



ERIE COUNTY

REQUEST FOR PROPOSAL (RFP)

Mobile App Development Services

RFP # 2022-046VF

September 28, 2022

Mark O'Brien, LCSW-R, Commissioner
Erie County Department of Mental Health
Edward A. Rath County Office Building
95 Franklin Street
Buffalo, NY 14202

I. INTRODUCTION

The County of Erie, New York (the "County") will be creating a mobile application to help parents and guardians of children and adolescents who are struggling with mental health or behavioral challenges. **The mobile app will provide information for parents and caregivers to recognize common behavioral and mental health conditions, help navigate the behavioral health systems of care for their children by providing information about available services in the community, and will include information about services and resources that support healthy development, social well-being, and access to services.** This project will involve two distinct components: 1) Solicit Community Input, Identify Features and Functionality, Organize and Assemble Content; and 2) Mobile Application Development. **This Request for Proposal is for the second component – Mobile App Development Services.**

The County is currently seeking proposals for the Mobile App Development Services component that will develop the mobile application to include the features, functionality and content as defined in the first phase of this project.

The first phase of this project was to Solicit Community Input, Identify Features and Functionality, Organize and Assemble Content involved meeting with potential end users of the mobile application (parents and caregivers, school personnel, mental health providers who work with children and adolescents) to understand the needs of the end users and identify the features and functionality that the community would like to see in the mobile application.

Proposers interested in providing the Mobile App Development Services are invited to respond to this request. It is the County's intent to select the Proposer(s) that provides the best solution for the County's needs.

The County reserves the right to amend this RFP. The County reserves the right to reject any or all of the proposals, or any part thereof, submitted in response to this RFP, and reserves the right to waive formalities, if such action is deemed to be in the best interest of the County. The County reserves the right to request additional information from any Proposer. While it is expected that a single award will result for this RFP solicitation, the County reserves the right to award negotiated contracts to one or more Proposers. Proposals received shall be considered to remain in effect for no less than six (6) months and for no more than eighteen (18) months from date of receipt.

IMPORTANT: APPLICATIONS THAT ARE NOT 100% COMPLETE AS SPECIFIED WITHIN THIS RFP, EXCEED THE SPECIFIED PAGE LIMITS, OR ARE NOT RECEIVED BY THE SPECIFIED DUE DATE AND TIME WILL NOT BE REVIEWED. ACCORDINGLY, PLEASE READ THE INSTRUCTIONS CAREFULLY SINCE CRITICAL INFORMATION IN THESE REGARDS MIGHT ONLY BE PRESENTED ONE TIME.

The County will only contract with firms that do not discriminate against employees or applicants for employment because of race, creed, color, national origin, sex, age, disability, marital status, sexual orientation, citizenship status or any other status protected by New York State and Federal laws.

II. PROPOSAL SCHEDULE & APPLICATION REQUIREMENTS

A. ANTICIPATED SCHEDULE OF PROPOSAL

The following schedule is for informational purposes only. The County reserves the right to amend this schedule at any time.

September 28, 2022 Issue RFP:

The RFP and related attachments can be found and downloaded at the Erie County Department of Mental Health website at <https://www3.erie.gov/mentalhealth/request-proposals>.

October 3, 2022 by 1pm Deadline for Written Questions to be Submitted:

Written Questions should be sent by email to Melissa.Stark@erie.gov. All questions need to be received no later than **October 3, 2022 at 1:00pm**. Be sure to include “**Question - RFP# 2022-046VF**” as the Subject Line in your email. **Only questions received by email by October 3, 2022 by 1:00PM WITH THE ABOVE-REFERENCED SUBJECT LINE WILL RECEIVE A RESPONSE. NO INDIVIDUAL responses will be sent in response to emailed questions.**

October 5, 2022 Responses to RFP Questions will be Posted:

Responses to Questions received by email and by the deadline will be posted on or about **October 5, 2022** on the Erie County Department of Mental Health website: <https://www3.erie.gov/mentalhealth/request-proposals>.

WEDNESDAY, OCTOBER 12, 2022 BY 1:00PM PROPOSAL DEADLINE

On or about October 18, 2022 Selection Made

Following all necessary County approvals Contract Signed

B. APPLICATION REQUIREMENTS

- i. Each proposal shall be prepared simply and economically avoiding the use of elaborate promotional materials beyond what is sufficient to provide a complete, accurate and reliable presentation. An **eleven-point Font or larger, standard 8.5 inch by 11-inch paper, single-spaced with margins no smaller than 1 inch** are to be used for all materials (excepting for the Fonts, margins and paper size used on County provided forms). **All documents are to include page numbers.**
- ii. **PROPOSALS ARE TO BE PACKAGED AND ORDERED IN THE FOLLOWING MANNER:**
One **(1) original and five (5) hard copies** shall be submitted in a **SEALED** package. Please **print single-sided** and do not staple.
 1. **ECDMH RFP Submission Package Checklist** (labeled as **Appendix A**).
 2. **Application Cover Page** (labeled as **Appendix B**). The original must have an original signature of an authorized representative of the lead applicant organization.
 3. **Vendor Profile**. The Vendor Profile is to be limited to **no more than four (4) pages**. **The Scoring Tool is included in this package (Appendix C) and should be reviewed in order to maximize your score.**
 4. **Description of the proposed solution and work plan, including timeline and deliverables**. This requirement is limited to **no more than five (5) pages**. The

Scoring Tool is included in this package (Appendix C) and should be reviewed in order to maximize your score.

5. **Responsible Bidder Attestation.**
6. **Erie County MBE/WBE Certification Letter** (if applicable).
7. **Veteran-Owned Business Letter** (if applicable).
8. **Disclosure of Employees or Officers of Erie County.** A letter indicating the name, title and department of any employee or officer of Erie County within the 12 months immediately before the proposal. If none, indicate such in your letter.
9. **References.** A list of at least three (3) references from an organization with knowledge and experience with the specific services being offered.
10. **List of Prime Contractors and Subcontractors.** A list of prime contractors and subcontractors that the agency does business with related to the services being offered in this RFP.
11. **Roles and Resumes of staff that will be assigned to this project.**
12. **Proposer Certification.** Include completed and signed Proposer Certification, with original signature, included as **Schedule A**.
13. **Erie County Equal Pay Certification.** Include completed and notarized with original signatures, included as **Schedule B**. This form can also be accessed at https://www3.erie.gov/mentalhealth/sites/www3.erie.gov.mentalhealth/files/2021-09/coe-equal-pay-certification_0.pdf
14. **Response to Section B – Project and Long-Term Costs.** This should be submitted in a separate, sealed envelope, labelled “Section B” with the name of the agency.

