



The Ohio Department of Medicaid

Request for Applications For Medical Technical Advisors RFA #: ODM1415078063

**Open-ended Posting of Opportunity
Released October 2013, valid through June 30, 2015**

I. Purpose:

The Ohio Department of Medicaid (ODM) releases this open-ended Request for Applications (RFA) to receive responses from qualified medical professionals who are interested in serving as Medical Technical Advisors (MTAs) to ODM. MTAs provide the clinical expertise necessary in the administration of Ohio's Medicaid Program by performing prior authorization reviews for healthcare services, drug utilization reviews, disability determinations, utilization management, and determinations of medical necessity. ODM is seeking these professional services from currently licensed and credentialed professionals, including but not limited to:

- Internal Medicine (MD/DO)
- General Medicine (MD/DO)
- Pain Management (MD/DO)
- Orthopedics (MD/DO)
- Neurology (MD/DO)
- Psychiatry/Psychology (MD/DO) (Psy.D/Psy.D/Ed.D.)
- General Surgery/Plastic Surgery (MD/DO)
- Podiatry (DPM)
- Pharmacists (R.Ph. and/or Pharm.D.)
- Dental/Orthodontics/Oral Surgery (DDS)
- Optometry (OD)
- Ophthalmology (MD/DO)
- Respiratory Therapy (RRT)
- Physical Therapist (PT)

All interested applicants must possess appropriate medical credentials and sufficient basic computing skills to perform clinical reviews in an electronic format. ODM plans to offer contracts for MTA services to qualified licensed/credentialed medical professionals in sufficient numbers for the efficient and effective operation of the Medicaid program. Interested medical professionals are to follow the instructions and guidelines provided in

this RFA document to demonstrate to ODM their qualifications to perform the services that will be required of selected MTAs under contract. ODM is under no obligation to consider or respond in any way to any medical professionals' applications that are not prepared and submitted in accordance with this RFA.

Within this RFA, use of the terms, 'the State' and 'ODM' may be used interchangeably for purposes of selecting and contracting with vendors for the work described in this RFA. For the purpose of this RFA, the terms "applicant," "vendor," "or "medical professional" may be used interchangeably to refer to an individual or organization interested in this opportunity. The terms "contractor," "selected medical professional," or "MTA" may be used interchangeably in reference to the successful applicants selected through this RFA for contract award. The terms "applications," "proposals," and "bids" may be used interchangeably to refer to applicants' responses to this RFA.

The State is under no obligation to enter into a contract with any applicant as a result of this solicitation, if, in its opinion, none of the proposals received are responsive to the objectives and needs of the ODM. The State reserves the right not to select any vendor should the ODM decide for any reason not to proceed. Changes in this RFA of a material nature will be provided on the procurement web page dedicated to this opportunity. All applicants are responsible for obtaining any such changes without further notice by the State.

II. Issuing Office

This RFA document is released by, and the subsequent contracts will be with ODM. The Ohio Department of Medicaid (ODM), Clinical Quality and Research and the Bureau of Long Term Care Services and Support will be responsible for daily contract management. Multiple contracts are expected to result from this RFA process, and each will be an agreement between ODM and the selected medical professional.

Applications must be submitted to ODM in strict accordance with proposal submission instructions provided in **Section X, Application Submission Instructions**.

III. Anticipated Procurement Timetable

This RFA is effective and applications will be accepted at any time from its date of release to June 30, 2015, which is the close of the current state fiscal biennium, unless rescinded or cancelled by ODM or ODM prior to that date. This RFA could be rescinded or cancelled at any time due to factors such as programmatic changes, work volume, or funding decisions, among others. The "Opening Date" identified on the Procurement Opportunity website (*i.e.*, June 30, 2015) is to ensure that the RFA remains available to qualified medical professionals and active for the duration of the State fiscal biennium, but each application may, at the State's discretion, be "opened" (that is, be reviewed for contract award purposes) at any time while this RFA remains effective.

This is an open-ended RFA with no application deadline. ODM has an on-going need for the contracted services of Medical Technical Advisors. The level of that need, the volume of work to be performed, and the medical specialties most needed, will vary over time making it impossible to be more definitive in this RFA, therefore ODM will accept applications from medical professionals at any time while this RFA is still valid.

Applications are generally reviewed within a month of their receipt, and applicants then will be notified of the State's decision. If a qualified medical professional (*i.e.*, one whose application has been reviewed and has passed all selection criteria and standards) fulfills an existing program need, ODM may offer that professional a contract at that time. If an applicant passes all selection criteria but there is insufficient program need for that professional at that time, that application will be held by ODM for a period of not more than six months from the date of the application; the applicant will be notified of that decision. Should a programmatic need for that applicant arise during that period, ODM may, at its sole discretion, offer that medical professional a contract. However, to

ensure the continuing qualifications of the applicant, ODM reserves the right to request, review, and evaluate updated information before issuing a contract.

If a qualified applicant is not offered a contract within six-months of the date of the application, that medical professional must submit a new application with current information in order to be considered further.

IV. Contract Effective Term and Renewal Period

State law prohibits ODM from making financial commitments beyond the state fiscal biennium. The release of this RFA is within the first quarter of the 2014-2015 Ohio state biennium (*i.e.*, the period from July 1, 2013 through June 30, 2015). Depending upon the date an application is submitted, and upon ODM programmatic needs, accepted applicants may be offered contracts for the remainder of the 2014-2015 biennium and/or for the 2016-2017 biennium, with the possibility of one further renewal for state fiscal year (SFY) 2018, which begins July 1, 2017 and ends June 30, 2018.

