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| Solicitation#: 0900000478 Solicitation Issue Date: March 5, 2021 | |
| DUE DATES AND TIME (CENTRAL STANDARD TIME):  Bid Response Due:  3:00 p.m. on April 6, 2021[[1]](#footnote-2)  Request for administrative review:  3:00 p.m. on March 18, 2021  Questions:  3:00 p.m. on March 18, 2021 | |
| CONTRACT TYPE:  X  Agency: Statewide:  Agency Name/Number: Employees Group Insurance Division Contract Number: 090 | |
| SOLICITATION TYPE:   |  |  |  | | --- | --- | --- | | Request for Proposal  X | Request for Quote | Invitation to Bid |   Information technology Bidder Instructions are applicable:  X  Yes No  Terms regarding sensitive data will be included in the Contract including, but not limited to:   |  |  | | --- | --- | | HIPAA X  FERPA  1075 | CJIS  OTHER PII | | |
| RETURN SEALED BID TO:  [OMESCPeBID@omes.ok.gov](mailto:OMESCPeBID@omes.ok.gov) | CONTRACTING OFFICER:  Name: Stephanie Beshears  Email: [Stephanie.Beshears@omes.ok.gov](mailto:Stephanie.Beshears@omes.ok.gov)  Phone No. 405-517-6769 |

 BIDDER INSTRUCTIONS COVER PAGE

Oklahoma Office of Management and Enterprise Services Bidder Instructions

Information related to the Bid submission process is contained in these Bidder Instructions. Prospective Bidders are urged to read the documents provided by the State and these Bidder Instructions carefully. Failure to do so shall be at the Bidder’s risk.

1. Definitions

## Alternate Bid means a Bid which contains an intentional substantive variation to a basic provision, specification, term or condition.

## Amendment means a written change, addition, correction or revision to terms, conditions or requirements by the State agency issuing the Solicitation.

## BAFO means a best and final offer requested by the State agency issuing the Solicitation.

## Bid means an offer a Bidder submits in response to the Solicitation.

## Bidder means an individual or business entity that submits a Bid in response.

## Bid Packet means the order described in these Bidder Instructions in which all Bidders shall insert the relevant sections of a Bid and which shall be the format for all submitted Bids.

## OAC means the Oklahoma Administrative Code.

# Instructions compliaNce

These Bidder Instructions are not part of the Contract; however, compliance with these Instructions is material to the determination of whether a Bid is responsive. Terms, requirements and specifications may be stated or phrased differently than in a previous solicitation irrespective of past interpretations, practices or customs. Bid requirements are altered only by written Amendment and verbal communications from any source whatsoever are of no effect. In no event shall the Bidder’s failure to read and understand a term, condition or requirement in any of the documents provided by the State constitute grounds for a claim after award of the Contract.

# Communications and Questions

The Contracting Officer listed on the Bidder Instructions Cover Page is the only individual the Bidder should contact, or communicate with, regarding any questions or issues with the Acquisition. Failure to comply with this requirement may result in the Bid being considered non-responsive or not considered for further evaluation.

## General Questions

Questions should be concise, identify the relevant document, include specific section references and avoid use of tables or special formatting (use simple lists).

## Information Technology Bids

### If information technology Bidder Instructions are applicable (see Bidder Instructions Cover Page), Bidder may submit general questions concerning Contract or Bid specifications or requirements online. Questions received via any other means will not be addressed.

### Registration with the State of Oklahoma for wiki access is located at <https://omes.ok.gov/forms/wiki-enrollment-it-procurement>. Access should be requested at least five (5) business days prior to the Questions Due Date. The State is not responsible for a Bidder’s lack of access to the wiki.

## Non-Information Technology Bids

If information technology Bidder Instructions are not applicable (see Bidder Instructions Cover Page), Bidder may submit general questions concerning Contract or Bid specifications or requirements to the Contracting Officer’s email address shown on the Bidder Instructions Cover Page. Questions received via any other means will not be addressed.

## Clarification Questions

The State reserves the right, at its sole discretion, to request clarifications of Bid information or to conduct discussions for the purpose of clarification with any or all Bidders. The purpose of any such discussion shall be to ensure full understanding of the Bid. If clarifications are made because of such discussion, the Bidder(s) shall submit such clarifications in writing to the Contracting Officer. Bidder answers that are outside scope of the clarification questions shall be disregarded. Oral explanations or instructions provided to a potential Bidder are not binding.

# Administrative Review

## A Bidder that believes the Contract or Bid requirements or specifications, or Bid Response Due Date, are unnecessarily restrictive or limit competition may email a request for administrative review to the Contracting Officer. A request received via any other means will not be addressed. The State shall promptly respond in writing to each written administrative review request, and where appropriate, issue a revision, substitution or clarification through an Amendment. Requests for administrative review shall include the reason for the request, supported by information, and any proposed changes.

## If a Bidder fails to notify the Contracting Officer of an ambiguity, conflict, discrepancy, omission or other error in any of the documents provided by the State that is known to Bidder, or that reasonably should be known by Bidder, the Bidder accepts the risk of submitting a Bid and, if awarded the Contract, shall not be entitled to additional compensation, relief or time by reason of the error or its later correction.

# Amendments

## Any Amendment shall be set forth at the same online link as the Solicitation.

## It is the Bidder’s responsibility to check the State’s website frequently for any possible Amendments that may be issued. The State is not responsible for the Bidder’s failure to download any amendment documents required to complete a Bid.

# Confidentiality Request

Unless otherwise specified in the Oklahoma Open Records Act, Central Purchasing Act, or other applicable law, documents and information a Bidder submits as part of or in connection with a Bid are public records and subject to disclosure after contract award pursuant to OAC 260:115-3-9[[2]](#footnote-3). However, a public Bid opening does not make the Bid immediately accessible to the public. All material submitted by a Bidder becomes the property of the State. No portion of a Bid shall be considered confidential after award of the Contract except, pursuant to 74 O.S. §85.10, information in the Bid determined to be confidential by the State Purchasing Director or delegate. Typically, a properly submitted confidentiality claim of a potential awardee is reviewed and determined prior to award; a properly submitted confidentiality claim of a non-awarded Bidder is reviewed and determined only when responding to an open records request concerning the Bid. Additional information regarding information considered confidential by a Bidder is provided in Section H.8.3. below.

# Acceptance of Content

Unless otherwise provided in accordance with H.8.4 - Section Four of a Bidder’s response, all Bids shall be firm representations that the responding Bidder has carefully investigated and will comply with all State terms and conditions relating to the Contract. Upon award of a contract, such terms and conditions, as may be amended by the Bid after negotiation, shall become contractual obligations between the parties.

1. Required Bid Structure

## Preparation of Bid

* + 1. The Bid is required to be structured into separate, labelled and easily identifiable sections using the Bid Packet format provided below. A Bid submitted using any other format may not be accepted. Except for items listed in Section Three of the Bid Packet (information requested to be held confidential), the Bid should not contain duplicative content. Any section of the Bid Packet that is not applicable to the Bid shall have a page inserted to denote the section is not applicable. For instance, if business references are not required, the Bid should contain a page after the “Business References” section heading that reads “Not Applicable”, “N/A” or some similar notation.

### The Bid will be evaluated using a best value criterion, based on the following:

* + - 1. Experience performing Specifications, references, and possible demonstrations or onsite evaluation;

#### Quality of Response regarding Specifications, and possible demonstrations or onsite evaluation;

#### Price and Cost; and

#### Performance Standard Guarantees.

* + 1. Any Bid shall include applicable hosting provisions and service level agreements. Such provisions and service level agreements are subject to negotiation with the EGID and additional provisions related to hosting services may be required prior to any award being issued.
    2. As referenced in H.8.10, any alternative method offered by Bidder to the required Specifications shall be considered as to whether the alternative method is or is not in the best interest of the plan and shall be evaluated accordingly.
       1. In the event Bidder proposes a service requirement by different procedures with a similar result, Bidder shall explain in detail and provide the potential impact to EGID, its members and providers.
       2. Any additional services that Bidder intends to provide EGID, and which are included in the fees quoted in the response to this solicitation, should be described and clearly notated in Bidder's response.
       3. Any additional services that Bidder intends to provide EGID, and which are not included in the administrative fees quoted, shall be itemized in Bidder's financial proposal.
  1. Price and Cost

### As referenced in subsection H.8.9., pricing shall be proposed as follows:

#### Bidder cannot charge separate start-up costs.

#### Provide detailed documentation demonstrating how the financial proposal was determined, including the specific elements and methodology of the bid, assumptions used in pricing elements of the bid and the inflation factor used for each year of the contract.

#### EGID intends for all services described in the Bidder’s response to be included in the administrative fee unless the fee and the service are specifically identified as a separate charge.