C. HOW TO APPLY

To the extent feasible, please order your narrative content and the other proposal materials consistent with that indicated in **Section II B. Application Requirements**. If the ordering contradicts submission ordering directions in other sections of this RFP there will no penalty for any resultant document ordering discrepancies in your submission.

Submission of the proposals shall be directed to:

Mark O'Brien, LCSW-R
Commissioner
Erie County Department of Mental Health
Edward A. Rath Building
95 Franklin Street, Room 1237
Buffalo, New York, 14202

All proposals must be delivered to the above office by October 12, 2022 at 1:00 p.m. Proposals received after the above date and time will not be considered. Absolutely no exceptions will be made. The County is under no obligation to return proposals.

1. NO COMMUNICATIONS OF ANY KIND WILL BE BINDING AGAINST THE COUNTY, EXCEPT FOR THE DEPARTMENT OF MENTAL HEALTH FORMAL RESPONSES TO QUESTIONS, IF ANY, ADDRESSED ON THE WEBSITE.
2. Proposers may be required to give an oral presentation to the County to clarify or elaborate on their written proposal. Those Proposers will be notified to arrange specific times.
3. The selected Proposer will be required to secure insurance that meets the ECDMH Insurance Requirements and provide proof of such Certificates of Insurance on either the County of Erie Standard Insurance Certificate or its equivalent as evidence of such coverage(s). prior to the contract being executed. The ECDMH Insurance Requirements are available at: https://www3.erie.gov/mentalhealth/sites/www3.erie.gov.mentalhealth/files/2022-02/2022_final_ecdmh_insurance_requirements_2.pdf. The County of Erie Standard Insurance Certificate form is available at: <https://www3.erie.gov/mentalhealth/sites/www3.erie.gov.mentalhealth/files/2021-09/county-of-erie-standard-insurance-certificate-fillable.pdf>. Proposers are expected to review these documents and be prepared to submit proof of required insurance coverage if selected.
4. No proposal will be accepted from, nor any agreement awarded to any Proposer that is in arrears upon any debt or in default of any obligation owed to the County. Additionally, no agreement will be awarded to any Proposer that has failed to satisfactorily perform pursuant to any prior agreement with the County.
5. Certified Minority Business Enterprise/Women's Business Enterprise (MBE/WBE) Proposers should include the **Erie County Certification Letter** with the proposal.
6. If Proposer is a Veteran-Owned Business, Proposer should include letter indicating company is 51% or more Veteran-owned.

Applicants must complete the documents requested and those provided by the Erie County Department of Mental Health. Applicants may download the application materials by going to the Department's website at <https://www3.erie.gov/mentalhealth/request-proposals>.

Please note that ECDMH will not review material beyond the specified page limits.

III. FUNDING

The anticipated cost for the Mobile App Development is \$40,000 to \$50,000. This should include the cost for development of the mobile application and support through December 31, 2023.

IV. SCOPE OF PROFESSIONAL SERVICES REQUIRED

A. INTRODUCTION

The County is currently seeking proposals for Mobile App Development Services.

Erie County solicited the assistance of CCNY, a third-party evaluation organization, to gather community input, identify features and functionality, organize, and assemble content components to inform the creation of a mobile application for parents and caregivers that provide resources to help address the mental health challenges of children and adolescents. Using focus groups, key informant interviews, and surveys, CCNY identified functionality for the application's front-end, back-end, and administrative aspects and described the user types across the app's functionality.

In addition, CCNY identified several themes regarding the overall design. Once Erie County selects a development team, CCNY will share a detailed design document with an associated decision tree and data.

B. SCOPE OF WORK

Project Management

The project will require a development team who understands waterfalls project management or another fixed-price project management paradigm. The development of this app will be swift - implementation due January 2, 2023 (see timeline below for details). To succeed, the development team will quickly gather the functional requirements, subject matter resources (including branding materials and visual design elements), and data to incorporate into the application by the deadline.

User Types

Front-end Users (Parents/Caregivers/Friends/Self/Professionals)

These users will seek programs, resources, and materials that address the mental health challenges of children and adolescents in Erie County. They will interact with the front-end interface.

Verified Organization Users

Some users are professionals that represent programs, services, and organizations in Erie County. These users will need to be confirmed as organizations representing each and be allowed to update the information about their organization.

Administrative Users

The County will identify users whose role is to manage the data regarding the programs, resources, and materials served to users on the application.

Data

The data hosted on the application are programs, resources, and materials that address the mental health challenges of the children and adolescents in Erie County and the related [AIRS taxonomy](#) (see infrastructure section below) for each.

Front End Interface

These are functions that the front-end user (see user types above) will use and see.

The audience for this application is caregivers, friends, parents, and professionals interested in finding resources to support those with trauma or mental wellness concerns. The application will provide tailored programs or resources based on the number of questions the end user answers, supported by a back-end decision tree. For example, if the user selects “Having trouble controlling their emotions,” the programs, resources, and materials associated with supporting individuals who are having trouble controlling their emotions are displayed to them and are on the AIRS taxonomy/back-end decision tree.

The project requires mandatory features: an option to “Get Directions” to identify programs and services by sending users to Google Maps or the associated mapping app on their phone; compatibility between all email addresses, phone numbers, and the user’s device; users should be able to see a tutorial from within the application, have quick access to a menu of emergency services, and view the privacy statement from anywhere within the application (See Appendix E, for example, Privacy Statement).

Erie County wants to give front-end users the ability to provide feedback about the programs, resources, and materials served. For example, if a program’s hours have changed, the user should be able to send an update to be reviewed by the administrative users to publish, adjust, or remove. This process should be easy for users.

There are unique front-end users called “Verified Organization Users” who can “own” programs, resources, and materials as curators. These user types, once verified, can update the app's data without administrative review. These users have a vested interest in keeping the data up to date, and they need to be able to maintain that information for the front-end users overall.

Administrative Functions

These are functions that the application administrators will use and interact with.

Erie County wishes to have one or more users who can control several functions:

- When a front-end user gives an update on the programs, resources, and materials on the site, an administrator needs to be able to compare that feedback to what is currently published on the site and accept or reject the input provided by the users. If the administrator agrees with the update from users, it is published to the site immediately.
- Administrators wish to email all the programs on the site to let them know it’s time to update their information. Every program and organization (vetted or not) should have an email for the County to contact them regarding their information on the app.
- Administrators wish to add, remove, and update data on the site as they learn of them in the community.

