



**Ohio Department of Job and Family Services
DUR Pharmacist MTA Services
Request for Letterhead Bids (RLB)
RLB#: R-89-07-0944**

I. Purpose

The Ohio Department of Job and Family Services (ODJFS) releases this Request for Letterhead Bids (RLB) for the purpose of obtaining up to nine (9) qualified individuals (pharmacists) who will serve as pharmacist Medical Technical Advisors (MTAs) to ODJFS. One MTA shall be selected to serve as the Drug Utilization Review (DUR) Director and eight MTAs shall be selected as DUR Committee Members for ODJFS. For the purpose of this RLB, “vendor(s)” shall refer to qualified individuals submitting a proposal and/or organizations proposing available staff/employee(s) to serve as pharmacist MTAs—whether serving in the capacity of DUR Director or DUR Committee Member.

Vendors interested in submitting a response to both DUR positions may do so by submitting a single proposal submission indicating their intent to serve in either capacity. For those qualified vendors that apply for either position, ODJFS’ intent shall be to first consider the pharmacist for DUR Director but reserves the right in determining in which capacity the pharmacist shall serve. In the event ODJFS selects pharmacist(s) proposed by an organization, the resulting contract(s) will be with ODJFS and the organization. The submitting organization shall be responsible for any and all contractual obligations and pharmacist performance.

MTAs provide the clinical expertise necessary in the administration of Ohio’s Medicaid Program in the area of DUR. The selected DUR Director shall be responsible for determining the direction of the DUR program, according to guidance by the DUR Board. The selected DUR committee members will be responsible for recommending appropriate DUR activities to the DUR Director and for reviewing patient profiles to ensure adherence to appropriate drug utilization. ODJFS will only accept proposals from vendors that demonstrate their capability of providing services as described in this RLB.

This Request for Letterhead Bids (RLB) document is released by ODJFS, and the subsequent contract(s) expected to result from this RLB process will be a contract(s) between the vendors and ODJFS. The ODJFS Office of Ohio Health Plans (OHP), Bureau of Health Plan Policy (BHPP), will designate a staff member as the ODJFS Contract Manager to provide on-going supervision of the contractor(s) selected through this RLB process. The contract period for this project is expected to run from approximately July 1, 2008 through June 30, 2009 [State Fiscal Year (SFY) 09]. ODJFS anticipates renewal of the resulting contract(s) for SFYs 10 (July 1, 2009 through June 30, 2010) and 11 (July 1, 2010 through June 30, 2011). The term “contractor” is used in reference to the successful vendors selected through this RLB.

ODJFS is under no obligation to enter into an contract with any vendor as a result of this solicitation, if, in the opinion of ODJFS, none of the proposals are responsive to the objectives and needs of the Department. ODJFS reserves the right to not select any vendor should ODJFS decide not to proceed. Changes in this RLB of a material nature will be provided on the agency website. All vendors are responsible for obtaining any such changes without further notice by ODJFS.

II. Time and Date of Submission

Organizations, companies, firms, or individuals who are interested in submitting letterhead bids must make their submission not later than **3:00 p.m. Eastern (local) Time on Monday, April 21, 2008**. Faxes will not be accepted. Bids must be addressed to:

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

For hand delivery on the due date, vendors 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 bids received on the due date will be accepted by the Office of Contracts and Acquisitions on the 31st Floor of the Rhodes Tower. **ODJFS is not responsible for any bids 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 bids received can be provided. Submission of a bid indicates acceptance by the vendor of the conditions contained in this RLB, unless clearly and specifically noted in the bid submitted and confirmed in the contract between ODJFS and the vendor selected.

III. Anticipated Procurement and Project Timetable

March 20, 2008	ODJFS Releases RLB to Potential Vendors on ODJFS' Websites; Q & A Period Opens - Vendors may submit inquiries for RLB clarification
April 3, 2008	Vendor Q & A Period closes, 10 a.m. for inquiries for RLB clarification - No further inquiries for RLB clarification will be accepted
April 10, 2008	ODJFS posts Final Vendor Question & Answer Document on ODJFS website (anticipated)
April 21, 2008	Deadline for Vendors to Submit Proposals (3:00 P.M., local time)
May 6, 2008	ODJFS Issues Vendor Selection Notification Letter (estimated)
June 2, 2008	Controlling Board review and approval (if needed)
July 1, 2008*	Purchase Order approval – work may not begin until a state Purchase Order has been fully approved by OBM. (ESTIMATED DATE)
June 30, 2009**	All project work must be completed.
July 1, 2009 through June 30, 2011	Anticipated SFY 10 and 11 renewals

ODJFS reserves the right to revise this schedule in the best interest of the State of Ohio and/or to comply with the State of Ohio procurement procedures and regulations and after providing reasonable notice.

* 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 vendor 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 vendor when the requirements of ORC Section 126.07 have been met.

