



Date: April 5, 2021

To: RFA Participants

From: Office of Contracts and Procurement

Re: ODMR-2021-0025 REQUEST FOR APPLICATIONS Ohio Resilience through Integrated Systems and Excellence (OhioRISE) Program Addendum 3

### **Addendum Clarifying Section 2.12 Protest Procedures**

This addendum makes changes to the ODMR-2021-0025 RFA (“RFA”). Carefully read the addendum, which is hereby incorporated into the RFA. **To the extent that any term, sentence, or provision of the RFA contradicts or varies from this Addendum, this Addendum controls.**

#### **Section 2.12 of the RFA is hereby replaced with the following:**

A potential or actual Applicant objecting to any matter relating to this RFA may file a protest with ODM using the following guidelines:

1. Protests may be filed by a potential or actual Applicant in writing and must contain the following information:
  - a. The name, address, and telephone number of the protestor;
  - b. The name and number of the RFA being protested;
  - c. A detailed statement of the legal and factual grounds for the protest, including copies of any relevant documents;
  - d. A request for a ruling by ODM;
  - e. A statement as to the form of relief requested from ODM; and
  - f. Any other information the protestor believes to be essential to the determination of the factual and legal questions at issue in the written protest.
  
2. A timely protest may be considered by ODM if it is received by ODM as delineated below:
  - a. A protest based on alleged improprieties in the RFA that are apparent prior to the time set for receipt of Applications (i.e., defects in the RFA such as a term that expressly conflicts with a generally applicable statute or regulation or that unduly restricts competition) or any other event preceding the deadline for submission of Applications, must be filed no later than 3:00 p.m. ET on the date for submission of Applications, as specified in Section 2.1, Anticipated RFA Schedule.
  - b. A protest based upon the award selection must be **received** by ODM no later than 3:00 p.m. ET on April 19<sup>th</sup>, the tenth business day after issuance of the award and denial letters (see Section 2.11, Notification of Award).

3. A protest based on alleged improprieties in the RFA will be considered by ODM only if the Applicant submitted a question regarding the issue during the Question and Answer Period identified in Section 2.5, Question and Answer Period.
4. ODM has the sole and exclusive authority to determine the resolution of any protest.
5. An untimely protest may be considered by ODM if ODM determines that the protest raises issues significant to ODM's procurement system. An untimely protest is one received by ODM after the time periods set forth in item 2 of this section.
6. All protests submitted pursuant to item 2.b. of this section **must** be a single PDF document and **must** be filed at the following location:

**ODM\_Procurement@medicaid.ohio.gov**

It is the obligation of the protestor to make certain that the protest is **received** by ODM via the [ODM\\_Procurement@medicaid.ohio.gov](mailto:ODM_Procurement@medicaid.ohio.gov) email address by the deadline. ODM will acknowledge receipt of a protest by sending a reply email to the protestor.

A protestor may elect to use an additional form of submission to file the protest, such as hand delivery or a delivery service. If a protest is being sent by additional means, it must be sent to the address below; and if a protest consists of more than 25 pages, a CD-ROM or USB must be provided in addition to a hard copy.

**Deputy Legal Counsel, Office of Contracts and Procurement  
Ohio Department of Medicaid  
50 West Town Street  
Columbus, Ohio 43215**

7. When a timely protest is filed, the selection or contract process may, at the discretion of the Director of ODM, be suspended until a decision on the protest is issued or the matter is otherwise resolved. ODM will notify Applicants who received an award letter of the receipt of the protest that causes the selection or contract process to be suspended.
8. ODM may issue written decisions on timely protests and will notify any Applicant who filed an untimely protest as to whether or not the protest will be considered. ODM's decision whether or not to consider an untimely protest is not subject to further review.