



REQUEST FOR QUALIFICATIONS AND QUOTATIONS (RFQQ)
RFQQ NO. 2022HCA21

NOTE: *If you download this RFQQ from any source other than the Washington Electronic Business Solution (WEBS), you are responsible for registering in WEBS for your organization to receive any RFQQ amendments, including Bidder questions/agency answers. HCA is not responsible for any failure of your organization to register in WEBS or any other repercussions that may result to your organization because of this failure.*

PROJECT TITLE: Assessment of the comparative analyses of the design and application of NQTLs to MH/SUD benefits in self-funded employee health plans sponsored by the Washington State Health Care Authority

BID DUE DATE: July 28, 2022, by 2:00 p.m. *Pacific Time*, Olympia, Washington, USA.

Only e-mailed bids will be accepted

ESTIMATED TIME PERIOD FOR CONTRACT: Date of Execution to June 30, 2023. The contract may be extended via amendment for up to five (5) additional years in (6) month increments, or through June 30, 2028.

BIDDER ELIGIBILITY: This solicitation is open to those Bidders that satisfy the minimum qualifications stated herein and that are available for work in Washington State.

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1. INTRODUCTION

1.1 DEFINITIONS

Definitions for the purposes of this RFQQ include:

Apparent Successful Bidder (ASB) – The Bidder selected as the entity to perform the anticipated services under this RFQQ, subject to completion of contract negotiations and execution of a written contract.

Bid – A formal offer submitted in response to this solicitation. To be responsive, a Bid must include all items outlined in Section 3 (BID CONTENTS AND REQUIREMENTS). Two such items that may be referred to throughout this document are:

- 1) **Qualifications** – Bidder's qualifications as described in Section 3.9 and Exhibit C.
- 2) **Quotation** – Bidder's cost as described in Section 3.10 and Exhibit D.

Bidder – Individual or company interested in the RFQQ that submits a Bid to attain a contract with the Health Care Authority.

Business Day – Monday through Friday, 8:00 a.m. to 5:00 p.m., Pacific Time, except for holidays observed by the state of Washington, unless otherwise specified within the RFQQ.

Centers for Medicare & Medicaid Services (CMS) – the federal office under the Secretary of the United States Department of Health and Human Services responsible for consumer information and insurance oversight (CCIIO).

Dependent – An eligible spouse, state-registered domestic partner, and/or child, who meets the PEBB and/or SEBB Program eligibility requirements as described in WAC 182-12-250, WAC 182-12-260, and WAC 182-31-140.

Health Care Authority or HCA – An executive agency of the state of Washington that is issuing this RFQQ.

Mental Health Parity and Addition Equity Act (MHPAEA) – The federal Mental Health Parity and Addiction Equity Act of 2008, as amended by the Consolidated Appropriations Act of 2021, and implementing federal regulations.

Mental Health or Substance Use Disorder (MH/SUD) – As that term is used in MHPAEA. Refer to 45 CFR 146.136.

Non Quantitative Treatment Limitation (NQTL) – As that term is used in MHPAEA. Refer to 45 CFR 146.136.

Public Employees Benefits Board (PEB Board) – A board of individuals appointed by the Governor that is authorized to design and approve insurance benefit plans and establish eligibility criteria for participation in benefit plans under chapter 41.05 RCW.

Public Employees Benefits Board (PEBB) Program - The program within HCA that administers insurance and other benefits for eligible employees, retired employees, dependents, and others and as defined in WAC 182-08-015.

Request for Qualifications and Quotations (RFQQ) – Formal solicitation document in which a service or need is identified, and firms are invited to provide their qualifications and quotation to provide the services.

Revised Code of Washington (RCW) – The laws of the state of Washington, as enacted by the Legislature. Any references to specific titles, chapters, or sections of the RCW includes any substitute, successor, or replacement title, chapter, or section. Pertinent RCW chapters can be accessed at: <http://apps.leg.wa.gov/rcw/>.

School Employees Benefits Board (SEB Board) – A board of individuals appointed by the Governor that is authorized to design and approve insurance benefit plans for school employees and to establish eligibility criteria for participation in benefit plans under chapter 41.05 RCW.

School Employees Benefits Board (SEBB) Program - The program within HCA that administers insurance and other benefits for eligible school employees and dependents and as defined in WAC 182-30-020.

Subcontractor – A person, partnership, or entity not in the employment of or owned by the Bidder, who would be performing all or part of the services under this RFQQ under a separate contract with or on behalf of the Bidder. The term “Subcontractor” means Subcontractors in any tier.

Washington’s Electronic Business Solution or WEBS – An internet-based bid notification system HCA uses to post competitive solicitations. Individuals and firms interested in state contracting opportunities with the Department of Enterprise Services or any state agency should [register](#) for competitive solicitation notices on WEBS. *Note: There is no cost to register on WEBS.*

1.2 ESTIMATED SCHEDULE OF SOLICITATION ACTIVITIES

Issue Request for Qualifications and Quotations	June 28, 2022
Questions Due	July 11, 2022 – 2:00 p.m. PT
Answers Posted*	July 15, 2022
Interested Subcontractor Responses Due	July 18, 2022
Interested Subcontractor List Posted*	July 19, 2022
Complaints Due (if applicable)	July 21, 2022
Bids Due	July 28, 2022 – 2:00 p.m. PT
Evaluate Bids*	August 1, 2022 – August 5, 2022
Conduct Oral Presentations with Finalists, if required	August 15, 2022 – August 19, 2022
Announce “Apparent Successful Bidder” via WEBS*	August 25, 2022

Debrief Request Deadline	August 31, 2022
Negotiate Contract	September 2022
Begin Contract Work	September 15, 2022

**Dates are anticipated and subject to change without an official amendment.*

HCA reserves the right in its sole discretion to revise the above schedule at any time.