* * Subject to approval by the Controlling Board, the contract period is expected to run from approximately July 1, 2008 through June 30, 2009 [State Fiscal Year (SFY) 09], with two one-year renewal contracts to be in effect, contingent upon satisfactory performance, continued availability of funding, and all required approvals, for SFYs 10 (July 1, 2009 through June 30, 2010) and 11 (July 1, 2010 through June 30, 2011). Since state law prohibits ODJFS from making financial commitments beyond the fiscal biennium (e.g., 7/01/07 through 6/30/09), the contract with the selected vendor will be subject to renewal for the final 24-month period of the project. Renewal may be subject to approval by the Controlling Board.

IV. Internet Question & Answer Period; RLB Clarification Opportunity

Potential vendors may ask clarifying questions regarding this RLB via the Internet during the Question and Answer (Q & A) Period as outlined in Section III. Anticipated Procurement and Project Timetable. To ask a question, potential vendors must use the following Internet process:

- * Access the ODJFS Web Page at <http://jfs.ohio.gov>;
- * Select "About ODJFS" on the front page;
- * Select "Doing Business with ODJFS" listed on the left column of the page;
- * Select "Requests for Proposals, Letterhead Solicitations, and Other Invitations;"
- * Select RLB Number **R-89-07-0944**;
- * Select the R89070944@odjfs.state.oh.us link; and
- * Follow the instructions and guidelines as follows to send an e-mail question.

Questions to this RLB must reference the relevant part of this RLB, the heading for the provision under question, and the number and/or section of the RLB where the provision can be found. The potential vendor must also include his or her name, the company name, and business phone number. ODJFS may, at its option, disregard any questions which do not appropriately reference an RLB provision or location, or which do not include an identification for the originator of the question. ODJFS will not respond to any questions submitted after **10:00 a.m.** on the date that the Q & A period closes.

ODJFS responses to all questions asked via the Internet will be posted on the Internet web site dedicated to this RLB, for reference by all potential vendors. Potential vendors will not receive personalized or individual e-mail responses. Clarifying questions asked and ODJFS responses to them comprise the "ODJFS Question and Answer Document" for this RLB; when possible, ODJFS may post an interim Q & A Document as well as the final version. Vendor proposals in response to this RLB are to take into account any information communicated by ODJFS in the Final Q & A Document for the RLB. **It is the responsibility of all potential vendors to check this site on a regular basis for responses to questions, as well as for any amendments or other pertinent information regarding any RLB.**

Accessibility to the ODJFS Q & A Document will be clearly identified on the web site dedicated to this RLB, once that document is made available.

IMPORTANT: Requests from potential vendors for copies of previous RLBs, past vendor proposals, score sheets or contracts for this or similar past projects, are Public Records Requests (PRRs), and are not clarification questions regarding the present RLB. PRRs, submitted in accordance with directions provided in Section XV. Communication Prohibitions, will be honored. The posted time frames for ODJFS responses to Internet or faxed questions for RLB clarification do not apply to PRRs.

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 RLB; therefore, vendors are to base their RLB responses, and the details and costs of their proposed projects, on the requirements and performance expectations established in the RLB and, if applicable, in the Q&A document, NOT on details of a current or past related contract. If vendors ask questions about existing or past contracts using the Internet Q & A process, ODJFS will use its discretion in deciding whether to provide answers.

ODJFS will only answer those questions submitted within the established time period for the Vendor Q & A process (see Section III., Anticipated Procurement and Project Timetable, above), and which pertain to issues of RLB clarity, and which are not requests for public records. ODJFS is under no obligation to acknowledge questions submitted through the Q & A process if those questions are not in accordance with these instructions.

V. Vendor Experience & Qualifications

In order to be considered for this RLB, ODJFS requires that interested vendors must address all the following minimum qualifications as well as vendor experience and capabilities as described in this section:

A. Mandatory Vendor Qualifications

In order to be considered for the project described in this RLB, ODJFS requires that all interested vendors **must** meet, at minimum, the following qualification requirement:

- ODJFS will only consider proposals from vendors licensed to practice pharmacy in Ohio who have experience with drug utilization review. Vendors will be required to include a copy of their Ohio pharmacy licensure.

Vendors which do not meet the above experience and qualification(s) will be disqualified from further consideration for award.

B. Vendor Experience and Capabilities

In order to be considered for the project expected to result from this RLB, ODJFS requires that interested vendors provide the following, at minimum, for each pharmacist:

1. For the **DUR Director**:
 - a. Curriculum vita or resume outlining relevant experience;
 - b. Statement of how the vendor (individual/proposed pharmacist) qualifies to perform drug utilization review activities;
 - c. Experience with retrospective DUR;
 - d. Experience with Medicaid (not necessarily Ohio Medicaid);
 - e. Experience reviewing patient medical history and making recommendations for therapy improvement;
 - f. Experience participating on a Medicaid or other health payer DUR Committee, Pharmacy & Therapeutics Committee, or similar committee;

