

## STATE OF OREGON



### COVER PAGE

Department of Administrative Services, Enterprise Goods and Services,  
Procurement Services (DAS PS), on behalf of the Oregon Health Authority  
(OHA or Agency)

### **RFP TITLE: ALL PAYER CLAIMS DATABASE (APCD) SOLUTION AND RELATED SERVICES**

Request for Proposal (RFP)

**#DASPS-1569-19**

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## SECTION 1: GENERAL INFORMATION

### 1.1 INTRODUCTION

The State of Oregon, acting by and through the Department of Administrative Services, Enterprise Goods and Services, Procurement Services (DAS PS) on behalf of the Oregon Health Authority (OHA or Agency), is issuing this Request for Proposal (RFP) to procure a Solution for All Payer All Claims program (APAC) which includes, but is not limited to: All Payer Claims Database (APCD); migrating the existing data from the current data platform to a new proposed data management platform; ongoing services for secure and streamlined data collection and aggregation, enhancement, and quality assurance; providing data access and reports to approved users, and optimizing data.

**Agency does not intend for a Proposer to build a new technology Solution.**

The Solution may be either:

- Category 1: non-cloud, configurable (COTS), hosted by the Contractor at the State Data Center or hosted by the Contractor at the Contractor's premises or
- Category 2: a configurable (SaaS) Solution. Software as a Service (SaaS) refers to a subscription-based services model in which the Contractor bears all responsibility for supporting the Solution, including hardware and software. SaaS may or may not be hosted in the cloud. SaaS could be hosted at the Contractor's premises. However, some Solutions that are hosted in the cloud are not subscription-based and would not be considered SaaS.

Additional details on the Scope of the goods or services or both are included in the Scope of Work/Specifications section.

Proposer may submit a Proposal for one or both delivery options as long as the proposed Solution meets the requirements identified in this RFP.

**NOTE:** A Proposer who offers and would like the State to evaluate both types of Solutions must submit a separate Proposal for each category.

DAS PS anticipates the award of one (1) Contract as a result of this RFP. The initial term of the Contract begins on the Effective Date and is anticipated to terminate five (5) years from Final Acceptance with options to renew.

### 1.2 SCHEDULE

The table below represents a tentative schedule of events. All times are listed in Pacific Time. All dates listed are subject to change. N/A denotes that event is not applicable to this RFP.

Event	Date	Time
Pre-Proposal Conference	11/21/19	1:00 PM PT
Questions / Requests for Clarification/Protests Due	12/4/19	1:00 PM PT
Answers to Questions / Requests for Clarification/Protests Issued (approx.)	12/11/19	
Closing (Proposal Due)	12/31/19	1:00 PM PT
Presentations, Demonstrations, or Interviews (approx.)	2/17/20-2/20/20	
Issuance of Notice of Intent to Award (approx.)	2/20/20	
Award Protest Period Ends	7 calendar days after Notice of Intent to Award	

### 1.3 SINGLE POINT OF CONTACT (SPC)

The SPC for this RFP is identified on the Cover Page, along with the SPC’s contact information. Proposer shall direct all communications related to any provision of the RFP only to the SPC, whether about the technical requirements of the RFP, contractual requirements, the RFP process, or any other provision.

## SECTION 2: AUTHORITY, OVERVIEW, AND SCOPE

### 2.1 AUTHORITY AND METHOD

DAS PS is issuing this RFP pursuant to its authority under ORS 279A.050(2).

DAS PS is using the Competitive Sealed Proposal method, pursuant to ORS 279B.060 and OAR 125-247-0260. DAS PS may use a combination of the methods for Competitive Sealed Proposals, including optional procedures: a) Competitive Range; b) Discussions and Revised Proposals; c) Revised Rounds of Negotiations; d) Negotiations; e) Best and Final Offers; and f) Multistep Sealed Proposals.

### 2.2 DEFINITION OF TERMS

#### 2.2.1 General Definitions

For the purposes of this RFP, capitalized words are defined in OAR 125-246-0110 or as defined below.

#### 2.2.2 Project-Specific Definitions

Attachment H provides a list of Project-Specific Definitions.

## 2.3 OVERVIEW AND PURPOSE

### 2.3.1 Agency Overview and Background

In 2009, the Oregon State Legislature passed House Bill 2009 which created the Oregon Health Authority (OHA) to stem the rising costs of healthcare, improve healthcare quality, and promote good health and health care access for every Oregonian. As a state agency, OHA oversees most of the State's health-related programs including the Public Health Division, the state's Medicaid and CHIP programs, and employee benefits. OHA is overseen by the nine-member citizen Oregon Health Policy Board working toward comprehensive health and health care reform in our state.

Operating administratively within OHA, the Office of Health Analytics manages the All Payer All Claims program (APAC) as well as a number of other health care databases. The Office of Health Analytics also conducts policy analysis, research and evaluation, and provides technical assistance to support health reform planning and implementation in Oregon.

### 2.3.2 Project Overview and Background

Oregon's All-Payer Claims Database (APCD) is a large-scale database that systematically collects and stores medical claims, pharmacy claims, subscriber billed premiums, member eligibility, and provider data from commercial health plans, licensed third party administrators, pharmacy benefit managers, Medicaid and Medicare. In addition, APCD collects and stores information on alternative payment methodologies from certain health plans.

Currently eighteen states have, or are implementing, a state-based APCD.

APAC was created by the same legislation which established the OHA – House Bill 2009, codified as ORS 413.032. This law directed the newly formed agency to establish and operate the APAC program in order to measure the quality, quantity, and value of health care in Oregon, and gave OHA the authority to require payers, both public and private, to provide individual-level claims data for health services paid on behalf of enrollees. The enabling legislation was further refined through the Oregon Revised Statutes for Health Care Data Reporting, which appropriated resources to fund the program and clarified the specific purposes of APAC. Based on this enabling legislation, APAC collects data for the following purposes:

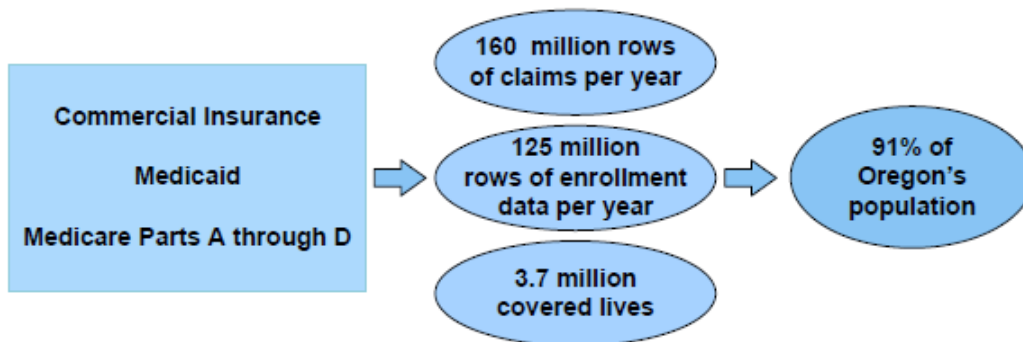
- Determining the distribution of health care resources in Oregon;
- Evaluating the effectiveness of intervention programs in improving health outcomes;
- Comparing the costs and effectiveness of various treatment settings and approaches;
- Allowing health care policymakers to make informed choices;
- Providing information to consumers and purchasers of health care;
- Improving the quality and affordability of health care and health care coverage; and
- Evaluating health disparities.

In January 2010, OHA adopted OAR 409-025-0100 through 0170 (“Rules”) instituting the requirements for submission of data to APAC. These Rules specify the entities and lines of business that are subject to the submission mandate; the format, layout, and coding of the healthcare data to be collected; the process for seeking waivers or exceptions to the Rules; and the civil penalties for failure to comply. These Rules also allow OHA to use APAC data to create Public Use and Limited Data Sets, and outlines the requirements for publishing reports that serve the public’s interest. Per these Rules, any carrier or third-party administrator that covers more than 5,000 Oregon lives must submit quarterly data to APAC (“Mandatory Reporter”). In addition to collecting data from Mandatory Reporters, APCD also collects data from entities on a voluntary basis. This includes data from Medicaid, Medicare, and self-insured ERISA plans. Collectively, the entities that submit data to APAC are known as “data submitters”.

Data submission to APAC began in July 2011, with the collection of eighteen months of historic data (January 2010 to June 2011) from commercial plans, Medicaid, and Medicare (parts C and D). Since then, APAC has expanded to include additional data submitters and lines of business. As of September 2017, the program collects information from 53 data submitters, representing 3.2 million individuals – roughly 81% of Oregon’s population - including those covered by the following types of insurance:

- Commercial insurance, including the Public Employees Benefit Board (PEBB) and the Oregon Educators Benefit Board (OEBB);
- Medicaid fee-for-service and managed care; and
- Medicare Parts A, B, C, and D.

### APAC at a Glance - 2017



Although 2017 is the most recent finalized data, data continues to be collected quarterly. As of September 2019, the APCD is approximately 7.2 terabytes in size.

### APAC Data Submission and Timeline

The specific data elements and the configuration of files that data submitters submit to APAC are collectively referred to as the APAC Data File Layout. The APAC Data File Layout is codified within the Rule and can also be found on the APAC website at <http://www.oregon.gov/oha/analytics/Pages/All-Payer-All-Claims.aspx>. Currently, the APAC Data File Layout includes:

- Medical Claims File
- Eligibility File
- Dental Claims File (begins July 2020)
- Provider File
- Pharmacy Claims File
- Control Totals for Claims and Eligibility
- Subscriber Billed Premium File
- Provider Level Alternative Payment Methodology (APM) Summary File
- Control Totals for the Provider Level APM Summary

The timeline for APAC data submissions can be found in Schedule A of the Rule.

### **Current APAC Data Vendor in Relation to this RFP**

In July 2010, OHA awarded a contract to Milliman, Inc., to collect, aggregate, analyze, and warehouse APAC data in accordance with OHA policies and procedures. Milliman will continue to provide services until the replacement Solution is fully tested, all operations processes are in place, and all “Go / No Go” criteria have been met. At that point, service will transition to the new Solution. Completing data migration prior to service transition is required.

### **Current APAC Solution**

The key functions of the current environment include:

- Administration/tracking of submissions timeliness and quality
- Collection of data files
- Validation of data files
- Processing of data
- Storage of raw data files and processed data
- User access through portal and data environment
- Data fulfillment of requests when requested using identified parameters
- Communication/training for data submitters

A summary of the current APAC Solution and current usage is below. This is for information only (particularly in relation to the data migration effort) and should not be read as a summary of OHA’s requirements for the replacement Solution.

- Data Submission:
  - Data submission files – 15-20,000 files, tab delimited file format. 560 per quarter.



- 70 data submitters for Appendices A-F and 35 data submitters Appendices G-H of the Rule (409-025-0120).
- CMS are an additional data submitter, their data is submitted via a different format
- Data submitters submit data via SFTP.
- Data Warehouse:
  - Hosting environment – our current vendor hosts the APAC Solution.
  - Database - 3 main tables with 100+ reference tables
  - Index – member (5 million), member month (1.5B), claim (1B), Evidence Based Metrics, 4B rows of data
  - Technology stack (SQL 2008 R2)
- Data Access:
  - User numbers – 10 core users – all State Agency (but not all OHA).
    - OHA staff access data warehouse and the BI tool
    - DCBS staff access the BI tool only

Data exchange between the current vendor and the Agency is via Remote Desktop and VPN directly from the OHA network, and via the web-based vendor BI tool.

### 2.3.3 Purpose

The State seeks to obtain a Solution and related services from a contractor with the capacity and technical expertise to perform all APAC data collection, aggregation, enhancement, and quality assurance functions as outlined in this RFP. This includes but is not limited to: migrating the existing data from the current data vendor to a new proposed data management platform; securing and streamlining data collection and aggregation; processing and validating data extracted from health care claims and other related health care data systems; providing data access and reports to approved users; and optimizing data for a public-facing APAC website.

