**STATE OF WASHINGTON**

**HEALTH CARE AUTHORITY**

**REQUEST FOR APPLICATION (RFA)**

**RFA NO. 3189**

***NOTE:*** *If you download this RFA from the Health Care Authority website, you are responsible for sending your name, address, e-mail address, and telephone number to the RFA Coordinator in order for your organization to receive any RFA amendments or bidder questions/agency answers. HCA is not responsible for any failure of your organization to send the information or for any repercussions that may result to your organization because of any such failure.*

**PROJECT TITLE:** Integrated Care for Kids (InCK) Model Project

**INITIAL APPLICATION DUE DATE:** **November 22, 2018 by 2:00 PM**

**ESTIMATED TIME PERIOD FOR AWARD:** Notice of Funding Opportunity will be released from the federal Centers of Medicaid Services in calendar year (CY), fourth quarter of 2019 to end on CY third quarter of 2026.

HCA will enter into a Memorandum of Understanding with the Apparently Successful Bidder in December of 2018 to end on CY third quarter of 2026.

**BIDDER ELIGIBILITY:** This procurement is open to those Bidders that satisfy the minimum qualifications stated herein and that are available for work in Washington State.

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# INTRODUCTION

## PURPOSE AND BACKGROUND

The Washington State Health Care Authority (“HCA”) is initiating this Request for Applications (RFA) to solicit applications for an organization to join HCA in submitting a bid to the federal Centers for Medicare and Medicaid Services (“CMS”) for funding a model called Integrated Care for Kids (InCK). More information about InCK can be found at <https://www.cms.gov/newsroom/fact-sheets/integrated-care-kids-inck-model>.

CMS has indicated that it intends to release a Notice of Funding Opportunity (NOFO) in CY fourth quarter of 2018 to solicit applications for up to eight cooperative agreements nationwide. The winning bidders under CMS’s notice would implement the InCK Model. It is anticipated that each agreement will provide up to $16 million total for a seven-year model period.

The InCK Model is a child- and family-centered local service delivery model for children with physical, behavioral, and other health-related needs such as food insecurity and unstable housing. The InCK model includes the design of an alternative payment model or alteration of an existing alternative payment model that holds the state and local providers accountable for costs and outcomes.

Key participants in the InCK Model will be the state Medicaid agency (HCA) and a local entity called a “Lead Organization.” The Apparently Successful Bidder (ASB) under this RFA will be identified as the Lead Organization. Healthier Washington partners will support this process, including HCA, the Department of Health, the Department of Social and Health Services (DSHS), and the Department of Children, Youth and Families (DCYF).

The InCK Model will include a two-year pre-implementation period in which CMS will work with each selected state and the identified Lead Organization to design a model, establish their Medicaid and the Children’s Health Insurance Program (CHIP) authorities, and develop the infrastructure and procedures necessary for model implementation. A five-year model implementation period will follow in which states and Lead Organizations will implement their models and report required data to CMS.

Per CMS, the model must:

* Be led by the state Medicaid authority and a HIPAA-covered Lead Organization;
* Define a geographic service area;
* Have a comparable service area within the state to support the demonstration;
* Take a population-wide approach;
* Focus on person and family-centered service delivery;
* Streamline eligibility and enrollment;
* Advance service accessibility;
* Include mobile crisis response services; and
* Cultivate information sharing.

HCA intends to select one organization under this RFA to partner with HCA for an InCK application to CMS and to provide the services described in this RFA. HCA and the ASB would enter into a Memorandum of Understanding (“MOU”) with HCA regarding their intent to submit an application to CMS.

This RFA does not guarantee that the ASB will receive any funding from either HCA or CMS under the InCK model.

## OBJECTIVES AND SCOPE OF WORK

The goals of this RFA are to:

* Inform – With this RFA, HCA hopes to inform potential partners of its intent to support an application for the InCK model grant.
* Learn – With this RFA, HCA hopes to collect information from potential partners on its knowledge, experience, interest, and readiness to design and implement an integrated care model for a defined population within Washington State.

HCA is interested in applying the following criteria to guide Washington State’s approach. An InCK model should:

* Lead to sustainable and measurable health systems change;
* Not be duplicative of existing efforts and aligned with existing regional and statewide transformation;
* Advance health equity for the defined population;
* Align with statewide performance measurement goals, while recognizing the pursuit of child-centered service delivery may require new performance measures;
* Must serve all children covered by Medicaid and CHIP within the defined service area; and
* Support and enable the use of Health Information Technology/Health Information Exchange (HIT/HIE) in the community of focus that enhances and embraces statewide services and national standards.

