



**Ohio Department of Job and Family Services
Request for Applications
For Medical Technical Advisors
RFA #: R-1011-07-8027**

**Open-ended Posting, released June 2009
and valid through June 30, 2011**

I. Purpose:

The Ohio Department of Job and Family Services (ODJFS) releases this open-ended Request for Applications (RFA) to receive responses from qualified medical professionals interested in serving as Medical Technical Advisors (MTAs) to ODJFS. 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. ODJFS 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)

All interested applicants must possess appropriate medical credentials and sufficient basic computing skills to perform clinical reviews in an electronic format. ODJFS 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 ODJFS their qualifications to perform the services that will be required of selected MTAs. ODJFS 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.

II. Issuing Office

This Request for Application (RFA) document is released by, and the subsequent contracts will be with ODJFS. The Office of Ohio Health Plans (OHP), Deputy Director's Office, Clinical Quality Section will be responsible for daily contract management. Multiple contracts are expected to result from this RFA process, and each will be an agreement between ODJFS and the selected medical professional.

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

III. Anticipated Procurement Timetable

This RFA is released on (or about) June 30, 2009 and is valid through June 30, 2011, unless rescinded or cancelled by ODJFS earlier. ODJFS may rescind or cancel this RFA at any time.

This is an open-ended RFA with no application deadline. ODJFS 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. However, ODJFS will accept applications from qualified medical professionals at any time while this RFA is still valid.

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, ODJFS 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 ODJFS for a period of not more than one year from the date of the application. Should a programmatic need for that applicant arise during that period, ODJFS may, at its sole discretion, offer that medical professional a contract. However, to ensure the continuing qualifications of the applicant, ODJFS reserves the right to request, review, and evaluate updated information before issuing a contract.

If a qualified applicant is not offered a contract within one year 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 ODJFS from making financial commitments beyond the state fiscal biennium, and this RFA is being released in the final quarter of the 2008-2009 Ohio state biennium. Depending upon application dates and ODJFS programmatic need, accepted applicants may be offered contracts for the remainder of the 2010-2011 biennium with the possibility of one further renewal period after that.

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 ODJFS.

According to requirements of Ohio Revised Code (ORC) 126.07, ODJFS 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 ODJFS Contract Manager will notify the selected applicant when the requirements of ORC Section 126.07 have been met.

V. Background

ODJFS is the single state agency responsible for the operation and management of Ohio's Medicaid Program. The ODJFS Office of Ohio Health Plans (OHP) is responsible for the adjudication and payment of claims for covered services. As part of this adjudication and payment process, the Deputy Director's Office, Clinical Quality Section, actively undertakes 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 ODJFS. These contractors' services provide ODJFS with a breadth and depth of professional expertise, which in turn, enhances ODJFS' ability to effectively operate the Medicaid program.

The majority of MTA contractors will work with the following functional sections of the ODJFS Office of Ohio Health Plans:

- The Clinical Quality Section of DDO utilizes the services of MTAs to assist in both medical necessity reviews for prior authorization of Medicaid services, and Disability Determination reviews in accordance with Ohio Administrative Code (OAC) Chapter 5101:3-1 and other relevant rules.
- The Clinical Quality Section of DDO to support 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 Benefits Management section of BHPP 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 various ODJFS locations. 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.

Physician/Surgeons, Psychology/psychiatry, Ophthalmologic/optometry, Podiatry, Dental, Pharmacy and Therapy Services .

Physician and other professional services are needed for: 1) disability determination reviews; 2) utilization reviews; and 3) prior authorization reviews. ODJFS 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 ODJFS, and will be based primarily upon greatest vendor qualifications and coverage of ODJFS 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.**

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 ODJFS. 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 ODJFS, 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>

B. Professional Expertise Needed and Hourly Reimbursement:

Through this RLB process, ODJFS 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

Number of MTAs sought: In its contractor selection process, ODJFS 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 ODJFS per month. ODJFS 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, ODJFS 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 ODJFS 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 ODJFS.

