

Pre-Proposal Conference Minutes

Western Maryland – Long Term Acute Care and Brain Injury Services”

Maryland Department of Health

Office of Contracts Management and Procurement (OCMP)

OCMP # 23-19687 / eMMA#BPM031397

Conference began at 10:00 am September 8, 2022

Opening Remarks and Introductions were facilitated by Queen Davis, Procurement Officer for the Office of Contract Management and Procurement (OCMP) for this solicitation. This was a recorded virtual conference open to the public.

Attendance:

OCMP Attendees: Queen Davis, Procurement Officer; Bernadette Garrett

Office of Facilities Maintenance and Development (OFMD) Attendees: Alison Barry, Deputy Director of OFMD; Will Andolaro, Director of OFMD; Mindy J. Kim-Woo, Administrator OFMD.

Minahil Cheema, Executive Associate, Office of the Secretary, Maryland Department of Health

Meeting Summary

Agenda:

- Greetings/Introductions – Queen Davis, OCMP
- Procurement Overview – Queen Davis, OCMP
- Minority Business Enterprise (MBE) Overview – Queen Davis, OCMP
- Purpose – Alison Barry, OFMD
- Specification Overview – Alison Barry, OFMD
- Q & A
- Reiterate Critical Dates/Times and Submission Requirements – Queen Davis
- Adjournment

Background:

The Department intends to make multiple awards as a result of this RFP. The contract resulting from this solicitation will be for duration of 5-year base term with two (2) 5-year renewal options.

Purpose of RFP: The Maryland Department of Health (“MDH” or the “Department”) is issuing this Request for Proposals (“RFP”) in order to obtain a Contractor(s) who will provide a broad range of long-term acute care (“LTAC”) and brain injury (“BI”) services to patients (collectively the “Program”). Currently this Program is housed at Western Maryland Hospital Center (“WMHC”) and MDH is seeking to transition this Program out of WMHC into privately run facilities. This procurement may result in one or multiple Contractors who will be responsible for providing all administrative, management, and support services necessary to run the Program efficiently and effectively. WMHC’s patient population may include individuals who may be uninsured and/or undocumented. In some respects, the population at WMHC is not an equal comparison to a traditional long-term acute care hospital or a facility providing brain injury services.

Contract Goals: There is a 5% MBE participation goal established for the contract as a result of this solicitation

Proposal Due Date: 9/26/2022

Questions Due Date: 9/12/2022

Procurement Overview:

In order to be considered for award a vendor must be “registered” on eMMA. Registration is free. Please review Subsection 4.2 for details.

Vendor Feedback Form:

Please return the VENDOR FEEDBACK FORM (page ii of the RFP) if you choose not to respond to the solicitation. The standard language says you can fax, but there is no fax number available at this time due to teleworking, please email the form to me directly using my email address on the key information summary sheet.

While prospective offerors are expected to read every part of the RFP solicitation, today’s meeting pointed out sections in the RFP that requires your attention and compliance: Please pay extra attention to the following sections:

In order to be considered for award a vendor must be “registered” on eMMA. Registration is free. Please review Subsection 4.2 for details.

Section 4 – Procurement Instructions: This section covers specific information regarding due dates and times and questions. Carefully review **Subsection 4.3 Questions** regarding how to submit your questions for an official response. Questions should be directed to the Procurement Officer, Queen Davis, and shall be submitted via email to: mdh.solicitationquestions@maryland.gov. Questions shall be **submitted no later than September 12, 2022 by 2:00 PM.** The Procurement Officer, based on the availability of time to research, will communicate an answer. You are encouraged to submit your questions as soon as possible. Responses will be posted via an addendum to eMMA and the MDH websites as stated in the RFP.

Carefully review the clause shown in **subsection 4.23, Payments by Electronic Funds Transfer.** By submitting a response to this solicitation, the Offeror agrees to accept payments

by electronic funds transfer (EFT) unless the State Comptroller's Office grants an exemption. Payment by EFT is mandatory for contracts exceeding \$200,000. This section goes into detail on how to register or request an exemption.

