

**REQUEST FOR PROPOSALS (RFP) – #Z-46 BENEFIT BANKING SERVICES**

**ATTACHMENT 3**

**Bidder Certified Statements**

Bidder **affirms** understanding and agreement of RFP #Z-46 and provides response below certifying that they meet the Mandatory Bidder Eligibility Requirements specified in Section 1.9 of RFP #Z-46. The Bidder shall provide additional documentation certifying the mandatory eligibility requirements in their proposal.

The Bidder also **affirms** understanding and agreement to comply with the Mandatory requirements of RFP #Z-46 and to be able to perform all services described in Section 2, Technical Benefit Banking Services Requirements providing their response below. The Bidder shall submit a complete response as outlined in Section 4, Proposal Response Requirements.

Proposals from Bidders not meeting and certifying the Mandatory Eligibility requirements may be eliminated from further consideration. The State, however, reserves the right to eliminate a Mandatory requirement when all Bidders cannot meet that requirement unless that requirement is deemed to be material by the State.

<b>Mandatory Bidder Eligibility Requirements</b>	<b>Response</b>	
Bidders must be a NYS or federally chartered commercial bank with legal authority to operate in NYS, or a financial payment processor that will partner with a NYS or federally chartered commercial bank. All DOL and OCFS accounts and any resulting accounts must be located in NYS.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Bidders must offer ACH as a primary method of disbursement of funds.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
In addition to item #2, above, Bidders must offer at least one (1) other primary method of disbursement of funds, which may include debit cards, paper checks, or another disbursement method that will be an additional primary method of disbursing funds <sup>3</sup> . <del>Additional to the minimum two methods above, the State highly desires multiple primary methods of disbursements of funds.</del>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Bidder must, if not offering debits cards as a primary method of disbursement of funds, provide a detailed transition plan for current benefit recipients who receive payments via debit cards to the Bidder's a new primary method of disbursement.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Bidders must be able to provide paper checks for miscellaneous payments, in limited quantities, for various programs such as, but not limited to, IRORA payments. Bidders may offer paper checks as a primary method of disbursement of funds.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Bidders must agree for matters arising under the Agreement: to accept service of process on the New York Secretary of State as agent of the Awarded Bidder; to consent to jurisdiction in a court geographically within NYS; and to consent to New York law as the governing law of the Agreement.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Bidders must affirm that they will not store Confidential Information of the State in the Cloud or utilize Cloud Computing for the storage of Confidential Information of the State, or store Confidential Information on any other server owned by a third party without prior approval of the NYS Information Security Officer. Cloud computing shall be defined to mean any on-demand access to shared computing infrastructure which is provisioned for use by the State, and which may be owned, managed, and operated by the Bidder, a third party, or some combination of them, and which may exist on or off premises. See: <a href="https://csrc.nist.gov/publications/detail/sp/800-146/final">https://csrc.nist.gov/publications/detail/sp/800-146/final</a>	Yes <input type="checkbox"/>	No <input type="checkbox"/>