#### Identify costly solicitation requirements that EGID might eliminate, or modify, to significantly impact its expenses.

* + - 1. As referenced in subsection H.8.10., value-added products and/or services within scope of the Acquisition may be included in the Bid.

#### Describe in detail what additional services and opportunities that Bidder can provide beyond the services required in this solicitation. Define each to be at no cost or at additional cost to EGID.

#### Provide price and cost in Exhibit 9.

* 1. Minimum Requirements
     1. Bidders shall comply with all requirements in this section and provide proper documentation in its response to each Minimum Requirement. The Bidder’s compliance with the requirements in this section shall be determined according to the sole unrestricted discretion of EGID. The Bidder must state in its proposal exactly how it shall comply, provide detailed information and affirm its understanding of the requirement and its agreement to comply with that requirement for the duration of the contract. Proposals failing to meet Minimum Requirements shall not be considered.
        1. Bidder shall submit with its proposal an executive summary no longer than two (2) to three (3) pages, outlining significant features of the proposal. The summary should highlight the Bidder’s philosophy, its experience with similar programs and the administrative approach presented in the proposal. Bidder shall specifically document experience in administering health and dental claim processing and certification services for an indemnity plan for a minimum of five (5) years. The summary must also include a description of the Bidder’s understanding of EGID’s solicitation along with organizational and conceptual approaches to be used.
        2. Bidder must demonstrate its financial stability by providing EGID with copies of audited financial statements for the Bidder's three (3) fiscal years previous to the date of its response and its most recent SSAE 18 SOC1 report. EGID shall exercise its sole discretion in evaluating such information.
           1. The contracted Supplier shall continue to provide such financial information and a SSAE 18 SOC1 report to EGID on an annual basis. If the Bidder is a wholly owned subsidiary of a parent organization, this requirement may be fulfilled by the audited financial statement of the parent organization, provided that the parent organization agrees to have the same legal and financial responsibilities under the contract as the Supplier.
        3. Bidder shall have annual paid claims volume of at least One Billion Dollars ($1,000,000,000) for an aggregate of at least One Million (1,000,000) lives. Bidder shall not include a plan offered to any of its employees or employees of affiliated companies to satisfy this experience requirement.
        4. Bidder shall disclose the percentage of its full-service book of business represented by EGID if it has or were to have had EGID as a client in 2019 and 2020.
        5. Bidder shall provide primary contact names of at least three (3) non-affiliated clients that perform similar services as requested by this solicitation and have similar demographics to EGID. Also, include telephone numbers, email addresses, types of services provided, and the number of participants for each.
        6. To be eligible to submit a proposal under this solicitation, an organization must meet all legal requirements for doing business in the State of Oklahoma. Bidder must provide a copy of its administrator's license issued by the Insurance Commissioner for the State of Oklahoma.
        7. For purposes of providing the utilization management services, the TPA shall provide proof of accreditation from the Utilization Review Accreditation Commission (URAC), and provide, or agree to obtain, licensure in accordance the Oklahoma Hospital and Medical Services Utilization Review Act (OHMSURA). See 36 O.S. (2001), § 6551, et seq.
  2. Requirements
     1. Member Eligibility
        1. Currently, EGID processes approximately two hundred (200) changes to eligibility information per day, except during certain months when the daily volume can reach as many as ten thousand (10,000) changes in a day. The following list is illustrative, but not all inclusive, of the type of transactions included in a typical daily incremental file that could have prospective or retroactive effective dates.
           1. New member/dependent enrollment;
           2. Member/dependent termination;
           3. Member/dependent adding and/or dropping various benefits;
           4. Member moves between participating employer groups;
           5. Dependent transfers from one primary member’s account to another primary member’s account;
           6. Member/dependent status changes from active to retiree or COBRA;
           7. Member/dependent moves to from a pre-Medicare account to a Medicare Supplement account;
           8. A lapse is added to a member/dependent coverage; and
           9. Member address change.
        2. Describe Bidders experience handling eligibility for a multi-employer account.
        3. Describe Bidder’s experience flexibility administering new entities or members enrolled by EGID throughout the plan year.
        4. Describe Bidders policies and procedures for administering the above changes submitted on a daily incremental change file.
        5. Describe Bidders policies and procedures for identifying and addressing errors or rejected records from a daily incremental change file load; include an example of output reporting and procedures.
        6. Describe Bidders experience utilizing a client’s unique identification (ID) number and how that is integrated and utilized within Bidder’s systems and reporting.
        7. Should EGID change an existing unique member ID that is assigned to a member or dependent to a different unique system generated member identification number for the member or dependent, describe in detail the ability of Bidder’s system(s) in accommodating a member ID change.
        8. Describe Bidder’s system capabilities, policies and procedures for processing and applying retroactive eligibility coverage updates.
        9. Describe Bidder’s system capabilities, policies and procedures for processing and applying prospective eligibility coverage updates.
        10. Describe Bidder’s ability and process(es) to monitor and report early Medicare eligible members/dependents.
        11. Describe Bidder’s processes and procedures for reconciliation of member eligibility information; describe reporting processes and handling procedures relative to a reconciliation and provide an example layout of Bidder’s standard report.
     2. Provider Eligibility
        1. Describe in detail Bidders experience and standard processes for interfacing and ingesting provider network files received from and managed by an external source(s).
           1. Include details about Bidder’s specific experience maintaining separate, accurate client-specific proprietary networks.
           2. Describe in detail the process(es) used, including which functions are automated and which require manual intervention to load network data files and information.
           3. Provide details regarding system integration; include details about systems and software.
           4. Provide Bidder’s standard or preferred Provider data file layout(s) and companion guides.
           5. Provide ability for customization and any known limitations, include details regarding the required data elements used by Bidder’s system and/or vendors for use in claim adjudication, benefit administration and reimbursement, versus preferred or recommended data elements.
        2. Include Bidder’s standard process(es) and controls for identifying and resolving data quality and integrity errors.
        3. Provide Bidder’s standard process for reconciling data and network files received and managed by external sources.
           1. Include details on which parts of the processes are automated versus manual; include any known limitations.
           2. Provide Bidder’s standard reconciliation file/reporting and ability for customization; include any known limitations.
        4. Describe in detail Bidder’s ability and/or plan to interface effectively with EGID’s provider files in accordance with Contract requirements.
           1. Include Bidder’s ability and experience maintaining current and historical provider records.
           2. Include Bidder’s reporting capabilities and ability to address data quality and integrity errors.
           3. Describe Bidder’s ability to accomplish comparing and reconciling the full EGID network provider file(s); include which specific data elements are included in the reconciliation and the ability to provide the required reporting elements and details as required.
        5. Describe in detail Bidder’s experience and capabilities managing non-Network provider eligibility.
           1. Describe Bidder’s process(es) and capabilities in updating and maintaining records for non-network providers, include any customization abilities and known limitations.
           2. Include Bidder’s ability to manage and monitor verification of Medicare enrollment, when applicable, verification of appropriate licensure, etc.
           3. Describe Bidder’s ability to suspend claims from specific non-Network provider types.

Provide Bidder’s ability and experience in referring these to client to research Network eligibility and recruitment;

Provide Bidder’s ability and experience in subsequently matching and adjudicating suspended claims to a new Network eligibility record sent by EGID; include any known limitations.

Describe Bidder’s ability to administer and manage exceptions including, but not limited to, applying network benefits and reimbursement to a non-network provider(s) for a particular claim, service, episode of care, and/or a specific range of dates of service.

* + - 1. Describe Bidder’s ability to identify claims or services referred to a non-Network provider(s) or facility from a Network provider(s), and provide reporting to EGID; include any known limitations.
    1. Customer Service
       1. Call Center/Customer Support
          1. Describe system capabilities of Bidder’s Interactive Voice Response (IVR) technology and customization abilities.
          2. Describe call center services and support offered to members and providers; include location of call center and staff.
          3. Define concierge customer service; provide Bidder’s capabilities and tools available to offer concierge customer service.
          4. Describe Bidder’s system capabilities, tools, processes and experience in supporting and promoting plan programs and initiatives.
          5. Provide Bidder’s policy and procedures for tracking, timely follow-ups and closure of “open call” inquiries that cannot be resolved initially and require follow-up to the caller.

Describe Bidder’s open call tracking system, including system capabilities, tools, processes and experience with open call tracking, including Bidder’s ability for auditing and oversight.

