

## ADDENDUM 1-9-12

Vendor Inquiry #24414 #s 1, 6, 7:

1.(General Question) Will ODJFS accept a proposal for this work that is submitted by a qualified offeror if the offeror has affiliates under common ownership and control that offer commercial medical insurance and Medicaid managed care plans in Ohio?

6.(ODJFS Model Contract, Page 9) May offerors comply with Article IX.B.4.c. of the form contract by submitting an OCI disclosure statement and mitigation plan?

7.(ODJFS Model Contract, Page 11) Article X.B. (Limitation of Liability) does not contain a waiver of consequential damages by ODJFS and has no limitation of liability associated with direct damages. By subjecting offerors to unlimited liability ODJFS may discourage financially sound and qualified offerors from participating in the procurement while smaller and less qualified offerors with little to lose may decide to participate. Will ODJFS negotiate a reasonable limitation of liability and waive of consequential damage provision with the successful offeror? Can offerors propose alternate limitation of liability language as part of their proposal and if so how will this affect the evaluation of their proposal?

ODJFS ANSWER:

**In this Q&A process, ODJFS could not sufficiently address all possible issues in these complex legal questions, and each question must be considered on a case-by-case basis. Vendors are encouraged to submit their proposals noting any such requested changes for ODJFS review as appropriate.**