

# Montana State Legislature

2011 Session

**Exhibit 22**

**This exhibit is a booklet which can not be scanned, therefore only the front cover/table of content and 10 pages have been scanned to aid in your research.**

**The original exhibits are on file at the Montana Historical Society and may be viewed there.**

**Montana Historical  
Society Archives  
225 N. Roberts  
Helena MT 59620-1201  
2011 Legislative Scanner Susie Hamilton**

Health and Human Services Joint  
Appropriation Subcommittee, 62<sup>nd</sup>  
Legislature, request for information

*to*

Department of Public Health  
and Human Services

*concerning*

Proposed Montana Regional Five County  
Medicaid Demonstration Project

*January 21, 2011*



# DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES



Brian Schweitzer  
GOVERNOR

Anna Whiting Sorrell  
DIRECTOR

STATE OF MONTANA

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January 21, 2011

Representative Don Roberts, Chair  
Appropriations Subcommittee  
Health and Human Services  
State Capitol Building  
Helena, MT 59620

Dear Chairman Roberts:

The following information is in response to a January 17, 2011 request from the Health and Human Services Joint Appropriation Subcommittee (Subcommittee) request for information on the proposed Montana Regional Five County Medicaid Demonstration Project. The request asked for several documents and answers to specific questions from the Subcommittee.

The Department prepared a binder with the following requested documents:

- **Attachment 1:** The most current working draft of the RFP. **NOTE: The draft RFP is not complete and is not ready for release. It reflects the Department's work through January 19, 2011. Before release, there will be numerous changes. It has not been revised or approved by the DPHHS Management Team or the Director. Please keep in mind the draft RFP will need to be submitted to the Center for Medicare and Medicaid Services for their review and approval.**
- **Attachment 2:** The most current project management timeline with milestones and persons responsible for implementation. **NOTE: Revisions will be made based upon receipt and review of actuarial data and communication with CMS. We anticipate major revisions to the timeline.**
- **Attachment 3:** A detailed description of the public comment process that DPHHS will follow to receive comment on the draft RFP, including times proposed for public comment and how DPHHS will evaluate and potentially incorporate public input.
- **Attachment 4:** The due diligence process DPHHS plans to follow with respect to evaluation of the successful bidder, including identification of specific business processes and procedures that DPHHS will evaluate and how DPHHS will determine whether those processes and procedures are effective and meet contract requirements.
- **Attachment 5:** A copy of the actuarial contract.

The Department of Public Health and Human Services (DPHHS) response to the Subcommittee's questions are as follows:

1. **When will DPHHS receive actuarial rates?** About 6-8 weeks. The term of the contract is December 2010 to November 2011 and may be extended.
2. **Which actuarial firms did DPHHS contact and what rates were quoted for the work?** DPHHS contracted with Mercer Health & Benefits LLC. The rates quoted for the work were in the \$125,000 to \$140,000 range. A second company, Milliman, Inc., quoted a figure in the "low six figure range." It is important to note that under 18-4-132 M.C.A, actuarial services are exempt from the Montana Procurement Act.
3. **What is the amount of the actuarial contract and what is the source of appropriation authority, the amount to be paid by fund source, and the program that will provide the funding?** The amount is not to exceed \$140,000, split evenly between general and federal funds. The funding comes from HB645 that includes an appropriation of up to \$1 million of general fund and \$1 million federal funds for administration directly attributable to the American Recovery and Reinvestment Act of 2009, Public Law 11-5, or to Medicaid benefits.
4. **When did the Governor's Office begin meeting with Centene about possible Medicaid savings? Are those meetings continuing? If not when did the meetings stop?** Governor Schweitzer had one meeting with representatives from Centene about coordinated care in August of 2009.
5. **Is DPHHS aware of any other state or situation where all Medicaid services are combined in a managed care contract? If so, which states? If not, what other state Medicaid managed care programs are the most similar to the one being proposed by Montana?** DPHHS is not aware of another state in which one managed care organization provides all Medicaid services. DPHHS staff have reviewed numerous states with individual components that appear promising but for the purposes of this question, we recently looked at the following state programs:

**Illinois:** Sixteen-county program; HMO or PCCM (Medicaid clients choose) deliver the full spectrum of Medicaid covered services. In six counties, an integrated care program is available; target population includes all Medicaid eligible individuals who are aged, blind, or disabled. The following are excluded: children under 19 years of age; dual eligible individuals; American Indian/Alaskan Natives; medically needy; presumptively eligible; participants in breast and cervical cancer program; and individuals covered by comprehensive third party insurance.