Back End Functions

The developers will be responsible for creating several back end functions to support the front-end and administrative users noted above.

Infrastructure

The development team should host the application, preferably on cloud-hosted solutions. It should be hardware agnostic, allowing users to view the material on their laptops, tablets, and mobile phones. They should also be available as downloadable applications on the respective app stores (Apple and Google). The initial development, due January 2nd, 2023, should be a responsive web application packaged for release via the app stores soon after January 2, 2023. The app requires using The Alliance of Information and Referral Systems (AIRS) taxonomy. The developer will need to become an authorized vendor with the holder of the AIRS taxonomy to incorporate it into their application. For further information, please review their website <https://211taxonomy.org/>.

Data

Pull data from sources via an API when appropriate, allow organizations to own their resource page, provide user feedback on resources, and allow administrators to verify.

Google Analytics

Administrators wish to track the use of this application. The developers are responsible for configuring Google Analytics into the application. Erie County is interested in monitoring the standard reports from Google Analytics on the audience, acquisition, and behavior of users. We are not interested in explicitly knowing who these users are but in learning about the users in aggregate. In addition, we would like the developers to configure their application and the analytics so that reporting is human-readable. For example, when looking at the page title report, the titles of the resources should be names, not URLs (“Locust Street Arts,” not “app/result/?id=5738”). Erie County is also interested in the most frequently used queries and how many/what results are given.

Use of data

The development team cannot use the data provided for any other purpose than to build and support the application. Users should also be able to review the privacy statement for this application at any time (See Appendix E).

Overall Design Feedback

Overall, the design would follow the [Rule of Least Surprise](#), a general rule of design to “Do the least surprising thing.” The app should be organized as a decision tree with users having data served to the user as they answer more detailed-providing questions. The stigma of needing mental health assistance remains very real for users. Focus group participants indicated the app should not look like a mental health app but a resource app. CCNY is developing a design sheet with color choices and navigation examples for use by the development team. A Design Style Example, based on community input, is provided in Appendix F. The app managers may consider sharing more information about the app, including a formal privacy statement (as in Appendix E) and answers to some FAQs, such as

- Will the app call 9-1-1 if someone indicates feelings of suicidal ideation within the app? (No)

- Is the app accessible offline/with no WiFi?

In addition to programs and services in Erie County, ECDMH would like to share educational materials regarding various topics:

- A listing of mental health apps
- What to do for a mental health crisis?
- How to get training on Mental Health First Aid
- Other items identified as the community grows and changes.

The focus groups shared a desire to have materials on advocacy for the child with the ability to connect to an advocate, find advocacy programs and services, and have educational materials that would support their advocacy. Finally, many focus group participants indicated a desire to have mental health crisis phone, chat, and text available from the app. It would be an added benefit if the developers could collaborate with Crisis Services to provide those functions as they field all mental health crisis response calls via the 988 number. They may already have chat and text functionality to embed on the app.

Translation and ADA Support

In order to support use of this app by all in Erie County, the development team needs to include in their proposal methods to translate the app into other languages either through direct translation, technical means (similar to Google Translate), or both. In addition, please identify how your development will handle the Web Content Accessibility Guidelines (<https://www.w3.org/WAI/tips/designing/>).

Timeline for Development

This is a fast-tracked project, and the selected Proposer(s) should begin work upon executing the contract with Erie County. Proposer(s) will develop the app in two phases, each with associated deadlines. A responsive website needs to be developed with the functionality required and implemented by January 2, 2023. This deadline is non-negotiable. After the initial launch, Proposer(s) will submit the responsive application to the associated app stores for Apple and Google. Erie County is aware that the approval process can be time-consuming. All user types (see user types above) will use the responsive web pages in their modern browser until that application process is completed.

Available Expertise

The vendor responding to this RFP will have access to expertise regarding the vision and function of the application. The Steering Committee made up of Erie County officials from the Department of Mental Health, the Division of Information and Support Services, the Department of Health Office of Health Equity, and the Office of the County Executive, will be available throughout the process. CCNY, a nonprofit organization that provides evaluation, analytics, quality improvement, and training services that completed the exploratory work for this app, will be available for up to 80 hours during the mobile application build to provide consultation regarding the community feedback and intent of features and functions.

The vendor should develop a service-level agreement (SLA) to establish expectations between the vendor and the County describing the products or services to be delivered, the single point for end-user problems, and the metrics by which the effectiveness of the process is monitored and approved.

C. SCHEDULE

This is a fast-tracked project and the selected Proposer(s) should begin work upon execution of the contract with the County. The mobile application will be launched on or before **January 2, 2023**.

The timeline for this project is as follows.

- October 18, 2022 the selected Proposer will be announced and the contract process will begin.
- January 2, 2023 the responsive web app will be launched and submit to App Store and Play Store for review. (date is non-negotiable)
- January 2, 2023 to December 31, 2023 provide support for the app.

The selected Proposer will be required to provide regular reports and meet with a Steering Committee made up of Erie County officials from the Department of Mental Health, the Division of Information and Support Services, the Department of Health Office of Health Equity, and the Office of the County Executive throughout the process. The selected Proposer will be expected to meet with the Steering Committee on an agreed upon frequency throughout the project. The Proposer will need to establish a deliverable schedule with sign off from the Steering Committee at each milestone.

D. PROPOSAL REQUIREMENTS

For Proposers to be considered for an award, the terms, conditions, and instructions contained in this RFP and attachments must be met. Any proposal which does not meet these criteria may be considered non-responsive. Your proposal should include two sections (A and B) and should be submitted in separate envelopes. **To maximize your score, please refer to the Scoring Tool in Appendix C.**

Section A: Technical and Organization

This section shall describe the approach and plans for accomplishing the work outlined in the Scope of Service section. Each proposal shall be prepared simply and economically, avoiding the use of elaborate promotional materials beyond what is sufficient to provide a complete, accurate, and reliable presentation.