## MINIMUM QUALIFICATIONS

The following are the minimum qualifications for Bidders:

### Licensed to do business in the State of Washington or provide a commitment that it will become licensed in Washington within 30 calendar days of being selected as the ASB.

### Demonstrated history of working with partners in health improvement and/or system transformation efforts.

### Commitment to avoid duplication while aligning with and building upon existing regional and statewide transformation efforts and payment models.

### Meets CMS’s minimum qualifications, including forthcoming Notice of Funding Opportunity. Please review CMS’s required criteria (including HIPAA coverage) at <https://www.cms.gov/newsroom/fact-sheets/integrated-care-kids-inck-model>.

## FUNDING

There is no funding available regarding the resulting ASB. Future funding availability is dependent on a successful InCK application and award by CMS. Note that funding from CMS may not be available for the lead organization.

## PERIOD OF PERFORMANCE

The period of performance resulting from this RFA is tentative and subject to change, based on release of the NOFO by CMS. The period of performance will begin by entering into an MOU with HCA in CY fourth quarter 2018. CMS will release the NOFO in CY 2nd quarter of 2019, and if a coorperative agreement is reached, it will extend 7 years, to end CY third quarter of 2026. Amendments extending the period of performance, if any, will be at the sole discretion of HCA with authorizing authority from CMS.

## DEFINITIONS

Definitions for the purposes of this RFA include:

**Apparently Successful Bidder (ASB)** – The bidder selected as the entity to perform the anticipated services, subject to completion of a written MOU with HCA.

**Bidder** – Individual or company interested in the RFA that submits an application in order to attain an MOU with the Health Care Authority.

**HCA** – The Health Care Authority, an executive agency of the state of Washington that is issuing this RFA.

**Application** – A formal offer submitted in response to this solicitation.

**Request for Applications (RFA)** – Formal procurement document in which a service or need is identified and firms are invited to provide their qualifications to provide the services.

**Lead Organization** - – A local, HIPAA covered entity accountable for population health outcomes for the children covered by Medicaid and CHIP within the defined service area. Lead organizations must collaborate with other organizations to establish appropriate integration and care coordination activities, services, and protocols. The network of partners will also include organizations that address social needs, and the specific partners will depend on the service area and needs of the population.

## ADA

HCA complies with the Americans with Disabilities Act (ADA). Bidders may contact the RFA Coordinator to receive this Request for Applications in Braille or on tape.

# GENERAL INFORMATION FOR BIDDERS

## RFA COORDINATOR

The RFA Coordinator is the sole point of contact for this procurement. All communication between the Bidder and HCA upon release of this RFA must be with the RFA Coordinator, as follows:

|  |  |
| --- | --- |
| Name | Holly Jones |
| E-Mail Address | [contracts@hca.wa.gov](mailto:contracts@hca.wa.gov) |

Any other communication will be considered unofficial and non-binding on HCA. Bidders are to rely on written statements issued by the RFA Coordinator. Communication directed to parties other than the RFA Coordinator may result in disqualification of the Bidder.

## ESTIMATED SCHEDULE OF PROCUREMENT ACTIVITIES

|  |  |
| --- | --- |
| Issue Request for Applications | October 30, 2018 |
| Questions Due from Bidders | November 2, 2018 – 2:00 PM |
| HCA Response to Answers | November 9, 2018 |
| **Applications Submission Deadline** | **November 22, 2018 – 2:00 PM** |
| Evaluate Applications | November 26 – December 3, 2018 |
| Conduct Oral Interviews with Finalists, if required | December 5 – 6, 2018 |
| Announce “Apparently Successful Bidder” and send notification via e-mail to unsuccessful Bidders | December 10, 2018 |
| Debrief Request Deadline | December 14, 2018 5:00 PM |
| Hold Debrief Conferences (if requested) | December 17 – 18, 2018 |
| Signed MOU with HCA | December 19, 2018 |
| Begin Co-Application Process for InCK Opportunity | December 20, 2018 |

HCA reserves the right to revise the above schedule. The schedule is pending upon the release of the official Notice of Funding Opportunity and corresponding timeline.