1.3 PURPOSE AND OBJECTIVES

The Washington State Health Care Authority, hereafter called “HCA,” is the state agency in Washington tasked with providing health plans to state employees, school employees, qualified Dependents, and retirees. HCA, through the Public Employees Benefits Board (PEBB) and the School Employees Benefits Board (SEBB), sponsors multiple fully insured and self-funded health plans. The self-funded health plans are administered by one (1) third-party administrator for all medical benefits and one (1) pharmacy benefit administrator for outpatient prescription drug benefits (collectively, the “TPAs”). HCA’s self-funded plans utilize the TPAs’ standard processes for the majority of the plan design, but the plans are customized in some aspects.

HCA is initiating this Request for Qualifications and Quotations (RFQQ) to solicit Bids from Bidders interested in participating on a project to:

- A. Review the comparative analyses of the design and application of Non-Quantitative Treatment Limitation (NQTLs) on Mental Health / Substance Use Disorder (MH/SUD) benefits prepared by the TPAs for HCA’s self-funded health plans;
- B. Provide a detailed response identifying areas where the analyses fail to be in compliance with MHPAEA for HCA’s self-funded health plans; and
- C. Consult with HCA on strategies to obtain a compliant NQTL analysis for HCA’s self-funded health plans.

HCA intends to award one (1) contract to provide the services described in this RFQQ. Any contract awarded as a result of this procurement is contingent upon the availability of funding. HCA may provide additional funding or de-obligate unused funds, if it is deemed by HCA, in its sole discretion, to be in HCA’s best interest relative to the overall purpose and objective as stated herein.

1.4 BACKGROUND

The federal Mental Health Parity and Addiction Equity Act (MHPAEA) requires that a group health plan may not impose an NQTL with respect to MH/SUD benefits in any classification unless, under the terms of the plan, as written and in operation, any processes, strategies, evidentiary standards, or other factors used in applying the NQTL to MH/SUD benefits in the classification are comparable to, and are applied no more stringently than, the processes, strategies, evidentiary standards, or other factors used in applying the limitation to medical/surgical benefits in the same classification.

The Consolidated Appropriations Act of 2021 amended MHPAEA to expressly require group health plans that impose NQTLs on MH/SUD benefits to perform and document their comparative analyses of the design and application of NQTLs to include:

- A. The specific plan or coverage term regarding the NQTLs and a description of the MH/SUD and medical or surgical benefits to which each such term applies in each respective benefits classification;
- B. The factors used to determine that the NQTLs will apply to MH/SUD benefits and medical or surgical benefits;
- C. The evidentiary standards used for the factors identified and any other source or evidence relied upon to design and apply the NQTL to MH/SUD benefits and medical or surgical benefits;
- D. Comparative analyses demonstrating that the processes, strategies, evidentiary standards, and other used to apply the NQTLs to MH/SUD benefits, as written and in operation, are comparable to, and applied no more stringently than, the processes strategies, evidentiary standards, and other factors used to apply the NQTLs to medical/surgical benefits in the benefits classification; and
- E. Specific findings and conclusions reached by the plan including any results of analyses that indicate that the plan is or is not in compliance with MHPAEA requirements. Although HCA's self-funded plans are non-federal governmental plans that could elect to opt-out of MHPAEA, HCA has not done so. It is important to HCA that its self-funded health plans have NQTL analyses that are in compliance with MHPAEA. HCA's self-funded health plans are regulated by Health and Human Services (HHS)/Centers for Medicare & Medicaid Services (CMS).

1.5 SCOPE OF WORK

HCA intends to contract with one (1) experienced ASB to complete a review of the NQTL analysis for HCA's self-funded health plans and identify areas where the analysis fails to be in compliance with the analysis requirements of MHPAEA.

The ASB must provide the services and staff to perform the tasks and services listed in this section. A final Statement of Work will be negotiated with the ASB and incorporated into the Contract prior to Contract execution.

Contractor will:

- A. Complete a review of the comparative analyses prepared by the TPAs of the design and application of NQTLs on MH/SUD benefits for HCA's self-funded health plans, utilizing the following to assess the sufficiency of the NQTL analyses and supporting documents provided by the TPAs:
 - i. Federal regulations and sub-regulatory guidance;
 - ii. The federal Department of Labor (DOL) MHPAEA Self-Compliance Tool;
 - iii. The Washington State Office of the Insurance Commissioner's (OIC) Access to Behavioral Health Services Second Market Scan; and
 - iv. Any other pertinent tool.

- B. Provide a detailed response identifying areas where the NQTL analyses provided by the TPAs fail to be in compliance with MHPAEA's analysis requirements for HCA's self-funded health plans, including things such as developing a list of missing requirements or missing supporting documentation;
- C. Consult with HCA on strategies to obtain compliant NQTL analyses for HCA's self-funded health plans. One area of particular concern that HCA desires consultation on is how to address the areas of HCA's self-funded plans that deviate from the standard practices used by the TPAs' fully insured products, but yet are implemented by the TPAs on behalf of the plans. Strategize with HCA on how to develop NQTL analyses for customized parts of HCA's self-funded plans that the TPAs may not be willing to analyze;
- D. Consult with HCA on any other strategies or methods needed to ensure that HCA's self-funded health plans have NQTL analyses that are compliant with MHPAEA;
- E. Strategize with HCA on methods to effectively communicate to the TPAs what is required to ensure compliant NQTL analyses;
- F. Communicate with the TPAs on HCA's behalf regarding any inadequacies in the NQTL analyses;
- G. Provide regular updates to HCA regarding the status of the tasks included in the Scope of Work;
- H. Identify any potential barriers to accomplishing tasks on time along with proposed solutions to any identified barriers;
- I. Attend virtual project team meetings and respond to requests from HCA; and
- J. Negotiate work timeline with HCA.

