

ATTACHMENT H



TEXAS
Health and Human Services

Dr. Courtney Phillips, Executive Commissioner

**Request for Qualifications (RFQ)
for
Physicians**

RFQ No. HHS0003136

Date of Release: Friday, October 26, 2018

Responses Due: Tuesday, January 1, 2019 at 2:00pm

**NIGP Class/Item Code: 948-74 - Professional Medical Services: Physicians, Pharmacists,
and All Specialties**

NIGP Class/Item Code: 948-48 - Health Care Services (Not Otherwise Classified)

ARTICLE I. EXECUTIVE SUMMARY, DEFINITIONS, AND AUTHORITY

1.1 EXECUTIVE SUMMARY

The Health and Human Services Commission (“**HHSC**”), on behalf of the Office of Inspector General (“**OIG**”) seeks to procure qualified physicians to evaluate professional actions and decisions made by providers within the programs that Health and Human Services (“**HHS**”) oversees, including Medicaid and the Children’s Health Insurance Program (“**CHIP**”). The contracted professionals assist the OIG by conducting case reviews; providing professional expertise regarding the information reviewed; and providing testimony, if needed, to substantiate review findings. These services are an integral part of the OIG’s ability to promote program integrity and detect/combat fraud, waste, and abuse throughout the HHS service delivery system.

To be considered for award, Respondents must sign and return to HHSC both Exhibit A, Statement of Qualifications (“**SOQ**”) and Exhibit B, Affirmations and Solicitation Acceptance, and provide all other required information and documentation as stated in this RFQ.

Information regarding HHSC and its programs is available online and can be accessed at <https://hhs.texas.gov>.

1.2 DEFINITIONS

Refer to Exhibit C, HHSC Uniform Terms and Conditions, **Vendor** Version 2.15, and Exhibit D, HHSC Special Conditions, Version 1.2, for additional definitions.

As used in this RFQ, unless the context clearly indicates otherwise, the following terms and conditions have the meanings assigned below:

“**Addendum**” means a written clarification or revision to this RFQ issued by HHSC.

“**Contractor**” means the individual(s) or entity(ies) awarded a contract as a result of this solicitation.

“**ESBD**” means the Electronic State Business Daily, the electronic marketplace where State of Texas bid opportunities over \$25,000 are posted. The ESBD may be accessed at <http://www.txsmartbuy.com/sp>.

“**Health and Human Services**” (“**HHS**”) consists of two state agencies: HHSC and the Department of State Health Services.

“**Health and Human Services Commission**” (“**HHSC**”) means the administrative agency established under Chapter 531, Texas Government Code or its designee, its officers, employees, and authorized agents.

“**HUB**” means Historically Underutilized Business, as defined by Chapter 2161 of the Texas Government Code.

“**Physician**” means a person licensed to practice medicine in the State of Texas in accordance with the provisions of Chapter 155, License to Practice Medicine, Texas Occupations Code. The word “physician(s)” includes “surgeon(s).”

“**Respondent**” means the individual or entity responding to this Solicitation.

“**Solicitation**” means this RFQ, including any exhibits and addenda, if any.

“**State**” means the State of Texas and its instrumentalities, including HHSC, and any other state agency, its officers, employees, or authorized agents.

“**Statement of Qualifications**” (“**SOQ**”) means the Respondent’s response to this Solicitation (Exhibit A to this RFQ), and may also be called “**Solicitation Response**.”

1.3 AUTHORITY

HHSC is soliciting the services listed in this RFQ under Title 10, Subtitle F, Chapter 2254 of the Texas Government Code and Title 4, Subtitle I, Chapter 531 of the Texas Government Code.

