



**Ohio Department of Job and Family Services
Request for Letterhead Bids
For Medical Technical Advisors
RLB#: R-89-07-1186**

I. Purpose:

The Ohio Department of Job and Family Services (ODJFS) releases this Request for Letterhead Bids (RLB) to receive responses from qualified medical professionals interested in serving as Medical Technical Advisors (MTAs) to ODJFS. MTAs provide the clinical expertise necessary in the administration of Ohio's Medicaid Program in areas relating to prior authorization of healthcare services, disability determinations, and utilization review and management, and determinations of medical necessity. ODJFS is seeking these professional services from currently licensed and credentialed professionals, including but not limited to: Dentists, Orthodontists and/or Dental Surgeons; Physicians (Allopathic and Osteopathic) Internal Medicine, Plastic Surgeons, General Surgeons, Anesthesiologists, and/or Pain Management Specialists, Psychologists (Psy.D.), Optometrists, Ophthalmologists, Respiratory Therapists. In accordance with the table located in Section VIII of this RLB, ODJFS will contract with medical professionals in sufficient numbers for the efficient and effective operation of the Medicaid program. Only responses from licensed/credentialed professionals will be considered.

All work must be performed by selected vendors on site at the ODJFS, The Bureau of Clinical Management located at 50 W. Town Street, Suite 400, Columbus, OH 43215. Work must be performed during the building access hours of 7:00 a.m. and 5:30 p.m., Monday through Friday.

The contract period is from approximately July 2008 (subject to State Controlling Board review) through June 30, 2009 to continue the coordination and maintenance of established comprehensive medical review programs. At the sole discretion of ODJFS and upon approval of funds by the State Controlling Board where required, one (1) optional two-year extension may be utilized to extend the contract through June 30, 2011. Since state law prohibits ODJFS from making financial commitments beyond the fiscal biennium, the renewal contract with the selected vendor will be subject to all required contract and funding approvals. Renewal is contingent upon the availability of funds, continuation of the project and satisfactory performance of the vendor, as determined by ODJFS.

II. Issuing Office

This Request for Letterhead Bid (RLB) document is released by, and the subsequent contracts will be with ODJFS. The Office of Ohio Health Plans, Bureau of Clinical Management or Bureau of Health Plan Policy will be responsible for daily contract management. Several contracts are expected to result from this RLB process, and each will be an agreement between ODJFS and the selected contractor.

Vendor proposals must be submitted to ODJFS in strict accordance with proposal submission instructions provided in **Section VI, Submission Information**.

III. Anticipated Procurement Timetable

DATE	EVENT/ACTIVITY
April 14, 2008	ODJFS Releases RLB to Potential Vendors on ODJFS Web Site, and through a written letter sent to various providers and provider organizations in 6-counties. Q&A Period Opens. Vendors may submit inquiries for RLB clarification.
April 28, 2008	Vendor Q&A Period Closes, 10 a.m. (for inquiries for RLB Clarification). No further inquiries for RLB clarification will be accepted.
May 1, 2008	ODJFS provides Final Vendor Question & Answer Document.
May 9, 2008	Deadline for Vendors to Submit Proposals to ODJFS (3 p.m.) . Proposals are opened for the ODJFS process of proposal review.
May 19, 2008	ODJFS Issues Contract Award Notification Letter (estimated). Vendors that submitted proposals in response to this RLB will be sent letters stating whether their proposal was accepted for award of the contract.
June 16, 2008	Controlling Board Review (estimated). Depending upon contract dollar amount & other factors, some MTA contracts may require review and approval by State Controlling Board.
July 1, 2008 (Estimated - If CB not needed) <i>Or</i> Sept. 1, 2006 (Estimated – If CB is needed)	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.
Implementation date - through June 30, 2009	Contract term. A renewal term of 7/01/09 to 6/30/11 is possible contingent upon contractor performance, funding availability, and contract approvals, and at the sole discretion of ODJFS.