1.6 MINIMUM QUALIFICATIONS

The following are the minimum qualifications for Bidders:

- A. Licensed to do business in the state of Washington or provide a commitment that it will become licensed in Washington within 30 calendar days of being selected as the Apparent Successful Bidder.
- B. Demonstrate knowledge of, and prior experience in, the areas of work for which the bid is being submitted. Contractor must have previously held twelve months of responsibilities substantially the same as, or very similar to, the Scope of Work.
- C. Have a bachelor's degree; and at least two (2) years of professional work experience for a carrier, health care service contractor, health maintenance organization, self-funded employer-sponsored health plan, any state's Insurance Commissioner, the federal Department of Health and Human Services, the federal Department of Labor, or a similar entity in the area of MHPAEA compliance.
- D. Must be familiar with MHPAEA, the Consolidated Appropriations Act of 2021, sub-regulatory guidance, DOL's Self-Compliance Tool, and other pertinent tools for assessing the adequacy of NQTL analyses.

1.7 PERIOD OF PERFORMANCE

The period of performance of any contract resulting from this RFQQ is tentatively scheduled to begin on or about Date of Execution and to end on June 30, 2023. Amendments extending the period of performance, if any, will be at the sole discretion of HCA.

The contract may be extended via amendment for up to five (5) additional years in one (6) month increments, or through June 30, 2028.

1.8 CONTRACTING WITH CURRENT OR FORMER STATE EMPLOYEES

Specific restrictions apply to contracting with current or former state employees pursuant to chapter 42.52 of the Revised Code of Washington. Bidders should familiarize themselves with the requirements prior to submitting a bid that includes current or former state employees.

1.9 ADA

HCA complies with the Americans with Disabilities Act (ADA). Bidders may contact the RFQQ Coordinator to receive written information in another format (e.g., large print, audio, accessible electronic formats, and other formats).

2. GENERAL INFORMATION FOR BIDDERS

2.1 RFQQ COORDINATOR

The RFQQ Coordinator is the sole point of contact in HCA for this solicitation. All communication between the Bidder and HCA upon release of this RFQQ must be with the RFQQ Coordinator, as follows:

Name	Jerry Nichols
E-Mail Address	HCAProcurements@hca.wa.gov

Any other communication will be considered unofficial and non-binding on HCA. Bidders are to rely on written statements issued by the RFQQ Coordinator. Communication directed to parties other than the RFQQ Coordinator may result in disqualification of the Bidder.

2.2 INTERESTED SUBCONTRACTOR LIST

HCA supports and encourages contracts and subcontracts with small, diverse, and veteran-owned businesses. To support participation in this process, the RFQQ Coordinator will add a list of Interested Subcontractors to the RFQQ. The RFQQ Coordinator will prepare the List based on the timely and complete submission of specific information requested in this section. The purpose of the List is to communicate to prime bidders the capabilities of interested subcontractors who can perform components of this RFQQ's Scope of Work.

A. Interested Subcontractor Instructions

- i. Failure to follow the instructions in this Section may prevent your information from being included in the List.
- ii. An interested party must complete the below table to submit their firm name, contact information, and the summary of their capabilities as they relate to this RFQQ's Scope of Work. Submissions are limited to what is requested in the table below and capability summaries must be two paragraphs or less.
- iii. The RFQQ Coordinator will only include the information requested below. Do not submit marketing materials.
- iv. Submissions must be emailed to the RFQQ Coordinator, with the subject line "RFP 2022HCA21 Interested Subcontractor List – [Interested Subcontractor Name]" by the date specified in Section 1.2 (ESTIMATED SCHEDULE OF SOLICITATION ACTIVITIES).
- v. All material submitted for the Interested Subcontractor List becomes a public record.

Interested Subcontractor Name	Contact Name	Contact Address, Phone Number, and Email Address	Summary of your capabilities as it relates to the Scope of Work

B. Posting Date

Complete and timely submissions will be compiled and posted in alphabetical order by interested subcontractor name. HCA anticipates the List will be posted as an RFP amendment on the *Interested Subcontractor List Posted* date identified in Section 1.2 (ESTIMATED SCHEDULE OF SOLICITATION ACTIVITIES). Late submissions will not be posted.

C. Information Provided As-Is

The Interested Subcontractor List is provided as an opportunity to support participation in this RFQQ. HCA provides this information as a courtesy with no warranties or representations as to any party and no guarantee of a subcontract. The Interested Subcontractor List shall not be construed as an endorsement by the state of Washington or HCA. The interested party is responsible for the completeness and accuracy of their submission.

2.3 BIDDER QUESTIONS PERIOD

Bidders are provided an opportunity to ask questions during the bidder question period which starts on the date of the RFQQ posting and concludes on the *Questions Due* date specified in Section 1.2 (ESTIMATED SCHEDULE OF SOLICITATION ACTIVITIES).

- A. Questions regarding the RFQQ will only be accepted in writing, sent by email to the RFQQ Coordinator. The Bidder must use the following email subject line when submitting questions: "RFQQ 2022HCA21 Question(s) – [Bidder Name]" to ensure timely receipt.
- B. HCA anticipates it will post answers to the questions in WEBS as an RFQQ amendment on the *Answers Posted* date specified in Section 1.2 (ESTIMATED SCHEDULE OF SOLICITATION ACTIVITIES).
- C. HCA is under no obligation to respond to any questions received after the *Questions Due date* but may do so at its discretion.

