

GOVERNMENT OF PUERTO RICO

ADMINISTRACIÓN DE
SEGUROS DE SALUD (ASES)

PUERTO RICO HEALTH
INSURANCE ADMINISTRATION



ENROLLMENT COUNSELOR
Government Health Plan

REQUEST FOR PROPOSALS
RFP #EC-2020

Issue Date: December 10-13, 2019

Proposal Due Date: January 7, 2020 on or before 6:00 PM

Amendment #1 Issue Date: December 27, 2019

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1. Amendments to the RFP

This document constitutes an amendment to the request for competitive proposals (RFP) issued by the Puerto Rico Health Insurance Administration (Administración de Seguros de Salud - ASES) on December 26, 2019 (referred to herein as “Amendment #1”). Amendment #1 amends the RFP by correcting clerical errors in Sections 1.1, 2.1.1 and 3.1 of the RFP, adding in Section 1.5.6 an additional contractual safeguard, adding to Section 1.11 the definition of Business Associate for purposes of Appendix E of this RFP, adding to Appendix E the term Business Associate, adding to Sections 3.4.4. and 6.11 of the RFP as well as to Section 19.1.1 of the Model Contract (Appendix N of the RFP) new required information regarding subcontractors, renumbering accordingly the subitems in Section 6.11, and properly adjusting the base of the Assumed Member Months in Section 2 of Appendix O of the RFP. **Deletions to the initial RFP as revised in this amendment are noted in strikethrough and bold and additions are noted in italics and bold.**

Potential Offerors who timely submitted the Appendix A- Acknowledgement of Receipt of RFP Form will be able to obtain a copy of Amendment #1 by accessing the secure website. The Amendment #1 will be available in the secure website by December 27, 2019. Also, the Procurement Contact will send Amendment #1 via e-mail to all Potential Offerors appearing in the procurement distribution list pursuant to Section 3.3.1 of this RFP.

2. Amendment to Section 1.1.

Section 1.1 of the RFP is amended to correct a clerical error in the first paragraph of the Section to the effect of eliminating the (s) after “Counselor”, as follows. **The rest of the Section remains unchanged.**

This document constitutes a request for proposals from qualified entities to operate island wide to provide enrollment choice counseling functions (hereinafter referred to as “Enrollment Counselor”) that will also satisfy beneficiary support system functions for the Government Health Plan program (hereinafter referred to as “GHP” or “Plan Vital”), as required under federal regulations. An Enrollment Counselor, as defined at 42 CFR 438.810(a)-(c), is an entity independent of any managed care organization (MCO) or provider organized for the provision of choice counseling, and for purposes of this RFP, some enrollment activities. This means that the entity must not have any ongoing contracts with an MCO. Choice counseling is a required element of the federal beneficiary support system, as provided at 42 CFR 438.71(a)-(c). A general description of the required functions of the Enrollment Counselor~~(s)~~ is as follows:

3. Amendment to Section 1.5.6.

Section 1.5.6 of the RFP is amended to add a contractual safeguard regarding continued obligation to inform ASES of any situation pertaining to potential criminal activity, as follows:

1.5.6 Criminal Background Check

ASES is prohibited by law to enter into contracts with any Offeror that has been convicted or pleaded guilty in Puerto Rico, the United States of America, or any

other country, of criminal acts or constituting corruption, fraud, embezzlement, or unlawful appropriation of public funds, pursuant to Act 2 of 2018, as amended, and 42 CFR parts 455 and 438.

Likewise, ASES is prohibited by law to grant a contract to an Offeror, if its affiliated or subsidiary companies, or if any of its officers, directors, agents, members, partners, ruling bodies or other persons that perform equivalent functions for the Offeror, have been convicted or pleaded guilty at a state or federal court in any jurisdiction of the United States of America of any crime involving corruption, fraud, embezzlement, unlawful appropriation of public funds, pursuant to Act 2 of January 4, 2018, as amended, and crimes stated in Articles 4.2, 4.3 or 5.7 of Act No. 1-2012, as amended; Articles 250-266 of Act No. 146-2012 as amended; or any of the crimes stated in Article 6.8 of Act No. 8-2017 as amended.

