

## ATTACHMENT 15



Department of  
Civil Service

### Glossary of Defined Terms RFP entitled: “New York State Health Insurance Program Decision Support System”

**Account Team** means a proactive, experienced Contractor account leader(s) and team(s) in place who are dedicated solely to the Project and who have the authority and expertise to coordinate the appropriate resources to implement and administer the Project.

**Affiliate** means a person or organization which, through stock ownership or any other affiliation, directly, indirectly, or constructively controls another person or organization, is controlled by another person or organization, or is, along with another person or organization, under the control of a common parent.

**Agreement or Contract** means the Agreement with the Department to provide Project Services entered into between the Parties resultant from this RFP.

**Application** means a program or group of programs designed for end users.

**Authorization** means access privileges granted to a user, program, or process or the act of granting those privileges.

**Availability** means the extent to which information is operational, accessible, functional and usable upon demand by an authorized entity (e.g., a system or user).

**Benefit Plan** means an indicator used in the NYS computerized enrollment system, the New York Benefits Eligibility and Accounting System (NYBEAS), to indicate the NYSHIP health insurance option (e.g., Empire Plan or a NYSHIP participating HMO) chosen by an individual, or to indicate the particular benefit package within the NYS dental or vision plans that the individual is eligible for.

**Benefit Program (BP)** means an indicator used in the NYS computerized enrollment system (NYBEAS), to specify the entire benefit package the individual is eligible for and typically includes specific health, dental, and vision coverage benefit definitions. The benefit program varies based on multiple factors such as, the individual's bargaining unit/union affiliation, employer status, (e.g. State Agency, Participating Agency, Participating Employer), and employment status, (e.g. active, retired).

**Breach** means acquiring of information by a person without valid authorization or through unauthorized acquisition.

**Business Associate** means the term as defined in the HIPAA implementing regulations at 45 CFR 160.103; the Offeror will be a Business Associate of the

Department as a consequence of the Offeror's provision of Project Services on behalf of the Department within the context of the Offeror's performance under the resulting Contract and that the Offeror's provision of Project Services will involve the disclosure to the Offeror of individually identifiable health information from the Department or other service providers on behalf of the Department, as well as the Offeror's disclosure to the Department of individually identifiable health information as a consequence of the Project Services performed under the resulting Contract.

**Business Day(s)** means every Monday through Friday, except for Days designated as Business Holidays by the Contractor and approved as such by the Department prior to January 1<sup>st</sup> of each Calendar Year.

**Business Holiday(s)** means Days designated by the Contractor as Business Holidays and approved as such by the Department prior to January 1<sup>st</sup> of each Calendar Year.

**Business Hours** means 8:00am – 5:00pm ET on a Business Day(s).

**Calendar Year/Annual** means a period of 12-months beginning with January 1<sup>st</sup> and ending with December 31<sup>st</sup>.

**Commissioner** means the Commissioner of the New York State Department of Civil Service.

**Confidential Information** is defined in Appendix B, *Standard Clauses For All Department Contracts*, and includes any information, including demographic information, collected from an Employee that relates to the past, present or future physical or mental health or condition of an Employee or to the provision of medical or related health care to an Employee or that identifies the Employee or can be used to identify the Employee.

**Continental United States of America (CONUS)** means the 48 contiguous States, and the District of Columbia.

**Contract or Agreement** means the Contract entered into with the Department to provide Project Services, resultant from this RFP.

**Contractor or Selected Offeror** means the successful Offeror selected as a result of the evaluation of Offerors' Proposals submitted in response to this RFP, and who executes a Contract with the Department to provide Project Services.

**Contractor Staff** includes all officers, employees, agents, consultants and/or sub-contractors of the Contractor who shall perform Project Services under this Contract or have access to Data.

**Cloud Service(s)** means any Product or Service sold as an "as a service" offering and has one or more of the following characteristics:

- (a) User Data is transmitted, acted upon, or stored on equipment not owned by the User;
- (b) Allows a Contractor access to User Data from a location other than the

User's premises; or

(c) Allows a User access to data not owned by the User which access may or may not result in the collection of User Data. (see also Hosted Application)

**Data** means any information, analytic derivatives, formula, algorithms, or other content that the Department or State may provide to the Contractor pursuant to this Contract. Data includes, but is not limited to, any of the foregoing that the Department and/or Contractor (i) uploads to a Cloud Service, and/or (ii) creates and/or modifies using a Cloud Service.