All contracts are subject to all required contract and funding approvals (including review and approval by the Controlling Board when applicable), and all contract renewals are contingent upon all contractual and funding approvals, continuation of the project need, and satisfactory performance by the contractor, as determined by ODM. MTAs will be notified by ODM prior to their contract expiration date of whether their contracts will be renewed. ODM reserves the right not to renew MTA contracts resulting from this RFA for any reason, administrative or programmatic.

According to requirements of Ohio Revised Code (ORC) 126.07, ODM contracts are not valid and enforceable until the Office of Budget and Management (OBM) certifies the availability of appropriate funding, as indicated by the approval of the Purchase Order (P.O.). A selected applicant may neither perform work nor submit an invoice for payment for MTA work performed for any time period prior to the P.O. approval date. The ODM Contract Manager will notify the selected applicant when the requirements of ORC Section 126.07 have been met.

V. Background

ODM is the single state agency responsible for the operation and management of Ohio's Medicaid program, and is responsible for the adjudication and payment of claims for covered services. As part of this adjudication and payment process, the Bureau of Clinical Quality and Research and the Bureau of Long Term Care Services and Support Supports, actively undertake the review of clinical/medical cases when determination of medical necessity (per OAC 5101:3-41-12 and other relevant rules) is required for the purposes of prior authorization of health services, plan of care review, utilization review, and medical coverage. These highly specialized clinical reviews are services typically performed by MTAs under contract with ODM. These contractors' services provide ODM with a breadth and depth of professional expertise, which in turn, enhances ODM's ability to operate the Medicaid program effectively.

The majority of MTA contractors will work with the following functional sections of ODM:

- The Bureau of Clinical Quality and Research and the Bureau of Long Term Care Services and Support utilize the services of MTAs to assist in medical necessity reviews for prior authorization of Medicaid services, and in disability determination reviews in accordance with Ohio Administrative Code (OAC) Chapter 5101:3-1 and other relevant rules.
- The Bureau of Clinical Quality and Research and the Bureau of Long Term Care Services and Support assist with the department's decisions in appeal proceedings; provide consultation and feedback on policy and procedures pertaining to service authorization, plans of care, and/or payment decisions based upon medical review; and provide technical assistance in their area of expertise when appropriate.

- The Bureau of Clinical Quality and Research utilizes the services of MTAs to perform drug utilization review as required by OBRA-90 and OAC rule 5101:3-9-04.

All work will be performed on-site at the Ohio Department of Medicaid, 50 West Town Street, Columbus, Ohio, 43215. Work must be conducted during building access hours of 6:00 a.m. to 6:00 p.m., Monday through Friday, or as specified.

VI. Scope of MTA Work:

A. Work Required by Discipline:

The following is a synopsis of the scope of work that may be required of MTAs selected through the RFA process.

For Physician/Surgeon, Psychology/psychiatry, Ophthalmologic/optometry, Podiatry, Dental, Pharmacy, and Therapy Services:

Physician and other professional medical services are needed for: 1) disability determination reviews; 2) utilization reviews; and 3) prior authorization reviews. ODM seeks applicants who have training and expertise in the allopathic and osteopathic medicine. Physicians and professionals responding to this RFA may express their preference for one or more of these functions, but final work assignments for the selected physicians and professionals will be at the sole discretion of ODM, and will be based primarily upon vendor qualifications and coverage of ODM need. In all cases, selected physician/professional MTAs may be required to assist in the development of documents for, and participate in, the fair hearings process. In addition, MTAs may be asked to provide technical expertise in the development of health plan policy, and staff/provider/consumer outreach and education. Primary components of the work are in electronic format, using computer systems, software, and internet. **Basic computer skills are required.**

B.

Professional Expertise Needed and Hourly Reimbursement:

Prior Authorization of Medical Services and Medical Necessity Reviews	Disability Determination Reviews
<p>Medicaid providers submit plans of care, medical records and related documents and any additional clinical documentation to ODM. MTAs evaluate all submitted information against prior authorization criteria. MTAs are required to review medical records and any related documentation to help determine medical necessity and/or medical appropriateness of medical services. This may include participation on a Special Committee to review requests for non-covered medical services. The MTA may also be required to assist in the fair hearing process from the worksite via telephone with the consumer and his/her legal representative and a hearing officer.</p>	<p>Medicaid consumers submit medical records and related clinical documentation to ODM, for the determination of the existence of a disabling health condition. MTAs evaluate submitted clinical documentation and other related information against disability determination guidelines developed by the Social Security Administration (20 CFR 416.901-988). For consumers who do not have medical documentation to support the allegation of disability, the MTA prepares a summary of his/her review for use in a fair hearing. The MTA may also be required to assist in the fair hearing process from the worksite via telephone with the consumer and his/her legal representative and a hearing officer.</p>

Through this RFA process, ODM seeks to fulfill specific programmatic needs for medical technical expertise through contracts with properly qualified professionals. All MTAs must be available to work a minimum of 16 hours per month. The maximum hourly rate that would be in effect throughout the term of the contract, including any renewal period, for each medical specialty is indicated below.

<u>MTA Expertise</u>	<u>Hourly Rate</u>
Internal Medicine (MD/DO)	\$70.00
General Medicine (MD/DO)	\$70.00
Pain Management (MD/DO)	\$70.00
Orthopedics (MD/DO)	\$70.00
Neurology (MD/DO)	\$70.00
Psychiatry (MD/DO)	\$70.00
General Surgery/Plastic Surgery (MD/DO)	\$70.00
Ophthalmology (MD/DO)	\$70.00
Psychology (PhD./Psy.D/Ed.D)	\$56.00
Podiatry (DPM)	\$56.00
Pharmacists (R.Ph. and/or Pharm.D.)	\$46.00
Dental/Orthodontics/Oral Surgery (DDS)	\$56.00
Optometry (OD)	\$56.00
Respiratory Therapy (RRT)	\$42.00
Physical Therapist (PT)	\$42.00

Number of MTAs sought: In its contractor selection process, ODM will consider various factors, including the current need for the services of a given specialty, and the number of hours each qualified applicant offers to make available to ODM per month. ODM prefers to meet its coverage needs by offering the fewest contracts possible, but as work volume may vary and MTA availability may also change over time, ODM may offer contracts to qualified applicants at any time during the effective period of this RFA. The decision of the number of contracts to be offered, and when to offer them, will be based on ODM work volume, the quality of responses submitted by applicants, the available number of hours offered by those applicants, and is at the sole discretion of ODM.