Anticipated Assignment Volume: Regardless of the number of hours offered by the selected MTAs, ODJFS does not guarantee of 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 ODJFS work volume, operational need, the number of qualified MTA contractors available, may vary periodically, and is at the sole discretion of ODJFS. In making work assignments, ODJFS 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 period.

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 in the Clinical Quality Section 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 & Answer Period; RFA Clarification Opportunity

Interested parties may ask clarifying questions regarding this RFA only by using the following Internet process:

- * Access the ODJFS Web Page at <http://jfs.ohio.gov>;
- * Select “About Us” on the front page;
- * Select “Doing Business with ODJFS;”
- * Select “Requests for Proposals, Letterhead Solicitations, and Other Invitations;”
- * Select RFP/RFA Number **R1011078027**
- * Select the “R1011078027@jfs.ohio.gov” link; and
- * Follow the instructions and guidelines as follows to send an e-mail question.

Questions regarding this RFA must be submitted to ODJFS using this e-mail process. ODJFS will not respond to questions submitted by any other means.

Applicants must also include their complete contact information when submitting a question.

ODJFS responses to all questions asked via the Internet will be posted on the Internet website dedicated to this RFA, for reference by all interested parties; no direct, individual responses will be made to any questions (with the possible exception of questions regarding technical difficulties accessing the RFA or its attachments). Clarifying questions asked and ODJFS responses to them comprise the “ODJFS Question and Answer Document” for this RFA. Periodically, ODJFS may post a Q & A Document containing all questions submitted up to that point and all ODJFS answers to those questions. Applications in response to this RFA are to take into account any information communicated by ODJFS in the Q & A Document available at that time. **It is the responsibility of all potential applicants to check this site on a regular basis for responses to questions, as well as for any amendments or other pertinent information regarding this RFA or any other procurement document of interest.**

Accessibility to the ODJFS Question and Answer Document will be clearly identified on the website dedicated to this RFA, **once that document is made available.**

IMPORTANT: Requests from applicants for copies of previous RFAs, past 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. PRRs, submitted in accordance with directions provided in Section IX, Communications Prohibition, will be honored.

Requirements under a current project may or may not be required by ODJFS under any future contract, and so may not be useful information for vendors who choose to respond to the RFA; therefore, applicants are to base their RFA responses solely on the requirements and performance expectations established in the RFA. ODJFS will use the Q&A process to answer only those questions which pertain to issues of RFA clarity, and which are not requests for public records. If applicants use the Internet Q&A process to ask questions about existing or past contracts, ODJFS will use its discretion in deciding whether those questions would add clarity to the RFA.

ODJFS 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 ODJFS in the issuing office, or any other ODJFS 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 ODJFS 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 ODJFS as necessary to make applicant selections;
4. If it becomes necessary to revise any part of this RFA, ODJFS will post those revisions, amendments, etc., to the website dedicated to this RFA;*
5. Any Public Records Request (PRR) made through the ODJFS Office of Legal Services.

*** 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. ODJFS 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.

ODJFS 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:

**APPLICATION ENCLOSED FOR THE ODJFS
MEDICAL TECHNICAL ADVISORS RFA
#: R-1011-07-8027 FROM [Applicant's Name]
for [Medical Specialty Offered (i.e., Internal Medicine, Psychiatry)].**

Proposals must be addressed to:

**Office of Contracts and Acquisitions
Ohio Department of Job & Family Services
30 East Broad Street, 31st floor
Columbus, Ohio 43215-3414
Attn: RFP/RLB Unit**

All submissions must be received, complete, at the above address, via mail or hand delivery. ODJFS is not responsible for proposals incorrectly addressed or for proposals delivered to any ODJFS location other than the address specified above. ODJFS will not provide confirmation of mailed proposals; applicants may consider use of a commercial delivery or courier service if delivery confirmation is desired.