**Maryland:** Statewide mandatory managed care program; Medicaid clients choose from seven managed care organizations. All Medicaid eligible individuals are enrolled, except dual eligible individuals, people over 65, medically-needy eligibles, institutionalized persons, people eligible under a waiver. Some services are carved out from the managed care benefit and paid by Medicaid on a fee-for-service basis, including services included on a child's IEP or ISP; specialty mental health services; personal care services; long term care services; HIV/AIDS viral load and drug resistance testing; transportation services; and therapy services for children under 21 years of age.

**Tennessee:** Statewide mandatory managed care program. The principle being demonstrated by TennCare is that a state can organize its Medicaid program under a managed care model and generate sufficient savings to extend coverage to additional populations who would not otherwise be Medicaid eligible, without compromising quality of care. TennCare is the only program in the nation to enroll the entire state Medicaid population in managed care. Each of three regions offers a choice of two MCOs.

Cc:  
Terry Krantz  
Mary Dalton

Tennessee also has a back-up MCO that covers children in foster care and institutions, and disabled children.

**Iowa:** Mandatory managed care program available in some counties. Choice between one HMO or PCCM program. Services carved out of managed care: HCBS waiver; long term care; institutional services; dental services; prescription drugs; family planning services. Eligible groups vary from county to county, depending on provider panels available. Waiver eligible individuals receive integrated mental health care and substance abuse rehabilitative services.

Sincerely,

Anna Whiting Sorrell, Director

Cc:

Terry Krantz  
Mary Dalton

# Attachment 1

\*Most current working RFP draft for the proposed Montana Regional Five County Medicaid Demonstration Project.

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January 21, 2011



**STATE OF MONTANA  
REQUEST FOR PROPOSAL (RFP)**

<b>RFP Number:</b> (insert RFP number)	<b>RFP Title:</b> Five County Managed Care Demonstration Project
<b>RFP Response Due Date and Time:</b> (insert RFP due date) (insert time), Local Time	<b>Number of Pages:</b> (insert number of pages)

**ISSUING AGENCY INFORMATION**

<b>Procurement Officer:</b> (insert procurement officer name)	<b>Issue Date:</b> (insert issue date)
<b>Department of Public Health and Human Services</b> <b>Medicaid Managed Care Bureau</b> PO Box 202951 Helena MT 59620-2951	<b>Phone:</b> 406-444-4500 <b>Fax:</b> 406-444-1861 <b>TDD/TTY Users, Dial 711</b> <b>Website:</b> <a href="http://vendor.mt.gov/">http://vendor.mt.gov/</a>

**INSTRUCTIONS TO OFFERORS**

<b>Return Sealed Proposal to:</b> (insert agency name and address)	<b>Mark Face of Envelope/Package:</b> RFP Number: (insert RFP number) RFP Response Due Date: (insert RFP due date)
	<b>Special Instructions:</b> (insert special instructions and/or date of pre-proposal conference, if applicable)

**IMPORTANT: SEE STANDARD TERMS AND CONDITIONS**

**OFFERORS MUST COMPLETE THE FOLLOWING**

<b>Offeror Name/Address:</b>	<b>Authorized Offeror Signatory:</b>  (Please print name and sign in ink)
<b>Offeror Phone Number:</b>	<b>Offeror FAX Number:</b>
<b>Offeror E-mail Address:</b>	

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OFFERORS MUST RETURN THIS COVER SHEET WITH RFP RESPONSE

DRAFT

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### Instructions for Using this RFP Template

