

Common Benefit Identification Card (CBIC) RFP

Amendment 2

The following will serve as Amendment 2 to OTDA's Division of Employment and Income Support Programs (EISP) Common Benefit Identification Card (CBIC) RFP #2024-15:

- Round 2 Questions and Answers (Q & A), submitted to follow up on OTDA's Round 1 Questions and Answers (Q & A) responses, including the attached, revised Appendix T Contract Signature Page referenced in the response to Question #3.
- This year's New York State budget includes the codification of Executive Order 17 as New York State Executive Law § 171-h, and the establishment of State Finance Law § 139-m, which requires any entity bidding on competitive procurements for state agency contracts to implement a Gender-Based Violence and the Workplace policy. New York State's Office for the Prevention of Domestic Violence (OPDV) has developed a [model policy](#) that bidders can adapt to suit their needs provided it meets the minimum standards. Bidders will submit an attestation of their policy or provide an explanation for why they are not able to meet this requirement with their bids. These laws are effective November 5, 2025.

The below attached form, Gender-Based Violence and the Workplace Certification, is hereby added for inclusion with the Administrative Proposal as specified in RFP § IV.A.1.b.

Material in this Amendment supersedes any contradictory material in the RFP.

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Questions and Answers
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#	Solicitation Section	Round 1 Q&A #	Solicitor's Round 2 Question	OTDA Round 2 Response
1	RFP IV.B.3. h. Technological Requirements section of the Technical Proposal	#15	<p>It is understood that a separately bound Administrative, Technical, and Financial proposal are to be submitted. In the instructions for the Technical Proposal, Section IV. B, it references, "the following outlines the required information to be provided, in order, by an Offeror in its Technical Proposal", and proceeds to provide items 1 - 5 to be in order.</p> <p>However, in Item IV.B.3.h the instructions state the information is to be "in separate bound and electronic copies" and proceeds to provide additional items "i- vi" . Are these separate bound copies for items "i-vi" meant to be in addition to the separate bound Administrative, Technical, and Financial Proposals?</p> <p>And if so, are each of the items, "i-vi", to be separately bound from each other, or are they to be placed in one binder that is separately bound from the rest of the Technical Proposal?</p>	<p>Bidders are to submit 3 separately sealed and labeled proposals in accordance with RFP § V. Proposal Submission and are listed below:</p> <ol style="list-style-type: none"> 1. Administrative 2. Technical* 3. Financial <p>*The Technical Proposal should contain 2 separately bound (and electronic copies on CD) components, per RFP § IV. Proposal Content and are further described below:</p> <ol style="list-style-type: none"> 1. All items requested in RFP § IV. Proposal Content, B. Technical Proposal 1-5 2. All 7 items requested in RFP § IV.B.3.h. (i-vii. bound together)
2	RFP, V. Proposal Submission, A. Submission of Administrative, Technical ,and Financial, item #4	#15	Will the State accept two labelled copies of each of the Administrative, Technical, and Financial Proposal on separate flash drives rather than CD's?	No, electronic submissions must be on CD's as OTDA's Information Security Office (ISO) will not allow bids on flash drives.

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3	Appendix T, Contract Signature Page	#5	Within the "Corporate, Partnership or Individual Acknowledgement" section of the Contract Signature Block, will the State please consider the following edits within the Corporation section: " If a corporation: On this ___day..., the corporation described in and which executed the foregoing instrument and that (s)he is duly authorized to do so: that (s)he knew the seal of said corporation; that the seal affixed to said instrument was such corporate seal; that it was so affixed by the order of the Board of Directors of said corporation, and that (s)he signed her/his name thereto by like order.	OTDA agrees to remove the reference to the corporate seal. Please see the attached Revised Contract Signature Page with updated acknowledgement language.