## SUBMISSION OF APPLICATIONS

**ELECTRONIC APPLICATIONS:**

The application must be received by the RFA Coordinator no later than the Application Deadline in Section 2.2, *Estimated Schedule of Procurement*.

Applications must be submitted electronically as an attachment to an e-mail to the RFA Coordinator at the e-mail address listed in Section 2. Attachments to e-mail should be in Microsoft Word format or PDF. Zipped files cannot be received by HCA and cannot be used for submission of applications. The cover submittal letter and the Certifications and Assurances form must have a scanned signature of the individual within the organization authorized to bind the Bidder to the award. HCA does not assume responsibility for problems with Bidder’s e-mail. If HCA e-mail is not working, appropriate allowances will be made.

Applications may not be transmitted using facsimile transmission.

Bidders should allow sufficient time to ensure timely receipt of the application by the RFA Coordinator. Late applications will not be accepted and will be automatically disqualified from further consideration, unless HCA e-mail is found to be at fault. All applications and any accompanying documentation become the property of HCA and will not be returned.

## PROPRIETARY INFORMATION / PUBLIC DISCLOSURE

Applications submitted in response to this competitive procurement will become the property of HCA. All applications received will remain confidential until the ASB is announced; thereafter, the applications will be deemed public records as defined in chapter 42.56 of the Revised Code of Washington (RCW).

Any information in the application that the Bidder desires to claim as proprietary and exempt from disclosure under the provisions of chapter 42.56 RCW, or other state or federal law that provides for the nondisclosure of your document, must be clearly designated. The information must be clearly identified and the particular exemption from disclosure upon which the Bidder is making the claim must be cited. Each page containing the information claimed to be exempt from disclosure must be clearly identified by the words “Proprietary Information” printed on the lower right hand corner of the page. Marking the entire application exempt from disclosure or as Proprietary Information will not be honored.

If a public records request is made for the information that the Bidder has marked as “Proprietary Information,” HCA will notify the Bidder of the request and of the date that the records will be released to the requester unless the Bidder obtains a court order enjoining that disclosure. If the Bidder fails to obtain the court order enjoining disclosure, HCA will release the requested information on the date specified. If a Bidder obtains a court order from a court of competent jurisdiction enjoining disclosure pursuant to chapter 42.56 RCW, or other state or federal law that provides for nondisclosure, HCA will maintain the confidentiality of the Bidder’s information per the court order.

A charge will be made for copying and shipping, as outlined in RCW 42.56. No fee will be charged for inspection of contract files, but 24 hours’ notice to the RFA Coordinator is required. All requests for information should be directed to the RFA Coordinator.

## REVISIONS TO THE RFA

In the event it becomes necessary to revise any part of this RFA, addenda will be provided via e-mail to all individuals who have made the RFA Coordinator aware of their interest. For this purpose, the published questions and answers and any other pertinent information will be provided as an addendum to the RFA and will be placed on the website at <https://www.hca.wa.gov/about-hca/bids-and-contracts>.

HCA also reserves the right to cancel or to reissue the RFA in whole or in part, prior to execution of a this award.

## COMPLAINT PROCESS

### Vendors may submit a complaint to HCA based on any of the following:

#### The solicitation unnecessarily restricts competition;

#### The solicitation evaluation or scoring process is unfair; or

#### The solicitation requirements are inadequate or insufficient to prepare a response.

### A complaint may be submitted to HCA at any time prior to five business days before the bid response deadline. The complaint must meet the following requirements:

#### The complaint must be in writing;

#### The complaint must be sent to the RFA Coordinator in a timely manner;

#### The complaint should clearly articulate the basis for the complaint; and

#### The complaint should include a proposed remedy.

The RFA Coordinator will respond to the complaint in writing. The response to the complaint and any changes to the solicitation will be will be provided via e-mail to all individuals who have made the RFA Coordinator aware of their interest and posted on the HCA website. The Director of HCA will be notified of all complaints and will be provided a copy of HCA’s response. The complaint may not be raised again during the protest period. HCA’s action or inaction in response to the complaint will be final. There will be no appeal process.

## RESPONSIVENESS

All applications will be reviewed by the RFA Coordinator to determine compliance with administrative requirements and instructions specified in this RFA. The Bidder is specifically notified that failure to comply with any part of the RFA may result in rejection of the application as non-responsive.