1. RFP Coversheet
2. Vendor Profile (Maximum: Four Pages)
 - a. Background
 - i. Date Founded
 1. Organizational Structure
 - a. () Sole Proprietorship
 - b. () Partnership
 - c. () Corporation
 2. Ownership Status
 - a. () Independent
 - b. () Subsidiary (Include Name of Parent Organization)
 3. Company History
 4. Office Locations, Personnel, and Expertise
 5. Products and Services Offered

- b. What is the vendor's years of experience, background, and track record in developing mobile applications?
 - c. Provide a description of your firm's experience in performing similar work.
 - d. Professional Conduct
 - i. Describe any situation where a client has terminated a contract with vendor "for cause" claiming breach of contract.
 - e. Service Delivery Model
 - i. Any services delivered by off-shore (outside North America) resources? If so, please provide details.
 - ii. Any deliverables scoped, developed, tested, or supported by off-shore (outside North America) resources? If so, please provide details.
3. Provide a Description of the proposed solution and work plan, including timeline and deliverables. (Maximum: Five Pages)
 4. Demonstrate that the bidder is a "responsible bidder" by attesting that the bidder:
 - a. Complies with all laws prerequisite to doing business in New York.
 - b. Complies with U.S. Equal Opportunity Employer provisions.
 - c. The bidder has no Erie County outstanding tax liability
 5. Certified Minority Business Enterprise/ Women's Business Enterprise (MBE/WBE) proposers should include the Erie County MBE/WBE Certification letter with their proposal.
 6. Proposers who operate a Veteran-Owned Business should include a letter indicating their company is 51% or more veteran-owned with their proposal.
 7. The name, title, and department of any employee or officer who was an employee or officer of Erie County within the 12 months immediately before the proposal. If none, indicate such in your letter.
 8. A list of at least three references from an organization with knowledge and experience with the specific services being offered.
 9. A list of all prime contractors and subcontractors that their agency does business with related to the service in this RFP.
 10. Roles and resumes of staff that will be assigned to this project.
 11. Include the signed Proposer Certification (Schedule A.) with original signature.
 12. Include the signed Erie County Equal Pay Certification Form (Schedule B.), completed and notarized with original signatures.

Section B – Project and Long-Term Costs

This section shall provide the direct and indirect costs for accomplishing the work outlined in the Scope of Service section, as well as anticipated long-term costs to maintain the application in the future. Please include a description, justification, and calculation for all budget lines.

Project Costs

1. Personnel Costs:
 - a. Total and hourly salaries for all personnel on the project.
 - b. Fringe Benefit-cost.
2. Travel (if applicable)
3. Equipment (if applicable)
4. Contractual (if applicable)
5. Other (if applicable)
6. Software Licenses

Long-Term Costs

1. Software Licenses / Maintenance Licenses
2. Support Costs
3. Other (if applicable)

V. STATEMENT OF RIGHTS

UNDERSTANDINGS

Please take notice, by submission of a proposal in response to this request for proposals, the Proposer agrees to and understands:

- That any proposal, attachments, additional information, etc., submitted pursuant to this Request for Proposals constitute merely a suggestion to negotiate with the County of Erie and is not a bid under Section 103 of the New York State General Municipal Law;
- Submission of a proposal, attachments, and additional information shall not entitle the Proposer to enter into an agreement with the County of Erie for the required services;
- By submitting a proposal, the Proposer agrees and understands that the County of Erie is not obligated to respond to the proposal, nor is it legally bound in any manner whatsoever by submission of same;
- That any and all counter-proposals, negotiations or any communications received by a proposing entity, its officers, employees or agents from the County, its elected officials, officers, employees or agents, shall not be binding against the County of Erie, its elected officials, officers, employees or agents unless and until a formal written agreement for the services sought by this RFP is duly executed by both parties and approved by the Erie County Legislature, the Erie County Fiscal Stability Authority, and the Office of the Erie County Attorney.

In addition to the foregoing, by submitting a proposal, the Proposer also understands and agrees that the County of Erie reserves the right, and may at its sole discretion exercise, the following rights and options with respect to this Request for Proposals:

- To reject any or all proposals;
- To issue amendments to this RFP;
- To issue additional solicitations for proposals

- To waive any irregularities in proposals received after notification to Proposers affected;
- To select any proposal as the basis for negotiations of a contract, and to negotiate with one or more of the Proposers for amendments or other modifications to their proposals;
- To conduct investigations with respect to the qualifications of each Proposer;
- To exercise its discretion and apply its judgment with respect to any aspect of this RFP, the evaluation of proposals, and the negotiations and award of any contract;
- To enter into an agreement for only portions (or not to enter into an agreement for any) of the services contemplated by the proposals with one or more of the Proposers;
- To select the proposal that best satisfies the interests of the County and not necessarily on the basis of price or any other single factor;
- To interview the Proposer(s);
- To request or obtain additional information the County deems necessary to determine the ability of the Proposer;
- To modify dates;
- All proposals prepared in response to this RFP are at the sole expense of the Proposer, and with the express understanding that there will be no claim, whatsoever, for reimbursement from the County for the expenses of preparation. The County assumes no responsibility or liability of any kind for costs incurred in the preparation or submission of any proposal;
- While this is a RFP and not a bid, the County reserves the right to apply the case law under General Municipal Law § 103 regarding bidder responsibility in determining whether a Proposer is a responsible vendor for the purpose of this RFP process;
- The County is not responsible for any internal or external delivery delays which may cause any proposal to arrive beyond the stated deadline. To be considered, proposals **MUST** arrive at the place specified herein and be time stamped prior to the deadline.

EVALUATION

The following criteria, not necessarily listed in order of importance, will be used to review the proposals. The County reserves the right to weigh its evaluation criteria in any manner it deems appropriate:

- Proposer's demonstrated capability to provide the services;
- Evaluation of the professional qualifications, background and resume(s) of individuals involved in providing services;
- Proposer's experience to perform the proposed services;
- Proposer's financial ability to provide the services;
- Evaluation of the proposed cost/s. It should be noted that while cost is not the only consideration, it is an important one;
- A determination that the Proposer has submitted a complete and responsive proposal as required by this RFP;
- An evaluation of the Proposer's projected approach and plans to meet the requirements of this RFP;
- The Proposer's presentation at and the overall results of any interview conducted with the Proposer;
- Proposers **MUST** sign the Proposal Certification attached hereto as "Schedule A". Unsigned proposals will be rejected;
- Level of Minority Owned Business Enterprises and Women Owned Business Enterprises (MBE/WBE);

- Proposers may be required to give an oral presentation to the County to clarify or elaborate on the written proposal; and
- No proposal will be accepted from nor any agreement awarded to any Proposer that is in arrears upon any debt or in default of any obligation owed to the County. Additionally, no agreement will be awarded to any Proposer that has failed to satisfactorily perform pursuant to any prior agreement with the County.