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4	Appendix B - Terms and Conditions, Item 49 Limitation of Liability	#5	<p>Please consider amending the limitation of liability to one (1) times contract value, rather than two (2) times. This adjustment ensures that liability exposure remains commercially reasonable and proportionate to the contract value.</p> <p>Limitation of Liability Except as otherwise set forth in the Contract, the limit of liability shall be as follows: a. Contractor's liability for any claim, loss or liability arising out of, or connected with the Products provided, and whether based upon default, or other liability such as breach of contract, warranty, negligence, misrepresentation or otherwise, shall in no case exceed direct damages in an amount equal to two (2) <u>one (1)</u> times the total "not to exceed" value of the Contract.</p>	The Limitation of Liability provision in Appendix B remains unchanged at two times the total "not to exceed" value of the Contract.

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5	Appendix O, Section 4 #1	#5	<p>Appendix W, Section F.c.1 of the RFP states, "OTDA will pay postage costs directly to the United States Postal Service (USPS) for the contract to provide clients with cards."</p> <p>However, in Appendix O, Section 4 #1, in the "Liquidated Damages / Calculations" for Mailed Cards the language indicates that the liquidated damages calculation includes postage costs.</p> <p>Will the State remove postage from the liquidated damages calculations?</p>	Appendix O § 4 Item #1, postage is hereby omitted from the liquidated damages calculation.
6	Appendix O, Section 4 #3	#5	<p>In Appendix O, Section 4 #3, the Liquidated Damages / Calculations section refers to "liquidated damages may be assessed by OTDA at the rate of two (2) times the value of the associated card(s)."</p> <p>Can the State confirm if the "value of the associated card" is the amount that would have been paid for the card based on the per-card pricing in the contract?</p>	Yes, that is correct.

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7	Appendix O - Performance Standards and Associated Liquidated Damages, item #6	#5	The State's consideration is requested to allow downtime for maintenance. Please see suggested language modifications: The Contractor assures that the Administrative System will be available for all functionality by OTDA 24/7/365, with the exception of routine scheduled downtime. See Appendix W §III.Q.	OTDA agrees and hereby amends Appendix O - Performance Standards and Associated Liquidated Damages, § 4, Item #6 - Availability of the Card Administration System, under Column #2 - Performance Standard, to the following: "Availability of the Card Administration System. The Contractor assures that the Administrative System will be available for all functionality by OTDA 24/7/365, with the exception of routine scheduled downtime. See Appendix W §III.Q."
8	Section IV, B - Technical Proposal, Section f. Card Samples	#7	Please confirm if the card samples and corresponding card carriers are to be physical cards and carriers or electronic images?	Sample Cards and Card Carriers are to be physical cards
9	Appendix B - Terms and Conditions, Item 58 - a, iii.	#8	Please confirm that Custom Product means "Work for hire"?	Confirmed. The Contractor agrees and understands that it is performing Services under the Agreement under a "work for hire" arrangement and all Custom Products created thereunder are assigned to and owned by the State.
10	Appendix B-1 – OTDA Security and Confidentiality Terms, Item #19	#22 and #5	Vulnerability Scanning. Contractors' applications run in data centers servicing many clients. Allowing third parties to perform testing introduces risk that may impact other clients. As the Contractor is required to "perform appropriate and required environment vulnerability scanning", with all results made available to the State by way of audit reports and summaries of standings, will the state consider removal of the following sentence: "OTD, through ITS, will have the option to perform application scanning and web server scanning, as needed."	The language will remain unchanged.