- Insert appropriate information when requested in areas that appear in red. (As you insert information, change font color from red to automatic, unbold, and delete underlining, if appropriate.) Most of the text in this RFP Template, excluding titles and section headings, is in Arial 11 point font.
- Decide which optional paragraphs are needed and delete those not needed. **DO NOT USE THE AUTONUMBERING OR TABLE OF CONTENTS GENERATION FEATURES.** Change paragraph numbering and page numbers throughout the document, including the Table of Contents, as necessary to accommodate material that has been added or deleted.
- Delete this text box and page when the RFP is ready to issue by clicking on the text box boundary, pressing delete, and deleting the section break on this page.

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Use Appendix C in conjunction with alternate Section 1.6.1 if you are issuing a "short response form" RFP.

**Appendix C - RFP Response Form** .....

**Note to agencies:**

For all solicitations for which Prevailing Wage Rates will be paid, the applicable Prevailing Wage Booklet from the Department of Labor and Industry, must be included as part of the solicitation.

**Appendix D - Monthly Prevailing Wages Rates**

for (Insert Type of Service) (Year) .....

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## INSTRUCTIONS TO OFFERORS

### It is the responsibility of each offeror to:

**Follow the format required in the RFP** when preparing your response. Provide point-by-point responses to all sections in a clear and concise manner.

**Provide complete answers/descriptions.** Read and answer **all** questions and requirements. Don't assume the State or evaluator/evaluation committee will know what your company capabilities are or what items/services you can provide, even if you have previously contracted with the State. The proposals are evaluated based solely on the information and materials provided in your response.

**Use the forms provided**, i.e., cover page, sample budget form, certification forms,

**Submit your response on time.** Note all the dates and times listed in the Schedule of Events and within the document, and be sure to submit all required items on time. Late proposal responses are **never** accepted.

**The following items MUST be included in the response to be considered responsive. Failure to include any of these items will result in a non-responsive determination.**

Signed Cover Sheet

Signed Addenda (if appropriate)

Optional if Section 1.5.3 is included: Address all mandatory requirements (per Section 1.5.3)

Point-by-Point responses to all sections and subsections (per Section 1.6.1)

Response to Appendices A and B (per Section 1.6.1)

Complete answers to requirements of Sections 3, 4, and 5

Correctly executed State of Montana "Affidavit for Trade Secret Confidentiality" form if claiming information to be confidential or proprietary (per Section 2.2.1)

Note to Agencies: Add other items as appropriate.

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**SCHEDULE OF EVENTS**

<u>EVENT</u>	<u>DATE</u>
RFP Issue Date .....	(insert date)
Pre-Proposal Conference (Optional) .....	(insert date)
Deadline for Receipt of Written Questions .....	(insert date)
Deadline for Posting Written Responses to the State's Web .....	(insert date)
RFP Response Due Date .....	(insert date)
Notification of Offeror Interviews/Product Demonstrations (Optional) .....	(insert date)
Offeror Interviews/Product Demonstrations (Optional) .....	(insert date)
Intended Date for Contract Award (Optional) .....	(insert date)

**DRAFT**

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## SECTION 1: PROJECT OVERVIEW AND INSTRUCTIONS

### 1.0 PROJECT OVERVIEW

The STATE OF MONTANA, Department of Public Health and Human Services, (hereinafter referred to as "the State") is seeking a contractor to provide managed care services. A more complete description of the supplies and/or services sought for this project is provided in Section 2, Scope of Project. Proposals submitted in response to this solicitation must comply with the instructions and procedures contained herein.

### 1.1 CONTRACT TERM

The contract term is for a period of (insert number) years, beginning (insert date) and ending (insert date). Renewals of the contract, by mutual agreement of both parties, may be made at (insert number) year intervals, or any interval that is advantageous to the State. The contract, including any renewals, may not exceed a total of (insert number) years, at the option of the State.