Anticipated Assignment Volume: Regardless of the number of hours offered by the selected MTAs, ODM does not guarantee the volume of work that will be assigned to any MTA under contract. The actual work volume assigned to any MTA for a given period of time will be based on total ODM work volume, operational need, the number of qualified MTA contractors available, may vary periodically, and is at the sole discretion of ODM. In making work assignments, ODM will make reasonable attempts to consider MTA scheduling preferences.

Compensation rate: Upon proper bi-weekly invoicing, the selected MTAs will be compensated for the number of hours actually spent performing MTA services, at the rate of pay indicated above for their medical specialty. The stated hourly rate for each medical specialty indicated would be in effect throughout the term of the contract, including any renewal periods.

Peer Review:

MTAs will agree to participate in a peer review process. Random samples of five (5) clinical decisions; disability determinations; client charts; prior authorization requests; and/or state hearing summaries will be conducted on a quarterly basis. MTAs may review or be reviewed by other MTAs. MTAs may be reviewed by outside sources with equal or superior licensure.

Production Standards:

MTAs will issue a minimum of two to three reviews per hour, depending upon case complexity. The Contract Manager may adjust these production standards based on operational need.

VII. Qualifications

Only those applicants who are appropriately licensed and/or credentialed professionals may submit proposals in response to this RFA. Applicants must describe how they are qualified to conduct the work described above. **Proposals must indicate how the applicant meets all professional qualifications listed in Section XII, Scoring of Applications, in order to receive appropriate consideration.** References from professional organizations and associations are to be included, and other supporting documents may also be submitted. Any interested Ohio Licensed Medical Professional may submit a response to this RFA.

VIII. Internet Question and Answer Period; RFA Clarification Opportunity

Potential vendors or other interested parties may ask clarifying questions regarding this RFA via the Internet during the Q&A Period as outlined in Section III, Anticipated Procurement Timetable. To ask a question, potential vendors must use the following Internet process:

- * **Access the Ohio Department of Medicaid Web Page at: www.medicaid.ohio.gov**
- * **Under the Resources tab**
- * **Go Down to Legal and Contracts**
- * **Select RFPs in the pop-up menu**
- * **Click the Link to the actual RFP**
- * **Select “Submit Inquiry” near the bottom of the web page**
- * **Follow instructions for submitting questions; or, to view posted questions and answers, select “View Q and A” near the bottom of the Web Page.**

Questions about this RFA must reference the relevant part of this RFA, the heading for the provision under question, and the page number where the provision can be found. The name of a representative of the potential vendor (or other interested party), the company name, phone number, and e-mail address must be provided to submit an inquiry. The State may, at its option, disregard any questions which do not appropriately reference an RFA provision or location within the RFA, or which do not include identification of the originator of the question. Questions submitted after **8:00 a.m.** on the date the Q&A period closes will not be answered.

The State’s responses to all questions asked via the Internet will be posted on the Internet website dedicated to this RFA, for public reference by any interested party. The State will not provide answers directly to the vendors (or any interested party) that submitted the question. All questions about this RFA that are submitted in accordance with these instructions will be answered on the RFA’s dedicated web page.

Questions submitted may be no more than 4,000 characters in length, but there is no limit on the number of questions that may be submitted. The State’s answers may be accessed by following the instructions above, but rather than selecting “Submit Inquiry,” vendors and others should select “View Q and A.” The State strongly encourages vendors to ask questions early in the Q&A period so that answers can be posted with sufficient time for any possible follow-up questions.

Vendor proposals in response to this RFA are to take into account any information communicated by ODM in the Q&A process for the RFA. **It is the responsibility of all potential vendors to check this site on a regular basis for responses to all questions, as well as for any amendments, alerts, or other pertinent information regarding this RFA.** Accessibility to questions and answers are clearly identified on the website dedicated to this RFA **once submitted questions have been answered.**

Requests for copies of any previous RFAs, RLBs, RFPs (or etc.) or for past vendor proposals, score sheets or contracts for this or similar past projects, are Public Records Requests (PRRs), and are not clarification questions

regarding the present RFA. The State will only answer those questions submitted within the established time period for the Vendor Q&A process (see Section III, Anticipated Procurement Timetable, above), and which pertain to issues of RFA clarity, and which are not requests for public records. The State is under no obligation to acknowledge questions submitted through the Q&A process if those questions are not in accordance with these instructions.

IX. Communications Prohibition:

There may be no communications concerning the RFA between any interested applicant and any employee of ODM in the issuing office, or any other ODM employee, or any other individual regardless of their employment status, who is in any way involved in the development of the RFA or the selection of the contractor(s).

The only exceptions to this prohibition are as follows:

1. Communications conducted pursuant to Section VIII, Internet Question and Answer Period;
2. As necessary in any pre-existing or on-going business relationship between ODM and any vendor which could submit a proposal in response to this RFA;
3. As part of an interview or proposal clarification process initiated by ODM as necessary to make applicant selections;
4. If it becomes necessary to revise any part of this RFA, ODM will post those revisions, amendments, etc., to the website dedicated to this RFA;*
5. Any Public Records Request (PRR) made through the ODM Office of Legal Counsel.

