

ODJFS REQUEST FOR PROPOSALS (RFP)

RFP#: R-89-07-0981

**STATEWIDE FISCAL MANAGEMENT
SERVICES (FMS) for**

Home and Community Based Programs

May 12, 2008

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ODJFS REQUEST FOR PROPOSALS (RFP):

STATEWIDE FISCAL MANAGEMENT SERVICES (FMS) for Home and Community Based Programs

RFP#: R-89-07-0981

SECTION I. GENERAL PURPOSE & VENDOR INFORMATION

1.1 Purpose

The Ohio Department of Job and Family Services (ODJFS) releases this Request for Proposals (RFP) for the purpose of obtaining one qualified vendor to perform financial transactions and maintain detailed financial records on behalf of participants of multiple programs and projects that are directed by ODJFS. These programs and projects are designed to assist aged Ohioans or Ohioans with chronic health concerns, mental retardation, or physical or developmental disabilities to leave (or to avoid) institutional residential settings by providing them with financial supports for designated expenses that would support them in establishing a non-institutional residence. Use of the funds must be directed by the individual program participant to suit the individual's needs and situation, but must also be used in accordance with specific state and federal guidelines. Proper use of those funds, and detailed accounting records of their use, are critical to the individual's success and to the success of the program. ODJFS is seeking proposals from established, qualified, and responsible vendors interested in acting as the "fiscal agent" or "employer agent" (herein after F/EA) to assist those program participants manage program funds, and provide detailed accounting records to ODJFS and to participants.

ODJFS will consider vendors whose proposals demonstrate that they are an F/EA operating with approval from the IRS under Section 3504 of the IRS Code and IRS Revenue Procedure 70-6, that are willing and able to function within the vendor F/EA model, (1) where the selected vendor pays for participant's goods and services and (2) where the selected vendor pays providers for demonstration and supplemental services and (3) where the selected vendor is the agent to the common law employer who is either the participant or his or her representative. Only proposals submitted by qualified providers will be considered. For purposes of this RFP and subsequent resulting contract, the phrase "the selected vendor pays" means the selected vendor will pay for the participants' approved goods and services including demonstration and supplemental services and then, upon appropriate invoicing to ODJFS, will be reimbursed by the State.

1.2 Issuing Office

This RFP is released by and the subsequent contract(s) will be with ODJFS, which will administer the contract and will be responsible for state level supervision of all activities of the selected vendor.

If interested vendors have a need to communicate regarding this RFP, they must contact **ODJFS** using one of the mechanisms provided for in **Sections 1.7, Internet Question and Answer Period/RFP Clarification Opportunity**, or **1.9, Communication Prohibitions**, of this RFP. Vendors are cautioned that communication attempts which do not comply with these instructions will not be answered, and that ODJFS will not consider any proposals submitted to any address other than the one provided in Section 5.1 of this RFP. Vendor proposals must be submitted to ODJFS in strict accordance with proposal submission instructions provided in **Section 5.1, Proposal Submission Information**.

1.3 Background

In late 2007, several of Ohio's state agencies identified both a need and a desire to pursue a statewide fiscal management services (FMS) contract for various programs/projects. The use of consistent fiscal management practices across state programs and the ability to purchase similar services at a better value for Ohio were key benefits that state agency staff identified. While many of the same fiscal management functions are needed by the programs, each program has its own unique characteristics, participant populations, and project timelines. The various programs/projects that will benefit from use of a statewide FMS include:

HOME Choice Demonstration Project (Administered by ODJFS)

Ohio was one of 17 states initially to receive funding from the Centers for Medicare and Medicaid Services (CMS) for the "Money Follows the Person" (MFP) demonstration project enacted by Congress as part of the Federal Deficit Reduction Act of 2005. Ohio will receive up to \$100 million in enhanced matching funds over five years. These funds are to be used for two goals: 1) to transition approximately 2,200 older adults and persons with disabilities from institutions to home and community-based settings, and 2) to help Ohio balance its long term service and support structure. Ohio's MFP demonstration is known as HOME Choice (Helping Ohioans Move, Expanding Choice).

HOME Choice is designed to use Ohio's existing system of home and community-based services (HCBS) programs (Medicaid waivers and Medicaid State Plan services. See Section 1.7, Vendors' library for references) combined with additional non-Medicaid services available during the participant's demonstration period (varies by individual, see Appendix E) to support a participant's successful transition. An F/EA is needed to process payment of the non-Medicaid services. Covered Medicaid services will continue to be paid through the existing ODJFS system. It is anticipated that a majority of the projected 2,200 participants will be transitioned from skilled nursing facilities over approximately the next four years. More details about HOME Choice can be found at: <http://jfs.ohio.gov/ohp/infodata/mfpgrant/info.stm>.

Ohio Access Success Project (Administered by ODJFS)

In September, 2002, ODJFS was awarded a Real Choice Systems Change – Nursing Facility (NF) Transition Grant from the Centers for Medicare and Medicaid Services (CMS) to develop and implement a nursing facility transition program in which individuals who are aged or cognitively, sensory, or physically impaired and who have been residing in a nursing home, have an opportunity to choose to transition from that setting to a community-based setting. Concurrent to ODJFS' receipt of the NF Transition Grant, the Ohio General Assembly established funding to provide one-time relocation funds for the Ohio Access Success Project (Success Project) participants. The General Assembly has continued to allocate funding to provide one-time relocation funds for participants in the Success Project. The Success Project seeks fiscal management services to facilitate access to relocation funds by persons wishing to leave nursing homes. These individuals do not need to be Medicaid eligible or currently on a waiver program or receive Medicaid State Plan services.

ODJFS-Administered Other Medicaid HCBS Waivers

ODJFS administers three Medicaid waiver programs (Ohio Home Care, Transitions MR/DD and Transitions Carve-Out) to address the specific home care needs of different populations within a continuum of services. The Ohio Home Care Waiver meets the needs of consumers (children and adults under 60 years of age with disabilities) whose medical condition and/or functional abilities would otherwise require them to live in a nursing facility or other type of institution. The no growth Transitions Carve-Out Waiver serves those consumers with disabilities over the age of 60. Consumers who require services for MR (Mental Retardation) or DD (Developmental Disability) needs are served on the no growth Transitions MR/DD waiver. Depending on the waiver, consumers must meet a skilled level of care, an intermediate level of care, or an ICF-MR/DD level of care. All three waiver programs allow consumers choice of providers and the ability to select and dismiss providers. Consumers, caregivers, and the case manager work together to develop a plan of care for each consumer.

ODMRDD-administered Medicaid HCBS Waivers (ODMRDD – Ohio Department of Mental Retardation and Developmental Disabilities– This program may be integrated into contract at a later date.)

In October 2003, Ohio was awarded an Independence Plus Real Choice Systems Change Grant. The overall goal of the grant is to obtain approval of a 1915c waiver entitled “Independence Plus” and demonstrate successful implementation in targeted counties in Ohio. The goal of the waiver will be to increase consumer choice in meeting their individual needs; increase satisfaction with long term supports; provide safeguards to ensure personal security and well-being of participants who opt for self-directed support; and reduce unnecessary expense in the delivery of supports.

