covering items being procured, (b) has informed prospective customers of proposed or pending publication of new or revised price lists for such items, or (c) has sold the same items to other customers at the same prices being proposed, does not constitute, without more, a disclosure within the meaning of subparagraph (a)(1) of this certification.

Any proposal hereafter made to any political subdivision of the state or any public department, agency or official thereof by an Offeror for work or services performed or to be performed or goods sold or to be sold, where competitive bidding is required by statute, rule, regulation, or local law, and where such proposal contains the certification referred to in subparagraph (a)(1) of this certification, shall be deemed to have been authorized by the board of directors of the Offeror, and such authorization shall be deemed to include the signing and submission of the proposal and the inclusion of this Non-Collusion Certification as the act and deed of the corporation or other business entity submitting the proposal.

DATE

SIGNATURE

NAME

TITLE

BUSINESS NAME

	ORANGE COUNTY, NEW YORK Department of Mental Health 30 Harriman Drive Goshen, New York 10924	Disclosure of Prior Non-Responsibility Determinations
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DISCLOSURE OF PRIOR NON-RESPONSIBILITY DETERMINATIONS
 (See instructions on next page before completing this form.)

Name of Individual or Entity Seeking to Enter into the Procurement Contract: _____

Address: _____

Name and Title of Person Submitting this Form: _____

1. Has any Governmental Entity made a finding of non-responsibility regarding the individual or entity seeking to enter into the Procurement Contract in the previous four years? (Please circle): No Yes

If Yes, please answer the next questions:

2. Was the basis for the finding of non-responsibility due to a violation of State Finance Law §139-j (Please circle):
 No Yes

3. Was the basis for the finding of non-responsibility due to the intentional provision of false or incomplete information to a Governmental Entity? (Please circle): No Yes

4. If you answered yes to any of the above questions, please provide details regarding the finding of non-responsibility below and attach additional pages as necessary.

Governmental Entity: _____

Date of Finding of Non-Responsibility: _____

Basis of Finding of Non-Responsibility: _____

5. Has any Governmental Entity or other governmental agency terminated or withheld a Procurement Contract with the above-named individual or entity due to the intentional provision of false or incomplete information? (Please circle): No Yes

6. If yes, please provide details below and attach additional pages as necessary.

Governmental Entity: _____

Date of Termination or Withholding of Contract: _____

Basis of Termination or Withholding: _____

Offerer certifies that all information provided to the Governmental Entity with respect to State Finance Law §139-k is complete, true and accurate.

By: _____

Date: _____

Signature

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Instructions for Completing the Disclosure of Prior Non-Responsibility Determinations

Background:

New York State Finance Law §139-k(2) obligates a Governmental Entity to obtain specific information regarding prior non-responsibility determinations with respect to State Finance Law §139-j. In accordance with State Finance Law §139-k, an Offeror must be asked to disclose whether there has been a finding of non-responsibility made within the previous four (4) years by any Governmental Entity due to: (a) a violation of State Finance Law §139-j or (b) the intentional provision of false or incomplete information to a Governmental Entity. The terms “Offerer” and “Governmental Entity” are defined in State Finance Law § 139-k (1). State Finance Law §139-j sets forth detailed requirements about the restrictions on Contacts during the procurement process. A violation of State Finance Law §139-j includes, but is not limited to, an impermissible Contact during the restricted period (for example, contacting a person or entity other than the designated contact person, when such contact does not fall within one of the exemptions).

As part of its responsibility determination, State Finance Law §139-k (3) mandates consideration of whether an Offeror fails to timely disclose accurate or complete information regarding the above non-responsibility determination. In accordance with law, no Procurement Contract shall be awarded to any Offeror that fails to timely disclose accurate or complete information under this section, unless a finding is made that the award of the Procurement Contract to the Offeror is necessary to protect public property or public health safety, and that the Offeror is the only source capable of supplying the required Article of Procurement within the necessary timeframe. See State Finance Law §§139-j (10)(b) and 139-k (3).

Instructions:

The County of Orange includes this disclosure request regarding prior non-responsibility determinations in accordance with State Finance Law §139-k in its solicitation of proposals or bid documents or specifications or contract documents, as applicable, for Procurement Contracts. The attached form is to be completed and submitted by the individual or entity seeking to enter into a Procurement Contract, Supplement or Change Order. It shall be submitted to with your bid or proposal to the County agency conducting the Governmental Procurement.

This document must accompany each Bid Form, Letter of Interest, or Proposal submitted by all Offerors.

 ORANGE COUNTY, NEW YORK Department of Mental Health 30 Harriman Drive Goshen, New York 10924	Iran Divestment Act Certification
OCDMH Contract Services	RFQ #OCDMH-CS-23

IRAN DIVESTMENT ACT CERTIFICATION

The Iran Divestment Act of 2012 (“Act”), Chapter 1 of the 2012 Laws of New York, added State Finance Law (SFL), §165-a and General Municipal Law §103-g, effective April 12, 2012. Under the Act, the Commissioner of the New York State Office of General Services (“OGS”) developed a list (“Prohibited Entities List”) of “persons” who are engaged in “investment activities in Iran” (both are defined terms in the law). In accordance with SFL § 165-a(3), the Prohibited Entities List may be found on the OGS website at <http://www.ogs.ny.gov/about/regs/docs/ListofEntities.pdf> .

Pursuant to General Municipal Law §103-g, by signing below, Offeror certifies as true under the penalties of perjury that: By submission of this proposal each Offeror and each person signing on behalf of any Offeror certifies, and in the case of a joint proposal each party thereto certifies as to its own organization, under penalty of perjury, that to the best of its knowledge and belief that each Offeror is not on the list created pursuant to paragraph (b) of subdivision 3 of section 165-a of the State Finance Law.

A proposal shall not be considered for award, nor shall any award be made where the certification has not been made, provided, however, that if in any case the Offeror cannot make the certification, the Offeror shall so state and shall furnish with the proposal a signed statement which sets forth in detail the reasons therefor. The County may award a contract to an Offeror who cannot make the required certification on a case-by-case basis if:

- 1) The investment activities in Iran were made before April 12, 2012, the investment activities in Iran have not been expanded or renewed after April 12, 2012, and the person has adopted, publicized, and is implementing a formal plan to cease the investment activities in Iran and to refrain from engaging in any new investments in Iran; or
- 2) The County makes a determination that the goods and services are necessary for the County to perform its functions and that, absent such an exemption, the political subdivision would be unable to obtain the goods or services for which the contract is offered. Such determination shall be made in writing and shall be a public document.

During the term of the Contract, should the County receive information that a person is in violation of the above-referenced certifications, the County will offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in the investment which is in violation of the Act within 90 days after the determination of such violation, then the County shall take such action as may be appropriate including, but not limited to, imposing sanctions, seeking compliance, recovering damages, or declaring the contractor in default.

The County reserves the right to reject any bid, proposal, contract, or request for assignment for an entity that appears on the Prohibited Entities List prior to the award or execution of a contract or any renewal thereof, as applicable, and to pursue a responsibility review with respect to any entity that is awarded a contract and appears on the Prohibited Entities List after contract award.

DATE

SIGNATURE

BUSINESS NAME

NAME

TITLE