

Questions Template for

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RFQ # OPASS-21-18994

Question

In the box labeled, Proposals are to be sent to, it states proposals are to be locked and emailed to Contract Officer. Can the Board explain how it wants the proposal to be locked?

If the offeror meets two of the criteria is it considered qualified for a contract award?

Is there a current incumbent for this work? If the answer is yes, who is the incumbent?

Was there ever a contractor who provided the types of Supervisory services requested in this solicitation? If yes, who were they and what was the contract number? If no, how are similar Supervisory services being performed today?

Can the Board provide any statistical data or estimates of the average time and range of time spent meeting with Respondent in-person at the once-per-month meetings?

Can the Board provide any statistical data or estimates of the average time and range of time spent per month consulting with Respondent outside the required once-per-month meetings?

To what extent are the Supervisors expected to intervene on behavioral issues?

Would the Contractor have the right to decline a same "prices, terms, and conditions" contract with a large state entity or large not-for-profit entity?

Is it the Board's intent to make the Supervisory services contracted under this vehicle available to large state entities and large not-for-profit entities if they want the service and pay for it separately?

It is the Board's intent that the Contractor is not compelled to provide Supervisory services for any large state or large non-for-profit entity but if it does decide to contract the service must provide it at the same price?

Would a not-for-profit health insurer, such as CareFirst, qualify under these sections as eligible for the same "prices, terms, and conditions" as the subject contract?

Can the Board provide any statistical data or estimates of the average and the range of time spent preparing quarterly reports?

The RFP states, "Each Supervisor will be assigned to monitor and supervise one specific licensee." Can a Supervisor be assigned to monitor and supervise more than one licensee at any given time?
Can the Board provide a copy of the affidavit mentioned in the last line of this paragraph?
If a physician is licensed in Maryland and has a practice in Maryland but only treats patients who are Washington, DC residents could he/she qualify as a Supervisory physician?
Does "engaged in the practice of medicine in Maryland" require any number of hours per week or percentage of time in Maryland for a Maryland licensed physician who has offices in and works in both Maryland and another state?
Could a physician licensed in Maryland who treats Maryland patients but has his/her only office in Washington, DC qualify as a Supervisory physician?
Could a Maryland licensed physician with a telehealth practice that treats patients from several states, including Maryland, from a location in Maryland, qualify as a Supervisory physician?
Could a physician with a telehealth practice with a medical license in MD who treats patients from several states, including Maryland, from a location outside of Maryland, qualify as a Supervisory physician?
Does clinical practice require seeing patients (can the Supervisor be in an academic, research, or administrative position)?
Will the Board consider retired physicians with a current active license in Maryland as Supervisory physicians if they have the appropriate clinical specialty and met the minimum practice requirements before retiring?
For proposal purposes will the Board provide the attachment referenced in this section, including the attachment number if it is already contained in the solicitation?
Should the oath mentioned in Section 2.3.1.G be included in the affidavit mentioned in Section 2.3.1.B? If not, please explain.
Will the Board provide a copy of all unique affidavits it will require?
What is meant by "under oath?"
Will the Board provide a copy of a template for the quarterly Supervisor's report?
Will the Board provide a redacted version of a completed quarterly Supervisor's report?
Will 10 be the maximum number of patient records a Supervisor is required to review in a month?

If there are circumstances where a Supervisor may be required to review more than 10 patient records, how will this be compensated?

The solicitation requires the contractor to provide aggregated statistics and other information to the Board. For proposal purposes, will the Board provide **a copy of the template** for the following reports addressed in this section?

- A. Quarterly Contractor Report
- B. Contractor Program Progress Report (due annually)
- C. Ad hoc Contractor Reports
- D. Board Annual Report (including the contents it may require of the contractor)

The solicitation requires the contractor to provide aggregated statistics and other information to the Board. For proposal purposes, will the Board provide **a redacted version** of the following reports addressed in this section?