- g. Examples of educational materials, treatment guidelines, intervention letters, and other relevant documents that have been prepared by the vendor (proposed pharmacist); and,
 - h. Experience with development of program policy, specifically utilization criteria and cost savings.
 2. For the **DUR Committee Member**:
 - a. Curriculum vita or resume outlining relevant experience;
 - b. Statement of how the vendor (individual/proposed pharmacist) qualifies to perform drug utilization review activities;
 - c. Experience with retrospective DUR;
 - d. Experience with Medicaid (not necessarily Ohio Medicaid);
 - e. Experience reviewing patient medical history and making recommendations for therapy improvement;
 - f. Experience participating on a Medicaid or other health payer DUR Committee, Pharmacy & Therapeutics Committee, or similar committee; and,

VI. Scope of Work

A. DUR Director:

The selected pharmacist MTA shall assist in the direction of the Ohio DUR program, a provider-oriented, educational outreach program designed to alert physicians and pharmacists to inappropriate or medically unnecessary pharmacological care. The purpose of the program is to safeguard the health of Medicaid consumers, to assess the appropriateness of drug therapy, and to reduce the frequency of fraud, abuse and gross overuse. The DUR Director shall be required to work a minimum of 35 hours per month, unless otherwise arranged with the ODJFS Contract Manager. Work is to be performed on site at the Bureau of Health Plan Policy office located at 50 W. Town Street, Columbus, unless otherwise arranged with the ODJFS Contract Manager.

B. DUR Committee:

Retrospective DUR involves evaluating patterns of drug therapy either concurrent with therapy or after a patient has completed therapy. Interventions may be necessary in specific cases and may be in the form of letters, newsletters, bulletins, or medical literature to providers. The retrospective DUR intervention program is aimed at patients who are at risk of drug-induced illness, potential drug over-utilization issues and the monitoring of physicians' prescribing patterns. Committee members shall be required to attend monthly meetings at the Bureau of Health Plan Policy office located at 50 W. Town Street, Columbus, the second Tuesday of each month at 9:00 AM.

VII. Specifications of Deliverables

The contracted services shall include, but may not be limited to, the following areas:

A. DUR Director:

The vendor selected to serve as the DUR Director will be required to:

1. Assist in the direction of the Ohio DUR Program to safeguard the health of Medicaid consumers, to assess the appropriateness of drug therapy, and to reduce the frequency of fraud, abuse, and gross overuse;
2. Serve as Chair of the DUR Committee and lead committee discussions;
3. Work a minimum of 35 hours per month (unless otherwise arranged with the ODJFS Contract Manager) on site at the Bureau of Health Plan Policy office located at 50 W. Town Street, Columbus (unless otherwise arranged with the ODJFS Contract Manager). Work to be performed shall include, but shall not be limited to:
 - a. Reviewing and analyzing consumer medical history profiles for specific drug therapy problems;
 - b. Creating provider letters, response forms, and follow-up letters;
 - c. Reviewing and responding to provider responses;
 - d. Reporting retrospective DUR activities to the DUR Board quarterly;
 - e. Researching literature, preparing and updating therapeutic exception criteria annually;
 - f. Researching and preparing treatment guidelines;
 - g. Preparing educational materials (bulletins, newsletters);
 - h. Coordinating with data/research team on profile screens and appropriateness of therapeutic criteria;
 - i. Preparing annual report to the Centers for Medicare and Medicaid Services (CMS); and,
 - j. Ensuring compliance with federal requirements, in particular Social Security Act Section 1927(g).

B. DUR Committee Members:

The vendors selected to serve as DUR Committee Members will be required to:

1. Serve as DUR Committee members by attending monthly meetings at the Bureau of Health Plan Policy office located at 50 W. Town Street, Columbus, the second Tuesday of each month at 9:00 AM for approximately 2 hours. Work to be performed shall include, but shall not be limited to:
 - a. Reviewing consumer drug history profiles for specific drug therapy problems as defined by the DUR Board;
 - b. Suggesting revisions to the provider letter and response form drafted by the DUR Committee chair; and,
 - c. Reviewing and recommending changes to newsletters and bulletins drafted by the DUR Committee chair.
2. Identify and recommend appropriate provider intervention;
3. Recommend therapeutic exception criteria adjustments; and,
4. Conduct re-reviews of previous drug therapy problems to calculate cost savings resulting from provider intervention.

VIII. Vendor Compensation

On the Cost Proposal Form (provided as **Attachment F** to this RLB), ONLY vendors bidding for the DUR Director position are to propose their firm, fixed, hourly cost. Vendors are to use their business expertise in pricing the work described in this RLB, taking into consideration any intervening steps or activities that must be performed in order to complete the work, and offer their costs accordingly, even if ODJFS does not explicitly identify those intervening costs in this RLB. No separate travel expenses or any other type of expenses will be paid under the contract to result from this RLB.

DUR Committee members (other than the DUR Director) will be compensated for attendance and participation in monthly meetings at a flat rate of \$150 per meeting attended.

