



RFP: C202101 – Background Investigation Services

BIDDER ACKNOWLEDGEMENT OF ADDENDUM

Amendment Number: One
Date Issued: February 23, 2021
Summary: **Questions and answers are attached.**

The Commission hereby amends the Schedule of Events as follows (changes made in red):

Schedule of Events

The following dates are established for informational and planning purposes. The Commission reserves the right to adjust this schedule, in its sole discretion.

Event	Date
RFP Release Date	February 9, 2021
Written Questions Due 3:00 pm EDT	February 16, 2021
Commission Answers Issued	February 23, 2021
Proposal Due Date 3:00 pm EDT	March 3, 2021
Contract Start Date	March 28, 2021

By signing below, the bidder attests to receiving and responding to the amendment number indicated above.

FIRM NAME: _____

REPRESENTATIVE SIGNATURE: _____

Background Investigation Services

Question and Answer Summary

Issued: February 23, 2021

Q.1: Is requirement A. Bidder must be licensed as a Private Investigator in NY a required minimum qualification? I am licensed as a Private Investigator for the Commonwealth of Massachusetts and I am certified as a Professional Certified Investigator with ASIS and currently have another contract with NYS that I perform background investigations. Would there be considerations given to out-of-state PI licenses?

A.1: No.

Q.2: Please be so kind as to provide me with the last vendor pricing?

A.2: Business Applicants

Vendor/Agent Application – New	\$555.00
Vendor/Agent Application – Renewal	\$503.00
International Search	\$1,155.00
Individual Applicants	
Principal/Key Employee Application – New	\$885.00
Principal/Key Employee Application – Renewal	\$663.00
International Search	\$1,485.00
Hourly Rate	\$75.00

Q.3: If a firm does not meet all of the minimum qualifications, can they form a joint venture with another firm to meet those qualifications?

A.3: Pursuant to Section 5.6 of the RFP, Joint Proposals are permissible.

Q.4: If an MWBE firm has gaming experience, can a prime use that MWBE solely?

A.4: Pursuant to Section 7.7 of the RFP, the MWBE goal established under this solicitation is 30% (18% MBE and 12% WBE). Once an apparent winner is determined, the vendor may submit a request to fulfill the goals using alternate ratios.

Q.5: Who had the prior contract and are they eligible to respond to this RFP?

A.5: Contract C150018 with TruView BSI, LLC is effective 3/28/16 – 3/27/21. The vendor is required to meet the qualifications, terms and conditions as prescribed by the RFP.

Q.6: What is the budget for this engagement?

A.6: The Commission has not prescribed a maximum budget for this RFP.

Q.7: Please confirm you estimate 10 business applicant background checks per year, as shown in column g of the Pricing Proposal table?

A.7: All amounts are estimated based on historic use. There is no minimum guaranteed under the RFP or ensuing contract, and payments will be made based on actual services provided.

Q.8: Please confirm you estimate 15 business applicant renewal background checks per year, as shown in column g of the Pricing Proposal table?

A.8: All amounts are estimated based on historic use. There is no minimum guaranteed under the RFP or ensuing contract, and payments will be made based on actual services provided.

Q.9: Please confirm you estimate 10 international business applicant background checks per year, as shown in column g of the Pricing Proposal table?

A.9: All amounts are estimated based on historic use. There is no minimum guaranteed under the RFP or ensuing contract, and payments will be made based on actual services provided.

Q.10: Please confirm you estimate 332 principal/employee key person applicant background checks per year, as shown in column g of the Pricing Proposal table?

A.10: All amounts are estimated based on historic use. There is no minimum guaranteed under the RFP or ensuing contract, and payments will be made based on actual services provided.

Q.11: Please confirm you estimate 250 principal/employee key person renewal background checks per year, as shown in column g of the Pricing Proposal table?

A.11: All amounts are estimated based on historic use. There is no minimum guaranteed under the RFP or ensuing contract, and payments will be made based on actual services provided.