*** Important Note:** Amendments to the RFA or to any documents related to it will be accessible to interested vendors through the original web page established for the RFA. All interested vendors must refer to that web page regularly for amendments or other announcements. ODM will not specifically notify any vendor of changes or announcements related to this RFA except through the website posting. It is the affirmative responsibility of interested vendors to be aware of and to fully respond to all updated information posted on this web page.

ODM is not responsible for the accuracy of any information regarding this RFA that was obtained or gathered through a source other than the Question and Answer process described in this RFA. Any attempts at prohibited communications by vendors may result in the disqualification of those vendors' proposals.

X. Application Submission Instructions:

Organizations or individuals who are interested in submitting applications (also called 'responses') must make their submission in accordance with these instructions. **Facsimile and electronic submissions will not be accepted.** Interested medical professionals must submit three paper copies (one signed original and two copies) and one electronic version on a CD of the proposal in an envelope or package labeled as follows:

Proposals must be addressed, for hand delivery or delivery by a private delivery company, as described below:

Office of Contracts and Procurement
Ohio Department of Medicaid
ODM-1415-07-8063

50 West Town Street
Columbus, Ohio 43215
ATTN: RFP/RLB Unit

Vendors are **STRONGLY** encouraged to use a private delivery company (e.g., FedEx, UPS, etc.) to deliver their proposals, or to hand deliver them, to the above address, as companies like that are capable of delivering directly to ODM's security desk in the building, where it will be received and date and time stamped. While using the Postal Service is an option it can add several days to the delivery process and could result in a vendor's proposal being late and removed from consideration. **All proposals must be received by Contracts and Procurement by the posted submission deadline, date and time. No exceptions will be made.**

The address for postal deliveries is:

Ohio Department of Medicaid
Office of Contracts and Procurement
ODM-1415-07-8063
PO Box 182709
Columbus, Ohio 43218-2709
ATTN: RFP/RLB Unit

The entire vendor technical proposal should be converted into **one single secure .pdf document** saved to the technical proposal CD-ROM submitted to ODM. If the proposal's size necessitates more than a single .pdf document to contain the entire technical proposal, vendors must still send the CD-ROM copy of the proposal, but use the fewest separate .pdf documents possible.

XI. Instructions for Format of Applications:

The application must be prepared in accordance with instructions given in this section of the RFA, and be submitted in accordance with instructions found in Section X, Application Submission Instructions. Applicants must submit, at minimum, the following requirements, in the following order:

1. Completed Required Vendor Information and Certifications.* See Attachment A;

Attachment A—Section I. --In this section, the vendor is required to provide required information and certifications of eligibility for state contract awards, as described in **Attachment A—Section I.** to this RFA, entitled "Required Vendor Information & Certifications Document." Vendors may, at their discretion, either print **Attachment A—Section I.**, complete and sign it, and return it as the content of their Proposal Tab 1; or they may provide all the required information and certifications (each fully re-stated from **Attachment A.**) on their own letterhead, properly signed, and use that document as the content of their Proposal Tab 1. Vendors who fail to provide all information and certifications as described in **Attachment A—Section I.** in their Proposal Tab 1 risk disqualification.

Attachment A—Section II. -- Vendors are required to complete and sign the **Location of Business Form**, and return it as part of their Proposal Tab 1. *Vendors who fail to provide a signed and completed form risk disqualification.*

The signed originals of the above referenced forms (**RFA Attachment A., Sections I, II.**) are to be provided in the vendor's original proposal; photocopies of the completed and signed forms must also be provided with each of the required copies.

2. Application letter containing, at minimum:
 - a. A statement identifying the vendor's discipline;
 - b. Description of qualifications to demonstrate ability to do the job;
 - c. Ability to work a minimum of 16 hours per month, and a statement of any expected availability beyond that minimum;
 - d. A statement on whether the applicant's performance under contracts for the provision of services that are the same or similar to those described in this RFA, has resulted in any formal claims for breach of those contracts; and
 - e. A statement on whether the applicant has been the subject of any adverse regulatory or adverse administrative governmental action (federal, state, or local) with respect to vendor's performance of services similar to those described in this RFA;
3. References from professional organizations and associations;
4. A copy of Curriculum Vitae, and;
5. Photocopy of current license/credentials.

Vendors are strongly encouraged to review the Application Score Criteria, as found in Section XII of this RFA, to evaluate their proposals for compliance, completeness, and quality, before submitting them to ODM.

XII. Scoring of Applications:

ODM staff will initially review each application for inclusion of completed and signed Attachment A, and will determine whether any of those documents or information is missing; if so, the applicant will be notified and provided an opportunity to make the appropriate completions. If, however, the initial review establishes any reason why ODM would be prohibited from entering into a contract with that applicant (*e.g.*, as described in Section XIII, item L of this RFA, the applicant fails to meet standards set in Ohio Revised Code Section 9.24), that applicant will be notified of the disqualification.

A Proposal Review Team (PRT) consisting of ODM staff will read any such initially qualified responses, sorted by discipline, and score them according to the Application Score Criteria, below. The frequency of ODM application reviews will vary according to programmatic need and availability of applications to be considered. With sufficient programmatic need, ODM may, at its sole discretion, consider a single application in the absence of any competing applications from other medical professionals of the same category. Selection recommendations will be made by the PRT separately for each discipline. Reviewers will read each proposal individually, and through team discussion, the PRT will evaluate and score each based on scoring criteria provided below. Through consensus, the PRT will determine a final score for each, and then make recommendations to the Director of ODM for award of the contracts. Those recommendations may be made based on the combined factors of applicants' scores, ODM expectations of work volume, and the available number of hours offered by qualified applicants.

