



STATE OF TENNESSEE
Department of Finance and Administration, Division of TennCare
REQUEST FOR PROPOSAL # 31865-00633
AMENDMENT #4 FOR FISCAL EMPLOYER AGENT

DATE: December 28, 2022

RFP # 31865-00633 IS AMENDED AS FOLLOWS:

- 1. This RFP Schedule of Events updates and confirms scheduled RFP dates. Any event, time, or date containing revised or new text is highlighted.**

EVENT	TIME (central time zone)	DATE
1. RFP Issued		September 20, 2022
2. Disability Accommodation Request Deadline	2:00 p.m.	September 23, 2022
3. Pre-response Conference	1:00 p.m.	October 3, 2022
4. Notice of Intent to Respond Deadline	2:00 p.m.	October 5, 2022
5. Written "Questions & Comments" Deadline	2:00 p.m.	October 20, 2022
6. State Response to Written "Questions & Comments"		December 1, 2022
7. Written "Questions & Comments" Deadline (Round 2)	2:00 p.m.	December 15, 2022
8. State Response to Written "Questions & Comments" (Round 2)		December 28, 2022
9. Response Deadline	2:00 p.m.	January 12, 2023
10. State Completion of Technical Response Evaluations		February 8, 2023
11. State Opening & Scoring of Cost Proposals	2:00 p.m.	February 9, 2023
12. Negotiations (optional)		February 13, 2023, through February 15, 2023
13. State Notice of Intent to Award Released and RFP Files Opened for Public Inspection		March 2, 2023
14. End of Open File Period		March 9, 2023
15. State sends contract to Contractor for signature		March 10, 2023
16. Contractor Signature Deadline		March 17, 2023

2. State responses to Round 2 questions and comments in the table below amend and clarify this RFP.

Any restatement of RFP text in the Question/Comment column shall NOT be construed as a change in the actual wording of the RFP document.

No.	RFP SECTION	PAGE #	QUESTION / COMMENT	STATE RESPONSE
1.	3.2.2.2		<p>Re: Section 3.2.1.1 Digital Media Submission We interpret this language to require that the Technical Proposal be a single continuous, uninterrupted file in PDF format and memorialized, for example, on seven (7) USB flash drives (one marked Original and six marked as Copy).</p> <p>We interpret Section 3.2.3, and specifically Sections 3.2.3.1 through 3.2.3.3 as requiring that the USB flash drives be mailed and labelled appropriately per the instructions therein.</p> <p>Re: Section 3.2.2.2 Email Submission We interpret this language to require a PDF of the Technical Proposal (and a PDF or XLS of the Cost Proposal) be submitted via separate emails and also properly labelled.</p> <p>It is unclear to us from the current language whether Respondents can choose the delivery method they prefer OR whether Respondents have an affirmative obligation to submit via two separate means. Can Respondents choose one or the other delivery mechanisms or must Respondents submit via BOTH email AND physical USB flash drives.</p>	<p>If the respondent intends to mail its proposal FedEX, UPS, Hand Deliver or by some other means then the submission must be in accordance with the guidance provided in RFP Section 3.2.1.1.</p> <p>If the respondent intends to email its submission, then it must be in accordance with the guidance provided in RFP Section 3.2.2.2.</p> <p>The respondent can choose between the methods listed in 3.2.1.1 and 3.2.2.2</p>
2.	General		<p>We intend to submit our response to the State via email. Are there any limits to the file size of the attachments?</p>	<p>If the electronic response is expected to be larger than 25 MB, contact the Solicitation Coordinator for alternative methods of submittal. Submissions may be separated into multiple emails if necessary.</p>
3.	A.4		<p>One of the options for question A.4 is:</p> <p>2. Provide documentation disclosing the amount of cash flows from operating activities for the Respondent's most current operating period. Said documentation must indicate whether the cash flows are positive or negative, and, if the cash flows are negative for the most recent operating period, the documentation must include a detailed explanation of the factors contributing to the negative cash flows. If we were to submit that, would it be discoverable in a FOIA request? Is there a way to do so without it being discoverable?</p> <p>Another option is:</p> <p>4. Provide a financial guaranty from the parent company, if applicable.</p>	<p>For Option 2 and in accordance with RFP Section 4.8.1 all materials submitted to the State in response to this RFP shall become the property of the State of Tennessee. Selection or rejection of a response does not affect this right. By submitting a response, a Respondent acknowledges and accepts that the full response contents and associated documents will become open to public inspection in accordance with the laws of the State of Tennessee and therefore would be discoverable in a FOIA request.</p> <p>For option 4, there is not a recommended form or template available, and the Financial Guaranty is</p>

