



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

# Request for Quotation

RFQ NUMBER
FLC12017

PAGE
1

ADDRESS CORRESPONDENCE TO ATTENTION OF:
ROBERTA WAGNER 304-558-0067

RFQ COPY  
 TYPE NAME/ADDRESS HERE

VENDOR

SHIP TO

HEALTH AND HUMAN RESOURCES  
 BPH - OHFLAC  
 408 LEON SULLIVAN WAY  
 CHARLESTON, WV  
 25301-1713 304-558-2026

DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
09/12/2011				

BID OPENING DATE: 09/22/2011 BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
ADDENDUM NO. 2						
1. QUESTIONS AND ANSWERS ARE ATTACHED.						
2. ADDENDUM ACKNOWLEDGEMENT IS ATTACHED. THIS DOCUMENT SHOULD BE SIGNED AND RETURNED WITH YOUR BID. FAILURE TO SIGN AND RETURN MAY RESULT IN DISQUALIFICATION OF YOUR BID.						
EXHIBIT 10						
REQUISITION NO.: FLC12017						
ADDENDUM ACKNOWLEDGEMENT						
I HEREBY ACKNOWLEDGE RECEIPT OF THE FOLLOWING CHECKED ADDENDUM(S) AND HAVE MADE THE NECESSARY REVISIONS TO MY PROPOSAL, PLANS AND/OR SPECIFICATION, ETC.						
ADDENDUM NO.'S:						
NO. 1 .....						
NO. 2 .....						
NO. 3 .....						
NO. 4 .....						
NO. 5 .....						
I UNDERSTAND THAT FAILURE TO CONFIRM THE RECEIPT OF THE ADDENDUM(S) MAY BE CAUSE FOR REJECTION OF BIDS.						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE	TELEPHONE	DATE
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TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE
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WHEN RESPONDING TO RFQ, INSERT NAME AND ADDRESS IN SPACE ABOVE LABELED 'VENDOR'

## GENERAL TERMS & CONDITIONS REQUEST FOR QUOTATION (RFQ) AND REQUEST FOR PROPOSAL (RFP)

1. Awards will be made in the best interest of the State of West Virginia.
  2. The State may accept or reject in part, or in whole, any bid.
  3. Prior to any award, the apparent successful vendor must be properly registered with the Purchasing Division and have paid the required \$125 fee.
  4. All services performed or goods delivered under State Purchase Order/Contracts are to be continued for the term of the Purchase Order/Contracts, contingent upon funds being appropriated by the Legislature or otherwise being made available. In the event funds are not appropriated or otherwise available for these services or goods this Purchase Order/Contract becomes void and of no effect after June 30.
  5. Payment may only be made after the delivery and acceptance of goods or services.
  6. Interest may be paid for late payment in accordance with the *West Virginia Code*.
  7. Vendor preference will be granted upon written request in accordance with the *West Virginia Code*.
  8. The State of West Virginia is exempt from federal and state taxes and will not pay or reimburse such taxes.
  9. The Director of Purchasing may cancel any Purchase Order/Contract upon 30 days written notice to the seller.
  10. The laws of the State of West Virginia and the *Legislative Rules* of the Purchasing Division shall govern the purchasing process.
  11. Any reference to automatic renewal is hereby deleted. The Contract may be renewed only upon mutual written agreement of the parties.
  12. **BANKRUPTCY:** In the event the vendor/contractor files for bankruptcy protection, the State may deem this contract null and void, and terminate such contract without further order.
  13. **HIPAA BUSINESS ASSOCIATE ADDENDUM:** The West Virginia State Government HIPAA Business Associate Addendum (BAA), approved by the Attorney General, is available online at [www.state.wv.us/admin/purchase/vrc/hipaa.htm](http://www.state.wv.us/admin/purchase/vrc/hipaa.htm) and is hereby made part of the agreement. Provided that the Agency meets the definition of a Cover Entity (45 CFR §160.103) and will be disclosing Protected Health Information (45 CFR §160.103) to the vendor.
  14. **CONFIDENTIALITY:** The vendor agrees that he or she will not disclose to anyone, directly or indirectly, any such personally identifiable information or other confidential information gained from the agency, unless the individual who is the subject of the information consents to the disclosure in writing or the disclosure is made pursuant to the agency's policies, procedures, and rules. Vendor further agrees to comply with the Confidentiality Policies and Information Security Accountability Requirements, set forth in <http://www.state.wv.us/admin/purchase/privacy/noticeConfidentiality.pdf>.
  15. **LICENSING:** Vendors must be licensed and in good standing in accordance with any and all state and local laws and requirements by any state or local agency of West Virginia, including, but not limited to, the West Virginia Secretary of State's Office, the West Virginia Tax Department, and the West Virginia Insurance Commission. The vendor must provide all necessary releases to obtain information to enable the director or spending unit to verify that the vendor is licensed and in good standing with the above entities.
  16. **ANTITRUST:** In submitting a bid to any agency for the State of West Virginia, the bidder offers and agrees that if the bid is accepted the bidder will convey, sell, assign or transfer to the State of West Virginia all rights, title and interest in and to all causes of action it may now or hereafter acquire under the antitrust laws of the United States and the State of West Virginia for price fixing and/or unreasonable restraints of trade relating to the particular commodities or services purchased or acquired by the State of West Virginia. Such assignment shall be made and become effective at the time the purchasing agency tenders the initial payment to the bidder.
- I certify that this bid is made without prior understanding, agreement, or connection with any corporation, firm, limited liability company, partnership, or person or entity submitting a bid for the same material, supplies, equipment or services and is in all respects fair and without collusion or Fraud. I further certify that I am authorized to sign the certification on behalf of the bidder or this bid.
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### INSTRUCTIONS TO BIDDERS

