

INVITATION TO RFP

Sealed RFPs, subject to the conditions contained herein, will be received by the ONEIDA COUNTY HEALTH DEPARTMENT until **4:30 P.M.**, local time on **Thursday, October 26, 2017** for:

**Hearing Officer
RFP- #2017-215**

Specifications **MUST** be **RECEIVED** from the Oneida County Health Department, Attention Daniel W. Gilmore, Ph.D., Environmental Health Director, 4th Floor, 185 Genesee Street, Utica, NY 13501, Phone: 315-798-5064, or downloaded from the Oneida County website at <http://www.ocgov.net> (Public Notice Section).

Copies of the described RFP may be examined at no expense at the Oneida County Health Department Office.

The return envelope must be clearly marked with the RFP # and addressed to the Oneida County Health Department. The Oneida County Health Department reserves the right to reject any of all proposals received.

The County of Oneida, in order to promote its established Affirmative Action Plan, invites sealed bids from minority groups. This policy regarding sealed bids and contracts applies to all persons without regard to race, creed, color, national origin, age, sex, or handicap.

Phyllis D. Ellis, BSN, MS, F.A.C.H.E.
Public Health Director
Dated: October 12, 2017

RFP PACKET – Hearing Officer

Proposals, subject to the conditions contained herein, will be received by the Oneida County Health Department until 4:30 PM on Thursday, October 26, 2017

RFP Health Department 2017-215

Services of a Hearing Officer for the Oneida County Health Department to be effective **January 1, 2017 to December 31, 2019 with two options for one year extensions.**

The Oneida County Health Department (OCHD) Division of Environmental Services is charged to implement Public Health Law and the Oneida County Sanitary Code through regulation and enforcement. It is the intent of the OCHD to establish a contract with two or more Hearing Officers to fairly determine and promptly report enforcement controversies and necessary factual determinations upon sworn testimony.

Hearing Officer Scope of Services:

- a. The Hearing Officer shall preside at enforcement hearings.
 1. The Hearing Officer shall preside at hearings and render, in writing, recommendations to the Director of Health within five (5) business days.
- b. The Hearing Officer shall participate in training(s) as prescribed by the Director of Health.

Required Insurance

- Professional Liability: \$1,000,000 per occurrence and \$2,000,000 aggregate.
- General Liability: \$1,000,000 per occurrence and \$2,000,000 aggregate. Oneida County (Not the Oneida County Health Department) must be named as an “additional insured” on the certificate of insurance and that the additional insured status is on a “primary and non-contributory basis.”
- Workers Compensation & Employers Liability: at statutory New York limits.

Conclusion

The proposal should include: candidate name; experience; and references. The proposal should include responsibilities of the OCHD in completing the engagement, if any. Experience and training as a Hearing Officer or fact finder of controverted facts will be considered.

The Oneida County Health Department expects that the candidate who submits the successful proposal will be able to commence employment once a contract is in place.

**Oneida County Health Department
Adirondack Bank Building - 185 Genesee Street – 4th Floor, Utica, NY 13501
315-798-5064 Fax – 315-798-6486**

REQUEST FOR PROPOSAL

**Hearing Officer
RFP # 2017-215 for:**

**Oneida County Health Department
Adirondack Bank Building - 185 Genesee Street – 4th Floor, Utica, NY**

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1.0 INTRODUCTION

The County of Oneida is seeking proposals (“Proposals”) from qualified professionals (“Vendor”) to provide to the County of Oneida’s Department of Health (OCHD) professional services of a Hearing Officer.

The Vendor selected shall provide necessary services on behalf of and under the authority of the Oneida County Director of Health. The Vendor will be selected from among submitted proposals based on an analysis of each prospective Vendor’s ability to provide the County of Oneida with the highest quality Services at the most cost-effective fees. The successful bidder will work with and at the direction of the OCHD’s Environmental Health Director or Supervisor and staff.

Conflicts of Interest will be avoided by establishment of contracts with multiple Vendors. Therefore, depending on submissions, contractual relationships may result in many, several or few plan review and inspection related projects during the course of the contract. Vendors shall not provide services for those projects to which they have been awarded the contract or are working in a subcontracting position.