ARTICLE II. SCOPE OF WORK AND RELATED MATTERS

2.1 WORK REQUIREMENTS AND PROFESSIONAL QUALIFICATIONS

The SOQ, Exhibit A, establishes certain required standards, both professional qualifications and work requirements, which a Respondent must meet to be considered for contract award. An eligible Respondent must answer: (a) “Yes” to both Minimum Qualifications 1.1 through 1.7 in SOQ Section 1 and the Medical Service Requirements in SOQ Section 2; and (b) “No” to Minimum Requirements 1.8 through 1.10. If a Respondent answers “Yes” to any of the questions presented in SOQ Section 3 (Other Information) HHSC, at its sole discretion, may decline to award a contract to that Respondent.

2.2 CONFIDENTIALITY AND DATA USE AGREEMENT

An awarded Contractor must maintain the confidentiality of all information accessed through the resultant Contract. By entering into a Contract, or purchase order with HHSC, Respondent agrees to be bound by the terms of the Data Use Agreement attached to this RFQ as Exhibit G.

ARTICLE III. CONTRACT AWARD, TERM AND AMOUNT

3.1 CONTRACT AWARD AND EXECUTION

HHSC intends to award multiple contracts as a result of this RFQ. Any award is contingent upon approval of the Executive Commissioner or designee.

HHSC is not obligated to process any or all Responses submitted. HHSC reserves the right to cancel, make partial award, or decline to award a contract under this RFQ at any time at its sole discretion.

3.2 CONTRACT TERM

HHSC anticipates that the initial duration of any contract resulting from this RFQ shall be for a period of five years (the “**Initial Term**”). Following the Initial Term, HHSC may extend any resulting Contract for the purpose of completing a new procurement or to complete ongoing service provision to avoid interruption in HHSC services, or both.

3.3 FEE, PAYMENT, VOLUME, USAGE AND COMPENSATION

3.3.1 Fee. Compensation for any work under a resultant Contract resulting from this RFQ generally will be limited to \$150 per hour. In extraordinary circumstances, HHSC reserves the right to modify this amount if an alternative negotiated rate is agreed upon for a particular assignment by both parties in advance of work performed or should additional state or federal funding become available during the term of a resultant Contract, including any extensions.

3.3.2 Payment. Payment for services provided by an awarded contractor will be on a fee-for -service basis.

- A. A Contractor shall not be entitled to payment in the absence of a signed contract to provide services.
- B. A Contractor shall recover only once for the medical professional services delivered under an awarded contract. A Contractor shall not bill for or retain any additional compensation for such services from HHSC or any other entity.
- C. A Contractor must seek payment or adjustments to payments within 30 days after services have been satisfactorily completed and submitted to the HHSC OIG.
- D. A Contractor will only be paid for services provided upon OIG’s receipt and approval of Contractor’s itemized invoice for reimbursement.

3.3.3 No Guarantee of Volume, Usage or Compensation. HHSC makes no guarantee of volume, usage, or total compensation to be paid to any Contractor under any awarded Contract, if any, resulting from this RFQ. All awarded Contracts are subject to appropriations and the continuing availability of funds. OIG will assign work to awarded Contractors based on the following guidelines:

- A. Skills and experience of an awarded Contractor for a particular assignment;
- B. The ability of an awarded Contractor to provide the requested services within the time frame needed;
- C. The quality, flexibility and timeliness of the awarded Contractor's performance of prior assignments under the resultant Contract; and
- D. Any other factors relevant to a particular assignment for which a Contractor's services are needed.

ARTICLE IV. ADMINISTRATIVE INFORMATION

4.1 SCHEDULE OF EVENTS

EVENT	DATE/TIME
Solicitation Release Date	Friday, October 26, 2018
Deadline for Submitting Questions	Friday, November 2, 2018
Deadline for submission of Solicitation Responses [NOTE: Responses must be <u>RECEIVED</u> by HHSC by the deadline.]	Tuesday, January 1, 2019 AT 2:00 PM Central Time
Anticipated Contract Start Date	Upon execution

Note: These dates are a tentative schedule of events. HHSC reserves the right to modify these dates at any time upon notice posted to the ESD. Any dates listed after the Solicitation Response deadline will occur at the discretion of HHSC and may occur earlier or later than scheduled without notification on the ESD.