ODMRDD is still considering multiple CMS waiver models of self-direction. In addition, ODMRDD will also be looking at the feasibility of incorporating a F/EA into the currently operated waivers. Using a person-centered planning process, participants will be able to decide which services they need and want, along with how much of a service to receive. The Support Broker chosen by the participant will assist the participant in linking with these providers. Participants will have an individual budget and will have direct control and oversight of the budget. Participants will be able to purchase services/items from a provider of their choice, and hire/fire qualified workers as they choose. The F/EA will monitor and report on the individual budget and do the tax-withholding for providers. All participants on this waiver will be required to have F/EA services.

CHOICES Medicaid Home and Community-Based Services (HCBS) Waiver (Administered by Ohio Department of Aging (ODA)) – This program may be integrated into contract at a later date.

Choices is a 1915(c) Medicaid waiver program that provides in home and community based services to delay or prevent nursing home placement of waiver consumers. Choices is administered by the Ohio Department of Aging (ODA). Services help preserve the independence of the consumers, as well as maintain ties to family, friends, and the community. Eligible consumers reside in the regions of Central, Southern or Northwestern Ohio served by the Area Agencies on Aging (AAAs) in Columbus, Marietta, Rio Grande or Toledo. Consumers must be currently enrolled in the PASSPORT Medicaid waiver program, have their physician agree to the service plan and be willing and capable of directing provider activities.

The Choices program enables participants to act as the employer of record with the authority to hire, train, direct, and fire the direct service workers who provide the majority of the hands on care through the Home Care Attendant Service (HCAS). Direct service workers may include friends, neighbors and relatives. Consumers use the services of a F/EA to assist with the management of State and Federal taxes, payroll processing, employment forms, and workers compensation. The consumers have some budget authority over the services provided by the direct service workers. The consumers may have multiple workers and determine worker pay rates in accordance with the tasks performed. Consumers may choose to receive services from a provider agency or from direct service workers. (or ‘employees’); however, the F/EA would only be responsible for the activities performed by the direct service workers.. All Choices consumers have an assigned case manager and may also choose an unpaid authorized representative to assist with managing the direct service workers.

1.4 Overview of the Project

The State of Ohio seeks a statewide fiscal management services vendor to be the F/EA that performs financial transactions on behalf of participants in multiple programs and projects who are receiving “consumer-directed” services.

Within 30 days of contract effective date, ODJFS will conduct a “Readiness Review” of the selected OHIO Financial Management Services (FMS) vendor to determine that the vendor has successfully completed all necessary preparatory tasks and developed all necessary protocols, training standards, policies, etc. This readiness review will determine if the FMS vendor’s systems, written policies and procedures, and internal controls for monitoring are adequately in place so that the project work outlined in the scope of this RFP document may proceed. If during this review, ODJFS finds any tasks incomplete or inadequate, it will

specify all such items to the vendor; all unresolved findings from the readiness review must be fully resolved within 90 days of the readiness review report or the contract will be terminated. The FMS vendor's satisfactory completion of those tasks and responsibilities outlined by the Readiness Review format (provided as Appendix B.) will be collectively referred to as the Readiness Review Compliance.

Pre-Phase – Implementation of Contract – Successful completion of all Readiness Review Compliance responsibilities within 30 days from contract effective date. The readiness review will determine if systems, written policies and procedures, and internal controls for monitoring are in place for the project work outlined in the scope of this request for proposal. (See Appendix B)

Phase I – After successful completion of Readiness Review

Full Implementation of Fiscal Management Services (FMS) for the HOME Choice program (administered by ODJFS) as described in this RFP.

Phase II – Estimated July, 2009

Full Implementation of Fiscal Management Services (FMS) for the other programs outlined in Section 1.3 as described in this RFP. These services will also include management of program participant's workers and payroll processing.

The selected vendor will perform the following basic functions:

- Manage individual participant budgets by acting as a neutral bank: receiving and disbursing funds, tracking and reporting on the participant's budget funds (received, disbursed and any balances).
- Establish and provide ongoing customer service to ODJFS, program participants, and providers. The customer service system must include a toll-free telephone number and a Telecommunication Device for the Deaf (TDD) line must be established. If requested, the selected vendor must provide alternate formats for materials, (such as, large print or Braille), and make available the use of translators or interpreters.
- The selected vendor must be culturally sensitive and able to communicate effectively with a diverse population of individuals. The selected vendor must track participants' complaints and resulting corrective action.
- Produce monthly and quarterly reports (e.g., budget status and expenditure reports) to participants and other entities specified in the waiver.
- Process and pay goods and services invoices included in participant's service plans and budgets.
- Process and pay invoices to providers for supplemental and demonstration services (See Appendix F) that are included in participant's service plans.
- Process and pay ODJFS approved invoices to Ohio Olmstead Taskforce on behalf of the HOME Choice Consumer Council members.
- The selected vendor must maintain a F/EA policies and procedures manual specific to Ohio and stay up-to-date with Federal, State, and Local rules and regulations.
- The selected vendor must have a disaster recovery plan in place for all electronic program information.
- The selected vendor is mandated to report any act of negligence, abuse, or exploitation of any program participant to ODJFS upon discovery.
- Operate a payroll service, (including withholding taxes from workers' pay, filing and paying Federal {e.g., income tax withholding, FICA and FUTA}, state {e.g., income tax withholding and SUTA}, and, when applicable, local employment taxes and insurance premiums). Brokering worker's compensation insurance, and distributing payroll checks on the participant's behalf. (*Phase II functions only*)
- Submit invoices to ODJFS for reimbursement of funds and payment of administrative fees.

1.5 Anticipated Procurement Timetable

DATE	EVENT/ACTIVITY
May 12, 2008	ODJFS Releases RFP to Potential Vendors on ODJFS Web Site; Q&A Period Opens - RFP becomes active - Vendors may submit inquiries for RFP clarification
May 21, 2008	Vendor Q&A Period Closes, 10 a.m. (for inquiries for RFP Clarification) - No further inquiries for RFP clarification will be accepted
May 27, 2008	ODJFS provides Final Vendor Question & Answer Document (estimated)
June 20, 2008	Deadline for Vendors to Submit Proposals to ODJFS (3 p.m.) - This is the proposal opening date, beginning the ODJFS process of proposal review
July 7, 2008	ODJFS Issues Contract Award Notification Letter (estimated) - Vendors that submitted proposals in response to this RFP will be sent letters stating whether their proposal was accepted for award of the contract
August 4, 2008	Controlling Board Review of Contract (estimated—if applicable). -Contract with the selected vendor requires review and approval
August 15, 2008	Implementation* (estimated—following notification of all contractual and funding approvals) - ODJFS contracts are not valid and effective until the state Office of Budget Management approves the purchase order.

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.

1.6 Internet Question & Answer Period; RFP Clarification Opportunity

Potential vendors may ask clarifying questions regarding this RFP via the Internet during the Q&A Period as outlined in Section 1.6, Anticipated Procurement 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 Us” on the front page;

- * **Select “Doing Business with ODJFS;”**
- * **Select “Requests for Proposals, Letterhead Solicitations, and Other Invitations;”**
- * **RFP Number *R89070981*;**
- * **Select “Ask a Question about this RFP” function; and**
- * **Follow the instructions to send an e-mail question.**

Questions about this RFP must reference the relevant part of this RFP, the heading for the provision under question, and the page number of the RFP where the provision can be found. The potential vendor must also include the name of a representative of the potential vendor, the company name and business phone number. ODJFS may, at its option, disregard any questions which do not appropriately reference an RFP 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 the Q&A period closes.