Applicants responding to this RFA will have their responses evaluated and scored based upon the following Application Score Criteria:

1. Board Certification (**No points - Fail.** Where applicable, interested professionals may be disqualified without further review if required certification is not documented in the application.) – **10 points (for Pass)**
2. References from four professionals in their field- **10 points**
3. Participation in any kind of independent medical review - **10 points total (as distributed below)**
 - a. Identification of medical issues that require medical advice or clarification to ensure that all medical issues identified have been adequately addressed - 4 points
 - b. Providing confirmation or rebuttal statements of other medical assessments - 4 points
 - c. Expert witness testimony at hearings and trials - 2 points
4. Participation in peer review activities - **10 points total (as distributed below)**
 - a. Previously assessed through peer review (include peer assessment) - 4 points
 - b. Participation in the peer review process as a reviewer - 4 points
 - c. Establishment of policy and quality assurance procedures for peer review -2 points
5. Experience with basic computer systems - **10 points total (as distributed below)**
 - a. Microsoft Office Suite: Word, Excel, etc - 5 points
 - b. Internet functions - 5 points
6. Experience in the clinical assessment of individuals with mental retardation and developmental disabilities and their medical and behavior support needs. - **10 points**
7. Experience reviewing electronic patient clinical records and making medical determinations relative to requests for coverage of services under any public or private health insurance program. - **10 points total (as distributed below)**
 - a. Experience reviewing electronic patient clinical records and making recommendations about the clinical evidence. - 5 points
 - b. Experience reviewing electronic health care claims prior to payment processing to determine medical necessity. - 5 points
8. Experience with the Medicaid program and/or Public Assistance Programs - **10 points**

The maximum possible points are **80**. ODM may reject any applications not earning a minimum of 60 points. Should ODM have multiple qualifying applications for a given specialty and insufficient need to offer contracts to all, contracts will be offered first to the highest scoring applicant, then the next highest applicant, etc., until the ODM operational need is met.

Applications from qualified professionals who are not offered contracts due to insufficient need at the time the applications were received and reviewed may be held by ODM for up to six months. Should operational needs increase or develop for any reason, ODM may then consider those applicants (after requesting any reviewing any updated information to determine continuing qualifications), and offer contracts as needed based on the highest scoring applications then in ODM possession.

ODM reserves the right to reject any and all applications, in whole or in part, received in response to this request. ODM may waive minor defects that are not material when no prejudice will result to the rights of any applicant or to the public, and ODM reserves the right to seek clarifications from applicants regarding information contained in their proposals, and/or to require interviews with applicants.

XIII. RFA Process Information and Other Contractual Requirements:

A. State Contracts

Applications must list any current contracts the vendor has with State of Ohio agencies. The list must indicate the purpose of the contract, the amount of the contract, the time period covered by the contract, and the percent of the project completed. Vendors must complete a copy of the Required Vendor Information and Certifications Document (provided as **Attachment A**) to report this information, and

include the completed document in the vendor's proposal as specified in **Section XI, Instructions for Format of Applications**, of this RFA.

B. Interview

Vendors submitting proposals may be requested to participate in an in-depth interview as part of the evaluation process. The interview, if necessary, may include participants from ODM and any representatives it may appoint. ODM reserves the right to select from responding vendors for interviews and may not interview all vendors submitting proposals. The vendor shall bear all costs of any scheduled interview.

C. Start Work Date

The selected vendor must be able to begin work no later than seven (7) working days after the time funds are encumbered and approved by the Office of Budget & Management. The selected vendor will be notified by the ODM contract manager when work may begin. **Any work begun by a contractor prior to this notification will NOT be reimbursable by ODM.**

D. Proposal Costs

Costs incurred in the preparation of this proposal are to be borne by the vendor, and ODM will not contribute in any way to the costs of the preparation. Any costs associated with interviews will be borne by the vendor and will not be ODMs' responsibility (see Section XIII, B.).

E. Trade Secrets Prohibition; Public Information Disclaimer

Vendors are prohibited from including any trade secret information as defined in Ohio Revised Code (ORC) 1333.61 in their proposals in response to any ODM Requests for Application (RFA), Requests for Letterhead Bids (RLB) or other procurement efforts. ODM shall consider all proposals or similar responses voluntarily submitted in response to any ODM RFA, RFP, RLB, or other procurement document, to be free of trade secrets and such proposals shall, in their entirety, be made a part of the public record.

All proposals and any other documents submitted to ODM in response to any RFP, RFA, etc., shall become the property of ODM. This RFA and, after the selection of an applicant for contract award, any proposals submitted in response to an RFA, RFP, or RLB are deemed to be public records pursuant to R.C. 149.43. For purposes of this section, the term "proposal" shall mean both the technical proposal (or application or other response documentation) and the cost proposal, if opened, submitted by the selected vendor/applicant, and any attachments, addenda, appendices, or sample products.

Any proposals submitted in response to any ODM RFP, RFA, etc. which make claims of trade secret information shall be disqualified from consideration immediately upon the discovery of such unallowable claim.

F. Contractual Requirements

1. Any contract resulting from the issuance of this RFA is subject to the terms and conditions as provided in the model contract, which is included as **Attachment B** of this RFA;
2. Many of the terms and conditions contained in the model contract (**See Attachment B**) are required by state and federal law; however, the vendor may propose changes to the model contract by annotating the model, and returning it with the vendor's proposal submission. Any such

proposed changes are subject to ODM review and approval;

3. Payments for any and all services provided pursuant to the contract are contingent upon the availability of state and federal funds;
4. All aspects of the contract apply equally to work performed by any and all subcontractors;
5. The contractor, and any subcontractor(s), will not use or disclose any information made available to them for any purpose other than to fulfill the contractual duties specified in the RFA. The contractor, and any subcontractor(s), agrees to be bound by the same standards of confidentiality that apply to the employees of ODM and the State of Ohio. Any violation of confidentiality will result in an immediate termination of the contract, and may result in legal action;
6. As a condition of receiving a contract from ODM, the contractor, and any subcontractor(s), shall certify compliance with any court order for the withholding of child support which is issued pursuant to Section 3113.217 of the ORC. The contractor, and any subcontractor(s), must also agree to cooperate with ODM and any Ohio Child Support Enforcement Agency in ensuring that the contractor or employees of the contractor meet child support obligations established under state law; and
7. By signing a contract with ODM, a vendor agrees that all necessary insurance is in effect.