IX. Format of Submission

ODJFS requires proposal submissions in both paper and electronic format. The proposal must be prepared and submitted in accordance with instructions found in this Section. The proposal submission must be comprised of:

- **Six paper copies (one signed original and five copies) and one CD-ROM copy of the Technical Proposal in a packet labeled: “PROPOSAL ENCLOSED FOR DUR [DIRECTOR AND/OR COMMITTEE MEMBER] SERVICES, RLB#: R-89-07-0944 SUBMITTED BY [INDIVIDUAL’S NAME –OR- ORGANIZATION’S NAME WITH NAME OF PHARMACIST HERE] [Note: Vendors submitting proposals for both DUR Committee Member and DUR Director need not submit a separate Technical Proposal packet.]**;

AND (if applicable)

- [For those vendors that are submitting a response for the DUR Director position] submit their Cost Proposal in a sealed, separate envelope labeled: “**NOTE: DO NOT OPEN. COST PROPOSAL ENCLOSED FOR DUR DIRECTOR SERVICES, RLB#: R-89-07-0944 SUBMITTED BY [INDIVIDUAL’S NAME –OR- ORGANIZATION’S NAME WITH NAME OF PHARMACIST HERE],**” containing **three paper copies (one signed original and two copies) and one CD-ROM copy of the Cost Proposal. Vendor organizations must provide a separate sealed Cost Proposal for each proposed pharmacist with specified number of copies.**

The CD-ROM copy of the Cost Proposal must include all cost proposal components, including any required or voluntary attachments. **The CD-ROM containing the Cost Proposal must be submitted in the sealed envelope containing the hardcopy Cost Proposal.** Both CD-ROMs must be labeled with the vendor’s name, the RLB number, and the proposal submission date or proposal due-date, at minimum. The requested CDs will be used by ODJFS for archiving purposes and for fulfillment of PRRs, and failure to include them or to properly label them may, at ODJFS discretion, result in the rejection of the vendor from any consideration.

All proposal submissions must be received, complete, at the above address, via mail or hand delivery by the above date and time. Materials received separately from a vendor’s proposal submission (e.g., letters of recommendation from past customers of the vendor’s services) will not be added to the proposal nor considered in the review and scoring process. Materials received after the date and time as stated above will not be included in any previous submissions, nor will they be considered. ODJFS is not responsible for proposals incorrectly addressed or for proposals delivered to any ODJFS location other than the address specified above. No confirmation of mailed proposals can be provided.

For hand delivery on the due date, vendors 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 proposals received on the due date by the Office of Contracts & Acquisitions, on the 31st Floor of the Rhodes Tower. **ODJFS is not responsible for any proposals delivered to any address other than the address provided above.** Submission of a proposal indicates acceptance by the vendor of the conditions contained in this RFP, unless clearly and specifically noted in the proposal submitted and confirmed in the contract between ODJFS and the vendor selected.

Format for Organization of the Proposal

A. Overall Proposal Organization

A sample Technical Proposal Score Sheet is provided as **Attachment E.** of this RLB. **Vendors are strongly encouraged to use the Score Sheet to check their proposals for quality, compliance, and completeness prior to submission.**

The vendor's Technical Proposal must contain the following components (organized in three (3) primary tabs and divided into sub-tabs) as described below. Any other information thought to be relevant, but not applicable to a specific RLB section number/letter must be provided as an appendix to the proposal and so marked as an additional tab. ODJFS reserves the right not to review submitted appendices which includes information/materials not required in the RLB. All pages beyond Tab 1 shall be sequentially numbered.

Vendors must organize their Technical Proposals in the following order:

- Tab 1** Required Vendor Information and Certifications Document
 - Request for Taxpayer Identification Number (W-9) Form
 - Declaration Regarding Material Assistance/Non-Assistance to a Terrorist Org.
- Tab 2** Vendor Experience & Qualifications
 - Sub-Tab 2a.** Mandatory Vendor Qualifications (Section V., A.)
 - Sub-Tab 2b.** Vendor Experience & Capabilities (Section V.B., 1. and 2.)
- Tab 3** Scope of Work and Specifications of Deliverables (Sections VI. And VII.)

NOTE: Vendors are required to submit **one additional CD-ROM copy** (using TWO CD-ROMs) of their entire proposal package in non-rewriteable CD format. One CD-ROM is to contain the complete Technical Proposal, including any required or voluntary attachments to it, and the other CD-ROM is to contain the Cost Proposal (only for vendors submitting a bid for DUR Director) including any required or voluntary attachments to it. One document may, at vendor option, be excepted from the electronic technical proposal version: the "Request for Taxpayer Identification Number (W-9) Form" (**provided as RLB Attachment B.**), which is to be signed by the vendor and submitted with the paper copies of the technical proposal. **The CD-ROM containing the Cost Form (if applicable) must be submitted in the sealed envelope containing the hardcopy Cost Form.**

B. Technical Proposal Details

The vendor's Technical Proposal must contain the following components, at minimum. It is mandatory that vendor proposals be organized in the following order, and that wherever appropriate, sections/portions of the vendor proposal make reference by section number/letter to those RLB requirements to which they correspond.

