

*Colorado Department of
Health Care Policy and Financing*



Request for Proposals
RFP # HCPFKQ1103SDAC

Statewide Data and Analytics Contractor
for the Accountable Care Collaborative Program

Appendix A

Administrative Information Document

Modification No. 4

ADMINISTRATIVE INFORMATION

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ADMINISTRATIVE INFORMATION

A. INQUIRIES

Unless otherwise noted, prospective offerors may make written, faxed, or e-mail inquiries concerning this RFP to obtain clarification of requirements. E-mail is the preferred method for vendors to submit inquiries. No inquiries will be accepted after the date and time indicated in the Schedule of Activities in the RFP document.

E-mail, mail, or fax all inquiries to:

E-mail: katherine.quinby@state.co.us

Katherine Quinby
State of Colorado
Department of Health Care Policy and Financing
Contracts and Purchasing Section
1570 Grant Street
Denver, CO 80203

Fax number: (303) 866-4411, ATTN: Katherine Quinby

Clearly identify your inquiries with the RFP number and title: RFP # HCPFKQ1103SDAC, Data Analytics and Reporting Services for the Accountable Care Collaborative Program. Responses to prospective Offerors' inquiries will be published as an RFP modification on the State of Colorado BIDS web page in a timely manner.

B. MODIFICATION OR WITHDRAWAL OF PROPOSALS

Proposals may be modified or withdrawn by the offeror prior to the established due date and time.

C. PROPOSAL SUBMISSION

Proposals must be received on or before the due date and time (Proposal Submission Deadline) indicated in the Schedule of Activities in the RFP document. Late proposals will not be accepted. It is the responsibility of the offeror to ensure that its proposal is received by the Department of Health Care Policy and Financing (HCPF), Contracts and Purchasing Section (CPS), at the location listed below on or before the due date and time. Offerors mailing their proposals shall allow sufficient mail delivery time to ensure receipt of their proposals by the time specified. The proposal package shall be delivered or sent by mail to:

State of Colorado
Department of Health Care Policy and Financing

Contracts and Purchasing Section
1570 Grant Street
Denver, CO 80203

The “State of Colorado, Department of Health Care Policy and Financing, Request for Proposal Signature Page” MUST be signed in ink by the offeror or an officer of the offeror legally authorized to bind the offeror to the proposal. **Proposals that are determined to be at variance with this requirement may not be accepted.**

See the Proposal Requirements section in the RFP document for the number of copies of the proposal that must be submitted.

Proposals must be submitted and sealed in a package showing the following information clearly on the outside of the package:

- OFFEROR'S NAME
- RFP # HCPFKQ1103SDAC, Data Analytics and Reporting Services for the Accountable Care Collaborative Program.
- PROPOSAL DUE: **Tuesday**, November **30**, 2010, at 3:00 PM (MST).

The RFP document may contain additional instructions regarding packaging of proposals, such as requiring separation of Technical Proposals from Cost Proposals.

You are encouraged to submit proposals on recycled, and recyclable, non-glossy paper.

For its proposal to be considered, an offeror must be registered with the State of Colorado’s BIDS web site (www.gssa.state.co.us/VenSols) by the proposal submission due date and time.

D. ADDENDUM OR SUPPLEMENT TO REQUEST FOR PROPOSAL

In the event that it becomes necessary to revise any part of this RFP, a modification will be published on the BIDS web site at www.gssa.state.co.us/VenSols. **It shall be the responsibility of the offerors to regularly monitor the BIDS web site for any such postings. Failure to retrieve such modifications, and include their provisions in your proposal, may result in your proposal being disqualified.**

E. ORAL PRESENTATIONS/SITE VISITS

Offerors may be asked to make oral presentations or to make their facilities available for a site inspection by the evaluation committee. Such presentations and/or site visits will be at the offeror's expense.

F. PROTESTED SOLICITATIONS AND AWARDS

Any actual or prospective offeror or contractor who is aggrieved in connection with the

solicitation or award of a contract may protest to: Katherine Quinby, Procurement Director, State of Colorado Department of Health Care Policy and Financing, Contracts and Purchasing Section, 1570 Grant Street, Denver, CO 80203-1818. The protest shall be submitted in writing within seven working days after such aggrieved person knows, or should have known, of the facts giving rise thereto. (Reference: C.R.S. Title 24, Article 109.)

G. CONFIDENTIAL/PROPRIETARY INFORMATION

Any restrictions on the use or inspection of material contained within the proposal shall be requested prior to the submission of the proposal itself. Requests for confidentiality shall be submitted in writing to the Katherine Quinby, Procurement Director, Contracts and Purchasing Section, by the Offeror *prior to* the proposal submission date. The offeror must state specifically which materials it is requesting to be considered confidential/proprietary with an explanation of the reasons that the materials are considered confidential/proprietary under the Colorado Open Records Act, C.R.S. Title 24, Article 72, Part 2, as amended. The Contracts and Purchasing Section will inform the Offeror in writing which portions of the confidentiality/proprietary request will be honored and which will not.