			Is there a specific form for this, and is it equivalent to the other options?	equivalent to all other pass/fail options for A.4, Mandatory Requirements. Please see Exhibit A to this RFP Amendment for a sample Letter of Guaranty.
4.	General		Can you confirm that the ECF, CHOICES, and Katie Beckett programs are billed to each of the MCO's and the SDWP program is billed to PCP (Provider Claims Processing)?	ECF, CHOICES, and KB Part A is billed to the MCO. The SDWP and KB Part B is billed to the PCP by the FEA.
5.	General		Are the SW and CAC programs billed to PCP? If not, where?	SW and CAC are not active until IDD integration. Once active the FEA will bill to the PCP. The FEA will manually file claims in PCP for the time approved by the employer stating the employer is the responsible entity authorizing the time and EVV compliance.
6.	RFP Amendment #2, Question and Response for #5		Do the numbers for participants as of September 2022 in Q&A question #5 include participants served by both of the current FEA's?	No, the second FEA is not currently serving participants. We anticipate an additional 4 individuals per month for CAC and 45 individuals per month for Statewide Waiver.
7.	RFP Amendment #2, Question and Response for #5		How many participants as of September 2022 (in Q&A question #5) have goods/services only?	3,840 members have active authorizations.
8.	Implementation timeline		Would the state permit a phased approach to moving all members to the 50:1 member caseload ratio?	The Pro Forma will be amended to change the caseload ratio to 90:1. Please see item #7 below.
9.	Reimbursement Services Only		For Members who receive only reimbursement services (e.g., transportation) would the state consider removing the member caseload requirement, monthly and bi-annual supports broker meeting requirements.	For reimbursement only services there is no requirement for member caseload, monthly or bi-annual support broker meeting requirements. In accordance with C.3. of the contract the Per Member Per Month (PMPM) support broker payments shall not be paid for Members receiving only reimbursed services that do not require ongoing support brokerage functions. Reimbursement only services shall be billed as PMPM Financial Administration rates for each month a reimbursement service is utilized.
10.	Training		We understand only SDWP and Katie Beckett Workers are required to complete trainings Relias. Will that be expanded to additional programs under this RFP?	The training for SWW and CAC upon approval for integration will align with training requirements for SDWP.
11.	Financials		Is there a specific financial guarantee form, or example that illustrates what is expected from a parent company guarantee? For instance, is there an expectation to disclose cash available to the parent company as part of the guarantee?	There is no recommended form or template for the Financial Guaranty. Please see Exhibit A to this RFP Amendment for a sample Letter of Guaranty.
12.	General		Would the state consider allowing respondents to submit a redacted version of the RFP response for sharing publicly should such requests for information be received by Tennessee?	No, the State does not accept redacted proposals. Please refer to RFP Section 4.8 Disclosure of Response Contents. If response contents are marked as Confidential or contents redacted, the response may be subject to disqualification.

