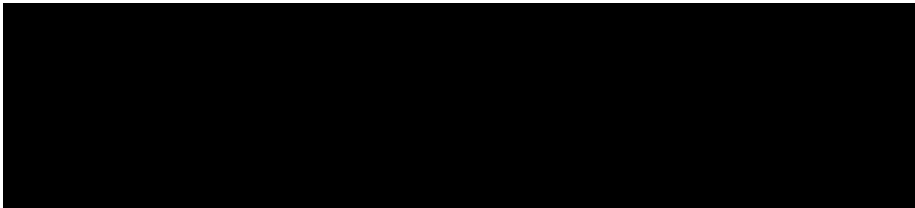




STATE OF WASHINGTON  
**HEALTH CARE AUTHORITY**  
626 8<sup>th</sup> Avenue • P.O. Box 42702 • Olympia, Washington 98504-2702

Email Delivery

August 21, 2019



Dear [REDACTED]:

**SUBJECT: [REDACTED] Complaint – HCA RFP No. 3872**

Thank you for your letter dated August 16, 2019, in which [REDACTED] submitted a complaint in relation to RFP No. 3872 (RFP). Your complaint was filed in accordance with Section 2.9 of the RFP on the grounds that the RFP unnecessarily restricts competition. Specifically, you assert that the lack of certain critical census information provides an unfair advantage to incumbents who possess this information for the population the incumbent serves. When this same information is not shared by all bidders, you contend that fair competition is unnecessarily restricted. Finally, you believe that the “limited census information provided to date” is insufficient for you to prepare an accurate response.

HCA’s response:

- 1) Regarding [REDACTED] point that an incumbent who may possess the census information would have an unfair advantage, HCA confirms it does not currently offer a Medicare Advantage plus Prescription Drug product, and therefore there is no “incumbent.” HCA acknowledges that bidders may have existing/previous business with PEBB or school employee districts which may provide them with data on the population they serve. But as far as HCA is aware, there is no bidder who has access to full census data for the entire PEBB and school district population.
- 2) HCA has a responsibility to its members to protect their personally identifiable and protected information under HIPAA and therefore does not release data

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beyond what is minimally necessary to meet business needs. The minimum necessary standard requires a covered entity such as HCA to use enhanced safeguards to limit unnecessary or inappropriate access to and disclosure of protected health information.

- 3) During the Question and Answer period of this RFP, HCA received many requests for census data from bidders, HCA considered these requests and determined it would be appropriate to provide some limited deidentified data so as to allow bidders to more fully demonstrate that they have the ability to perform the services described in the RFP. The result was the "HCA Medicare Census" data file as described in Amendment 2. This data file included Summary census data of Members aged 65 and above enrolled in a PEBB Program Medicare Health Plan as of August 2019. The census data file included: census of PEBB Medicare Members Living in Washington State, census of PEBB Medicare Members Living in States Outside of Washington, and census of PEBB Medicare Members Living Outside of the United States. The file also included the number of PEBB non-Medicare Members aged 63-64.
- 4) On August 19, 2019 HCA hosted a phone call with bidders (as described in Amendment 3) to discuss census data. During the call, bidders confirmed they were able to complete their respective responses with the data provided. Based on the discussion, it is HCA's understanding that while the additional data this complaint is addressing could potentially help bidders refine their response, it does not prohibit their ability to provide a full and accurate response.

HCA does not agree that this RFP unnecessarily restricts competition, nor that the requirements are inadequate or insufficient to prepare a response. As indicated in RFP Section 2.9 the response to the complaint will be posted on WEBS.

Sincerely,

Laura Shayder  
RFP Coordinator