* + - * 1. Describe Bidder’s call center capabilities/tools, processes and experience in actively steering members to the most cost-efficient providers and facilities for covered services.
        2. Describe Bidder’s experience and abilities to offer a customer survey to all callers and the ability to report results to EGID in support contract requirements; provide standard reporting and metrics; if available provide example survey questions utilized and ability for customization.
        3. Describe how the customer service department is staffed, or is expected to be staffed in support contract requirements.
        4. Describe the initial and ongoing training programs for customer service representatives, including any special training for dealing with seniors, Medicare participants and members with disabilities.
        5. Describe the process, criteria and training Bidder will follow for peak days or peak times for high volume and high complexity calls including calls that are diverted.
        6. Describe in detail the Bidder’s ability to handle current and prospective member inquiries regarding plan benefits, programs and initiatives during the annual enrollment period (“Option Period”).
        7. Provide Bidder’s average abandonment rate and average length of time to answer incoming customer service lines during each of the past twelve (12) months for Bidder’s total book business; provide same statistics for support of one individual client of similar size and structure to EGID.
        8. Describe Bidder’s experience and capabilities with managing high volume peak days/times/seasons.
        9. Describe Bidder’s call auditing policies and procedures.
        10. Describe tool(s) and process(es) to actively monitor, evaluate and manage quality of services by call center staff; provide ability and process to immediately correct the quality of customer service representative’s performance.
        11. Describe in detail Bidder’s method for identifying, reporting and tracking trends for identification of global issues, member or provider education needs, program development, etc.
        12. Describe Bidder’s capabilities for call recording, process to retrieve or audit recordings and retention policy for recordings.
      1. Website and Mobile Application
         1. Provide details of Bidder’s website capabilities and functionality offered for members and providers; confirm if site is mobile responsive and provide applicable details; provide additional capabilities and functionality Bidder has to offer through website.
         2. Provide details of user login credentialing and capabilities for integration or single sign-on (SSO) with external systems or websites; describe the ability to allow provider(s) or a provider’s designee to obtain one login to access all affiliated providers or if separate logins are required for each affiliated provider.
         3. Describe Bidder’s capabilities and available functionality to offer real-time chat or text options to members and/or providers.
         4. Describe Bidder’s mobile application and functionality offered, include details regarding customization ability.
    1. Programs and Initiatives
       1. Describe in detail Bidder’s experience in working with a Section 125 flexible spending account (FSA) vendor(s).
       2. Provide Bidder’s experience and abilities with bundled payment programs in accordance with Contract requirements; include Bidder’s ability to issue the bundle payment and deny affiliated provider claims billed in error.
       3. Provide details of Bidder’s Care Management Program and services.
          1. Provide details for the Program organization structure; include details of staff qualifications and background.
          2. Provide Bidder’s performance standard metrics.
       4. Provide details of Bidder’s Medical Drug Management program, and/or Bidder’s experience integrating with a third-party Medical Drug Management program.
          1. Provide in detail Bidder’s ability and processes, either through its Medical Drug Management program or otherwise, to provide EGID with drug rebates; including the pass-through percentage to EGID.
       5. Provide details of Bidder’s Site of Care Alignment program, and/or Bidder’s experience integrating with a third-party Site of Care Alignment program.
       6. Provide details of Bidder’s Disease Management program, and/or Bidder’s experience integrating with a third-party Disease Management program.
       7. Provide details of Bidder’s Wellness program(s) and initiatives, and/or Bidder’s experience integrating with third-party Wellness program(s) and initiatives.
    2. Benefits and Claims Administration
       1. ID Cards
          1. Describe in detail the Bidder’s process for ID card production, include processes printing and mailing.
          2. Describe in detail all options and means available to members to request a new ID card.
          3. Provide a sample of the ID card Bidder and describe in detail Bidder’s ability for customization, as well as any known limitations.
          4. Describe Bidder’s ability and processes to host secondary addresses so that an ID card can be sent directly to dependents (including former spouses) who do not reside with the subscriber.
          5. Provide Bidder’s plan and/or tools available to assist and drive members to not need a printed ID card.
       2. Mail Service
          1. Describe Bidder’s mail management protocols and processing guidelines for *incoming* mail; include location of mailroom, processes for receiving, indexing or scanning, and distribution.

Provide Bidder’s mail service vendor, if applicable.

Provide Bidder’s standard service level agreements for incoming mail processes.

Describe Bidder’s internal controls and processes to ensure compliance with HIPAA and other federal or state regulations.

Provide Bidder’s ability for reporting and metrics in accordance with Contract requirements.

* + - * 1. Describe Bidder’s mail management protocols and processing guidelines for *outgoing* mail; include location of mailroom, processes for generation, indexing or scanning, and distribution.

Provide Bidder’s mail service vendor, if applicable.

Provide Bidder’s standard service level agreements for outgoing mail generation and distribution, including but not limited to, overpayment notices, appeal notices, medical record requests, EOBs/RAs, etc.

Describe Bidder’s internal controls and processes to ensure compliance with HIPAA and other federal or state regulations.

Provide Bidder’s ability for reporting and metrics in accordance with Contract requirements.

* + - 1. Coordination of Benefits (COB)
         1. Describe in detail Bidder’s standard COB methodology, including verification of other health/dental insurance, how pricing is determined as secondary or tertiary payor, and how the COB savings is determined.
         2. Describe Bidder’s ability to apply customized COB methodology or plan rules; including any known system or operational limitations.
         3. Describe Bidder’s capabilities to accept member’s verification of other insurance (VOIC).

Include online tools or functionality available; include any known limitations.

* + - * 1. EGID allows primary members to provide VOIC during each open enrollment period through the EGID maintained Tobacco-Free Attestation website. Provide Bidder’s capabilities or options of integrating with the EGID online process to allow the information to captured and updated immediately in Supplier’s system.
      1. Subrogation
         1. Describe Bidder’s ability and experience integrating with an external Subrogation vendor.

Describe Bidder’s experience and ability to apply qualification criteria provided by the Subrogation vendor to capture claims for review by the vendor.

Describe in detail Bidder’s system capabilities and available processes for integration with an external Subrogation vendor to allow initial claim review to determine if the claim shall be further researched or handled by Subrogation vendor or released for adjudication.

Describe Bidder’s capabilities in easily identifying claims suspended for Subrogation review; include ability to monitor the amount of time a claim is suspended.

Describe ability and standard processes for ensuring claims that are suspended for Subrogation review and handled timely in accordance with state, federal and EGID regulations.

Describe Bidder’s ability and experience denying claims, in whole or part, based on determination of Subrogation findings.

Describe Bidder’s standard reporting available for Subrogation claims; include details on Bidder’s ability to provide reporting as required by this Contract.

* + - 1. Pharmacy
         1. Describe in detail Bidder’s ability and experience transmitting to a Pharmacy Benefits Manager (PBM) in real time, health deductible and out-of-pocket maximum information on each HealthChoice HDHP participant.
         2. Describe in detail Bidder’s ability and experience to accept from the PBM in real-time, pharmacy accumulation information for integration of health and pharmacy deductible, copayment and out-of-pocket information.
      2. Claim Submission
         1. Provide details about Bidder’s offerings of user-friendly, industry standard, HIPAA-compliant online claim submission portal to both health and dental providers at no cost to the provider.
         2. Describe in detail how Bidder handles claim submissions not billed on industry standard forms, including claims for services incurred outside of the United States.
      3. Imaging
         1. Describe your integrated imaging platform; include details around integration with Bidder’s claims system and other systems in support Contract requirements and any known limitations.

Provide a detailed description of Bidder’s front-end imaging processes, as well as all back-end processes, in support of Contract requirements.

Provide, in detail, imaging system capabilities to index, query and allow access to correspondence, images, and files in accordance with Contract requirements; describe Bidder’s ability and controls to ensure EGID’s data files are separately maintained and secure.

Provide Bidder’s ability to ensure electronically submitted files or documents are made available in a human-readable format, such as, but not limited to, HIPAA 837 transaction detail.

* + - 1. Claims Processing/Adjustments
         1. Describe in detail Bidder’s ability to process claims by utilizing code sets such as those listed below; include any known limitations.

Current Procedural Terminology (CPT);

Healthcare Common Procedure Coding System (HCPCS);

American Society of Anesthesiologists (ASA);

International Classification of Diseases;

Medicare Severity-Diagnosis Related Group (MS-DRG);

Medicare Severity-Diagnosis Related Group-Long Term Care Hospital (MS-DRG-LTCH) grouping;

American Dental Association (ADA); and

Revenue Codes.