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.

IV. Internet Question & Answer Period; RLB Clarification Opportunity

Potential vendors may ask clarifying questions regarding this RLB via the Internet during the Question and Answer Period as outlined in Section III, 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;”
- * Select RFP/RLB Number **R89071186**
- * Select the “R89071186@odjfs.state.oh.us” link; and
- * Follow the instructions and guidelines as follows to send an e-mail question.

Questions to this RLB must reference the relevant part of this RLB, the heading for the provision under question, and the page number and/or section of the RLB 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 RLB provision or location, or which do not include identification for the originator of the question. ODJFS will not respond to any questions submitted after **10:00 a.m.** on the date that the Question and Answer period closes.

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

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

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

Requirements under a current project may or may not be required by ODJFS under any future contract, and so may not be useful information for vendors who choose to respond to the RLB; therefore, vendors are to base their RLB responses, and the details and costs of their proposed projects, on the requirements and performance expectations established in the RLB, NOT on details of a current or past related contract. If vendors ask questions about existing or past contracts using the Internet Q&A process, ODJFS will use its discretion in deciding whether to provide answers.

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

* In the event of technical difficulties with the Internet Q&A process, vendors should contact the ODJFS RFP/RLB Unit.

V. Communications Prohibited:

From the issuance date of this RLB until the contract award has been formally announced by the ODJFS Director, there may be no communications concerning the RLB between any vendor which 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 RLB or the selection of the contractor(s).

The only exceptions to this prohibition are as follows:

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

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

VI. Submission Information:

Organizations, companies, firms, or individuals who are interested in submitting responses (also called 'proposals') must make their submission not later than **3:00 p.m. local time on Friday, May 9, 2008. Facsimile and electronic submissions will not be accepted.** Interested vendors must submit five copies (one signed original and four copies) of the proposal in an envelope/package labeled as follows:

**PROPOSAL ENCLOSED FOR THE ODJFS
MEDICAL TECHNICAL ADVISORS RLB
#: R89071186 FROM [VENDOR'S NAME]
for [Medical Specialty Offered (i.e., Internal Medicine, Psychologist)].**

Proposals must be addressed to:

**Office of Contract Administration
Ohio Department of Job & Family Services
30 East Broad Street, 31st floor
Columbus, Ohio 43215-3414**

All submissions must be received, complete, at the above address, via mail or hand delivery by the above date and time. 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 delivered on the due date will be accepted at the **Office of Contracts and Acquisitions on the 31st floor of the Rhodes SOT** (address as provided above).

VII. Background

ODJFS is the single state agency responsible for the operation and management of Ohio's Medicaid Program. The Office of Ohio Health Plans (OHP) is responsible for the adjudication and payment of claims for covered services. As part of this adjudication and payment process, The Bureau of Clinical Management actively undertakes the review of clinical/medical cases when determination of medical necessity (OAC 5101:3-41-12 and other relevant rules) is required for the purposes of prior authorization of waiver and health services, plan of care review, utilization review, and medical coverage. These highly specialized clinical reviews are services typically performed by MTAs under contract with ODJFS. These contracts provide ODJFS with a breadth and depth of professional expertise, which in turn, enhances ODJFS' ability to effectively operate the Medicaid program. During these times of increased fiscal constraint, it is of even greater importance that ODJFS work with clinical professionals who can efficiently and effectively assist state staff in the administration of the Medicaid program in order to better serve Ohioans in need.