IMPORTANT: Any vendor Technical Proposals found to contain any prohibited cost information shall be disqualified from consideration. Prohibited cost information is defined as any dollar amounts which ODJFS might find indicative of the relative cost or economy of the proposed project. However, information on the assets, value, or historical business volume of the vendor is NOT considered to be such prohibited cost information, and MAY be included in any vendor's technical proposal. Any prohibited cost information must be submitted with the separate, sealed project budget/Cost Proposal. The Technical Proposal is defined as any part of the vendor's proposal (either as required by ODJFS or sent at vendor's discretion, such as work

plan, resumes, letters of recommendation, letters of cooperation from any subcontractors, etc.) which is not specifically identified by ODJFS as a required component of the separate, sealed project budget/Cost Proposal. Should a vendor feel it is important to include any documents containing such prohibited cost information in the technical proposal, the cost information in those documents must be made unreadable by the vendor before submission of the proposal to ODJFS.

**1. (Tab 1)
Required Vendor Information & Certifications
Request for Taxpayer Identification Number (W-9) Form
Declaration Regarding Material Assistance / Non-Assistance to a Terrorist Org.**

In this section, the vendor is required to provide required information and certifications of eligibility for state contract awards, as described in **Attachment A.** to this RLB, entitled "Required Vendor Information & Certifications Document." Vendors may, at their discretion, either print **Attachment A.**, complete and sign it (in blue ink), and return it as the content of their Proposal Tab 1; or they may provide all the required information and certifications (each fully re-stated from **Attachment A.**) on their own letterhead, properly signed (in blue ink), and use that document as the content of their Proposal Tab 1. Vendors who fail to provide all information and certifications as described in **Attachment A.** in their Proposal Tab 1 risk disqualification.

The vendor must attach the **Request for Taxpayer Identification Number (W-9) Form**, which is provided as **Attachment B.** to this RLB, completed with an original signature in blue ink.

Vendors are required to provide a declaration regarding material assistance to a terrorist organization or an organization that supports terrorism as identified by the U.S. Department of State Terrorist Exclusion List and described in **Attachment C, Declaration Regarding Material Assistance/Non-Assistance to a Terrorist Organization.** Vendors MUST print **Attachment C.**, complete and sign it (in blue ink), and return it as the content of their Proposal Tab 1. Vendors who fail to provide a signed and completed **Attachment C.** risk disqualification. This form may also be accessed and printed at the Ohio Department of Public Safety, Division of Homeland Security's Website at <http://www.homelandsecurity.ohio.gov>.

The signed originals of the above referenced forms (**RLB Attachments A., B., and C.**) are to be provided in the vendor's original proposal; photocopies of the completed and signed forms must also be provided with each of the required copies.

In the event that the vendor proposes the use of any subcontractors, information on the subcontractor(s) and letters of commitment as required by Section 4.8, Minority Business Enterprise or 4.9, Subcontractor Identification and Participation Information should also be provided in Tab 1.

2. (Tab 2) Vendor Experience & Qualifications

a. Mandatory Vendor Qualifications (**Sub-Tab 2 a.**)

The vendor must include information on the mandatory experience and qualifications of the vendor and proof of Ohio pharmacy licensure, as described in **Section V., A.**, of this RLB.

b. Vendor Experience and Capabilities (**Sub-Tab 2 b.**)

The vendor should include information on the relevant experience of the vendor including any subcontractors; and any prior experience relevant to this RLB, as described in **Section V., B., 1. and 2.**, of this RLB.

3. (**Tab 3**) **Scope of Work and Specifications of Deliverables**

This section should include individual affirmations by the vendor that they will perform each task and deliverable as required in Section VI., Scope of Work and Section VII., Specifications of Deliverables, of this RLB. The responses must address each element separately.

C. **Cost Proposal (For DUR Director ONLY)**

Three (one signed original and two copies) copies of the Cost Proposal must be submitted in a separate, sealed envelope, and labeled: **“NOTE: DO NOT OPEN. COST PROPOSAL ENCLOSED FOR DUR DIRECTOR SERVICES, RLB#: R-89-07-0944 SUBMITTED BY [INDIVIDUAL’S NAME –OR- ORGANIZATION’S NAME WITH NAME OF PHARMACIST HERE].”**

This envelope/package must also contain the labeled Cost Proposal CD-ROM. The Proposal must include a statement that the prices quoted are firm.

Vendors are to complete the Cost Proposal Form, provided as **Attachment F.** to this RLB according to instructions, sign it, and submit it fully completed as the separate sealed cost proposal. The Cost Proposal Form requires interested vendors to provide their hourly rate for all DUR Director deliverables defined in Section VII., A., Specifications of Deliverables as well as hours available per month. Vendors are to use their professional comprehension of the effort required to perform those services and to offer to ODJFS its all-inclusive hourly rate for performing all deliverables. The rate(s) offered in the vendor’s Cost Proposal will be the hourly rate(s) in effect throughout the contract period, including any renewal contracts, as described in Section III, of this RLB.

Vendors are to use the format in **Attachment F, Cost Proposal Form**, to submit their cost proposal for SFYs 09, 10 and 11. At the vendor’s discretion, additional documentation may also be included with the completed **Attachment F.**, as explanatory information, but when making the vendor selections and when executing the contract, ODJFS will consider only the rate(s) displayed on the Cost Proposal Form.

In calculating their proposed hourly rate(s), vendors must consider cost resulting from each deliverable listed in Section VII., A., of this RLB, as well as all project costs, primary and incidental, necessary to complete all project activities/deliverables (whether explicitly identified by ODJFS in this RLB or not).