HCA also reserves the right at its sole discretion to waive minor administrative irregularities.

## MOST FAVORABLE TERMS

HCA reserves the right to make an award without further discussion of the application submitted. Therefore, the application should be submitted initially on the most favorable terms which the Bidder can propose. HCA does reserve the right to contact a Bidder for clarification of its application.

The ASB should be prepared to accept this RFA for incorporation into an MOU resulting from this RFA.

The ASB will be expected to enter into an MOU with HCA and then establish appropriate cooperative agreements with identified partners. Both MOUs will support the application process and demonstrate commitment from partners ahead of a successful bid and ensuing implementation efforts. .

If, after the announcement of the ASB, and after a reasonable period of time, the ASB and HCA cannot reach agreement on acceptable terms for the MOU, HCA may cancel the selection and Award to the next most qualified Bidder.

## COSTS TO PROPOSE

HCA will not be liable for any costs incurred by the Bidder in preparation of an application submitted in response to this RFA, in conduct of a presentation, or any other activities related to responding to this RFA.

## RECEIPT OF INSUFFICIENT NUMBER OF APPLICATIONS

If HCA receives only one responsive application as a result of this RFA, HCA reserves the right to either: 1) directly negotiate with the Bidder; or 2) not award at all. HCA may continue to have the bidder complete the entire RFA process. HCA is under no obligation to tell the Bidder if it is the only Bidder.

## NO OBLIGATION TO AWARD

This RFA does not obligate the state of Washington or HCA to award for services specified herein.

## REJECTION OF APPLICATIONS

HCA reserves the right, at its sole discretion, to reject any and all applications received without penalty and not to issue an award as a result of this RFA.

# APPLICATION CONTENTS

**ELECTRONIC APPLICATIONS:**

Applications must be written in English and submitted electronically to the RFA Coordinator in the order noted below.

1. Signed Certifications and Assurances – Exhibit A
2. Minimum Qualifications *(Section 1.31)*
3. Application Section *(Section 3.1.)*
4. Business Information
5. Application Questions
6. Staffing Resumes
7. Resumes
8. Project Management and Risk Mitigation
9. Letters of Commitment

Applications must provide information in the same order as presented in this document with the same headings.

Items marked Mandatory or (M) must be included as part of the application for the application to be considered responsive: however, these items are not scored. Items marked Mandatory Scored or (MS) are those that are awarded points as part of the evaluation conducted by the evaluation team.

## APPLICATION SECTION

The Application section of the application must contain information that will demonstrate to the evaluation committee the Bidder’s understanding of the types of services proposed, the firm’s ability to accomplish them, and the ability to meet tight timeframes.

### **(M) BUSINESS INFORMATION *(Not Scored):***

#### State the name of the company, address, phone number, fax number, e-mail address, legal status of entity (ownership), and year entity was established as it now substantially exists.

#### Provide the firm’s Federal Employer Tax Identification number or Social Security number and the Washington Uniform Business Identification (UBI) number issued by the state of Washington Department of Revenue.

#### Indicate how many employees are with the firm. Name the firm principles and their roles.

#### Identify any state employees or former state employees employed by the Bidder or on the Bidder’s governing board as of the date of the application. Include their position and responsibilities within the Bidder’s organization. If following a review of this information it is determined by HCA that a conflict of interest exists, the Bidder may be disqualified from further consideration for the award.

#### If the Bidder’s staff or subcontractor’s staff was an employee of the state of Washington during the past 24 months, or is currently a Washington State employee, identify the individual by name, the agency previously or currently employed by, job title or position held, and separation date.

#### If the Bidder has had a contract terminated for default in the last five years, describe such incident. Termination for default is defined as notice to stop performance due to the Bidder’s non-performance or poor performance and the issue of performance was either (a) not litigated due to inaction on the part of the Proposer, or (b) litigated and such litigation determined that the Proposer was in default.

#### Submit full details of the terms for default, including the other party’s name, address, and phone number. Present the Bidder’s position on the matter. HCA will evaluate the facts and may, at its sole discretion, reject the application on the grounds of the past experience. If no such termination for default has been experienced by the Bidder in the past five years, so indicate.