ODJFS responses to all questions asked via the Internet will be posted on the Internet website dedicated to this RFP, 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 Q&A Document” for this RFP. If possible, ODJFS will post an interim Q&A Document, without identifying the vendors asking questions, as well as the final version (in which all vendors that posed questions will be identified). ODJFS strongly encourages vendors to ask questions as early as possible in the Q&A period so that interim answers can be posted with sufficient time for the possibility of vendors’ follow-up questions.

Vendor proposals in response to this RFP are to take into account any information communicated by ODJFS in the Final Q&A Document for the RFP. **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 this RFP.**

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

IMPORTANT: Requests from potential vendors for copies of previous RFPs, 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 RFP. PRRs submitted in accordance with directions provided in Section 1.9, Communication Prohibitions, will be honored. The posted time frames for ODJFS responses to Internet questions for RFP clarification do not apply to PRRs.

Vendors are to base their RFP responses, and the details and costs of their proposed projects, on the requirements and performance expectations established in this RFP for the future contract, NOT on details of any current or past related contract. 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 RFP. 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. Interested vendors should also refer to RFP Section 1.10, Time Frames and Funding Source, for related information.

There is an established time period for the Vendor Q&A process (see Section 1.6, Anticipated Procurement Timetable, above). ODJFS will only answer those questions submitted within the stated time frame for submission of vendor questions, and which pertain to issues of RFP clarity, and which are not requests for public information. ODJFS is under no obligation to acknowledge questions submitted through the Q&A process if those questions are not in accordance with these instructions.

* Should vendors experience technical difficulties accessing either the ODJFS website where the RFP and its related documents are published, they may contact the ODJFS Office of Contracts and Acquisitions, RFP/RLB Unit, at (614) 728-5693 for guidance.

1.7 Vendors' Library

There is no specific library of documents, reports, or other information that vendors interested in this RFP should consider. However, a wide variety of information on ODJFS, ODMRDD, and ODA and its programs which interested vendors may find useful is available to the public via the respective websites at:

<http://jfs.ohio.gov/OHP/infodata/MFPGrant/info.stm> - Home Choice (Money Follows the Person)

<http://jfs.ohio.gov/OHP/ohc/oasp.stm> - Ohio Success Project

<http://jfs.ohio.gov> – ODJFS-Administered Waivers

<http://odmrdd.state.oh.us/odmrdd.htm> - ODMRDD-Administered Waivers

<http://goldenbuckeye.com/providers/choices.html> - ODA Choices Waiver

<http://www.taxalmanac.org/index.php/Internal Revenue Code:Sec. 3504>. Acts to be performed by agents– IRS Section 3504 of the IRS Code

http://www.irs.gov/irb/2003-43_IRB/ar09.html - IRS Revenue Procedure 70-6

1.8 Communication Prohibitions

From the issuance date of this RFP until an actual contract is awarded to a vendor, there may be no communications concerning the RFP between any vendor that expects to submit a proposal 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 RFP or the selection of the contractor.

The only exceptions to this prohibition are as follows:

1. Communications conducted pursuant to Section 1.7, Internet Q&A Period;
2. As necessary in any pre-existing or on-going business relationship between ODJFS and any vendor that could submit a proposal in response to this RFP;
3. As part of any vendor interview process or proposal clarification process initiated by ODJFS, which ODJFS deems necessary in order to make a final selection;
4. If it becomes necessary to revise any part of this RFP, ODJFS will post those revisions, amendments, etc., to the website dedicated to this RFP;* and
5. Any Public Records Request (PRR) made through the ODJFS Office of Legal Services.

*** Important Note:** Amendments to the RFP or to any documents related to it will be accessible to interested vendors through the original web page established for the RFP. All interested vendors must refer to that web page regularly for amendments or other announcements. ODJFS may not specifically notify any vendor of changes or announcements related to this RFP 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 RFP that was obtained or gathered through a source other than the Q&A process described in this RFP. Any attempts at prohibited communications by vendors may result in the disqualification of those vendors' proposals.

1.9 Time Frames & Funding Source

ODJFS is seeking to contract with a vendor to perform fiscal management services from approximately August 1, 2008 to June 30, 2009 with Medicaid and grant funds. Since state law prohibits ODJFS from making financial commitments beyond the fiscal biennium (e.g., July 1, 2007 – June 30, 2009), the contract

with the selected vendor will be subject to two optional renewals. The first renewal for the period of July 1, 2009 through June 30, 2011, the second renewal for the period of July 1, 2011 through June 30, 2013. Renewal is contingent upon the availability of funds and satisfactory performance by the selected vendor, and is subject to approval by the Controlling Board. Refer to estimated timelines by project phase as established in Section 1.5, Anticipated Procurement Timetables, of this RFP.

Potential vendors are to be aware that ODJFS may, at its sole discretion, negotiate with all technically qualifying vendors for a revised cost proposal if the cost proposals of all technically qualifying vendors are in excess of the available funding for this project. Section 6.1 C. of this RFP establishes further information on ODJFS procedures to be implemented if this occurs.

SECTION II. VENDOR EXPERIENCE AND QUALIFICATIONS

Vendors' proposals must address all the following minimum qualifications as well as organizational and staff experience and capabilities:

2.1 Mandatory Vendor Qualifications

In order to be considered for the contract expected to result from this RFP, ODJFS requires that interested vendors **must** meet, at minimum, **all** the following qualification requirements:

- a. The selected vendor is in compliance with IRS, state and local regulations and with no currently outstanding audit findings by these regulatory authorities as it relates to the FMS process.
- b. Vendor has been an F/EA in accordance with section 3504 of the IRS code and IRS Revenue Procedure 70-6 for, at minimum, three years.
- c. The selected vendor must enclose a letter of commitment from a bonding company for a performance bond that must be equal to at least 5% of the total annual amount of the Contract and must remain in place through each fiscal year of the Contract. The selected vendor will provide the State with a performance bond in that amount within 5 business days of an executed Contract;
- d. The most current or previous year's financial audit with the most recent "no material weakness" letter must be sent with this proposal to indicate financial viability for the project. The selected vendor will be required to have a financial audit conducted annually and present this audit at any time, if requested.

Vendors that do not meet all the above experience and qualification requirements will be disqualified from further consideration for contract award.

2.2 Organizational Experience and Capabilities

ODJFS requires that interested vendors provide the following information, the quality, completeness and compliance of which will be evaluated in the proposal review process:

- a. Documentation of all experience providing fiscal management services as an F/EA in accordance with section 3504 of the IRS code and IRS Revenue Procedure 70-6.
- b. Documentation of any experience providing fiscal management services for older adults, people with MR\DD, adults with disabilities, and people with mental health needs;
- c. Documentation of any experience providing fiscal management services for the Medicaid Program;

- d. Names and contact information for at least three entities for which they have performed similar large scale projects in the past five (5) years that have at least 3500 participants. Large scale projects would include projects that involve multiple agencies, programs, and funding streams.

2.3 Staff Experience and Capabilities

The vendor must demonstrate significant expertise by assigning staff to key leadership rolls for this project. Key positions will require submission of profiles and resumes or curriculum vitae. The vendor must, at minimum: Include resume(s) of all key staff expected to work on the project. Proposals lacking necessary evidence of the appropriate education and experience shall be disqualified from consideration.