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11	Appendix B-1 – OTDA Security and Confidentiality Terms, item #6, a,b, and g	#22 and #5	Data Protection: The State's consideration is requested to modify the references to "comply and compliant" found in items a, b, and g to use the terms, "a. be consistent, b. consistent with, c. consistent".	The language will remain unchanged.
12	Exhibit 1	1 and 2	Please provide a breakdown of card types by technology e.g., how many SEBT mag stripe cards, SEBT NFC cards, etc.	OTDA has provided historic volumes of magnetic stripe cards in Exhibit 1, and does not currently use EMV Chip or NFC Tap-to-Pay. Per Appendix W, § I, "The CBIC Contractor must be able to provide any of the card types and associated technologies at any point during the contract as described herein." Contractors must be able to produce cards in varying card types and quantities based upon OTDA needs. Appendix P pricing allows for flexibility in volumes across card types. Per Appendix W - Scope of Work §III.C. Card Types: "The Contractor must be able to produce the following card types and technologies to support differing inventories of cards and differing speeds in which to produce such cards. OTDA will indicate to the Contractor which types of cards Contractor shall produce. OTDA may change the card type at any time through the Contract."
13	Appendix B - Terms and Conditions, Item 58. Ownership/Title to Project Deliverables	8	How many card designs exist for each program?	Currently, all programs have the same image with 3 different text designs - Client CBICs, Authorized Representative Cards, and Vault Cards. However, OTDA reserves the right to modify designs in the future, at no additional cost. Please refer to: Appendix W. §III. D. - Client CBIC and Authorized Representative Card, and Appendix W. §III. E. - Vault Cards.

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14	Appendix B - Terms and Conditions, Item 58. Ownership/Title to Project Deliverables	8	Does each card design have its own carrier or does each program have its own carrier?	Currently, OTDA has 2 carriers one for permanent cards and the other for authorized representative cards. However, OTDA reserves the right to request additional carriers based on program needs in the future, at no additional cost. Please refer to: Appendix W. §III. F. 1. d) - Card Carrier.

Gender-Based Violence and the Workplace Certification

New York State Finance Law §139-M requires bidders on competitive state procurements to certify that they have a written policy addressing gender-based violence and the workplace and that such policy meets the following minimum requirements:

- **Share Information:** Employers must provide information regarding gender-based violence where employees can see and access it, including displaying the NYS Domestic and Sexual Violence Hotline information and a gender-based violence and the workplace poster.
- **Refer Employee-Survivors to Services:** The policy must require that the employer refer employees who disclose current or past victim status to the NYS Domestic and Sexual Violence Hotline and/or a local service provider. For bidders outside of New York State, referrals should be made to a local provider or statewide hotline. While referrals are required to be provided by the employer, it is not required for the employee to access services.
- **Prohibit Retaliation:** The policy must clearly state that discrimination or retaliation against employees who identify as victims or survivors of gender-based violence is prohibited.
- **Comply with Laws:** Ensure your policy follows State law. For employers based in New York State, this means that the policy must follow the SAFE Leave Act, New York State Human Rights Law, and any other relevant laws and regulations.
- **Offer Implementation Support:** OPDV is able to assist employers in developing and implementing this policy. Employers must provide information to supervisors and human resources, where available, about this technical assistance from OPDV. OPDV can be contacted at workplace@opdv.ny.gov.

By submission of this certification, each person signing on behalf of any organization certifies, and in the case of a joint submission each party thereto certifies its own organization, under penalty of perjury, that they have and have implemented a written policy addressing gender-based violence and the workplace.

Organization's signature below certifies its compliance with State Finance Law §139-M.

Organization: _____

By (signature): _____

Name (Please Print): _____

Title: _____

Date: _____

This form must be signed by an authorized executive or legal representative.

If the organization cannot make the above certification, they must provide a statement with their bid detailing the reasons therefor:

Agency Code: 3410000

Agency Certification

Dated _____

Dated _____

Agency Signature

Contractor Signature

Agency Signatory Name (Printed)

Contractor Signatory Name (Printed)

Agency Signatory Title

Contract Signatory Title

STATE OF _____)
) SS.:
COUNTY OF _____)

(☐ **If an individual**): On this _____ day of _____, 20____, before me personally appeared _____, known to me to be the person described herein and who executed the foregoing instrument and he/she/they acknowledged to me that he/she/they executed the foregoing instrument in his/her/their name and on his/her/their own behalf.

Notary Public

Approved:
Thomas P. DiNapoli
State Comptroller

By: _____

Date: _____