



Department of Administration
 Purchasing Division
 2019 Washington Street East
 Post Office Box 50130
 Charleston, WV 25305-0130

State of West Virginia
Contract

Order Date: 10-22-2021

CORRECT ORDER NUMBER MUST APPEAR
 ON ALL PACKAGES, INVOICES, AND
 SHIPPING PAPERS. QUESTIONS
 CONCERNING THIS ORDER SHOULD BE
 DIRECTED TO THE DEPARTMENT
 CONTACT.

Order Number:	CCT 0506 2849 BHS2200000001 2	Procurement Folder:	904551
Document Name:	CO 1 WEB-BASED DATA COLLECTION SYSTEM	Reason for Modification:	CO 1 is issued to extend the contract to 03/31/22. The extension of this contract is provided to complete the project and add milestone payments. Effective date of change 10/22/21 No other changes.
Document Description:	CO 1 WEB-BASED DATA COLLECTION SYSTEM		
Procurement Type:	Central Contract - Fixed Amt		
Buyer Name:	Crystal G Husted		
Telephone:	(304) 558-2402		
Email:	crystal.g.husted@wv.gov		
Shipping Method:	Best Way	Effective Start Date:	2021-11-01
Free on Board:	FOB Dest, Freight Prepaid	Effective End Date:	2022-03-31

VENDOR				DEPARTMENT CONTACT	
Vendor Customer Code:	VS0000008715			Requestor Name:	Stacey M Tully
FEI COM INC 9755 PATUXENT WOODS DR STE 300				Requestor Phone:	304-558-3834
COLUMBIA MD 21046 US				Requestor Email:	stacey.m.tully@wv.gov
Vendor Contact Phone:	443.270.5148	Extension:		<div style="font-size: 48px; font-weight: bold;">22</div> <div style="font-size: 24px; font-weight: bold;">FILE LOCATION</div>	
Discount Details:					
	Discount Allowed	Discount Percentage	Discount Days		
#1	No	0.0000	0		
#2	Not Entered				
#3	Not Entered				
#4	Not Entered				

INVOICE TO	SHIP TO
PURCHASING AGENT - 304-356-4802 HEALTH AND HUMAN RESOURCES BBH/HF 350 CAPITOL ST, RM 350 CHARLESTON WV 25301-3702 US	PURCHASING AGENT - 304-356-4802 HEALTH AND HUMAN RESOURCES BBH/HF 350 CAPITOL ST, RM 350 CHARLESTON WV 25301-3702 US

Total Order Amount: \$484,119.00

Purchasing Division's File Copy

ENTERED

PURCHASING DIVISION AUTHORIZATION DATE: 11/14/21 ELECTRONIC SIGNATURE ON FILE	ATTORNEY GENERAL APPROVAL AS TO FORM DATE: 11/9/21 ELECTRONIC SIGNATURE ON FILE	ENCUMBRANCE CERTIFICATION DATE: 11/10/21 ELECTRONIC SIGNATURE ON FILE
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Extended Description:

Change Order

Change Order No. 01 is issued to extend the original contract to 03/31/22. All prices, and specifications contained in the original contract including all authorized change orders. The extension of this contract is provided to complete the project and add milestone payments.

Effective date of change 10/22/21

No other changes.

Line	Commodity Code	Quantity	Unit	Unit Price	Total Price
1	43231500	0.00000		0.000000	\$0.00
Service From	Service To	Manufacturer		Model No	
2021-11-01	2022-03-31				

Commodity Line Description: Business function specific software

Extended Description:

Web-Based Data Collection System Software with capability to collect all SAMHSA required GPRA data and submit data to SPARS nightly.

Line	Commodity Code	Quantity	Unit	Unit Price	Total Price
2	43231500	0.00000		0.000000	\$48,412.00
Service From	Service To	Manufacturer		Model No	
2021-11-01	2021-12-01				

Commodity Line Description: Project Kick-off

Extended Description:

Project Kick-off

Line	Commodity Code	Quantity	Unit	Unit Price	Total Price
3	43231500	0.00000		0.000000	\$72,618.00
Service From	Service To	Manufacturer		Model No	
2021-11-01	2022-02-01				

Commodity Line Description: Configuration of software

Extended Description:

Configuration of Continuum, Bed Waitlist, Management Module and all SAMHSA required GPRA data and submit data to SPARS nightly.

Line	Commodity Code	Quantity	Unit	Unit Price	Total Price
4	43231500	0.00000		0.000000	\$146,236.00
Service From	Service To	Manufacturer		Model No	
2021-11-01	2022-02-01				

Commodity Line Description: Delivery of software to Production

Extended Description:

Delivery of Continuum, Bed Waitlist, Management Module and all SAMHSA required GPRA data and submit data to SPARS nightly to production.