- a. Identify, by position and by name, those staff the vendor considers key to the project's success. Describe the key staff's certification, special training, and education; and
- b. Identify, by name, the project manager that will be assigned to this project. This project manager must possess, at minimum, a Bachelor's degree in public health, economics, sociology, business administration, accounting or other related discipline, and at least four (4) years experience performing project management of a similar service. It is also preferred that the project manager have 24 months of experience with Medicaid information systems.
- c. Identify, by name(s), at least one staff member with a bachelor's degree in accounting and eight (8) years of applicable experience or a master's degree in accounting and two (2) years of applicable experience. It is also preferred that the accountant have 24 months of experience with Medicaid information systems.
- d. Identify by name(s), at least one system analyst assigned to this project. The system analyst must have completed an undergraduate program in information technology or a related field with a minimum of four (4) years of experience with various database management systems, programming languages and with auditing system edits and data integration procedures. It is preferred that the systems analyst have a Master's Degree in Computer Science or a related field. It is also preferred that the systems analyst has 24 months of experience with Medicaid information systems.

SECTION III. SCOPE OF WORK & SPECIFICATIONS OF DELIVERABLES

3.1 Scope of Work

Pre-Phase – Implementation of Contract – Successful completion of Readiness Review within 30 days from contract effective date. The readiness review will determine if systems, written policies and procedures, and internal controls for monitoring are in place for the project work outlined in the scope of this request for proposal. (See Appendix B)

Phase I –After successful completion of Readiness Review

Full Implementation of Fiscal Management Services (FMS) for the HOME Choice program (administered by ODJFS) as described in this RFP. The selected vendor for this project will be required to perform the following:

1. General Work Requirements:
 - a. The selected vendor must establish a unique and new FEIN for itself for the sole purpose of acting as Ohio's statewide F/EA for Ohio's program participants and use this FEIN for the Vendor F/EA function;

- b. All applicable permits, registrations, licenses, and insurance must be in place at the time the contract is activated and throughout the term of the contract;
 - c. The selected vendor must maintain a F/EA policies and procedures manual specific to Ohio and stay up-to-date with Federal, State, and Local rules and regulations. This manual must delineate all tasks related to this project and identify those tasks that a reporting agent or subagent will perform. This manual must also include what monitoring will occur between the selected vendor and the reporting agent or subagent.
 - d. The selected vendor must have a disaster recovery plan in place for all electronic program information.
 - e. The selected vendor must maintain a current organizational chart (including any subcontractors) and submit to appropriate state agencies, upon request.
 - f. The selected vendor must require criminal background checks for all staff members related to this project before hire;
 - g. The selected vendor's staff must be 18 years of age AND be US citizens or documented immigrants;
 - h. The selected vendor must participate in ongoing quality management and evaluation activities including but not limited to a readiness review. ODJFS reserves the right to conduct performance evaluations at any time throughout the year to provide assurance that the selected vendor is in compliance with federal requirements as set forth in 42 CFR 441.301 and 441.302.
 - i. Interface with the applicable billing system operated by each state agency and conduct HIPAA compliant Electronic Data Interface billing.
 - j. Alert designated state agencies about unauthorized invoices and other payment authorization issues or discrepancies.
 - k. The selected vendor is mandated to report any act of negligence, abuse, or exploitation of any program participant to ODJFS upon discovery. If the selected vendor becomes aware of any change in the participant's program status, the selected vendor must report this to the appropriate state agency upon discovery.
 - l. The selected vendor will attend all scheduled meetings convened by a state agency program manager. The key staff assigned to this project must attend these meetings.
2. Management of Individuals' Budgets.
- a. Establish and maintain separate individual program participant and provider accounts and records in a secure and confidential manner as required by HIPAA, federal, state, and local regulations.
 - b. Collect, process, and verify that invoices for goods and services are authorized as outlined in the participant's service plan and individual budget.
 - c. Process claims to reimburse providers for authorized demonstration and supplemental services as authorized on participant's service plan.
 - d. Prepare monthly report to each program participant on the use of the participant's budget.
 - e. Reconcile provider/participant claims to payments made on a monthly basis.
 - f. The selected vendor must have a process in place to close out a participant's records when designated state agencies inform the selected vendor of any participant's program disenrollment.
3. Customer Service System
- a. Establish and provide ongoing customer service to individuals and representatives.
 - b. Manage a toll-free telephone number to answer questions or discuss problems with participants or providers. During times when the office is closed, a voice message system must be used. Calls left on the voice message system must be answered within one working day from when the message was left. Hours of operation shall be from 8:00 a.m. to 5:00 p.m., Monday through Friday with only State holidays observed. The Governor's inclement weather policy will be implemented at appropriate times.

- c. Calls to customer service or letters of inquiry will be responded to within one (1) business day.
 - d. The selected vendor must be culturally sensitive, consistent with consumer-direction philosophy, and able to communicate effectively with a diverse population of individuals.
 - e. The selected vendor will respond to complaints within one (1) business day and resolve all complaints within ten (10) business days. The selected vendor must track the nature of the complaint and action taken to include in the quarterly report for submission as required by the agency.
 - f. Provide participant or representative any request for information within 5 calendar days.
 - g. Provide alternative formats, if requested. These include material in large print, on disk, in Braille, translators and interpreters.
 - h. Establish and maintain a Telecommunication Device for the Deaf (TDD) line. The number must be listed on letterhead, brochures, and any other public material.
4. Record Management and Reporting Process
- a. Provide monthly reports to both participants and program managers. Provide quarterly status report for ODJFS.
 - b. These reports shall include, at a minimum:
 1. the name and Medicaid identification number of the program participant,
 2. the activity and the balance of the program participant's goods and services account,
 3. the number, type and amount of all payments made to the supplemental and demonstration service providers for the month and to date,
5. Managing invoices for goods and services rendered and included in individuals' service plans and budgets
- a. Verify the goods and services invoices with the authorization on the program participant's service plan. Process and pay goods and services invoices within 10 days upon receipt.
 - b. Reconcile the receipts, invoices, and payments for participant's goods and services.
6. Payment of invoices to providers for supplemental and demonstration services included in individuals' service plans. Transition coordination is included under supplemental services.
- a. Verify the supplemental and demonstration service invoices with the authorization on the program participant's service plan. Process and supplemental and demonstration services invoices within 10 days upon receipt.
 - b. Transition coordination will be paid by the selected vendor in three installments. Each installment invoice must be verified with the designated state agency.
 - c. Transfer funds electronically to providers for payment if requested (i.e. direct deposit).
 - d. Assist providers and/or give technical assistance as needed with submission of timesheets/invoices/claims.
7. Process and pay ODJFS approved invoices to Ohio Olmstead Taskforce on behalf of the HOME Choice Consumer Council members.

PHASE II

Will include all work included in Phase I with the addition of:

1. Management of Program Participant's Workers.
 - a. Verification that persons or agencies in direct contact with participants have criminal background checks in accordance with the appropriate agency's rules. There must be a procedure to process criminal background checks on prospective workers (as required by the State or requested by the individual). This procedure must include information about how the program manager will be notified of the results and how copies of the documentation will be maintained in the program participant workers' files as required by the State.