In order to meet these objectives, the contractor will work collaboratively with Agency, its business associates and stakeholders on performing the following tasks and activities in accordance with the standards and methodologies set forth in the Scope of Work.

The State welcomes alternative approaches and/or methodologies to accomplish the desired or intended results of the tasks. Proposed improvements to the Scope of Work are welcome provided that they are overtly identified in the Proposal, clearly demonstrate a compelling business case, and clearly demonstrate that Agency's desired outcomes are still achieved.

The State may opt to award a Contract for all or part of the work outlined in this RFP.

#### 2.3.3.1 Purposes and Major Uses of APCD

APCD is a valuable tool to understanding the cost, quality, and access of health care and services in Oregon. As such, it is relied upon for many State initiatives and activities, including:

- Reporting to support federal grants and initiatives;
- Health insurance rate review activities by Oregon’s Department of Consumer and Business Services (DCBS);
- Quantitative assessments of the spread of the Coordinated Care Model;
- Policy planning and reporting on OHA’s healthcare transformation efforts;
- Public health surveillance activities; and
- Identifying Medicaid clients with unreported third-party insurance.

Many of these activities require collaboration among stakeholders, policy makers and the public. Effective use of APAC data requires trust in the source on accuracy and completeness for both data collection and data enhancements. This requires transparency in data enhancements to allow data and findings to be validated fully. Proprietary software, including algorithms used in data enhancements, does not support transparency and results in limited use of the enhancements. In recognition of the need for transparency and in anticipation of requests for detailed information on data enhancements in the solution, the Agency has included transparency of data enhancements in the requirements for the APCD.

Since 2012, OHA has provided access to APAC data to qualified users. As specified in OAR 409-025-0160, the current data release process is overseen by a Data Review Committee (DRC). OHA releases two (2) types of APAC data sets:

- Public Use Data Sets; and
- Limited Data Sets customized to each request.

The successful Proposer may be required to create data sets. Agency currently has two (2) types of data sets; public use files and limited files. Public use files have pre-selected data elements that produce a set of standard de-identified files for each year. For limited data sets, the Agency follows a rigorous set of standards, including approval by the DRC. Each application must fall into one of Agency’s approved data sharing purposes. Moreover, Agency only provides the minimum necessary APCD data elements for these requests. Data requests must include an element-by-element justification addressing why the project could not be practicably conducted without the requested data element. Once a request is approved, Agency produces a customized limited data set, encrypts it, and transfers it to the requester via secure FTP. In situations where the data set requires data elements not available to Agency staff or where data files may be too large to be accommodated in the Agency process, the successful Proposer will be instructed to produce the customized limited data sets.

More information about the data release process, including the required applications, can be found on the APAC website.

### **2.3.3.2 APAC Governance**

As the APAC administrator, OHA is responsible for implementation and ongoing operations of the program, the website, and the APCD, including contractor selection, data submission compliance, and the day to day management of the program. In 2014, OHA convened the

APAC Technical Advisory Group (TAG). The APAC TAG is an independent group that includes providers, researchers, and APAC data submitters. The APAC TAG meets on a monthly or bimonthly basis and offers recommendations to OHA staff on additional data collection needs, measure specifications, and data validation processes.

### 2.3.3.3 Intended Outcomes

The Solution represents the opportunity for specific standardization and improvements. Below is a chart of some of the intended outcomes of the Solution.

Intended Outcomes	To or For Whom
Data submitters continue to submit standard files for timely processing	OHA, Data submitters
Support for business intelligence reporting by OHA	OHA
Transparency of data processing and data enhancements strengthens use	OHA, public, researchers
Persistent unique identifiers facilitate longitudinal studies	OHA, researchers
Migrate information off of legacy systems	OHA
Complete the project within the budget	OHA
Complete the project within the project schedule	OHA
Project utilizes and supports quality control processes	OHA
Complete with a scalable foundation for future needs	OHA

The APAC Solution strategic objectives are as follows:

APAC will provide unbiased, factual data on health care costs for use in policy discussions.

APCD will include transparent data enhancements including flags, groupings and unique identifiers to aid efficient data analysis.

APCD will collect standardized data which can be analyzed across payers and lines of business.

APCD will provide timely data, collected quarterly with minimal processing delay before availability for use.

APCD will maintain strict data release procedures with role based access.

APCD will meet or exceed all security requirements of the state.

**Cooperation with other contractors:** Agency anticipates that other contractors, such as independent quality assurance or other consultants, may provide various services related to the

project.

## 2.4 SCOPE OF WORK/SPECIFICATIONS

The Scope of this RFP includes the system and all tasks necessary to implement a Solution to meet the current and future needs of OHA as described in Sections 1.1 (INTRODUCTION), and all subsections of 2.3 (OVERVIEW AND PURPOSE), specifically including, but not limited to fulfillment of technical and business functionality outlined in Attachment I (Solution Functionality), Attachment A-1 or Attachment A-2 (Sample Contracts), as applicable, and all Products, Services and additional Work necessary to implement, maintain and update the Solution to meet future needs of OHA.

The high-level categories for the functional and nonfunctional Solution requirements are below. A more comprehensive list of Solution requirements with descriptions and further detail is provided in Attachment I (Solution Functionality).

- Documentation management
- Data collection and compliance tracking
- Data management
- Data processing and validation
- Data storage and availability
- Data use
- Data enhancements
- Role based access
- Data request fulfillment
- Data security in compliance with federal and state requirements
- Communication and management

For Category 1 Solutions hosted by the Contractor at the Contractor's data center, the data center must be Tier 3, meet all State of Oregon and Agency security requirements and be located within the Continental United States.

For Category 1 Solutions hosted by the Contractor at the state's data center, all hardware must be located at and maintained by State of Oregon staff at the Oregon State Data Center operated by the Office of the State Chief Information Officer, Enterprise Technology Services (ETS) or at an Agency-approved data center and must meet ETS standards and guidelines, which are included as Attachment J. The State Data Center is a 24/7 operation; ETS provides shared IT infrastructure services to Agency and other state agencies. ETS offers Centralized Infrastructure Management – operation and support of the hardware, system software, licensed software products, security and system management software. Required hardware must meet minimum ETS standards. Operating system updates and patching are performed only by ETS staff.

Category 2 Solutions must meet the requirements of the Statewide Cloud Computing policy.

Please see Section 3.2 below for the link.

**NOTE: Proposer is required to submit a proposed Statement of Work that includes a work breakdown structure under the Project Implementation Plan.**

**Proposer shall submit any License Agreements necessary for its Solution and any Maintenance and Service Level Agreement documents. Proposer must deliver the foregoing documents in editable Word format, and may not provide web links to the required documents.**

## **SECTION 3: PROCUREMENT REQUIREMENTS**

### **3.1 MINIMUM PROPOSER REQUIREMENTS**

Proposal must demonstrate how Proposer meets all requirements of this section:

#### **3.1.1 Minimum Proposer Qualifications**

Proposer must have:

- At least five (5) years of experience in collecting medical claims, pharmacy claims, enrollment, and provider data fields from multiple health insurers, third party administrators, and pharmacy benefits managers; and
- At least five (5) years of experience analyzing health care claims data and providing health data insight that drives policy; and
- At least five (5) years of experience working on data projects of similar size and scale to that solicited in RFP; and
- Experience successfully managing at least one (1) data migration;

#### **3.1.2 Proposer Key Person(s) and Staff Minimum Experience**

Proposer must have project management and technical staff with business analysis to have at least three (3) years of experience managing similar projects and implementations that will be assigned to the project based on provided staff resumes. One (1) Project Manager is PMP certified with experience implementing the Successful Proposer's Proposed Solution, and migrating data to the Successful Proposer's Proposed Solution within the last three (3) years.

### **3.2 COMPLIANCE REQUIREMENTS: INFORMATION SECURITY STANDARDS AND STATEWIDE CLOUD POLICY**

To the extent the standards apply to Proposer's proposed Solution and related Services, Proposer must substantially comply with all of the following minimum standards:

Statewide Information Security Standards:

<https://www.oregon.gov/das/OSCI0/Pages/SecurityGuidance.aspx>Statewide Cloud

Computing policy:

<http://www.oregon.gov/das/policies/107-004-150.pdf>:

### **3.3 MINIMUM SUBMISSION REQUIREMENTS**

#### **3.3.1 ROUND 1 Proposal Submissions**

Proposal must contain each of the following elements (further detailed in Section 3.4, Proposal Requirements section below):

Proposer Information and Certification Sheet (Attachment C)

Responsibility Inquiry (Attachment G) - submit 1 copy only

Underlying Agreements

Performance Standards or Service Level Guarantees

High-Level Cost Proposal Form (Attachment E)

Solution and High-Level Design (Attachment I)

Security and Hosting Requirements Description and Security Plan

System Development Life Cycle Description

Security Requirements (Attachment K)

Experience and Qualifications Description

Transparency of Data Enhancement Description

Staffing, Key Persons and their Resumes, Subcontractors

References and Client List (Attachment D)

Project Implementation Plan

Statement of Work

Training Plan

Data Migration Plan

Data Access for Data Users and Data Analysts

Disaster Recovery and Business Continuity Plan

Security Requirements

Disclosure Exemption Affidavit (Attachment B) – submit 1 copy only

COBID Certification / Outreach Plan (Attachment F) - submit 1 copy only

### 3.3.2 Proposal Page Limits

Proposal is limited to 100 pages. Any pages exceeding this limit will not be provided to the evaluation committee or considered in the evaluation. The following items do not count toward the page limit:

Disclosure Exemption Affidavit (Attachment B)

Proposer Information and Certification Sheet (Attachment C)

Responsibility Inquiry (Attachment G)

Security and Hosting Requirements (Security Plan as described in Section 3.4.8)

Underlying Agreements

Performance Standards or Service Level Guarantees

Reference Check forms (Attachment D)

High-Level Cost Proposal (Attachment E)

### 3.3.3 Proposal Format and Quantity

Proposal should follow the format and reference the sections listed in the Proposal Requirements section. Responses to each section and subsection should be labeled to indicate the item being addressed. **Cost information must be submitted using Attachment E as a separate hard copy document and as an original electronic file in a sealed envelope only.**

Proposer may submit a Proposal offering a Category 1 Solution or a Proposal offering a Category 2 Solution. Proposer may submit alternate Proposals. If Proposer offers a Category 1 Solution and a Category 2 Solution, Proposer shall submit two (2) separate Proposals.

In order to minimize any bias, the Proposer's Proposal must NOT contain any names that can be used to identify who Proposer is (such as company names, personnel names, project names, or product names).

Proposer shall submit both one (1) original hard copy on white 8 ½" x 11" Recycled Paper and one (1) electronic copy on individual USB drives, labeled with the RFP number and Proposer's name.

The Proposer Information and Certification Sheet (Attachment C) must bear the Proposer's authorized representative's Signature. If Proposer believes any of its Proposal is exempt from disclosure under Oregon Public Records Law (ORS 192.311 through 192.478), Proposer shall submit Disclosure Exemption Affidavit (Attachment B) *and* a fully redacted version of its Proposal in hard copy and electronic copy, clearly identified as the redacted version.

Proposer shall submit its Proposal in a sealed package addressed to the SPC with the Proposer's name and the RFP number clearly visible on the outside of the package.

Proposer's electronic copy of the Proposal on USB drive must be formatted using

searchable Adobe Acrobat (\*.pdf), Microsoft Word (\*.docx), or Microsoft Excel (\*.xlsx). The total combined size of the electronic copy of the Proposal should be compressed so it does not exceed 10 megabytes.

### **3.3.4 Authorized Representative**

Failure of the authorized representative to sign the Proposal may subject the Proposal to rejection by DAS PS.