Carefully review the clause shown **in subsection 4.26, Minority Business Enterprise (MBE) Participation Goal**. An overall **MBE subcontractor participation goal of 5%**, as identified in the Key Information Summary Sheet has been established for this procurement, representing a percentage of the total Contract dollar value, including all renewal option terms has been established for this procurement. I ask that you pay close attention to this section as failure to not adhere, explicitly to the requirements of completing the forms in Attachment D-1 of the solicitation can cause your solicitation to be disqualified without further consideration.

MBE Participation Note:

The MDOT Certified MBE Utilization and Fair Solicitation Affidavit (Attachment D-1) must be fully and accurately completed and submitted in Tab O of the Technical section of your bid or proposal. Failure to do so will result in your bid or proposal being deemed non-responsive.

On the D-1 form, you must first acknowledge and express your intention to meet the overall MBE goal percentage established for the solicitation.

You must also enter any subgoals that have been established for the solicitation.

As no subgoals have been established for this solicitation, do not enter any information regarding the percentages for African American, Hispanic-American, Asian-American or Women-Owned businesses in Section 1.

The MBE participation schedule should include the names of the minority business enterprises that you intend to use to meet the required MBE goal, along with their MDOT MBE certification number as well as their certification category, and related NAISC codes. Only MDOT MBE certification is acceptable. MBE certification from another entity or jurisdiction will not be accepted. Additionally, the percentage of the total contract value to be provided by the particular MBE should be entered as well as a specific description of the work that is to be performed by that particular MBE. MBEs must be fully certified at the time of submission of your bid or proposal.

MBE prime contractors may count fifty percent (50%) towards the established subcontracting goal *and one hundred percent (100%) towards one (1) category of the subgoals that they certified for (i.e., female or African American subgoal, but not both subgoals)*

Within 10 working days of receiving notice that your firm is the apparent awardee, you must submit your Outreach Efforts Compliance Statement (Attachment D-2) and your Subcontractor Project Participation Certification (Attachment D-3).

You may request a waiver of the MBE goal and within 10 working days of receiving notice that your firm is the apparent awardee, you must submit all required waiver documentation in accordance with COMAR 21.11.03.10. Please carefully review the liquidated damages provisions in the solicitation regarding compliance with MBE rules and regulations.

MBE Waiver Note:

If an Offeror requests a waiver of the MBE goal, **and** you are the apparent awardee, you must submit Good Faith Effort documentation within ten (10) days of being notified that you are the apparent awardee. Good Faith Efforts are defined as “demonstrating that the Offeror took all necessary and reasonable steps to achieve the MBE Goal(s), which, by their scope, intensity, and appropriateness to the objective, could reasonably be expected to obtain sufficient MBE participation, even if those steps were not fully successful.” These efforts must be made **before** submission of your bid or proposal. Good Faith Effort documentation includes, but is not limited to, the following:

- A detailed statement of the efforts made to select portions of the work proposed to be performed by certified MBE Firms in order to increase the likelihood of achieving the stated MBE Goal(s). (Attachment D-1C, Part 1)
- Outreach/Solicitation/Negotiation, which should include a detailed statement of the efforts made to contact and negotiate with MBE Firms. (Outreach Efforts Compliance Statement - D-2)
- Rejected MBE Firms - For each MBE Firm that the Offeror concludes is not acceptable or qualified, a detailed statement of the reasons for the Offeror’s conclusion, including the steps taken to verify the capabilities of the MBE and Non-MBE Firms quoting similar work. (Good Faith Efforts Attachment D-1C, Part 3)

In making a determination of Good Faith Efforts, MDH may consider general market availability and availability of certified MBE Firms in the area in which the work is to be performed, other Proposals or offers and subcontract Proposals or offers substantiating significant variances between certified MBE and Non-MBE costs of participation, and their impact on the overall cost of the contract to the State and any other relevant factors.