D. IMPORTANT – VENDOR DISQUALIFIERS FOR PROPOSAL ERRORS:

- Any vendor's Technical Proposal found to contain any cost information shall be disqualified from consideration. Cost information is defined as any dollar amounts which might be deemed to be indicative of the relative cost or economy of the proposed project. Information on the assets, value, or historical business volume of the vendor is NOT considered to be such prohibited cost information, and MAY be included in any vendor's technical proposal as information on business capacity and stability. All prohibited cost information must be submitted with the separate, sealed Cost Proposal. The Technical Proposal is defined as any part of the vendor's proposal (either as required by ODJFS or sent at vendor's discretion), such as work plan, resumes, letters of recommendation, letters of cooperation from any subcontractors, etc., which is not specifically identified by ODJFS as a required component of the separate, sealed Cost Proposal. Should a vendor determine to include in the technical proposal any documents which contain such cost information, the cost information in those documents must be made unreadable by the vendor before submission of the proposal to ODJFS. Failure to follow these instructions will result in disqualification.
- Any trade secret, proprietary, or confidential information (as defined in Section XI., E. of this RLB) found anywhere in a vendor's proposal shall result in immediate disqualification of that vendor's proposal.

X. Selection Process

ODJFS will contract with vendors that best demonstrate the ability to meet requirements as specified in this RLB. Vendors submitting a response will be evaluated based on the capacity and experience demonstrated in their Technical and Cost Proposal. All proposals will be reviewed and scored by a Proposal Review Team (PRT), comprised of staff from ODJFS, Office of Ohio Health Plans and their designees. Vendors should not assume that the review team members are familiar with any current or past work activities with ODJFS. Proposals containing assumptions, lack of sufficient detail, poor organization, lack of proofreading and unnecessary use of self-promotional claims will be evaluated accordingly. PRT members will be required to sign disclosure forms to establish that they have no personal or financial interest in the outcome of the proposal review and contractor selection process.

Selection of the vendor will be based upon the criteria specified in Sections V., VI., and VII. of this RLB. Any proposals not meeting the requirements contained in those sections of this RLB will not be scored or may be held pending receipt of required clarifications. The PRT reserves the right to reject any and all proposals, in whole or in part, received in response to this request. The review team may waive minor defects that are not material when no prejudice will result to the rights of any vendor or to the public. In scoring the proposals, ODJFS will score in three phases:

A. Phase I. Review—Initial Qualifying Criteria:

In order to be fully reviewed and scored, proposals submitted must pass the following Phase I. Review. **Any “no” for the listed Phase I. criteria will eliminate a proposal from further consideration.**

1. Was the proposal received by the deadline as specified in Section II and III.?

2. Did the vendor submit six (6) paper copies and one electronic copy of their Technical Proposal,

-AND IF APPLICABLE-a Cost Proposal (in a separate sealed envelope) labeled: **“NOTE: DO NOT OPEN. COST PROPOSAL ENCLOSED FOR DUR DIRECTOR SERVICES, RLB#: R-89-07-0944 SUBMITTED BY [INDIVIDUAL’S NAME –OR- ORGANIZATION’S NAME WITH NAME OF PHARMACIST HERE],.”**
3. Does the vendor’s proposal include all required affirmative statements and certifications, signed by the vendor’s responsible representative, as described in **Attachments A., and C.** to the RLB?
4. According to those certifications, does the vendor affirmatively indicate that it is not on the federal debarment list; that there are no unfair labor findings against it; and it is not in violation of ORC Section 9.24, and therefore may enter into a contract with ODJFS?
5. Does ODJFS’ review of the Auditor of State website verify that the vendor is not excluded from contracting with ODJFS by ORC Section 9.24 for an unresolved finding for recovery (*i.e.*, the proposal of any vendor whose name appears on the Auditor’s website as having an unresolved finding for recovery will be eliminated from further consideration.)?
6. Is the vendor (individual or proposed pharmacist) licensed to practice pharmacy in Ohio who has experience with drug utilization review? Has the vendor provided a copy of their Ohio pharmacy licensure?

B. Phase II. Review—Criteria for Scoring the Technical Proposal:

The PRT will then score those qualifying technical proposals, not eliminated in Phase I. Review, by assessing how well the vendor meets the requirements as specified in Sections V. VI. and VII. of this RLB. Using the score sheet for Phase II scoring (see **Attachment E.** of this RLB for specific evaluation criteria), the PRT will read, review, discuss and reach consensus on the final technical score for each qualifying technical proposal.

DUR Director: A maximum of **88** points will be awarded for the Technical Proposal. A technical proposal must achieve a total of at least **114** points (a score which represents that the vendor can successfully perform the resulting contractual duties) out of the possible **114** points to qualify for continued consideration. Any proposal which does not meet the minimum required technical proposal points will be disqualified from any further consideration and its cost proposal will neither be opened nor considered.