- b. Collect, process, and verify timesheets of the participant's workers for the authorized services as outlined in the participant's service plan and individual budget.
- c. Process payroll, withholding, filing, and payment of applicable federal, state, and local employment-related taxes, and workers' compensation insurance.
- d. Maintain employer related records on behalf of the participant.
- e. Prepare and distribute individual enrollment and worker employment packages within two (2) business days of receiving program participant's referral.
- f. The selected vendor is required to produce a monthly and quarterly status report for program participants and for the program manager. These reports shall include all domestic household employees, the names, social security numbers, job titles, hire date(s), wages, taxes and insurances paid for the current period and year to date.

2. Payroll Process

- a. Deposit federal withholding, FICA, FUTA, SIT, SUTA, and all locality and school taxes.
- b. File quarterly and annual federal and state unemployment returns.
- c. Comply with the IRS regulations using the Electronic Federal Tax Payment System (EFTPS).
- d. Comply with all program electronic filing requirements.
- e. Assure program participants are in compliance with federal and state income and employment taxes, FICA, statutory benefits [e.g., unemployment (FUTA/SUTA)], disability and worker's compensation insurance, and labor laws related to the employment of their workers.
- f. File year end tax forms and follow end of year tax processes including but not limited to applicable W-2's and 1099's.
- g. Process payroll for program participants that are employer of record in accordance with applicable federal, state and local rules and regulations. Payroll must be issued no later than five (5) working days after receiving the completed timesheet.
- h. Prepare and submit the required reports to all State/County agencies and individuals/representatives.
- i. Give instructions on how and when each of the following forms should be completed by the program participant and the worker: an employment application form that collects basic information on the prospective employee, an Immigration and Naturalization Service (INS) Form I-9; an Employment Eligibility Verification Form, IRS Form W-4; Employee's Withholding Allowance Certificate and an associated State and local income tax withholding form, IRS Notice 797; Possible Federal Tax Refund Due to the Earned Income Credit (EIC), the IRS Form W-5; Earned Income Credit Advanced Payment Certificate. The instruction must include information on which forms the program participant should keep as a personal copy and which forms should be submitted to the contractor for processing.
- j. Determine when a program participant is no longer a permanent employer and file and pay final SIT and SUTA on their behalf and retire their tax accounts and ID numbers.
- k. Broker workers' compensation insurance, the selected vendor must have plan in place to monitor the process and pay worker's compensation insurance premiums for each individual it represents in accordance with Ohio's worker's compensation insurance law and for maintaining the relevant documentation in each individual's file.

3.2 Participants

HOME Choice Demonstration Project (ODJFS Administered)

ODJFS is the single state Medicaid agency in Ohio and is responsible for the management, operation and oversight of the Money Follows the Person (MFP) demonstration, which will be known as HOME Choice in Ohio. Workers may be agencies or non-agency independent contractors. Vendor will act as fiscal agent on behalf of the State and issue appropriate 1099's to non-agency independent contractor providers and report disbursements as invoices to Ohio. Eligibility criteria for participation in HOME Choice include institutional level of care, Medicaid eligibility for the 30 days prior to discharge from a stay of at least six months,

residence in a qualified institution, and transition to a qualified residence. ODJFS proposes to transition approximately 266 individuals in the first fiscal year. By the end of fiscal year 2011, Ohio estimates that approximately 2200 individuals on this program will be using FMS services.

Ohio Access Success Project (ODJFS Administered)

The Ohio Access Success Project is targeted to nursing facility residents whose community care needs meet the criteria for either an intermediate or skilled level of care. Those residents electing to participate in the program must need the level of care provided by nursing facilities. Additionally, their care after community placement must be cost effective when compared with the average monthly Medicaid cost of their nursing facility care. There are currently 188 people approved to participate in the program but only a percentage of those will actually relocate. The potential number of people served per year is estimated at 87.

ODJFS-Administered Medicaid HCBS Waivers

ODJFS administers three Medicaid waiver programs (Ohio Home Care, Transitions MR/DD and Transitions Carve-Out) to be consumer and provider friendly to address the specific home care needs of different populations within a continuum of services. The Ohio Home Care Waiver meets the needs of consumers (children and adults under 60 years of age with disabilities) whose medical condition and/or functional abilities would otherwise require them to live in a nursing facility or other type of institution. The no growth Transitions Carve-Out Waiver serves those consumers with disabilities over the age of 60. Consumers who require services for MR (Mental Retardation) or DD (Developmental Disability) needs are served on the no growth Transitions MR/DD waiver. Depending on the waiver, consumers must meet a skilled level of care, an intermediate level of care, or an ICF-MR/DD level of care.

ODMRDD-administered Medicaid HCBS Waivers– This program may be integrated into contract at a later date. This population are participants with a diagnosis of mental retardation and/or developmental disability and an Intermediate Care Facility/Mental Retardation (ICF/MR) level of care. Currently, there are 40 individuals estimated for the first fiscal year. These participants will be spread between ten to twenty different counties in Ohio that are yet to be determined. 125 are estimated for State Fiscal Year 2010 and 200 for State Fiscal Year 2011.

CHOICES Medicaid Home and Community-Based Services (HCBS) Waiver (ODA Administered) – This program may be integrated into contract at a later date. Eligible consumers are older adults 60 years of age and older that reside in the regions of Central, Southern or Northwestern Ohio served by the Area Agencies on Aging (AAAs) in Columbus (6), Marietta(8), Rio Grande(7) or Toledo(4). (Please see Appendix A) Workers are employees of program participants who are the employers of record. FMS will act as the fiscal agent on behalf of the program participants. There are currently 324 consumers enrolled statewide in the Choices program. The Toledo area will begin enrolling consumers in the summer of 2008 bringing the number of Counties served to 36 of 88. The CHOICES 1915(c) waiver program has the capacity to service 985 consumers during the program year.

3.3 Administrative Structures—Proposed Work Plan

Timeline:

Pre-Phase – Implementation of Contract – The selected vendor will complete all necessary tasks and develop all necessary protocols, training standards, policies, etc. necessary for Readiness Review Compliance, within 30 days of contract effective date from ODJFS through its completion of an Ohio Financial Management Services (FMS) Readiness Review (See Appendix B). Any unresolved findings from the readiness review must be resolved within 90 days of the readiness review report. If not, the contract will be terminated. The readiness review will determine if systems, written policies and procedures, and internal controls for monitoring are in place for the project work outlined in the scope of this request for proposal.

Phase I –After completion of Readiness Review - Full Implementation of Fiscal Management Services (FMS) for the HOME Choice program (administered by ODJFS) as described in this RFP.

Phase II – Estimated July, 2009

- Full implementation of FMS services for the Success Project (administered by ODJFS) as described in this RFP.
- Full implementation of FMS services for other ODJFS-administered waivers as described in this RFP.
- Full implementation of FMS services for the ODMRDD-administered waiver programs as described in this RFP.
- Full implementation of FMS services for the Choices Waiver program (administered by ODA) as described in this RFP.