CONTRACT

After selection of the successful Proposer, a formal written contract will be prepared by the County of Erie and will not be binding until signed by both parties and, if necessary, approved by the Erie County Legislature, the Erie County Fiscal Stability Authority and the Office of the County Attorney. NO RIGHTS SHALL ACCRUE TO ANY PROPOSER BY THE FACT THAT A PROPOSAL HAS BEEN SELECTED BY THE COUNTY FOR SUBMISSION TO THE ERIE COUNTY LEGISLATURE AND/OR THE ERIE COUNTY FISCAL STABILITY AUTHORITY FOR APPROVAL. THE APPROVAL OF SAID LEGISLATURE AND/OR AUTHORITY MAY BE NECESSARY BEFORE A VALID AND BINDING CONTRACT MAY BE EXECUTED BY THE COUNTY.

The term of the contract shall be for a one (1) year period commencing on or about **November 1, 2022** and terminating on or about **December 31, 2023**. The County, in its sole discretion may extend the agreement beyond this initial term for up to an additional year at one-year periods with an approved scope of work and available funding.

INDEMNIFICATION AND INSURANCE

The Proposer accepts and agrees that language in substantially the following form will be included in the contract between the Proposer and the County:

“In addition to, and not in limitation of the insurance requirements contained herein the Consultant agrees:

(a) that except for the amount, if any, of damage contributed to, caused by or resulting from the negligence of the County, the Consultant shall indemnify and hold harmless the County, its officers, employees and agents from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorneys' fees or loss arising directly or indirectly out of the acts or omissions hereunder by the Consultant or third parties under the direction or control of the Consultant; and

(b) to provide defense for and defend, at its sole expense, any and all claims, demands or causes of action directly or indirectly arising out of this Agreement and to bear all other costs and expenses related thereto

Upon execution of any contract between the Proposer and the County, the Proposer will be required to provide proof of the insurance coverage described in “Schedule B.”

Insurance coverage in amount and form shall not be deemed acceptable until approved by the County Attorney.”

INTELLECTUAL PROPERTY RIGHTS

The Proposer accepts and agrees that language in substantially the following form will be included in the contract between the Proposer and the County:

All deliverables created under this Agreement are to be considered “works made for hire.”. If any of the deliverables do not qualify as “works made for hire,” the Consultant hereby assigns to the County all right, title and interest (including ownership of copyright) in such deliverables and such assignment allows the County to obtain in its name copyrights, registrations and similar protections which may be available. The Consultant agrees to assist the County, if required, in perfecting these rights. The Consultant shall provide the County with at least one copy of each deliverable.

The Consultant agrees to indemnify and hold harmless the County for all damages, liabilities, losses and expenses arising out of any claim that a deliverable infringes upon an intellectual property right of a third party. If such a claim is made, or appears likely to be made, the Consultant agrees to enable the County’s continued use of the deliverable, or to modify or replace it. If the County determines that none of these alternatives is reasonably available, the deliverable will be returned.

All records compiled by the Consultant in completing the work described in this Agreement, including but not limited to written reports, source codes, studies, drawings, blueprints, negatives of photographs, computer printouts, graphs, charts, plans, specifications and all other similar recorded data, shall become and remain the property of the County. The Consultant may retain copies of such records for its own use.

NON-COLLUSION

The Proposer, by signing the proposal, does hereby warrant and represent that any ensuing agreement has not been solicited, secured or prepared directly or indirectly, in a manner contrary to the laws of the State of New York and the County of Erie, and that said laws have not been violated and shall not be violated as they relate to the procurement or the performance of the agreement by any conduct, including the paying or the giving of any fee, commission, compensation, gift, gratuity or consideration of any kind, directly or indirectly, to any County employee, officer or official.

CONFLICT OF INTEREST

All Proposers must disclose with their proposals the name of any officer, director or agent who is also an employee of the County of Erie. Further, all Proposers must disclose the name of any County employee who owns, directly or indirectly, an interest of ten percent or more in the firm or any of its subsidiaries or affiliates.

There shall be no conflicts in existence during the term of any contract with the County. The existence of a conflict shall be grounds for termination of a contract.

COMPLIANCE WITH LAWS

By submitting a proposal, the Proposer represents and warrants that it is familiar with all federal, state and local laws and regulations and will conform to said laws and regulations. The preparation of proposals, selection of Proposers and the award of contracts are subject to provisions of all Federal, State and County laws, rules and regulations.

CONTENTS OF PROPOSAL

The New York State Freedom of Information Law as set forth in Public Officers Law, Article 6, § 84 et seq., mandates public access to government records. However, proposals submitted in response to this RFP may

contain technical, financial background or other data, public disclosure of which could cause substantial injury to the Proposer's competitive position or constitute a trade secret. Proposers who have a good faith belief that information submitted in their proposals is protected from disclosure under the New York Freedom of Information Law shall:

a) Insert the following notice in the front of its proposal:

"NOTICE

The data on pages ___ of this proposal identified by an asterisk (*) contains technical or financial information constituting trade secrets or information the disclosure of which would result in substantial injury to the Proposer's competitive position.

The Proposer requests that such information be used only for the evaluation of the proposal, but understands that any disclosure will be limited to the extent that the County considers proper under the law. If the County enters into an agreement with this Proposer, the County shall have the right to use or disclose such information as provided in the agreement, unless otherwise obligated by law."

and

b) Clearly identify the pages of the proposals containing such information by typing in bold face on the top of each page " *** THE PROPOSER BELIEVES THAT THIS INFORMATION IS PROTECTED FROM DISCLOSURE UNDER THE STATE FREEDOM OF INFORMATION LAW.**"

The County assumes no liability for disclosure of information so identified, provided that the County has made a good faith legal determination that the information is not protected from disclosure under applicable law or where disclosure is required to comply with an order or judgment of a court of competent jurisdiction.

The contents of the proposal which is accepted by the County, except portions "Protected from Disclosure", may become part of any agreement resulting from this RFP.

**APPENDIX A:
ECDMH SUBMISSION PACKAGE CHECKLIST
RFP# 2022-046VF**

Mobile App Development Services

Proposer Name: _____

Place a check in the first column to indicate that each item is contained in your application package. Materials should be compiled in the following order.