## **3.4 PROPOSAL REQUIREMENTS**

Proposal must address each of the items listed in this section and all other requirements set forth in this RFP, including those specified in Attachment I, Solution Functionality and Attachment K, Security Requirements. Proposer shall describe the Goods to be provided or the Services to be performed or both. A Proposal that merely offers to provide the goods or services as stated in this RFP may be considered non-Responsive to this RFP and will not be considered further.

Proposal should not include extensive artwork, unusual printing or other materials not essential to the utility and clarity of the Proposal. Do not include marketing or advertising material in the Proposal, unless requested. Proposal should be straightforward and address the requests of the RFP. Proposal containing unsolicited marketing or advertising material may receive a lower evaluation score if specific information is difficult to locate.

The Proposal must include the following:

### **3.4.1 Proposer Information and Certification Sheet (Mandatory, not scored)**

Complete and submit the Proposer Information and Certification Sheet (Attachment C).

Failure to demonstrate compliance with Oregon Tax Laws and sign the Proposer Information and Certification Sheet may result in a finding of non-Responsibility.

### **3.4.2 Responsibility Inquiry (Mandatory, not scored)**

Complete and submit a signed Responsibility Inquiry form (Attachment G) with Proposal. DAS PS will determine if an apparent successful Proposer is Responsible prior to award and execution of the Contract.

At any time prior to award, DAS PS may reject a Proposer found to be not Responsible.

### **3.4.3 Underlying Agreements (Mandatory, not scored)**

Provide, if applicable, any underlying agreements necessary to deliver the proposed Solution. Underlying agreements could be Subscription and Hosting Services License, Maintenance, or Non-disclosure agreements.



#### 3.4.4 Performance Standards and Service Level Guarantees (Mandatory, scored)

Describe the Proposer's approach to development and maintenance of performance and service level guarantees that addresses the ongoing needs of the Agency over the course of the Contract period. Provide the Proposer's performance standards and service level guarantees.

#### 3.4.5 High-Level Cost Proposal (Mandatory, scored)

Using Attachment E (High-Level Cost Proposal), provide a high-level summary of the cost to implement and operate the Solution for the first five (5) years. This should include items such as:

- Software, subscription or license
- Hardware
- Installation and implementation
- Information gathering
- Data migration
- Configuration
- Training
- On-going maintenance and support

#### 3.4.6 Solution and High-Level Design (Mandatory, scored)

Describe Proposer's Solution and provide recommendations to include, but not limited to: requirements for the integration or replacement of existing systems; and specifications for hardware and software.

Provide a system design that defines the architecture, modules, interfaces and data for Proposer's proposed Solution. This should include descriptions and diagrams.

Additionally, complete and return Attachment I (Solution Functionality). **Proposer's electronic copy of Attachment I must be submitted in .xls or .xlsx format.**

Instructions for completing the attachment are under the "Instructions" tab of the attachment.

#### 3.4.7 Security and Hosting Requirements - Security Plan (Mandatory, scored)

Provide information regarding the following as each relates to Proposer's proposed Solution:

Security Plan that provides an overview of security requirements of the Solution and describes the controls in place or planned for meeting those requirements. The plan should document the structured process of planning adequate, cost-effective security protection for the Solution. The plan should address the following areas (if not address them separately):

- Multi-Tenant/Single Tenant hosting
- Data Storage
- Data encryption (at rest and in transit)
- Access to Application, Agency Data
- User rights
- Portal security requirements
- Hosting only within the continental United States

**3.4.8 Audits by independent auditor and at the request of the Agency (e.g., annual delivery of SSAE 16 audit report) Security Requirements (Mandatory, Scored)**

Proposer shall meet all statewide information security for a NIST 800-53 moderate system, as detailed in Attachment K, *Security Requirements*.

Proposer shall complete and return Attachment K, *Security Requirements*. Instructions for completing the attachment are provided in the “Instructions” tab of the attachment.

**3.4.9 Transparency of Data Enhancements (Mandatory, scored)**

Provide a description of Proposer’s data enhancement software including whether third-party, open source or other, and any restrictions on releasing as public information. Data enhancement software may include applications that have the ability to create algorithms used for groupers, flags, episodes, risk calculations or other data transformations intended to add value to a data set.

For software/data processing not commercially available as a standalone product or service, clearly state if a requestor must sign a non-disclosure agreement to receive specific, code-level information on data enhancements. If a Proposer will require requestors to sign a non-disclosure agreement prior to granting the requestor access to data enhancements, Proposer shall detail who must sign an NDA, when an NDA will be required, and describe under what circumstances, if any, the specific, code-level information or data enhancement may be released to the public. Proposer must submit the NDA with its Proposal.

In addition, for software/data processing not commercially available as a standalone product or service, Proposer must state if Proposer requires additional terms and conditions in the resultant Contract to limit availability, including to members of the public, of specific, code-level information on data enhancements and if so, Proposer shall describe the requirements and Proposer shall submit such terms and conditions with its Proposal. If intellectual property provision of the resultant Contract will be used to limit

release, please explain under what circumstances, if any, the specific, code-level information may be released.

Proposer shall detail and explain any other restraints or limitations on sharing specific, code-level information on data enhancements.

#### **3.4.10 System Development Life Cycle (SDLC) Description (Mandatory, scored)**

Provide Proposer's SDLC for the proposed Solution (include hardware, software or any combination thereof). At the minimum, the SDLC should cover customer input, industry trends, analysis feasibility, planning, design, development, testing, deployment, maintenance, performance evaluation and end of life in the areas of data management, data storage, data processing, and security. The SDLC must describe the approach to major release cycles or maintenance as well as bug fixes and/or emergency fixes to the Solution. Proposer must provide its current system version release notes that include the list of new features, enhancements, improvements and fixes of that release that were sent to customers. Additionally, include a road map for future development of new functionality and decommissioning of current functionality over the next ten (10) years.

#### **3.4.11 Experience and Qualifications Description (Mandatory, scored)**

Provide a description of Proposer's organization and describe in detail the number of years of experience executing projects similar in scope and size to those described in this RFP. The description should include relevant prior work Proposer has performed and how Proposer will apply this experience to the implementation of the Solution. The description should include whether Proposer has migrated data including the size and type of data, whether the data was claims-related and whether it was APCD data.

#### **3.4.12 Staffing, Key Persons and their Resumes, Subcontractors (Mandatory, scored)**

Specify key persons and other staff to be assigned to this project, their roles and responsibilities for this specific project, and include a current resume (not to exceed two (2) pages each) for each individual that demonstrates qualifications and experience for the Work described.

**Provide a statement of whether the Proposer intends to use subcontractors to accomplish the work required by this RFP, and if so, provide the name of each subcontractor and provide a description of the scope and portions of the work each subcontractor will perform.**

#### **3.4.13 References and Client List (Mandatory, scored)**

Provide three (3) references from current or former client firms for similar projects

performed for any clients within the last five (5) years. References must be able to verify the quality of previous, related Work.

DAS PS may check to determine if references provided support Proposer's ability to comply with the requirements of this RFP. DAS PS may use references to obtain additional information, or verify any information needed. DAS PS may contact any reference (submitted or not) to verify Proposer's qualifications.

Proposer shall send the Reference Check Form (Attachment D) to its references. Reference forms must be completed by the reference, returned to the Proposer and submitted with the Proposal.

In addition, Proposer shall provide a list, including contact information, for current clients.

#### **3.4.14 Project Implementation Plan (Mandatory, scored)**

Proposer shall submit a Project Implementation Plan describing how Proposer would carry out the major activities of this project. Provide a comprehensive management plan that the Proposer intends to follow, including a timeline of major events. Illustrate how the plan will serve to streamline, coordinate and accomplish the Work. Include any high-risk tasks and how they would be avoided or mitigated.

#### **3.4.15 Statement of Work (Mandatory, scored)**

Proposer shall submit a Statement of Work using the information provided from Section 2.4.

#### **3.4.16 Training Plan (Mandatory, scored)**

Provide a training plan that addresses training and knowledge transfer that will:

Prepare Agency to assume full responsibility for maintenance (if this is the Solution approach), configuration and operation of the Solution. "Train-the-trainer" approach such that Agency "super users" are trained on use of the Solution and can then impart that knowledge to additional Agency users as necessary.

Provide for training Agency staff and business associates for use of data environment.

Provide for training existing data submitters before initial submission to the Solution.

Provide for training new data submitters prior to initial submission.

Provide for training when data submission changes occur.

Provide for training Agency staff and business associates related to any update in functionality.

Indicate availability or use of basic tutorials or training guides.

Provide for distance training as an acceptable format.

Training plan must indicate the presenter (Proposer or Agency), frequency and method or medium. Distance training is an acceptable format.

#### **3.4.17 Data Migration Plan (Mandatory, scored)**

Explain Proposer's approach for converting previously collected (historical) data to the new Solution. Agency is requiring loading of raw data files to capture data not retained in the current solution's active database. There are approximately 2,200 data files that need to be migrated with the Solution. There are six to eight types of files per year and data file layouts of each have been modified over the years. Data files are version-sensitive and must be loaded in the order received to maintain the most accurate and complete data in the data warehouse. Include high-risk tasks regarding data migration and how they would be avoided or mitigated.

Proposer must submit a plan and associated costs that includes data mapping, data cleaning, data validation and data loading of all data files. In addition, Proposer must submit a plan to produce longitudinal data tables including demographics for use with claims, i.e. date, resident zip code at the time the service was provided, race reported for that time period, ethnicity reported for that time period, and other data elements linked by date.

#### **3.4.18 Data access for data users and data analysts (Mandatory, Scored)**

Explain the solution's data analytics capabilities and supports including, but not necessarily limited to:

- A portal, if any, where data users can access summary data and pre-identified reports, for data use and analytics. Identify if access is role-based and whether it can be filtered by affiliation with organizations, either data submitters, mandatory reporters or provider groups.
- Access and availability of analytic software for detailed data analytics, including analysis within the solution and the process to extract data files for internal or external use. Most OHA data analysts access the current solution data using SQL and SAS.
- Solution's interoperability with Business Intelligence software including Tableau and PowerBI.

#### **3.4.19 Disaster Recovery and Business Continuity Plan (Mandatory, Scored)**

Provide a disaster recovery and business continuity support plan that describes how it will manage interruptions and outages, including a proposed service level commitment for both technical and business purposes and how downtime is managed (anticipated and unanticipated) following a disaster; and also include a description of the Solution's features that support fail safes and redundancies.

## SECTION 4: SOLICITATION PROCESS

### 4.1 PUBLIC NOTICE

The RFP and attachments are published in the Oregon Procurement Information Network (ORPIN) at <https://orpin.oregon.gov>. RFP documents will not be mailed to prospective Proposers.

Modifications, if any, to this RFP will be made by written Addenda published in ORPIN. Prospective Proposer is solely responsible for checking ORPIN to determine whether or not any Addenda have been issued. Addenda are incorporated into the RFP by this reference.

### 4.2 PRE-PROPOSAL CONFERENCE

A Pre-Proposal conference will be held at the date and time listed in the Schedule. Prospective Proposers' participation in this conference is highly encouraged, but not mandatory.

The purpose of the Pre-Proposal conference is to:

- Provide additional description of the project;
- Explain the RFP process; and
- Answer any questions Proposers may have related to the project or the process.

Statements made at the Pre-Proposal conference are not binding upon DAS PS. Proposers are required to submit questions in Writing. All formal answers to proposal questions will be made available on ORPIN.