The majority of MTA contractors will work with the following functional sections of ODJFS:

- The Bureau of Clinical Management utilizes the services of MTAs to assist in both medical necessity reviews for prior authorization of Medicaid services, and Disability Determinations reviews in accordance with Ohio Administrative Code (OAC) Chapter 5101:3-1 and other relevant rules.
- MTAs in The Bureau of Clinical Management also support the department's decisions in appeal proceedings, provide consultation and feedback on policy and procedures pertaining to service authorization, plans of care and/or payment decisions based upon medical review, and provide technical assistance in their area of expertise when appropriate. **All work will be performed onsite at The Bureau of Clinical Management offices located at 50 W. Town Street, Suite 400, Columbus, OH 43215, during building access hours of 7:00 a.m. – 5:30 p.m., Monday through Friday.**

VIII. Scope of Work:

A. Work Required by Discipline:

The following is a synopsis of the scope of work expected for The Bureau of Clinical Management under this RLB.

Physician, Psychology/psychiatry, Ophthalmologic/optometry, Dental, and Therapy Services

Physician and other professional services for this contract period are needed for the three functions of: 1) disability determination reviews; 2) utilization reviews; and 3) prior authorization reviews. ODJFS seeks respondents who have training and expertise in the allopathic and osteopathic medicine. Physicians and professionals responding to this RLB may express their preference for one or more of these functions, but final work assignments for the selected physicians and professionals will be the sole discretion of ODJFS, and will be based primarily upon greatest vendor qualifications and coverage of ODJFS need. In all cases, selected physician/professional MTAs may be required to assist in the development of documents, for and participate in, the fair hearing process. In addition, MTAs may be asked to provide technical expertise in the development of health plan policy, and staff/provider/consumer outreach and education. Primary components of the work are in electronic format, using computer systems, software, and internet. Basic computer skills are required.

Prior Authorization of Medical Services and Medical Necessity Reviews	Disability Determination Reviews
Medicaid providers submit plans of care, medical records and related documents and any additional clinical documentation to ODJFS. MTAs evaluate all submitted information against prior authorization criteria. MTAs are required to review medical records and any related documentation to help determine medical necessity and/or medical	Medicaid consumers submit medical records and related clinical documentation to ODJFS, for the determination of the existence of a disabling health condition. MTAs evaluate submitted clinical documentation and other related information against disability determination guidelines developed by the Social Security Administration (20 CFR

<p>appropriateness of medical services. This may include participation on a Special Committee to review requests for non-covered medical services. The MTA may also be required to assist in the fair hearing process from the worksite via telephone with the consumer and his/her legal representative and a hearing officer.</p>	<p>416.901-988). For consumers who do not have medical documentation to support the allegation of disability, the MTA prepares a summary of his/her review for use in a fair hearing. The MTA may also be required to assist in the fair hearing process from the worksite via telephone with the consumer and his/her legal representative and a hearing officer.</p>
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B. Professional Expertise Needed and Hourly Reimbursement:

Through this RLB process, ODJFS seeks to fulfill specific programmatic needs for medical technical expertise through contracts with properly qualified professionals. The following table indicates current ODJFS estimations of the number of contractors needed. The maximum hourly rate for each medical specialty is indicated below, as well, and that maximum rate would be in effect throughout the term of the contract including any renewal period.

<u>MTA Expertise</u>	<u>MTAs Needed</u>	<u>Hourly Rate</u>
Dentists, DDS	(3)	\$56.00
GP/Internal Medicine,		
MD/DOs	(12)	\$70.00
Optometrist/		
Ophthalmologist, MD	(1)	\$56.00
Plastic Surgeon, MD	(1)	\$70.00
Podiatrist	(1)	\$56.00
Psychologists, PhD	(3)	\$56.00
Respiratory Therapists	(2)	\$42.00

Number of MTAs sought: ODJFS will consider in its selection process the number of hours each qualified vendor offers to make available to ODJFS per month. If the availability of qualified vendors makes it feasible for ODJFS to offer fewer contracts for a given MTA discipline than indicated in the above list, ODJFS may, at its sole discretion opt to do so. ODJFS reserves the right to meet its coverage needs by offering the fewest contracts possible. Also, if the availability of qualified vendors makes it necessary for ODJFS to offer more contracts for a given MTA discipline than indicated in the above list, ODJFS may, at its sole discretion opt to do so, to ensure sufficient coverage for the volume of work expected. Any decision to adjust the number of contracts offered will be based on ODJFS expectations of work volume, quality of responses submitted by vendors, the available number of hours offered by qualified vendors, and is at the sole discretion of ODJFS.