1. Use the quotation forms provided by the Purchasing Division. Complete all sections of the quotation form.
2. Items offered must be in compliance with the specifications. Any deviation from the specifications must be clearly indicated by the bidder. Alternates offered by the bidder as **EQUAL** to the specifications must be clearly defined. A bidder offering an alternate should attach complete specifications and literature to the bid. The Purchasing Division may waive minor deviations to specifications.
3. Unit prices shall prevail in case of discrepancy. All quotations are considered F.O.B. destination unless alternate shipping terms are clearly identified in the quotation.
4. All quotations must be delivered by the bidder to the office listed below prior to the date and time of the bid opening. Failure of the bidder to deliver the quotations on time will result in bid disqualifications: Department of Administration, Purchasing Division, 2019 Washington Street East, P.O. Box 50130, Charleston, WV 25305-0130
5. Communication during the solicitation, bid, evaluation or award periods, except through the Purchasing Division, is strictly prohibited (W.Va. C.S.R. §148-1-6.6).



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<p>VENDOR MUST CLEARLY UNDERSTAND THAT ANY VERBAL REPRESENTATION MADE OR ASSUMED TO BE MADE DURING ANY ORAL DISCUSSION HELD BETWEEN VENDOR'S REPRESENTATIVES AND ANY STATE PERSONNEL IS NOT BINDING. ONLY THE INFORMATION ISSUED IN WRITING AND ADDED TO THE SPECIFICATIONS BY AN OFFICIAL ADDENDUM IS BINDING.</p> <p>.....            SIGNATURE            .....            COMPANY            .....            DATE</p> <p>NOTE: THIS ADDENDUM ACKNOWLEDGEMENT SHOULD BE SUBMITTED WITH THE BID.</p> <p>REV. 09/21/2009</p> <p>END OF ADDENDUM NO. 2</p>						

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TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE

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## OHFLAC's Responses to Bidder's Questions – Rev 09-06-11

#	RFQ Page #	Section Name/No.	Question	Response
1	Page 1 (Back)	General Terms & Conditions	<p><b>RFP Text:</b> Licensing: The vendor must be licensed and in good standing in accordance with any and all state and local laws and requirements by any state or local agency of West Virginia.</p> <p><b>Question:</b> Does the vendor need to be registered in the State of West Virginia prior to the award of the contract?</p>	Yes, the vendor would need to be registered in the State of West Virginia prior to the award of the contract.
2	Page 9 (3) & Page 12 (2)	Minimum Qualification and License Requirements	<p><b>RFP Text:</b> "extensive knowledge and understanding of long-term care regulations", the reviewer must, at a minimum, have successfully completed the Basic Long Term Care Surveyor Course offered by the Centers for Medicare &amp; Medicaid Services (CMS), successfully passed CMS's Surveyor Minimum Qualifications test (SMQT), and worked as a surveyor of nursing homes for at least five years since 1998.</p> <p><b>Question:</b> Would the State consider expanding this minimum qualification/licensing requirement to include individuals who might be qualified to perform this work based on their years of experience in long-term care and/or their years of experience performing IDR work? Or, must the vendor meet 100% of this qualification to be selected as one of the vendors to perform IDR services for the State?</p>	If the IDR request is being reviewed by a committee, at least one member of the committee must meet all of the qualifications outlined in the RFQ. If there is only one reviewer, that reviewer must meet all of the qualifications.