**Data Provider(s)** means an entity that provides enrollment or claims data to the Contractor for loading into the DSS.

**Day(s)** means calendar Days unless otherwise noted.

**Decision Support System (DSS)** means the Contractor's comprehensive and integrated data management system solution that provides the Department with a flexible, effective and efficient means of storing data, analyzing data, and generating business intelligence to be used by the Department and its designated Users.

**Deliverable** means all Services or products created during the performance of the Project Services hereunder or otherwise identified as a "Deliverable". A Deliverable is a building block of an overall project. For the purposes of this Contract, a deliverable shall not be set forth as a status report, meeting attendance, a block of staff hours, or an invoice submission.

**Department or DCS** means the New York State Department of Civil Service.

**Designated Contact(s)** means the Department's authorized person(s) which all communications during the Restricted Period related to this RFP, according to SFL 139-j and 139-k must be directed to.

**Disaster Recovery Plan (DRP)** means a plan for continued operation in the event of a situation which incapacitates part or all of an Offeror's resources including, but not limited to, personnel, IT equipment, data records, and the building or other physical infrastructure.

**Employee** means "Employee" as defined in 4 NYCRR Part 73, as amended, or as modified by collective bargaining agreement.

**Employer** means "Employer" as defined in 4 NYCRR Part 73, as amended.

**ET** means prevailing Eastern Time.

**Event** means any observable occurrence in a system and/or network that may indicate than a Security Incident is occurring or has occurred.

**Firewall** means a system designed to prevent unauthorized access to or from a private network based upon a set of rules and other criteria. Firewalls can be implemented in either hardware or software, or a combination of both.

**Hardware** means tangible objects such as disks, disk drives, display screens, keyboards, printers and chips <http://www.webopedia.com/TERM/h/disk.html>.

**HIPAA** means Health Insurance Portability and Accountability Act of 1996, as amended.

**Hosted Application** means a software as a service (SaaS) solution that allows users to execute and operate a software application entirely from the cloud on a recurring subscription basis.

A Hosted Application is hosted and powered from the remote cloud infrastructure and are accessed globally through the Internet. It provides the same functionality as locally installed software but can be updated more easily.

A Hosted Application may also be known as Internet-based application, Web application and online application.

**Implementation Plan** means a plan to include the evaluation and assessment activities as well as the development of a project plan to achieve Contract requirements and deliver the Project Services.

**Implementation Period** means the minimum period of time as established in the RFP from approval of the Contract by OSC to inception Project Services Start Date.

**Information** means any representation of facts, concepts or instructions created, stored (in temporary or permanent form), filed, produced or reproduced, regardless of the form or media. Information may include but is not limited to the data contained in reports, files, folders, memoranda, statements, examinations, transcripts, images or communications. Information may be electronic or hard copy.

**Key Subcontractor(s)** means those vendors with whom the Contractor subcontracts to provide Project Services and incorporates as a part of the Contractor's Project Team. Key Subcontractors include all vendors who will provide \$100,000 or more in Project Services over the term of the Agreement that results from this RFP, as well as any vendor who will provide Project Services in an amount lower than the \$100,000 threshold, and who is a part of the Contractor's Account Team.

**Level 1 User** means an individual designated by the Department to have full access to all features/functions of the delivered DSS Solution and have the highest level of security permissions granted by the Department.

**Level 2 User** means an individual designated by the Department to have full access to all features/functions of the delivered DSS Solution but with restricted security permissions (e.g., the user will not have access to any individually identifying information).

**Licensed Product or Software** means software transferred upon the terms and conditions set forth in the Agreement resultant from this RFP. “Licensed Product” includes error corrections, upgrades, enhancements or new releases, and any deliverables due under a maintenance or service contract (e.g., patches, fixes, PTFs, programs, code or data conversion, or custom programming).

**Licensee** means the New York State Department of Civil Service on behalf of the State of New York.

**Licensor** means a contractor who transfers rights in proprietary Product in accordance with the rights and obligations specified in the Contract.

**May** denotes the permissive in a contract clause or specification. Refers to items or information that the State has deemed are worthy of obtaining, but not required or obligatory. Also see “Should.”

**Mandatory** denotes the imperative in a contract clause or specification. Means required - being determinative/mandatory, as well as imperative. Also see “Must” and “Shall.”

**Must** denotes the imperative in a contract clause or specification. Means required - being determinative/mandatory, as well as imperative. Also see “Shall” and “Mandatory.”