Anticipated per-week/per month assignment volume: The actual work volume assigned to any MTA for a given period of time will be based on total ODJFS work volume, the number of qualified MTA contractors available (which may vary periodically), and is at the sole discretion of ODJFS. In making work assignments, ODJFS will make reasonable attempts to consider MTA scheduling preferences. **However, all MTAs must be available work a minimum**

number of hours per month (16 hours per month for The Bureau of Clinical Management)
The Contract Manager can adjust the minimum number of hours according to operational need. Should the MTA need to take leave from the assignment, the leave request must be submitted in writing for approval by the Contract Manager.

Compensation rate: Upon proper bi-weekly invoicing, the selected MTAs will be compensated for the number of hours actually spent performing MTA services, at the rate of pay indicated above for their medical specialty. The maximum hourly rate for each medical specialty indicated would be in effect throughout the term of the contract, including any renewal period.

Peer Review:

MTAs will agree to participate in a peer review process. Random samples of five (5) clinical decisions; disability determinations; client charts; prior authorization requests; and/or state hearing summaries will be conducted on a quarterly basis. MTAs may review or be reviewed by other MTAs. MTAs may be reviewed by outside sources with equal or superior licensure.

Production Standards:

MTAs in The Bureau of Clinical Management will issue a minimum of two to three reviews per hour, depending upon case complexity. The ODJFS Contract Manager reserves the right to make adjustments to production standards as necessary.

IX. Qualifications

Only those vendors who are appropriately licensed and/or credentialed professionals may submit proposals in response to this RLB. Vendors must describe how they are qualified to conduct the work described above. **Proposals must indicate how the vendor meets all professional qualifications listed in Section XI, Scoring of Vendor Submissions, in order to receive appropriate consideration.** References from professional organizations and associations are to be included, and other supporting documents may also be submitted. Any interested Ohio Licensed Medical Professional may submit a response to this RLB.

X. Format of Submission:

The proposal must be prepared in accordance with instructions given in this section of the RLB, and be submitted in accordance with instructions found in Section IV, Submission Information. Vendors must submit, at minimum, the following requirements, in the following order:

1. Completed Required Vendor Information and Certifications* (Original signed in BLUE ink); See Attachment A
2. Completed W-9, Request for Taxpayer Identification Form* (Original signed in BLUE ink); See Attachment B
3. Application letter containing:
 - A statement identifying the vendor's discipline;
 - Description of qualifications to demonstrate ability to do the job; and

- Number of hours available to ODJFS per week/month.
- 4. References from professional organizations and associations;
- 5. A copy of Curriculum Vitae, and;
- 6. Photocopy of current license/credentials.

* NOTE – both items 1. and 2. are provided by ODJFS as attachments to this RLB.

Vendors are strongly encouraged to review the Proposal Score Sheet (Attachment B to this RLB), to evaluate their proposals for compliance, completeness, and quality, before submitting them to ODJFS.

XI. Scoring of Vendor Submissions:

Complete proposals must be received at the appropriate ODJFS address before the stated deadline for submission to be considered initially qualified for consideration. A Proposal Review Team (PRT) consisting of ODJFS staff will read all such initially qualified responses, sorted by discipline, and score them according to the Proposal Score Sheet (Attachment B. to this RLB). Selection recommendations will be made by the PRT separately for each discipline. Reviewers will read each proposal individually, and through team discussion, the PRT will evaluate and score each based on score sheet criteria. Through consensus, the PRT will determine a final score for each.