The OCHD will supply the selected Vendor with a copy of applicable state and local codes, rules and regulations. Acquisition of national standards shall be the responsibility of the Vendor. The format of the provided copy shall be at the discretion of the OCHD (e.g. electronic/digital, paper, bound book, etc.).

2.0 GENERAL INFORMATION

2.1 GENERAL PROPOSAL INFORMATION

ONEIDA COUNTY HEALTH DEPARTMENT

Adirondack Bank Building - 185 Genesee Street – 4th Floor, Utica, NY 13501

315-798-5064 Fax – 315-798-6486

REQUEST FOR PROPOSAL

Proposals will be received by the Oneida County Health Department (OCHD) beginning and ending on the dates listed for the following:

PROPOSAL ITEM (include on all correspondence):

“PLAN REVIEW / INSPECTION ENGINEER CONSULTANT”

OPENING TIME: 4:30 PM Eastern Standard Time

DATE: October 26, 2017

LOCATION: ONEIDA COUNTY HEALTH DEPARTMENT
Adirondack Bank Building - 185 GENESEE STREET – 4TH
FLOOR
UTICA, NY 13501

AWARD DATE: ESTIMATED BY November 30, 2017

Proposals should be submitted to: Daniel W. Gilmore, Ph.D., Environmental Health Director at (315) 798-5064 (fax - (315) 798-6486) or by e-mail at Publichealth@ocgov.net. Sealed proposals must be clearly marked ***“Hearing Officer”*** on the outside of the sealed envelope and received by the OCHD at the above location at or before the date and time set out above. Proposals will be opened and reviewed by the Health Department Hearing Officer Contract Committee. The County of Oneida and OCHD reserve the right to reject any and all proposals, to waive any informalities and to negotiate for the modifications of any proposal or accept that proposal which is deemed the most desirable and advantageous from the standpoint of customer value and may not, on its face, appear to be the lowest and best price. No proposal may be withdrawn for a period of sixty (60) days after the scheduled proposal opening date.

2.2 OTHER GENERAL INFORMATION

The purpose of this Request for Proposal (RFP) is to provide interested contractors (vendors) with sufficient information from which to prepare a solution to the engineering needs of the OCHD.

3.0 GENERAL REQUIREMENTS

3.1 VENDOR REQUIREMENTS

Unless otherwise stipulated, Vendor shall provide, and pay for, all materials, labor, tools, equipment, transportation, and other facilities necessary for the performance and completion of the work.

All materials submitted by the Vendor in response to this request become the sole property of the County of Oneida upon receipt of the proposal.

3.2 VENDOR QUALIFICATIONS/REFERENCES

All prospective Vendors are hereby notified that before any offer in response to solicitation is considered for award, the OCHD may require the Vendor to submit factual information in detail as to the experience, technical organization and financial resources of the bidder. Vendor references must be included in proposal.

3.3 CONFIDENTIALITY REQUIREMENT

Vendor agrees to abide by the rules and regulations regarding the confidentiality of personal medical records as mandated by the Health Insurance Portability and Accountability Act (42 USC 1320d) and set forth in federal regulations at 45 CFR Parts 160 and 164. Any subcontract entered by the Vendor as the result of this agreement shall mandate that the subcontractor be required to abide by the same statutes and regulations regarding confidentiality of personal medical records, as is the Vendor. Vendor also agrees to comply with all Federal, state and local laws respecting discrimination in employment and non-segregation of facilities including, but not limited to, requirements set out at 41 CFR 60 – 1.4, 60 – 250.4, and 60 – 741.4, which equal opportunity clauses are hereby incorporated by reference. Notification is hereby given that compliance with these clauses may require the second party to annually file certain reports (e.g. the EEO-1 Report and the VETS – 100 Report) with the Federal government and may require the second party to develop written Affirmative Action Programs for Women and Minorities, Covered Veterans and/or Persons with Disabilities.