2.4 SUBMISSION OF BIDS

Bids must be received by the RFQQ Coordinator no later than the July 20, 2022 – 2:00 p.m. PT deadline in Section 1.2 (ESTIMATED SCHEDULE OF SOLICITATION ACTIVITIES). Bids must be submitted electronically as an attachment to an e-mail to the RFQQ Coordinator at the e-mail address listed in Section 2.1, and meet the following requirements:

- A. Attachments to e-mail must be in Microsoft Word format or PDF.
- B. The Quotation must be submitted as a separate attachment.
- C. Zipped files cannot be received by HCA and cannot be used for submission of Bids.
- D. The following forms and certifications must have a signature of the individual within the organization authorized to bind the Bidder to the offer:
 - i. Bidder Profile & Submittal Form (Exhibit A, Section A);
 - ii. Proclamation 21-14 – COVID-19 Vaccination Certification (Exhibit A, Section D); and
 - iii. Executive Order 18-03 Worker’s Rights (Exhibit A, Section G).
- E. HCA does not assume responsibility for problems with Bidder’s e-mail. If HCA e-mail is not working, appropriate allowances will be made.

Bidders should allow sufficient time to ensure timely receipt of the bid by the RFQQ Coordinator. Late bids will not be accepted and will be automatically disqualified from further consideration, unless HCA e-mail is found to be at fault or HCA deems a grace period is in the best interest of the State. All bids and any accompanying documentation become the property of HCA and will not be returned.

2.5 PROPRIETARY INFORMATION / PUBLIC DISCLOSURE

Bids submitted in response to this RFQQ will become the property of HCA. All bids received will remain confidential until the Apparent Successful Bidder is announced; thereafter, the bids will be deemed public records as defined in chapter 42.56 of the Revised Code of Washington (RCW).

Any information in the bid that the Bidder desires to claim as proprietary and exempt from disclosure under chapter 42.56 RCW, or other state or federal law that provides for the nondisclosure of a document, must be clearly designated. Each page claimed to be exempt from disclosure must be clearly identified and must reference either: (1) the specific basis claimed under 42.56 RCW, or (2) a statement of why the information is designated propriety. Each page containing the information claimed to be exempt from disclosure must be clearly identified by the words “Proprietary Information” printed on the lower right-hand corner of the page. Marking the entire bid exempt from disclosure or as Proprietary Information will not be honored.

If a public records request is made for the information that the Bidder has marked as “Proprietary Information,” HCA will notify the Bidder of the request and of the date that the records will be released to the requester unless the Bidder obtains a court order enjoining that disclosure. If the Bidder fails to obtain the court order enjoining disclosure, HCA will release the requested information on the date specified. If a Bidder obtains a court order from a court of competent jurisdiction enjoining disclosure pursuant to chapter 42.56 RCW, or other state or federal law that provides for nondisclosure, HCA will maintain the confidentiality of the Bidder’s information per the court order.

A charge will be made for copying and shipping, as outlined in RCW 42.56. No fee will be charged for inspection of contract files, but 24 hours’ notice to the RFQQ Coordinator is required. All requests for information should be directed to the RFQQ Coordinator.

The submission of any public records request to HCA pertaining in any way to this RFQQ will not affect the solicitation schedule, as outlined in Section 1.2, unless HCA, in its sole discretion, determines that altering the schedule would be in HCA's best interests.

2.6 REVISIONS TO THE RFQQ

If HCA determines in its sole discretion that it is necessary to revise any part of this RFQQ, then HCA will publish addenda on WEBS. For this purpose, the published questions and answers and any other pertinent information will be provided as an addendum to the RFQQ and will be published on WEBS.

HCA also reserves the right to cancel or to reissue the RFQQ in whole or in part, prior to execution of a contract.

2.7 COMPLAINT PROCESS

The complaint process allows potential Bidders to focus on the solicitation requirements and evaluation process and raise issues early enough in the process to allow HCA to correct a problem before bids are submitted. The complaint period starts on the date of the RFQQ posting and concludes on the *Complaints Due* date identified in Section 1.2 (ESTIMATED SCHEDULE OF SOLICITATION ACTIVITIES).

- A. Potential Bidders may submit a complaint to HCA based on any of the following:
 - i. The RFQQ unnecessarily restricts competition;
 - ii. The RFQQ evaluation or scoring process is unfair or unclear; or
 - iii. The RFQQ requirements are inadequate or insufficient to prepare a response.

- B. For a complaint to be considered, it must be received by HCA by 5:00 pm PT on the *Complaints Due* date identified in Section 1.2. The complaint must:
 - i. Be in writing;
 - ii. Be sent to the RFQQ Coordinator, or designee;
 - iii. Clearly articulate the basis for the complaint; and
 - iv. Include a proposed remedy.

- C. HCA will address any complaint as follows:
 - i. The RFQQ Coordinator, or designee will respond to the complaint in writing.
 - ii. The response to the complaint and any changes to the RFQQ will be posted on WEBS.
 - iii. The Director of HCA will be notified of all complaints and will be provided a copy of HCA's response.

Complaints may not be raised again during a protest and HCA's action or inaction in response to a complaint will be final. There is no appeal process.

2.8 RESPONSIVENESS

The RFQQ Coordinator will review all bids to determine compliance with administrative requirements and instructions specified in this RFQQ. A Bidder's failure to comply with any part of the RFQQ may result in rejection of the bid as non-responsive.

HCA also reserves the right at its sole discretion to waive minor administrative irregularities.