G. Travel and Parking Expense Reimbursement

No travel or parking expenses will be covered.

H. Public Release of Records

Public release of any evaluation or monitoring reports funded under this agreement will be made only by ODM. Prior to public release of such reports, ODM must have at least a 30-day period for review and comment.

I. Confidentiality

All contracts will require that the contractor maintain the confidentiality of information and records which state and federal laws, rules, and regulations require to be kept confidential.

J. Ethical & Conflict of Interest Requirements

1. No contractor or individual, company or organization seeking a contract shall promise or give to any ODM employee anything of value that is of such character as to manifest a substantial and improper influence upon the employee with respect to his or her duties;
2. No contractor or individual, company or organization seeking a contract shall solicit any ODM employee to violate any of the conduct requirements for employees;
3. Any contractor acting on behalf of ODM shall refrain from activities which could result in violations of ethics and/or in conflicts of interest. Any contractor or potential contractor who violates the requirements and prohibitions defined here or of Section 102.04 of the ORC is subject to termination of the contract or refusal by ODM to enter into a contract; and
4. ODM employees and contractors who violate Sections 102.03, 102.04 2921.42 or 2921.43 of the

ORC may be prosecuted for criminal violations.

K. Health Insurance Portability & Accessibility Act (HIPAA) Requirements

As a condition of doing business with the State, the contractor, and any subcontractor(s), will be required to comply with 42 U.S.C. Sections 1320d through 1320d-8, and the implementing regulations at 45 C.F.R. Section 164.502 (e) and Sections 164.504 (e) regarding disclosure of protected health information under the Health Insurance Portability and Accountability Act (HIPAA) of 1996. Protected Health Information (PHI) is information received by the contractor from or on behalf of the State that meets the definition of PHI as defined by HIPAA and the regulations promulgated by the United States Department of Health & Human Services, specifically 45 CFR164.501 and any amendments thereto.

In the event of a material breach of vendor obligations under this section, the State may at its option terminate the contract.

L. Unresolved Findings for Recovery (R.C. 9.24)

Ohio Revised Code Section 9.24 prohibits ODM from awarding a contract to any entity against whom the Auditor of State has issued a finding for recovery if the finding for recovery is “unresolved” at the time of award. By submitting a proposal, the vendor warrants that it is not now, and will not become, subject to an “unresolved” finding for recovery under R.C. 9.24 prior to the award of any contract arising out of this RFA, without notifying ODM of such finding. ODM will review the Auditor of State’s website prior to the evaluations of any proposal submitted pursuant to this RFA. ODM will not evaluate a proposal from any vendor whose name, or the name of any of the subcontractors proposed by the vendor, appears on the website of the Auditor of the State of Ohio as having an “unresolved” finding for recovery.

M. Mandatory Contract Performance Disclosure

Each proposal must disclose whether the vendor’s performance, or the performance of any of the proposed subcontractor(s), under contracts for the provision of services that are the same or similar to those described in this RFA, has resulted in any “formal claims” for breach of those contracts. For purposes of this disclosure, “formal claims” means any claims for breach that have been filed as a lawsuit in any court, submitted for arbitration (whether voluntary or involuntary, binding or not), or assigned to mediation. If any such claims are disclosed, vendor shall fully explain the details of those claims, including the allegations regarding all alleged breaches, any written or legal action resulting from those allegations, and the results of any litigation, arbitration or mediation regarding those claims, including terms of any settlement. While disclosure of any formal claims in response to this section will not automatically disqualify a vendor from consideration, at the sole discretion of ODM, such claims and a review of the background details may result in a rejection of the vendor’s proposal. ODM will make this decision based on its determination of the seriousness of the claims, the potential that the behavior that led to the claims could negatively impact vendor’s performance of the work, and the best interests of ODM.

N. Mandatory Disclosures of Governmental Investigations

Each proposal must indicate whether the vendor and any of the proposed subcontractor(s) has been the subject of any adverse regulatory or adverse administrative governmental action (federal, state, or local) with respect to vendor’s performance of services similar to those described in this RFA. If any such instances are disclosed, vendor must fully explain, in detail, the nature of the governmental action, the allegations that led to the governmental action, and the results of the governmental action including any legal action that was taken against vendor by the governmental agency. While disclosure of any governmental action in response to this section will not automatically disqualify a vendor from consideration, such governmental action and a review of the background details may result in a rejection

of the vendor's proposal at the discretion of the State. The decision on this issue will be based on a determination of the seriousness of the matter, the matter's potential impact on the vendor's performance of the work, and the best interests of the State.

O. Vendor Selection Restriction

Any applicant deemed not responsible, or submitting a proposal deemed not to be responsive to the terms of this RFA, shall not be offered a contract.

P. Waiver of Minor Proposal Errors

ODM may, at its sole discretion, waive minor errors or omissions in applications and/or forms when those errors do not unreasonably obscure the meaning of the content. Additionally, ODM reserves the right to request clarifications or completions from applicants to any information in their applications and/or forms, and may request such clarification as it deems necessary at any point in the application review process.

XIV. Final Selection:

The PRT will recommend for selection the highest-scoring technically qualified applicant or applicants sufficient to meet programmatic need. Results from any interview (if appropriate) will be considered in reevaluating the applicant's score.