* + - * 1. Describe in detail all methods available, such as TIN, NPI, address or address segment, EDI loop number, claim form box number, etc. to confirm that network providers receive network benefits.
        2. Describe systemic way in which a claim is assigned a number.
        3. Describe how claim adjustments are tied back to prior versions of the claim.
        4. Describe how a payment made on an original claim or any sequential adjustment is applied and tracked through each subsequent adjustment.
        5. Describe Bidder’s ability to capture, identify and/or assign place of service for application of fee schedule, pricing and benefits.
        6. Describe in detail any edits or validation checks that are applied prior to a claim being accepted into Bidder’s system; provide the vendor or software utilized.
        7. Describe in detail the sequence of steps each electronic claim(s) moves through in the adjudication system process from time it is received to when an EOB and Provider Remittance Advice (RA) are sent; describe in detail each step and provide a flow chart for reference.
        8. Describe in detail the front-end process for paper claims from the time the claim is received to the point in which it merges with processes outlined in H.4.5.8.8 above.
        9. in detail the Bidder’s system capabilities to administer the limiting charge of the allowed amount for non-Network Medicare providers.
        10. Describe in detail Bidder’s experience and ability to perform pre-payment audits including communication to providers of any edits, denials or bundling. Include the vendor(s) used, if any, and standard timeframe.

Provide Bidder’s standard communication to provider(s); include in detail Bidder’s customization abilities and any known limitations.

* + - * 1. Provide Bidder’s process for adjudicating, generating and distributing medical and dental pre-determinations; include an example or template of each.
        2. Describe in detail Bidder’s ability and experience administering Life Claims.
      1. Editing, Bundling and Grouping
         1. Describe Bidder’s claims editing system; provide vendor name, version, frequency of updates, testing processes, production release schedules and customization abilities including, but not limited to, provider specialty, place of service, frequency, procedure code, and modifier.
         2. Describe Bidder’s solution for provider’s visibility into all claim edits utilized.
         3. Describe in detail Bidder’s MS-DRG and MS-DRG-LTCH grouper software and how Bidder will test all changes for either a fee schedule update or a methodology change. Describe Bidder’s ability to implement varying reimbursement methodologies (e.g. home health care prospective payment system) and the testing process for implementing such changes.
         4. Describe Bidder’s dental claims editing system; provide vendor name, version, frequency of updates, testing processes, production release schedules and customization abilities including, but not limited to, tooth history, frequency, and orthodontic.
      2. EOB/RA
         1. Provide Bidder’s standard health, dental and life EOB (both paper and electronic); include in detail Bidder’s customization abilities and any known limitations.
         2. Provide Bidder’s standard health and dental RA (both paper and electronic); include in detail Bidder’s customization abilities and any known limitations.
         3. Provide Bidder’s ability and experience combining, at the request of a provider, remittance information into a single RA for all participating NPI under one TIN.
         4. Provide Bidder’s process and timeline(s) for generating and sending an EOB and RA upon request.
      3. Claims Pricing and Payment
         1. Provide Bidder’s standard processes and layouts for fee schedule management; describe Bidder’s standard timeline for fee schedule modifications.

Provide Bidder’s standard process for testing, implementing and auditing fee schedules and/or updates to fee schedules; define audit parameters.

Include details on which parts of each process(es) are automated versus manual; include any known limitations.

* + - * 1. Describe in detail Bidders experience and standard processes for interfacing and ingesting fee schedules received from and managed by an external source(s).

Describe Bidder’s experience and abilities to administer fee schedules in accordance with this Contract; include any known limitations.

Provide details about Bidder’s specific experience maintaining separate, accurate client-specific proprietary fee schedules.

* + - * 1. Describe Bidder’s experience and system capabilities to price and pay claims using various business models including, but not limited to:

Groups of providers with multiple locations using the same TIN;

Same type 2 NPI number, but different Type 1 NPI numbers, where the TIN and type 2 NPI is contracted (in-Network) but individual providers may be contracted under other TIN;

Telehealth services and claims;

Specific specialties are assigned specific fee schedules, benefit structure, and/or receive a reduction on specific services;

Specific license types are assigned specific fee schedules, benefit structure, and/or receive a reduction on specific services.

Specific specialties are assigned “lessor of” payment criteria, where others do not.

Provide any other unique criteria or methodologies used by Bidder; as well as any known limitations with each.

* + - * 1. Describe the procedures Bidder uses to administer benefits based upon Tax Identification Number (TIN), National Provider Identification (NPI) and/or specialty;

Provide the provider matching and mapping logic, box numbers and 837 HIPAA transaction loop details that are used through the adjudication process beginning with receipt of the claim.

* + - * 1. Describe in detail ability and processes to issue payment to an “alternate payee”. (e.g. reimbursement to beneficiaries for Life claims, other insurance carriers and Medicaid claims).
        2. Describe Bidder’s experience and ability to administer fee negotiation services in accordance with this Contract.

Provide standard processes and ability for customization and any known limitations, include details, where applicable, on vendor, system/software, integration capabilities, etc.

* + - * 1. EGID shall be responsible for funding all HealthChoice claims but will not establish bank account(s) outside of the Oklahoma State Treasury; and therefore, will not establish a bank account with the Supplier or its banking institution. EGID supports the ability for a Supplier to issue payments against EGID’s bank account with the State Treasury, or through the Supplier’s bank account. EGID will fund the State Treasury account or wire funds to the Supplier accordingly (some processes and requirements vary depending on the elected funding process).

Describe Bidder’s experience and ability to administer payments against EGID’s bank account with State Treasury in accordance with Contract requirements and specifications.

Include Bidder’s experience, processes and capabilities for handling voided, canceled and/or stale dated checks/payment(s).

Describe Bidder’s experience and ability to administer payments through Bidder’s bank account in accordance with Contract requirements and specification.

Include Bidder’s experience, processes and capabilities for handling voided, canceled and/or stale dated checks/payment(s).

Describe Bidder’s standard reconciliation process and provide reconciliation file/reporting with noted ability for customization; include any known limitations.

Describe Bidder’s experience, processes and ability to collect and maintain banking information to facilitate payments.

Where/if applicable, differentiate based on funding solutions offered above.

Describe in detail Bidder’s integrated payment platform or solution for handling all accounts payable activities in accordance with this Contract, including the ability to accommodate the below (where/if applicable, differentiate based on funding solutions offered above):

Provide end-to-end transaction workflow tracking and reconciliation;

Provide EGID the ability to access and view transaction workflows and reporting within the platform or system;

Provide automated and accurate reporting in accordance with EGID report matrix (see section 3.9 Reporting);

Provide EGID the ability to run adhoc reporting;

Provide easy enrollment solutions, and customer service assistance to both network and non-Network providers and members;

Securely maintain accurate updated information and payment preferences;

Offer both network and non-Network providers and members the option for Electronic Fund Transfer (EFT) in lieu of paper checks;

Provide balanced, detailed and HIPAA compliant 835 transactions;

Provide online portal access to network and non-Network providers and members to update payment information and preference.

Describe Bidder’s standard Escheatment process(es); include ability, knowledge and experience with Oklahoma statute requirements for medical, dental and life claim requirements.

Where/if applicable, differentiate based on funding solutions offered above.

Describe Bidder’s experience and ability to produce and mail, within thirty (30) calendar days following the end of the calendar year, the Federal Tax 1099s to all network and non-Network providers in accordance with Contract requirements.

Where/if applicable, differentiate based on funding solutions offered above.

* + - 1. Overpayments and Recovery
         1. Describe in detail Bidder’s standard overpayment and recovery process from the time an overpayment is identified through final settlement, including Bidder’s Accounts Receivable system capabilities to track, query and report overpayments. Provide Bidder’s ability to assign and categorize the reason for the overpayment and whether an overpayment is Bidder’s or EGID’s responsibility and track and report the age of each overpayment. Provide details about Bidder’s ability to customize the recovery process(es), procedure(s) and timelines.
         2. Describe Bidder’s experience and processes utilized in recovering overpayments identified but not settled by a client’s prior Third-Party Administrator (TPA).
         3. Describe Bidder’s ability to apply an immediate recoupment at a claim level, provider level or by adjustment type.
      2. Aged-Claim and Adjustment Inventory:
         1. Provide Bidder’s inventory management and reporting policies and procedures; define how Bidder categorizes claim inventory (e.g. “backlog” versus “pended”), include batch cycle procedures and pended claim status categories and descriptions, and describe ability to pull reporting or run queries within the system.
         2. Describe Bidder’s process to identify, calculate and pay interest, including how to track the number of days that qualify for internal and/or determine when the interest “clock” stops ticking.
      3. Disputed Claim Appeals
         1. Describe in detail Bidder’s standard policy and procedures for disputed claim appeals; provide details about Bidder’s ability to customize the disputed claim appeals process(es), procedure(s) and timelines.
         2. Describe Bidder’s ability to administer appeal services in accordance with Contract.

Include Bidder’s experience and ability to offer EGID access to an IRO network.