4.2 MODIFICATION TO SOLICITATION

HHSC reserves the right to modify any provision of this RFQ, or to withdraw this RFQ at any time prior to award, if it is in the best interest of HHSC and will post all modifications on the ESD. It is the responsibility of Respondent to periodically check the ESD to ensure full compliance with the requirements of this Solicitation.

4.3 IRREGULARITIES

Any irregularities or lack of clarity in this RFQ should be brought to the attention of the Point of Contact listed in Section 4.5.1 as soon as possible so corrective addenda may be furnished to prospective Respondents.

4.4 INFORMALITIES

HHSC reserves the right to waive minor informalities in a Solicitation Response if it is in the best interest of HHSC. A "minor informality" is an omission or error that, in HHSC's determination if waived or modified when evaluating Solicitation Responses, would not give a Respondent an unfair advantage over other Respondents or result in a material change in the Solicitation Response or RFQ requirements.

4.5 INQUIRIES

4.5.1 Point of Contact

All requests, questions or other communication about this RFQ shall be made in writing to the HHSC Purchasing Department, addressed to the person listed below. All communications between Respondents and other HHSC staff members concerning the Solicitation are strictly prohibited. **Failure to comply with these requirements may result in disqualification of Respondent's Solicitation Response.**

Name: Andrick Reese, CTPM
Title: Purchaser
Address: Procurement and Contracting Services Building
Health and Human Services Commission
1100 W 49th Street, MC 2020
Phone: 512-406-2532
Email: andrick.reese@hhsc.state.tx.us

4.5.2 Prohibited Communication

On issuance of this RFQ, except for the written inquiries described in Section 4.5.1, HHSC, its representative(s), or partners will not answer any questions or otherwise discuss the contents of this RFQ with any potential Respondent or their representative(s). This restriction does not preclude discussions between affected parties for the purposes of conducting business unrelated to this RFQ. **Failure to comply with these requirements may result in disqualification of Respondent's Solicitation Response.**

4.5.3 Questions

HHSC will allow written questions and requests for clarification of this Solicitation. Questions must be submitted in writing and sent by email to the Point of Contact listed in Section 4.5.1. Names of those submitting questions will be removed from questions in any responses released. Questions shall be submitted in the following format. Submissions that deviate from this format may not be accepted:

- A. Identifying Solicitation number;
- B. Section number;
- C. Paragraph number;
- D. Page number;

- E. Text of passage being questioned; and
- F. Question.

Note: Questions or other written requests for clarification must be received by the Point of Contact by the deadline set forth in Section 4.1 above. However, HHSC, at its sole discretion, may respond to questions or other written requests received after the deadline. Please provide company name, address, phone number, fax number, e-mail address, and name of contact person when submitting questions.

4.5.4 Clarification

Respondents must notify the Point of Contact of any ambiguity, conflict, discrepancy, exclusionary specifications, omission or other error in the Solicitation in the manner and by the deadline for submitting questions. If a Respondent fails to properly and timely notify the Point of Contact of such issues, the Respondent submits its Solicitation at its own risk, and if awarded a Contract: (1) shall have waived any claim of error or ambiguity in the Solicitation and any resulting Contract, (2) shall not contest the interpretation by HHSC of such provision(s), and (3) shall not be entitled to additional compensation, relief, or time by reason of ambiguity, error, or later correction.

4.5.5 Responses

Responses to questions or other written requests for clarification may be posted on the ESBD. HHSC reserves the right to amend answers prior to the deadline of Solicitation Responses. Amended answers may be posted on the ESBD. It is Respondent's responsibility to check the ESBD or contact the Point of Contact for updated responses. HHSC also reserves the right to decline to answer any question or questions or to provide a single consolidated response of all questions they choose to answer in any manner at HHSC's sole discretion.