### 1.2 SINGLE POINT OF CONTACT

From the date this Request for Proposal (RFP) is issued until an offeror is selected and the selection is announced by the procurement officer, **offerors are not allowed to communicate with any state staff or officials regarding this procurement, except at the direction of (insert name of point of contact),** the procurement officer in charge of the solicitation. Any unauthorized contact may disqualify the offeror from further consideration. Contact information for the single point of contact is as follows:

Procurement Officer: (insert name)  
Address: (insert address)  
Telephone Number: (insert number)  
Fax Number: (insert number)  
E-mail: (insert address)

### 1.3 REQUIRED RESPONSE

**1.3.1 Review RFP.** Offerors should carefully review the instructions, mandatory requirements, specifications, standard terms and conditions, and contract set out in this RFP and promptly notify the procurement officer identified above in writing or via e-mail of any ambiguity, inconsistency, unduly restrictive specifications, or errors which they discover upon examination of this RFP. This should include any terms or requirements within the RFP that either preclude the offeror from responding to the RFP or add unnecessary cost. This notification must be accompanied by an explanation and suggested modification and be received by the deadline for receipt of written or e-mailed inquiries set forth below. The State will make any final determination of changes to the RFP.

**1.3.2 Form of Questions.** Offerors with questions or requiring clarification or interpretation of any section within this RFP must address these questions in writing or via e-mail to the procurement officer referenced above on or before (insert date for receipt of written/e-mailed questions). Each question must provide clear reference to the section, page, and item in question. Questions received after the deadline may not be considered.

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**1.3.3 State's Response.** The State will provide an official written response by (insert date for posting of written answers to the State's website) to all questions received by (insert date for receipt of written/e-mailed questions). The State's response will be by formal written addendum. Any other form of interpretation, correction, or change to this RFP will not be binding upon the State. Any formal written addendum will be posted on the State's OneStop Vendor Information website with the posting of the RFP at <http://svc.mt.gov/gsd/OneStop/SolicitationDefault.aspx> by the close of business on the date listed. **Offerors must sign and return with their RFP response an Acknowledgment of Addendum for any addendum issued.**

Section 1.4 is optional.

#### **1.4 PRE-PROPOSAL CONFERENCE**

**(An optional/A mandatory)** Pre-Proposal Conference will be conducted at (insert address) on (insert date) at (insert time). Offerors are encouraged to use this opportunity to ask clarifying questions, obtain a better understanding of the project, or to notify the State of any ambiguities, inconsistencies, or errors discovered upon examination of this RFP. All responses to questions at the Pre-Proposal Conference will be oral and in no way binding on the State.

OR

An optional Pre-Proposal Telephone Conference Call will be conducted on (insert date) at (insert time) at (insert address). Offerors are encouraged to use this opportunity to ask clarifying questions, obtain a better understanding of the project, or to notify the State of any ambiguities, inconsistencies, or errors discovered upon examination of this RFP. All responses to questions at the Pre-Proposal Conference will be oral and in no way binding on the State. Participation in the conference call is optional. However, it is advisable that all interested parties participating from the Helena area, call (406) 444-(insert number). If calling from outside the Helena area, call (insert number). The password for both numbers is (insert password).

#### **1.5 GENERAL REQUIREMENTS**

**1.5.1 Acceptance of Standard Terms and Conditions/Contract.** *By submitting a response to this RFP, offeror accepts the standard terms and conditions and contract as set out in Appendix A and B of this RFP. Most of the language included in the standard terms and conditions and contract reflects requirements of Montana law. Requests for additions or exceptions to the standard terms and conditions, contract terms including necessary licenses, or any added provisions must be submitted to the procurement officer referenced above by the date for receipt of written/e-mailed questions. Any request must be accompanied by an explanation of why the exception is being sought and what specific effect it will have on the offeror's ability to respond to the RFP or perform the contract. The State reserves the right to address non-material requests for exceptions with the highest scoring offeror during contract negotiation. Any material exceptions requested and granted to the standard terms and conditions and contract language will be addressed in any formal written addendum issued for this RFP and will apply to all offerors submitting a response to this RFP. The State will make any final determination of changes to the standard terms and conditions and/or contract.*

**1.5.2 Resulting Contract.** This RFP and any addenda, the offeror's RFP response, including any amendments, a best and final offer, and any clarification question responses shall be included in any resulting contract. The State's contract, attached as Appendix B, contains the contract terms and conditions which will form the basis of any contract between the State and the highest scoring offeror. In the event of a dispute as to the duties and responsibilities of the parties under this contract, the contract, along with any attachments prepared by the State, will govern in the same order of precedence as listed in the contract.