## OHFLAC's Responses to Bidder's Questions -- Rev 09-06-11

#	RFQ Page #	Section Name/No.	Question	Response
3	Page 9 (4)	Minimum Qualifications	<p><b>RFP Text:</b> "OHFLAC will determine whether a conflict of interest exists when an individual reviewer is a former employee of OHFLAC."</p> <p><b>Question:</b> How will OHFLAC determine this during the process?</p>	<p>OHFLAC will presume that a conflict of interest exists if:</p> <ul style="list-style-type: none"> <li>• The former employee was terminated by OHFLAC</li> <li>• The former employee worked for OHFLAC in the two years preceding employment by the vendor</li> <li>• The former employee has expressed, either in writing or verbally in a public statement, a negative bias against OHFLAC.</li> </ul>
4	Page 10 (1)	Mandatory Requirements	<p><b>RFP Text:</b> "...the independent review organization shall hold an independent informal dispute resolution conference..."</p> <p><b>Question:</b> Please define/clarify "conference" as it relates to a desk review. Would this apply to the telephonic and face-to-face reviews only?</p>	<p>The term "conference" relates only to telephonic and face-to-face reviews, not desk reviews.</p>



**RFQ FLC12017 Addendum #2**  
**OHFLAC's Responses to Bidder's Questions – Rev 09-06-11**

#	RFQ Page #	Section Name/No.	Question	Response
5	Page 10 (1)	Mandatory Requirements	<p><b>RFP Text:</b> "Before the independent informal dispute resolution conference, the facility may submit additional information."</p> <p><b>Question:</b> Will the providers be required to submit the additional information to OHFLAC when they request the IIDR as detailed on page 11 (2) "When the facility returns its plan to correct the cited deficiencies to the director, the facility may request in writing the independent informal dispute resolution process to refute the cited deficiencies."? Will OHFLAC then send to the IRO? Is there any consideration for electronic submission of request and additional information? The reviewer needs time to consider all additional information from the facility prior to the IIDR conference or desk review.</p>	OHFLAC will structure the procedure to be followed by facilities to allow for electronic submission of their IDR requests and supporting information to OHFLAC, which OHFLAC would then forward to the IRO.
6	Page 10 (3)	Mandatory Requirements	<p><b>RFP Text:</b> The manner in which the independent dispute resolution conference is held is at the discretion of the facility is limited to:</p> <ul style="list-style-type: none"> <li>a) A desk review</li> <li>b) A telephonic conference</li> <li>c) A face-to face conference</li> </ul> <p><b>Question:</b> The cost sheet does not include a place to enter the additional fee for a face-to-face conference. Is a face-to-face conference an option for the facility? If so will the State update and redistribute and/or post a new cost sheet?</p>	Any additional costs associated with a face-to-face conference will be borne by the facility.

RFQ FLC12017 Addendum #2  
OHFLAC's Responses to Bidder's Questions – Rev 09-06-11