4.6 SOLICITATION RESPONSE COMPOSITION

4.6.1 Overview

Respondent shall fully complete the Statement of Qualifications, Exhibit A, and submit it to HHSC along with the following additional documents:

- A. Résumé with curriculum vitae, if applicable, for each physician that will provide services under a resultant contract;
- B. Proof that you are licensed to practice medicine in the State of Texas, in accordance with the provisions of Chapter 155, License to Practice Medicine, of the Texas Occupations Code;
- C. Documentation regarding number of years' relevant experience with professional and/or case reviews, experience adjudicating proceedings, and providing professional testimony (e.g., a written summary to supplement the résumé and curriculum vitae);
- D. Exhibit B - Affirmations and Solicitation Acceptance;

- E. Exhibit E - Federal Assurances—Non-Construction Programs;
- F. Exhibit F – Certification Regarding Lobbying;
- G. Exhibit G - Data Use Agreement; and
- H. Respondent Profile, if applicable (see Section 6.1.1).

Documentation will be submitted via mail or submitted by email as attachments. Documentation includes all documentation listed in Article VIII: Submission Checklist. Failure to submit all required documents in required format(s) may result in disqualification of the Solicitation Response without further consideration.

HHSC, in its discretion, may reject any and all SOQs or portions thereof.

4.6.2 Submission in Separate Parts

The entire Solicitation response--all separated paper documents or electronic copies--must then be submitted in one package to HHSC at the address listed or all documents email as stated in in Section 4.7.3.

4.6.3 Formatting of Supporting Documentation

Attachments to the SOQ should be formatted as follows: 8 ½" x 11" paper, 12 point font size.

4.6.4 Discrepancies

Discrepancies or disparities between the contents of original Solicitation Responses and copies will be interpreted in favor of HHSC.

4.6.5 Assumptions

No assumptions should be included in a Solicitation Response. All issues or questions that might be advanced or addressed by way of assumption should be submitted pursuant to Section 4.5.4. **The inclusion of assumptions in a Solicitation Response may result in a Respondent not being awarded a contract.**

4.6.6. Terms and Conditions Attached to Response

Any terms and conditions attached to a Response will not be considered unless specifically referred to in the Response.

4.7 SOLICITATION RESPONSE SUBMISSION AND DELIVERY

4.7.1 Deadline

Solicitation Responses must be received at the address in Section 4.7.3 time-stamped by HHSC no later than the date and time specified in Section 4.1

4.7.2 Labeling

Solicitation Responses shall be placed in a sealed box and clearly labeled as follows or emailed as an attachment with the following information in the body of the email:

SOLICITATION NO: HHS0003136
 SOLICITATION NAME: RFQ for Physicians
 SOLICITATION RESPONSE DATE: Tuesday, January 1, 2019 at 2:00pm
 FOR: Professional Services
 RESPONDENT’S NAME:
 PURCHASER’S NAME: Andrick Reese

HHSC will not be held responsible for any Solicitation Response that is mishandled prior to receipt by HHSC. It is Respondent’s responsibility to mark appropriately and deliver the Solicitation Response to HHSC by the specified date and time.

4.7.3 Delivery

Respondent must deliver Solicitation Responses by one of the methods below. Solicitation Responses submitted by facsimile will NOT be considered.

U.S. Postal Service	Email	Hand Delivery
Procurement and Contracting Services Building Health and Human Services Commission Attn: MC2020-Bid Room 1100 W 49 th Street Austin, TX 78756	pcsbids@hhsc.state.tx.us	Health and Human Services Commission Procurement and Contracting Services Attn: Response Coordinator Procurement and Contracting Services Building 1100 W 49th St. MC: 2020 Austin, TX 78756

Note: All Solicitation Responses become the property of HHSC after submission and will not be returned to Respondent.