The Pre-Proposal Conference will be held on **November 21, 2019 at 1:00 PM (Pacific Time), located at: East Mt. Jefferson Conference Room, Department of Administrative Services Building at 1225 Ferry Street SE, Salem, OR 97301.**

Interested parties may participate in the Pre-Proposal Conference by conference call:

**The conference call in number is (877) 848-7030, Access Code: 6332659.**

**RSVP:** If a prospective Proposer intends to participate in the pre-Proposal meeting, prospective Proposer must send an email to the Single Point of Contact (SPC). Include the following information:

Name of Company

For Each Person Attending, include:

- Name
- Title
- Telephone Number

- Email Address
- Whether participation will be in person or via telephone
- List of questions/points for clarification (this is not Proposer's only opportunity to provide questions or ask for clarifications – Please see Section 4.3 for additional information)

Following the conclusion of the Pre-Proposal Conference, each Prospective Proposer that utilizes the call-in option shall send the SPC an email stating that Proposer was in attendance via the conference call-in option and provide contact information.

### 4.3 QUESTIONS / REQUESTS FOR CLARIFICATIONS

All inquiries, whether relating to the RFP process, administration, deadline or method of award, or to the intent or technical aspects of the RFP, including any provisions of the Sample contract, must:

- Be delivered to the SPC via email or hard copy;
- Reference the RFP number;
- Identify Proposer's name and contact information;
- Refer to the specific area of the RFP being questioned (i.e. page, section and paragraph number); and
- Be received by the due date and time for Questions/Requests for Clarification identified in the Schedule.

### 4.4 SOLICITATION PROTESTS

#### 4.4.1 Protests to RFP

Prospective Proposer may submit a Written protest of anything contained in this RFP, including but not limited to, the RFP process, Specifications, Scope of Work, and the proposed Sample Contract. This is prospective Proposer's only opportunity to protest the provisions of the RFP, **except that** Proposer may protest Addenda as provided below, and along with its Round 2 submittals, Proposer may submit a redlined version of the Sample Contract and object to terms and conditions in the Sample Contract **that are designated as negotiable** in the Negotiations Section of this RFP.

#### 4.4.2 Protests to Addenda

Prospective Proposer may submit a Written protest of anything contained in the respective Addendum. Protests to Addenda, if issued, must be submitted by 5:00 p.m. Pacific Time of the second Business Day or the date/time specified in the respective Addendum, or they will not be considered. Protests of matters not added or modified by the respective Addendum will not be considered.

#### 4.4.3 All Protests must:

Be delivered to the SPC via email or hard copy;

Reference the RFP number;

Identify prospective Proposer's name and contact information;

Be sent by an authorized representative;

State the reason for the protest, including:

- the grounds that demonstrate how the Procurement Process is contrary to law, Unnecessarily Restrictive, legally flawed, or improperly specifies a brand name; and
- evidence or documentation that supports the grounds on which the protest is based

State the proposed changes to the RFP provisions or other relief sought;

Protests to the RFP must be received by the due date and time identified in the Schedule; and

Protests to Addenda must be received by the due date identified in the respective Addendum.

#### 4.5 PROPOSAL DELIVERY OPTIONS

Proposer is solely responsible for ensuring its Proposal is received by the SPC in accordance with the RFP requirements before Closing. DAS PS is not responsible for any delays in mail or by common carriers or by transmission errors or delays, or for any mis-delivery for any reason. A Proposal submitted by any means not authorized below will be rejected.

##### **Delivery through ORPIN**

Delivery through ORPIN is not allowed for this RFP.

##### **Delivery through Mail or Parcel Carrier**

A Proposal may be submitted through the mail or via parcel carrier, and must be clearly labeled and submitted in a sealed envelope, package or box. The outside of the sealed submission must clearly identify the Proposer's name and the RFP number. It must be sent to the attention of the SPC at the address listed on the Cover Page.

##### **Delivery in Person**

A Proposal may be hand delivered, and must be clearly labeled and submitted in a sealed envelope, package or box. A Proposal will be accepted, prior to Closing, during DAS PS' normal Monday – Friday business hours of 8:00 a.m. to 5:00 p.m. Pacific Time, except during State of Oregon holidays and other times when DAS PS is closed. The outside of the sealed submission must clearly identify the Proposer's name and the RFP number. It must be



delivered to the attention of the SPC at the address listed on the Cover Page.

#### **4.6 PROPOSAL MODIFICATION OR WITHDRAWAL**

If a Proposer wishes to make modifications to a submitted Proposal it must submit its modification in one of the authorized methods listed in the Proposal Delivery Options section. To be effective the notice must include the RFP number and be submitted to the SPC prior to Closing.

If a Proposer wishes to withdraw a submitted Proposal, it must submit a Written notice signed by an authorized representative of its intent to withdraw to the SPC via email or hard copy prior to closing in accordance with OAR 125-247-0440. To be effective the notice must include the RFP number.

#### **4.7 PROPOSAL DUE**

A Proposal (including all required submittal items) must be received by the SPC on or before Closing. All Proposal modifications or withdrawals must be received prior to Closing.

A Proposal received after Closing is considered LATE and will NOT be accepted for evaluation. A late Proposal will be returned to the Proposer or destroyed.

##### **4.7.1 Opening of Proposal**

There will be no public Opening of Proposals. However, DAS PS will record and make available the identity of all Proposers after Opening. Proposals received will not be available for inspection until after the evaluation process has been completed and the Notice of Intent to Award is issued in accordance with OAR 125-247-0630.

#### **4.8 PROPOSAL REJECTION**

DAS PS may reject a Proposal for any of the following reasons:

- Proposer fails to substantially comply with all prescribed RFP procedures and requirements, including but not limited to the requirement that Proposer's authorized representative sign the Proposal.
- Proposer has liquidated and delinquent debt owed to the State or any department or agency of the State.
- Proposer fails to meet the responsibility requirements of ORS 279B.110.
- Proposer makes any contact regarding this RFP with State representatives such as State employees or officials other than the SPC or those the SPC authorizes, or inappropriate contact with the SPC.
- Proposer attempts to influence a member of the Evaluation Committee.
- Proposal is conditioned on DAS PS' acceptance of any other terms and conditions or rights to negotiate any alternative terms and conditions that are not reasonably related to those expressly authorized for negotiation in the RFP or Addenda.

## **4.9 ROUND ONE (1) EVALUATION PROCESS**

### **4.9.1 Responsiveness determination**

A Proposal received prior to Closing will be reviewed to determine if it is Responsive to all RFP requirements including compliance with Minimum Proposer Requirements section and Minimum Submission Requirements section. If the Proposal is unclear, the SPC may request clarification from Proposer. However, clarifications may not be used to rehabilitate a non-Responsive proposal. If the SPC finds the Proposal non-Responsive, the Proposal may be rejected, however, DAS PS may waive mistakes in accordance with OAR 125-247-0470.

### **4.9.2 Responsibility determination**

DAS PS will determine if an apparent successful Proposer is Responsible prior to award and execution of the Contract. Proposers shall submit a signed Responsibility Inquiry form (Attachment G) with Proposal.

At any time prior to award, DAS PS may reject a Proposer found to be not Responsible.

### **4.9.3 Security Review and Assessment**

Each Proposal passing all Responsiveness and Responsibility requirements will be delivered first to the State's Cyber Security Services for a review and assessment of each Responsive Proposer's response to all security requirements as set forth in the RFP, including Attachment K. The Cyber Security Services will deliver the results to the SPC for review and scoring by the Evaluation Committee members. Evaluation Committee members will consider and factor the assessments into their evaluation and scoring.

### **4.9.4 Evaluation Criteria**

Each Proposal meeting all Responsiveness requirements will be independently evaluated by members of an Evaluation Committee. Evaluation Committee members may change and DAS PS may have additional or fewer evaluators for optional rounds of competition.

Evaluators will assign a score for each evaluation criterion listed below in this section up to the maximum points available in the Point and Score Calculation section.

SPC may request further clarification to assist the Evaluation Committee in gaining additional understanding of Proposal. A response to a clarification request must be to clarify or explain portions of the already submitted Proposal and may not contain new information not included in the original Proposal.

### **4.9.5 HIGH-LEVEL COST EVALUATION**

The SPC will conduct the cost evaluation. The SPC will award a cost score to each cost

Proposal based upon the percentage of the proposed cost as compared to the lowest Proposer's cost using the following formula:

$$\frac{\text{lowest cost of all Proposers}}{\text{cost being scored}} \times \text{cost points possible} = \text{cost score}$$

#### 4.9.6 PREFERENCES

##### 4.9.6.1 Recycled Materials

In comparing Goods from two or more Proposers, if at least one Proposer offers Goods manufactured with Recycled Materials, and at least one Proposer does not, DAS PS will select the Proposer offering Goods manufactured from Recycled Materials if each of the conditions specified in ORS 279A.125 (2) exists following any adjustments made to the price of the Goods according to any applicable reciprocal preference.

##### 4.9.6.2 Tiebreakers

Oregon Supplies: If DAS PS receives Proposals identical in price, fitness, availability and quality and chooses to award a Contract, DAS PS shall award the Contract in accordance with the procedures outlined in OAR 125-246-0300.

#### 4.10 ROUND ONE (1) POINT AND SCORE CALCULATIONS

Scores are the points assigned by each evaluator. In each round, an evaluator may change a score up until the time the SPC has requested final scores for that round. If an evaluator elects to change any score, the evaluator must date and initial the change and include a reason for the change. The evaluator's final score will be the score the SPC will document. The maximum points possible for each evaluation item are listed in the table below.

Cost points are calculated as stated in the Cost Evaluation section.

<b>TOTAL POINTS POSSIBLE</b>	<b>4,000</b>
<b>ROUND 1 POINTS POSSIBLE</b>	<b>2,100</b>
High-Level Cost Proposal	400
Solution and High-Level Design	300
Security and Hosting Requirements – Security Plan and Requirements	200
Performance Standards and Service Level Guarantees	100
System Development Life Cycle Description	100
Experience and Qualifications	75
Transparency of data enhancements	250
Staffing, Key Persons and Their Resumes	75
References and Client List	75
Project Implementation Plan	150
Training Plan	50
Data Migration Plan	100
Data Access for Data Users and Data Analysts	150
Disaster and Business Continuity Plan	75

#### **4.11 ROUND ONE (1) RANKING OF PROPOSERS**

The SPC, in its sole discretion, may conduct an evaluation committee meeting at the end of any round and the evaluators may review their scores. If the SPC elects to conduct an evaluation committee meeting, the SPC will ask for final scores at the end of the meeting.

The SPC will average the final scores for each Proposal in a given round of competition (calculated by totaling the points awarded by each Evaluation Committee member and dividing by the number of members).

The SPC will combine the average score for each Proposal. After any applicable preference has been applied, SPC will describe the rank order for each Proposer, with the highest score receiving the highest rank, and successive rank order determined by the next highest score.

#### **4.12 NEXT STEP DETERMINATION (MOVING TO ROUND TWO)**

**4.12.1** At the conclusion of Round One, DAS PS, in its sole discretion, will select a Competitive Range to indicate the Proposers that will be invited to participate in a Round Two. The Competitive Range may include all, or at DAS PS' sole discretion, some (based primarily on a natural break in the distribution of scores), of the Proposers from a previous round. DAS PS will post a notice in ORPIN of its Competitive Range Determination and provide details about the process and schedule for the subsequent round.

#### **4.12.2 Competitive Range Protest**

Proposers excluded from Round Two may submit a Written protest of Competitive Range. Protests must:

Be emailed to the SPC;

Reference the RFP number;

Identify Proposer's name and contact information;

Be sent by an authorized representative

State the reason for the protest; and

Be received within seven (7) calendar days after issuance of the Notice of the Competitive Range unless a different due date and time is specified in such notice.

DAS PS will address all protests within a reasonable time and will issue a Written decision to the respective Proposer. Protests that do not include the required information may not be considered by DAS PS.

#### **4.13 ROUND TWO (2) EVALUATION PROCESS**

Round Two (2) will consist of demonstrations and interviews, detailed cost proposal and exceptions to the Sample Contract.