13.	RFP section 4.8.1	Pg. 11	<p>“All materials submitted to the State in response to this RFP shall become the property of the State of Tennessee. Selection or rejection of a response does not affect this right. By submitting a response, a Respondent acknowledges and accepts that the full response contents and associated documents will become open to public inspection in accordance with the laws of the State of Tennessee.”</p> <p>We, and other FMS vendors, often see through the procurement process in other states that a redacted version of the technical proposal is permissible for use in responding to public records requests. In such a redacted version, only certain confidential or proprietary sections are redacted. Entire proposals or sections of proposals are never redacted wholesale. Instead, software screenshots, technical diagrams, or financial statements are redacted. This is done to protect the integrity of the company and ensure security of IT systems. Will the State consider amending Section 4.8 to include a redacted copy of the technical proposal for the sole purpose of responding to public records requests?</p>	See response to #12 above.
14.	RFP Attachment 6.6. A.8.	Pg. 3	<p>“and the flexibility to transition from an employer authority model to a budget authority or modified budget authority model if necessary to meet programmatic change requirements within timeframes specified by the State.”</p> <p>Is there a Change Order process currently in place if the State requests a change to the existing scope of work? Can you describe this process and any affiliated costing structure?</p>	The State will notify Contractor about transitioning from an employer authority model to a different authority model through a Control Memorandum in accordance with Pro Forma Contract Section A.100 – Control Memorandum Process. As Pro Forma Contract Section A.8 expressly contemplates the future transition to a new authority model, no additional compensation will be considered.
15.	RFP Attachment 6.6. A.102.	Pg. 46	<p>Compliance with the 21st Century Cures Act: Electronic Visit Verification.</p> <p>How many self-directing workers are currently using EVV</p>	100% as EVV is a requirement; however, the system does allow for manual transmissions which fluctuates weekly.
16.	RFP Attachment 6.6. A.102.	Pg. 46	<p>Compliance with the 21st Century Cures Act: Electronic Visit Verification.</p> <p>Does the State recognize any EVV exemptions? If yes, how many active self-directing workers have an EVV exemption currently?</p>	The State does not recognize any EVV exemptions.
17.	RFP Attachment 6.6. A.94.	Pg.39	<p>Claiming Payment for Consumer Directed and Self-Directed Services.</p> <p>“b. Submit all claims for services rendered timely in accordance with requirements agreed to with the MCOs or DIDD, as applicable”</p> <p>Please confirm that claims must be submitted directly to the member's individual MCO and not to MMIS. What are the payment terms, cycle, submission deadlines, and deposit dates for each MCO?</p>	Claims must be submitted directly to the MCO. Claims are submitted at least daily. The MCO must process and pay claims submitted by the FEA within fourteen (14) calendar days of receipt.
18.	RFP Attachment 6.6. A.90.	Pg. 36	<p>What is the average amount of money funded for a single payroll by the current FMS?</p>	A single average payroll for ECF CHOICES, CHOICES, KB, and SDWP is \$240,192.74 This is bi-weekly.

19.	Amendment #2, Question and Response for #15		According to <i>Question and Answer 15</i> , on the previous Q&A, the State will not accept redacted proposals. What is the process for bidders to request protecting confidential information and trade secrets from being publicly disclosed through Freedom of Information Act (FOIA) requests?	Please see response to question #12 above. Please also see Tenn. Code Ann. 10-7-504(7) (7) Proposals received pursuant to personal service, professional service, and consultant service contract regulations, and related records, including evaluations and memoranda, shall be available for public inspection only after the completion of evaluation of same by the state. Sealed bids for the purchase of goods and services, and leases of real property, and individual purchase records, including evaluations and memoranda relating to same, shall be available for public inspection only after the completion of evaluation of same by the state.
20.			For e-mail submission of technical proposals, is there a file size limit? What process should bidders follow should file size become an issue when transmitting their proposal?	See response to Question #2 above.
21.	Amendment #2, Question and Response for #5		Question and Answer 5 did not provide information about CAC and SWW. How many participants and workers are currently enrolled in CAC and SWW?	Currently there are no workers for CAC and SWW as consumer direction in these waiver programs will not be implemented until CMS approval of the pending waiver amendments. We anticipate an additional 4 individuals per month for CAC and 45 individuals per month for Statewide Waiver upon implementation.
22.	Amendment #2, Question and Response for #21		Question and Answer 21 states that the SDWP is closed to new enrollment. Are CAC and SWW also closed to new enrollment?	See response to Question #21
23.	Amendment #2, Question and Response for #45		Question and Answer 45, does the count of stop payments and payments reissued include counts for CAC and SWW? If not, can those counts be shared?	See response to Question #21
24.	Amendment #2, Question and Response for #61		Question and Answer 61, please provide breakdown of participants by region of the state (West, Middle and East) for CAC and SWW.	See response to Question #21
25.	Amendment #2, Question and Response for #103		Question and Answer 103, please clarify whether the response includes CAC and SWW	See response to Question #21
26.	Amendment #2, Question and Response for #55		Question and Answer 55, what is the average monthly budget/authorization amount for CAC and SWW?	See response to Question #21
27.	Amendment #2, Question and Response for #122		Question and Answer 122, please provide growth trends for CAC and SWW.	See response to Question #21

