

From: **Whittaker, Frank M** <frank.m.whittaker@wv.gov>
Date: Fri, Dec 15, 2023 at 11:49 AM
Subject: Fwd: Emergency Purchase Request
To: Price, Robert L <robert.l.price@wv.gov>
Cc: Hustead, Crystal G <crystal.g.hustead@wv.gov>, Lyle, Tara L <tara.l.lyle@wv.gov>, Totten, Mark L <mark.l.totten@wv.gov>

Bobby,

Your emergency request to obtain Fiscal Employer/Agency Services for a period of 3 months at an estimated cost of \$4 Million dollars is approved. Please follow all Purchasing Division Procedures Outlined on the Purchasing Division Procedures Handbook and return the completed contract to this office for posting within 30 days of this approval.

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

From: **Hustead, Crystal G** <crystal.g.hustead@wv.gov>
Date: Mon, Dec 11, 2023 at 1:50 PM
Subject: Fwd: Emergency Purchase Request
To: 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: **Price, Robert L** <robert.l.price@wv.gov>
Date: Mon, Dec 11, 2023 at 1:45 PM
Subject: Emergency Purchase Request
To: Crystal G Hustead <Crystal.G.Hustead@wv.gov>
Cc: Heather M White <heather.m.white@wv.gov>, Althea M Greenhowe <althea.m.greenhowe@wv.gov>, Kimberlie K Debolt <kimberlie.k.debolt@wv.gov>, Bryan D Rosen <bryan.d.rosen@wv.gov>

Crystal,

Attached is an emergency purchase request. If you have any questions, please let me know.

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
Purchasing Division

Sherri A. Young, DO, MBA, FAAFP
Interim Cabinet Secretary

Cynthia E. Beane, MSW, LCSW
Commissioner

Date: 12/11/2023

To: Crystal Hustead
Senior Buyer
State of West Virginia Purchasing Division

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

A handwritten signature in cursive script that reads "Robert Price".

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 CMA BMS23*04 with Public Partnerships LLC, Inc. BMS was unable to finalize the RFP and all associated documents and award the resulting contract in compliance with 5A-3-10(f). The final optional renewal of the existing contract expires 01/01/2024. This emergency purchase is being requested for a period of three (3) months, with zero (0) optional renewal periods. The estimated cost for this emergency purchase is \$4 million. The emergency contract would be effective 01/02/2024-04/01/2024. This request is being made due to reasons outlined below:

- The reprourement of services, procured via CRFP BMS23*03, is currently in the award recommendation phase.
- The technical bid opening occurred on 06/08/2023. Five (5) bids were received in response to the CRFP.
- Technical scoring documents were submitted to the DHHR Office of Purchasing on 09/12/2023.
- Technical scoring documents were submitted to the WV Purchasing Division on 11/01/2023.
- Cost bid opening occurred on 11/14/2023.
- Award recommendation sent to the West Virginia Office of Technology on 11/17/2023.
- Final Award recommendation approval from the West Virginia Office of Technology received on 12/05/2023.
- The final award recommendation for solicitation CRFP BMS23*03 was submitted to DHHR Office of Purchasing on 12/05/2023.
- The award recommendation was returned to the Agency by the DHHR Office of Purchasing for revisions on 12/07/2023.

- The revised award recommendation was re-submitted to the DHHR Office of Purchasing on 12/08/2023.
- The award recommendation was submitted by the DHHR Office of Purchasing to the West Virginia Purchasing Division on 12/08/2023.
- Based on the current contract expiring on 01/01/2024, an emergency contract with the current vendor for a period of three (3) months is needed to ensure continuity of services.

Based on the explanation of activities and schedule of events above, there will not be sufficient time to complete contract award, in addition to required implementation activities prior to the expiration date of 01/01/2024 on the current contract.

There are financial and programmatic risks of not having this emergency contract in place:

- 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. Also, the emergency contract ensures the members' caregivers' qualifications are verified and payments for their services are issued within required timelines.
- 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 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.
- 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, over 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 ongoing workforce shortage caused by the COVID-19 global pandemic. There would also be a lapse in oversight of member safety and welfare without the Resource Consulting services that are included in the contract. The 6,000 direct-care workers that deliver in-home services under this contract will be also displaced.

BMS has been implementing steps to prevent having to request additional emergency purchases. The timelines for all contract procurements are being extended to allow for additional and appropriate timeframes to complete all procurement and 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.