##### **4.13.1 Demonstration/Interview (Scored)**

Proposers progressing to Round Two (2) will be invited to provide in-person demonstrations estimated to occur in January 2020. Each Proposer will be given three (3) hours to demonstrate in detail the business and technical functionality of its Solution to the Evaluation Committee, which will include questions and answers from the evaluators throughout. A Proposer team is limited to personnel that participate in and conduct the demonstration. The State does not wish to have the demonstrations include functionality it is not requiring. Any functionality that does not meet full data transparency must be identified.

Proposer may use a test system for demonstrations, provided that the demonstration must be live and real time and the underlying system must be existing. The performance level of the test system must be similar to that of the production system. During the demonstration, Proposer will be required to identify which functionality is included in the proposed costs and which functionality would require additional cost for the solution. Proposer shall identify which functionality would be fully available, including public release of specific, code-level information other than as specified in this subsection, and which would not be fully available.

A projector and access to the internet will be provided. Proposer must bring its own laptop or other equipment, if needed. Please be advised that Agency policy prohibits connecting non-Agency hardware to Agency's network.

Proposer will be notified of the specific time and the location for the demonstration by

the SPC.

Further details will be included after the Notice of Competitive Range is issued

#### 4.13.2 Detailed Cost Proposal (Scored)

Proposer must complete and submit a Detailed Cost Proposal form. The SPC will provide the requirements for the Detailed Cost Proposal and the method for its evaluation in the Notice of Competitive Range.

Evaluators will evaluate Proposer’s Cost Proposal for consistency with its written Proposal, demonstration of the Solution, and a determination of the total cost of ownership for a five year period for Proposer Solution. Cost Proposals will not be ranked.

#### 4.13.3 Exceptions to Sample Contract (Attachment A-1 and/or Attachment A-2) (Mandatory, not Scored)

If Proposer has exceptions to the negotiable items (as identified in Section 5.4.1) in the Sample Contract (Attachment A-1 or Attachment A-2), Proposer shall include a redlined version of the Sample Contract (Attachment A-1 for Category 1 Solutions or Attachment A-2 for Category 2 Solutions) noting any exceptions. **Only those items listed in Section 5.4.1 are subject to negotiation and may be marked with exceptions.**

### ROUND TWO (2) POINT AND SCORE CALCULATIONS

ROUND 2 POINTS POSSIBLE	1,900
Demonstration/interview	1,300
Detailed Cost Proposal	600

#### 4.13.3 ROUND TWO (2) RANKING OF PROPOSERS

The SPC, in its sole discretion, may conduct an evaluation committee meeting at the end of any round and the evaluators may review their scores. If the SPC elects to conduct an evaluation committee meeting, the SPC will ask for final scores at the end of the meeting.

The SPC will average the final scores for each Proposal in a given round of competition (calculated by totaling the points awarded by each Evaluation Committee member and dividing by the number of members ). In each round, an evaluator may change a score, however, the evaluator must date and initial the change and include a reason for the change.

DAS PS will rank all Proposers at the conclusion of the evaluation and scoring.

#### 4.14 ROUND TWO (2) NEXT STEP DETERMINATION

DAS PS may determine Apparent Successful Proposer at the conclusion of Round Two (2) evaluation, or DAS PS may conduct additional rounds of evaluation if in the best interest of

the State. Additional rounds of evaluation will be added via Addendum of this RFP, and may consist of, but will not be limited to:

- Site visits
- Discussions and submittal of revised Proposals
- Serial or simultaneous negotiations
- Best and Final Offers

#### **4.15 SCORING AND RANKING OF PROPOSERS FOR SUBSEQUENT ROUNDS**

If DAS PS conducts two or more rounds of competition, the SPC will determine the cumulative score for Proposers advancing through all rounds of competition by adding the scores from each completed round. The Proposer with the highest cumulative score will receive the highest final ranking.

### **SECTION 5: AWARD AND NEGOTIATION**

#### **5.1 AWARD NOTIFICATION PROCESS**

##### **5.1.1 Award Consideration**

DAS PS, if it awards a Contract, shall award a Contract to the highest ranking Responsible Proposer based upon the scoring methodology and process described in Section 4. DAS PS may award less than the full Scope defined in this RFP. DAS PS, in its sole discretion, may make additional award(s) for up to 9 months following the close of this solicitation. DAS PS may select the next ranked Responsive and Responsible Proposer, issue an Intent to Award notice and begin a new award protest period. If agreement with that Proposer is not reached, DAS PS may offer award to the next ranked Proposer and so on until agreement is reached or until DAS PS terminates the process. DAS PS may require reconfirmation of the qualifications and staffing of any Proposer.

##### **5.1.2 Intent to Award Notice**

DAS PS will notify all Proposers in Writing that DAS PS intends to award a Contract to the selected Proposer(s) subject to successful negotiation of any negotiable provisions.

#### **5.2 INTENT TO AWARD PROTEST**

##### **5.2.1 Protest Submission**

An Affected Proposer shall have seven (7) calendar days from the date of the Intent to Award notice to file a Written protest.

A Proposer is an Affected Proposer only if the Proposer would be eligible for Contract award in the event the protest was successful and is protesting for one or more of the following reasons as specified in ORS 279B.410:

All higher ranked Proposals are non-Responsive.

DAS PS has failed to conduct an evaluation of Proposals in accordance with the criteria or process described in the RFP.

DAS PS abused its discretion in rejecting the protestor's Proposal as non-Responsive.

DAS PS' evaluation of Proposal or determination of award otherwise violates ORS Chapter 279B or ORS Chapter 279A.

If DAS PS receives only one Proposal, DAS PS may dispense with the evaluation process and Intent to Award protest period and proceed with Contract Negotiations and award.

#### **5.2.1.1 Protests must:**

- Be delivered to the SPC via email or hard copy
- Reference the RFP number
- Identify Proposer's name and contact information
- Be signed by an authorized representative
- Specify the grounds for the protest
- Be received within seven (7) calendar days of the Intent to Award notice

#### **5.2.2 Response to Protest**

DAS PS will address all timely submitted protests within a reasonable time and will issue a Written decision to the respective Proposer. Protests that do not include the required information may not be considered by DAS PS.

### **5.3 APPARENT SUCCESSFUL PROPOSER SUBMISSION REQUIREMENTS**

Proposer who is selected for a Contract award under this RFP will be required to submit additional information and comply with the following:

#### **5.3.1 Insurance**

Prior to award, Proposer shall secure and demonstrate to DAS PS proof of insurance as required in this RFP or as negotiated. Insurance Requirements are found in Exhibit C of Attachment A-1 (Category 1 Solution) or Attachment A-2 (Category 2 Solution).

#### **5.3.2 Taxpayer Identification Number**

The apparent successful Proposer shall provide its Taxpayer Identification Number (TIN) and backup withholding status on a completed W-9 form when requested by DAS PS or when the backup withholding status or any other relevant information of Proposer has changed since the last submitted W-9 form, if any.

#### **5.3.3 Business Registry**

If selected for award, Proposer shall be duly authorized by the State of Oregon to transact



business in the State of Oregon before executing the Contract. Visit <http://sos.oregon.gov/business/pages/register.aspx> for Oregon Business Registry information.

#### **5.3.4 Pay Equity Certification**

If selected for award and the Contract value exceeds \$500,000 and Proposer employs 50 or more full-time workers, Proposer shall submit to DAS PS a true and correct copy of an unexpired Pay Equity Compliance Certificate, issued to the Proposer by the Oregon Department of Administrative Services. For instructions on how to obtain the Certificate, visit [www.oregon.gov/das/Procurement/Documents/SB491PayEquity.pdf](http://www.oregon.gov/das/Procurement/Documents/SB491PayEquity.pdf).

ORS 279B.110(2)(f) requires that Proposer provide this prior to execution of the Contract.

#### **5.3.5 Nondiscrimination in Employment**

As a condition of receiving the award of a Contract under this RFP, Proposer must certify by its Signature on Attachment C - Proposer Information and Certification Sheet, in accordance with ORS 279A.112, that it has in place a policy and practice of preventing sexual harassment, sexual assault, and discrimination against employees who are members of a protected class. The policy and practice must include giving employees a written notice of a policy that both prohibits, and prescribes disciplinary measures for, conduct that constitutes sexual harassment, sexual assault, or unlawful discrimination.

### **5.4 CONTRACT NEGOTIATION**

#### **5.4.1 Negotiation**

After selection of a successful Proposer, DAS PS may enter into Contract negotiations with the successful Proposer. Unless DAS PS agrees to modify any of the terms and conditions, DAS PS intends to enter into a Contract with the successful Proposer substantially in the form set forth in Sample Contract (Attachment A-1 or A-2). By submitting a Proposal, Proposer agrees to comply with the requirements of the RFP, including the terms and conditions of the Sample Contract (Attachment A-1 or A-2), with the exception of those terms listed below for negotiation.

Proposer shall review the attached Sample Contract and note exceptions:

- Proposer may submit exceptions to any provisions of the Sample Contract to DAS PS during the Questions / Requests for Clarification period set forth in Section 1.2.
- Proposer may submit exceptions to the terms and conditions that are marked negotiable along with its Round 2 submittals.

As noted, it is possible to negotiate some provisions of the final Contract, however, DAS PS is not required to make any changes and many provisions cannot be changed. Proposer is cautioned that the State of Oregon believes modifications to the standard

provisions constitute increased risk and increased cost to the State. Therefore, DAS PS will consider the scope of requested exceptions in the evaluation of Proposal. The State may, but is not required, to agree to any modification, and any subsequent negotiated changes are subject to prior approval of the Oregon Department of Justice.

Only those items listed below may be negotiated between DAS PS and the successful Proposer:

- Description of Services/Statement of Work
- Terms and Renewals
- Performance Standards/Service Levels
- Security and Hosting Requirements
- Insurance
- Indemnification
- Limitation of Liability
- Intellectual Property Ownership
- Software License or Subscription Terms
- Maintenance and Support Agreement Terms
- Cost

In the event that the parties have not reached mutually agreeable terms within 15 business days of the beginning of negotiations, DAS PS, at its discretion, may terminate Negotiations and commence Negotiations with the next highest ranking Proposer.

## SECTION 6: ADDITIONAL INFORMATION

### 6.1 CERTIFIED FIRM PARTICIPATION

Pursuant to Oregon Revised Statute (ORS) Chapter 200, DAS PS encourages the participation of small businesses, certified by the Oregon Certification Office for Business Inclusion and Diversity (“COBID”) in all contracting opportunities. This includes certified small businesses in the following categories: disadvantaged business enterprise, minority-owned business, woman-owned business, a business that a service-disabled veteran owns or an emerging small business. DAS PS also encourages joint ventures or subcontracting with certified small business enterprises. For more information, visit:

<https://oregon4biz.diversitysoftware.com/FrontEnd/VendorSearchPublic.asp?XID=6787&TN=oregon4biz>

If the Contract has potential subcontracting opportunities, the successful Proposer **may be** required to submit a completed Certified Disadvantaged Business Outreach Plan (Attachment F) prior to execution.

### 6.2 GOVERNING LAWS AND REGULATIONS

This RFP is governed by the laws of the State of Oregon. Venue for any administrative or judicial action relating to this RFP, evaluation and award is the Circuit Court of Marion County for the State of Oregon; provided, however, if a proceeding must be brought in a

federal forum, then it must be brought and conducted solely and exclusively within the United States District Court for the District of Oregon. In no event shall this Section be construed as a waiver by the State of Oregon of any form of defense or immunity, whether sovereign immunity, governmental immunity, immunity based on the eleventh amendment to the Constitution of the United States or otherwise, to or from any Claim or consent to the jurisdiction of any court.

### **6.3 OWNERSHIP/PERMISSION TO USE MATERIALS**

All Proposals are public record and are subject to public inspection after DAS PS issues the Notice of the Intent to Award. Application of the Oregon Public Records Law will determine whether any information is actually exempt from disclosure.

