

**COUNTY OF SCHOHARIE**  
**REQUEST FOR PROPOSALS**  
**For**  
**SCHOHARIE COUNTY**

**Sale of Certified Home Health Agency and  
Long Term Home Health Care Program  
Operating Certificates**

**RFP 2009-02**



**Issue Date:**

**Friday, November 04, 2009**

**Due Date:**

**Thursday, December 17, 2009 – 4:30 p.m.**

**Respond to:**

**Schoharie County  
P.O. Box 429  
284 Main Street, Room #365  
Schoharie, New York 12157**

**Attention:**

**Karen Miller  
Auditor & Purchasing Agent**

**Legal Notice**

**REQUESTS FOR PROPOSALS**

**Sale of Certified Home Health Agency and  
Long Term Home Health Care Program  
Operating Certificates**

**RFP 2009-02**

Schoharie County is requesting proposals from interested parties to purchase the Schoharie County Department of Health's Certificates of Need for its Certified Home Health Agency and the Long Term Care Program.

Specifications and proposal form may be obtained from Schoharie County Auditor & Purchasing Agent, P.O. Box 429, 284 Main Street, Room #365, Schoharie, New York 12157, between hours of 8:30 A.M. and 5:00 P.M., Monday/Friday. Phone requests at 518-295-8300 or you can also download the RFP, after registration, at: <http://www.schohariecounty-ny.gov/CountyWebSite/Auditor/auditorhome.jsp>

Sealed proposals must be in possession of Schoharie County Auditor & Purchasing Agent, P.O. Box 429, 284 Main Street, Room #365, Schoharie, New York 12157, no later than Thursday, December 17, 2009 at 4:30 p.m. All proposals shall be accompanied by a non-collusion statement in order to be considered. Late proposals will be returned, unopened to contractor.

**Schoharie County reserves right to forego any formalities and reject any or all bids.**

**Schoharie County is an equal opportunity employer.**

**REQUEST FOR PROPOSAL  
RFP 2009-02**

**SALE OF CERTIFIED HOME HEALTH AGENCY and LONG TERM HOME HEALTH CARE PROGRAM OPERATING CERTIFICATES**

To Whom It May Concern:

The County of Schoharie has issued this Request for Proposal to seek interested parties to purchase the Schoharie County Department of Health's Certificates of Need for its Certified Home Health Agency and its Long Term Home Health Care Program. This Request for Proposal is to identify an eligible, qualified and interested entity, as defined by the New York State Codes, Rules and Regulations (NYCRR), Title 10, Article 7, Part 760, to purchase said Certificates and to provide quality home health care to the residents of Schoharie County. Such interested potential entity shall be expected to operate the certified home health agency and long term home health care program in compliance with all applicable Federal and State statutes and regulations.

A brief history and fiscal profile of the County's Certified Home Health Agency and Long Term Home Health Care Program are attached for your review. If you believe your organization is qualified to supply the services herein requested, meets the regulatory requirements and is prepared to propose fair and just consideration for these certificates, please forward a letter of interest together with the required information and documents noted in the scope of this Request for Proposal to the attention of Auditor & Purchasing Agent, Karen Miller no later than Thursday, December 17, 2009, by 4:30 pm. Your Letter of Intent, proposed compensation for this certificate and any other requested information should be sent to:

Karen Miller, Auditor & Purchasing Agent  
Schoharie County  
P.O. Box 429  
284 Main Street, Room #365  
Schoharie, NY 12157

For information specific to the operation of our existing Certified Home Health Agency and/or Long Term Home Health Care Program, please feel free to contact our Public Health Director, Kathleen Farrell-Strack at 518-295-8792.

If you have any questions concerning this opportunity, feel free to contact Mrs. Miller at 518-295-8300.

**REQUEST FOR PROPOSAL: SALE OF CERTIFIED HOME HEALTH AGENCY and  
LONG TERM HOME HEALTH CARE PROGRAM OPERATING CERTIFICATES  
RFP 2009-02**

**SCOPE:**

The Schoharie County Department of Health currently holds operating certificates from the New York State Department of Health, Office of Health Systems Management for a Certified Home Health Agency (CHHA) and a Long Term Home Health Care Program (LTHHCP). Since its inception, the Nursing Division of Schoharie County Department of Health has, under the CHHA, provided skilled nursing, rehabilitation services, such as physical therapy, occupational therapy, speech language pathology, medical supply equipment and appliance and home health aid services to medically eligible homebound residents of Schoharie County. The Schoharie County Department of Health LTHHCP provides audiology, housekeeper, skilled nursing, personal care, speech language pathology, home health aide, medical social services, nutritional, physical therapy, homemaker, medical supplies and equipment, occupational therapy and respiratory therapy services. At this time, the Schoharie County Department of Health is authorized to relinquish or sell the Certificates for the CHHA and the LTHHCP.