- A. Quarterly Contractor Report
- B. Contractor Program Progress Report (due annually)
- C. Ad hoc Contractor Reports
- D. Board Annual Report (including the contents it may require of the contractor)

Are each of the Supervisors considered a “legally authorized agent of the Board” under Section 14-412 of the Maryland Medical Practice Act? If a Supervisor, acting as a legally authorized agent of the Board is investigating, prosecuting, participating in a hearing, or otherwise acting on an allegation of a ground for Board action made to the Board or the faculty, the person shall have the immunity from liability described under Md. Ann. Code, Courts and Judicial Proceedings § 5-715(b), which states “[a] person who acts without malice and is a member of the Board [of Physicians] or a legally authorized agent of the Board, is not civilly liable for investigating, prosecuting, participating in a hearing under § 14-405 of the Health Occupations Article, or otherwise acting on an allegation of a ground for Board action made to the Board or the Faculty.”

How is the Supervisor to know if the respondent is providing a complete list of all patients treated in the period?

What alternative methods of obtaining records are available to the Supervisor if the Supervisor contacts the Board?

The RFP states "In other cases related to boundary or professional violations, the Supervisor will request any patient records or other records, such as policies, procedures, notices to patients, etc., of the Respondent, as necessary." Will the types of "other records" be listed in the order or does the Supervisor use his/her judgement to decide what other records are necessary?

Is it possible the Board may require Supervisor meetings with Respondents to be more frequent than once a month? If yes, how will the Board compensate for additional meetings?

Will the Board consider removing late fees for the Supervisor Quarterly Report? They are not an inducement to encourage physician and other allied health professionals to participate in the program. The Board may want to consider a nominal award fee for timely submissions of comprehensive and complete reports.

Will an electronic signature be acceptable?

With respect to pricing, are consultations with the Administrative Prosecutor the same as consultations with the Attorney General's Office or the Board Staff (which are the only types of consultation noted in the pricing chart)?

What is the mechanism for the contractor to be paid if additional communications are required between the Supervisor and the Administrative Prosecutor?

In order to attract and retain Supervisors, and the level of activity required on this contract, will the Board consider monthly interim payments for the services?

Will the Board include the contractor in all communications with the Supervisor so the contractor can help ensure the timely response from the Supervisor?

Will the contractor be supplied with the order from the Board or other information about the Respondent (e.g., clinical specialty, type of violation, and name of Respondent) before the contractor recruits and proposes a specific Supervisor?

This section references Section 2.3.4.11 but there is no such section. Please clarify.

For insurance, legal, and other purposes (e.g., DUA, HIPAA, retention of records), contractors must generally be under a contract to be covered for the work they perform. Will the Board extend the termination date of the contract for any specific cases which have work remaining for the contractor (Supervisor) to perform after the initial date the contract was intended to terminate?

What is the mechanism of payment to provide feedback reports?

Deliverables that are signed and require an attestation by a physician or other allied health consultant are submitted typically in Adobe Acrobat (.pdf) format to maintain legal authenticity and integrity. Will the Board accept PDF submissions?

Will the Board confirm that the minimum delivery quality criteria are included in Section 2.4.3?

Given the limited amount of exposure over the life of the contract, and the exorbitant cost of cyber insurance, would the Board be agreeable to reducing the required limit to \$1M which is similar to the amount required in a similar MD Board of Physicians contract?

If an offeror is planning to use independently contracted physicians as Supervisors, are those independently contracted physicians required to obtain and maintain comparable levels of insurance coverage or is the insurance coverage of the prime contractor sufficient?

3.7.9 A-D reference does not exist. What is this supposed to reference?

3.7.10 reference does not exist. What is this supposed to reference?

In Section 4.28, the solicitation states there are no Living Wage Requirements for this procurement. However, in Section 7, Table 1, RFP Attachments and Appendices, Label F, the solicitation appears to require the Living Wage Form to be submitted. Should this form be included in the proposal submission (i.e., does it apply to this contract)?