All Proposals submitted in response to this RFP become the Property of DAS PS. By submitting a Proposal in response to this RFP, Proposer grants the State a non-exclusive, perpetual, irrevocable, royalty-free license for the rights to copy, distribute, display, prepare derivative works of and transmit the Proposal solely for the purpose of evaluating the Proposal, negotiating a Contract, if awarded to Proposer, or as otherwise needed to administer the RFP process, and to fulfill obligations under Oregon Public Records Law (ORS 192.311 through 192.478). Proposals, including supporting materials, will not be returned to Proposer unless the Proposal is submitted late.

### **6.4 CANCELLATION OF RFP; REJECTION OF PROPOSAL; NO DAMAGES.**

Pursuant to ORS 279B.100, DAS PS may reject any or all Proposals in-whole or in-part, or may cancel this RFP at any time when the rejection or cancellation is in the best interest of the State or DAS PS, as determined by DAS PS. Neither the State nor DAS PS is liable to any Proposer for any loss or expense caused by or resulting from the delay, suspension, or cancellation of the RFP, award, or rejection of any Proposal.

### **6.5 COST OF SUBMITTING A PROPOSAL**

Proposer shall pay all the costs in submitting its Proposal, including, but not limited to, the costs to prepare and submit the Proposal, costs of samples and other supporting materials, costs to participate in demonstrations, or costs associated with protests.

### **6.6 STATEWIDE E-WASTE/RECOVERY PROCEDURE**

If applicable, Proposer shall include information in its Proposal that demonstrates compliance with the Statewide E-Waste/Recovery Procedure #107-011-050\_PR. Visit the DAS website [www.oregon.gov/das](http://www.oregon.gov/das) and use the search bar feature to locate the procedure.

### **6.7 RECYCLABLE PRODUCTS**

Proposer shall use recyclable products to the maximum extent economically feasible in the performance of the Services or Work set forth in this document and the subsequent Contract. (ORS 279B.025).

**ATTACHMENT A-1  
STATE OF OREGON  
INFORMATION TECHNOLOGY SERVICES AGREEMENT  
CATEGORY 1 SOLUTION  
(SYSTEM ACQUISITION)**

**See Attached Document**

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**ATTACHMENT A-2  
STATE OF OREGON  
INFORMATION TECHNOLOGY SERVICES AGREEMENT  
Category 2 Solution  
(Cloud Solution)**

**See Attached Document**

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## ATTACHMENT B — DISCLOSURE EXEMPTION AFFIDAVIT

                     (Affiant), being first duly sworn under oath, and representing [insert Proposer Name] (hereafter “Proposer”), hereby deposes and swears or affirms under penalty of perjury that:

1. I am an employee of the Proposer, I have knowledge of the Request for Proposals referenced herein, and I have full authority from the Proposer to submit this affidavit and accept the responsibilities stated herein.
2. I am aware that the Proposer has submitted a Proposal, dated on or about [insert date] (the “Proposal”), to the State of Oregon (State) in response to Request for Proposals #DASPS-1569-19, for ALL PAYER CLAIMS DATABASE (APCD) SOLUTION AND RELATED SERVICES, and I am familiar with the contents of the RFP and Proposal.
3. I have read and am familiar with the provisions of Oregon’s Public Records Law, Oregon Revised Statutes (“ORS”) 192.311 through 192.478, and the Uniform Trade Secrets Act as adopted by the State of Oregon, which is set forth in ORS 646.461 through ORS 646.475. I understand that the Proposal is a public record held by a public body and is subject to disclosure under the Oregon Public Records Law unless specifically exempt from disclosure under that law.
4. I have reviewed the information contained in the Proposal. The Proposer believes the information listed in Exhibit A is exempt from public disclosure (collectively, the “Exempt Information”), which is incorporated herein by this reference. It is my opinion that the Exempt Information is exempt from disclosure under Oregon’s Public Records Law under the specifically designated sections as set forth in Exhibit A or constitutes “Trade Secrets” under either the Oregon Public Records Law or the Uniform Trade Secrets Act as adopted in Oregon because that information is either:
  - A. A formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information that:
    - i. is not patented,
    - ii. is known only to certain individuals within the Proposer’s organization and that is used in a business the Proposer conducts,
    - iii. has actual or potential commercial value, and
    - iv. gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.

or

- B. Information, including a drawing, cost data, customer list, formula, pattern, compilation, program, device, method, technique or process that:

- i. Derives independent economic value, actual or potential, from not being generally known to the public or to other persons who can obtain economic value from its disclosure or use; and
- ii. Is the subject of efforts by the Proposer that are reasonable under the circumstances to maintain its secrecy.

5. I understand that disclosure of the information referenced in Exhibit A may depend on official or judicial determinations made in accordance with the Public Records Law.

\_\_\_\_\_

Affiant's Signature

State of \_\_\_\_\_)

) ss:

County of \_\_\_\_\_)

Signed and sworn to before me on \_\_\_\_\_ (date) by \_\_\_\_\_ (Affiant's name).

\_\_\_\_\_  
Notary Public for the State of \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

## **EXHIBIT A TO ATTACHMENT B**

Proposer identifies the following information as exempt from public disclosure under the following designated exemption(s):

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## ATTACHMENT C — PROPOSER INFORMATION AND CERTIFICATION SHEET

Legal Name of Proposer: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

State of Incorporation: \_\_\_\_\_

Entity Type: \_\_\_\_\_

Contact Name: \_\_\_\_\_ Telephone: \_\_\_\_\_

Email: \_\_\_\_\_

Oregon Business Registry Number (if required): \_\_\_\_\_

Federal Tax Identification Number: \_\_\_\_\_

Number of full-time employees: \_\_\_\_\_

**Solution Category Being Proposed: (Please use an "X" to indicate Category being proposed)**

\_\_\_\_ Category 1 – non-cloud (hosted by Contractor at State Data Center)

\_\_\_\_ Category 1 – non-cloud (hosted by Contractor at Contractor's premises)

\_\_\_\_ Category 2 – cloud (SaaS)

**Any individual signing below hereby certifies he or she is an authorized representative of Proposer and that:**

1. Proposer understands and accepts and meets the requirements of this RFP. By submitting a Proposal, Proposer agrees to be bound by the Contract terms and conditions in Attachment A-1 and Attachment A-2 (as applicable) and as modified by any Addenda, except for those terms and conditions that DAS PS has reserved for negotiation, as identified in the RFP.
2. Proposer acknowledges receipt of any and all Addenda to this RFP.
3. Proposal, including the High-Level Cost Proposal (Attachment E) is a Firm Offer for 180 days following the Closing.
4. If awarded a Contract, Proposer agrees to perform the scope of work and meet the performance standards set forth in the final negotiated scope of work of the Contract.
5. I have knowledge regarding Proposer's payment of taxes and by signing below I hereby certify that, to the best of my knowledge, Proposer is not in violation of any tax laws of the state or a political subdivision of the state, including, without limitation, ORS 305.620 and ORS chapters 316, 317 and 318; and has no undisclosed liquidated and delinquent debt owed to the State of Oregon or any department or agency of the State of Oregon.

6. Proposer does not discriminate in its employment practices with regard to race, creed, age, religious affiliation, gender, disability, sexual orientation, national origin. When awarding subcontracts, Proposer does not discriminate against any business certified under ORS 200.055 as a disadvantaged business enterprise, a minority-owned business, a woman-owned business, a business that a service-disabled veteran owns or an emerging small business. If applicable, Proposer has, or will have prior to contract execution, a written policy and practice, that meets the requirements described in ORS 279A.112, of preventing sexual harassment, sexual assault and discrimination against employees who are members of a protected class. DAS PS may not enter into a contract with an anticipated contract price of \$150,000 or more with a Proposer that does not certify it has such a policy and practice.

See <https://www.oregon.gov/DAS/Procurement/Pages/hb3060.aspx> for additional information and sample policy template.

7. Proposer and Proposer’s employees, agents, and subcontractors are not included on:
- A. the “Specially Designated Nationals and Blocked Persons” list maintained by the Office of Foreign Assets Control of the United States Department of the Treasury found at: <https://www.treasury.gov/ofac/downloads/sdnlist.pdf>, or
  - B. the government wide exclusions lists in the System for Award Management found at: <https://www.sam.gov/portal/SAM/#1>
8. Proposer certifies that, to the best of its knowledge, there exists no actual or potential conflict between the business or economic interests of Proposer, its employees, or its agents, on the one hand, and the business or economic interests of the State, on the other hand, arising out of, or relating in any way to, the subject matter of the RFP. If any changes occur with respect to Proposer’s status regarding conflict of interest, Proposer shall promptly notify the State in writing.
9. Proposer certifies that it meets the minimum qualifications identified in RFP section 3.1 and that Proposer’s solution substantially complies with the Statewide Information Security Standards and the Statewide Cloud Computing policy identified in RFP section 3.2.
10. Proposer certifies that all contents of the Proposal (including any other forms or documentation, if required under this RFP) and this Proposal Certification Sheet, are truthful and accurate and have been prepared independently from all other Proposers, and without collusion, fraud, or other dishonesty.
11. Proposer understands that any statement or representation it makes, in response to this RFP, if determined to be false or fraudulent, a misrepresentation, or inaccurate because of the omission of material information could result in a "claim" {as defined by the Oregon False Claims Act, ORS 180.750(1)}, made under Contract being a "false claim" {ORS 180.750(2)} subject to the Oregon False Claims Act, ORS 180.750 to 180.785, and to any liabilities or penalties associated with the making of a false claim under that Act.
12. Proposer acknowledges these certifications are in addition to any certifications required in the Contract and Statement of Work in Attachment A-1 or Attachment A-2 (as applicable) at the time of Contract execution.

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
(Print Name and Title)

## ATTACHMENT D - REFERENCE CHECK FORM

Proposer Name: \_\_\_\_\_

Reference Entity: \_\_\_\_\_

Reference Contact Name: \_\_\_\_\_

Contact Telephone Number: \_\_\_\_\_

Contact Email Address: \_\_\_\_\_

Please rate the following questions on a scale of 0-10:

0 = Not satisfied      5 = Moderately satisfied      10 = Extremely satisfied.

1. How satisfied are you with the Proposer's overall quality of services provided and your overall relationship with the Proposer?

Score: \_\_\_\_\_

Comments:

2. How satisfied are you with the Proposer's delivery of service?

Score: \_\_\_\_\_

Comments:

3. How satisfied are you with the Proposer's responsiveness to customer service issues and special requests (e.g., reported problems, changes, billing, etc.)?