DUR Committee Member: A maximum of **56** points will be awarded for the Technical Proposal. A technical proposal must achieve a total of at least **74** points (a score which represents that the vendor can successfully perform the resulting contractual duties) out of the possible **74** points to qualify for continued consideration. Any proposal which does not meet the minimum required technical proposal points will be disqualified from any further consideration and its cost proposal will neither be opened nor considered.

All Phase II technical proposal evaluation criteria will be scored according to the following scale, based on a proposed plan’s ability to meet ODJFS needs. The Technical Proposal Score Sheet (see **Attachment E.**) uses the following point values for rating each requirement.

0	6	8	10
Does Not Meet Requirement	Partially Meets	Meets Requirement	Exceeds Requirement

Technical Performance Scoring Definitions:

“Does Not Meet Requirement”- A particular RLB requirement was not addressed in the vendor’s proposal, **Score: 0**

“Partially Meets Requirement”-Vendor proposal demonstrates some attempt at meeting a particular RLB requirement, but that attempt falls below acceptable level, **Score: 6**

“Meets Requirement”-Vendor proposal fulfills a particular RLB requirement in all material respects, potentially with only minor, non-substantial deviation, **Score: 8**

“Exceeds Requirement”-Vendor proposal fulfills a particular RLB requirement in all material respects, and offers some additional level of quality in excess of ODJFS expectations, **Score: 10**

IMPORTANT: Before submitting a proposal to ODJFS in response to this RLB, vendors are strongly encouraged to use the Technical Proposal Score Sheet (**Attachment E.**) and the above technical performance scoring information to review their proposals for completeness, compliance and quality.

DUR Committee Member: After establishing which vendor proposals are technically qualified (those proposals which have achieved at least **56 points**) to perform the contractual services, ODJFS will select awarded vendors in rank order by most points achieved.

DUR Director: After establishing which vendor proposals are technically qualified (those proposals which have achieved at least **88 points**) to perform the contractual services, those remaining qualified proposals will proceed to the next level of review, which is consideration of the Cost Proposal. Any other proposals will be disqualified from further consideration, and the corresponding Cost Proposals will neither be opened nor will be scored. ODJFS will make its final selection of the DUR Director based upon qualifications, experience, cost and availability.

C. Phase III.—Criteria for Considering the DUR Director Cost Proposal

The Cost Proposal will be reviewed by ODJFS. The grand total of each technically qualified vendor’s Cost Proposal is divided by that vendor’s final Technical Proposal score. This compares the cost with the quality of the Technical Proposal, which will provide an average cost-per-quality point earned on the Technical Proposal.

If the cost proposals of all technically qualifying vendors (as determined by the scoring process described in this section and by the Technical Proposal Score Sheet, **Attachment E.** to this RFP) are in excess of the available funding for this project, ODJFS may, at its sole discretion, negotiate with all technically qualifying vendors for a revised cost proposal. Vendors may then submit one last and best offer, or may request that ODJFS view its original cost proposal as its last and best offer, or may formally withdraw from further consideration, and shall formally

indicate its choice according to directions provided by ODJFS at that time. Upon receipt of all last and best offers, and assuming that one or more have submitted a cost proposal that is within project budget, ODJFS will then consider those vendors' revised cost proposals which are within the budget according to the cost-point assignment process described in this section, above, and in the Technical Proposal Score Sheet, **Attachment E.**, for calculation of the winning score.

D. Review Process Caveats

ODJFS may, at its sole discretion, waive minor errors or omissions in vendors' Technical and/or Cost proposals/forms when those errors do not unreasonably obscure the meaning of the content.

ODJFS reserves the right to request clarifications from vendors to any information in their Technical and/or Cost proposals/forms, and may request such clarification as it deems necessary at any point in the proposal review process. Any such requests for proposal clarification when initiated by ODJFS, and vendors' verbal or written response to those requests, shall not be considered a violation of the communication prohibitions contained in Section XV., of this RLB. Such communications are expressly permitted when initiated by ODJFS, but are at the sole discretion of ODJFS.

Should ODJFS determine a need for interviewing vendors prior to making a final selection, results to interview questions shall be scored in a manner similar to the process described in Section X., Selection Process, above. Such scored results may be either added to those vendors' proposal scores, or will replace certain criteria scores, at the discretion of ODJFS. The standards for scoring the interviews and the method used for considering the results of the interviews shall be applied consistently for all vendors participating in the interview process for that RLB.

ODJFS reserves the right to negotiate with vendors for adjustments to their proposals should ODJFS determine, for any reason, to adjust the scope of the project for which this RLB is released. Such communications are not violations of any communications prohibition, and are expressly permitted when initiated by ODJFS, but are at the sole discretion of ODJFS.

Any vendor deemed not responsible, or any submitting a proposal deemed not to be responsive to the terms of this RLB, shall not be awarded the contract.

E. Final Vendor Recommendation

The PRT will recommend to the Director of ODJFS the technically qualified vendor offering the proposal most advantageous to ODJFS, as determined by the processes and requirements established in this RLB.

F. Tie Breaker

In the event that two or more of the proposals (for DUR Director) have a score which is tied after final calculation of both the technical proposal and the cost proposal, the proposal with the higher score in the technical proposal will prevail.