3.4 CONFLICTS OF INTEREST

Vendor must disclose the following:

1. Any material financial relationships that you, your firm or any firm employee has that may create a conflict of interest or the appearance of a conflict of interest in contracting with or representing the County of Oneida.
2. Any family relationship that any employee of your firm has with a member, employee, or official of the County of Oneida that may create a conflict of interest or the appearance of a conflict of interest in contracting with or representing the County of Oneida.
3. Any other matter that your firm believes may create a conflict of interest or the appearance of a conflict of interest in contracting with or representing the County of Oneida.

4.0 CRITERIA FOR AWARDED CONTRACTS

4.1 FACTORS FOR CONSIDERATION

A list of factors consideration will be given to include (but is not limited to): cost, previous experience administrative hearings, other experience, availability, technical excellence of proposal, vendor history, vendor references, and vendor's ability to perform in the sole judgment of the County of Oneida and the OCHD.

4.2 CONTRACT DURATION

Oneida County will enter into a Contract with selected Vendors for a three year period (January 1, 2017 through December 31, 2019) **with two options for one year extensions**

5.0 SCOPE OF WORK

5.1 PROJECT CRITERIA

The County of Oneida seeks, for the overall corporate health, a consultant with specialized talents to be engaged to accomplish the following:

Vendor will conduct administrative hearings arranged by the Oneida County Health Department. The subject of these administrative hearings will include any violation of the New York State Public Health Law, the New York State Sanitary Code, and the Oneida County Sanitary Code. Specific topics of these administrative hearings will include, but not be limited to violations at permitted restaurants; and permitted mobile home parks; at permitted temporary residences; at permitted swimming pools and bathing beaches; and at homes where hazards conducive to lead poisoning exist.

At the administrative hearings, the Vendor will be expected to swear in witnesses; to hear testimony from witnesses; to review evidence produced by either party; and to make evidentiary rulings on the evidence produced at the hearing.

After the administrative hearings, the Vendor will prepare written findings of fact and conclusions, upon which the Director of Health shall make a formal order. These findings of fact and conclusions shall set forth the Hearing Officer's determination, the recommended conditions that the responding party must comply with, and a recommended penalty, including a monetary fine, if any.

All administrative hearings shall take place at the offices of the Oneida County Health Department at a time that is mutually acceptable to the Vendor, OCHD, and the responding party.

6.0 INFORMATION REQUIRED IN PROPOSALS

6.1 INFORMATION IN PREVIOUS SECTIONS

Proposals must be submitted in writing and should clearly identify the Vendor's qualifications and ability to conduct administrative hearings as described above. All requested information from RFP sections should be provided in proposal. The information requirements from all sections of this RFP represent the minimal contents of proposals to be submitted to the OCHD.

6.2 VENDOR EXCEPTIONS

Proposal must clearly identify any and all vendor exceptions to the requirements of this proposal.

6.3 COST INFORMATION

The proposal must clearly identify the following:

1. Total cost for staff in billable rate per hour or per hearing
2. Itemized cost of any additional pieces that may benefit OCHD that are not listed in the proposal or RFP, and
3. Other costs associated with project not mentioned, if applicable.

7.0 TERMS & CONDITIONS

1. County of Oneida is not liable for costs incurred prior to the issuance of an executed contract and/or notice to proceed,
2. Firms responding to the RFP may be designated for an interview with OCHD,
3. The County of Oneida reserves the right to conduct discussions with, and to request additional information from, one or more proposers. No proposer shall have any rights against the County of Oneida as a result of such discussions.
4. The contents of the successful Vendor's proposal may become part of the contractual obligations if deemed appropriate by the County,
5. County of Oneida reserves the right to accept or reject any proposal when it is considered to be in the best interest of the County to do so,
6. The successful Vendor shall not discriminate against any individual in accordance with applicable federal, state or local laws,
7. The contracts entered into, because of this RFP, shall be between the Vendor and County of Oneida,
8. All materials submitted in response to this RFP will become the property of the County of Oneida,
9. The County of Oneida reserves the right to negotiate separately with any source whatsoever,
10. The County of Oneida reserves the right to waive any irregularity in any Proposal received or any other aspect of this procurement,
11. Proposers are advised that with respect to this RFP, no contact with the County of Oneida personnel in any way related to this solicitation is permitted, except as shall be authorized by the officer designated herein as the County of Oneida's contact person as identified in Section 2.1, herein,

