

From: **Sheets (Purchasing), Mike** <william.m.sheets@wv.gov>
Date: Thu, Feb 23, 2023 at 1:08 PM
Subject: Fwd: Emergency Purchase Request
To: Robert L Price <robert.l.price@wv.gov>, Kimberlie K Debolt <kimberlie.k.debolt@wv.gov>, Bryan D Rosen <bryan.d.rosen@wv.gov>, Kimberly S Jobe <kimberly.s.jobe@wv.gov>, Crystal G Hustead <crystal.g.hustead@wv.gov>, Whittaker, Frank M <frank.m.whittaker@wv.gov>, Lyle, Tara L <tara.l.lyle@wv.gov>

Robert,

Your emergency is approved as requested. Please follow emergency purchasing procedures as found in the Handbook and follow up with documentation for award within thirty days.

Regards,
Mike

W. Michael Sheets
Director
WV Purchasing Division
2019 Washington Street, East
Charleston, WV 25305

Phone: (304) 558-0492
Fax: (304) 558-4115

----- Forwarded message -----

From: **Hustead, Crystal G** <crystal.g.hustead@wv.gov>
Date: Thu, Feb 23, 2023 at 1:00 PM
Subject: Fwd: Emergency Purchase Request
To: Mike M Sheets (Purchasing) <William.M.Sheets@wv.gov>, Frank M Whittaker <frank.m.whittaker@wv.gov>, Tara L Lyle <tara.l.lyle@wv.gov>

Please see attached emergency request from DHHR

----- Forwarded message -----

From: **Price, Robert L** <robert.l.price@wv.gov>
Date: Thu, Feb 23, 2023 at 12:46 PM
Subject: Emergency Purchase Request
To: Crystal G Hustead <crystal.g.hustead@wv.gov>
Cc: Debolt, Kimberlie K <kimberlie.k.debolt@wv.gov>, Rosen, Bryan D <bryan.d.rosen@wv.gov>, Jobe, Kimberly S <kimberly.s.jobe@wv.gov>

Crystal,

Attached is an emergency purchase request for BMS. Please let me know if you have any questions or concerns regarding this request.

Thanks,

Robert Price, CPPO, CPPB, NIGP-CPP
Administrative Services Manager II
WVDHHR – Office of Purchasing
One Davis Square – Room 110
Charleston, WV 25301
Phone: (304)-957-0218
Fax: (304)-558-2892
Robert.L.Price@wv.gov

<http://www.dhhr.wv.gov>

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STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

Bureau for Medical Services
Procurement Services Division

Jeffrey H. Coben, MD
Interim Cabinet Secretary

Cynthia E. Beane
Commissioner

DATE: February 23, 2023

TO: Crystal Hustead, CPPB
Senior Buyer
State of West Virginia Purchasing Division

FROM: Robert L. Price, CPPO, CPPB, NIGP-CPP
Administrative Services Manager II
WVDHHR-Office of Purchasing *Robert Price*

RE: Utilization Management and Prior Authorization-Emergency Contract

The West Virginia Bureau for Medical Services (BMS), Bureau for Social Services (BSS) and Bureau for Behavioral Health (BBH) respectfully request permission to issue an emergency purchase for procurement of Utilization Management and Prior Authorization Services, which are currently covered via ACT BMS22*12 with APS Healthcare Quality Review, Inc. The final optional renewal of the existing contract expires 04/30/2023. The emergency purchase is being requested for a period of three (3) months, with one (1) optional three (3) month renewal period. The estimated cost for this emergency purchase is \$15 million. Including optional renewals, the emergency contract would be effective 05/01/2023-10/31/2023. This request is being made due to reasons outlined below:

- BMS has been coordinating reprocurement activities for multiple spending units since September 2020. The spending units included in the reprocurement are BMS (Including West Virginia Children's Health Insurance Program (WVCHIP)), BSS, and BBH.
- Coordination of time between all of the spending units within the Department of Health and Human Resources (DHHR) during the COVID-19 global pandemic was difficult, and there were many delays in pulling the appropriate subject matter experts together and finalizing many of the requirements, specifications, and resource documents included in the solicitation.
- In addition, the subject matter experts (SMEs) within the BMS Home and Community Based Services (HCBS) unit who developed the RFP language for waiver services and optional services, including Incident and Case Management services were given a priority of American Rescue Plan Act (ARPA) projects. These projects were prioritized due to time-limited Federal funding. This greatly impacted the availability of staffing and resources needed to finalize the requirements for this contract.

- No other Vendor will have the infrastructure to be in position to perform the services during the emergency contract period.
- The requisition for full reprourement was submitted originally on 10/21/2022. Feedback from DHHR Purchasing was received on 11/07/2022. The Agency and DHHR worked through revisions of the requisitions at this point, and the requisition was resubmitted on 01/10/2023. The final RFP was published on 01/30/2023. The timeline for this RFP is below:
 - Questions Due: 02/10/2023
 - Technical Response: 03/07/2023
- Upon technical response opening, the evaluation committee will be working on technical scoring. Once the cost proposals are opened, the evaluation committee will complete the evaluation, and make the award recommendation and submit to the West Virginia Office of Technology (WVOT). Once WVOT approval is received, the award recommendation will be submitted to DHHR Purchasing for processing.
- Based on the explanation of activities, and schedule of events above, there will not be sufficient time to complete evaluation, award, and implementation activities prior to the expiration date of 04/30/2023 on the current contract.
- The continued services included in the emergency contract are critical services to all associated spending units within the DHHR, as it will ensure that members have access to behavioral health, and medically and socially necessary services.
- The financial risk of not having this emergency contract in place include:
 - Medical claims being paid without a prior authorization process that is based on Agency criteria.
 - The claims processing system managed by the Agency Fiscal Agent would have to be reconfigured, at an additional cost to the Agency, to allow processing of claims without a prior authorization. Without a prior authorization process, the Agency would be at risk of disallowance of Federal Matching dollars for claims that should not have processed. Without federal matching dollars, the claim would be paid with all State dollars.
 - Payments for services for members that are not medically eligible for the program(s). The Agency would not be able to recoup funds from providers that failed to comply with policies monitored by the utilization management and prior authorization vendor.
- If a service lapse were to occur, the Agency would not be in compliance with program policies; these policies range from organ transplants to Home and Community-Based Services. In addition, provider agencies' certifications would lapse, determinations of members' initial and annual medical eligibility would not occur, existing members would experience gaps in their services, gathering and reporting Centers for Medicare and Medicaid Services (CMS)-mandated program performance measures would cease. Measures for monitoring program members' safety and welfare and established communication channels with provider agencies and program members would be interrupted.
- Without a contract, CMS would require the Agency to submit a Corrective Action Plan (CAP), would result in heightened scrutiny of the programs and services covered by this contract, and potentially expand to other services as well.
- Without a contract, there would be substantial risk of a political nature. Members of the West Virginia Legislature would begin receiving inquiries and complaints

regarding interruptions in services and payments. As a result, there would be a further risk of the contract lapse getting negative media coverage.

- BMS is implementing steps to prevent having to request an emergency purchase in the future. The timelines for any reprocurement are being extended to allow for appropriate time to complete all reprocurement activities. BMS anticipates and expects all subject matter experts that will be part of the development team to abide by all deadlines developed for the procurement so that mandatory deadlines will be met.

Thank you for your time and consideration in this matter. If you have questions or need additional information, please feel free to contact me at 304-957-0218 or robert.l.price@wv.gov.