4.7.4 Alterations, Modifications, and Withdrawals

Prior to the RFQ submission deadline, a Respondent may: (1) withdraw its Solicitation Response by submitting a written request to the Point of Contact; or (2) modify its Solicitation Response by submitting a written amendment to the Point of Contact. HHSC may request Solicitation Response modifications at any time.

ARTICLE V. SOLICITATION RESPONSE EVALUATION AND AWARD PROCESS

5.1 EVALUATION CRITERIA

5.1.1 Conformance with State Law

Solicitation Responses shall be evaluated in accordance with Chapter 2254 of the Texas Government Code.

HHSC will make the selection on the basis of the Respondent's demonstrated competence and qualifications, and a Respondent's agreement to contract terms that are acceptable to HHSC. Each Response will be evaluated when received and, if an award is made, a contract will be executed shortly thereafter.

5.1.2 Other Information

HHSC may contact references provided in response to this RFQ, contact Respondent's clients, or solicit information from any available source, including the Comptroller's Vendor Performance Tracking System.

5.2 INITIAL COMPLIANCE SCREENING

HHSC PCS will perform an initial screening of all Solicitation Responses received. Unsigned Solicitation Responses and the failure to include all required forms and information, or both, may be subject to rejection without further evaluation.

5.3 ORAL PRESENTATIONS

HHSC reserves the right to require an oral presentation from any or all Respondents to aid in a determination for award recommendation. If oral presentation occurs, information from those presentations will be used in addition to the criteria outlined in Section 5.1.1. Respondents will be provided with advance notice of any such oral presentation and will include an agenda of the topics requiring elaboration. Failure to participate in the requested presentation may eliminate a Respondent from further consideration. Respondents are responsible for their own presentation equipment. HHSC is not responsible for any costs incurred by the Respondent in preparation for any oral presentation.

5.5 QUESTIONS OR REQUESTS FOR CLARIFICATION BY HHSC

HHSC reserves the right to ask questions or request clarification from any Respondent once responses are received, including during oral presentations, if any.

ARTICLE VI. ADDITIONAL INFORMATION

6.1 RESPONDENT INFORMATION

6.1.1 Profile

In addition to the documentation identified in section 4.6.1, Respondent must include the following information, if applicable, in its Solicitation response:

- A. If applicable, the Respondent company's ownership structure (corporation, partnership, LLC, or sole proprietorship), including any wholly-owned subsidiaries, affiliated companies, or joint ventures. *(Please provide this information in a narrative and as a graphical representation.)* If Respondent is an affiliate of, or has a joint venture or strategic alliance with, another company, Respondent must identify the percentage of ownership and the percentage of the parent's ownership. The entity performing the majority of the work under a contract, throughout the duration of the

contract, must be the primary bidder. Finally, please provide your proposed operating structure for the services requested under this Solicitation and which entities (i.e., parent company, affiliate, joint venture, subcontractor) will be performing them.

- B. If applicable, the year the company was founded and/or incorporated. If incorporated, please indicate the state where the company is incorporated and the date of incorporation.
- C. If applicable, the location of your company headquarters and any field office(s) that may provide services for any resulting contract under this Solicitation.
- D. If applicable, the number of employees in your company, both locally and nationally, and the location(s) from which employees may be assigned.
- E. The name, address, and telephone number of Respondent's point of contact for any resulting contract under this Solicitation.
- F. Indicate whether you or your company has ever been engaged under a contract by any Texas state agency. If "Yes," specify when, for what duties, and for which agency.

Note: If Respondent is an out-of-state company, a Certificate of Authority from the Secretary of State to do business in Texas must be provided as well.

6.1.2 Conflicts

Respondent must certify that it does not have any personal or business interests that present a conflict of interest with respect to the RFQ and any resulting contract. Additionally, if applicable, the Respondent must disclose all potential conflicts of interest. The Respondent must describe the measures it will take to ensure that there will be no actual conflict of interest and that its fairness, independence and objectivity will be maintained. HHSC will determine to what extent, if any, a potential conflict of interest can be mitigated and managed during the term of the contract. Failure to identify actual and potential conflicts of interest may result in disqualification of a Solicitation Response or termination of a contract.