At its sole discretion, ODM may choose to conduct interviews prior to final selection. Interview question responses will then be considered according to a process comparable to the Technical Proposal Scoring described in Section XII, Scoring of Vendor Applications.

XV. Tie Breaker:

In the event that two or more of the proposals have a score which is tied, ODM reserves the right to make selections based on current operational needs.

XVI. Protest Procedure:

Any potential, or actual, vendor objecting to the award of a contract resulting from the issuance of this RFA may file a protest of the award of the contract, or any other matter relating to the process of soliciting the applications. Such a protest must comply with the following guidelines:

- A. A protest may be filed by a prospective or actual bidder objecting to the award of a contract resulting from this RFA. The protest shall be in writing and shall contain the following information:
 - 1. The name, address, and telephone number of the protestor;
 - 2. The name and number of the RFA being protested;
 - 3. A detailed statement of the legal and factual grounds for the protest, including copies of any relevant documents;
 - 4. A request for a ruling by ODM;
 - 5. A statement as to the form of relief requested from ODM; and
 - 6. Any other information the protestor believes to be essential to the determination of the factual and legal questions at issue in the written protest.

- B. A timely protest shall be considered by ODM, if it is received by the ODM, Office of Contracts and Procurement, within the following periods:

1. A protest may be related to the announced intent to award a contract or to reject an applicant's proposal. Such a protest will be deemed timely and shall be considered by ODM if it is received by the Office of Contracts and Procurement no later than 3:00 p.m. of the tenth (10th) calendar day after the issuance of the ODM letter announcing the ODM decision regarding an applicant's proposal.
 2. A protest may be based on alleged improprieties in the issuance of the RFA; the RFA requirements or any other information written into, or attached to, the RFA; any procurement processes described in the RFA such as the vendor selection process; or any other procurement-related event, other than an announcement by ODM of its decision regarding award of a contract to an applicant. A protest such as this shall be filed by the party identifying the possible impropriety as soon as practicable. However if the party protesting the alleged impropriety has already submitted an application in response to the RFA prior to filing the protest with the ODM Office of Contracts and Procurement, that protest will not be deemed timely and will not be considered.
- C. An untimely protest may be considered if ODM determines that the protest raises issues significant to the department's procurement system. An untimely protest is one received by the ODM Office of Contracts and Procurement after the time periods set forth in Items B. 1 and B. 2 of this section.
- D. All protests must be filed at the following location:
- Deputy Director
ODM Office of Contracts and Procurement
50 West Town Street, Suite 400
Columbus, Ohio 43215
- E. When a timely protest is filed, a contract award shall not proceed until a decision on the protest is issued or the matter is otherwise resolved, unless the Director of ODM determines that a delay will severely disadvantage the Department. The vendor(s) who would have been awarded the contract shall be notified of the receipt of the protest.
- F. The ODM Office of Contracts and Procurement shall issue written decisions on all timely protests and shall notify any vendor who filed an untimely protest as to whether or not the protest will be considered.

XVII. Caveats:

The State is under no obligation to issue any contract as a result of this solicitation if, in the opinion of the State and the proposal review team, none of the applications are responsive to the objectives and needs of ODM. ODM reserves the right to select no applicants should the State decide not to proceed. Changes in this RFA of a material nature will be provided via the agency website. All vendors are responsible for obtaining any such changes without further notice.

XVIII. Attachments to this RFA:

- A. **Required Vendor Information and Certifications** *(Both sections to be completed & included in vendor proposal packet as specified in Section XI.)*
- B. **ODM Model Contract** *(Provided for applicant reference, only - do NOT return in application packet.)*

Thank you for your interest in this project.

Attachment A

Attachment A consists of 2 distinct and different sections. Both sections must be completed and included in Tab 1 of the proposal.

Section I – Required Vendor Information

Section II - Location of Business Form

Attachment A—Section I.

REQUIRED VENDOR INFORMATION and CERTIFICATIONS

Purpose: ODM requires the following information on vendors who submit proposals or bids in response to any ODM Requests for Proposals (RFPs) or Requests for Letterhead Bids (RLBs), in order to facilitate the development of the contract (or finalization of a purchase) with the selected vendor. ODM reserves the right to reject your proposal if you fail to provide this information fully, accurately, and by the deadline set by ODM. Further, some of this information (as identified below) **must** be provided in order for ODM to accept and consider your proposal\bid. **Failure to provide such required information will result in your proposal’s immediate disqualification.**

Instructions: Provide the following information regarding the vendor submitting the proposal or bid. Vendors may either print this attachment, complete and sign it, or may provide the required information and certifications (each fully re-stated from this attachment) on their letterhead as the opening pages of their proposals. It is mandatory that the information provided is certified with an original signature (in blue ink, please) from a person with authority to represent the vendor. Vendors are to provide the completed and signed information and certifications as the cover pages of their original proposal submitted to ODM.

IMPORTANT: If the RFP\RLB specified a maximum page limit for vendor proposals\ bids, the attachment of any required certifications, other documents, or additional pages needed to fully provide the information requested here will **NOT** be counted against that page limit.