The instructions in Section 5.2.1 call for the proposals to be delivered by email yet in Section 5.2.5 the language calls for separately sealed and labeled packages which is more consistent with a paper, hand-delivered submission. Please clarify the submission requirements in Section 5.2.

Section 2.3 A reference does not exist. What is this supposed to reference?

Please restrict the omission of a non-compete to physicians and other allied health professionals who provide Supervisory services (independent contractors on the contract). If the non-compete covenants must be omitted for employees (such as the Manager/Coordinator), this will likely result in a no bid decision for this opportunity.

Is the resume requirement limited to the one Key Personnel designated in the solicitation, i.e., the Manager/Coordinator?

Are there specific personnel work hours in the RFP? We cannot find where they are listed.

For purposes of this section, are Supervisory professionals considered subcontractors, or consultants not subject to the requirements in this section?

How does this requirement apply to proprietary software used to provide professional services under the contract?

How does this requirement apply to the infrastructure cloud environment used by an offeror to provide professional services under the contract?

Does the "Letter of Authorization" requirement apply to this contract? If so, please explain how it applies and what is expected of the offeror for proposal submission?

If services are to be provided after the end of the contract date, there could be an issue with the HIPAA Business Associates Agreement, the DUA, retention of records and other requirements of a standard contract with the state. Please make provisions for some type of contract continuation end date for individual cases that require services after what normally would have been considered the end of the contract. Note that Attachment M does not have any provisions for this possible eventuality.

Does "Right to Audit" apply to this type of a fixed price contract?

How will cost and price certification apply to this contract?

For purposes of this section, are Supervisory professionals considered subcontractors, or consultants not subject to the requirements in this section?

Will the Board delete sections 31.4 and 31.5 from the standard contract since there are no MBE requirements for this contract?

Will the Board delete section 32 from the standard contract since there is no Living Wage requirement for this contract?

Will the Board strike section 37.1 concerning monitoring MBE and VSBE compliance, since there are no MBE and VSBE requirements under this contract?

Please add a verb and a subject to the first "sentence" of this paragraph.

If a Respondent (participant) has both boundary or professional violations and standard of care violations, is it possible the same Supervisor may be assigned to address both types of violations? If yes, will the Supervisor get paid separately as though there were two participants?

For pricing purposes regarding Board Staff consultations, how much time per participant should be covered in each consultation instance? How is an instance defined (e.g., all time on the same day spent in consultation)? If multiple days of consultation are required concerning the same participant, will each day count as a separate consultation?

For pricing purposes regarding Administrative Prosecutor consultations, how much time per participant should be covered in each consultation instance? How is an instance defined (e.g., all time on the same day spent in consultation)? If multiple days of consultation are required concerning the same participant, will each day count as a separate consultation?

For pricing purposes regarding Attorney General consultations, how much time per participant should be covered in each consultation instance? How is an instance defined (e.g., all time on the same day spent in consultation)? If multiple days of consultation are required concerning the same participant, will each day count as a separate consultation?

For pricing purposes regarding appearance as expert witness, how much time per participant should be covered in each appearance? How is an instance defined (e.g., all time on the same day on which an appearance was required)? If multiple days of appearances are required concerning the same participant, will each day count as a separate appearance? If an expert appearance is scheduled but canceled with less than 24 hours notice, will the Board pay for the full expert appearance?

In the RFP when a timeframe is given in days and the days are not described as calendar days or business days, should they be interpreted as business days?

This provision states that "[c]ertain documentation may be available for potential Offerors to review at a reading room at 4201 Patterson Ave., 4th Floor, Baltimore, MD 21215." What "[c]ertain documentation" is available in the reading room?

Answer

Both proposals should be password protected and sent separately via email i.e. 1 email with the Technical proposal and 1 email with the Financial Proposal. Then a second email should follow with the password.