Please include any activities of affiliated or parent organizations and individuals who may be assigned to this contract, if any.

Additionally, pursuant to Section 2252.908 of the Texas Government Code, a successful Respondent awarded a contract greater than \$1 million dollars must file a disclosure of interested parties form with the Texas Ethics Commission and provide a copy of the filed form to HHSC at the time the business entity submits the signed contract. Rules and filing instructions may be found on the Texas Ethics Commission's public website and additional instructions will be given by HHSC to successful Respondents.

6.1.3 Historically Underutilized Business (“HUB”) Applicability Subcontracting Plan

An evaluation of potential subcontracting opportunities was conducted for this RFQ in accordance with Texas Government Code section 2161.252, and it was determined that this RFQ does not contain any probable subcontracting opportunities. Therefore, Respondents are not required to submit a HUB Subcontracting Plan with their SOQs.

ARTICLE VII. GENERAL TERMS AND CONDITIONS

7.1 GENERAL CONDITIONS

7.1.1 Amendment

HHSC reserves the right to alter, amend, or modify any provision of this RFQ, or to withdraw this Solicitation, at any time prior to award, if it is in the best interest of the State.

7.1.2 Costs Incurred

Respondents understand that issuance of this RFQ in no way constitutes a commitment by HHSC to award a contract or to pay any costs incurred by a Respondent in the preparation of a response to this RFQ. HHSC is not liable for any costs incurred by a Respondent prior to issuance of or entering into a formal agreement, contract, or purchase order. Costs of developing Solicitation Responses, preparing for or participating in oral presentations or any other similar expenses incurred by a Respondent are entirely the responsibility of the Respondent, and will not be reimbursed in any manner by the State of Texas.

7.1.3 Contract Responsibility

HHSC will look solely to Respondent for the performance of all contractual obligations that may result from an award based on this RFQ. An awarded Contractor shall not subcontract any of its contractual obligations.

7.1.4 Public Information Act

Solicitation Responses are subject to the Texas Public Information Act (“**PIA**”), Texas Government Code Chapter 552, and may be disclosed to the public upon request. Subject to the PIA, certain information may be protected from public release. Respondents who wish to protect portions of the Solicitation Response from public disclosure should familiarize themselves with this law. Information pertaining to this RFQ will be withheld or released only in accordance with the PIA.

7.2 PROTEST

If a Respondent wishes to file a protest, the Respondent may do so in accordance with the rules published by HHSC in Title 1, Part 15, Chapter 391, Subchapter D of the Texas Administrative Code.

ARTICLE VIII. SUBMISSION CHECKLIST

This checklist is provided for Respondent's convenience only and identifies documents that must be submitted with this Solicitation in order to be considered responsive. Any Solicitation Response received without these requisite documents may be deemed nonresponsive and may not be considered for contract award.

Original Solicitation Response Package

The Response must include the following documents, signed as appropriate:

1. Exhibit A - Statement of Qualifications;
2. Résumé with curriculum vitae;
3. Proof that Respondent is a physician licensed to practice medicine in the State of Texas, in accordance with the provisions of Chapter 155, License to Practice Medicine, of the Texas Occupations Code;
4. Documentation regarding number of years' relevant experience with professional and/or case reviews, experience adjudicating proceedings and providing professional testimony (e.g. a written summary to supplement the résumé and curriculum vitae);
5. Exhibit B - Affirmations and Solicitation Acceptance, signed and dated;
6. Exhibit E - Federal Assurances—Non-Construction Programs;
7. Exhibit F – Certification Regarding Lobbying; and
8. Exhibit G - Data Use Agreement, which includes Security and Privacy Inquiry (SPI).