**New York Benefits Eligibility and Accounting System (NYBEAS)** means the web-based enrollment system for the administration of employee benefits and the source of eligibility information for all Empire Plan and SEHP Members.

**New York State Health Insurance Program (NYSHIP)** means the health insurance program established by NYS to provide health insurance protection to employees, retirees and eligible dependents of New York State and Participating Agencies and Participating Employers. The program is administered by the NYS Department of Civil Service. NYSHIP provides health insurance coverage through the Empire Plan, Health Maintenance Organizations (HMOs); and the Student Employee Health Plan (SEHP).

**NYS or State** means the State of New York.

**Offeror** means any responsible and eligible entity submitting a responsive Proposal to this RFP. It shall be understood that references in the RFP to “Offeror” shall include said entity’s proposed Key Subcontractor or Affiliates, if any.

**OSC** means the New York State Office of the State Comptroller.

**Participating Agency (PA)** means any unit of local government such as school districts, special districts and district or municipal corporations which elects, with the approval of the President of the Civil Service Commission, to participate in the New York State Health Insurance Program.

**Participating Employer(s) (PE)** means a public authority, public benefit corporation, or other public agency, subdivision, or quasi-public organization of the State which elects, with the approval of the President of the Civil Service Commission, to participate in the New York State Health Insurance Program.

**Plan Year** means the period from January 1<sup>st</sup> to December 31<sup>st</sup> in each Plan Year, unless specified otherwise by the Department.

**Product** means a Deliverable under the Contract which may include commodities, services and/or technology. The term “Product” includes licensed software.

**Project Services** means the entire package of Decision Support System services to be provided by the Contractor in accordance with the Contract resultant from this RFP.

**Project Team** means the Contractor and those Key Subcontractors, if any, utilized by the Contractor who collectively undertake and perform the Project Services which are the subject of the Contract.

**Proposal or Submissions** means the Contractor’s Administrative Proposal, Technical Proposal, and Financial Proposal, including all responses to supplemental requests for clarification, information, or documentation, submitted during the course of the Procurement.

**Protected Health Information (PHI)** means any information, including demographic information collected from an individual, that relates to the past, present, or future physical or mental health or condition of an individual, to the provision of health care to an individual, or to the past, present, or future payment for the provision of health care to an individual, that identifies the individual, or with respect to which there is a reasonable basis to believe that the information can be used to identify the individual.

**Regulated Data** means Data that is subject to federal and state laws, regulations, policies, standards and guidelines regarding its protection, storage, access, use, handling, disclosure, and destruction.

**Retiree(s)** means any person defined as a Retiree pursuant to the terms of 4 NYCRR Part 73, as amended.

**RFP or Procurement** means the Request for Proposals entitled “New York State Health Insurance Program Decision Support System.”

**Selected Offeror or Contractor** means the Offeror selected as a result of the evaluation of Offeror’s Proposals submitted in response to this RFP and who executes a Contract with the Department to provide Project Services.

**Security Incident** means a violation or imminent threat of violation of computer security policies, acceptable use policies, or standard security practices. A Security Incident is also defined as any Event that adversely affects the confidentiality, integrity, or Availability of a System and its Data. See NYS ITS Policy NYS-S13-005 or its successor for additional information.

**Shall** denotes the imperative in a contract clause or specification. Means required - being determinative/mandatory, as well as imperative. Also see “Must” and “Mandatory.”

**Should** denotes the permissive in a contract clause or specification. Refers to items or information that the State has deemed are worthy of obtaining, but not required or obligatory. Also see “May.”

**Software** means computer instructions or data that can be stored electronically.

**State or NYS** means the State of New York.

**Subcontractor(s)** means any individual or legal entity (including but not limited to sole proprietor, partnership, limited liability company, firm or corporation) who has entered into a contract, express or implied, for the performance of a portion of the Contract with a Contractor.

**Transition Plan** means a written plan for transition, which outlines, at a minimum, the tasks, milestones, and deliverables associated with transitioning the Project to a new Contractor.

**Use and Disclosure** means that the Contractor may create, receive, maintain, access, transmit, use and/or disclose the Department’s Protected Health Information (PHI) solely in accordance with the terms of this RFP.

**User(s)** means an individual designated by the Department to utilize application programs provided by the Offeror under terms of the Contract resultant from this procurement.

**Will** denotes the imperative in a contract clause or specification. Means required - being determinative/mandatory, as well as imperative. Also see “Must” and “Shall.”