Score: \_\_\_\_\_

Comments:

4. Would you use the Proposer's services again? Why or Why not?

Score: \_\_\_\_\_

Comments:

**5. How satisfied are you with the following aspect(s) of Proposer’s solution and services?**

**A. Software**

Score: \_\_\_\_\_

Comments:

**B. Hardware**

Score: \_\_\_\_\_

Comments:

**C. Installation and Implementation**

Score: \_\_\_\_\_

Comments:

**D. Training**

Score: \_\_\_\_\_

Comments:

**E. Maintenance/Ongoing Services**

Score: \_\_\_\_\_

Comments:

**F. Solution responsiveness (processing time for requests)**

Score: \_\_\_\_\_

Comments:

**G. Processing timeline for new data files**

Score: \_\_\_\_\_

Comments:

**H. License/Subscription Agreement**

Score: \_\_\_\_\_

Comments:

**I. Information Gathering**

Score: \_\_\_\_\_

Comments:

**J. Data Migration**

Score: \_\_\_\_\_

Comments:

**K. Solution Configuration**

Score: \_\_\_\_\_

Comments:

**L. Storage**

Score: \_\_\_\_\_

Comments:

**M. Operational Staff Costs**

Score: \_\_\_\_\_

Comments:

**N. Consulting Services**

Score: \_\_\_\_\_

Comments:

**6.** How satisfied were you with the Proposer's ability to manage to the agreed upon timeline?

Score: \_\_\_\_\_

Comments:

**7.** How satisfied were you with the Proposer's ability to manage to the agreed upon scope of work?

Score: \_\_\_\_\_

Comments:

**8.** How satisfied were you with the Proposer's ability to manage to the agreed upon cost?

Score: \_\_\_\_\_

Comments:

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## ATTACHMENT E HIGH-LEVEL COST PROPOSAL Category 1 - Non-Cloud (on premise) Solution

Proposer's Name: \_\_\_\_\_

Solution will be:

- Hosted on Proposer's Premises
- Hosted on State's Premises (State Data Center)

	Hours	Annual Cost	Five (5) Year Cost
Software		\$	\$
Hardware		\$	\$
Installation and Implementation		\$	\$
Training		\$	\$
Maintenance		\$	\$
License		\$	\$
Information Gathering		\$	\$
Data Migration		\$	\$
Solution Configuration		\$	\$
Hosting		\$	\$
Storage		\$	\$
Operational Staff Costs		\$	\$
Consulting Services		\$	\$
		<b>TOTAL:</b>	\$

**For Cloud Solutions, please complete the following page.**

## ATTACHMENT E HIGH-LEVEL COST PROPOSAL Category 2 - Cloud (SaaS) Solution

Proposer's Name: \_\_\_\_\_

One Time Non-Recurring Implementation (including data migration; information gathering; solution configuration, training, etc.) Cost: \$\_\_\_\_\_

Monthly subscription rate: \$\_\_\_\_\_

Other additional costs (Describe below): \$\_\_\_\_\_

Total 5-Year Cost: \$\_\_\_\_\_

Other Costs:

\$
\$
\$
\$
\$
\$



# ATTACHMENT F –CERTIFIED DISADVANTAGED BUSINESS OUTREACH PLAN

Proposer Name: \_\_\_\_\_ Date: \_\_\_\_\_

Contact Name: \_\_\_\_\_ Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

“Certified Firm” means a small business certified under ORS 200.055 by the Oregon Certification Office for Business Inclusion and Diversity (COBID) as minority-owned businesses, woman-owned businesses, businesses that service-disabled veterans own, and emerging small businesses.

Certified Firms must have an equal opportunity to participate in the performance of contracts financed with state funds. By submitting its offer, Proposer certifies that it has taken, and if there are further opportunities, will take reasonable steps to ensure that Certified Firms are provided an equal opportunity to compete for and participate in the performance of any subcontracts resulting from this procurement.

The information submitted in response to this clause will not be considered in any scored evaluation.

**1. Is Proposer an Oregon certified firm?** Yes  No

If yes, indicate all certification type(s): DBE  MBE  WBE  SDV  ESB  and supply

Oregon State Certification Number: \_\_\_\_\_

**2. Include a list of Certified Firms that Proposer has had a contractual relationship with within the last two years.**

**3. Include a list of firms that Proposer has had a contractual relationship with within the last two years that are not Certified Firms but may be minority-owned, woman-owned, service-disabled veteran-owned or emerging small businesses.**

**4. Does Proposer foresee any subcontracting opportunities for this procurement?** Yes  No

If no, do not complete the rest of this form and submit this first page with your Proposal.

If yes, please complete the following pages and submit all pages with your Proposal.

## CERTIFIED DISADVANTAGED BUSINESS OUTREACH PLAN

**5. Describe the steps Proposer will take to solicit Certified Firms for subcontracting opportunities if awarded a contract from this procurement.**

**6. Describe the subcontracting opportunities and the approximate dollar value of each that may be available, if awarded a Contract.**

**7. Would Proposer be willing to report the identity of each subcontractor and the value of each subcontract to COBID if awarded a Contract from this procurement?**

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## ATTACHMENT G - RESPONSIBILITY INQUIRY

DAS PS will determine responsibility of a Proposer prior to award and execution of a Contract. In addition to this form, DAS PS may notify Proposer of other documentation required, which may include but is not limited to recent profit-and-loss history, current balance statements and cash flow information, assets-to-liabilities ratio, including number and amount of secured versus unsecured creditor claims, availability of short and long-term financing, bonding capacity, insurability, credit information, materials and equipment, facility capabilities, personnel information, record of performance under previous contracts, etc. Failure to promptly provide requested information or clearly demonstrate responsibility may result in a DAS PS finding of non-responsibility and rejection.

1. Does Proposer have available the appropriate financial, material, equipment, facility and personnel resources and expertise, or ability to obtain the resources and expertise, necessary to demonstrate the capability of Proposer to meet all contractual responsibilities? **YES**  / **NO** .
2. Within the last five years, how many contracts of a similar nature has Proposer completed that, to the extent that the costs associated with and time available to perform the contract remained within Proposer's control, Proposer stayed within the time and budget allotted, and there were no contract claims by any party? Number: \_\_\_\_

How many contracts did not meet those standards? Number: \_\_\_\_ If any, please explain.

Response:

3. Within the last three years has Proposer (incl. a partner or shareholder owning 10% or more of Proposer's firm) or a major subcontractor (receiving 10% or more of a total contract amount) been criminally or civilly charged, indicted or convicted in connection with:
  - obtaining, attempting to obtain, or performing a public (Federal, state, or local) contract or subcontract,
  - violation of federal or state antitrust statutes relating to the submission of bids or Proposals, or
  - embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, or receiving stolen property? **YES**  / **NO** .

If "YES," indicate the jurisdiction, date of indictment, charge or judgment, and names and summary of charges in the response field below.

Response:

4. Within the last three years, has Proposer had:
  - any contracts terminated for default by any government agency, or
  - any lawsuits filed against it by creditors or involving contract disputes? **YES**  / **NO** .

If "YES," please explain. (With regard to judgments, include jurisdiction and date of final judgment or dismissal.)

Response:

5. Does Proposer have any outstanding or pending judgments against it? **YES**  / **NO** .

Is Proposer experiencing financial distress or having difficulty securing financing? **YES**  / **NO**

Does Proposer have sufficient cash flow to fund day-to-day operations throughout the proposed contract period? **YES**  / **NO**

If "YES" on the first question or second question, or "NO" on the third question, please provide additional details.

Response:

6. Within the last three years, has Proposer filed a bankruptcy action, filed for reorganization, made a general assignment of assets for the benefit of creditors, or had an action for insolvency instituted against it? **YES**  / **NO** .

If "YES," indicate the filing dates, jurisdictions, type of action, ultimate resolution, and dates of judgment or dismissal, if applicable.

Response:

7. Does Proposer have all required licenses, insurance and/or registrations, if any, and is Proposer legally authorized to do business in the State of Oregon? **YES**  / **NO** .

If "NO," please explain.

Response:

8. Pay Equity Certificate. This certificate is required if Proposer employs 50 or more full-time workers and the prospective contract price is estimated to exceed \$500,000. [This requirement does not apply to architectural, engineering, photogrammetric mapping, transportation planning or land surveying and related services contracts.] Does a current authorized representative of Proposer possess an unexpired Pay Equity Certificate issued by the Department of Administrative Services? **YES**  / **NO**  / **N/A** . [If the certificate was provided with the Bid or Proposal submitted for a solicitation related to the prospective contract, then it is not necessary to resubmit it. Just indicate "see Bid" or "see Proposal" in the response field. **Otherwise, if applicable, submit a copy of the certificate with this form.**]

Response:

### AUTHORIZED SIGNATURE

By signature below, the undersigned Authorized Representative on behalf of Proposer certifies to the best of his or her knowledge and belief that the responses provided on this form are complete, accurate, and not misleading.

Proposer Name:	RFP: Project Name:
----------------	-----------------------

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Authorized Signature

Date

---

Print Name

Title

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## ATTACHMENT H PROJECT – SPECIFIC DEFINITIONS

Term	Definition
AHRQ	The Agency for Healthcare Research and Quality (AHRQ)
All Payer All Claims (APAC) Reporting Program	Oregon’s All Payer All Claims Reporting Program manages Oregon’s APCD including the rules governing receipt of data and sharing of data, and the processes for these activities.
All Payer Claims Database (APCD)	A large-scale database that systematically collects and stores enrollment, claims, alternative payment methodology amounts, provider, and premium information from private and public payers in a State.
Claim Types	Medical and pharmacy claims collected from data submitters for comprehensive major medical health benefit plans for commercial and government payers, Medicare Supplement, Medicare Part C, and Medicare Part D.
CMS	Means the Centers for Medicare and Medicaid Services.
COTS	“Commercial Off-The-Shelf” software means a ready-made software product that is bought, licensed or leased or configurable by the Proposer to meet the specific needs of OHA and installed and hosted on a single-tenant server that is located on either: (a) State owned or controlled facilities or (b) facilities owned or controlled by third parties or the System vendor.
Custom Data Set	Custom data set is created for a specific data request and will include the minimum necessary data elements required to meet the purpose of the request. Custom data sets are allowed for research, public health, and health care operations, subject to state and federal law.
DAS PS	Means the State of Oregon, acting by and through its Department of Administrative

	Services, Enterprise Goods and Services, Procurement Services.
Data Consolidation	Means the process of combining data from multiple payers.
De-Identified Health Information	Health information that does not identify an individual and with respect to which there is no reasonable basis to believe that the information can be used to identify an individual.
Direct Personal Identifier	<p>Information relating to an enrolled member that contains primary or obvious identifiers, including:</p> <ul style="list-style-type: none"> <li>a) Names;</li> <li>b) Business names when that name would serve to identify a person;</li> <li>c) Postal address information other than town or city, state, and 5-digit zip code;</li> <li>d) Specific latitude and longitude or other geographic information that would be used to derive postal address;</li> <li>e) Telephone and fax numbers;</li> <li>f) Electronic mail addresses;</li> <li>g) Social security numbers;</li> <li>h) Vehicle identifiers and serial numbers, including license plate numbers;</li> <li>i) Medical record numbers;</li> <li>j) Health plan beneficiary numbers;</li> <li>k) Certificate and license numbers;</li> <li>l) Internet protocol (IP) addresses and uniform resource locators (URL) that identify a business that would serve to identify a person;</li> <li>m) Biometric identifiers, including finger and voice prints; and</li> <li>n) Personal photographic images.</li> </ul>
Encrypted Identifier	A code or other means of identification to allow individual patients or enrolled members to be tracked across data sets without revealing their identity.