Using those scores representing the quality of vendors' responses, the PRT will then make recommendations to the Director of ODJFS for award of the contracts. Those recommendations may be made based on the combined factors of vendor proposal scores, ODJFS expectations of work volume, and the available number of hours offered by qualified vendors. If the availability of qualified vendors makes it feasible for ODJFS to offer fewer contracts for a given MTA discipline, or make it necessary to offer more, than indicated in the list provided in Section VIII., B of this RLB, ODJFS may, at its sole discretion opt to do so in order to ensure both efficient management of the work projects, and adequate MTA coverage for the volume and type of work expected. ODJFS reserves the right to meet its coverage needs by offering the fewest contracts possible.

A. Mandatory Vendor Qualifications

In order to be considered for the project described in this RLB, ODJFS requires that interested vendors **must** meet, at minimum, the following qualification requirement. ODJFS will **only** consider proposals from vendors:

Be a licensed and/or credentialed professional.

Vendors which do not meet all the qualification will be disqualified from further consideration for award.

B. Experience and Capabilities

Vendors responding to this RLB and passing all phase one criteria will then have their responses evaluated and scored based upon the quality, responsiveness, and completeness of information and documentation offered for each of the following criteria:

1. Board Certification (if applicable)
2. Vendor has a current/active practice
3. Current affiliation with College or University in field of expertise
4. References from professional organizations or associations
5. Experience with/ participation in fair hearing process
 - a. Review and documentation of medical evidence, writing of medical assessments and investigatory responses
 - b. Application of policy and procedures to insure that decisions are in conformance with the program guidelines for medical evaluation
 - c. Expert witness testimony at hearings
6. Participation with any kind of independent medical review
 - a. Identification of medical issues that require medical advice or clarification to ensure that all medical issues identified have been adequately addressed
 - b. Providing confirmation or rebuttal statements of other medical assessments
 - c. Expert witness testimony at hearings and trials
7. Participation in peer review activities
 - a. Previously assessed through peer review (include peer assessment)
 - b. Participation in the peer review process as a reviewer
 - c. Establishment of policy and quality assurance procedures for peer review
8. Experience in the development of program policy
 - a. Service utilization methodology
 - b. Cost-saving approaches relative to various components of a health care program
 - c. Cost-saving approaches relative to various components of a disability determination program
9. Experience with basic computer systems
 - a. Microsoft Office Suite: Word, Excel, etc
 - b. Internet functions
10. Experience in the clinical assessment of individuals with mental retardation and developmental disabilities and their medical and behavior support needs.
11. Experience reviewing electronic patient clinical records and making medical determinations relative to requests for coverage of services under any public or private health insurance program.
 - a. Experience reviewing electronic patient clinical records and making recommendations about the clinical evidence.
 - b. Experience reviewing electronic health care claims prior to payment processing to determine medical necessity.
12. Experience with the Medicaid program and/or Public Assistance
13. Experience participating on any of the following Medicaid committee(s) or similar committee with any public or private health insurer:
 - a. Special Review Committee
 - b. Task Force for Children and Adults with special needs
 - c. Ad Hoc committees

Specific criteria and scoring processes are established for this RLB in the Technical Proposal Score Sheet, provided as Attachment B. All interested vendors are encouraged to review that score sheet and carefully evaluate their proposal packages for quality and completeness before submission to ODJFS.

The PRT reserves the right to reject any and all proposals, in whole or in part, received in response to

this request. ODJFS may, at its sole discretion, waive minor defects that are not material when no prejudice will result to the rights of any vendor or to the public, and ODJFS reserves the right to seek clarifications from vendors regarding information contained in their proposals.

XII. RLB Process Information and Other Contractual Requirements:

A. 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 percent of the project completed. Vendors must complete a copy of the Required Vendor Information and Certifications Document (provided as **Attachment D**) to report this information, and include the completed document in the vendor's proposal as specified in **Section X, Format of Submissions**, of this RLB.