Q.12: Please confirm you estimate 10 international principal/employee key person applicant background checks per year, as shown in column g of the Pricing Proposal table?

A.12: All amounts are estimated based on historic use. There is no minimum guaranteed under the RFP or ensuing contract, and payments will be made based on actual services provided.

Q.13: For the purposes of volume discount calculations, will all background checks of business, principals, and key employees be awarded to the same bidder for the duration of the contract? If not, how many bidders will be awarded background checks and how will the checks be distributed?

A.13: One contract will be awarded as a result of this RFP.

Q.14: Please confirm "column f" of the Pricing Proposal table should contain the "sum" and not the "average" of the rates for five years?

A.14: Column "f" requires the sum of the rates for five years.

Q.15: How many years is a background investigation required to cover?

A.15: Initial background: approximately ten years. Renewal: approximately five years. One exception being if the applicant has worked in gaming related services previously, we require verification of all gaming related licenses and gaming related activity for all previous years, even in excess of ten years.

Q.16: What is the expected geographic breakdown by country of background investigations to be requested in a given year?

A.16: Based upon historical data, the large majority are based in the United States. However, there are occasional applications from Asia or Central Europe.

Q.17: Will all Key Employees and Principals provide a signed release for the purposes of employment and educational verification?

A.17: Yes.

Q.18: In section 2.1A, what is meant by "business credit report"? Will it be provided by the business applicant or acquired by the bidder?

A.18: These will be acquired by the bidder. Business credit reports can be obtained from a number of different credit reporting agencies.

Q.19: Will all business applicants, principals, and key employees provide copies of their financial statements, tax returns, and net worth statements?

A.19: Yes.

Q.20: Please provide all quantitative data for at least the last two completed years, to include the number of applicants by category (Business: New, renewal, international search; Individual: Key Employee new, renewal, international search), to include Lottery Courier Service applications. The quantitative data we are looking for is volume in applications and total cost (or cost per).

A.20: Please see A.2 for current contract rates.

**Total Companies- 5
(Renewals- 3; New-2)**

**Total Vendor Key Employees- 95
(Renewals- 29; New- 66)**

**Total Occupational Keys- 446
(Renewals- 220; New- 226)**

Total Lottery Couriers: 1

Q.21: Please provide the current 'additional reviews' hourly rates and the number of hourly hours paid for at least the last two completed years.

A.21: Please see A.2 for current contract rates. The Commission does not maintain this data but reviewed a sample of invoices from Nov 2019-Nov 2020 and there were no “additional reviews” performed during this period.

Q. 22: For the upcoming contract year starting March 28, 2021, does the Gaming Commission anticipate any unusual trend patterns that could impact the number of applicants and the hours (for hourly rates? If so, what are these impacts?

A.22: No.

Q.23: What challenges does the Gaming Commission currently face in the delivery of background investigation services and expectations?

A.23: None.

Q.24: Regarding Section 1.4, which requires that the Bidder's proposal provide proof of valid Private Investigator licenses for any employees performing work--our company is licensed as an *agency*--does this *agency* license cover employees as required in Minimum Qualifications?

A.24: No

Q.25: Regarding Appendix I, Contractors are to only submit the form and not the instructions, correct?

A.25: Correct.

Q.26: May job descriptions be substituted for *staff* resumes? [Section 3.5.C]

A.26: No.

Q.27: Please confirm that Appendices J-2, J-3, J-4 are to be included in the proposal. Since these are post award documents, should contractors only complete known information; simply include the blank forms in the proposal with RFP identifying information; or something else?

A.27: Appendix J-2 Employment Staffing Plan, and J-4 MWBE Utilization Plan must be included with the proposal and should indicate planned usage. Once a contract award is made, the formal plans should be submitted to the Commission’s Compliance Office. Appendix J-3 is reported quarterly once a contract is in effect.

Q.28: What are the numbers of current year personnel providing services: contract key personnel, management personnel, and staff?