The County has issued this formal Request for Proposal to receive proposals from entities qualified to operate as a home health agency under Titles XVIII and XIX of the Federal Social Security Act and which will agree to participate in such programs, applying therefore, and which will comply with the provisions of Article 36 of the Public Health Law and the applicable rules of the New York State Department of Health. Additionally, a New York State health care facility or program approved under either Article 28, 33, 36, 40 or 44 of the Public Health Law or the provisions of the Mental Hygiene Law may be eligible to obtain certificates for a CHHA and LTHHCP.

***Criteria:***

Interested proposers must demonstrate detailed knowledge and experience in the delivery of quality home health care, fiscal competence and an ability to secure all required state and federal approvals within a reasonable timeframe. No sale will be complete without required approvals. Furthermore, consistent with applicable federal and state law, interested buyers must evidence a commitment to provide these services to all Schoharie County residents without regard to race, creed, color, physical or mental disability, national origin, economic status, political status, marital status or sexual orientation. Finally, interested buyers should indicate a willingness to consider for hire those employees of Schoharie County who will lose their job as a result of the sale of these certificates as well as willingness to entertain a management contract to be enacted during the transition process.

Interested agencies and organizations should send back a registration form along with a letter of interest that provides qualifications of providing similar service and addresses the areas mentioned above. The letter should also include detailed resumes of principal administrators and personnel together with audited financial reports detailing the organization's last fiscal year.

No proposal will be considered without a detailed written purchase offer. Schoharie County will review each offer and may request additional information to assist in evaluating an offer. Schoharie County reserves the right to sell the operating certificates to the proposal that is deemed in the best interest of the County, as determined solely by the County, and as such may reject any and all offers. Please see the Addendum Section, which contains full cost reports for 2007-08 for the CHHA. Since 2009 cost reports are not yet available, there is an attachment with financial information from our

billing department and accountant for this year.

## **ORAL STATEMENTS AND MODIFICATIONS**

Any oral statement or representation by any representative of the Department of Health or of the County, changing or supplementing the Request for Proposal or contract or any condition thereof, is unauthorized and shall confer no right upon the Bidder or Purchaser.

### **DEPOSIT:**

The County will notify bidder(s) being selected as a finalist(s). The finalist(s) shall be required to submit a certified check or other certified funds in the amount of 10% of the bid amount within five (5) business days of such notification.

The successful bidder's guaranty will be retained and applied to the purchase price.

### **PROPOSAL FORMAT:**

- ✓ Proposals shall be submitted using the Proposal, Non-Collusion and Certification Form included in these specifications.
- ✓ **One (1) original and six (6) copies of the proposal must be provided.**
- ✓ Read all the information contained in the RFP package.
- ✓ Proposers are responsible for submitting their proposal to the Schoharie County Auditor & Purchasing Department, P.O. Box 429, 284 Main Street, Room #365, Schoharie, NY 12157 at or prior to the time indicated in the RFP. No Proposals will be accepted after the designated time indicated in the RFP. ***Proposals are due on or before Thursday, December 17, 2009, 4:30 p.m. local time.***
- ✓ Facsimile or emailed copies are NOT acceptable. RFP responses must be delivered to Auditor & Purchasing Office before stated deadline to be considered.
- ✓ Vendors are responsible for reporting, in writing, any errors found in the RFP specifications to the Schoharie County Auditor & Purchasing Agent, P.O. Box 429, 284 Main Street, Room #365 Schoharie, NY 12157.
- ✓ Bidders shall indicate on the outside of their sealed proposal the following information:
  - a. Title of RFP and RFP Number
  - b. Date and Time of RFP Opening
  - c. Proposer's Name

*Failure to do so may result in the rejection of the proposal as being unresponsive.*

### **Submission of Proposals:**

Those submitting Proposals do so entirely at their expense. There is no express or implied obligation by Schoharie County to reimburse any firm or individual for any costs incurred in preparing or submitting Proposals, preparing or submitting additional information requested by the County, or for participating in any selection interviews.

### **Late Proposals:**

Proposals received in the Auditor & Purchasing Office *after* the date and time prescribed shall not be considered for contract award and shall be returned to the bidder as non-responsive. The bidder is responsible for the delivery of their proposal. If the proposal is delivered to the wrong county office, by any delivery method, the bidder bears the responsibility. Delivery of the proposal to the specified location at the prescribed time and date is the sole responsibility of bidder.