XI. RLB Process Information and Other Contractual Requirements:

A. State Contracts

Responses 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 IX., Format of Submissions**, of this RLB.

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 XI, 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, RLB, etc., shall become the property of ODJFS. This RLB and, after the selection of a vendor for 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, RLB, etc. which make claims of trade secret information shall be disqualified from consideration immediately upon the discovery of such unallowable claim.

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 D** to this RLB. Potential vendors are strongly encouraged to read the model contract to be fully aware of all ODJFS contractual requirements.

G. Travel and Parking Expense Reimbursement

No travel or parking expenses, nor any other expenses, will be covered.

H. Public Release of Records

Public release of any evaluation or monitoring reports funded under this contract 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 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.

J. 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 one; 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. 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 or business agreement arising out of this RLB, 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 RLB. 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.

L. 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 RLB, 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.

M. 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 RLB. 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.

N. Vendor Selection Restriction

Any vendor deemed not responsible, or submitting a proposal deemed not to be responsive to the terms of this RLB, shall not be selected for this project.

O. Waiver of Minor Proposal Errors

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

XII. Health Insurance Portability & Accessibility Act (HIPAA) Requirements

As a condition of doing business with 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.

In the event of a material breach of vendor obligations under this section, ODJFS may at its option terminate the contract.

XIII. State Contracts

Proposals must list any current contracts the vendor has with State of Ohio agencies and universities/colleges. 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 the **“Required Vendor Information and Certifications”** (provided as **Attachment A**) and include the completed document in the vendor’s proposal as specified in Section IX, Format of Submission.

XIV. Caveat

ODJFS is under no obligation to select a vendor as a result of this solicitation if, in the opinion of ODJFS and the proposal review team, none of the proposals are responsive to the objectives and needs of the Department. ODJFS reserves the right to not select any vendor should ODJFS decide not to proceed with the project.

XV. Communication Prohibitions

From the issuance date of the RLB, until a contract is in effect, there may be no communications concerning the RLB between any interested potential vendor 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 RLB 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 a vendor which could potentially respond to this RLB, in order to conduct that business;
- B. As part of an interview necessary for ODJFS to make a vendor selection decision;
- C. If it becomes necessary to revise any part of this RLB, revisions will be posted on the ODJFS web page established for this RLB; and
- D. If it becomes necessary to revise any part of this RLB, revisions will be posted on the ODJFS web page: <http://www.state.oh.us/odjfs> and notices of such will be sent to vendors on the original mailing list and to anyone participating in the clarification process conducted pursuant to Section IV. above; and
- E. Any Public Records Request (PRR) made through the ODJFS Office of Legal Services:

Requests from potential vendors or contractors for copies of previous RLBs, past vendor proposals, score sheets or contracts for this or similar past projects, are Public Information Requests (PRRs), and are not clarification

questions regarding the present RLB. PRRs, submitted in accordance with directions provided in this Section XV, Communications Prohibited, will be honored. The posted time frames for ODJFS responses to Internet questions for RLB clarification do not apply to PRRs.

* Important Note: Amendments to the RLB or to any documents related to it will be accessible to interested vendors through the original ODJFS website established for the RLB. All interested vendors are strongly encouraged to refer to the appropriate website regularly for amendments or other announcements. Failure on the part of ODJFS to notify any vendors of any possible changes or announcements related to this RLB does not absolve the vendors from their responsibility to look for updated information through the web page.

Proposals submitted by a vendor who attempts any communications prohibited by this Section may be disqualified by ODJFS from consideration for this project. ODJFS is not responsible for the accuracy of any information regarding this RLB that was obtained or gathered through a source other than the Question and Answer process described in this RLB.

XVI. Protests

Any potential, or actual, vendor objecting to the award of a contract or a vendor 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 proposals. 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 RLB or any other event preceding the closing date for receipt of proposals which are apparent or should be apparent prior to the closing date for receipt of proposals shall be filed no later than 3:00 p.m. of the closing date for receipt of proposals as specified in Section II., Time and Date of Submission.
 - b. If the protest relates to the announced intent to award a contract, the protest shall be filed no later than 3:00 p.m. of the eighth (8th) calendar day after the issuance of the Letter of Intent to Award the contract.
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 vendor(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 vendor who filed an untimely protest as to whether or not the protest will be considered.

SECTION XVII. ATTACHMENTS

- A. Required Vendor Information and Certifications** (To be completed in blue ink & included in proposal packet as specified in Sec. IX., B., 1.)
- B. Request for Taxpayer Identification Number (W-9) Form** (To be completed in blue ink & included in proposal packet as specified in Sec. IX., B., 1.)
- C. Declaration of Material Assistance Form** (To be completed in blue ink & included in proposal packet as specified in Sec. IX., B., 1.)
- D. ODJFS Model Contract** (For vendor reference only)
- E. Technical Proposal Score Sheet** (For vendor self-evaluation purposes...do not submit)
- F. Cost Proposal Form** (To be completed & included in cost proposal packet as specified in Sec. VIII. and IX., C.)

Thank you for your interest in this project.