

## ATTACHMENT 3



Department of  
Civil Service

Formal Offer Letter - RFP entitled:  
"Pharmacy Benefit Services for The Empire Plan, Student  
Employee Health Plan, and NYS Insurance Fund Workers'  
Compensation Prescription Drug Programs"

### [TO BE COMPLETED ON OFFEROR'S LETTERHEAD]

Date:

NYS Department of Civil Service  
Attn: Office of Financial Administration,  
Empire State Plaza, Swan Street Building, Core 1  
Albany, New York 12239

**RE: Request for Proposals entitled:  
"Pharmacy Benefit Services for The Empire Plan, Student Employee Health Plan, and NYS  
Insurance Fund Workers' Compensation Prescription Drug Programs"  
Firm Offer to the State of New York**

**[INSERT OFFEROR NAME]** hereby submits this firm and binding offer to the State of New York in response to the Department's Request for Proposals (RFP), entitled "Pharmacy Benefit Services for The Empire Plan, Student Employee Health Plan, and NYS Insurance Fund Workers' Compensation Prescription Drug Programs." The Proposal hereby submitted meets or exceeds all terms, conditions, and requirements set forth in the above-referenced RFP and in the manner set forth in this RFP.


**[INSERT OFFEROR NAME]** accepts the terms and conditions as set forth in this RFP, *Standard Clauses for New York State Contracts* (Appendix A), *Standard Clauses for All Department Contracts* (Appendix B), *General Specifications* (Appendix B-1, Exclusive to NYSIF), *Contract Provisions* (Appendix B-2, Exclusive to NYSIF), *NYSIF Vendor Security Survey* (Appendix B-3, Exclusive to NYSIF), *NYSIF Mutual Non-Disclosure Agreement* (Appendix B-4, Exclusive to NYSIF), *Information Security Requirements* (Appendix C, Exclusive to DCS), and *Participation by Minority and Women-Owned Business Enterprises: Requirements and Procedures* (Appendix D, Exclusive to NYSIF).

**[INSERT OFFEROR NAME]** agrees to execute two separate Contracts that includes the terms and conditions set forth in the RFP, and accepts as non-negotiable the terms and conditions set forth in *Standard Clauses for New York State Contracts* (Appendix A), *Standard Clauses for All Department Contracts* (Appendix B), *General Specifications* (Appendix B-1, Exclusive to NYSIF), *Contract Provisions* (Appendix B-2, Exclusive to NYSIF), *NYSIF Vendor Security Survey* (Appendix B-3, Exclusive to NYSIF), *NYSIF Mutual Non-Disclosure Agreement* (Appendix B-4, Exclusive to NYSIF), *Information Security Requirements* (Appendix C, Exclusive to DCS), and *Participation by Minority and Women-Owned Business Enterprises: Requirements and Procedures* (Appendix D, Exclusive to NYSIF) except as modified by the Department and Offeror's negotiations in response to the *Non-Material Deviations Template* (Attachment 8).

**[INSERT OFFEROR NAME]** further agrees, if selected as a result of the RFP, to comply with 1) the provisions of Tax Law Section 5-a, Certification Regarding Sales and Compensating Use Tax; and 2) the Workers' Compensation Law as set forth in Section 4.5 and 4.6 of the RFP.

This formal offer will remain firm and non-revocable for a minimum period of 90 days from the

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Proposal Due Date as set forth in the RFP. In the event that the contracts are not approved by the NYS Comptroller within the 90-day period, this offer shall remain firm and binding beyond the 90-day period until a contract is approved by the NYS Comptroller, unless **[INSERT OFFEROR NAME]** delivers to the Department of Civil Service written notice withdrawing its Proposal.

**[INSERT OFFEROR NAME]**'s complete offer is set forth as follows:

### **Administrative & Technical Proposals:**

Hard Copies (8 Total): One (1) ORIGINAL hard copy and seven (7) additional hard copies which include separate versions of the Administrative and Technical Proposals.

Electronic USB Devices (13 Total): Thirteen (13) electronic USB devices which each contain an electronic copy of the Administrative and Technical Proposals ONLY.

### **Financial Proposal:**

Hard Copies (2 Total): One (1) ORIGINAL hard copy and one (1) additional hard copy of the Financial Proposal of the RFP (labeled COPY #1).

Electronic USB Devices (2 Total): Two (2) electronic USB devices which each contain an electronic copy of the Financial Proposal ONLY.

### **Complete Electronic Master Submission:**

Electronic USB Device (1 Total): A master electronic submission containing all of the ORIGINAL hard copy Proposals (Administrative, Technical, & Financial) must be provided on a master electronic USB device.

### **Offeror's Senior Officer Responsible for Account contact information**

Name:

Address:

Phone number:

Email address:

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The undersigned affirms and swears s/he has the legal authority and capacity to sign and make this offer on behalf of, [INSERT OFFEROR NAME] and possesses the legal authority and capacity to act on behalf of [INSERT OFFEROR NAME] to execute a contract with the State of New York.

The Offeror certifies that all information provided to the Department with respect to State Finance Law §139-k is complete, true and accurate. The undersigned affirms and swears as to the truth and veracity of all documents included in this offer.

[INSERT OFFEROR NAME]

Signature: \_\_\_\_\_ Title: \_\_\_\_\_

PRINT SIGNATORY'S NAME: \_\_\_\_\_ Date: \_\_\_\_\_

INDIVIDUAL, CORPORATION, PARTNERSHIP, OR LLC ACKNOWLEDGMENT
STATE OF } Sworn Statement:
COUNTY OF }

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year 20\_\_\_\_, before me personally appeared \_\_\_\_\_, known to me to be the person who executed the foregoing instrument, who, being duly sworn by me did depose and say that \_he maintains an office at Town of \_\_\_\_\_ County of \_\_\_\_\_, State of \_\_\_\_\_; and further that:

\_\_\_\_ (If an individual): \_he executed the foregoing instrument in his/her name and on his/her own behalf.

\_\_\_\_ (If a corporation): \_he is the \_\_\_\_\_ of \_\_\_\_\_, the corporation described in said instrument; that, by authority of the Board of Directors of said corporation, \_he is authorized to execute the foregoing instrument on behalf of the corporation for purposes set forth therein; and that, pursuant to that authority, \_he executed the foregoing instrument in the name of and on behalf of said corporation as the act and deed of said corporation.

\_\_\_\_ (If a partnership): \_he is the \_\_\_\_\_ of \_\_\_\_\_, the partnership described in said instrument; that, by the terms of said partnership, \_he is authorized to execute the foregoing instrument on behalf of the partnership for purposes set forth therein; and that, pursuant to that authority, \_he executed the foregoing instrument in the name of and on behalf of said partnership as the act and deed of said partnership.

\_\_\_\_ (If a limited liability company): \_he is a duly authorized member of \_\_\_\_\_, LLC, the limited liability company described in said instrument; that, \_he is authorized to execute the foregoing instrument on behalf of the limited liability company for purposes set forth therein; and that, pursuant to that authority, \_he executed the foregoing instrument in the name of and on behalf of said limited liability company as the act and deed of said limited liability company.

Notary Public \_\_\_\_\_ Date: \_\_\_\_\_