<i>Administrative structures & technical approach:</i>

Prospective vendors are to include, at minimum, the following administrative structures and technical approach for the proposed work plan. The prospective vendor shall:

- A. State the key objectives of the proposed project. [NOTE: Prospective vendors are advised to refrain from simply restating the basic functions outlined in Section 1.4 of this RFP.];
- B. Provide a detailed technical approach and work plan to be implemented. This shall include a narrative discussion of the proposed approach to each component of the scope of the work outlined in Section 3.1 of this RFP, and of how that approach will successfully achieve all programmatic goals.
- C. Provide a current organizational chart (including any subcontractors) and specify the key management and administrative personnel who will be assigned to this project; and
- D. Provide a timeline for each component of the scope of the work outlined in Section 3.1 of this RFP and the project overall. The proposed timeline for the project must comply with the work phases as specified in the beginning of this section;

3.4 Specifications of Deliverables

The contracted deliverables include:

- a. Readiness Review Compliance, consisting of successful completion of all tasks necessary for full approval by ODJFS through its Ohio Financial Management Services (FMS) Readiness Review process (See Appendix B) within 30 days of contract effective date. Any unresolved findings from the readiness review must be resolved within 90 days of the readiness review report. If not, the contract will be terminated.
- b. Fiscal/Employer Agent services to all active program clients, in accordance with guidelines specific to the participant's program, as outlined in this RFP
- c. Monthly reports in the format needed for that state agency which delineates program, participant's total expenditures and budget balances and any instances of misuse of funds, abuse, or neglect. Phase II reports will be separate and will include a monthly payroll report and a monthly service report. The monthly reports must be submitted no later than the 15th calendar day following the end of the month.
- d. Summary activity reports each quarter no later than 15 calendar days after quarter-end electronically to each program manager in the format needed for that state agency. The report should be for the quarter period and captured by individual month. Include in this quarterly report by program: number of new enrollees, number of active participants, number of disenrolled

participants and a summary of the program participant's budget, number of participants by service.

3.5 Selected Vendor Compensation Structure

The vendor must bid a per-member per-month (PMPM) rate as appropriate for each of the participant programs. The contractor shall accept those fees as payment in full inclusive of all administrative costs, transportation costs, overhead, and profit for all activities required under this contract. The contractor must be willing to, and capable of operating by reimbursement only. ODJFS WILL NOT CONSIDER ANY ADVANCES OF FUNDS TO THE SELECTED VENDOR – this is not open for negotiation. The contractor will submit an invoice for their fees each month for reimbursement.

3.6 Sanctioning Process

The selected vendor must comply with Section 3.1 (Scope of Work), meet all performance measures, and supply all deliverables. If the selected vendor is non-compliant, a Notice of Operational Deficiency (NOD) will be sent to the selected vendor. A plan of correction will be requested from the selected vendor. The plan of correction will be monitored on a regular basis.

If a second episode of non-compliance occurs, the contractor will have 10% of their monthly payments withheld until such time that the selected vendor is in compliance. The selected vendor will only have 90 days to be in compliance or the contract will be terminated.

If a third episode of non-compliance occurs, the contract will be terminated.

SECTION IV. CONDITIONS AND OTHER REQUIREMENTS

Through this section of the RFP, ODJFS notifies vendors seeking award of a contract of certain conditions and requirements which may affect their eligibility or willingness to participate in any procurement (RFP, RLB, etc.) process; or their eligibility to be awarded a contract; and of requirements that would be in effect should they be awarded a contract.

4.1 State Contracts

Proposals 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 percentage 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 5.2 B., 1** of this RFP.

4.2 Interview

Vendors submitting proposals may be required to participate in an in-depth interview as part of the evaluation process. The interview, if necessary, may include participants from ODJFS and/or other state or county agency staff or other representatives it may appoint, as appropriate. 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.

4.3 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 project manager when work may begin. **Any work begun by the vendor prior to this notification will NOT be reimbursable by ODJFS.**

4.4 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 4.2, above).

4.5 Trade Secrets Prohibition; Public Information Disclaimer

Vendors are prohibited from including any trade secret information as defined in ORC 1333.61 in their proposals in response to any ODJFS RFP, RLB or other procurement efforts. ODJFS shall consider all proposals voluntarily submitted in response to any ODJFS RFP (or etc.) 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 this RFP shall become the property of ODJFS. This RFP and, after formal announcement by ODJFS of the results of this RFP project (e.g., notices provided to responding vendors regarding vendor selection, notice of project cancellation, etc.), any proposals submitted in response to the RFP are deemed to be public records pursuant to R.C. 149.43. For purposes of this section, "proposal" shall mean both the technical and the cost proposals (if opened by ODJFS) submitted by the vendor, any attachments, addenda, appendices, or sample products.

Any proposals submitted in response to this or any ODJFS RFP which make claims of trade secret information shall be disqualified from consideration immediately upon determination that such unallowable claim has been made.

4.6 Contractual Requirements

- A. Any contract resulting from the issuance of this RFP is subject to the terms and conditions as provided in the model contract, which is included as **Attachment D.** of this RFP;
- B. 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 changes are subject to ODJFS review and approval;
- C. Payments for any and all services provided pursuant to the contract are contingent upon the availability of state and federal funds;
- D. All aspects of the contract apply equally to work performed by any and all subcontractors;
- E. 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 RFP. 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;
- F. 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;
- G. By signing a contract with ODJFS, a vendor agrees that all necessary insurance is in effect; and

- H. The selected contractor shall be required to comply with prevailing wage standards, as established in ORC 4115.03 to 4115.16.

4.7 Travel Reimbursement

Travel should be folded into the overhead, per diem, or the hourly rates which are built into the cost of the deliverables. Travel is not to be listed separately unless otherwise specified in Section 5.2 C. (Proposal Format and Submission – Cost Proposal) of this RFP.

4.8 Minority Business Enterprise

ODJFS is required by Section 125.081(B) and 123.151 of the ORC to award fifteen percent (15%) of its total procurements to vendors certified as Minority Business Enterprises (MBE). Ohio certified MBE is defined in ORC Section 122.71. If the proposal is not submitted by a certified MBE, the vendor is strongly encouraged to subcontract a minimum of fifteen percent (15%) of the total contract price to an Ohio certified MBE.

The proposal must clearly indicate the name of the proposed Ohio MBE vendor and the exact nature of the work to be performed under the proposed subcontract. The proposal must include a letter from the proposed MBE, signed by a person authorized to legally bind the subcontractor, indicating the following:

1. The subcontractor's legal status, federal tax ID number, and principle business address;
2. The name, phone number, and fax number of a person who is authorized to legally bind the subcontractor to contractual obligations;
3. A complete description of the work the subcontractor will do;
4. A commitment to do the work, if the vendor is selected;
5. A statement that the subcontractor has and understands the RFP, the nature of the work, and the requirements of the RFP; and
6. A copy of the Ohio MBE certificate.

There may be no dollar amounts of any kind included with the MBE information; inclusion of dollar amounts will result in the disqualification of the primary vendor's entire proposal.

A listing of Ohio certified MBEs can be accessed through the Ohio Department of Administrative Services (DAS) Web Site at: <http://das.ohio.gov/Eod/MBESearch/index.asp>.

While ODJFS strongly encourages the use of MBE subcontractors, the vendor's use of an MBE subcontractor will have no effect on vendors' technical scores or on final contractor selection for this RFP, **unless** Section VI, Criteria for Proposal Evaluation and Selection of this RFP (and/or the Technical Proposal Score Sheet for this RFP) affirmatively establish an MBE participation criterion.