Vendors must provide all information

1. ODM RFP/RLB #:	2. Proposal Due Date:
3. Vendor Name: (legal name of the vendor – person or organization – to whom contract\purchase payments would be made)	
3a. Vendor’s Ohio Administrative Knowledge System (OAKS) ID#: [Vendors may apply for an OAKS vendor ID# at: http://ohiosharedservices.ohio.gov/Vendors.aspx . The necessary forms to be completed and remitted to Ohio Shared Services are the Vendor Information Form (OBM-5657) and the IRS Form W-9. Completion and/or submission of these forms to Ohio Shared Services <u>does not</u> assume a vendor/applicant award of any ODM contract/grant.]	
4. Vendor Corporate Address:	5. Vendor Remittance Address: (or “same” if same as Item # 5)
6. Print or type information on the vendor representative/contact person <u>authorized to answer questions on the proposal\bid</u>: Vendor Representative NAME and TITLE: Address: _____ E-Mail Address: _____ Phone #: _____ Fax #: _____	
7. Print or type the name of the vendor representative <u>authorized to address contractual issues, including the authority to execute a contract on behalf of the vendor, and to whom legal notices regarding contract termination or breach, should be sent</u> (if not the same individual as in #7, provide the following information on each such representative and specify their function): Vendor Representative NAME and TITLE: Address: _____ E-Mail Address: _____ Phone #: _____ Fax #: _____	
8. Is this vendor an Ohio certified MBE? Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, attach a copy of current certification to proposal\bid. (IF ODM has specified the RFP\RLB\purchase document as an opportunity open exclusively to Ohio Certified MBEs, then failure to attach a copy of current certification WILL RESULT IN DISQUALIFICATION.)	

9. Mandatory Vendor Certifications:

ODM may not enter into contracts with/make purchases from any vendors who have been found to be ineligible for state contracts under specific federal or Ohio statutes or regulations. Vendors responding to any ODM RFP\RLB or other purchase opportunity MUST certify that they are NOT INELIGIBLE by signing each of the three statements below. **Failure to provide proper affirming signature on any of these statements will result in the disqualification of your proposal\bid.**

I _____ (signature of representative shown in Item # 7, above) hereby certify and affirm that _____ (name of the vendor shown in Item # 3, above), **has not been debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in transactions by the United States Department of Labor, the United States Department of Health and Human Services, or any other federal department or agency as set forth in 29 CFR Part 98, or 45 CFR Part 76, or other applicable statutes.**

AND

I _____ (signature of representative shown in Item #7, above) hereby certify and affirm that _____ (name of the vendor shown in Item # 3, above), **is not on the list established by the Ohio Secretary of State, pursuant to ORC Section 121.23, which identifies persons and businesses with more than one unfair labor practice contempt of court finding against them.**

AND

I _____ (signature of representative shown in Item #7, above) hereby certify and affirm that _____ (name of the vendor shown in Item # 3, above), **either is not subject to a finding for recovery under ORC Section 9.24, or has taken appropriate remedial steps required under that statute, or otherwise qualifies under that section to enter into contracts with the State of Ohio.**

10. Equal Employment Opportunity Information on the Vendor and any Subcontractor(s)

A. Provide vendor employee data both nationwide (including Ohio staff), and Ohio office employees separately:

	Nationwide:	Ohio Offices:
Total Number of Employees:	_____	_____
% of those who are Women:	_____	_____
% of those who are Minorities:	_____	_____

B. If you are the selected vendor, will you subcontract any part of the work?

NO -or- YES, but for less than 50% of the work -or- YES, for 50% or more of the work

If yes, provide the following information on each subcontractor (additional pages may be added as needed):

Subcontractor Name: _____

Address: _____

Work To Be _____

Performed: _____

(a brief description) _____

Subcontractor's Estimated Percentage of Total Project (in % of work, not % of dollars): _____

If 50% or more of the work will be subcontracted, then ALSO provide the following information on ALL proposed subcontractors:

	Nationwide:	Ohio Offices:
Total Number of Employees:	_____	_____
% of those who are Women:	_____	_____
% of those who are Minorities:	_____	_____

C. Identify all state contracts which the vendor has had approved by the Controlling Board since the beginning of the last fiscal year (i.e., since July 01, 2011) through this fiscal year to date. Also include contracts approved for ODM or institutions of higher education:

Attachment A—Section II.

Location of Business Form

Pursuant to Governor’s Executive Order 2011-12K (www.governor.ohio.gov), no public funds shall be spent on services provided offshore. This form serves as a certification of compliance with this policy and required disclosures. Please answer the following questions about the project or service you are seeking to perform for or the funding for which you are applying from the Ohio Department of Job and Family Services:

1. Principal location of business of Contractor:

(Address)

(City, State, Zip)

Name/Principal location of business of subcontractor(s):

(Name)

(Address, City, State, Zip)

(Name)

(Address, City, State, Zip)

2. Location where services will be performed by Contractor:

(Address)

(City, State, Zip)

Name/Location where services will be performed by subcontractor(s):

(Name)

(Address, City, State, Zip)

(Name)

(Address, City, State, Zip)

3. Location where state data will be stored, accessed, tested, maintained or backed-up, by Contractor:

(Address)

(Address, City, State, Zip)

Name/Location(s) where state data will be stored, accessed, tested, maintained or backed-up by subcontractor(s):

(Name)

(Address, City, State, Zip)

(Name)

(Address, City, State, Zip)

(Name)

(Address, City, State, Zip)

4. Location where services to be performed will be changed or shifted by Contractor:

(Address)

(Address, City, State, Zip)

Name/Location(s) where services will be changed or shifted to be performed by subcontractor(s):

(Name)

(Address, City, State, Zip)

(Name)

(Address, City, State, Zip)

(Name)

(Address, City, State, Zip)

By signing below, I hereby certify and affirm that I have reviewed, understand, and will abide by the Governor's Executive Order 2011-12K. I attest that no funds provided by ODM for this project or any other agreement will be used to purchase services provided outside the United States or to contract with a subcontractor who will use the funds to purchase services provided outside the United States. I will promptly notify ODM if there is a change in the location where any of the services relating to this project will be performed. If I am signing this on behalf of a company, business, or organization, I hereby acknowledge that I have the authority to make this certification on behalf of that entity.

Signature

Date

Entity Name

Address (Principal place of business)

Printed name of individual authorized
to sign on behalf of entity

City, State, Zip