### **(MS)** **APPLICATION QUESTIONS *(Maximum Points: 60)***

#### Briefly tell us how your organization is well positioned to convene community partners to integrate services, including the development of service integration and information sharing protocols and processes, including the use of HIT/HIE.

#### What partnerships and/or networks are already in place or would you envision creating in order to carry out this type of initiative?

#### How do you envision a potential pilot aligning with current health system transformation efforts and Medicaid payment reform?

#### What is your organization’s readiness to implement such a pilot and what aspects of the pilot do you feel are most important for HCA and other agencies to support?

#### What is your proposed geographic service area, and equivalent geographic service area to serve as a comparable service area to support the demonstration?

#### What type of engagement or assessment process has been or will be conducted to inform the needs and opportunities regarding services for the defined population?

#### What is your vision for sustainability and spread/scale of the InCK model, including sustainable information sharing through expanded use of HIT/HIE investments?

### (**MS) STAFFING *(Maximum Points: 15)***

#### Describe the anticipated process and staff support to facilitate early planning and development, including the application process, prior to the availability of new resources.

#### Provide a description of the proposed project team structure and internal controls to be used during the course of the project, including any subcontractors.

### **(M) RESUMES *(Pass/Fail)***

#### Provide the name and a resume of the person who will be the lead contact for the project. Provide names and resumes for co-leads (as applicable).Please include information on the individual’s particular skills related to this project, education, experience, significant accomplishments and any other pertinent information.

### **(MS) PROJECT MANAGEMENT AND RISK MITIGATION *(Maximum Points: 25)***

#### Describe the firm’s level of leadership engagement and/or ability to involve leadership in problem solving and removal of barriers that may emerge.

#### Describe the firm’s ability to identify and mitigate risks. Please include an example of prior risk management experience.

### **(M) LETTERS OF *COMMITMENT (Not Scored)***

# Letters of Commitment are not scored but may be used to help determine the top applicants to invite for oral interviews.

Provide three to five Letters of Commitment from partnering organizations that will participate and support the InCK effort. Letters of Commitment may include:

* The nature of the proposed partnership between the partnering organization and lead organization.
* Past experience and existing relationship between the organizations, if applicable.
* Examples, testimonies, or demonstrated capacity that address readiness to support the InCK effort.

# EVALUATION AND AWARD

## EVALUATION PROCEDURE

Responsive applications will be evaluated strictly in accordance with the requirements stated in this solicitation and any addenda issued. The evaluation of applications will be accomplished by an evaluation team(s), to be designated by HCA, which will determine the ranking of the applications. Evaluations will only be based upon information provided in the Application.

All applications received by the stated deadline, Section 2.2, *Estimated Schedule of Procurement Activities*, will be reviewed by the RFA Coordinator to ensure that the Applications contain all of the required information requested in the RFA. Only responsive Applications that meet the requirements will be evaluated by the evaluation team. Any Bidder who does not meet the stated qualifications or any Application that does not contain all of the required information will be rejected as non-responsive.

The RFA Coordinator may, at his or her sole discretion, contact the Bidder for clarification of any portion of the Bidder’s application. Bidders should take every precaution to ensure that all answers are clear, complete, and directly address the specific requirement.

Responsive Applications will be reviewed and scored by an evaluation team using a weighted scoring system, Section 4.2, *Evaluation Weighting and Scoring*. Applications will be evaluated strictly in accordance with the requirements set forth in this RFA and any addenda issued.

HCA, at its sole discretion, may elect to select the top scoring firms as finalists for an oral presentation.

## EVALUATION WEIGHTING AND SCORING

The following weighting and points will be assigned to the application for evaluation purposes:

|  |  |
| --- | --- |
| **Evaluation Criteria** | **Maximum Weighted Points Possible** |
| RFA Compliance | P/F |
| Application Questions | 60 |
| Staffing | 15 |
| Project Management and Risk Mitigation | 25 |
| **Total** | **100** |
| **Oral Presentations** | **100** |

### **Evaluation Process**

Responses that pass all Mandatory requirements will be further evaluated and scored. Evaluators will evaluate and assign a score to each Scored requirement based on how well the Bidder’s response matches the requirement.