If a request is granted confidential/proprietary information must be clearly identified, marked and the Offeror shall submit the information segregated from the rest of the proposal in a separate package. Co-mingling of confidential/proprietary and other information is NOT acceptable.

Neither a proposal in its entirety nor the proposal price information will be considered confidential and/or proprietary. Any information that will be included in any contract resulting from the RFP cannot be considered confidential.

After award, the offers shall be open to public inspection pursuant to the Colorado Open Records Act, subject to any continued prohibition on the disclosure of confidential data.

H. RFP RESPONSE MATERIAL OWNERSHIP

All products and materials submitted in response to this RFP becomes the property of the State of Colorado at the established opening date and time, unless otherwise noted in the RFP. Proposals may be reviewed by any person after the "Notice of Intent to Make an Award" letter has been issued, subject to the terms of C.R.S. Title 24, Article 72, Part 2, as amended.

I. PROPOSAL PRICES

Estimated proposal prices are not acceptable. Best and final offers may be considered, at the Department's option, in determining the apparent successful offeror. Proposals shall be firm for a period of not less than one hundred eighty (180) calendar days.

J. PUBLIC OPENING OF PROPOSALS

On the date and time shown on the “State of Colorado, Department of Health Care Policy and Financing, Request for Proposal Signature Page,” the Contracts and Purchasing Section will conduct, at the delivery location identified under Section C, Proposal Submission, above, a public opening of proposals. The public opening will only disclose the names of all offerors who have submitted a proposal in response to the RFP. Information on costs and qualifications will be available from the Contracts and Purchasing Section following issuance of a “Notice of Intent to Make an Award” letter.

K. EVALUATION

The evaluation of proposals will result in a recommendation for an award of a contract under this RFP. The award will be made to the offeror (or offerors, if multiple awards are anticipated by the RFP) whose proposal(s), conforming to the RFP, will be most advantageous to the State of Colorado, price and other factors considered.

The State of Colorado will conduct a comprehensive, fair and impartial evaluation of each proposal received. First, all proposals will be submitted to the Contracts and Purchasing Section for acceptance. The Contracts and Purchasing Section will be responsible for ensuring that:

- the offeror's proposal complied with the due date and time;
- the offeror's “State of Colorado, Department of Health Care Policy and Financing, Request for Proposal Signature Page” meets requirements;
- the offeror included the appropriate number of proposal copies; and
- the offeror was registered with the State of Colorado’s BIDS web site prior to the due date and time.

Evaluation Process

The Department plans an intensive, thorough, complete and fair evaluation process. Proposals will be evaluated by a committee using the evaluation criteria listed in the RFP; the criteria will include the proposed price or cost. Committee members will be selected who do not have a conflict of interest regarding this solicitation. The committee will be responsible for the evaluation process, which will include the following steps:

- Review proposals for any conditions that may disqualify an offeror and to ensure that required terms and conditions have been met.
- Review proposal content, contact references (if required), and assign a preliminary score to each criterion for each proposal.
- Determine whether any offerors will be invited to participate in discussions with the committee. Such offerors would be those who, based on preliminary scores, are reasonably susceptible of being selected for the award. However, proposals may be reviewed and determinations made without such discussion and offerors

should be aware that the opportunity for further explanation might not exist. Therefore, it is important that proposals are complete.

- Oral presentations, if the committee requires, for invited offerors to demonstrate their proposed service.
- Adjust of points or ratings, as necessary.
- Best and final offers (which may take place at the State's option).
- Make final award recommendation to the Contracts and Purchasing Section.

L. AWARD

Upon review and approval of the evaluation committee's recommendation for award, the Contracts and Purchasing Section will issue a "Notice of Intent to Make an Award" letter that will be sent (usually via fax) to all offerors, announcing the Department's intent to make an award to the selected offeror. At approximately the same time, the intent to award is also published on the Colorado BIDS web site. Should a contract not be completed and executed by the parties, through no fault of the Department, on or before the estimated "Contract Finalized" date shown in the RFP's Schedule of Activities, the Department at its sole discretion may elect to cancel the "Notice of Intent to Make an Award" notice and make the award to the next most advantageous offeror.

M. BINDING OFFER

A proposal submitted in response to this RFP shall constitute a binding offer. Acknowledgment of this condition shall be indicated by the signature on the "State of Colorado, Department of Health Care Policy and Financing, Request for Proposal Signature Page" of the offeror or an officer of the offeror legally authorized to execute contractual obligations. By submitting a proposal the offeror affirms its acceptance of the terms and requirements of this RFP, including its attachments and exhibits, without exception, deletion, or qualification - and without making its offer contingent.

N. PROPOSAL CONTENT ACCEPTANCE

The contents of the proposal (including persons specified to implement the project) of the successful offeror will become contractual obligations if acquisition action ensues. Failure of the successful offeror to accept these obligations in a contract, purchase document, delivery order or similar acquisition instrument may result in cancellation of the award and such offeror may be removed from consideration for future solicitations.