	APPENDIX A: ECDMH RFP Submission Package Checklist
	APPENDIX B: Application Cover Page
	Vendor Profile (Maximum Four (4) pages)
	Description of the proposed solution and work plan, including timeline and deliverables. (Maximum Five (5) Pages)
	Responsible Bidder Attestation
	Erie County MBE/WBE Certification Letter (if applicable)
	Veteran-Owned Business Letter (if applicable)
	Disclosure of Employees or Officers of Erie County
	References
	List of Prime Contractors and Subcontractors
	Roles and Resumes of Staff assigned to this project
	Proposer Certification
	Erie County Equal Pay Certification Form
	Section B: Project and Long-Term Costs (in separate, sealed envelope)

APPENDIX B

APPLICATION COVER PAGE INSTRUCTIONS

<p>ERIE COUNTY DEPARTMENT OF MENTAL HEALTH</p> <p>Mobile App Development Services</p> <p>RFP # 2022-046VF</p> <p>Appendix B: <u>PROPOSER APPLICATION COVER PAGE FORM - APPLICANT INFORMATION</u></p> <p>Instructions for completing Appendix B</p>	
Organization Name	Please list the official name of your organization.
Mailing Address	Please list the official address of your organization for mailing purposes; include city and ZIP code information.
Primary RFP Contact	Please provide name, telephone number, FAX number, email address and, complete mailing address if different than the organizational mailing address above, for the primary contact for this proposal. Should you have a change in this information after submitting your application, please be sure to provide the updated information to Melissa.Stark@erie.gov .
Alternate RFP Contact	Please provide name, telephone number, FAX number, email address and, complete mailing address if different than organization mailing address above, for an alternate contact for this proposal. Should you have a change in this information after submitting your application, please be sure to provide the updated information to Melissa.Stark@erie.gov .
Leadership	Please list the name of your organization’s Executive Director, President or Chief Executive Officer. If your organization has interim leadership, please list “Interim” in parentheses.

Chief Executive Officer Signature (as identified above)

Date

Printed Name and Title

**APPENDIX B:
APPLICATION COVER PAGE**

ERIE COUNTY DEPARTMENT OF MENTAL HEALTH	
Mobile App Development Services	
RFP # 2022-046VF	
APPENDIX B: <u>AGENCY COVER PAGE - APPLICANT INFORMATION</u>	
Please refer to the instructions within the RFP for completing Appendix B. (This is to be the top sheet for the entire application package.)	
Organization Name:	
Mailing Address:	
Primary RFP Contact:	
Alternate RFP Contact:	
Leadership:	

Chief Executive Officer Signature (as identified above)

Date

Printed Name and Title

APPENDIX C

ERIE COUNTY DEPARTMENT OF MENTAL HEALTH SCORING TOOL

Mobile App Development Services

RFP# 2022-046VF

Ranking	Description	Score
Not Acceptable	Non-responsive, fails to meet RFP specification. The approach has no probability of success. If a mandatory requirement, this score will result in disqualification of the proposal.	0
Poor	Below average, falls short of expectations, is substandard to that which is the average or expected norm, and has a low probability of success in achieving objectives per RFP.	1
Fair	Has a reasonable probability of success; however, some objectives may not be met.	2
Average	Acceptable, achieves all objectives in a reasonable fashion per RFP specification. This will be the baseline score for each item, with adjustments based on the interpretation of the proposal by Evaluation Committee members.	3
Above Average	Very good probability of success, better than that which is average or expected as the norm. Achieves all objectives per RFP requirements and expectations.	4
Exceptional	Exceeds expectations, is very innovative, and clearly superior to that which is average or expected as the norm. Excellent probability of success in achieving all objectives and meeting RFP specifications.	5

List	Evaluation Criteria	Weight
A.	Completeness of Response: Responses to this RFP must be complete. Responses that do not include the proposal content requirements identified within this RFP will be considered incomplete, be rated a Fail in the Evaluation Criteria and will receive no further consideration.	Pass/Fail
B.	Bid Form Response : The points for the Bid Form response will be based on the following three areas. 1. <u>Understanding the Requirements:</u> Are all the requirements understood accurately and reflected in the solution? 2. <u>Completeness and appearance of the Proposal:</u> This focuses on the Scope of Service itself. Are all aspects of the project addressed appropriately in the proposal? Does it leave questions about the project unanswered? 3. <u>Deliverables:</u> Has the proposer demonstrated that it understands the deliverables the County expects it to provide?	20
C.	Vendor Profile: Proposals will be evaluated against the RFP specifications and the questions below: 1. <u>Background and Experience:</u> Do the Vendor's background and experience indicate that they are capable of performing the Scope of Services? 2. <u>Staff:</u> Does the Vendor's staff that will be assigned to this project have experience on similar projects?	40

D.	Solution and Work Plan: 1. <u>Feasibility</u> : Is the workplan feasible to meet all timelines? How well has the proposer identified pertinent issues and potential problems related to the project? 2. <u>Solution</u> : Does the platform the vendor will have the required features requested in the scope of service? Will the solution be intuitive for front-end users? How difficult will the solution be to maintain after the product has been launched?	30
E.	M/WBE Certification: Does the agency received MBE/WBE Certification from the Erie County Division of Equal Employment Opportunity?	10
F.	Project and Long-Term Costs (to be evaluated for highest ranked proposal(s)) Is the budget, complete, reasonable and provide sufficient justification for costs? Are the Long-Term costs provided, reasonable and provide sufficient justification for costs?	20

Section Scores:

Completeness of Response: _____
Bid Form Response: _____
Vendor Profile: _____
Solution and Work Plan: _____
MBE/WBE: _____
Total Score: _____

Comments/Potential follow up questions for the agency:

RFP# 2022-046VF

DEPUTY COUNTY EXECUTIVE APPROVAL OF SCORING TOOL

Deputy County Executive Maria Whyte

Date

Appendix E - Privacy Policy

Privacy Statement

Effective Date: 01/02/2023

Table of Contents

- Introduction
- Data Protection Officer
- How we collect and use (process) your personal information
- Use of the [app name]
- Cookies and tracking technologies
- Use of affiliate services
- When and how we share information with third parties
- Transferring personal data to the U.S.
- Data Subject rights
- Security of your information
- Data storage and retention
- Questions, concerns, or complaints

Introduction

The [Erie County Dept. of Mental Health] [does x in Erie County].

[Erie County Dept. of Mental Health] understands that you are aware of and care about your own personal privacy interests, and we take that seriously. This Privacy Notice describes the policies and practices regarding collection and use of your personal data, and sets forth your privacy rights. We recognize that information privacy is an ongoing responsibility, and so we will from time to time update this Privacy Notice as we undertake new personal data practices or adopt new privacy policies.