Yes

No

No. Respondent's are currently required to procure their own supervisors. They may make their own financial arrangements with their supervisor

No

No

If a supervisor has a concern regarding the Respondent's behavior, they should report it to the Board immediately. If the behavior is likely to result in imminent physical harm, the supervisor should possible contact the police as well. No intervention is required; however, the Supervisor would have to report the behavior to the Board

Inapplicable to RFP. Deleted in amended RFP

No

The Board or Board Panel will make a determination during the supervisor approval process

An affidavit is not yet drafted. Board staff will work with the rewarded vendor

The Board or Board Panel will make a determination during the supervisor approval process

The Board or Board Panel will make a determination during the supervisor approval process

Yes

Yes

If they are approved through the approval process can meet any in-person requirements, yes

Yes. The supervisory should be currently practicing

No

Reference removed in amended RFP. Will work with awarded vendor to produce affidavit

These are two separate affidavits. The Board may consider consolidating to one affidavit. Discussion on this can be had with vendor who receives award

Board will work with awarded vendor to generate affidavits. Recommended that any proposing vendors research standard affidavits in meantime
Standard meaning

No

Yes

It will depend on the Order

Any proposing vendors should address this in their proposal

No. Board staff will work with awarded vendor to create templates for this.

No. Board staff will work with awarded vendor to create templates for this.

Yes. They would be protected

It's is the respondent's duty to provide any requested records to the supervisor. If the supervisor feel that the respondent is not providing the requested records, that should be reported to the Board with an explanation of why they suspect that

The Board is not involved in the exchange of record between the supervisor and the respondent. Failure by a respondent to provide a supervisor with all requested records would be considered a violation of their disciplinary order and should be reported to the Board.

Disciplinary Orders will contain specific language or the Board will provide additional information to the vendor.

Any proposing vendors should address this in their proposal

No

Yes

Board staff consultations are not the same.

Please refer to updated Financial Form and Amended RFP. Vendor can bill the Board per half hour of consultation with an Administrative Prosecutor.

Please refer to section 3.3.2 of Amended RFP for Invoice Submission Schedule

Yes

Yes

Fixed to refer to section 2.3.7

Please refer to section 3.2.1 of Amended RFP for revisions to the End of Contract Transition.

Unclear what this means. Vendor would submit invoices for completed work

Yes

Fixed to refer to Section 2.4.3

Requirement has been amended to \$1M in Amended RFP

Per OPASS, this is standard language and the vendor will need to determine this.

Fixed to refer to Section 3.7.5

Reference fixed

These forms do not need to be submitted if these goals are not applicable

E-mail only. OPASS staff will address this at pre-proposal conference.

Reference fixed

Non-compete language removed.

Yes

No

Per OPASS, this is standard language and the vendor will need to determine this.

This only applies to software as furnished by a third-party entity. It would not apply to proprietary software that is not furnished by a third-party.

This provision is to prevent unauthorized use of software presumably to limit liability if the contractor is stealing software services. I don't know whether software would include cloud services, but my guess is that it would

This letter is to prove that the contractor is legally using the software that it employs. If 5.3.2O.3 applies to the contractor, 5.3.2.O.4 describes the Letter that should be provided

Please refer to section 3.2.1 of Amended RFP for revisions to the End of Contract Transition.

Per OPASS, this is a standard requirement. The Cost and Price certification is for the Board to ensure that the awarded vendor will not make changes to the agreed upon cost and price arrangements during the contract period.

Vendor needs to determine status of Supervisors.

Section must be included but is not applicable

Section must be included but is not applicable

Section must be included but is not applicable

Fixed

No. There will be one supervisor per disciplinary order

See updated Financial Form and Section 3.3.2 regarding Invoice Schedule. Vendor can invoice Board for each 30 minutes of consultation between Board staff and Supervisors.

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See updated Financial Form and Section 3.3.2 regarding Invoice Schedule. Vendor can invoice Board for each 30 minutes of consultation between Board staff and Supervisors.

See updated Financial Form and Section 3.3.2 regarding Invoice Schedule. Vendor can invoice Board for each day of expert witness testimony by a Supervisor.

If not specified, calendar days

Section removed