

MDH- MCP – Office of Finance

MDH/OPASS #: 21-18315

Maximization of Third-Party Liability Recoveries for the State of MD

April 10, 2020

**Q&A – Round 2**

**Question1:**

Will the State please confirm their desire to have Tab A-1 in the middle of requirements Title Page and Table of Contents inside Tab A? If so, can the Offeror provide Subtabs for Tab A-1 and Table of Contents?

Requirement:

B. Claim of Confidentiality (If applicable, submit under TAB A-1)

Any information which is claimed to be confidential and/or proprietary information should be identified by page and section number and placed after the Title Page and before the Table of Contents in the Technical Proposal, and if applicable, separately in the Financial Proposal.

**Response:**

Yes, Tab A-1 should be placed in the middle of the Title Page and Table of Contents. Do not add Subtabs.

**Question2:**

Will the State please clarify in which location it wishes Offerors to submit their Exceptions?

Requirement:

D. Executive Summary (Submit under TAB C)

The Executive Summary shall also identify any exceptions the Offeror has taken to the requirements of this RFP, the Contract (Attachment M), or any other exhibits or attachments. Acceptance or rejection of exceptions is within the sole discretion of the State. Exceptions to terms and conditions, including requirements, may result in having the Proposal deemed unacceptable or classified as not reasonably susceptible of being selected for award.

F. Offeror Technical Response to RFP Requirements and Proposed Work Plan (Submit under TAB E)

2) Any exception to a requirement, term, or condition may result in having the Proposal classified as not reasonably susceptible of being selected for award or the Offeror deemed not responsible.

**Response:**

Offeror's exception to the RFP must be included in the Executive Summary under Tab C.

**Question3:**

Are there separate tax id for the different programs. MADAP, BCCDT, KDP, MA, MCHIP?

**Response:**

No.

**Question4:**

Will the State please clarify to whom Offeror's are to send their hardcopy responses?

KEY INFORMATION SUMMARY SHEET

Proposals are to be sent to: Afua Tisdale, Contract Officer

5.2.4 The Procurement Officer must receive all Proposal material by the RFP due date and time specified in the Key Information Summary Sheet.

**Response:**

Please submit proposals to Afua Tisdale, Contract Officer.

**Question5:**

Will the State please confirm what specific billing errors, are specifically being referenced in this requirement? (ie, invoice or carrier billings)

Requirement:

4) The Offeror's process for resolving billing errors

**Response:**

Invoices is being referenced in the requirement.

**Question6:**

Will the State please confirm the following list of items the Offerors can include in the Appendices; Forms, Client Lists, Experience Lists, Staffing Lists, Draft Problem Escalation Procedure (PEP), Insurance Certificates, Work Plan, Sample Reports, Implementation Schedule, Sample Layouts, Guarantee, and Letters of Commitment.

Requirement

a. Page Limitation:

In addition to the base proposal limited to one hundred (100) pages in length as more fully specified above, offerors may submit a separate volume of attachments as part of an Appendix to supplement the base proposal. The Appendix may contain items such as drawings, reference lists, technical charts, flow charts, organizational charts, tables, resumes, financial statements, descriptions or illustrations of methodology, or any other matter that the offeror deems to be significant supporting documentation.

**Response:**

The Offeror may submit forms, Client Lists, Experience Lists, Staffing Lists, Draft Problem Escalation Procedure (PEP), Insurance Certificates, Sample Reports, Implementation Schedule, Sample Layouts, Guarantee, and Letters of Commitment can be included in the Appendices. **The Work plan must be submitted under tab Tab E as stated in Section 5.3.2F.**

**Question7:**

Will the State please confirm that Offeror's may use a 10pt font for graphics, page headers, page footers, tables, and other ancillary references, and submit just the requirement responses at the required listed 12pt font?

Requirement

a. Page Limitation:

Proposals in response to this Request for Proposals shall have a maximum page limit of no more than one hundred (100) pages in length. Proposals shall be limited to a paper format size of 8 ½" x 11". Font size of print shall be no less than 12 (twelve) with design in either Times New Roman, Arial, or Caliber. Printing on both sides of the paper is permitted, and one page printed on two sides shall be counted as two pages. All pages shall have a minimum 1" margins on the top, bottom and sides of each page.

**Response:**

Yes. 10pt font for graphics, page headers, page footers, tables and other ancillary references will be allowed but please adhere to Section 5.3.2F.1a Page Limitations instructions.

**Question8:**

Due to page limitations, will the State please confirm that Offeror's are not required to provide the RFP text of each requirement with their response, only the cross reference to the RFP requirement where applicable?

Requirement

a. Page Limitation:

Proposals in response to this Request for Proposals shall have a maximum page limit of no more than one hundred (100) pages in length. Proposals shall be limited to a paper format size of 8 ½" x 11". Font size of print shall be no less than 12 (twelve) with design in either Times New Roman, Arial, or Caliber. Printing on both sides of the paper is permitted, and one page printed on two sides shall be counted as two pages. All pages shall have a minimum 1" margins on the top, bottom and sides of each page.

**Response:**

Section 5.3.1 of the RFP states responses in the Offeror's Technical Proposal shall reference the organization and numbering of Section s in the RFP (e.g., "Section 2.2.1 – Response:.....).

Text of each requirement is not required.

**Question9:**

Section 4.31.1 states that a Non-Disclosure Agreement is not required for this solicitation, but 4.31.2 states that all Offerors are advised that this solicitation is subject to the terms of the Non-disclosure Agreement at Attachment I. Please clarify whether the NDA must be submitted with the Proposal or not.