Evaluators will assign scores on a scale of zero (0) to ten (10) where the end and midpoints are defined as follows:

A score of zero (0) on any Scored requirement may cause the entire Application to be eliminated from further consideration.

|  |  |  |
| --- | --- | --- |
| **Score** | **Description** | **Discussion** |
| 0 | No Value | Response is missing, totally inadequate or does not fully comply with the requirement. |
| 1, 2 | Poor | Response has not fully established the capability to perform the requirement or has marginally described its ability. |
| 3, 4 | Below Average | Response only minimally addresses the requirement and the Bidders ability to comply with the requirement or simply has restated the requirement. |
| 5, 6 | Average | Response shows an acceptable capability to meet the requirement and has shown sufficient detail to be considered as meeting the expectation stated in the requirement. |
| 7, 8, 9 | Good | Response is thorough and complete and demonstrates firm understanding of concepts and requirements. |
| 10 | Excellent | Response demonstrates far superior capability and clearly exceeds expectations. |

HCA reserves the right to award to the Bidder whose application is deemed to be in the best interest of HCA and the state of Washington.

## ORAL PRESENTATIONS MAY BE REQUIRED

HCA may after evaluating the written applications elect to schedule oral interviews or presentations of the finalists via a telephone or in person. Should oral presentations become necessary, HCA will contact the top -scoring firm(s) from the written evaluation to schedule a conference call.

Commitments made by the Bidder at the oral interview, if any, will be considered binding.

If selected for an oral presentation/interview, the Bidder, and no more than four (4) of their proposed staff or partners, may attend in person, or may select to be invited via conference call or Skype on the days specified in the RFA schedule. The RFA Coordinator will notify the finalists to schedule the exact time or location of the Oral Presentation.

If bidders are invited to participate in an oral interview/presentation, the scores **will not** be added to the written scores. **The oral presentation score will determine the ASB.**

## SUBSTANTIALLY EQUIVALENT SCORES

Substantially equivalent scores are scores separated by two percent or less in total points. If multiple Applications receive a Substantially Equivalent Score, HCA may leave the matter as scored, or select as the ASB the one Application that is deemed by HCA, in its sole discretion, to be in HCA’s best interest relative to the overall purpose and objective as stated in Sections 1.1 and 1.2 of this Procurement.

If applicable, HCA’s best interest will be determined by HCA managers and executive officers, who have sole discretion over this determination. The basis for such determination will be communicated in writing to all Bidders with equivalent scores.

## NOTIFICATION TO BIDDERS

HCA will notify the ASB of its selection in writing upon completion of the evaluation process. Individuals or firms whose applications were not selected for further negotiation or award will be notified separately by e-mail.

## DEBRIEFING OF UNSUCCESSFUL BIDDERS

Any Bidder who has submitted a application and been notified it was not selected for this award may request a debriefing. The request for a debriefing conference must be received by the RFA Coordinator no later than 5:00 p.m., local time, in Olympia, Washington, within three business days after the Unsuccessful Bidder Notification is e-mailed to the Bidder. The debriefing will be held within three (3) business days of the request, or as schedules allow.

Discussion at the debriefing conference will be limited to the following:

### Evaluation and scoring of the firm’s application;

### Critique of the application based on the evaluation; and

### Review of Bidder’s final score in comparison with other final scores without identifying the other firms.

Comparisons between applications, or evaluations of the other applications will not be allowed. Debriefing conferences may be conducted in person or on the telephone and will be scheduled for a maximum of one thirty (30) minutes.

## PROTEST PROCEDURE

Protests may be made only by Bidders who submitted a response to this solicitation document and who have participated in a debriefing conference. Upon completing the debriefing conference, the Bidder is allowed five business days to file a protest of the acquisition with the RFA Coordinator. Protests must be received by the RFA Coordinator no later than 4:30 p.m., local time, in Olympia, Washington on the fifth business day following the debriefing. Protests may be submitted by e-mail or by mail.

Bidders protesting this procurement must follow the procedures described below. Protests that do not follow these procedures will not be considered. This protest procedure constitutes the sole administrative remedy available to Bidders under this procurement.

All protests must be in writing, addressed to the RFA Coordinator, and signed by the protesting party or an authorized agent. The protest must state the RFA number, the grounds for the protest with specific facts, and complete statements of the action(s) being protested. A description of the relief or corrective action being requested should also be included.