2.9 MOST FAVORABLE TERMS

HCA reserves the right to make an award without further discussion of the bid submitted. Therefore, the bid should be submitted initially on the most favorable terms which the Bidder can propose. HCA reserves the right to contact a Bidder for clarification of its bid.

The ASB should be prepared to accept this RFQQ for incorporation into a contract resulting from this RFQQ. The contract resulting from this RFQQ will incorporate some, or all, of the Bidder's bid. The bid will become a part of the official solicitation file on this matter without obligation to HCA.

2.10 RECEIPT OF INSUFFICIENT NUMBER OF BIDS

If HCA receives only one responsive bid as a result of this RFQQ, HCA reserves the right to either: 1) directly negotiate and contract with the Bidder; or 2) not award any contract at all. HCA may continue to have the Bidder complete the entire RFQQ. HCA is under no obligation to tell the Bidder if it is the only Bidder.

2.11 NO OBLIGATION TO CONTRACT

This RFQQ does not obligate HCA to enter into any contract for services specified herein.

2.12 REJECTION OF BIDS

HCA reserves the right, at its sole discretion, to reject any and all bids received without penalty and not to issue any contract as a result of this RFQQ.

3. BID CONTENTS AND REQUIREMENTS

3.1 BID CONTENTS OVERVIEW

Bids must be submitted per the instructions in Sections 2.6 (SUBMISSION OF BIDS) and 3.2 (BID REQUIREMENTS AND GUIDELINES) in the order noted below.

A. Bidder Forms and Certifications (Exhibit A)

All the following are included in Exhibit A:

- i. Bidder Profile & Submittal Form* (Section 3.3 and Exhibit A, Section A)
- ii. Diverse Business Inclusion Plan (Section 3.4 and Exhibit A, Section B)
- iii. Proclamation 21-14 – COVID-19 Vaccination Certification* (Section 3.5 and Exhibit A, Section D)
- iv. Executive Order 18-03 Worker's Rights* (Section 6 and Exhibit A, Section E)

B. Draft Contract (Section 3.7 and Exhibit B)

C. Qualifications (Section 3.8 and Exhibit C)

D. Quotation (Section 3.9 and Exhibit D)

**Authorized signature required*

3.2 BID REQUIREMENTS AND GUIDELINES

Bids must comply with the requirements or restrictions listed below. Failure to do so may result in the disqualification of the Bidder's Bid:

- A. State the Bidder's full legal name on the first or cover page of the Bid.
- B. Bids must provide information in the same order as presented in this RFQQ and with the same headings. Title and number each item in the same way it appears in the RFQQ. Each question must be restated prior to the Bidder's response.
- C. **All items listed in Section 3.1 (BID CONTENTS OVERVIEW) must be included as part of the Bid for the Bid to be considered responsive;** however, only the following items will be scored during the evaluation process: Executive Order 18-03 Worker's Rights, Qualifications, and Quotation.
- D. Page limits stated in this RFQQ are determined by counting single sides of the response. HCA has no obligation to read, consider, or score any material exceeding the stated page limits. There will be no grounds for protest if critical information is on the pages exceeding the specified page limit that is not reviewed.
- E. Bidders are liable for all errors or omissions contained in their Bids. Bidders will not be allowed to alter Bid documents after the deadline for Bid submission. HCA is not liable for any errors in Bids.

HCA is under no obligation to consider any supplemental materials submitted that were not requested.

3.3 BIDDER PROFILE & SUBMITTAL FORM (MANDATORY)

Exhibit A, *Bidder Forms and Certifications*, Section A, Bidder Profile & Submittal Form must be completed in its entirety and signed and dated by a person authorized to legally bind the Bidder to a contractual relationship (e.g., the President or Executive Director if a corporation, the managing partner if a partnership, or the proprietor if a sole proprietorship).

3.4 DIVERSE BUSINESS INCLUSION PLAN (MANDATORY)

Exhibit A, *Bidder Forms and Certifications*, Section B, Diverse Business Inclusion Plan must be completed in its entirety. In accordance with legislative findings and policies set forth in RCW 39.19 the state of Washington encourages participation in all contracts by firms certified by the Office of Minority and Women's Business Enterprises (OMWBE), set forth in RCW 43.60A.200 for firms certified by the Washington State Department of Veterans Affairs, and set forth in RCW 39.26.005 for firms that are Washington Small Businesses. Participation may be either on a direct basis or on a Subcontractor basis. However, no preference on the basis of participation is included in the evaluation of Diverse Business Inclusion Plans submitted, and no minimum level of minority- and women-owned business enterprise, Washington Small Business, or Washington State certified Veteran Business participation is required as a condition for receiving an award. Any affirmative action requirements set forth in any federal governmental regulations included or referenced in the contract documents will apply.

3.5 COVID-19 VACCINATION CERTIFICATION (MANDATORY)

Bidder must review and complete Exhibit A, *Bidder Forms and Certifications*, Section D, COVID-19 Vaccination Certification to respond as to whether or not the Bidder complies with Proclamation 21-14.1 – COVID-19 Vaccination Requirement. Bidder must sign and return this certification as part of its Bid.

Note: Compliance with the Proclamation is mandatory. For more information, please visit <https://www.doh.wa.gov/Portals/1/Documents/1600/coronavirus/505-160-VaccinationRequirementFAQs.pdf>.

3.6 EXECUTIVE ORDER 18-03 (SCORED)

Bidder must review Exhibit A, Bidder Forms and Certifications, Section E and respond as to whether the Bidder requires its employees, as a condition of employment, to sign or agree to mandatory individual arbitration clauses and class or collective action waivers.