B. Interview

Vendors submitting proposals may be requested to participate in an in-depth interview as part of the evaluation process. The interview, if necessary, may include participants from ODJFS and any representatives it may appoint. ODJFS reserves the right to select from responding vendors for interviews and may not interview all vendors submitting proposals. The vendor shall bear all costs of any scheduled interview.

C. Start Work Date

The selected vendor must be able to begin work no later than seven (7) working days after the time funds are encumbered and approved by the Office of Budget & Management. The selected vendor will be notified by the ODJFS project manager when work may begin. **Any work begun by the vendor prior to this notification will NOT be reimbursable by ODJFS.**

D. Proposal Costs

Costs incurred in the preparation of this proposal are to be borne by the vendor, and ODJFS will not contribute in any way to the costs of the preparation. Any costs associated with interviews will be borne by the vendor and will not be ODJFS' responsibility (see Section XII, B.).

E. Trade Secrets Prohibition; Public Information Disclaimer

Vendors are prohibited from including any trade secret information as defined in Ohio Revised Code (ORC) 1333.61 in their proposals in response to any ODJFS RFP, Requests for Letterhead Bids (RLB) or other procurement efforts. ODJFS shall consider all proposals voluntarily submitted in response to any ODJFS RFP/RLB to be free of trade secrets and such proposals shall, in their entirety, be made a part of the public record.

All proposals and any other documents submitted to ODJFS in response to any RFP, RLB, etc.,

shall become the property of ODJFS. This RLB and, after the selection of the winning vendor, any proposals submitted in response to an RFP/RLB are deemed to be public records pursuant to R.C. 149.43. For purposes of this section, the term “proposal” shall mean both the technical and the cost proposals, if opened, submitted by the vendor, and any attachments, addenda, appendices, or sample products.

Any proposals submitted in response to any ODJFS RFP, RLB, etc. which make claims of trade secret information shall be disqualified from consideration immediately upon the discovery of such unallowable claim.

F. Contractual Requirements

1. Any contract resulting from the issuance of this RLB is subject to the terms and conditions as provided in the model contract, which is included as **Attachment A** of this RLB;
2. Many of the terms and conditions contained in the model contract (**See Attachment A**) 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;
3. Payments for any and all services provided pursuant to the contract are contingent upon the availability of state and federal funds;
4. All aspects of the contract apply equally to work performed by any and all subcontractors;
5. The contractor, and any subcontractor(s), will not use or disclose any information made available to them for any purpose other than to fulfill the contractual duties specified in the RLB. The contractor, and any subcontractor(s), agrees to be bound by the same standards of confidentiality that apply to the employees of ODJFS and the State of Ohio. Any violation of confidentiality will result in an immediate termination of the contract, and may result in legal action;
6. As a condition of receiving a contract from ODJFS, the contractor, and any subcontractor(s), shall certify compliance with any court order for the withholding of child support which is issued pursuant to Section 3113.217 of the ORC. The contractor, and any subcontractor(s), must also agree to cooperate with ODJFS and any Ohio Child Support Enforcement Agency in ensuring that the contractor or employees of the contractor meet child support obligations established under state law; and
7. By signing a contract with ODJFS, a vendor agrees that all necessary insurance is in effect.

G. Travel Reimbursement

Travel shall 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 this RLB.

H. Public Release of Records

Public release of any evaluation or monitoring reports funded under this agreement will be made only by ODJFS. Prior to public release of such reports, ODJFS must have at least a 30-day period for review and comment.

I. Confidentiality

All contracts will require that the contractor maintain the confidentiality of information and records which state and federal laws, rules, and regulations require to be kept confidential.