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Section 1.5.3 is optional. All mandatory requirements must be clearly identified, listed here, and in "Instructions to Offerors" on page 3. A mandatory requirement is a particular condition or item that **must** be present for the proposal to be responsive. It is not an evaluation criterion.

**1.5.3 Mandatory Requirements.** To be eligible for consideration, an offeror **must** meet the intent of all mandatory requirements as listed in Sections (**insert the reference section numbers, e.g., 1.6.4, if used, Section 3, etc.**). The State will determine whether an offeror's RFP response complies with the intent of the requirements. RFP responses that do not meet the full intent of all requirements listed in this RFP may be deemed nonresponsive.

**1.5.4 Understanding of Specifications and Requirements.** By submitting a response to this RFP, offeror agrees to an understanding of and compliance with the specifications and requirements described in this RFP.

**1.5.5 Prime Contractor/Subcontractors.** The highest scoring offeror will be the prime contractor if a contract is awarded and shall be responsible, in total, for the work of any subcontractors. All subcontractors, if any, must be listed in the proposal. The State reserves the right to approve all subcontractors. The Contractor shall be responsible to the State for the acts and omissions of all subcontractors or agents and of persons directly or indirectly employed by such subcontractors, and for the acts and omissions of persons employed directly by the Contractor. Further, nothing contained within this document or any contract documents created as a result of any contract awards derived from this RFP shall create any contractual relationships between any subcontractor and the State.

**1.5.6 Offeror's Signature.** The proposal must be signed in ink by an individual authorized to legally bind the business submitting the proposal. The offeror's signature on a proposal in response to this RFP guarantees that the offeror has been established without collusion and without effort to preclude the State of Montana from obtaining the best possible supply or service. Proof of authority of the person signing the RFP response must be furnished upon request.

**1.5.7 Offer in Effect for 120 Days.** A proposal may not be modified, withdrawn, or canceled by the offeror for a 120-day period following the date for proposal submission as defined in the Schedule of Events, or receipt and firm offer, if required and offeror so agrees in submitting the proposal.

## **1.6 SUBMITTING A PROPOSAL**

Use the paragraphs if you are issuing an RFP that requires a "longer," more detailed response from the offeror.

**1.6.1 Organization of Proposal.** Offerors must organize their proposal into sections that follow the format of this RFP with tabs separating each section. **A point-by-point response to all numbered sections, subsections, and appendices is required.** If no explanation or clarification is required in the offeror's response to a specific subsection, the offeror shall indicate so in the point-by-point response, or utilize a blanket response for the entire section, with the following statement:

**"(Offeror's Name)" understands and will comply.**

An offeror making the statement "Refer to our literature..." or "Please see www.....com" may be deemed nonresponsive or receive point deductions. If making reference to materials located in another section of the RFP response, specific page numbers and sections must be noted. **The Evaluator/Evaluation Committee is not required to search through literature or another section of the proposal to find a response.**

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Use this paragraph, along with Appendix C, RFP Response Form, if you are issuing an RFP that requires a "shorter," less detailed response from the offeror.

**1.6.1 Organization of Proposal.** Offerors must submit a signed copy of the RFP cover sheet and the form attached as Appendix C to respond to this RFP.

**1.6.2 Failure to Comply with Instructions.** Offerors failing to comply with these instructions may be subject to point deductions. The State may also choose to not evaluate, may deem nonresponsive, and/or may disqualify from further consideration any proposals that do not follow this RFP format, are difficult to understand, are difficult to read, or are missing any requested information.

