

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK
PROBATION AND PRETRIAL SERVICES

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**Minutes from FY 2025 Offeror's Conference
for Polygraph Services**

Presenter: Matt Gilchriest, Supervising U.S. Probation Officer

Attendees: Mark Holtsmaster, Jennifer DuGai, Carol Tytler

Date/Time: July 23, 2024 at 1:00 PM

Objectives

- Provide an overview of polygraph solicitation for this year's Blanket Purchase Agreement (BPA).
- Inform you of the evaluation factors considered when awarding the BPA.
- Discuss the performance expectations once the BPA is awarded.

Scope

- We are seeking 1 to 2 vendors for Polygraph Services in Onondaga and Broome County.
- Previously, there were two separate agreements (contracts) for Onondaga and Broome Counties, but they are now being combined into one BPA as there is no catchment area requirement.
- Vendors for Polygraph Services only are not required to have an office located in the catchment area. Vendors must be able to provide examinations in the space provided by the U.S. Probation Office in Syracuse, New York and Binghamton, New York.

RFP Due Date:

- **August 2, 2024, No later than 4:30 p.m.**
- **Delivered to U.S. Probation Office via email at matthew_gilchriest@nynp.uscourts.gov**

Blanket Purchase Agreement and EMQs

- BPA: Not a grant or a lump sum of money, it is a fee-for-services agreement.
- Estimated Monthly Quantities (EMQs)
 - Not Binding
 - One fee per report for both sexual history and maintenance exams
- Instructions for the preparation of the RFP are contained in Sections B – L

BPA Polygraph Services

- (5022) Clinical Polygraph Examination and Report
- (5023) Maintenance Examination
- Local Needs:
 - In addition to the standard requirements included in the Request for Proposals, the vendor shall provide the requested services within the space and facilities provided by the USPO/USPSO located at: 100 S. Clinton Street, Syracuse, NY 13261 for three days, every other month; and 15 Henry Street, Binghamton, NY 13901 for two days, every other month; between the hours of 8:00 a.m. and 5:00 p.m. Additionally, the examination site and schedule will be determined in advance between the USPO/USPSO and the vendor.
 - NOTE: This requirement for 5022 and 5023 services is in lieu of the provisions set forth in the Request for Proposal which requires the vendor (and any proposed subcontractor) to maintain an acceptable facility located within the defined catchment area). All travel and lodging expenses associated with providing these services shall be the financial responsibility of the vendor and shall be factored into the unit costs provided for under 5022 and 5023.

BPA Award

- The BPA is awarded based on the lowest price, technically acceptable, and responsible standards.
 - Vendor is technically acceptable if they can fulfill the requirements of Sections C, E, F, and G of the RFP.
 - The evaluation criteria is outlined in Section M.
 - The prices for services should account for:
 - The time your staff will spend providing services
 - USPO contacts
 - Preparation time
 - Providing completed reports
 - Processing billing
 - Only completed polygraphs are billable.
 - Travel expenses, lodging, etc. are also not covered.
- Possibility of a split BPA; referrals are rotated based on the cost, not the number of clients.
- Responsibility is determined by various factors and past performance is taken into consideration.
- If any of the services solicited are left blank, the RFP is deemed unacceptable.
- It is in your best interest to give a best offer now since vendor is chosen if technically acceptable and lowest price.

- Offeror must meet all of the mandatory requirements of the RFP.
- The RFP should include copies of all pertinent local and state operational licenses or certifications.
 - Ex: APA membership, PCSOT specialized instruction, and/or licenses