J. Ethical & Conflict of Interest Requirements

1. No contractor or individual, company or organization seeking a contract shall promise or give to any ODJFS employee anything of value that is of such character as to manifest a substantial and improper influence upon the employee with respect to his or her duties;
2. No contractor or individual, company or organization seeking a contract shall solicit any ODJFS employee to violate any of the conduct requirements for employees;
3. Any contractor acting on behalf of ODJFS shall refrain from activities which could result in violations of ethics and/or in conflicts of interest. Any contractor or potential contractor who violates the requirements and prohibitions defined here or of Section 102.04 of the ORC is subject to termination of the contract or refusal by ODJFS to enter into a contract; and
4. ODJFS employees and contractors who violate Sections 102.03, 102.04 2921.42 or 2921.43 of the ORC may be prosecuted for criminal violations.

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

As a condition of receiving a contract from ODJFS, the contractor, and any subcontractor(s), will be required to comply with 42 U.S.C. Sections 1320d through 1320d-8, and to implement regulations at 45 C.F.R. Section 164.502 (e) and Sections 164.504 (e) regarding disclosure of protected health information under the Health Insurance Portability and Accountability Act (HIPAA) of 1996. Protected Health Information (PHI) is information received by the contractor from or on behalf of ODJFS that meets the definition of PHI as defined by HIPAA and the regulations promulgated by the United States Department of Health & Human Services, specifically 45 CFR164.501 and any amendments thereto.

HIPAA compliance requires, at minimum, that the grantee:

- shall not use or disclose PHI except as specifically required under the terms of the contract with ODJFS, or as otherwise required under the HIPAA regulations or other applicable law.
- shall use appropriate safeguards to protect against use or disclosure not provided for by this Agreement.
- shall promptly report to ODJFS any knowledge of uses or disclosures of PHI that are not in accordance with the contract or applicable law. In addition, the GRANTEE shall mitigate any adverse effects of such a breach to the extent possible.
- shall ensure that all its agents and sub-grantee(s) that receive PHI from or on behalf of the grantee and/or ODJFS agree to the same restrictions and conditions that apply to grantee with respect to the use or disclosure of PHI.
- shall make available to ODJFS such information as ODJFS may require fulfilling its obligations to provide access to, provide a copy of, and account for disclosures with respect to PHI pursuant to HIPAA and related regulations.
- shall make PHI available to ODJFS in order for ODJFS to fulfill its obligations pursuant to HIPAA to amend the information and shall, as directed by ODJFS, incorporate any amendments into the information held by the grantee and ensure incorporation of any such amendments into information held by its agents or sub-grantee(s).
- shall make available its internal practices, books and records relating to the use and disclosure of PHI received from ODJFS, or created and received by the grantee on behalf of ODJFS, to ODJFS and to the Secretary of the U.S. Department of Health and Human Services for the purpose of determining ODJFS compliance with HIPAA and the regulations promulgated by the United States Department of Health & Human Services and any amendment thereto.
- shall, upon termination of this Agreement, at the option of ODJFS, return to ODJFS, or destroy, all PHI in its possession, and keep no copies of the information except as requested by ODJFS or required by law. If the grantee or its agent or sub-grantee(s) destroy any PHI, then the grantee will provide ODJFS with documentation evidencing such destruction. Any PHI maintained by the grantee shall continue to be extended the same as required by HIPAA and ODJFS for as long as it is maintained.

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

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

Ohio Revised Code section 9.24 prohibits ODJFS from awarding a contract to any entity against

whom the Auditor of State has issued a finding for recovery if the finding for recovery is “unresolved” at the time of award. By submitting a proposal, the vendor warrants that it is not now, and will not become, subject to an “unresolved” finding for recovery under R.C. 9.24 prior to the award of any contract arising out of this RLB, without notifying ODJFS of such finding. ODJFS will review the Auditor of State’s website prior to the evaluations of any proposal submitted pursuant to this RLB. ODJFS will not evaluate a proposal from any vendor whose name, or the name of any of the subcontractors proposed by the vendor, appears on the website of the Auditor of the State of Ohio as having an “unresolved” finding for recovery.