* + 1. Utilization Management (UM) and Certification
       1. Describe in detail Bidder’s experience and ability performing UM services; specifically, but not exclusively, include experience and ability with Mental Health and Substance Abuse services.
       2. Provide how the UM department is staffed, or is expected to be staffed, in support of Contract requirements; include a description of all positions as well qualifications and experience of UM staff.
       3. Describe Bidder’s experience coordinating with local health care resources for assistance with discharge planning and alternate levels of care.
       4. Describe in detail Bidder’s experience and ability performing certification reviews, as defined in this Contract; include the medical policies, clinical guidelines and criteria used; provide any vendor and/or system utilized to administer UM/certification services, and system functionality specifications; describe Bidder’s ability to customize criteria, as needed and at the recommendation of EGID.
       5. Describe the physician specialties represented in the review process; explain provider’s ability to request a peer-to-peer and/or access to Specialist.
       6. Based on Bidder’s experience and knowledge of industry practices and standards, provide EGID with feedback regarding the services that require review.
       7. Describe in detail Bidder’s ability to dedicate a unique build or instance of the UM/certification system to EGID and/or the ability for customization of the system; include known limitations and impacts of customizations to other clients or instances.
       8. Describe Bidder’s system capabilities and functionality, including but not limited to, ability and processes used to load member eligibility, flag Medicare-primary members, determine provider network status, flag non-eligible providers, program non-covered services, document interactions with members and providers, to identify and track cases with assigned penalty.
          1. Provide Bidder’s ability to make specific information or flags visible in a user-friendly, easily viewable format, in real-time, on the “home screen” of an account/case.
          2. Provide Bidder’s UM system’s change management processes and protocols.
       9. Describe the interface between the system providing the certification services and the system processing claims.
       10. Describe in detail Bidder’s standard policy and procedures for certification appeals; provide details about Bidder’s ability to customize the certification appeals process(es), procedure(s) and timelines.
       11. Provide the methods and functionality available for providers to submit a certification review request; for online or system processed submissions ensure details regarding system capabilities and functionality is included.
       12. Describe in detail Bidder’s experience and/or proposed process transitioning historical cases during implementation as a new vendor; include details for handling both open and closed cases, as well as historical notes and documentation.
    2. Systems and Data
       1. Describe Bidder’s system(s) and subsystems, or compilation of systems, that will be utilized in administering this contract (i.e. claims system, telecommunication system, imaging, etc.).
          1. Provide a comprehensive diagram documenting system integration/interface, including relevant subsystems.
          2. Provide a list of all systems, and subsystems, associated vendor, summary of service(s) managed through system, location (city and state) of the data center, date system was put into production, and current version with release date.
          3. Describe Bidder’s experience with each system.
          4. Describe in detail, for each system, if the system is internally maintained by the Bidder or externally maintained.
          5. Describe network infrastructure and redundancy for each system.
          6. Describe the information technology infrastructure monitoring process to include software tools and notifications of systems availability.
          7. Describe the hardware and software systems redundancy technologies such as Storage Area Network (SAN) replication and server clustering.
          8. Describe network connectivity redundant paths between all systems.
          9. Provide percent of down time that was experienced for each system last year. Provide what percent of downtime was scheduled versus unscheduled, as well as the average length of down time for unscheduled occurrences.
       2. Describe in detail how Bidder will manage all HIPAA transactions such as but not limited to: 834, 270/271, 820, 278, 835/837, etc.
       3. Provide the name of the Clearinghouses, or other EDI vendors with whom Bidder currently electronically transmits or receives data; the number of years Bidder has worked with the organization; the daily number of medical and dental claims accepted electronically by each, and types of claims.
    3. Data Warehouse
    4. Describe Bidder’s data warehouse solution and capabilities; include services offered in accordance with this contract.
    5. Provide confirmation and details of Bidder’s data warehouse integration capabilities and compatibility with modern platform providers.
    6. Fraud Waste and Abuse
       1. Describe the programs, services or solutions Bidder can provide to specifically target, detect and prevent Fraud Waste and Abuse (FWA) for medical and dental claims.
          1. Specify whether the solutions are pre- or post-payment audits, whether they are routinely scheduled, the frequency and sources of scheme definitions and updates, and the areas and schemes that they are designed to detect and prevent.
          2. Describe the processes in place to manage FWA referrals and complaints.
          3. Describe any data mining conducted to support FWA efforts.
    7. Reporting
       1. Describe Bidder’s reporting services offered to EGID, including systems, software’s and staff utilized for developing reports and data feeds to EGID in accordance with this contract.
       2. Describe Bidder’s adhoc reporting policies and procedures; include client request form and standard service level agreements.
       3. Describe Bidder’s quality control process and tools utilized to ensure quality, accurate information is shared with EGID.
    8. Quality Assurance
       1. Describe Bidder’s quality assurance department organization and staffing levels, qualifications, and experience
       2. Describe Bidder’s ability and experience with Change Management tools or software; include tools or best practices used with clients to identify and track operational, system, and programming issues.
       3. Describe Bidder’s ability and experience providing and/or coordinating with client on identified issues (e.g. system, program or claim processing) to ensure detailed and accurate reporting, root cause analysis and final action items are closed out properly and timely.
       4. Describe Bidder’s policies and processes to test, audit, and implement plan benefit and claim adjudication programming (both pre- and post- release). and the steps taken to ensure that programming is implemented timely and in accordance with client’s intent and expectations.
       5. Describe in detail Bidder’s experience with independent claim audit programs for financially stratified samples, targeted claim audits (e.g. benefit type, service type, specific adjuster or auto-adjudicated); describe Bidder’s ability and experience in providing payment incidence and financial accuracy results.
          1. Describe Bidder’s internal processes and procedures to determine the root cause of identified audit findings and pursue additional system programming, staff training, and any additional affected claims for adjustment
    9. External Audits
       1. Describe Bidder’s experience and ability to work collaboratively with external auditors, respond to questions, and implement remediation recommendations.
       2. Describe any limitations or restrictions of access by external auditors to Bidder’s personnel and/or (temporary) access to systems, records and files.
       3. Describe Bidder’s experience working with external auditors including:
          1. Financial auditors
          2. Claim auditors
          3. Operational auditors
          4. Credit balance recovery firms
          5. Others
    10. Disaster Recovery
        1. Briefly describe Bidder’s business recovery strategy to restore full business functionality in the event of a disruption in service or disaster including:
           1. Backup policies, procedures and storage;
           2. Fire suppression system and redundancies;
           3. Environmental controls and redundancies;
           4. Recovery provisions, Hot site/Cold site;
           5. Provide Bidder’s RTO/RFP metrics and results;
           6. Contingency plan if hardware is destroyed;
           7. Contingency test results;
           8. Provide how often Bidder’s Disaster Recovery capabilities and plan are tested, include success rate/metrics; and
           9. Describe Bidder’s policies and procedures to limit or prevent the transportation or storage of client data.
    11. Account Management
        1. Does Bidder anticipate any changes in the organization’s basic ownership structure or any other significant changes in the organization within the next twelve (12) to twenty-four (24) months? If yes, please explain.
        2. Describe Bidder’s organization, its history, legal structure, ownership, affiliations and related parties; provide an organizational chart and resume(s) of key personnel.
        3. Provide an organizational chart reflecting the specific account structure and departments anticipated to support this Contract; confirm positions dedicated to support for this Contract versus roles shared across accounts and, if known, provide the individuals filling each role.
    12. Performance
        1. Provide proposed percentage Bidder is willing to put at risk for each Performance Guarantee in Exhibit 10. Penalty will be applied as a percent reduction to the overall administrative fee.
    13. Implementation
        1. Describe Bidder’s organizational structure and team supporting project management activities and responsibilities; provide an organization chart for Bidder’s implementation department.
           1. Describe the responsibilities for each implementation team member, along with a chain of command for the implementation team.
        2. Describe Bidder’s typical or standard implementation process(es) and methodologies; provide implementation project template and supporting documents utilized for implementation.
           1. Describe Bidder’s experience and ability to accurately implement services described in this Contract.
           2. Provide your process for building and validating the Client Profile.
           3. Provide a copy of an implementation project plan that was used to implement a (similar) new client in 2020 or 2021.
        3. Confirm that the implementation team, including the Implementation Manager and implementation staff, will be solely dedicated to the implementation of this Contract. If not, please provide the number of other implementations/clients each member of the Implementation Team will be responsible for, along with the size of each additional implementation.
        4. Provide Bidder’s experience, if any, transitioning services from EGID’s current Supplier(s) to Bidder’s systems and account for similar services.
        5. Describe in detail Bidder’s experience and ability to handle “run-in” services, in which services outlined within the Contract were required for claims incurred prior to the Contract effective date.
           1. Define Bidder’s process(es) of receiving, loading, and adjudicating open claims inventory or backlog from previous vendor.
           2. Define Bidder’s process(es) for receiving, loading and handling open overpayments not fully resolved from previous vendor.
           3. Describe in detail the process of transitioning open certification information in a manner sufficient to process historical claims against the open certifications.
           4. Describe in detail the process of a previous effective conversion of claims data from another Supplier’s system to Bidder’s system in a manner sufficient to provide customer service, and perform claim adjustments where necessary for historical claims (e.g. claims incurred prior to Contract effective date).
           5. Describe in detail Bidder’s ability to move the programming of plan designs, benefits, provider network, pricing, etc. accurately from a test environment to a production environment.
        6. Describe Bidder’s experience with pre-implementation audits; include scope and average length of time to complete. Provide an example, if available.
           1. Describe process(es) for identifying and addressing identified deficiencies from the audit and how the project plan updated to accommodate resolution of findings.
        7. Describe Bidder’s experience with post-implementation audits; include scope and average length of time to complete. Provide an example, if available.
           1. Describe Bidder’s experience and ability with the requirements and scope defined in this Contract.
  1. Conflict
     1. Bidder shall disclose any apparent or potential conflict of interest or affirm that it has none. Bidder shall have no interest, direct or indirect, that could be perceived to conflict in any manner or degree with the performance of services required under this contract. Bidder shall not engage in any conduct that violates or induces others to violate provisions in the Oklahoma Statutes regarding the conduct of public employees. See, The Anti-Kickback Act of 1974 at 74 O.S. (2001), § 3401, et seq., and the Conflict of Interest provision in the Oklahoma Central Purchasing Act at 74 O. S. (2001), § 85.3.
     2. Any company that provides health insurance services or operates an HMO to the same, or part of the same, population as EGID is put on notice that EGID may consider this a conflict of interest.
  2. Lawsuits and Litigation
     1. Bidder must disclose, unless prohibited by securities laws, any prior lawsuits and litigation, violations of administrative rules and hearings, or any lawsuits and litigation threatened or impending, involving itself and the State of Oklahoma or any political subdivisions, and/or any state officer and/or any state employee acting in the capacity of a state employee. Bidder must disclose any settlements, compromises or Judgments of Record resulting from the foregoing described litigation or administrative proceedings for the past five (5) years or affirm there are none. If Bidder determines the aforementioned information to be confidential, it shall provide a statement of that fact.
     2. Bidder shall list and disclose contract cancellations or negligent causes of action that arose from work performed that is the same or similar to work identified in the Specifications in this solicitation that was initiated by persons or entities other than Bidder and resulted in a settlement with or judgment against the Bidder in any jurisdiction in the United States in an amount of One Hundred Thousand Dollars ($100,000) or more within the previous five (5) years, or affirm there are none.
     3. The Bidder shall disclose any data security breaches and specifically any HIPAA security breaches that were reported to any federal or state authority by the Bidder within the previous three (3) years.
     4. Bidder shall disclose if it has any past or pending investigation, legal actions, administrative actions, or matter subject to arbitration brought involving the Bidder’s (and Bidder’s parent firm if applicable), including any key management or executive staff, over the past three years on matters relating to payments from governmental entities, both federal and state, for healthcare and/or prescription drug services. The disclosure should include an explanation as well as the current status and or disposition.
  3. Additional Information
     1. HealthSCOPE Benefits (HSB) is the current third-party administrator for health, dental and life claims. HSB currently subcontracts with American Health Holdings (AHH) for utilization management/certification services and subcontracts with ECHO Health, Inc. (ECHO) as a payment vendor. CVS Caremark is the current Pharmacy Benefit Manager (PBM) for pharmacy claims administration. The law firm of McAfee & Taft provides subrogation services.