4.9 Subcontractor Identification and Participation Information

Any vendors proposing to use a subcontractor for any part of the work described in this RFP must clearly identify the subcontractor(s) and their tasks in their proposals. The proposal must include a letter from the proposed subcontractor(s), signed by a person authorized to legally bind the subcontractor, indicating the following:

1. The subcontractor's legal status, federal tax ID number, and principle business address;
2. The name, phone number, and fax number of a person who is authorized to legally bind the subcontractor to contractual obligations;
3. A complete description of the work the subcontractor will do;
4. A commitment to do the work, if the vendor is selected;

5. A statement that the subcontractor has read and understands the RFP, the nature of the work, and the requirements of the RFP.

There may be no dollar amounts of any kind included with sub-contractor information; inclusion of dollar amounts will result in the disqualification of the primary vendor's entire proposal.

4.10 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.

4.11 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.

4.12 Key Personnel

ODJFS will require a clause in the resulting contract regarding key personnel in that any person identified as critical to the success of the project may not be removed without reasonable notice to ODJFS, and replacements will not be made without ODJFS approval.

4.13 Ethical & Conflict of Interest Requirements

- A. 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;
- B. No contractor or individual, company or organization seeking a contract shall solicit any ODJFS employee to violate any of the conduct requirements for employees;
- C. Any contractor acting on behalf of ODJFS shall refrain from activities which could result in violations of ethics and/or 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
- D. 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.

4.14 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 CFR 164.501 and any amendments thereto. The selected vendor can reasonably anticipate HIPAA language in the contract that results from this RFP.

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.

4.15 Waiver of Minor Proposal Errors

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.

4.16 Proposal Clarifications

ODJFS reserves the right to request clarifications from vendors of 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.

4.17 Contractual Requirements and Prevailing Wage 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 RFP. Potential vendors are strongly encouraged to read the model contract and to be fully aware of ODJFS' contractual requirements. Additionally, the selected contractor will be required to comply with prevailing wage standards, as established in ORC 4115.03-4115.16.

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

ORC 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 RFP, without notifying ODJFS of such finding. ODJFS will review the Auditor of State's website prior to completion of evaluations of proposals submitted pursuant to this RFP. 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.

4.19 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 to be provided for the project which is the subject of this RFP 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 impact that the behavior that led to the claims could have on the vendor's performance of the work, and the best interests of ODJFS.

4.20 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 RFP. 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.

4.21 Mandatory Disclosures of Work Location

Proposals must explicitly state the location(s) (city, state/province, country) where work described in this RFP would be performed, whether by the vendor or by any subcontractors.

4.22 Vendor Selection Restriction

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

4.23 Declaration of Material Assistance Requirements

Any vendor responding to any ODJFS RFP, RLB, or any other procurement opportunity is required to provide certification that the vendor has not provided material support or resources to any organization listed on the "Terrorist Exclusion List" (TEL) maintained by the U.S. Department of State. The Declaration of Material Assistance Form, provided as **Attachment C**, to this RFP, must be printed, completed, and signed by the interested vendor's authorized representative, and returned to ODJFS as a component of the vendor technical proposal/bid. Failure to properly complete the form or to provide it as part of the proposal submitted to ODJFS may result in the disqualification of the vendor's proposal from consideration.

Vendors may access the TEL from the Ohio Homeland Security Office website, located at www.homelandsecurity.ohio.gov.dma.asp or via e-mail to dma-info@dps.state.oh.us for the current list of excluded organizations and additional information.

4.24 Ohio Presence Consideration

Vendors that can demonstrate in their proposals that they either currently have a physical presence in Ohio or have concrete plans for establishing a physical presence will be given additional scoring consideration. In order to be acknowledged as a vendor with an Ohio presence, vendors must comply with instructions provided in this RFP, Section 5.2, Format for Organization of the Proposal, and provide information on the nature of the work and the number and type of vendor personnel at the Ohio location. Details of how an Ohio presence will be considered in the proposal scoring process are provided on Attachment E., Technical Proposal Score Sheet

SECTION V. PROPOSAL FORMAT & SUBMISSION

5.1 Proposal Submission Information

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:

- **Seven** paper copies (**one signed original** and **six** copies) and one CD-ROM copy of the Technical Proposal;

AND

- in a sealed, separate envelope, **seven** paper copies (**one signed original** and **six** copies) and one CD-ROM copy of the Cost Proposal.

The vendors' total proposal submissions (both the technical and cost proposals in all required copies) must be received by ODJFS complete no later than 3:00 p.m. on **June 20, 2008**. Faxes or e-mailed submissions will not be accepted.

Proposals 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**

Vendors' original technical and cost proposals must contain all the information and documents specified in Section 5.2, "Format for Organization of the Proposal." All copies (both paper and CD-ROM) of the original proposal must include copies of ALL information, documents, and pages in the original proposal.

Along with the Technical proposal, the vendor must submit the Cost Proposal in a separate, sealed envelope/package labeled: **"NOTE: DO NOT OPEN. COST PROPOSAL ENCLOSED FOR FISCAL MANAGEMENT SERVICES, RFP#: R-89-07-0981 SUBMITTED BY [VENDOR'S NAME HERE]."**

The CD-ROM copy of the Technical Proposal must include all components of the technical proposal, including any required or voluntary attachments to it. 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 RFP 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 Public Records Requests, 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.

5.2 Format for Organization of the Proposal

A. Overall Proposal Organization

A sample Technical Proposal Score Sheet is provided as **Attachment E.** of this RFP. **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 five (5) primary tabs and divided into sub-tabs) as described below. Any other information thought to be relevant, but not applicable to a specific RFP 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 RFP. 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 2.1, a through d)
 - Sub-Tab 2b.** Organizational Experience & Capabilities (Section 2.2, a through d)
 - Sub-Tab 2c.** Staff Experience and Capabilities (Section 2.3, a through d)

- Tab 3** Administrative Structures—Proposed Work Plan Scope of Work
 - Sub-Tab 3 A.**
 - Sub-Tab 3 B,**
 - (Regarding Section 3.1 Phase I)
 - Subsection 1, a through l
 - Subsection 2, a through f
 - Subsection 3, a through h
 - Subsection 4, a through b
 - Subsection 5, a through b
 - Subsection 6, a through d
 - (Regarding Section 3.1 Phase II)
 - Subsection 1, a through f
 - Subsection 2, a through k
 - Sub-Tab 3 C.**
 - Sub-Tab 3 D.**

Tab 4 Vendor Attachments or Appendices

All pages in the Technical Proposal must be sequentially numbered, with the exception of Tab 1 contents.

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 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 RFP 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 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 RFP 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 Organization

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 RFP, 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 RFP, 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 (**RFP 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.

In order to be acknowledged as a vendor with an Ohio presence (as described in RFP Section 4.24, Ohio Presence Consideration) for additional scoring consideration, the vendor must demonstrate in this Tab1 section of its proposal either that it currently has a physical presence in Ohio or has concrete plans for establishing a physical presence. Information to be presented includes the actual or proposed location of the vendor's presence, a description of the work to be performed at that location, and the number of its personnel to operate from the Ohio location. If the Ohio location is planned but not yet operational, an estimated implementation schedule should be provided.