**1.6.3 Multiple Proposals.** Offerors may, at their option, submit multiple proposals, in which case each proposal shall be evaluated as a separate document.

Section 1.6.4 is optional. A sample price sheet can be found in the RFP Manual located at the following website address: <http://gsd.mt.gov/ProcurementServices/process.mcpd>.

**1.6.4 Price Sheets.** Offerors *must* respond to this RFP by utilizing the RFP Price Sheets found in Section (insert number). These price sheets serve as the primary representation of each offeror's cost/price, and will be used extensively during proposal evaluation. Additional information should be included as necessary to explain in detail the offeror's cost/price.

**Note to agencies: If you need electronic copies of the proposal responses, you must insert that request here. Specify the format and medium you want.**

**1.6.5 Copies Required and Deadline for Receipt of Proposals.** Offerors must submit **one original proposal and (insert number) copies** to the (insert agency name). The State reserves the right to request an electronic copy of the RFP responses. **PROPOSALS MUST BE SEALED AND LABELED ON THE OUTSIDE OF THE PACKAGE** to clearly indicate that they are in response to RFP (insert RFP number). **Proposals must be received at the receptionist's desk of the (insert agency name) prior to (insert time), local time (insert date). Facsimile responses to requests for proposals are ONLY accepted on an exception basis with prior approval of the procurement officer.**

**1.6.6 Late Proposals.** **Late proposals will not be accepted and will automatically be disqualified from further consideration.** It shall be the offeror's sole risk to assure delivery of the proposal to the receptionist's desk at the designated office by the designated time. Late proposals will not be opened and may be returned to the offeror at the expense of the offeror or destroyed if requested.

## **1.7 COST OF PREPARING PROPOSAL**

**1.7.1 State Not Responsible for Preparation Costs.** The costs for developing and delivering responses to this RFP and any subsequent presentations of the proposal as requested by the State are entirely the responsibility of the offeror. The State is not liable for any expense incurred by the offeror in the preparation and presentation of their proposal or any other costs incurred by the offeror prior to execution of a contract.

**1.7.2 All Timely Submitted Materials Become State Property.** All materials submitted in response to this RFP become the property of the State and are to be appended to any formal documentation, which would further define or expand any contractual relationship between the State and offeror resulting from this RFP process.

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## SECTION 2: RFP STANDARD INFORMATION

### 2.0 AUTHORITY

This RFP is issued under the authority of section 18-4-304, MCA (Montana Code Annotated) and ARM 2.5.602 (Administrative Rules of Montana). The RFP process is a procurement process allowing the award to be based on stated evaluation criteria. The RFP states the relative importance of all evaluation criteria. Only the evaluation criteria outlined in this RFP will be used.

### 2.1 OFFEROR COMPETITION

The State encourages free and open competition among offerors. Whenever possible, the State will design specifications, proposal requests, and conditions to accomplish this objective, consistent with the necessity to satisfy the State's need to procure technically sound and effective services and supplies.

### 2.2 RECEIPT OF PROPOSALS AND PUBLIC INSPECTION

**2.2.1 Public Information.** All information received in response to this RFP, including copyrighted material, is deemed public information and will be made available for public viewing and copying shortly after the time for receipt of proposals has passed, with the following three exceptions: (1) bona fide trade secrets meeting the requirements of the Uniform Trade Secrets Act, Title 30, Chapter 14, part 4, MCA, that have been properly marked, separated, and documented; (2) matters involving individual safety as determined by the State; and (3) other constitutional protections under section 18-4-304, MCA. The State will make a copier available for interested parties to use at \$0.10 per page. The interested party is responsible for the cost of copies and transportation personnel to do the copying.

