



**Ohio Department of Job and Family Services
Request for Applications (RFA) for**

**HEARING EXAMINERS
RFA#: R-89-02-8018**

I. Purpose

The Ohio Department of Job and Family Services (ODJFS) is soliciting applications for the purpose of obtaining up to two attorneys admitted to the practice of law in Ohio (as required by ORC Section 119.09) who will serve as hearing examiners. The rate of compensation will be \$90.00 per hour for not more than five hundred forty hours (540) [per attorney] from approximately July 1, 2009 through June 30, 2011. Billable hours include the attorney's presence at pre-hearing proceedings and final hearings, research and writing time.

This RFA document is released by ODJFS, and the subsequent contract(s) expected to result from this RFA process will be a contract between each of the selected attorneys and ODJFS.

II. Time and Date of Submission

Individuals who are interested in submitting applications must make their submission not later than **4:00 p.m. Eastern (local) Time on Monday, April 27, 2009**. Faxes are permissible and shall be accepted at (614)752-8298. Mailed applications must be addressed to:

**Appeals Coordinator
Ohio Department of Job and Family Services
Office of Legal Services
30 East Broad Street - 31st Floor
Columbus, Ohio 43215-3414**

For hand delivery on the due date, applicants are to allow sufficient time for downtown parking considerations, as well as for security checks at both the lobby of the Rhodes State Office Tower (address as stated above) and again on the 31st Floor. All applicants received on the due date will be accepted by the Office of Legal Services on the 31st Floor of the Rhodes Tower. **ODJFS is not responsible for any applications delivered to any address other than the address provided above.**

All submissions must be received, complete, by mail or hand delivery by the above date and time. Materials received after the submission deadline date will not be added to previous submissions, nor be considered. No confirmations of mailed applications received can be provided.

Submission of an application indicates acceptance by the applicant of the conditions contained in this RFA, unless clearly and specifically noted in the application submitted and confirmed in the contract between ODJFS and the applicant(s) selected.

III. Mandatory Qualifications

Attorneys interested in performing hearing examiner services for ODJFS should submit to ODJFS a resume and additional information and documentation as available which demonstrates expertise in the areas identified below.

- A. Submitted their application on or before the specified deadline as stated in Section II. of this RFA. **Failure to meet this requirement will be disqualified from consideration for award.**
- B. A valid and current license to the practice law in the State of Ohio. **Failure to meet this requirement will be disqualified from consideration for award.**
- C. At least ten (10) years as a licensed attorney. **Failure to meet this requirement will be disqualified from consideration for award.**
- D. At least three (3) years experience with administrative law, particularly with adjudicative hearings.
- E. Expertise in Medicaid provider and reimbursement issues and/or licensing under Ohio law (emphasis on day care or foster care preferred).

IV. Scope of Work & Specifications of Deliverables

The selected Hearing Examiners will be responsible for the conduct of such pre-hearing conferences and adjudication hearings necessary to afford appellants full opportunity to assert hearing rights provided by statute and rule. In performing these functions, the hearing examiner will issue written orders and, eventually, findings of fact, conclusions of law and recommendations. The selected hearing examiner will also be responsible for typing, filing and mailing of such writings for which there can be no additional compensation.

Most adjudicative hearings held before ODJFS are conducted in Columbus, Ohio which will serve as the headquarters for purposes of the contract. Therefore, there shall be no reimbursement available for expenses incurred in travel to the headquarters. However, if additional travel is required by ODJFS, reimbursement for travel and other related expenses are subject to the limits established pursuant to ORC Sections 126.31 and 126.32 and which are set forth in rule 126-1-02 of the Ohio Administrative Code.

V. Contractor Compensation

The rate of compensation will be \$90.00 per hour for not more than five hundred forty hours (540) per selected attorney from July 1, 2009 through June 30, 2011. Billable hours include presence at pre-hearing proceedings and final hearings, research and writing time.

VI. Format of Submission

In order to be accepted and forwarded to the ODJFS Proposal Review Team (PRT), the individual's application must include a signed original and three copies of the application.

Interested attorneys are to submit one signed original copy of the Application labeled : **“APPLICATION ENCLOSED FOR HEARING EXAMINER SERVICES, RFA#: R-89-02-8018 SUBMITTED BY (APPLICANT NAME AND DATE OF SUBMISSION)”**;

The application must include:

- A. A resume and a signed letter (and all additional information and documentation as available) which addresses how the applicant meets the applicable ODJFS hearing examiner duties as well as the qualification requirements as specified in Sections III and IV of this RFA; and,
- B. ODJFS disqualifies hearing examiners from participation in cases in which they might have a conflict of interest by virtue of clients they represent and/or other appropriate reasons. Therefore, applicants are to identify in their application any clients or other grounds which might present such a conflict for them in performing hearing examiner duties.