MDH may also take into account whether the Offeror decided to self-perform subcontract work with its own forces, especially where the self-performed work is Identified Items of Work in the procurement. MDH also may take into account the performance of other Offerors in meeting the contract. For example, when the apparent successful Offeror fails to meet the contract goal, but others meet it, this reasonably raises the question of whether, with additional reasonable efforts, the apparent successful Offeror could have met the goal. If the apparent successful Offeror fails to meet the goal, but meets or exceeds the average MBE participation obtained by other

Offerors, this, when viewed in conjunction with other factors, could be evidence of the apparent successful Offeror having made Good Faith Efforts.

4.38 Bonds – Proposal Bond 4.38.1 - 5% of Total Evaluated Price for 180 days after due date for receipt of Proposals.

Performance Bond 4.38.2 - \$100,000.00 – Guarantees that the Contractor shall well and truly perform the contract. It shall be maintained throughout the term of the contract, including any renewal options, if exercised.

4.38.3 Bond Assistance Program – Gives detail regarding assistance in obtaining performance bonds for qualifying small businesses through the Maryland Small Business Development Financing Authority.

POINTS TO EMPHASIZE:

The Procurement Method used for this solicitation is **Competitive Sealed Proposal**. There are several steps involved in this method, so your attention to the solicitation document is crucial to the successful submission of your proposal.

A. Proposal Format

Offerors are required to submit their response to the RFP in two parts. **Section 5-**

- **Proposal Format** (beginning on page 51) clearly lists all submission requirements.
- Volume I- Technical Proposal
- Volume II- Financial Proposal

Subsection 5.3- Proposals (page 51):

Volume I- **Technical Proposal**: lists all of the documents and information required with your Technical Proposal. The following number of Technical Proposals are required:

- 1 password protected electronic version in Microsoft Word Format; Password should be sent in a separate email and a 2nd electronic version as a searchable pdf document in the same format for Public Information Act (PIA) requests. This copy shall be redacted so that confidential and/or proprietary information has been removed.

Section 5.4- Volume- Financial Proposal (page 59):

In a separate submission from the Technical Proposal and clearly identified in the format identified in Section 5.2 “Proposals”, regarding the Financial Proposal, the Offeror shall submit

1. 1 password protected electronic copy, in Excel.

The **Evaluation Committee, Evaluation Criteria and Selection Procedure** are outlined in Section 6 (beginning on page 60). Your proposals will be evaluated by a committee organized for that purpose and will be based on the criteria set forth in the RFP.

The **Technical Criteria**, listed in descending order of importance, can be found in Subsection 6.2 (page 60) with the **Financial Proposal Criteria** listed in Subsection 6.3.

The **Selection Procedure** is highlighted in Subsection 6.5 (page 61). As noted, the contract will be awarded to the responsible Offeror that submitted the proposal determined to be the most advantageous to the State considering technical evaluation factors and price factors as set forth in the RFP. **Please Note: The Technical will receive greater weight than financial factors.**

Documents Required Upon Notice of Recommendation for Contract Award is listed in Section 6.6. With the reference to review the chart in Table 1 of Section 7 – RFP Attachments and Appendices

Scope of Work Overview: Provided by Ms. Alison Barry

Minimum Qualifications, found in Section 1 of RFP.

The Responsibilities and Task was provided by Ms. Barry, detailing the **Contractor's Requirements: Scope of Work – Section 2 and Contractor's Requirements: General - Section 3.**

See attached Slide Deck that covers the above three sections.

Q&A

Closing Remarks

- The sealed proposals are due **no later than 2:00 pm on September 26, 2022.** The Department will not accept any proposals submitted after that date and time.
- The Technical Proposal and Financial Proposal must be sealed separately.
- Make sure required documents are include and if required with a signature
- 5% MBE participation goal for this contract. Please review Section 4.26 for instruction and guidance on completing the forms required for this **5% MBE goal participation** as adherence to the guidance and correct completion of the forms is critical in determining if your proposal submission moves to the next phase of the evaluation process. Please include with your submission the completed and signed MBE Participation form which is Attachment D-1A, or if appropriate the completed and signed MBE waiver form which is Attachment D-1C/Please read the instructions and guidance in Attachment D-1B for waiver acceptance.
- Please remember to include all Addendum Acknowledgements in your submission packet.

Thank you all for your time today and good luck!