Line	Commodity Code	Quantity	Unit	Unit Price	Total Price
5	43231500	0.00000		0.000000	\$72,618.00
Service From	Service To	Manufacturer		Model No	
2021-11-01	2022-03-31				

Commodity Line Description: Configure Prevention Module

Extended Description:

Configure Prevention Module requirements

Line	Commodity Code	Quantity	Unit	Unit Price	Total Price
6	43231500	0.00000		0.000000	\$144,235.00
Service From	Service To	Manufacturer	Model No		
2021-11-01	2022-03-31				

Commodity Line Description: Prevention Module Delivery to Production

Extended Description:

Delivered to Production of Prevention Module requirements



FEI Systems

Connecting Every Dimension of
Health and Human Services

APPROVED
T.H. White
10/28/21

September 21, 2021

Bryan Rosen
DHHR Purchasing Director
One David Square, Suite 100
Charleston, WV 25301

Ok
Althea Greenhouse

Dear Mr. Rosen,

Thank you for your correspondence regarding our contract modification request. We reviewed the justification of contract modification for CRFQ 0506 BHS2100000003 for development, maintenance, and support of an integrated, web-based software system for provision of Behavioral Health Services.

FEI and the Bureau of Behavioral Health identified the following contract modifications:

1. Modification of the terms of the contract (Section 3 of the General Terms and Conditions), from September 29, 2021 to March 31, 2022.
2. Modify the required timelines for CONTINUUM (4.3.2.4), Bed Waitlist and Management Module (4.3.3.5) and State Opioid Response Grant GPRA Reporting Module (4.3.4.8) from 12 weeks from Contract Execution to 12 weeks from the last date signed on Amendment 1 ("Amendment 1 Execution Date") off with the Kickoff to occur within thirty (30) days of execution of the contract. With the 12-week timeframes for completion any time expended prior to kickoff could jeopardize the vendors ability to complete and this allows for an agreeable solution for both parties.
3. Modify required timeline for the Prevention Module (4.3.5.5) from 12 weeks from Contract Execution to five (5) months from Amendment 1 Execution Date. Further discussion has shown that original solicited timeframes were overly ambitious and to properly complete the work five full months would be the recommended specification.
4. Modification of agreement and documentation for the invoice process to include recommended milestone payments of the previously bid amount of \$484,119.00:
 - a) Project Kick-off – 10% (\$48,412)
 - b) Completion of SOR, CONTINUUM, Waitlist Requirements/Configuration Document – 15% (\$72,618)
 - c) Delivery of SOR, CONTINUUM, Waitlist to Production – 30% (\$146,236)
 - d) Prevention Module Requirements/Configuration Document complete – 15% (\$72,618)

We look forward to your response on the contract renewal and contract modifications requested.

Sincerely,

Nik Garifalos

Deputy Chief Operations Officer

FEI Systems | 9755 Patuxent Woods Drive | Suite 300 | Columbia, Maryland 21046
tel: 443-270-5100 fax: 410-715-6538 | www.FEISystems.com



**STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES**

**Bill J. Crouch
Cabinet Secretary**

**Bureau for Behavioral Health
350 Capitol Street, Room 350
Charleston, West Virginia 25301-3702
Telephone: (304) 356-4811 Fax: (304) 558-1008**

**Christina R. Mullins
Commissioner**

September 10, 2021

**Bryan Rosen
DHHR Purchasing Director
One Davis Square, Suite 100
Charleston, WV 25301**

Re: Justification for Modification of Current Contract and Emergency Purchase of an Integrated, Web-based Software System

Please accept this letter as justification for the modification of CRFQ 0506 BHS2100000003 for development, maintenance, and support of an integrated, web-based software system for provision of Behavioral Health Services. This request is based on issues identified with the recently awarded contract for those services. The History leading to this request are as follows:

The Bureau for Behavioral Health (BBH) has had a longstanding need for development of a web-based software system for the collection of a large amount of Behavioral Health services statewide. In early 2020, BBH had identified and received a large portion of Federal SAMHSA funding that was approved for the purchase of such software; however, those funds could only be expended for a data system that included nationally recognized and approved assessment criteria for folks with Substance Use Disorders. As of that time and today there is only one qualifying product and that is ASAM criteria. The ASAM Criteria is the most widely used and comprehensive set of guidelines for placement, continued stay, transfer, or discharge of patients with addiction and co-occurring conditions.