### Only protests alleging an issue of fact concerning the following subjects will be considered:

#### A matter of bias, discrimination, or conflict of interest on the part of an evaluator;

#### Errors in computing the score; or

#### Non-compliance with procedures described in the procurement document or agency protest process or HCA requirements.

Protests based on anything other than those items listed above will not be considered. Protests will be rejected as without merit if they address issues such as: 1) an evaluator’s professional judgment on the quality of a application; or 2) HCA’s assessment of its own and/or other agencies needs or requirements.

Upon receipt of a protest, a protest review will be held by HCA. The HCA Director, or an HCA employee delegated by the HCA Director who was not involved in the procurement, will consider the record and all available facts. If possible, a final HCA decision will be issued within ten business days of receipt of the protest. If the HCA Director delegates the protest review to an HCA employee, the Director nonetheless reserves the right to make the final agency decision on the protest. If additional time is required, the protesting party will be notified of the delay.

If HCA determines in its sole discretion that a protest from one Bidder may affect the interests of another Bidder, then HCA will invite such Bidder to submit its views and any relevant information on the protest to the RFA Coordinator. In such a situation, the protest materials submitted by each Bidder will be made available to the other Bidder upon request.

### The final determination of the protest will:

#### Find the protest lacking in merit and uphold HCA’s action; or

#### Find only technical or harmless errors in HCA’s acquisition process and determine HCA to be in substantial compliance and reject the protest; or

#### Find merit in the protest and provide options which may include:

##### Correct the errors and re-evaluate all applications; or

##### Reissue the solicitation document and begin a new process; or

##### Make other findings and determine other courses of action as appropriate.

If HCA determines that the protest is without merit, HCA will enter into an MOU with the ASB Bidder, assuming the parties reach an agreement on the MOU terms. If the protest is determined to have merit, one of the alternatives noted in the preceding paragraph will be taken.

# RFA EXHIBITS

Exhibit A Certifications and Assurances

**EXHIBIT A**

**CERTIFICATIONS AND ASSURANCES**

I/we make the following certifications and assurances as a required element of the application to which it is attached, understanding that the truthfulness of the facts affirmed here and the continuing compliance with these requirements are conditions precedent to the award or continuation of the related MOU:

1. I/we declare that all answers and statements made in the application are true and correct.
2. The prices and/or cost data have been determined independently, without consultation, communication, or agreement with others for the purpose of restricting competition. However, I/we may freely join with other persons or organizations for the purpose of presenting a single application.
3. The attached application is a firm offer for a period of 120 days following receipt, and it may be accepted by HCA without further negotiation (except where obviously required by lack of certainty in key terms) at any time within the 120-day period.
4. In preparing this application, I/we have not been assisted by any current or former employee of the state of Washington whose duties relate (or did relate) to this application or prospective MOU, and who was assisting in other than his or her official, public capacity. If there are exceptions to these assurances, I/we have described them in full detail on a separate page attached to this document.
5. I/we understand that HCA will not reimburse me/us for any costs incurred in the preparation of this application. All applications become the property of HCA, and I/we claim no proprietary right to the ideas, writings, items, or samples, unless so stated in this application.
6. Unless otherwise required by law, the prices and/or cost data which have been submitted have not been knowingly disclosed by the Bidder and will not knowingly be disclosed by him/her prior to opening, directly or indirectly, to any other Bidder or to any competitor.
7. I/we agree that submission of the attached application constitutes acceptance of the solicitation contents and the attached sample MOU and general terms and conditions. If there are any exceptions to these terms, I/we have described those exceptions in detail on a page attached to this document.
8. No attempt has been made or will be made by the Bidder to induce any other person or firm to submit or not to submit a application for the purpose of restricting competition.
9. I/we grant HCA the right to contact references and other, who may have pertinent information regarding the ability of the Bidder and the lead staff person to perform the services contemplated by this RFA.
10. If any staff member(s) who will perform work on this MOU has retired from the State of Washington under the provisions of the 2008 Early Retirement Factors legislation, his/her name(s) is noted on a separately attached page.

We (circle one) **are / are not** submitting proposed MOU exceptions. (See Section 2.12, MOU and General Terms and Conditions.) If MOU exceptions are being submitted, I/we have attached them to this form.

**On behalf of the Bidder submitting this application, my name below attests to the accuracy of the above statement. *If electronic, also include*: We are submitting a scanned signature of this form with our application.**

|  |  |
| --- | --- |
|  | |
| Signature of Bidder | |
|  | |
| Title | Date |