## Bid Packet Format

### **Section One: Cover Page**

* + - 1. Provide a dated cover page or transmittal letter that identifies the Solicitation and the Bidder and provides Bidder contact information.

### **Section Two: Required Forms, Certifications and Disclosures**

* + - 1. Completed “Responding Bidder Information” form set forth and accompanying required documentation.
      2. Completed “Certification for Competitive Bid and Contract” form.
      3. Bidder shall additionally provide in this section of its Bid, disclosure of (1) any public contract terminated by a governmental entity or suits or claims against the Bidder for failure to perform in connection with a public contract (including any company which a Bidder has merged with or acquired that will be performing services or providing products if awarded the Contract); (2) any contractual relationship or any other relevant contact with any State personnel or another Bidder or Supplier involved in the development of a Bidder’s response to the Solicitation; (3) the name of any officer, director or agent of the Bidder who is also an employee of the State or any of its agencies; (4) the name of any state employee who owns, directly or indirectly, an interest of five percent (5%) or more in the Bidder firm or any of its branches and (5) any activity or interest that conflicts or may conflict with the best interest of the State, including but not limited to any person or entity currently under contract with or seeking to do business with the State, its employees or any other third-party individual or entity awarded a contract with the State. Any conflict of interest shall, in the sole discretion of the State, be grounds for rejection of the Bid or partial or whole termination of the Contract.
      4. Certificate of Insurance and Workers’ Compensation form.
      5. Completed Vendor Payee form.
      6. Any information requested in connection with subcontractors a Bidder proposes to use in performance of the resulting contract.
      7. Signed Amendment(s), if any, located at the same online link as the Solicitation.
      8. The Bidder shall acknowledge agreement with each Amendment, if any, by inserting the Amendment in this section, signed by or on behalf of the Bidder.
    1. **Section Three: Bid Portions Requested to be Held Confidential**
       1. Any portion of the Bid that the Bidder requests be held confidential shall be listed in this section for independent review regarding confidentiality. For example: “the portion of Section 8 titled Member Satisfaction Survey”. However, the Bid should not be broken apart such that the information requested to be held confidential is only found in this section; rather, such content should be included in the Bid in applicable sections, for efficient evaluation.
       2. For each portion of the Bid listed as considered confidential, the Bidder must identify the specific information considered confidential and fully comply with OAC 260:115-3-9[[3]](#footnote-4) which additionally requires a Bidder to enumerate the specific grounds, based on applicable laws which support treatment of the information as exempt from disclosure and explain why disclosure is not in the best interest of the public.
       3. A Bid marked in total, as proprietary and/or confidential shall not be considered confidential. Likewise, unless specifically referenced otherwise, resumes, pricing, marketing materials, business references, Voluntary Product Accessibility Templates, additional terms proposed by a Bidder and subcontractor information are not confidential and are not exempt from disclosure under the Oklahoma Open Records Act. The foregoing list is intended to address information often marked confidential that is not exempt from disclosure and is not an exhaustive list.
       4. **ANY INFORMATION MARKED AS CONFIDENTIAL AND EMBODIED ELSEWHERE IN A BID RATHER THAN LISTED IN THIS SECTION OF THE BID PACKET WILL NOT BE CONSIDERED CONFIDENTIAL AND WILL BE SUBJECT TO DISCLOSURE WITHOUT FURTHER REVIEW. THE STATE HAS NO RESPONSIBILITY TO INDEPENDENTLY REVIEW AN ENTIRE BID FOR A CONFIDENTIALITY CLAIM. LIKEWISE, CONFIDENTIALITY CLAIMS OF A BIDDER WILL NOT BE CONSIDERED IF A BID DOES NOT COMPLY WITH REQUIREMENTS OF OAC 260:115-3-9 AND THE INFORMATION WILL BE SUBJECT TO DISCLOSURE PURSUANT TO STATE LAW**.
    2. **Section Four: Requested Exceptions to Terms**
       1. Any requested exception or revision to terms or conditions provided by the State shall be inserted in this section using the table provided at the end of these Bidder Instructions. If no exceptions or revisions are requested, the Bid should reflect that by either submitting the table with no additions to it or by inserting a page to denote this section is not applicable. Each requested exception or revision shall identify (i) the document and section reference of the specific affected term and (ii) either that the term is inapplicable and should be intentionally omitted or offer alternative language if the Bidder is requesting revision of the term. Some examples are provided on the table for illustrative purposes only and, if not deleted in a submitted Bid, will be disregarded.
       2. Use tracked changes to propose alternative language, added language or other revision. Requests not shown as tracked changes may be returned to the Bidder for compliance with this requirement and review will be delayed as a result.
       3. Each entry on the exceptions table must reference only one subsection or section (if there are no subsections). Including multiple subsections in one entry may result in the table being returned to the Bidder for compliance with this requirement and review will be delayed as a result.
       4. A clarification question is not an exception and any clarification included in this section will be disregarded.
       5. If the Bid contains a copy of **master** terms between the Bidder and the State that the Bidder believes are applicable to the Acquisition, the Bidder need not take exceptions to the General Terms; however, the remainder of terms and contents of a document provided by the State including, without limitation, all attachments, appendices and exhibits remain applicable and are not supplanted by such master terms. Therefore, any exception to terms in the Solicitation or any other document related to the Acquisition, other than General Terms, must be included in this section as an exception.
       6. **THE STATE HAS NO RESPONSIBILITY TO INDEPENDENTLY REVIEW AN ENTIRE BID FOR EXCEPTIONS AND ANY EXCEPTION EMBODIED IN ANOTHER SECTION OF THE BID OR IN A FORMAT OTHER THAN THE PROVIDED TABLE WILL NOT BE CONSIDERED. LIKEWISE, AN EXCEPTION EXPRESSING ONLY GENERAL DISAGREEMENT WITH A TERM OR A GENERAL EXCEPTION TO ANY STATE TERMS OR CONDITIONS, WITHOUT SUGGESTED ALTERNATIVE WORDING OR IDENTIFYING THAT THE TERM SHOULD BE INTENTIONALLY OMITTED, WILL NOT BE CONSIDERED.**

### **Section Five: Additional Bidder Terms**

Any additional terms that the Bidder requests be applicable to the Contract shall be inserted in this section and shall be provided in Word format**. THE STATE HAS NO RESPONSIBILITY TO INDEPENDENTLY REVIEW AN ENTIRE BID FOR ADDITIONAL TERMS AND ANY SUCH TERMS NOT SUBMITTED IN THIS SECTION OF THE BID SHALL NOT BE CONSIDERED.** Should a Bidder be awarded a Contract, neither the State nor a customer shall be required to execute additional documents not included in a Bid. For example, if a Bidder typically uses an ordering document in connection with an acquisition, the ordering document template shall be included in the Bid.