The County employee whose duty it is to receive proposals will decide when the specified time has arrived and no proposals received thereafter will be accepted

***NOTE: Any delay due to traffic, weather, mail or express delivery is not an exception to the deadline for receipt of proposals. Please plan accordingly.***

**Contract Award:**

Award of contract will be made following review of proposal by the County Auditor & Purchasing Agent, the Board of Supervisors, the Health Department Manager, Board of Health member and any additional County staff as deemed appropriate, approval by designated committee followed by Legislature approval, with contract awarded by Schoharie County Resolution.

**Method of Award:**

The award may be made to the most responsible proposer whose proposal is determined to be in the best interest of Schoharie County and deemed will best serve the County's requirements based upon criteria stated under the Scope of this RFP, the evaluation of references, corporate qualifications, and if deemed necessary, an interview with the Vendor and the Award Committee.

Price will not necessarily be the determining factor in the award of the contract. All proposals will be evaluated to determine if they meet the required format and be in compliance with all requirements of the Request for Proposals.

Incomplete or non-responsive proposals may be rejected at the discretion of Schoharie County.

**Withdrawal of Proposal:**

A proposal may be withdrawn at any time prior to the submittal deadline. A proposal may be withdrawn and resubmitted at any time prior to the submittal deadline. No proposal may be withdrawn after the submittal deadline without the consent of purchasing which may be withheld by the Auditor & Purchasing Department in its absolute discretion.

**Amendment of Proposal:**

A proposal may not be amended. However, a proposal may be withdrawn and resubmitted pursuant to resubmitted (Withdrawal of Proposal) section above.

**Completeness or Accuracy of RFP Documents:**

NOTE: The County of Schoharie shall not be held responsible for the completeness or accuracy of any RFP documents received by a bidder that were not directly issued to that bidder by the Schoharie County Auditor & Purchasing Department.

Any bidder submitting a proposal based on incomplete or inaccurate information resulting from documentation received from any third party shall not have cause for relief from award or completion of a contract in accordance with the official documents on file with the Schoharie County Auditor & Purchasing Department.

It is HIGHLY suggested that all bidders interested in participating in this RFP, contact the Schoharie County Auditor & Purchasing Department directly at the above address or telephone number

to assure they have received the most accurate and up to date material concerning this contract.

***NOTE: It is the bidder's sole responsibility to verify the proposal submittal includes any or all addenda.***

**Addenda:**

Schoharie County may, at any time by written notification to all bidders, change any portion of the RFP describe and detailed herein. These changes will be communicated to registered interested parties/bidders only in the form of Addenda. Addenda will be mailed or faxed, and will available on the Auditor & Purchasing Web Page, to all who are known by the County to have received a complete set of specification documents. Copies of Addenda will also be made available for inspection at the Auditor & Purchasing Office and posted on the Auditor & Purchasing Web Page. No Addenda will be issued later than forty-eight (48) hours prior to the date and time for the receipt of offers, except an Addenda withdrawing the proposal or Addenda for postponement of the proposal due date/time.

Interested Parties/Bidders shall ascertain prior to submitting their proposal they have received all Addenda issued and the acknowledge receipt of Addenda by the return of the signed Addenda form(s) with their response. If you did not register as specified then it is your sole responsibility to watch the website for and download any addendas. We are not responsible for what information gets to non-registered interested parties/bidders.

**Schoharie County Reserves the Right:**

1. Reject any and all proposals received in response to this solicitation;
2. Reject the proposal of a bidder who has previously failed to perform properly;
3. To waive any technical or formal defect in the RFP, this is considered by Schoharie County to be merely irregular, immaterial, or unsubstantial.
4. The County reserves the right to reject any proposal of any bidder who has previously failed to perform adequately after having once been awarded a prior proposal for furnishing product, material or services similar in nature to those in this proposal.
5. The County will not accept proposals from bidders, that have had adversarial relationships with the County or firms that have represented entities that have had adversarial relationships with the County.

**Advertising:**

In submitting its proposal, the Bidder agrees not to use the results there from as a part of any news release or commercial advertising without written approval of the County.

**PROPOSAL AND CERTIFICATION FORM**  
**Bid 2009-02**

**TO: Auditor & Purchasing Agent**  
**Schoharie County**  
**P.O. Box 429**  
**284 Main Street, Room #365**  
**Schoharie, NY 12157**

The Undersigned, as Bidder hereby declares that the only persons interested in this Proposal are named herein and that no other person has any interest in this Proposal. This Proposal is made without previous understanding, agreement, or connection with any person, firm or corporation making a Bid for the same service and is in all respects fair, without outside control, collusion, or otherwise illegal action. I certify that I am not under eighteen (18) years of age and that I have not colluded, conspired or agreed, directly or indirectly with any bidder or person to submit a sham proposal, or to refrain from submitting a proposal, or to fix my price, or that of any other bidder.