3.7 DRAFT CONTRACT (MANDATORY)

The ASB will be expected to enter into a contract which is substantially the same as the sample contract and its general terms and conditions attached as Exhibit B. HCA will not accept any draft contracts prepared by any Bidder. The Bidder must be prepared to agree to all terms of the attached Exhibit B, *Draft Contract*, as presented or the Bid may be rejected. If Bidder has exceptions to the terms and conditions, they must include with their Bid a copy of the Draft Contract with redline edits/comments documenting the changes they propose to be made if selected as ASB. If the Bidder fails to identify an objection to any particular term or condition, the term or condition will be deemed agreed to by the Bidder. HCA will review requested exceptions and accept or reject the same at its sole discretion.

If, after the announcement of the ASB, and after a reasonable period of time, the ASB and HCA cannot reach agreement on acceptable terms for the Contract, the HCA may cancel the selection and Award the Contract to the next most qualified Bidder.

3.8 QUALIFICATIONS (SCORED)

Exhibit C, *Qualifications*, must be completed in its entirety in accordance with the page limits identified within the Exhibit (See Section 3.2(D)). Bidder should respond using Exhibit C as its template, to ensure compliance with the formatting requirements outlined in Section 3.2(B).

3.9 QUOTATION (SCORED)

The evaluation process is designed to award this solicitation not necessarily to the Bidder of least cost, but rather to the Bidder whose bid best meets the requirements of this RFQQ. However, Bidders are encouraged to submit bids which are consistent with state government efforts to conserve state resources.

A. Identification of Costs

- i. Bidder must complete Exhibit D, *Quotation*, per the direction provided in the exhibit. Bidder should consider in their hourly rate(s) all staff costs, estimates for any applicable sales, and use taxes (see 3.A(ii) below), and any expenses necessary to accomplish the tasks and to produce the deliverables under the contract (reference RFQQ Section 1.5 (Scope of Work)). All hourly rates provided by Bidders are to be not-to-exceed (NTE) rates. The resulting ASB will be required to honor their bids (NTE) rates during contract negotiations.
- ii. ASB(s) will be required to collect Washington state sales and use taxes from HCA, as applicable, and for remittance of payment to the Washington State Department of Revenue (DOR). Bidders must identify any expenses to which Washington State sales and use taxes apply in the Quotation and include an estimated amount for such taxes (based on the current tax rate(s)). HCA understands these amounts may fluctuate as tax rates fluctuate. If a tax isn't specifically identified, HCA will assume it is included in the costs identified.

4. EVALUATION AND CONTRACT AWARD

4.1 EVALUATION PROCEDURE

Responsive Bids will be evaluated strictly in accordance with the requirements stated in this RFQQ and any addenda issued. The evaluation of bids will be accomplished by an evaluation team, to be designated by HCA, which will determine the ranking of the bids. Evaluation teams could be comprised of internal (HCA) and external individuals. Evaluations will only be based upon information provided in the Bidder's Bid.

- A. All bids received by the stated deadline in Section 1.2 (ESTIMATED SCHEDULE OF SOLICITATION ACTIVITIES) will be reviewed by the RFQQ Coordinator to ensure that they contain all of the required information requested in the RFQQ. Only responsive bids that meet the requirements will be evaluated by the evaluation team. Any Bidder who does not meet the stated qualifications or any bid that does not contain all the required information will be rejected as non-responsive.
- B. HCA may, at its sole discretion, waive minor administrative irregularities.
- C. The RFQQ Coordinator may, at their sole discretion, contact the Bidder for clarification of any portion of the Bidder's Bid. Bidders should take every precaution to ensure that all answers are clear, complete, and directly address the specific requirement.
- D. Responsive Qualifications will be reviewed and scored by an evaluation team using the weighted scoring system described in Section 4.2 (EVALUATION WEIGHTING AND SCORING). Qualifications will be evaluated strictly in accordance with the requirements set forth in this RFQQ and any addenda issued.
- E. The evaluation of the Quotation and Executive Order 18-03 will be completed by the RFQQ Coordinator.
- F. HCA, at its sole discretion, may elect to select finalists for an oral presentation.
- G. HCA reserves the right to award the contract to the Bidder whose bid is deemed to be in the best interest of HCA and the state of Washington.

4.2 EVALUATION WEIGHTING AND SCORING

Bidders' final scores will be based on the following scored items: Executive Order 18-03, Qualifications, Quotations, and Oral Presentations.

- A. Executive Order 18-03

Pursuant to RCW 39.26.160(3) and consistent with Executive Order 18-03 – Supporting Workers' Rights to Effectively Address Workplace Violations (dated June 12, 2018), HCA will evaluate bids for best value and provide a preference in the amount of 50 points to any Bidder who certifies, pursuant to the certification included in Exhibit A, Bidder Forms and Certifications, Section E, that their firm does NOT require its employees, as a condition of employment, to sign or agree to mandatory individual arbitration clauses or class or collective action waiver. Bidders that do require their employees, as a condition of employment, to sign or agree to mandatory individual arbitration clauses or class or collective action waiver will not be disqualified from evaluation of this RFQQ, however they will receive 0 out of 50 points for this section.

