

From: **Sheets (Purchasing), Mike** <william.m.sheets@wv.gov>
Date: Tue, Apr 25, 2023 at 1:33 PM
Subject: Fwd: DHHR Emergency Purchase Request
To: Bryan D Rosen <bryan.d.rosen@wv.gov>, Robert L Price <robert.l.price@wv.gov>, Crystal G Hustead <crystal.g.hustead@wv.gov>
Cc: Totten, Mark L <mark.l.totten@wv.gov>

Bryan,

Your emergency is approved. Please follow emergency purchasing procedures as found in the Handbook and follow up with documentation for award within 30 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: Tue, Apr 25, 2023 at 9:06 AM
Subject: DHHR 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 the attached emergency purchase request from DHHR

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

From: **Rosen, Bryan D** <bryan.d.rosen@wv.gov>
Date: Tue, Apr 25, 2023 at 8:32 AM
Subject: Fwd: Message from KM_808
To: Crystal G Hustead <crystal.g.hustead@wv.gov>
Cc: Price, Robert L <robert.l.price@wv.gov>, Heather M White <heather.m.white@wv.gov>, Jobe, Kimberly S <kimberly.s.jobe@wv.gov>, Debolt, Kimberlie K <kimberlie.k.debolt@wv.gov>

Crystal, please see the attached emergency purchase request for BMS.

Thanks,

Bryan



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: April 24, 2023

TO: Crystal Husted, 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

RE: Emergency Purchase-Fiscal Employer/Agency Services



The West Virginia Bureau for Medical Services (BMS) respectfully requests permission to issue an emergency purchase for procurement of Fiscal Employer/Agency Services, which are currently covered via AMA BMS22*03 with Public Partnerships LLC, Inc. The final optional renewal of the existing contract expires 07/01/2023. 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 \$8 million. Including optional renewals, the emergency contract would be effective 07/02/2023-01/01/2024. This request is being made due to reasons outlined below:

- BMS coordinated reprourement activities for all programs that utilize the services included in this contract since September 2020. The programs included in the reprourement are the Intellectual/Developmental Disabilities Waiver (I/DDW), Aged and Disabled Waiver (ADW), Traumatic Brain Injury Waiver (TBIW), and Take Me Home (TMH)/Money Follows the Person (MFP) program.
- In addition, the subject matter experts (SMEs) within the BMS Home and Community Based Services (HCBS) unit who developed the RFP language 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.
- As of 04/06/2023, the RFP has been released and the event schedule is below:
 - Questions due: 04/06/2023
 - Technical proposal opening: 05/09/2023

- 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 it 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 07/01/2023 on the current contract.
- The continued services included in the emergency contract are critical services to all associated programs within BMS, as it will ensure that members have access to Home and Community-Based Services (HCBS), reducing the members' risk of being institutionalized in a nursing facility or hospital. Causing members to be in more restrictive institutional settings can be a violation of their civil rights and the cost of institutional care is significantly higher than HCBS. Also, the emergency contract ensures the members' caregivers' qualifications are verified and payments for their services are issued within required timelines.
- The financial risk of not having this emergency contract in place include:
 - To prevent/minimize gaps in member's services, there would have to be a transition from the F/EA delivery model to the traditional services delivery model. During this time, claims for services would have to be paid without prior authorization. This would create a risk of overpayment.
 - The cost of self-directed services through the contract is approximately 50% of the cost of service through the traditional services delivery model. If a lapse were to occur with the FEA contract, the Agency would be required to provide services through the traditional service model. The cost of services will nearly double.
- If a lapse in service were to occur, BMS would be out of compliance with Medicaid policies pertaining to program members' choice of service providers and choice of services. During the lapse, approximately 5,000 members served under this contract would have to be served by a traditional service agency and during the transition, members would experience gaps in in-home services which might be lengthy due to the workforce shortage caused by COVID-19. There would also be a lapse in oversight of member safety and welfare without the Resource Consulting services that are included in the contract. These consequences could impact the Federal Medical Assistance Percentage (FMAP) and/or jeopardize the waiver authority for the programs.
- The continued services included in the emergency contract are critical services to all associated programs within BMS, as it will ensure that members have access to Home and Community-Based (HCBS) Services.
- As a result of the complex requirements associated with the contract, internal discussions regarding changes that are needed to the existing contract, delays in the coordination of subject matter experts for the associated programs during the COVID-19 global pandemic, the inability to process a delivery order for the additional period from the master agreement, BMS was unable to finalize the RFP and all associated documents in compliance with 5A-3-10(f).

- 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.