28.	General		Will the new FI receive an advance in order to process the first couple of payroll cycles?	No
29.	General		In the first round responses there was a breakdown of support brokers by town. The total was 45 support brokers but this doesn't seem to be enough to support the 50:1 ratio for the number of active participants. Can you please clarify?	There are some members who receive reimbursement only services and therefore do not require the support broker; however, we are amending language in A.45 to allow for a 90:1 ratio. Please see item 7 below.

Delete Question #32 of RFP Amendment #2 in its entirety and insert the following in its place (any sentence or paragraph containing revised or new text is highlighted):

32.	19	Contract A.46.e	Are Workers required to have Workers' Compensation insurance?	No, Workers are not required to carry their own Workers' Compensation Insurance. In accordance with added Section A.104 of RFP Amendment 2, the Contractor must carry the insurance on behalf of Workers.
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4. Delete Question #72 of RFP Amendment #2 in its entirety and insert the following in its place (any sentence or paragraph containing revised or new text is highlighted):

72.	Financials		Is the awardee required to hold a financial reserve to ensure employee payroll? What is the requirement?	No. Section A.105 is deleted in its entirety from Amendment #2. Please see item #5 below.
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5. The following added Section A.105 is deleted in its entirety from RFP Amendment #2 (any sentence or paragraph containing revised or new text is highlighted):

~~A.105 The Contractor shall maintain a financial reserve equal to one month's payroll and administrative expenses under this Contract.~~

6. Add new Section A.105 and insert the following paragraph (any sentence or paragraph containing revised or new text is highlighted):

A.105 The Contractor shall obtain and maintain in full force and effect for the duration of this contract, the types and minimum limits of insurance as required by state and federal law including, but not limited to, Workers' Compensation and Employer Liability Insurance for the Contractor's services and employees. This provision does not apply to consumer directed or self-directed workers who provide services to Participants.

7. Delete Pro Forma Section A.45 in its entirety and insert the following in its place (any sentence or paragraph containing revised or new text is highlighted):

A.45. Support Broker caseloads for Members shall not exceed a 90:1 ratio.

8. RFP Amendment Effective Date. The revisions set forth herein shall be effective upon release. All other terms and conditions of this RFP not expressly amended herein shall remain in full force and effect.

EXHIBIT A

LETTER OF UNLIMITED GUARANTY BY _____ TO _____, RELATED TO
STATE OF TENNESSEE RFP # _____.

This letter shall serve as notification to _____, that _____, in consideration of _____, a wholly-owned subsidiary, responding to the State of Tennessee Request for Proposal # _____ to be considered for an award as a Primary Contractor, does hereby fully and unconditionally guarantee any and all of _____ performance obligations under the resulting contract should _____ be awarded a contract by the State of Tennessee, Department or Division. This Guaranty shall be continuing, unconditional and is irrevocable, without maximum limits on _____ financial support or resulting obligations. This Guaranty shall remain in full force and effect for the entirety of the time in which _____ is contracted with the State of Tennessee in relation to this proposal and contract.

EXECUTED to be effective as of the ___ day of _____, 202_

GUARANTOR:

_____ CORPORATION

Name: _____

Title: _____