M. Mandatory Contract Performance Disclosure

Each proposal must disclose whether the vendor’s performance, or the performance of any of the proposed subcontractor(s), under contracts for the provision of services that are the same or similar to those described in this RLB, has resulted in any “formal claims” for breach of those contracts. For purposes of this disclosure, “formal claims” means any claims for breach that have been filed as a lawsuit in any court, submitted for arbitration (whether voluntary or involuntary, binding or not), or assigned to mediation. If any such claims are disclosed, vendor shall fully explain the details of those claims, including the allegations regarding all alleged breaches, any written or legal action resulting from those allegations, and the results of any litigation, arbitration or mediation regarding those claims, including terms of any settlement. While disclosure of any formal claims in response to this section will not automatically disqualify a vendor from consideration, at the sole discretion of ODJFS, such claims and a review of the background details may result in a rejection of the vendor’s proposal. ODJFS will make this decision based on its determination of the seriousness of the claims, the potential that the behavior that led to the claims could negatively impact vendor’s performance of the work, and the best interests of ODJFS.

N. Mandatory Disclosures of Governmental Investigations

Each proposal must indicate whether the vendor and any of the proposed subcontractor(s) has been the subject of any adverse regulatory or adverse administrative governmental action (federal, state, or local) with respect to vendor’s performance of services similar to those described in this RLB. If any such instances are disclosed, vendor must fully explain, in detail, the nature of the governmental action, the allegations that led to the governmental action, and the results of the governmental action including any legal action that was taken against vendor by the governmental agency. While disclosure of any governmental action in response to this section will not automatically disqualify a vendor from consideration, such governmental action and a review of the background details may result in a rejection of the vendor’s proposal at the sole discretion of ODJFS. The decision by ODJFS on this issue will be based on a determination of the seriousness of the matter, the matter’s potential impact on the vendor’s performance of the work, and the best interests of ODJFS.

O. Vendor Selection Restriction

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

XIII. Final Selection:

The PRT will recommend for selection the technically qualified vendors which offer the lowest cost-per-quality point. ODJFS reserves the right to select vendors which achieve the lowest cost-per-quality points to the extent that both full and limited-scope audit services are met. Results from any interview (if appropriate) will be considered in reevaluating the vendor's technical proposal score, which would result in a revised cost-quality score.

At its sole discretion, ODJFS may choose to conduct interviews prior to final vendor selection. Interview question responses will then be considered according to a process comparable to the Technical Proposal Scoring described in Section XI, Scoring of Vendor Submissions.

XIV. 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.

XV. PROTEST PROCEDURE:

Any potential, or actual, vendor objecting to the award of a contract resulting from the issuance of this RLB 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 RLB. 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 RLB 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 RLB or any other event preceding the closing date for receipt of proposals which are apparent or should be apparent prior to the closing date for receipt of proposals shall be filed no later than 3:00 p.m. the closing date for receipt of proposals, as specified in Section 1.6, Anticipated Procurement Time Table, of this RLB.

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 eighth (8th) business 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
Office of Legal Services
Ohio Department of Job and Family Services
30 East Broad Street, 31st Floor
Columbus, Ohio 43215-0423
- E. When a timely protest is filed, a contract award shall not proceed until a decision on the protest is issued or the matter is otherwise resolved, unless the Director of ODJFS determines that a delay will severely disadvantage the Department. The vendor(s) who would have been awarded the contract shall be notified of the receipt of the protest.
- F. ODJFS' Office of Legal Services shall issue written decisions on all timely protests and shall notify any vendor who filed an untimely protest as to whether or not the protest will be considered.

XVI. 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 RLB 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.

XVII. Attachments:

- A. ODJFS Model Contract
- B. Technical Proposal Score Sheet (*For vendor self-evaluation purposes only*)
- C. Declaration of Material Assistance
- D. Required Vendor Information and Certifications (*To be completed & included in vendor proposal packet as specified in Section X.*)
- E. Request for Taxpayer Identification Number (W-9) Form (*To be completed & included in proposal packet as specified in Section X.*)