Recognizing, that there was only one set of eligible criteria, BBH sought out a sole source determination for FEI Systems and their ASAM Continuum Product as they are the only prime vendor for the product. However, due to the fact that there are multiple resellers of the ASAM Continuum criteria that are licensed under FEI the Sole Source Request was denied. After this denial, BBH began work on a solicitation, but our attention was soon consumed by other COVID related issues within the State and the RFQ specs were not completed and finalized until February of 2021.

As a result of the time constraints tied to the funding, the BBH developed specs with reasonably ambitious timelines for the different pieces (4, 8 and 12 Weeks) so that all development activities could be completed before the expiration of the Federal Funds (September 29, 2021) and thus eligible to be charged to our funding source. Those specs were finalized, and bids were received on April 13, 2021 which still allowed ample time for completion of the contract within the proposed timeframes. Bids were reviewed and subsequent to the initial review it was noted that

specific portions of one of the received Bids was not included in the bid packages scanned from DOA Purchasing. On April 27, 2021 BBH was able to collaborate with DHHR purchasing and DOA purchasing to locate and rescan the complete packet for review.

Upon receipt of the missing information and final review of the bids, BBH had concerns with the low bidder as to whether or not they could comply with the terms as identified in their bid. On April 30, 2021 a request for additional clarification was sent from BBH via DOA Purchasing to the lowest Bidder. One of the three concerns identified was whether or not the bid received included the total cost for the required subscriptions and licenses. On May 3, 2021 the vendor replied and confirmed that the bid did include those specific costs in their bid. At that point BBH moved forward to award.

On June 22, 2021, FEI Systems who was the second lowest bidder filed a vendor protest stating that the selected Vendor (Sigmond) could not meet the requirements of the contract. Specifically, as the Prime Vendor for ASAM criteria which was a requirement of the specs they had information that Sigmond had not had the required experience with that product and as the vendor whom would be selling Sigmond the licenses they knew that the vendor could not provide the services in accordance with their bid. This aligned with concerns previously identified by BBH and confirmed by the vendor in May; however, with this second response they stated they would need to increase the cost of the bid verifying that the concerns were valid.

On July 1, 2021 BBH was notified that DOA Purchasing had cancelled the contract with Sigmond and had awarded the contract to FEI Systems. Pending further discussions and administrative obstacles, the final contract was not finalized until August 4, 2021, which provided only eight weeks for the solicited services to be completed and the assigned funding to be expended. In short, the contract was awarded with timeframes and specifications that were no longer valid as there was not enough time for the vendor to complete what was being asked. All work is currently on hold awaiting a determination on how to proceed.

As a result of the above series of events BBH is seeking to modify the current contract to allow for changes that would facilitate this vital service and allow for expenditure of available funding for the project. Specific modifications being requested are:

1. Modification of the terms of the contract (Section 3 of the General Terms and Conditions), from September 29, 2021 to March 31, 2022.
2. Modify the required timelines for CONTINUUM (4.3.2.4), Bed Waitlist and Management Module (4.3.3.5) and State Opioid Response Grant GPRA Reporting Module (4.3.4.8) from 12 weeks from Contract Execution to 12 weeks from the last date signed on Amendment 1 ("Amendment 1 Execution Date") off with the Kickoff to occur within thirty (30) days of execution of the contract. With the 12-week timeframes for completion any time expended prior to kickoff could jeopardize the vendors ability to complete and this allows for an agreeable solution for both parties.
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- a) Project Kick-off – 10% (\$48,412)
- b) Completion of SOR, CONTINUUM, Waitlist Requirements/Configuration Document – 15% (\$72,618)
- c) Delivery of SOR, CONTINUUM, Waitlist to Production – 30% (\$146,236)
- d) Prevention Module Requirements/Configuration Document complete – 15% (\$72,618)
- e) Prevention Module delivered to Production – 30% (\$146,235)

The BBH has already expended significant resources and efforts to bring this service online and with the pending Behavioral Health crisis resulting from COVID, BBH needs to get the contract in place. Also, while it is not likely the Federal Funding will be renewed and that those funds will be returned unexpended, we are still holding out hope that we can get a short-term extension allowing us to quickly expend if we do have a contract in place.

Based on the previous solicitation process and bid amounts, BBH believes that that FEI best meets the needs for the requested services for the State of West Virginia and would be the lowest eligible bidder for the services again and a resolicitation would be counterproductive for the State.

Thank you for your consideration of this request, and if you have any questions, please feel free to contact me directly at (304) 352-5592.

Sincerely,



Damon Iarossi