VII. Selection Process

All applications will be reviewed and evaluated by a Proposal Review Team (PRT) comprised of ODJFS staff. Applicants should not assume that the review team members are familiar with any current or past work activities with ODJFS. PRT members are required to sign disclosure forms to establish that they have no personal or financial interest in the outcome of the application review and contractor selection process.

Interview

Individuals submitting applications will be requested to participate in a structured 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 applicants for interviews and may not interview all applicants submitting applications. The applicant shall bear all costs of any scheduled interview.

The PRT reserves the right to reject any and all applications, in whole or in part, received in response to this request. The PRT may waive minor defects that are not material when no prejudice will result to the rights of any applicant or to the public.

VIII. RFA Process Information and Other Contractual Requirements:

A. Start Work Date

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.). The selected applicant may neither perform work nor submit an invoice for payment for work performed for this project 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. The selected applicant(s) 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. **Any work begun by a contractor prior to this notification will NOT be reimbursable by ODJFS.**

B. Confidentiality

All contracts or other business agreements 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.

C. Ethical & Conflict of Interest Requirements

1. No contractor or individual, company or organization seeking a contract or other business agreement 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 or other business agreement 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 other agreement 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.

D. Applicant Selection Restriction

Any applicant deemed not responsible, or submitting an application deemed not to be responsive to the terms of this RFA, shall not be selected for this project. In addition, pursuant to Section 3517.13 of the Ohio Revised Code, the award of a personal services contract is prohibited under specified circumstances.

E. Waiver of Minor Application Errors

ODJFS may, at its sole discretion, waive minor errors or omissions in applications, proposals, bids, 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, proposals, bids, and/or forms, and may request such clarification as it deems necessary at any point in the application/proposal/bid review process.

F. Contractual Requirements

Any contract resulting from the issuance of this solicitation is subject to the terms and conditions as provided in the model contract, which is provided as **Attachment A** to this RFA. Potential applicants are strongly encouraged to read the model contract to be fully aware of all ODJFS contractual requirements.

IX. Communications Prohibitions

From the issuance date of the RFA, until a contract is in effect, there may be no communications concerning the RFA between any interested potential 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 decision with a formal procurement.

The only exceptions to this prohibition are as follows:

- A. As necessary in the case of any pre-existing business relationship between ODJFS and an applicant which could potentially respond to this RFA, in order to conduct that business;
- B. As part of an interview necessary for ODJFS to make an applicant selection decision;
- C. If it becomes necessary to revise any part of this RFA, revisions will be posted on the ODJFS web page established for this RFA; and
- D. If it becomes necessary to revise any part of this RFA, revisions will be posted on the ODJFS web page: <http://www.state.oh.us/odjfs> and notices of such will be sent to applicants on the original mailing list; and,
- E. Any Public Records Request (PRR) made through the ODJFS Office of Legal Services:

Requests from potential applicants or contractors for copies of previous RFAs, past applications, score sheets or contracts for this or similar past projects, are Public Information Requests (PRRs), and are not clarification questions regarding the present RFA. PRRs, submitted in accordance with directions provided in this Section IX, Communications Prohibitions, will be honored.

* Important Note: Amendments to the RFA or to any documents related to it will be accessible to interested applicants through the original ODJFS website established for the RFA. All interested applicants are strongly encouraged to refer to the appropriate website regularly for amendments or other announcements. Failure on the part of ODJFS to notify any applicants of any possible changes or announcements related to this RFA does not absolve the applicants from their responsibility to look for updated information through the web page. Applications submitted by an applicant who attempts any communication prohibited by this Section may be disqualified by ODJFS from consideration for this project.

X. Protests

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

1. A protest may be filed by a prospective or actual bidder objecting to the award of a contract resulting from this solicitation. The protest shall be in writing and shall contain the following information:
 - a. The name, address, and telephone number of the protestor;
 - b. The name and number of the solicitation 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 ODJFS;

- e. A statement as to the form of relief requested from ODJFS; 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 shall be considered by ODJFS, if it is received by ODJFS' Office of Legal Services, within the following periods:
 - a. A protest based on alleged improprieties in the issuance of the RFA or any other event preceding the closing date for receipt of applications which are apparent or should be apparent prior to the closing date for receipt of applications shall be filed no later than 3:00 p.m. of the closing date for receipt of applications as specified in Section II., Time and Date of Submission.
 - b. If the protest relates to the announced intent to award the grant(s), the protest shall be filed no later than 3:00 p.m. of the **seventh (7th) calendar** day after the issuance of formal letters sent to all responding applicants regarding the State's intent to make the awards. The date on these ODJFS letters to responding applicants is the date used to determine if a protest regarding the intent to award is submitted by the end of the protest period.
 3. 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 Item #2 of this section.
 4. 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 43215-3414
 5. 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 applicant(s) who would have been awarded the contract shall be notified of the receipt of the protest.
 6. ODJFS' Office of Legal Services shall issue written decisions on all timely protests and shall notify any applicant who filed an untimely protest as to whether or not the protest will be considered.

Thank you for your interest in this project.