Applicants delivering their material personally should be aware of the possibility of security checks at both the lobby of the Rhodes State Office Tower (address as stated above) and again on the 31st floor.

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* (Original signed in BLUE ink); See Attachment A;
2. Completed W-9, Request for Taxpayer Identification Form* (Original signed in BLUE ink); See Attachment B;
3. Completed "Declaration of Material Assistance" Form* (Original signed in BLUE ink);

See Attachment C;

4. 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;
5. References from professional organizations and associations;
6. A copy of Curriculum Vitae, and
7. Photocopy of current license/credentials.

* NOTE – Items 1., 2., and 3. are provided by ODJFS as attachments to this RFA. Applicants are to print off these documents, complete and sign them, photocopy them, and return them as the first three items in the application packet.

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 ODJFS.

XII. Scoring of Applications:

ODJFS staff will initially review each application for inclusion of completed and signed Attachments A, B, and C, 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 ODJFS 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 ODJFS staff will read any such initially qualified responses, sorted by discipline, and score them according to the Application Score Criteria, below. The frequency of ODJFS application reviews will vary according to programmatic need and availability of applications to be considered. With sufficient programmatic need, ODJFS 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 ODJFS for award of

the contracts. Those recommendations may be made based on the combined factors of applicants' scores, ODJFS 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 - Pass or Fail. Where applicable, interested professionals may be disqualified without further review if required certification is not documented in the application.)
2. References from four professional organizations or associations - **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 is **80**. ODJFS may reject any applications not earning a minimum of **60** points. Should ODJFS 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 ODJFS 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 ODJFS for up to one year. Should operational need increase, ODJFS 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 ODJFS possession.

ODJFS reserves the right to reject any and all applications, in whole or in part, received in response to this request. ODJFS may waive minor defects that are not material when no prejudice will result to the rights of any applicant or to the public, and ODJFS 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 ODJFS and any representatives it may appoint. ODJFS 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 ODJFS contract manager when work may begin. **Any work begun by a contractor prior to this notification will NOT be reimbursable by ODJFS.**

D. Proposal Costs

Costs incurred in the preparation of this proposal are to be borne by the vendor, and ODJFS 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 ODJFS' 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 ODJFS RFP, Requests for Letterhead Bids (RLB) or other procurement efforts. ODJFS shall consider all proposals or similar responses voluntarily submitted in response to any ODJFS RFP, RFA, 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 ODJFS in response to any RFP, RFA, etc., shall become the property of ODJFS. This RFA and, after the selection of an applicant for contract award, any proposals submitted in response to an RFP/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 ODJFS 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 D** of this RFA;
2. Many of the terms and conditions contained in the model contract (**See Attachment D**) 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 ODJFS 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 ODJFS 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 ODJFS, 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 ODJFS 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 ODJFS, 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 ODJFS. Prior to public release of such reports, ODJFS 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 ODJFS 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 ODJFS employee to violate any of the conduct requirements for employees;
3. Any contractor acting on behalf of ODJFS 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 ODJFS to enter into a contract; and
4. ODJFS 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 receiving a contract from ODJFS, the contractor, and any subcontractor(s), will be required to comply with 42 U.S.C. Sections 1320d through 1320d-8, and to implement 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 ODJFS 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.

HIPAA compliance requires, at minimum, that the contractor:

- shall not use or disclose PHI except as specifically required under the terms of the contract with ODJFS, or as otherwise required under the HIPAA regulations or other applicable law.
- shall use appropriate safeguards to protect against use or disclosure not provided for by the contract.
- shall promptly report to ODJFS any knowledge of uses or disclosures of PHI that are not in accordance with the contract or applicable law. In addition, the contractor shall mitigate any adverse effects of such a breach to the extent possible.