- B. Scoring of Qualifications

Each question in Exhibit C, *Qualifications*, has been assigned a weight. Points will be assigned to each question based upon the average of all evaluation team members' scores for the question (0-10) multiplied by the weight indicated below. Individual question scores will then be combined to result in the Bidder's total weighted score. Any point calculations that result in decimal points will be rounded to the nearest whole number. The weight and maximum points for each question are as outlined in the following Evaluation Table:

Qualifications Evaluation Table		
Section Title	Weight	Maximum Points
Experience	50	500
Staffing	20	200
Capability	15	150
Qualifications Maximum Points		850

C. Scoring Rubric for Qualifications

Evaluators will score the sections outlined in the Evaluation Table above using the following (0-10) scoring rubric:

Scoring Rubric		
Score	Description	Scoring Criteria
10	Far Exceeds Requirements	The Bidder has provided an innovative, detailed, and thorough response to the requirement, and clearly demonstrates a high level of experience with, or understanding of the requirement.
7	Exceeds Requirements	The Bidder has demonstrated an above-average capability, approach, or solution and has provided a complete description of the capability, approach, or solution.
5	Meets Requirements	The Bidder has an acceptable capability of solution to meet this criterion and has described its approach in sufficient detail to be considered "as substantially meeting the requirements".
3	Below Requirements	The Bidder has established some capability to perform the requirement but descriptions regarding their approach are not sufficient to demonstrate the Bidder will be fully able to meet the requirements.
1	Substantially Below Requirements	The Bidder has not established the capability to perform the requirement, has marginally described its approach, or has simply restated the requirement.
0	No Value	The Bidder does not address any component of the requirement, or no information was provided.

D. Scoring of Quotation

Exhibit D, *Quotation*, will be scored based on the lowest proposed total cost. Points will be computed according to the formula below. The maximum number of points possible is 100. Any point calculations that result in decimal points will be rounded to the nearest whole number.

Lowest Quotation	x	Quotation Maximum Points	=	Bidder's Quotation Points
Bidder's Quotation				

E. Total Score

Evaluation Table – All Scored Items		
Exhibit	Title	Maximum Points
A	Executive Order 18-03	50
C	Qualifications	850
D	Quotation	100
Total Maximum Points		1000

F. Oral Presentations

HCA may, after evaluating the Qualifications, elect to schedule oral presentations of the Bidders who scored highest on the Qualifications (finalists). Should oral presentations become necessary, HCA will contact the finalists to provide further details and schedule the presentations. Commitments made by the Bidder at the oral presentation, if any, will be considered binding. The evaluation and ranking of oral presentations will be accomplished by an evaluation team, to be designated by HCA. Internal and external participants/evaluators may be present at oral presentations.

If HCA elects to conduct oral presentations, scores from the Qualifications and Quotation evaluation will be thrown out and the oral presentation evaluation will determine the Apparent Successful Bidder.

4.3 BEST AND FINAL OFFER (BAFO)

HCA reserves the right to use a Best and Final Offer (BAFO) before awarding any contract to further assist in determining the ASB(s).

4.4 SUBSTANTIALLY EQUIVALENT SCORES

Substantially Equivalent Scores are scores separated by two percent or less in total points. If multiple bids receive a Substantially Equivalent Score, HCA may leave the matter as scored, or select as the ASB the one bid that is deemed by HCA, in its sole discretion, to be in HCA's best interest relative to the overall purpose and objective as stated in Section 1.3 of this RFQQ.

If applicable, HCA's best interest will be determined by HCA staff, who have sole discretion over this determination. The basis for such determination will be communicated in writing to all Bidders with Substantially Equivalent Scores.

4.5 NOTIFICATION TO BIDDERS

HCA will announce the ASB to all Bidders via the WEBS notification system.

4.6 DEBRIEFING OF UNSUCCESSFUL BIDDERS

Any Bidder who has submitted a bid and been notified it was not selected for contract award may request a debriefing conference. The request for a debriefing conference must be received by the RFQQ Coordinator no later than 5:00 p.m., Pacific Time, within three (3) Business Days after the Unsuccessful Bidder Notification is e-mailed to the Bidder. The debriefing will be held within three (3) Business Days of the request, or as schedules allow.

Discussion at the debriefing conference will be limited to the following:

- A. Evaluation and scoring of the Bidder's Bid;
- B. Critique of the Bid based on the evaluation; and
- C. Review of the Bidder's final score in comparison with other final scores without identifying the other Bidders.

Topics a Bidder could have raised as part of the COMPLAINT PROCESS (Section 2.9) cannot be discussed as part of the debriefing conference, even if the Bidder did not submit a complaint.

Comparisons between bids, or evaluations of the other bids will not be allowed. Debriefing conferences may be conducted in person or on the telephone and will be scheduled for a maximum of thirty (30) minutes.

4.7 PROTEST PROCEDURE

A protest may be made only by Bidders who submitted a bid in response to this RFQQ and who have participated in a debriefing conference. Upon completing the debriefing conference, the Bidder is allowed five (5) Business Days to file a protest. Protests must be received by the Contracts Administrator no later than 4:30 p.m., Pacific Time, on the fifth Business Day following the Bidder's debriefing. Protests must be submitted by e-mail to ensure timely receipt.

Consistent with RCW 39.26.030, bid submissions and bid evaluations will be available for public inspection following the announcement of ASB(s). If requested by a Bidder who received a debriefing pursuant to Section 4.6, the protest period will not conclude before the requestor has been provided with the applicable bid submissions and bid evaluations and provided five (5) Business Days to review the same. Bidder is responsible for notifying the RFQQ Coordinator of any such public disclosure requests so the timeline can be adjusted accordingly.

Bidders protesting this RFQQ must follow the procedures described below. Protests that do not follow these procedures will not be considered. This protest procedure constitutes the sole administrative remedy available to Bidders under this RFQQ.

- A. All protests must be in writing, addressed to the Contracts Administrator, and signed by the protesting party or an authorized agent. The protest must state (1) the RFQQ number, (2) the grounds for the protest with specific facts, (3) complete statements of the action(s) being protested, and (4) the relief or

corrective action being requested. Protests must be emailed to contracts@hca.wa.gov with the following subject line: "RFQQ 2022HCA21 Protest – [Bidder Name]"

- B. Only protests alleging an issue of fact concerning the following subjects will be considered:
- i. A matter of bias, discrimination, or conflict of interest on the part of an evaluator;
 - ii. Errors in computing the score; or
 - iii. Non-compliance with procedures described in the RFQQ, HCA's protest process, or Department of Enterprise Services (DES) policy requirements (POL-DES-170-00).

