



# Department of Health

## RFP #C042389R Physician Workforce Studies Amendment #2

The following are official modifications, which are hereby incorporated into RFP #C042389R Physician Workforce Studies. The information contained in this amendment prevails over the original RFP language. For all amendments below, deleted language appears in strikethrough (“~~xxx~~”) and added language appears in underline (“xxx”).

### Q&A Question 23

Question	Answer
<p>Would the Department be open to a project structure in which a qualified subcontractor — rather than the primary organization — enters into the BAA and DUA directly with the Subcontracting is allowed in this procurement. If the subcontractor is the one to be handling the data, they should also be the one to sign the BAA and HIPAA. The awarded contractor will meet 7 Question # Corresponding RFP Section Question Answer Department for any HIPAA-regulated data required for the engagement? If so, are there preferred contracting mechanics that the Department would find acceptable? • If our organization is unable to reach an agreement that would cause it to function as a Business Associate, what subcontractor role or data-handling arrangement would the Department consider acceptable for the prime? For example, would the Department accept a structure in which the primary organization performs only those tasks that do not involve receipt, creation, maintenance, or transmission of Protected Health Information, with the subcontractor isolating all PHI-related workstreams? If the Department is open to a structure under which a subcontractor handles HIPAA-regulated data directly, are there Department requirements</p>	<p><del>Subcontracting is allowed in this procurement. If the subcontractor is the one to be handling the data, they should also be the one to sign the BAA and HIPAA. The awarded contractor will meet with the Department to discuss any reporting expectations and data transfers. The subcontractor must meet all NYS ITS security guidelines found in Section 4.5 of the RFP.</del></p> <p>The Contractor would have to sign the BAA (i.e. BAA between State and Contractor), and if Contractor is allowed to subcontract out of any of the contracted work (involving PHI), that subcontractor would also have to sign a BAA (i.e. BAA between the Contractor and the Subcontractor).</p>

<p>that would govern how the subcontractor stores, secures, and transfers project data to the primary organization for the non-PHI portions of the work? We would appreciate guidance on:</p> <ul style="list-style-type: none"><li>• Permitted forms of de-identification or limited data-set transfer to the primary organization;</li><li>• Required encryption, transmission, and storage standards for any data shared with the primary organization;</li><li>• Any flow-down obligations the Department expects the prime to impose on the subcontractor; and</li><li>• Reporting, audit, or notification expectations that would apply at the prime level.</li></ul>	
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