ETL	The process of extracting data from source systems and bringing it into the data warehouse is commonly called ETL, which stands for extraction, transformation, and loading. Note that ETL refers to a broad process, and not three well-defined steps. ... Nevertheless, the entire process is known as ETL
ETS	The Office of the State Chief Information Officer, Enterprise Technology Services
FTE	Full-time equivalent (FTE) is a unit that indicates the workload of an employed person (or student) in a way that makes workloads or class loads comparable across various contexts. FTE is often used to measure a worker's or student's involvement in a project, or to track cost reductions in an organization. An FTE of 1.0 is equivalent to a full-time worker or student, while an FTE of 0.5 signals half of a full work or school load
Health Benefit Plan	A policy, contract, certificate or agreement entered into, or offered by a health insurer to provide, deliver, arrange for, pay for or reimburse any of the costs of healthcare services.
Health Insurer	Any health insurance company, nonprofit hospital and medical service corporation, managed care organization, third party administrator, pharmacy benefit manager, and any entity conducting administrative services for business or possessing claims data, eligibility data, provider files, and other information relating to healthcare provided to Oregon residents or by Oregon healthcare providers and facilities. The term may also include, to the extent permitted under state and federal law, any administrator of an insured, self-insured, or publicly funded healthcare benefit plan offered by public and private entities.
Healthcare Facility	A health care facility as defined in ORS 442.015(16).
Healthcare	A health care provider as defined in ORS



Provider	192.556(5).
HIE	Health Information Exchange
HIPAA	Title II, Subtitle F of the Health Insurance Portability and Accountability Act of 1996, 42 USC 1320d, et seq. and the federal regulations adopted to implement the Act.
Identity Resolution	For purposes of this RFP, pertains to managing unduplicated unique identifiers for persons, members, patients, beneficiaries, and rendering providers such as clinician, practitioners, and other service providers included in the APCD.
Key Person	Means (i) one or more of Proposer’s employees or other personnel who meet the minimum requirements of this RFP, (ii) whom Proposer proposes to perform some or all of the Services solicited under this RFP, and (iii) who will, if Proposer is a successful Proposer, provide some or all of the Services solicited under this RFP. If Proposer is an individual and not a legal entity, Proposer may be proposed as a Key Person.
Limited Data Set	A data set created for a specific request which may include protected health information but from which certain Direct Personal Identifiers have been removed. Limited Data Sets may be disclosed for research, program operations, or to a public health authority for public health purposes.
Mandatory Reporter	Insurers, third party administrators, and pharmacy benefits managers that are required to submit data to APAC, as defined in OAR 409-025-0110.
Master Provider Directory	An unduplicated list of Healthcare Facilities and Healthcare Providers who have associated claims data in APAC. The Master Provider Directory is specific to APAC data and is independent from other state efforts to create a comprehensive database of healthcare providers serving Oregon residents.
Member File	Refers to eligibility or enrollment files containing demographic information for each

	individual member eligible for medical or pharmacy benefits for one or more days of coverage at any time during the reporting month.
MPI	Master Person Index
Non-claims Information	Financial transactions not associated with a claim. This may include capitation, case management, incentive payments, retrospective settlements, pharmacy rebates, and other related information.
Patient	For the purposes of this RFP, this term is equivalent to member, enrollee, beneficiary, or recipient.
Payer Types	Private or Commercial (including insured and self-insured health benefit plans), Medicaid, Medicare.
PBM	Pharmacy Benefits Manager
PMI	Project Management Institute
Project Management Body of Knowledge or PMBOK	Means the project management methodology that conforms to the standards established by the Project Management Institute (PMI), Sixth Edition (PMBOK Guide) and supplemented by standards set forth in ISO 12207
Protected Health Information or PHI	<p>(From the Health Insurance Portability and Accountability Act ) - Information that could be used alone or in combination with other information</p> <p>to identify the individual who is the subject of the information, including:</p> <p>Names</p> <p>All geographic subdivisions smaller than a state, including street address, city, county, precinct, ZIP Code, and their equivalent geographical codes, except for the initial three digits of a ZIP Code if, according to the current publicly available data from the Bureau of the Census:</p> <p>The geographic unit formed by combining all ZIP Codes with the same three initial digits contains more than 20,000 people.</p>

	<p>The initial three digits of a ZIP Code</p> <p>Telephone numbers</p> <p>Facsimile numbers</p> <p>Electronic mail addresses</p> <p>Social security numbers</p> <p>Medical record numbers</p> <p>Health plan beneficiary numbers</p> <p>Account numbers</p> <p>Certificate/license numbers</p> <p>Vehicle identifiers and serial numbers, including license plate numbers</p> <p>Device identifiers and serial numbers for all such geographic units containing 20,000 or fewer people are changed to 000.</p> <p>All elements of dates (except year) for dates directly related to an individual, including birth date, admission date, discharge date, date of death; and all ages over 89 and all elements of dates (including year) indicative of such age, except that such ages and elements may be aggregated into a single category of age 90 or older.</p> <p>Web universal resource locators (URLs)</p> <p>Internet protocol (IP) address numbers</p> <p>Biometric identifiers, including fingerprints and voiceprints</p> <p>Full-face photographic images and any comparable images</p> <p>Any other unique identifying number, characteristic, or code, unless otherwise permitted by the Privacy Rule (The Privacy Rule (also known as Standards for Privacy of Individually Identifiable Health Information) is in Title 45 of the Code of Federal Regulations, Part 160 and Subparts A and E of Part 164. The Department of Health and Human Services (HHS) issued the Privacy Rule in December 2000 to implement HIPAA's mandate that HHS establish Federal standards for safeguarding the privacy of individually identifiable health information. for re- identification)</p>
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Public Use Data Set	Means a data set that contains only De-Identified Health Information, no Direct Personal Identifiers or any other information that could reasonably be used to identify an individual.
“SaaS” or Software-as-a-Service	Means a computer program, routine, or sub-routine including application programs which is licensed on a subscription basis and is centrally hosted by a service provider and made available to OHA and its End Users by means of a secured network connection. In the majority of instances, a SaaS System utilizes multi-tenancy servers to host and store a subscriber’s data.
Services	Means all work and other efforts undertaken by any successful Proposer in relation to the APAC IT Project, including, without limitation the implementation of any successful Proposer’s System and the provision of the related project management, training, change management, support and maintenance services.
SFTP	Secure file transfer protocol
SOW	Means the Statement of Work as referenced in Exhibit A of the sample Contract(s).
SSH	Secure Socket Shell communication protocol
Summarized Aggregate Data	HIPAA-compliant, aggregated data that includes counts or summarized statistics for any of the data elements listed in the Limited Data Sets. These data may not contain any Direct Personal Identifiers, nor can they be grouped at the individual patient level.
TPA	Third-Party Administrator
Work Breakdown Structure	Has the meaning assigned to it in the <i>Project Management Body of Knowledge</i> (“PMBOK”) Sixth Edition: “A hierarchical decomposition of the total scope of work to be carried out by the project team to accomplish the project objectives and create the required deliverables.”

# **ATTACHMENT I SOLUTION FUNCTIONALITY**

**See Attached Document**

**DRAFT**

# ATTACHMENT J - OREGON ENTERPRISE TECHNOLOGY SERVICES (ETS) ARCHITECTURE REQUEST FOR PROPOSALS (RFP) STANDARDS AND GUIDELINES

## Oregon Enterprise Technology Services (ETS) Customer Requests

ETS customers issuing RFPs to support application development initiatives often have hardware requirements. Standards and guidelines for equipment housed at ETS are outlined below.

## ETS Responsibility

ETS is charged with providing hardware and software solutions that can be efficiently managed and supported. New agency or statewide projects should integrate into the environment and support mechanisms that ETS provides so the highest possible savings is realized. Solutions that are outside the State's consolidation efforts (e.g., third-party, Contractor supported hardware and software) are not within ETS scope. With regard to hardware and licensed software (for new projects), ETS will:

- Obtain the hardware needed to support the proposed solution. This requires ETS to work with the agency to obtain the correct specifications as to appropriately scale the needed hardware. Likewise, ETS acquires and installs licensed software platforms (i.e. WebSphere, .NET, etc.). ETS and agency coordinates on the correct configuration(s) of these licensed software platforms.
- Work through its contracted hardware and software providers to obtain (and pay for) the needed software and licenses required to support the proposed solution.
- Establish agreements, in conjunction with ETS contracted hardware and software providers, addressing State required warranties and warranty periods. This agreement is between the State and State contracted hardware and software provider.

## Proposer Responsibility

Proposers are encouraged to propose solutions that are compatible with the Oregon Enterprise Technology Services (ETS) IT infrastructure standards.

## Assumptions

Proposers are expected to consider general ETS standards and conditions below:

1. **Software Solutions:** The solution architecture software:
  - A. The software environment (language) should be open or built upon industry standards (e.g. WebSphere, Java, .NET, PHP, etc.)
  - B. The software solution should run on open or industry standard operating Systems (e.g. AIX, Windows, Z/OS, Linux)
2. **Hardware/OS Solutions:** ETS uses the hardware/OS Platform Standards below:
  - A. pSeries: ETS runs UNIX applications on IBM pSeries AIX
  - B. zSeries: State zSeries mainframes run applications under Z/OS v1.13
  - C. iSeries: State iSeries mainframes run applications under i5OS
  - D. Linux solutions runs on Intel based hardware or on zSeries mainframe; ETS standard O/S for Linux solutions is Redhat.

**3. Intel-Based Hardware/OS Solutions:** ETS uses the solutions listed below:

A. Standard for deployment into Intel-based environments is to use virtualization technologies (VMWare ESX). The platform selection is structured as follows:

1. Explore deploying a virtual server first; if not viable, then
2. Explore deploying a UCP blade server second; if not viable then
3. Deploy a standalone server

B. Standardized on Hitachi Unified Compute Platform hardware. Any hardware brought into ETS through this RFP process is configured to ETS's standard or, at minimum has the configuration quality assurance reviewed by ETS.

C. Windows Server 2012 R2 (64-bit) Operating Systems and RedHat Linux Distributions.

**4. Backup Solutions:** ETS uses the Backup Solutions Standards below:

A. Backups are made for all open systems platforms using Commvault Simpana 10.x.

B. Backups are performed by ETS and incorporate the Virtual Tape Library Architecture

C. Database backups will utilize the Commvault Data Protection agent

**5. Database Management Solutions:** ETS supports the following database software:

A. DB2 on Z/OS mainframe, iSeries mainframe and pSeries AIX

B. Microsoft SQL Server

C. ORACLE v11 on pSeries AIX

D. MySQL on Linux and MS Windows

**6. Storage Solutions:** All platforms at ETS use Hitachi SAN for data storage. ETS provides auto-tiered storage environment to meet any data storage requirements.

**7. Network Solutions:**

A. ETS generally uses Ethernet (2Mbps –10Gbps). ETS uses MPLS VPN services to isolate agency networks on a shared infrastructure.

B. Standard protocols for ETS networks include:

1. IPv4/IPv6 (in development)
2. Ethernet (10/100 Mbps) is available for LANs
3. Ethernet (1000 Mbps) is available for servers

**8. Security Solutions:**

A. ETS is currently not PCI compliant nor does it have plans to become compliant.

B. ETS will manage internal firewall configurations.

C.ETS Virtual Private Network (VPN) includes the procurement, installation, management, and versioning of hardware and software resources required by customers to connect to and make use of ETS-managed VPN resources.

**9. General Comments:**

- A. If business requirements include data encryption, ETS prefers the encryption to be at the application level to cause the least disruption to infrastructure support.
- B. Prior to implementation in ETS's production environment, new products should be installed in ETS test environment and reviewed for system performance and consistency with ETS environments. Products found to be incompatible with ETS environment will be modified as needed.
- C. Software and applications shall use system standard protocols for security authentication (i.e., active directory for Windows, RACF for z/OS, LDAP) rather than internal security methods.
- D. ETS will provide and support all services using a set of service management standards and processes based on the activities identified in the IT Infrastructure Library (ITIL) v3 Service Lifecycle. ETS staff, management, and contractors will adhere to the ETS's documented standards and processes.
- E. Implementation planning should include ETS Solutions Architecture involvement to discuss areas of concern; e.g.:
  - Business criticality for this application
  - Processes to engage agency resources for production issues during business hours
  - Normal business hours for this application
  - Any specific agency contacts that should be notified in case of an after- hours emergency
  - Any special "seasons" of increased activity for this application where up- time is critical to the business

**Rates/charges**

[http://www.oregon.gov/das/OSCIO/Documents/ETS\\_Rates.pdf](http://www.oregon.gov/das/OSCIO/Documents/ETS_Rates.pdf)

**ETS Service Level Agreement**

[https://www.oregon.gov/das/OSCIO/Documents/SLA\\_Baseline.pdf](https://www.oregon.gov/das/OSCIO/Documents/SLA_Baseline.pdf)

**ETS Facility Information**

In 2005, Oregon state government finished building a new data center to serve the majority of the State's computing needs. The design of the facility and its infrastructure meets the Uptime Institute's standards for Tier III certification 99.9% uptime. The institute's classification system creates a benchmark for reliable infrastructure design in data centers. Achieving Tier III standards means the State Data Center's facility is a vast improvement over the state's previous data centers. For more information: Contact: [servicedesk@das.state.or.us](mailto:servicedesk@das.state.or.us) (request to be logged and tracked; questions will be directly coordinated with appropriate subject matter expert).



# **ATTACHMENT K SECURITY REQUIREMENTS**

**See attached document.**

**DRAFT**