A.28: The Commission does not have this data.

Q.29: Section 1.4 - Minimum Qualifications states that “any employees who will be performing work under this Contract have a valid Private Investigator license issued by New York State’s Department of State.”

Does this qualification apply to any other employees other than the investigators? Would our staff database background research analysts ,forensic/financial accountants and attorneys who will be performing work under the contract need to have a valid Private Investigator license issued by New York State's Department of State?

A. 29: Employees working for the licensed private investigator may work under this Contract in their respective fields, if employed pursuant to General Business Law, including, but not limited to, General Business Law §§ 81 and 82.

Q.30: Are private investigator licenses issued by other US states reciprocal in the State of New York? And, if so, which States?

A.30: See answer to Q.1.

Q.31: If the firm has active PI licenses and divisions with active PI licenses, does that suffice, or does every employee have to have a PI license?

A.31: See answers to Q.24 and Q.29.

Q.32: How would you like us to price this project - on a per report basis or one price for completing the entire project? What about annual/periodic refreshes, should we include pricing for this?

A.32: Pricing must be provided as stated in Attachment 2 – Pricing Proposal, which is per report. Hourly rates must also be provided for ancillary searches.

Q.33: What is the lookback period for these reports? Are we expected to conduct public records research in all of the jurisdictions in which the person has resided over the past 10 years or 20 years?

A.33: Approximately ten years. One notable exception being if the applicant has worked in gaming related services previously, we require verification of all gaming related licenses and gaming related activity for all previous years, even in excess of ten years.

Q.34: Also, are we expected to conduct public records research at the county, state and federal level?

A.34: Yes.

Q.35: Analysis of financial statements for financial stability and indicators of financial distress: Will these statements/returns be self-provided? (same for tax return reviews)

A.35: Yes.

Q.36: Information accessed or provided to bidder during course of performing services shall not be stored or accessed outside of the continental United States - There are components of these searches that require an international element? Will we be permitted to utilize resources located outside of the US to fulfill these search components when they arise (i.e. many International searches require "boots on ground" to facilitate).

A.36: The following provision is amended in the RFP, to accommodate the potential need for international investigation:

6.17 Technology Provisions

...

E. Data Ownership, Transparency, Accessibility, Location, Transport, Protection and Destruction

...

3. Data Access and Location. The Successful Bidder shall ensure that all Commission data related to this RFP and Contract is stored in a controlled access environment to ensure data security, confidentiality, and integrity. **Access and procedures for international searches utilizing data supplied by the Commission must be pre-approved by the Commission. Otherwise, all** All access to and storage of Commission data, physical or virtual, shall be conducted within the continental United States and have adequate security systems in place to protect against the unauthorized access to the facilities and data stored therein. **Unless otherwise pre-approved by the Commission, the** The Successful Bidder shall not send, or permit to be sent, any Commission data related to this RFP and Contract to any location outside of the continental United States. The Successful Bidder shall provide the Commission a list of the physical locations where the data is stored at any given time and shall update that list if a physical location changes. Access into and within the facilities shall be restricted through an access control system that requires positive identification as well as maintains a log of all accesses (e.g., date and time of the event, type of event, user identity, component of the information system, outcome of the event). The Successful Bidder shall have a formal procedure in place for granting computer system access to the data and to track access. Access for projects outside of those approved by the Commission is prohibited.

Q.37: Pricing Proposal Part 3 - Scope of Work Column (g) - is the estimated # of applications the annual volume or cumulative volume for the term of the engagement?

A.37: The estimated quantities are annual.

Q.38: Is there any possibility that the successful bidder will be responsible for acquiring information not included in the application and not available publicly? Tax returns, for example.

A.38: Yes, some information that needs to be acquired is not public. Releases for such information will be provided by the applicants. For example, credit checks, information regarding past gaming licenses, employment verifications, references checks, etc. are not all available publicly. Tax returns and financial documents will be provided by the applicant.