Data Protection Officer

[ECDMH] is headquartered in [ECDMH address], in the United States. [ECDMH] has appointed an internal data protection officer for you to contact if you have any questions or concerns about [ECDMH's] personal data policies or practices. If you would like to exercise your privacy rights, please direct your query to [ECDMH's] data protection officer. [ECDMH's] data protection officer's name and contact information are as follows:

[Include appropriate name and contact information here]

How we collect and use (process) your personal information

[ECDMH] collects personal information about its website visitors and customers. With a few exceptions, this information is generally limited to:

- [List data collected here]

We use this information to provide prospects and customers with services.

We do not sell personal information to anyone and only share it with third parties who are facilitating the delivery of our services.

Use of the [APP NAME]

As is true of most other mobile applications, [ECDMH's mobile app name] collects certain information automatically and stores it in log files. The information may include internet protocol (IP) addresses, the region or general location where your computer or device is accessing the internet, browser type, operating system and other usage information about the use of [ECDMH mobile app name], including a history of the pages you view. We use this information to help us design our site to better suit our users' needs. We may also use your IP address to help diagnose problems with our server and to administer our website, analyze trends, track visitor movements, and gather broad demographic information that assists us in identifying visitor preferences.

[ECDMH] has a legitimate interest in understanding how members, customers and potential customers use the [ECDMH mobile app name]. This assists [ECDMH] with providing more relevant products and services, with communicating value to our sponsors and corporate members, and with providing appropriate staffing to meet member and customer needs.

Sharing information with third parties

The personal information [ECDMH] collects from you is stored in one or more databases hosted by third parties located in the United States. These third parties do not use or have access to your personal information for any purpose other than cloud storage and retrieval.

[ECDMH] does not otherwise reveal your personal data to non-[ECDMH] persons or businesses for their independent use.

Transferring personal data to the U.S.

[ECDMH] has its headquarters in the United States. Information we collect about you will be processed in the United States. By using [ECDMH] services, you acknowledge that your personal information will be processed in the United States. The United States has not sought nor received a finding of "adequacy" from the European Union under Article 45 of the GDPR. Pursuant to Article 46 of the GDPR, CCNY & its affiliates are providing for appropriate safeguards by entering binding, standard data protection clauses, enforceable by data subjects in the EEA and the UK. These clauses have been enhanced based on the guidance of the European Data Protection Board and will be updated when the new draft model clauses are approved.

For more information or if you have any questions, please contact us at [Insert appropriate contact details here].

Data Subject rights

The European Union's General Data Protection Regulation (GDPR) and other countries' privacy laws provide certain rights for data subjects. Data Subject rights under GDPR include the following:

- Right to be informed
- Right of access
- Right to rectification
- Right to erasure
- Right to restrict processing
- Right of data portability
- Right to object
- Rights related to automated decision making including profiling

This Privacy Notice is intended to provide you with information about what personal data [ECDMH] collects about you and how it is used.

If you wish to confirm that [ECDMH] is processing your personal data, or to have access to the personal data CCNY & its affiliates may have about you, please contact us.

For questions or complaints concerning the processing of your personal data, you can email [ECDMH] at [Insert appropriate contact details here].

Data storage and retention

Your personal data is stored by the [ECDMH] on its servers, and on the servers of the cloud-based database management services the [ECDMH] engages, located in the United States. The [ECDMH] retains service data for the duration of the customer's business relationship with the [ECDMH] and for a period of time thereafter, to analyze the data for [ECDMH's] own operations, and for historical and archiving purposes associated with [ECDMH's] services. [ECDMH] retains prospect data until such time as it no longer has business value and is purged from [ECDMH] systems. All personal data that [ECDMH] controls may be deleted upon verified request from Data Subjects or their authorized agents. For more information on where and how long your personal data is stored, and for more information on your rights of erasure and portability, please contact us at [insert appropriate contact details here].

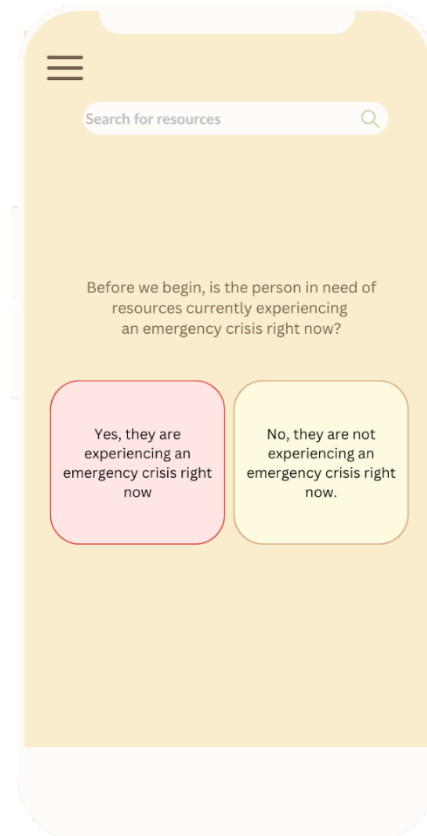
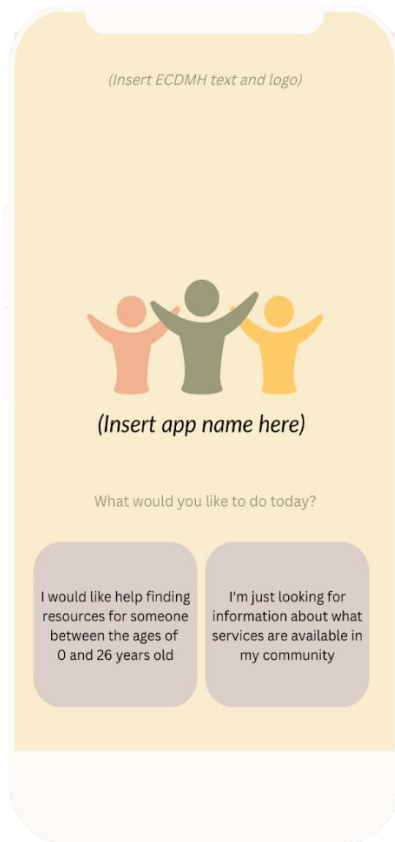
Children's data

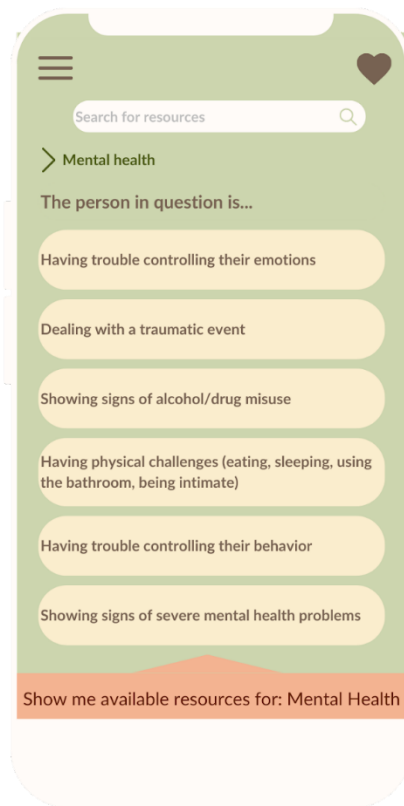
We do not knowingly attempt to solicit or receive information from children.