BPA Management

- The Onondaga/Broome County BPA is potentially a five-year agreement.
 - One base year, plus four 12-month option years depending on performance.
 - Fiscal Year runs October 1st – September 30th.
 - If the vendor(s) who is/are awarded the BPA maintain a satisfactory rating during the cycle, the next solicitation process for this catchment area will not be conducted again until FY 2029, to begin FY 2030.
- If the RFP is awarded, this is what to expect:
 - You will be contacted in writing to notify you if your agency was selected or not.
 - The contracting officer will reach out to you to discuss testing dates/scheduling requests **(as early as October 2024)**.
 - The USPO supervising each client will provide any information necessary for the examinations to be performed (e.g., prior presentence reports, questionnaires, current progress on supervision, etc.).
 - The contracting officer will provide a signed Probation Form 45 for each client.
- A complete, typed report shall be sent to USPO within **10 calendar days after completion of the exam**. The report cannot be billed if it has not been submitted.
- A **Probation Form 45** is the authorization to perform services (in this case, polygraph exams) and outlines any co-pays.
 - The vendor may not digress from the type of services or increase the frequency without permission from the USPO. If the vendor does such, the vendor will not be paid.
 - A **Release of Information (Prob Form 11I)** must be completed for each service (exam) rendered.
 - Releases must be signed by the client and examiner.

Billing

- Clients are to sign in & out for every exam on the Monthly Sign-in Log (MSL).
 - Vendor needs to note:
 - Date
 - Type of Service (e.g., Maintenance Exam) or Project Code (5023)
 - Co-pay collected

- Time in & time out
- Both the client and the examiner have to sign or initial.
- The signed Prob Form 11I and MSL are sent with the invoice.
- Copies of these forms are included in the RFP, and you can make copies as needed.
- Vendors are expected to contact the case officer prior to and after the examination.
- Completed exam reports, Monthly Sign-in Logs and signed Releases of Information must be submitted with the bill by the **10th of every month.**
- The RFP provides an outline of how invoice is formatted.
- Invoice can be filled out by hand, although an Excel spreadsheet will be provided.
- If you are a new vendor, training can be provided to your billing administrator.
- Copays
 - Paid to vendor directly, who then deducts from invoice.
 - If vendor/examiner has an issue with collection the co-pays from client (i.e. non-payment), notify the USPO who will address the issue.

Confidentiality

- Discuss with U.S. Probation Office any requests for disclosure of information or documents.

Questions During the Conference:

Question: *How many tests is the current polygrapher conducting per day?*

Answer: The current vendor is completing five exams per day. Five exams per day is not the standard or expectation. The probation office will work with the successful vendor and is amenable to the completion of three or four exams per day.

Question: *Does the vendor need to submit documents regarding licensure/education with the RFP?*

Answer: Pursuant to Page L-5 of 15 of the RFP, “The Offeror is not required to provide documentation of the education, credentials, licenses, and certification of staff members; however, the Offeror shall verify the information is accurate and that any required licenses are current.” The U.S. Probation Office may request to verify licensure/certification/education following the award of the BPA.

Question: *How are polygraph questionnaires disseminated to examinees?*

Answer: The probation office will mail the examinee a polygraph notification letter along with the respective questionnaire (sexual history or maintenance).

Questions Received After the Conference

Question: There was discussion that a provider might complete 3 to 4 exams in single day. Can you confirm that volume still falls within the Estimated Monthly Quantity in the RFP of 1 Clinical Poly Exam and 7 Maintenance Exams per month?

Answer: The number of polygraphs conducted per day should have no bearing on the EMQs reflected in the RFP, as the EMQs are monthly estimates. The only factor that may change is the number of days the polygrapher needs for testing in a given month.

Question: Would multiple exams in a single day be scheduled at the convenience of the polygraph provider or by some other means?

Answer: The contracting officer collaborates with the polygrapher to identify dates for testing. Once dates are agreed upon, the probation office schedules the examinees for testing on those dates.

Question: Is it possible that the individual exams might be needed on a variety of different dates during any given month?

Answer: Give the number of individuals that have conditions requiring them to submit to yearly polygraph testing, the polygrapher will likely need to conduct testing on multiple consecutive days throughout a given month. The contracting officer will collaborate with the polygrapher to identify dates for testing.

Any further questions can be emailed directly to matthew_gilchriest@nynp.uscourts.gov.