**Response:**

Section 4.31.1 states a Non Disclosure Agreement is not required from the Offeror submitting a proposal. Section 4.31.2 states the Contractor who is awarded the Contract must submit a Non Disclosure Agreement. A non-disclosure Agreement is required from the Contractor who receives an award.

**Question10:**

Will the State please confirm if the Offeror is required to submit the insurance certificates with their submission, or 5 days after award?

Requirement:

7 RFP Attachments and Appendices

5 Business Days after recommended award -

Evidence of meeting insurance requirements (see Section 3.6); 1 copy

L. Certificate of Insurance (Submit under TAB K)

The Offeror shall provide a copy of its current certificate of insurance showing the types and limits of insurance in effect as of the Proposal submission date. The current insurance types and limits do not have to be the same as described in Section 3.6. See Section 3.6 for the required insurance certificate submission for the apparent awardee.

**Response:**

Offeror's shall provide a copy of its current certificate of insurance showing the types and limits of insurance in effects as of the Proposal submission date. The awarded Contractor shall submit evidence of meeting insurance requirements in Section 3.6.

**Question11:**

Will the State please clarify the difference between the Transition Plan and Transition-Out Plan?

Requirement:

2.3.1.5 Transition Plan

The Transition Plan describes what activities are required from the incoming Contractor and the outgoing vendor to ensure a successful handover of responsibilities. As part of the Transition Plan, the Contractor shall include information and plans for communications management, risks and issues, and project management. The Contractor shall include estimated timelines for activities required to complete the transition. The Transition Plan draft is due to the Contract Monitor within 10 days from NTP and the final plan is due no later than the Kick-Off meeting.

3.2.4

The Contractor shall provide a draft Transition-Out Plan 120 Business Days in advance of Contract end date.

**Response:**

The transition plan details the activities required for the awarded vendor to take over the duties of the incumbent TPL vendor.

The Transition Out Plan details the activities required for the vendor to hand over TPL activities to another vendor at the end of the contract.

**Question12:**

Will the State please consider increasing the 100 page limit requirement? Per our review there are approximately 350 requirements in Tab E; including Sections 2 and 3 requirements. While we are prepared to provide a concise response to the State, to provide the required level of description and work process we would need approximately 300-400 pages for the base proposal?

**Response:**

Please see Addendum 1 for revised page limitations.

**Question13:**

Will the State please clarify the cadence of the NTP and Kick-Off meeting in relation to the submission of the Draft and Final Transition Plan?

2.3.1.5 Transition Plan

The Transition Plan describes what activities are required from the incoming Contractor and the outgoing vendor to ensure a successful handover of responsibilities. As part of the Transition Plan, the Contractor shall include information and plans for communications management, risks and issues, and project management. The Contractor shall include estimated timelines for activities required to complete the transition. The Transition Plan draft is due to the Contract Monitor within 10 days from NTP and the final plan is due no later than the Kick-Off meeting.

2.4.5 Deliverable Descriptions/Acceptance Criteria

ID#, 2.3.1.5; Deliverable Description, Transition Plan; Acceptance Criteria, Activities required from the incoming Contractor and the outgoing vendor to ensure a successful handover of responsibilities; Due Date.

**Response:**

The refer to RFP 21-18315. The language reads “The Transition Plan draft is due to the Contract Monitor within 5 days from NTP and the final plan is due no later than the Kick-Off meeting”

**Question14:**

Will the State consider a proposed modification to Section 29 of the contract to include a negotiated dollar cap for Contractor’s liability and to exclude indirect, special consequential, incidental, exemplary or punitive damages, lost profits or anticipated savings from Contractor’s liability? Contractor would like to submit a proposed modification for eventual negotiation with the State without the risk of disqualification.

**Response:**

The language will remain the same. Contractor can submit recommended language for the State’s review. The State will either accept or reject the language without Contractor being disqualified.

**Question15:**

If a Contractor is HITRUST certified and has a SOC 2 Type 2 unqualified report, will the State consider modifying this section to require only HITRUST certification and the Contractor's current SOC type 2 report?

**Response:**

No – a HITRUST certification is not an acceptable substitute for a SOC2 Type 2 audit report.

While the scope of information security controls are similar, HITRUST does not examine all of the same controls as does a SOC2 audit. For instance, HITRUST does not assess controls over maintaining confidentiality of the client's data. Additionally, the SOC2 report will identify any deviation or failure to comply with the identified information security controls, whereas, HITRUST will accept the contractor's corrective action plan and promise to fix control problems as a means of achieving certification. This approach doesn't provide you with sufficient assurance of the contractors control environment.

Also, the SOC2 Type2 audit examines all relevant controls in each annual audit examination whereas HITRUST only requires a test of a sample of controls every other year in order to maintain certification.

**Question16:**

During the Pre-Proposal Conference, we believe we heard that the MBE requirement was 6%. The RFP states the MBE subcontracting goal is 5% and the VSBE is 1%. Can the State please confirm they were referring to the combined 6% requirement for both MBE and VSBE?

Will all of the Q & A associated with the cancelled RFP #20-18315 be officially amended to apply to the current RFP # 21-18315?

**Response:**

The MBE goal is 5% and the VSBE goal is 1%.

**Question17:**

Will all of the Q & A associated with the cancelled RFP #20-18315 be officially amended to apply to the current RFP # 21-18315?

**Response:**

Changes were made to RFP #21-18315 to reflect the amendments made in the cancelled RFP # 20-18315. Addendum 1 to RFP #21-18315 included a change to page limitations that was missed.

Please contact the Contract Officer for any additional amendments you feel is needed and it will be reviewed.

**\*\*Additional Q&A still outstanding\*\***