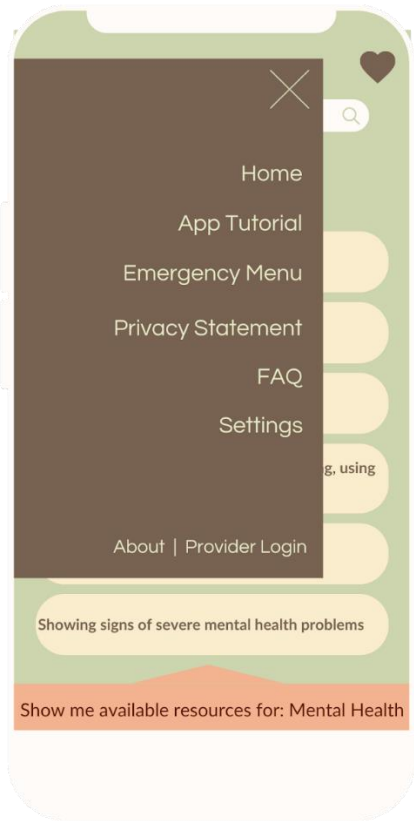
Questions, concerns or complaints

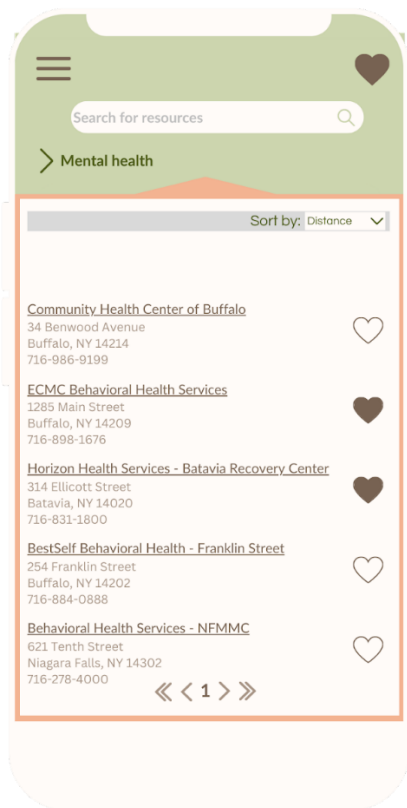
If you have questions, concerns, complaints, or would like to exercise your rights, please contact us at:
[Insert appropriate contact information here]

Appendix F – Design Style Example









SCHEDULE A

PROPOSER CERTIFICATION

The undersigned agrees and understands that this proposal and all attachments, additional information, etc. submitted herewith constitute merely an offer to negotiate with the County of Erie and is NOT A BID. Submission of this proposal, attachments, and additional information shall not obligate or entitle the proposing entity to enter into a service agreement with the County of Erie for the required services. The undersigned agrees and understands that the County of Erie is not obligated to respond to this proposal nor is it legally bound in any manner whatsoever by the submission of same. Further, the undersigned agrees and understands that any and all proposals and negotiations shall not be binding or valid against the County of Erie, its directors, officers, employees or agents unless an agreement is signed by a duly authorized officer of the County of Erie and, if necessary, approved by the Erie County Legislature and Erie County Fiscal Stability Authority and the Office of the County Attorney.

It is understood and agreed that the County of Erie reserves the right to reject consideration of any and all proposals including, but not limited to, proposals which are conditional or incomplete. It is further understood and agreed that the County of Erie reserves all rights specified in the Request for Proposals.

It is represented and warranted by those submitting this proposal that except as disclosed in the proposal, no officer or employee of the County of Erie is directly or indirectly a party to or in any other manner interested in this proposal or any subsequent service agreement that may be entered into.

By: _____
Proposer Signature

Printed Name and Title

Date: _____

Schedule B

County of Erie Equal Pay Certification

In order to comply with Executive Order 13 dated November 6, 2014, we hereby certify that we are in compliance with federal law, including the Equal Pay Act of 1963, Title VII of the Civil Rights Act of 1964, Federal Executive Order 11246 of September 24, 1965 and New York State Labor Law Section 194 (together "Equal Pay Law"). We understand that this certification is a material component of this contract. Violation of the provisions of Executive Order 13, which is attached hereto and made a part hereof, can constitute grounds for the immediate termination of this contract and may constitute grounds for determining that a bidder is not qualified to participate in future county contracts.

We have evaluated wages and benefits to ensure compliance with the Equal Pay Law. We certify that we have not been the subject of an adverse finding under the Equal Pay Law within the previous five years and, in the alternative, if we were the subject of an adverse finding under the Equal Pay Law within the previous five years, we have annexed a detailed description of the finding(s). In addition, we have annexed a detailed description of any currently pending claims under the Equal Pay Law in which we are involved.

Signature of Owner/Partner **OR** Corporate Officer

VERIFICATION

STATE OF _____)
COUNTY OF _____) ss:

A)
_____, being duly sworn, states he or she is the owner of or a partner in
Name of Owner or Partner
_____, and is making the foregoing
Name of Corporation

Certification and that the statements and representations made in the Certification are true to his/or her own knowledge.

OR

B)
_____, being duly sworn, states that he or she is the
Name of Corporate Officer
_____ of _____
Title of Corporate Officer Name of Corporation/Organization

the enterprise making the foregoing Certification, that he or she has read the Certification and knows its contents, that the statements and representations made in the Certification are true to his or her own knowledge, and that the Certification is made at the direction of the Board of Directors of the Corporation.

Sworn to before me this ___ day of _____, 20__.

Notary Public