Protests based on anything other than those items listed above will not be considered. Protests will be rejected as without merit to the extent they address issues such as: 1) an evaluator's professional judgment on the quality of a bid; or 2) HCA's assessment of its own needs or requirements.

- C. Upon receipt of a protest, HCA will undertake a protest review. The HCA Director, or an HCA employee delegated by the HCA Director who is a neutral party with no involvement in the evaluation and award process (Protest Officer), will review and respond to the protest. If the HCA Director delegates the protest review to an HCA employee, the Director nonetheless reserves the right to make the final agency decision on the protest. The Protest Officer will have the right to seek additional information regarding the solicitation from sources they deem appropriate in order to fully consider the protest.
- D. If HCA determines in its sole discretion that a protest from one Bidder may affect the interests of another Bidder, then HCA may invite such Bidder to submit its views and any relevant information on the protest to the Protest Officer. In such a situation, the protest materials submitted by each Bidder will be made available to all other Bidders upon request.
- E. The Protest Officer will issue a written protest response no more than ten (10) Business Days after receipt of the protest, unless additional time is needed, in which case HCA will notify the protesting Bidder in writing. The Protest Officer's decision is final unless the HCA Director exercises their right to make the final agency decision on the protest. There will be no appeal process.
- F. The final determination of the protest will:
- i. Find the protest lacking in merit and uphold HCA's action; or
 - ii. Find only technical or harmless errors in HCA's acquisition process and determine HCA to be in substantial compliance and reject the protest; or
 - iii. Find merit in the protest and provide options to the HCA Director, which may include:
 - 1) Correct the errors and re-evaluate all bids; or
 - 2) Issue a new solicitation document and begin a new process; or
 - 3) Make other findings and determine other courses of action as appropriate.

If the protest is not successful, HCA will enter into a contract with the ASB(s), assuming the parties reach agreement on the contract's terms.

5. RFQQ EXHIBITS

Exhibit A	Bidder Forms and Certifications (included as a separate attachment)
Exhibit B	Draft Contract (included as a separate attachment)
Exhibit C	Qualifications
Exhibit D	Quotation (included as a separate attachment)

EXHIBIT A – BIDDER FORMS AND CERTIFICATIONS

Exhibit A is included as a separate word document.

EXHIBIT B – DRAFT CONTRACT

Exhibit B is included as a separate word document.

EXHIBIT C – QUALIFICATIONS

Maximum Points for Qualifications: 850

Maximum Page Limit for Qualifications: 3 pages per question excluding any requested flow charts, examples, etc.

1. Experience (Maximum available points: 500)

- 1.1. Describe services provided by the Bidder that indicate the Bidder's ability to provide the services described in this RFQQ. (Maximum available points: 100)
- 1.2. Describe Bidder's recent experience with the area of assessing the adequacy of NQTL analyses under MHPAEA, as amended by the Consolidated Appropriations Act of 2021, including a description of the Bidder's recent experience applying sub regulatory guidance, DOL's Self-Compliance Tool, and other pertinent tools and resources for assessing the adequacy of NQTL analyses. (Maximum available points: 100)
- 1.3. Describe the Bidder's recent experience working with a carrier, health care service contractor, health maintenance organization, self-funded employer-sponsored health plan, any state's Insurance Commissioner, the federal Department of Health and Human Services, the federal Department of Labor, or a similar entity in the area of MHPAEA compliance. (Maximum available points: 100)
- 1.4. Describe other relevant experience that indicates the qualifications of the Bidder, and any Subcontractors, for the performance of the potential contract. If applicable, HCA is interested in learning about any experience the Bidder has consulting with large employers that sponsor self-funded plans administered by TPAs. (Maximum available points: 100)
- 1.5. Provide a list of contracts the Bidder has had during the last five years that relate to Bidder's ability to perform the services needed under this RFQQ. Include a summary of the scope of work, contract reference numbers, contract period of performance, contact persons, telephone numbers, and email addresses. By submitting a bid in response to this solicitation, the Bidder and team members grant permission to HCA to contact these references to confirm the work was completed and to confirm the quality of completed work. HCA may or may not, at HCA's discretion, contact references. (Maximum available points: 100)

2. Staffing (Maximum available points: 200)

- 2.1. Provide a description of the proposed project team structure and internal controls to be used during the course of the project, including any Subcontractors. Provide an organizational chart of your firm indicating lines of authority for personnel involved in performance of this potential contract and relationships of this staff to other programs or functions of the firm. This chart must also show lines of authority to the next senior level of management. Include who within the firm will have prime responsibility and final authority for the work. (Maximum available points: 100)
- 2.2. Identify staff, including Subcontractors, who will be assigned to the potential contract, indicating the responsibilities and qualifications of such personnel, and include the amount of time each will be assigned to the project. Provide resumes for the named staff, which include information on the individual's particular skills related to this project, education, experience, significant accomplishments, and any other pertinent information. The Bidder must commit that staff identified in its bid will actually perform the assigned work. Any staff substitution must have the prior approval of HCA. (Maximum available points: 100)

3. Capability (Maximum available points: 150)

Provide a capability summary and proposed timeline outlining how Bidder will complete all tasks for this project as provided in the Scope of Work.

EXHIBIT D – QUOTATION (Maximum available points: 100)

Exhibit D is included as a separate excel document.