- shall ensure that all its agents and sub-contractor(s) that receive PHI from or on behalf of the contractor and/or ODJFS agree to the same restrictions and conditions that apply to contractor with respect to the use or disclosure of PHI.
- shall make available to ODJFS such information as ODJFS may require fulfilling its obligations to provide access to, provide a copy of, and account for disclosures with respect to PHI pursuant to HIPAA and related regulations.
- shall make PHI available to ODJFS in order for ODJFS to fulfill its obligations pursuant to HIPAA to amend the information and shall, as directed by ODJFS, incorporate any amendments into the information held by the contractor and ensure incorporation of any such amendments into information held by its agents or sub- contractor(s).
- shall make available its internal practices, books and records relating to the use and disclosure of PHI received from ODJFS, or created and received by the contractor on behalf of ODJFS, to ODJFS and to the Secretary of the U.S. Department of Health and Human Services for the purpose of determining ODJFS compliance with HIPAA and the regulations promulgated by the United States Department of Health & Human Services and any amendment thereto.
- shall, upon termination of the contract, at the option of ODJFS, return to ODJFS, or destroy, all PHI in its possession, and keep no copies of the information except as requested by ODJFS or required by law. If the contractor or its agent or sub-contractor(s) destroy any PHI, then the contractor will provide ODJFS with documentation evidencing such destruction. Any PHI maintained by the contractor shall continue to be extended the same as required by HIPAA and ODJFS for as long as it is maintained.

In the event of a material breach of contractor obligations under this section, ODJFS may at its option terminate the contract according to provisions within the contract for termination.

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

Ohio Revised Code Section 9.24 prohibits ODJFS 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 ODJFS of such finding. ODJFS will review the Auditor of State’s website prior to the evaluations of any proposal submitted pursuant to this RFA. ODJFS 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 ODJFS, such claims and a review of the background details may result in a rejection of the vendor's proposal. ODJFS 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 ODJFS.

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 sole discretion of ODJFS. The decision by ODJFS 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 ODJFS.

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

ODJFS 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, ODJFS 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, ODJFS 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 after final calculation of both the technical proposal and the cost proposal, the PRT 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 ODJFS;
 - 5. A statement as to the form of relief requested from ODJFS; 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 ODJFS, if it is received by ODJFS' Office of Legal Services, 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 ODJFS if it is received by ODJFS' Office of Legal Services no later than 3:00 p.m. of the tenth (10th) calendar day after the issuance of the ODJFS letter announcing the ODJFS decision regarding an applicant's proposal.

 - 2. A protest may be based on alleged improprieties in the issuance of the RLB; the RLB requirements or any other information written into, or attached to, the RLB; any procurement processes described in the RLB such as the vendor selection process; or any other procurement-related event, other than an announcement by ODJFS 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 ODJFS Office of Legal Services, that protest will not be deemed timely and will not be considered.

- C. An untimely protest may be considered by ODJFS if ODJFS determines that the protest raises issues significant to the department's procurement system. An untimely protest is one received by ODJFS' Office of Legal Services 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:
 - Chief Legal Counsel
 - Office of Legal Services
 - Ohio Department of Job and Family Services
 - 30 East Broad Street, 31st Floor
 - Columbus, Ohio 43215-0423
- 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 ODJFS 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. ODJFS' Office of Legal Services 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:

ODJFS is under no obligation to issue any contract as a result of this solicitation if, in the opinion of ODJFS and the proposal review team, none of the applications are responsive to the objectives and needs of the Department. ODJFS reserves the right to select no applicants should ODJFS 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 by ODJFS.

XVIII. Attachments to this RFA:

- A. **Required Vendor Information and Certifications** *(To be completed & included in vendor proposal packet as specified in Section XI.)*
- B. **Request for Taxpayer Identification Number (W-9) Form** *(To be completed & included in proposal packet as specified in Section XI.)*
- C. **Declaration of Material Assistance Form** *(To be completed & included in proposal packet as specified in Sec. XI.)*
- D. **ODJFS Model Contract** *(Provided for applicant reference, only - do NOT return in application packet.)*

Thank you for your interest in this project.