O. CONTRACT TERMS

Included with this RFP's appendices is a draft contract, as Appendix B. By submitting a proposal, the offeror affirms its willingness to enter into a contract containing substantially similar terms and conditions to the draft contract, and the requirements of the RFP without exception, deletion, qualification or contingency.

P. RFP CANCELLATION

The Department reserves the right to cancel this Request for Proposal at any time, without penalty.

Q. PROPOSAL AND PRE-CONTRACT COSTS

The Department is not liable for any costs incurred by offerors prior to issuance of a legally executed contract or procurement document. No property interest of any nature shall occur until a contract is awarded and signed by all concerned parties.

R. PROPOSAL REJECTION

The Department reserves the right to reject any or all proposals, to waive informalities and minor irregularities in proposals received, and to accept any portion of a proposal or all items proposed if deemed in the best interests of the State.

S. VENDOR IDENTIFICATION

The tax identification number provided must be that of the offeror responding to the RFP. The offeror must be a legal entity with the legal right to contract.

T. NEWS RELEASES

News releases pertaining to this RFP shall NOT be made prior to execution of the contract without prior written approval by the Department.

U. CERTIFICATION OF INDEPENDENT PRICE DETERMINATION

1. By submission of this proposal each offeror certifies, and in the case of a joint proposal each party thereto certifies as to its own organization, that in connection with this procurement:
 - (a) The prices in this proposal have been arrived at independently, without consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other offeror or with any competitor;
 - (b) Unless otherwise required by law, the prices which have been quoted in this proposal have not been knowingly disclosed by the offeror and will not knowingly be disclosed by the offeror prior to opening, directly or indirectly to any other offeror or to any competitor; and
 - (c) No attempt has been made or will be made by the offeror to induce any other person or firm to submit or not to submit a proposal for the purpose of restricting competition.

2. Each person signing the “State of Colorado, Department of Health Care Policy and Financing, Request for Proposal Signature Page” of this proposal certifies that:
 - (a) She/he is the person in the offeror's organization responsible within that organization for the decision as to the prices being offered herein and that she/he has not participated, and will not participate, in any action contrary to (1)(a) through (1)(c) above; or she/he is not the person in the offeror's organization responsible within that organization for the decision as to the prices being offered herein but that she/he has been authorized in writing to act as agent for the persons responsible for such decision in certifying that such persons have not participated, and will not participate, in any action contrary to (1)(a) through (1)(c) above, and as their agent does hereby so certify; and she/he has not participated, and will not participate, in any action contrary to (1)(a) through (1)(c) above.
3. A proposal will not be considered for award where (1)(a), (1)(c), or (2) above has been deleted or modified. Where (1)(b) above has been deleted or modified, the proposal will not be considered for award unless the offeror furnishes with the proposal a signed statement which sets forth in detail the circumstances of the disclosure and the head of the agency, or her/his designee, determines that such disclosure was not made for the purpose of restricting competition.

V. CONFLICTS OF INTEREST

The holding of public office or employment is a public trust. A public officer or employee whose conduct departs from his fiduciary duty is liable to the people of the State. Rules of conduct for public officers and state employees:

1. Proof beyond a reasonable doubt of commission of any act enumerated in this section is proof that the actor has breached his fiduciary duty.
2. A public officer or a state employee shall not:
 - (a) Engage in a substantial financial transaction for her/his private business purposes with a person whom she/he inspects, regulates, or supervises in the course of his official duties;
 - (b) Assist any person for a fee or other compensation in obtaining any contract, claim, license, or other economic benefit from her/his agency;
 - (c) Assist any person for a contingent fee in obtaining any contract, claim, license, or other economic benefit from any state agency; or
 - (d) Perform an official act directly and substantially affecting its economic benefit a business or other undertaking in which she/he either has a substantial financial interest or is engaged as counsel, consultant, representative, or agent.
 - (e) Serve on the Board of any entity without disclosure to the entity, the Secretary of State, and his/her employer.

3. A head of a principal department or a member of a quasi-judicial or rule-making agency may perform an official act notwithstanding paragraph (d) of subsection (2) of this section if her/his participation is necessary to the administration of a statute and if she/he complies with the voluntary disclosure procedures under C.R.S. 24-18-110.
4. Paragraph (c) of subsection (2) of this section does not apply to a member of a board, commission, council, or committee if she/he complies with the voluntary disclosure procedures under C.R.S. 24-18-110 and if she/he is not a full-time state employee. Reference C.R.S. 24-18-108, as amended.

W. TAXES

The State of Colorado, as purchaser, is exempt from all federal excise taxes under Chapter 32 of the Internal Revenue Code (Registration No. 84-730123K) and from all state and local government use taxes (C.R.S. 39-26-704). The Colorado State and Local Sales Tax Exemption Number is 98-01159-0000. Seller is hereby notified that when materials are purchased in certain political sub-divisions (for example in the City of Denver) the seller may be required to pay sales tax even though the ultimate product or service is provided to the State of Colorado. This sales tax will not be reimbursed by the State.