12. Each Proposal prepared in response to this RFP will be prepared solely at the cost and expense of the proposer with the express understanding that there will be no claim whatsoever for reimbursement from the County of Oneida,
13. Submission of a Proposal in response to this RFP shall constitute an offer on the part of the successful proposer to enter into a Contract substantially as described herein,
14. News releases or other public announcements relating to this RFP shall not be made by any party receiving this RFP without the prior written approval of the County of Oneida,
15. The County of Oneida and its respective officers, directors, agents, members and employees make no representation or warranty and assume no responsibility for the accuracy of the information set forth in this RFP. Further, the County of Oneida does not warrant nor make any representations as to the quality, content, accuracy or completeness of the information, text, graphics, links or other facet of this RFP once it has been downloaded or printed from this or any server, and hereby disclaims any liability for technical errors or difficulties of any nature that may arise in connection with the Webpage on which this RFP is posted, or in connection with any other electronic medium utilized by proposers or potential proposers in connection with or otherwise related to the RFP.
16. Proposals submitted to the County of Oneida in response to this RFP may be disclosed in accordance with the standards specified in the Freedom of Information Law, Article 6 of the Public Officers Law of the State of New York (“FOIL”). A proposer submitting a Proposal may provide in writing, at the time of its submission, a detailed description of the specific information contained in its submission which it has determined is a trade secret and which, if disclosed, would substantially harm such proposer’s competitive position. This characterization shall not be determinative, but will be considered by the County of Oneida when evaluating the applicability of any exemptions in response to a FOIL request.

8.0 CONSULTANT LIABILITY

The Vendor will provide the Oneida County Health Department with proof of insurance coverage as follows:

- Professional Liability: \$1,000,000 per occurrence and \$2,000,000 aggregate.
- General Liability: \$1,000,000 per occurrence and \$2,000,000 aggregate. Oneida County must be named as an “additional insured” on the certificate of insurance and that the additional insured status is on a “primary and non-contributory basis.”
- Workers Compensation & Employers Liability: at statutory New York limits.

9.0 DOCUMENT PRINTING/OWNERSHIP OF ORIGINAL DRAWINGS AND MANUSCRIPTS

Original and generated computer diskettes, drawings and specification manuscripts are to remain the property of the County whether or not the project is completed. The Consultant may retain copies for reference. These documents shall not be used by the Consultant for other projects without prior written approval of the County. The County's use of this data for purposes other than originally intended without written verification or adaptation by Consultant shall be at the County's sole risk.

10.0 WAIVER OF IMMUNITY

The successful Vendor shall be required to sign a Waiver of Immunity against criminal prosecution.

11.0 SOLID WASTE MANAGEMENT CERTIFICATION

The Oneida County Board of Legislators at its May 26, 1999 meeting passed Resolution #249 dealing with the inclusion of recycling and solid waste management provisions in Oneida County contracts. All waste and recyclables generated within Oneida County by the contracting party shall be delivered to the facilities of the Oneida-Herkimer Solid Waste Authority.

Vendor shall be required to execute a certification containing the following language. "I certify that I understand and agree to comply with the terms and conditions of the Oneida County Recycling and Solid Waste Management Program (Oneida County Board of Legislators Resolution Number 249 of May 26, 1999). I further agree to provide Oneida County proof of such compliance."

12.0 SELECTION PROCESS

Upon selection of an acceptable proposal, the County of Oneida will negotiate payment terms and delivery with Vendor.

1. The County shall review all proposals received and reserve the right to select Vendors for further presentation and interview.
2. The County shall prepare the contract with the Vendor(s) selected. Any further modifications / addenda to that contract shall be negotiated with the County.
3. Should the County's proposed contract be unacceptable to the Vendor selected, the County reserves the right to select another Vendor.