### **Section Six: Master Terms between Bidder and State**

A copy of any master terms, mutually executed by the Bidder and the State, that the Bidder believes are applicable to the Acquisition shall be inserted in this section. Any master terms not submitted in this section of the Bid shall not be considered.

* + 1. **Section Seven: Executive Summary**

The Bidder’s executive summary shall be inserted in this section. Marketing information, general company information and other similar information should be included in the executive summary. Avoid duplication of such information in other sections of the Bid; it unnecessarily lengthens the Bid and hinders efficient evaluation.

* + 1. **Section Eight: Response to Specifications and Requirements**
       1. The portion of the Bid to be inserted in this section shows the ability of the Bidder to meet or exceed any Acquisition specifications and requirements.
       2. If an information technology VPAT is required, the URL link to the Bidder’s VPAT shall be inserted in this section at a Bid Packet page referencing the VPAT.
       3. If an information technology Security Certification and Accreditation Assessment is required, the completed Assessment shall be inserted in this section at a Bid Packet page referencing the Security Accreditation Assessment. The Assessment is located online at <https://omes.ok.gov/sites/g/files/gmc316/f/SecurityCertification-R_0.xlsx>.
       4. If service level agreements are required, the proposed service level agreements shall be inserted in this section at a Bid Packet page referencing the proposed Service Level Agreements.
       5. If a Statement of Work is required, the proposed draft shall be inserted in this section at a Bid Packet page referencing the proposed Statement of Work.

### **Section Nine: Pricing**

Pricing associated with the Bid shall be inserted in this section and shall be in the required structure set forth above in Subsection H.2., if any.

### **Section Ten: Offer of Value-Added Products and/or Services**

If a Bid includes an offer of value-added products and/or services, such offer shall be inserted in this section and include associated pricing and any other information relevant to such value-added offer. However, the State is not obligated to purchase value-added products or services.

### **Section Eleven: Financial Information**

Any required financial and associated information shall be inserted in this section.

### **Section Twelve: Business References**

Any required business references and associated information shall be inserted in this section.

### **Section Thirteen: Additional Company Information**

Any required additional company information shall be inserted in this section.

### **Section Fourteen: Third Party Vendor Information**

Any required additional third-party vendor information shall be inserted in this section.

# Submission of Bid

## IT IS THE BIDDER’S SOLE RESPONSIBILITY TO SUBMIT INFORMATION IN THE BID AS REQUESTED AND IN COMPLIANCE WITH THE OKLAHOMA CENTRAL PURCHASING ACT AND ASSOCIATED OAC TITLE 260 RULES[[4]](#footnote-5) INCLUDING WITHOUT LIMITATION OAC 260:115-3-7 AND 260:115-3-11[[5]](#footnote-6). A submitted Bid is rendered as a legal offer and is required to be in strict conformity with these Bidder Instructions.

## A Bid shall be submitted via email solely to [OMESCPeBID@omes.ok.gov](mailto:OMESCPeBID@omes.ok.gov). Please note that it is possible a Bidder’s email system may have limitations on the size of outgoing email attachments and plan accordingly for the entire Bid to be received by the Bid Response Due Date and Time. A Bid emailed directly to or cc’d to the Contracting Officer will not be reviewed by the Contracting Officer. In person, commercial carrier or facsimile submittals shall not be accepted. The subject line of the email Bid shall contain the following: Attention: [insert Contracting Officer name]; Solicitation Number and Bid Response Due Date and Time. The State is not responsible for incorrect link information or its inability to access a submitted Bid. Receipt of a Bid will generate an automatic notice that the Bid is received; if a Bidder believes a Bid has been sent but has not received a notice of receipt, the Bidder should contact the Contracting Officer at the email or phone number shown on the Bidder Instructions Cover Page. Receipt of the Bid by the State is the responsibility of the Bidder.

## Unless otherwise specified in the Solicitation, (i) manufacturers’ names, brand names, information, and/or catalog numbers listed in a specification are for informational purposes and not intended to limit competition and (ii) a Bidder may offer any brand for which it is an authorized representative, which meets or exceeds the specification for any item(s). Bidder shall offer new items of current design and technology unless the State specifies older models or versions, or used, reconditioned, or remanufactured products are acceptable. Warranties in either case should be the same. However, if a Bid is based on equivalent products, the Bid is required to state the manufacturer’s name and number. The Bid shall also explain in detail how the proposed equivalent will meet the specifications and not be considered an exception thereto.

## Reference to literature submitted with a previous Bid shall not satisfy a specification or requirement associated with the present Bid. Any previous solicitation or resultant contract shall not be depended upon, perceived or interpreted to have any relevance to the present Bid.

## Bids shall remain a firm offer for a minimum of one hundred twenty (120) days after the Bid Response Due Date. Any usage amounts provided by the State are estimates and are not guaranteed to be purchased.

* 1. Unless specified otherwise, a Bidder shall submit a firm, fixed price for the term, including optional renewal terms, of the Contract. The Bidder guarantees unit prices to be correct. In accordance with 74 O.S. § 85.40, all travel expenses to be incurred by Supplier in performance of the Contract shall be included in the total Bid price.
  2. Travel expenses include, but are not limited to, transportation, lodging and meals. Examples of other miscellaneous travel expenses are referenced in § 10.14 of the Statewide Accounting Manual[[6]](#footnote-7).

## A Bid containing early payment discounts may be evaluated when making an award. If a Bidder wishes to offer an early payment discount, the Bid must include available discount percentages for no less than ten (10) days payment, increasing in five (5) day increments up to thirty (30) days. The discount percentages shall be expressed in a half or whole percentage, with the minimum discount percentage being 0.5%. The State is not obligated to utilize an offered discount.

## All costs incurred by the Bidder for Bid preparation and participation shall be the sole responsibility of the Bidder and the Bidder shall not be reimbursed for any such costs. By submitting a Bid, Bidder agrees not to make any claims for damages or have any rights to damages in connection with the Bid.

## For consistency of contract structure, certain State terms may be marked “Intentionally Omitted.” If so, no response is expected.

## After review of a Bidder's submitted documents and information, the State may require additional terms for an Acquisition in which State or citizen data will be accessed, processed, stored or transmitted by a Supplier.

## Each Bid is required to include relevant information for a designated contact to receive notice, approvals and requests.

# Bid Withdrawal, Bid Change and Alternate Bid

## Except as authorized by the State Purchasing Director after proof by the Bidder that a significant error by the Bidder exists in the Bid, a Bid may not be withdrawn after the Bid Response Due Date and Time. If the Bidder wishes to withdraw a Bid prior to the Bid Response Due Date and Time, the Bidder shall submit a written withdrawal request to the State Purchasing Director in accordance with OAC 260:115-3-13[[7]](#footnote-8) at the email address listed in Section I above.

## Except as requested by the State, a Bid may not be changed after the Bid Response Due Date and Time. If the Bidder needs to change a submitted Bid prior to the Bid Response Due Date and Time, the Bidder shall withdraw the originally submitted Bid and a new Bid shall be submitted to the State by the Bid Response Due Date and Time in accordance with Section I and include the following statement on the superseding Bid cover page: “THIS BID SUPERSEDES THE BID PREVIOUSLY SUBMITTED” AND “SUPERSEDING BID” MUST APPEAR IN THE SUBJECT LINE OF THE EMAIL.