It is hereby affirmed that this Proposal is being made in full and complete accordance with, and subject to, all the terms and conditions set forth in, and covered by, the Request for Proposals (RFP), a copy of which was received. I have read all the terms and conditions contained with the RFP and have satisfied myself fully relative to all matters of the service being sold. I agree to all terms and conditions of sale and will accept any award(s) made to me as a result of this Proposal with the understanding that I have reviewed the service information to my satisfaction.

It is agreed that formal acceptance of this Proposal by the County shall constitute a valid and enforceable contract between the two parties. The Bidder agrees to be bound by all obligation, terms and conditions as set forth in the RFP and the Bid Proposal and Certification Form.

If I am a successful bidder, I shall indemnify and hold harmless the County and its officers, employees, agents and instrumentalities from any and all liability, losses or damages, including attorney's fees and cost of defense, which the County or its officers, employees, agents or instrumentalities may incur as the result of claims, demands, suits, causes of actions or proceedings of any kind or nature arising out of, relating to or resulting from the performance of this Agreement by me or my employees, agents, servants, partners, principals or subcontractors. I agree that I shall pay all claims and losses in connection therewith and shall investigate and defend all claims, suits or actions of any kind or nature in the name of the County, where applicable, including appellate proceedings, and shall pay all costs, judgments and attorney's fee which may issue thereon.

**Non-Collusion Clause:**

By submission of this proposal, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint proposal, each party thereto certifies as to its own organization, under penalty or perjury, that to the best of knowledge and belief:

1. The prices in this proposal have been arrived at independently without collusion, consultation, communication or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor;

2. Unless otherwise required by law, the prices which have been quoted in this proposal have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder prior to opening, directly or indirectly, to any other bidder or to any competitor; and

3. No attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit or not to submit, a bid for the purpose of restricting competition.

I also agree to meet the following deadlines:

1. Full payment for awarded services must be made within five (5) business days of New York State approval of the CON.
2. I understand that failure to adhere to the payment will result in the forfeiture of my deposit will all ownership right reverting to Schoharie County.

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***Signature Section***

\_\_\_\_\_  
Legal Name of Firm/Organization

\_\_\_\_\_  
Authorized Signature (In BLUE Ink)

\_\_\_\_\_  
Address

\_\_\_\_\_  
Printed Name of Person Bidding

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Telephone No.      Fax No.

\_\_\_\_\_  
Email Address

\_\_\_\_\_  
Federal ID # (If applicable)

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**DO NOT WRITE BELOW THIS LINE (FOR COUNTY USE ONLY)**  
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\_\_\_\_\_  
CHAIRMAN, SCHOHARIE COUNTY SUPERVISORS

\_\_\_\_\_  
RESOLUTION NO.

\_\_\_\_\_  
DATE



**Vendor Certification**  
**RFP 2009-02**

As of January 1, 2005, the Office of the State Comptroller is requiring that governmental agencies award contracts only to vendors that have been certified as “responsible.” Vendor responsibility means that a vendor has the integrity to justify the award of public dollars and the capacity to fully perform the requirements of the contract. It is a contracting agency’s responsibility, under Section 163 (9) of the State Finance Law (SFL), to evaluate and make a determination of the responsibility of a prospective contractor. A responsibility determination, wherein the contracting agency determines that it has reasonable assurances that a vendor is responsible, is an important part of the procurement process, promoting fairness in contracting and protecting a contracting agency and the State (as well as the County) against failed contracts.

The following factors are to be considered in making a responsibility determination:

1. Legal Authority to do business in New York State
2. Integrity
3. Capacity – both organizational and financial
4. Previous performance

Please complete the enclosed Vendor Responsibility Questionnaire. The completed Questionnaire shall be returned with your bid submission in order for your bid to be ruled responsive.

Additional information concerning vendor responsibility, including electronic versions of forms, may be found at the Office of the State Comptroller’s (OSC) website:

<http://www.osc.state.ny.us/vendrep>

**Overview on Executive Order #127 May be Accessed:**

*<http://www.ogs.state.ny.us/aboutOgs/regulations/procurement/overview.html>*

**Vendor Responsibility Form**



# **ATTACHMENT – A**

## **2007 – 2008** **Fiscal &** **General Client Profiles**