#	RFQ Page #	Section Name/No	Question	Response
7	Page 10 (3c)	Mandatory Requirements	<p><b>RFP Text:</b> "A face-to-face conference held at the facility or a mutually agreed upon location."</p> <p><b>Question:</b> H.B. 2522 indicates the "facility shall pay any costs incurred by the independent review organization that exceed the cost of a telephonic conference..."</p> <p>Is there any more clarification on the expenses related to this? Would the facility enter into a separate agreement to cover these costs?</p>	<p>No.</p> <p>The facility will have to enter into a separate agreement with the IRO to cover any additional costs associated with a face-to-face conference.</p>
8	Page 10 (5)	Mandatory Requirements	<p><b>RFP Text:</b> "...and shall transmit a written decision containing the rationale for its determination to the facility and the director."</p> <p><b>Question:</b> Since the director has the authority to agree or disagree with the awardees determination, should the determination be sent first to the director only? Would the director be responsible for notifying the facility of the final recommendation?</p>	<p>As directed by CMS, OHFLAC will retain the responsibility to review, and the authority to overturn, the IRO's IDR recommendation(s). OHFLAC will review the recommendation(s) and will communicate the final IDR decision, including the IRO's recommendation(s) to the facility no later than 15 calendars after receipt of the IRO's recommendation(s). A copy of the IRO's recommendation(s) will be sent to the facility by OHFLAC upon completion of the IDR process.</p>

## OHFLAC's Responses to Bidder's Questions – Rev 09-06-11

#	RFQ Page #	Section Name/No.	Question	Response
9		General	Can you please tell me whether the State of West Virginia is <u>simply</u> requiring bidders to submit the cost sheet for RFQ #FLC12017 or is the State requesting information that supports the minimum qualification and mandatory requirements also? That is, should a document addressing requirements accompany the cost sheet? Your clarification on what needs to be submitted is appreciated	Evidence that the bidder meets the minimum qualifications / mandatory requirements are to be submitted with the cost sheet.
10		General	The State's <b>Instructions to Bidders</b> indicate that we are to use the forms provided by the Purchasing Division, yet the forms are in PDF. I cannot type anything directly onto the form. Do you have a Word document Bidders can use or shall we use a typewriter to complete the forms?	The State will only provide a PDF form. We do not provide Word Documents to vendors.
11		Cost Sheet	Cost Sheet – Please verify that Unit/Total costs for Items #1-5 assume a Desk Review only.	Yes, Items #1 through #5 on the Cost Sheet apply only to a desk review.
12		Mandatory Requirements	Mandatory requirement #3 provides for desk top review, telephonic conference, or face-to-face conference. However on the Cost Sheet Items #1 - 5 relate to Desk Review and Item #6 is for Telephonic Review. How should the pricing structure for a face-to-face conference be included?	Any additional costs associated with a face-to-face conference will be borne by the facility. The facility will have to enter into a separate agreement with the IRO to cover the additional costs associated with a face-to-face conference.



## OHFLAC's Responses to Bllder's Questions – Rev 09-06-11

#	RFQ Page #	Section Name/No.	Question	Response
13		Minimum Qualifications	The minimum qualifications require at least 5 years experience as a surveyor since 1998. Is there any flexibility to have combined years as a surveyor, work in a facility and/or other related similar type work be included as the 5 years of relevant experience?	If the IDR request is being reviewed by a committee, at least one member of the committee must meet all of the qualifications outlined in the RFQ. If there is only one reviewer, that reviewer must meet all of the qualifications, including at least 5 years experience as a surveyor since 1998.
14		Mandatory Requirements	Mandatory Requirement #1 states "within ten working days of receipt of the written request...the independent review organization shall hold an independent informal dispute resolution conference..." Please clarify if that is 10 working days from the date the facility submitted the request to the director or if that is 10 working days from the date the director referred the request to the independent review organization.	This is 10 working days from the date the request from the facility is received by the director. OHFLAC will structure the procedure to be followed by facilities to allow for electronic submission of their IDR requests and supporting information to OHFLAC, which OHFLAC would then forward to the IRO.
15		Cost Sheet	The Cost Sheet specifies Unit Cost. Is an hourly rate an acceptable unit or only a fixed fee?	A "unit" is a single deficiency at a given Severity Level (including Severity Level II with a finding of Substandard Quality of Care) as described on the Cost Sheet. Please submit a fixed fee for each unit identified on the Cost Sheet.

## OHFLAC's Responses to Bidder's Questions – Rev 09-06-11

#	RFQ Page #	Section Name/No.	Question	Response
16		Cost Sheet	Please confirm that only the Cost Sheet is to be completed. You do not want evidence of License Requirements, etc. at this time.	Evidence that each reviewer to be used by the vendor have met the minimum qualification and license requirements is to be submitted with the Cost Sheet.