## A Bidder may submit one or more Alternate Bids. Any Alternate Bid submitted shall be a complete Bid and shall be clearly identified as an Alternate Bid in the subject line of the email. If more than one Alternate Bid is submitted, the identification in the email subject line shall refer to Alternate Bid 1, Alternate Bid 2, etc.

# Bid Rejection

## The Bidder’s failure to submit required information may cause its Bid to be rejected. Additionally, a Bid received after the Bid Response Due Date and Time SHALL BE DEEMED NON-RESPONSIVE AND SHALL NOT BE CONSIDERED unless the State Purchasing Director has authorized acceptance of Bids due to a significant error or incident that occurred which affected the receipt of a Bid[[8]](#footnote-9). Failure to comply with these Bidder Instructions may result in the Bid being disqualified from evaluation.

## A Bid may be rejected when the Bidder imposes terms or conditions that would modify requirements. Other possible reasons for rejection of Bids are listed in OAC 260:115-3-5 and 260:115-7-32(h)[[9]](#footnote-10).

## Attempts to impose unacceptable conditions on the State or impose alternative terms not in the best interest of the State may result in rejection of the Bid even if initially determined to be responsive or the State may cease any negotiations regarding the Bid.

## Whenever the terms “shall”, “must”, “will”, or “is required” are used, the specification being referred to is a mandatory specification. Failure to meet any mandatory specification may cause rejection of a Bid.

## Whenever the terms “can”, “may”, or “should” are used, the specification being referred to is a desirable item and failure to provide any item so termed shall not be cause for rejection of a Bid.

# Bid Public Opening

There will be no physical Bid openings. A public Bid opening, which will disclose the name of each Bidder and no further information, will be conducted on a per request basis via Zoom or Microsoft Teams, provided the Contracting Officer receives a written request no later than forty-eight (48) hours prior to the Bid Response Due Date and Time. Zoom or Teams information will be provided to anyone requesting a public Bid Opening.

# Evaluation

## A responsive Bid will proceed to the evaluation process. Unless the Solicitation specifies that “best value” criteria will be used to determine award, Bids shall be evaluated on “lowest and best” criteria.

## Pursuant to OAC 260:115-7-32, Bidder past performance as a Supplier may be considered when evaluating a Bid.

## Pursuant to 74 O.S. § 85.44E, a Bid submitted by a service-disabled veteran business that does business in Oklahoma or maintains an Oklahoma office or place of business will be given a three-percentage point bonus preference in scoring the Bid.

## The State reserves the right to require demonstrations, clarifications and additional documentation from any or all responding Bidders. Each Bidder should be prepared to participate in oral presentations and demonstrations to define the Bid, to introduce the Bidder’s team and to respond to questions regarding the Bid prior to award.

# Competitive Negotiations of Offers

## The State reserves the right to negotiate with none or one or more Bidders responding to the Solicitation and may negotiate any or all content of the Bid to obtain the best value for the State. Negotiations may be conducted in person, in writing or by electronic means and shall only be conducted with potentially acceptable Bids.

## Negotiations could entail discussions on products, services, pricing, contract terminology or any other issue material to an award decision or that may mitigate the State’s risks. The State shall consider all issues arising from the Bid to be negotiable and will not be artificially constrained by Bidder internal corporate policies. Firms that contend a lack of flexibility because of corporate policy on a particular negotiation item shall face a significant disadvantage and may not be considered.

## In the event of prolonged contract negotiations due to the number and/or significance of exceptions taken, lack of Bidder responsiveness or other failure to close contract negotiations, the State may, in its discretion, offer a successful Bidder a shorter contract term.

## Terms, conditions, prices, methodology, or other features of the Bid may be subject to negotiations and subsequent revision. As part of the negotiations, the Bidder may be required to submit supporting financial, pricing, and other data in order to allow a detailed evaluation of the feasibility, reasonableness, and acceptability of the Bid.

## Requirements and any terms marked as non-negotiable after the section title shall not be negotiable and shall remain unchanged unless the State determines that a change in such requirements or terms is in the best interest of the State.

## The State may request a BAFO and shall determine the scope and subject of any BAFO request. However, the Bidder should not expect an opportunity to otherwise strengthen its Bid and should submit its best Bid based on requirements herein. Any information offered outside the scope of the BAFO request will be disregarded.

# Award of Contract

## The State may award the contract to more than one Bidder by awarding the contract(s) by item or groups of items or may award the contract on an all or none basis, whichever is deemed to be in the best interest of the State.

## In order to receive an award or payments from the State, a Bidder must be registered as both a Bidder and as a Supplier and must maintain the registration prior to any Contract renewal term. The registration process may be completed electronically at the following link: <https://omes.ok.gov/services/purchasing/vendor-registration>.

## Pursuant to Oklahoma Attorney General Opinion No. 06-23, any Bidder that has assisted in preparing the Solicitation or developing the procurement terms, either directly or indirectly, is precluded from being awarded the Contract or from securing a sub-contractor that has provided such services.

## Prior to award, the State may choose to request information from the Bidder to demonstrate its financial status and performance. If the Bidder is a subsidiary of another entity, the last three years audited financial statements of three years tax returns for the parent company may also be required. The State reserves the right, in its sole discretion, to determine a Bidder’s financial status and to withhold award to a Bidder who is not deemed financially responsible.

## A notice of award may be in the form of a purchase order or other payment mechanism or in the form of a mutually executed contract.

BID PACKET SECTION FOUR: REQUESTED EXCEPTIONS TO TERMS

SOLICITATION NO. 0900000478

|  | |
| --- | --- |
| Term & Section | Language |
| General Terms, Pricing  (Section 5.2, pg. 7)  EXAMPLE | Section 5.2 is deleted in its entirety and replaced with the following:  Pursuant to 74 O.S. § 85.40, all travel expenses of Supplier must be included in the total Acquisition price. Travel expenses include, but are not limited to, lodging, transportation and meal expenses. |
| Information Technology Terms, Appendix 1, Data Security  (Section B.2, pg. 12)  EXAMPLE | Section B.2 shall be modified to add the following:  Customer is responsible for Personal Data encryption when solely in the Customer’s possession. |
| Information Technology Terms, Source Code Escrow  (Section 9, pg. 5)  EXAMPLE | Section 9 is deleted in its entirety. |
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1. Amendments may change the Bid Response Due Date (read “Amendments” in these Bidder Instructions) [↑](#footnote-ref-2)
2. OAC 260:115-3-9 is located at

   <http://www.oar.state.ok.us/oar/codedoc02.nsf/frmMain?OpenFrameSet&Frame=Main&Src=_75tnm2shfcdnm8pb4dthj0chedppmcbq8dtmmak31ctijujrgcln50ob7ckj42tbkdt374obdcli00> [↑](#footnote-ref-3)
3. OAC 260:115-3-9 is located at

   <http://www.oar.state.ok.us/oar/codedoc02.nsf/frmMain?OpenFrameSet&Frame=Main&Src=_75tnm2shfcdnm8pb4dthj0chedppmcbq8dtmmak31ctijujrgcln50ob7ckj42tbkdt374obdcli00> [↑](#footnote-ref-4)
4. Oklahoma Administrative Code Title 260, Chapter 115 is located at <http://www.oar.state.ok.us/oar/codedoc02.nsf/frmMain?OpenFrameSet&Frame=Main&Src=_75tnm2shfcdnm8pb4dthj0chedppmcbq8dtmmak31ctijujrgcln50ob7ckj42tbkdt374obdcli00> [↑](#footnote-ref-5)
5. OAC 260:115-3-7 and OAC 260:115-3-11 are located at <http://www.oar.state.ok.us/oar/codedoc02.nsf/frmMain?OpenFrameSet&Frame=Main&Src=_75tnm2shfcdnm8pb4dthj0chedppmcbq8dtmmak31ctijujrgcln50ob7ckj42tbkdt374obdcli00> [↑](#footnote-ref-6)
6. Statewide Accounting Manual is located at <https://omes.ok.gov/sites/g/files/gmc316/f/StatewideAccountingManual.pdf>. [↑](#footnote-ref-7)
7. OAC 260:115-3-13 is located at <http://www.oar.state.ok.us/oar/codedoc02.nsf/frmMain?OpenFrameSet&Frame=Main&Src=_75tnm2shfcdnm8pb4dthj0chedppmcbq8dtmmak31ctijujrgcln50ob7ckj42tbkdt374obdcli00> [↑](#footnote-ref-8)
8. OAC 260:115-3-11 [↑](#footnote-ref-9)
9. OAC 260:115-3-5 and 260:115-7-32 is located at:

   <http://www.oar.state.ok.us/oar/codedoc02.nsf/frmMain?OpenFrameSet&Frame=Main&Src=_75tnm2shfcdnm8pb4dthj0chedppmcbq8dtmmak31ctijujrgcln50ob7ckj42tbkdt374obdcli00_> [↑](#footnote-ref-10)