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Bidders must belong to the NACHA and provide supporting documentation of membership.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Bidders, any partner and/or subcontractor, and proposal must comply with all PCI DSS, if applicable to their proposal, and be authorized by the appropriate Associations, networks and other necessary organizations to provide financial services for payment processing and distribution. Bidders must provide documentation of PCI DSS compliance, attest they will maintain their compliance throughout the Contract term, and indicate all appropriate Associations, networks and other necessary organizations to provide finance services for payment processing and distribution.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Bidders or their financial institution must have a financial strength rating of at least a “C+” as published in the most current issue of Kroll Bond Rating Agency as of the date the Proposal is due as defined in Section 1.2. This rating will be independently verified by the State. Bidders are not required to subscribe to the Kroll service and a Kroll rating is not contingent upon any such subscription.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Bidders or their financial institution must have a CRA rating of “Satisfactory” or better in the latest release of evaluations published by the United States (“US”) Department of the Treasury, Office of the Comptroller of the Currency [found at <a href="http://www.federalreserve.gov/apps/crape/BankRating.aspx">http://www.federalreserve.gov/apps/crape/BankRating.aspx</a> ], or the FDIC [found at <a href="https://www2.fdic.gov/crapes/">https://www2.fdic.gov/crapes/</a> ], as of the date the Proposal is due as defined in Section 1.2.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Bidders, or in the case of a processor being primary bidder, the bidder’s partner bank, must have on file, or be willing to file with NYS a “State of New York Undertaking for Bank Deposits and Assignment of Securities” (Attachment L) before the Contract is approved and the accounts are established.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Bidders, or in the case of a processor being primary bidder, the bidder’s partner bank must agree to pledge certain securities as collateral for NYS deposits at NYS’ Fiscal Agent bank or provide a Surety Bond in accordance with Section 105 of NYS Finance Law	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Bidders must be able to act as an ODFI for the direct deposit of payments.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Bidders must be able to perform federal wire transfers or ACH credits to the federal government for tax payments in accordance with the EFTPS Guidelines.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Bidders must be FDIC insured.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Bidders must be willing, if awarded, to enter into a Contract consistent with the terms and conditions set forth in this RFP, including but not limited to the General Terms and Conditions terms set forth in <del>of</del> Appendix GTC.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Bidders are required to have their legal counsel review Appendix GTC, General Terms and Conditions as well as Exhibit A, <b>Sample</b> Banking Service Schedules, and Attachment 1, State Authorization Form affirming agreement and the terms of the Banking Service Agreement, and the RFP take precedence over any other Banking Service Agreements. <b>Proposed changes to Exhibit A are discussed in Section 2.12.</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>

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<b>Bidder Certified Statements, Page 3</b>		
Bidders are required to submit their own Exhibit C, Banking Service Schedules in an editable word document. With regard to these Schedules, the State reserves the right to negotiate the terms and conditions in the submitted Banking Service Schedules and nothing contained within shall be effective to the extent that it constitutes a variance within terms or requirements of this RFP or any resulting contract.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Bidders must be in compliance with and agree to comply with NY Executive Law §296-a “Unlawful Discriminatory Practices in Credit”.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Bidders must be in compliance with and agree to comply with all federal and state bank secrecy/anti-money laundering statutes and regulations.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
All accounts as a result of award from this RFP must be in the State name or in a name designated by the State.	Yes <input type="checkbox"/>	No <input type="checkbox"/>

**\* A “No” Response on this Attachment 3 may result in disqualification.**

<b>1. INFORMATION WITH REGARD TO THE BIDDER</b>
<b>A. Provide the Bidder’s name, address, telephone number, and fax number.</b>
Name:
Address:
City, State, ZIP Code:
Telephone Number (including area code):
Fax Number (including area code):
<b>B. Provide the name, address, telephone number, and e-mail address of the Bidder’s Primary Contact with the State with regard to this proposal.</b>
Name:
Address:
City, State, ZIP Code:
Telephone Number (including area code):
E-mail Address:
<b>C. Provide the name, address, telephone number, and e-mail address of the person authorized to bind the Bidder contractually, if different from (B).</b>
Name:
Address:
City, State, ZIP Code:

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<b>Telephone Number (including area code):</b>
<b>E-mail Address:</b>

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<b>D. Bidder's Taxpayer Identification Number:</b>
<b>E. Bidder's NYS Vendor Identification Number as discussed in Appendix GTC, if enrolled:</b>
<b>By my signature on this Attachment 3, I certify that I am authorized to bind the Bidder contractually.</b>
_____
<b>Typed or Printed Name of Authorized Representative of the Bidder</b>
_____
<b>Title/Position of Authorized Representative of the Bidder</b>
_____
<b>Signature of Authorized Representative of the Bidder</b>
_____
<b>Date</b>
_____