**2.2.2 Procurement Officer Review of Proposals.** Upon opening the proposals received in response to this RFP, the procurement officer in charge of the solicitation will review the proposals and separate out any information that meets the referenced exceptions in Section 2.2.1 above, providing the following conditions have been met:

- Confidential information is clearly marked and separated from the rest of the proposal.
- The proposal does not contain confidential material in the cost or price section.
- An affidavit from an offeror's legal counsel attesting to and explaining the validity of the trade secret claim is set out in Title 30, Chapter 14, part 4, MCA, is attached to each proposal containing trade secrets. Counsel must use the State of Montana "Affidavit for Trade Secret Confidentiality" form in requesting a trade secret claim. This affidavit form is available on the OneStop Vendor Information website at: <http://hhs.mt.gov/svc/OneStop/GSDDocuments.aspx> or by calling (406) 444-2575.

Information separated out under this process will be available for review only by the procurement officer, the evaluator/evaluation committee members, and limited other designees. Offerors must be prepared to pay all legal costs and fees associated with defending a claim for confidentiality in the event of a "right to know" (open records) request from another party.

### 2.3 CLASSIFICATION AND EVALUATION OF PROPOSALS

**2.3.1 Initial Classification of Proposals as Responsive or Nonresponsive.** All proposals will initially be classified as either "responsive" or "nonresponsive," in accordance with ARM 2.5.602. Proposals

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may be found nonresponsive at any time during the procurement process if any of the required information is not provided; the submitted price is found to be excessive or inadequate as measured by criteria stated in the RFP; or the proposal is not within the plans and specifications described and required in the RFP. If a proposal is found to be nonresponsive, it will not be considered further.

**2.3.2 Determination of Responsibility.** The procurement officer will determine whether an offeror has met the standards of responsibility in accordance with ARM 2.5.407. Such a determination may be made at any time during the procurement process if information surfaces that would result in a determination of nonresponsibility. If an offeror is found nonresponsive, the determination must be in writing, made a part of the procurement file, and mailed to the affected offeror.

**2.3.3 Evaluation of Proposals.** An evaluator/evaluation committee will evaluate the remaining proposals and recommend whether to award the contract to the highest scoring offeror, or, if necessary, to seek discussion/negotiation or a best and final offer in order to determine the highest scoring offeror. All responsive proposals will be evaluated based on stated evaluation criteria. In scoring against stated criteria, the State may consider such factors as accepted industry standards and a comparative evaluation of all other qualified RFP responses in terms of differing price, quality, and contractual factors. These scores will be used to determine the most advantageous offering to the State. An evaluation committee meets to deliberate and evaluate the proposals, the public may attend and observe the evaluation committee deliberations.

**2.3.4 Completeness of Proposals.** Selection and award will be based on the offeror's proposal and other items outlined in this RFP. Submitted proposals may not include references to information located elsewhere, such as Internet websites or libraries, unless specifically requested. Information or materials presented by offerors outside the formal response or subsequent discussion/negotiation or best and final offer, if requested, will not be considered, will have no bearing on any award, and may result in the offeror being disqualified from further consideration.

Section 2.3.5 is optional. The percentage specified for a passing score must correspond to the Scoring Guide percentage for a passing score in Section 6.

**2.3.5 Achieve Passing Score.** A proposal that fails to achieve \_\_\_% of the total available points for Section 6 (or a total of \_\_\_ points) will be eliminated from further consideration. A "fail" for any individual evaluation criteria may result in proposal disqualification at the discretion of the procurement officer.

**2.3.6 Opportunity for Discussion/Negotiation and/or Oral Presentation/Product Demonstration.** After receipt of all proposals and prior to the determination of the award, the State may initiate discussions with one or more offerors should clarification or negotiation be necessary. Offerors may also be required to make an oral presentation and/or product demonstration to clarify their RFP response or to further define their offer. In either case, offerors should be prepared to send qualified personnel to (Helena), Montana, to discuss technical and contractual aspects of the proposal. Oral presentations and product demonstrations, if requested, shall be at the offeror's expense.

**2.3.7 Best and Final Offer.** The Best and Final Offer is an option available to the State under the RFP process, which permits the State to request a best and final offer from one or more offerors if additional information is required to make a final decision. Offerors may be contacted asking that they submit their best and final offer, which must include any and all discussed and/or negotiated changes. The State reserves the right to request a best and final offer for this RFP, if any, based on price/cost alone.

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