(Tab 2)
Vendor Experience & Qualifications

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

The vendor must include information on the mandatory experience of the vendor, as described in **Section 2.1**, of this RFP.

b. Organizational 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 RFP, as described in **Section 2.2**, of this RFP.

c. Staff Experience and Capabilities (**Sub-Tab 2 c.**)

Under this section the vendor is required to include resumes, education, experience, and list of related published works of all key personnel for this project, and describe any appropriate supplemental and support staff (including any subcontractors) to be involved, as described in **Section 2.3**, of this RFP.

3. (Tab 3)
Administrative Structures—Proposed Work Plan

This section should describe in detail (in the order as outlined) the vendor's administrative structures as specified in Section 3.3, Administrative Structures—Proposed Work Plan of this RFP, including a full proposed approach to **Scope of Work – Phase I and Phase II**. This section should describe in detail how the vendor proposes to perform each tasks of the scope of work identified in Sections 3.1, Scope of Work of this RFP. The responses must address each element separately. Vendors

should place their responses for each section of the scope of work as identified in Section 3.1 behind separate sub-tabs as described above.

**4. (Tab 4)
Vendor Attachments or Appendices**

This section should include excerpts/samples of work products described in RFP.

C. Cost Proposal

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 Fiscal Management Services, RFP#: R-89-07-0981 SUBMITTED BY [VENDOR’S NAME 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 RFP 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 a group of per-member, per-month (PMPM) rates, one for each of the programs that may utilize FMS services.* Vendors are to use their professional comprehension of the effort required to perform those services and to offer to ODJFS its flat, all-inclusive PMPM rate for performing each. The prices offered in the vendor’s Cost Proposal will be the prices in effect throughout the contract period, including any renewal contracts, as described in Section 1.9, Time Frames & Funding Source, of this RFP.

Vendors are to use the format in **Attachment F, Cost Proposal Form**, to submit their cost proposal. 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 dollar amounts displayed on the Cost Proposal Form.

In calculating their total proposed cost, vendors must consider cost resulting from each deliverable listed in Section 3.4 of this RFP, as well as all program costs, primary and incidental, necessary to complete all program activities (whether explicitly identified by ODJFS in this RFP or not).

* Regarding those programs whose participants may, at some future point, become eligible for the fiscal management services of the F/EA, no PMPM rate is expected of interested vendors at this time. HOWEVER, when any additional programs are added, the selected FMS contractor will be required to enter into negotiations with ODJFS for the PMPM rate applicable to that program. As part of that process, the FMS must detail the costing methodology used to obtain the initial program rates PMPM rates offered on the Cost Proposal form (Attachment F.), and demonstrate that comparable considerations and methodologies are used in negotiating the PMPM rates for the newer programs.

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 4.5 of this RFP) found anywhere in a vendor's proposal shall result in immediate disqualification of that vendor's proposal.

SECTION VI. CRITERIA FOR PROPOSAL EVALUATION & SELECTION

6.1 Scoring of Proposals

ODJFS will contract with a vendor that best demonstrates the ability to meet requirements as specified in this RFP. 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, ODA, ODMR/DD 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 II., III., IV., and V. of this RFP. Any proposals not meeting the requirements contained in those sections of this RFP 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 Sections 1.6 and 5.1?
2. Did the vendor submit seven (7) paper copies and one electronic copy of their Technical Proposal, as well as their Cost Proposal (in a separate sealed envelope labeled: **“NOTE: DO NOT OPEN. COST PROPOSAL ENCLOSED FOR FISCAL MANAGEMENT SERVICES FOR RFP#: R-89-07-0981 SUBMITTED BY [VENDOR’S NAME 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 B., and C.** to the RFP?
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. Does the vendor’s proposal include proof that the vendor is in compliance with IRS, state and local regulations and currently has no outstanding audit findings by these regulatory authorities as it relates to the FMS process?
7. Does the vendor’s proposal provide proof that vendor has been an F/EA in accordance with section 3504 of the IRS Code and IRS Revenue Procedure 70-6 for, at minimum, three years?
8. Does the vendor’s proposal include a letter of commitment from a bonding company for a performance bond that is equal to at least 5% of the total annual amount of the Contract and remain in place for the term of the Contract?
9. Does the vendor’s proposal include the most current or previous year’s financial audit with the most recent “no material weakness” letter?

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 II, III, IV, V, and VI. of this RFP. Using the score sheet for Phase II scoring (see **Attachment E.** of this RFP for specific evaluation criteria), the PRT will read, review, discuss and reach consensus on the final technical score for each qualifying technical proposal.

A maximum of **766** points will be awarded for the Technical Proposal. A technical proposal must achieve a total of at least **580** points (a score which represents that the vendor can successfully perform the resulting contractual duties) out of the possible **766** 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	Exceeds Requirement

Technical Performance Scoring Definitions:

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

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

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

“Exceeds Requirement”-Vendor proposal fulfills a particular RFP 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 RFP, 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.

All the remaining qualified Technical 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.

After establishing which vendor proposals are technically qualified to advance to Phase III for consideration of their corresponding cost proposals, ODJFS will add ten (10) points to the proposals of those vendors which have also demonstrated an Ohio presence as described in Sections 4.24 and 5.2 of this RFP. For those technically qualified vendors with an Ohio presence, their final technical score will be the sum of the score they earned according to the Phase II review described above plus the additional ten points. That sum will be used for those vendors in Phase III, as described below.

C. Phase III.—Criteria for Considering the 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.

6.2 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 1.9 of this RFP. 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 6.1, Scoring of Proposals, 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 RFP.

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 RFP 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 RFP, shall not be awarded the contract.

6.3 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 RFP.

6.4 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 proposal with the higher score in the technical proposal will prevail.

SECTION VII. PROTEST PROCEDURE

7.1 Protests

Any potential, or actual, vendor objecting to the award of a contract resulting from the issuance of this RFP may file a protest of the award of the contract, or any other matter relating to the process of soliciting the proposals. 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 RFP. 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 RFP 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 based on alleged improprieties in the issuance of the RFP 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. the closing date for receipt of proposals, as specified in Section 1.6, Anticipated Procurement Time Table, of this RFP.
 2. 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 *seventh (7th) calendar day* after the issuance of the Letter of Intent to Award the contract.
- 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 Item B. of this section.
- D. All protests must be filed at the following location:
- Chief Legal Counsel
ODJFS Office of Legal 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.

7.2 Caveats

ODJFS is under no obligation to issue a contract 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. Changes in this RFP 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.

SECTION VIII. ATTACHMENTS AND THEIR USES

- A. **Required Vendor Information and Certifications** (*To be completed & included in proposal packet as specified in Sec. 5.2, B., 1.*) B.
- B. **Request for Taxpayer Identification Number (W-9) Form** (*To be completed & included in proposal packet as specified in Sec. 5.2, B., 1.*)
- C. **Declaration of Material Assistance Form** (*To be completed & included in proposal packet as specified in Sec. 5.2, B., 1.*)
- D. **ODJFS Model Contract** (*For vendor reference purposes*)
- 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. 5.2, C.*)

SECTION IX. APPENDICES AND THEIR USES

- A. **CHOICES Map Of Ohio**
- B. **Readiness Review**
- C. **Rule Package**
- D. **FMS Services by Program**
- E. **FMS Services Flowchart**
- F. **Supplemental and Demonstration Services**

Thank you for your interest in this project.