In addition, as provided in 42 CFR 455.106(c), ASES may refuse to contract with any Offeror if any person who has an ownership or Control interest in the entity, or is an agent or managing employee of the Offeror, has been convicted of a criminal offense related to the person's involvement in any program established under Medicare, Medicaid, or the Title XX services programs.

Taking into consideration the public policy for careful oversight in the adequate use of public funds, as well as the rules for proper public administration in government contracts, ASES is required to adopt, in all of their contracts and amendments, the following safeguards:

- In the case of a legal person, to require a certification to the effect that neither it nor any of its shareholders, members, partners, agents, officers, principals, employees, subsidiaries, or parent companies has been convicted or pleaded guilty for any crimes involving corruption, fraud, embezzlement, or unlawful appropriation of public funds or property, in the Government of Puerto Rico or federal jurisdictions. (Refer to Appendix E).
- To include a contractual clause to the effect that the Contract will be terminated and rescinded if the Contractor is convicted for the commission of any crimes involving corruption, fraud, embezzlement, or unlawful appropriation of public funds or property, in the Government of Puerto Rico or federal jurisdictions.
- To require that the Contractor recognize its obligation to report, in a continuous manner, during the term of the Contract, any fact or event related to the conviction for crimes involving corruption, fraud, embezzlement, or unlawful appropriation of public funds or property, in the Government of Puerto Rico or federal jurisdictions. This duty shall be of a continuous nature during all the stages of this procurement and term of the Contract.

- *To require the Contractor that in the event it knows that it or one of its Subcontractors is under investigation for, or accused of, in Puerto Rico or any other jurisdiction, a crime involving corruption, fraud, embezzlement, or unlawful appropriation of public funds, pursuant to Act No. 2 of 2018, it must affirmatively disclose this information to ASES in writing immediately upon acquiring such knowledge. See Article 18 of the Model Contract, Appendix N of this RFP. Refer also to Appendix E of this RFP.*
- To require a certification to the effect that, during the ten years prior to the formalization of the Contract, the entity entering into the Contract has not committed any crimes involving corruption, fraud, embezzlement, unlawful appropriation of public funds or property, in the Government of Puerto Rico or federal jurisdictions.
- To include a contractual clause to the effect that before the Effective Date of the Contract, pursuant to 42 CFR 455.104 and 455.106, the Contractor shall disclose to ASES the identity of any person who has an ownership or control interest in the entity, or is an agent or managing employee of the entity, who has been convicted of a criminal offense related to the Medicare, Medicaid, or Title XX services programs.

4. Amendment to Section 1.11.

Section 1.11 of the RFP is amended to include the definition for “Business Associate” used in Appendix E of the RFP, as follows:

Business Associate: For purposes of Appendix E of this RFP, this term shall mean any person or entity with whom the Offeror has had, at any point during the last five (5) years, or has at present, a business relationship covered under a written contract to provide, directly or indirectly, 25% or more of its time to the tasks assigned to the Offeror under this RFP or other tasks ordinarily performed by the Offeror in its business; or that will receive 25% or more of the total compensation under this RFP; or that will perform tasks under this RFP as a subcontractor.

5. Amendment to Section 2.1.1.

Section 2.1.1 of the RFP is amended to correct a clerical error to the effect of eliminating the (s) after “Counselor”, as follows. **Subsections 2.1.1.1 through 2.1.1.5 remain unchanged.**

2.1.1 Minimum Requirements

ASES seeks to partner with an Enrollment Counselor~~(s)~~ that has demonstrated experience in providing high quality services, meets all requirements of this RFP, is financially stable

and can comply with the Go Live date of April 1, 2020. As such, the following are the minimum requirements for the GHP Enrollment Counselor(s):

6. Amendment to Section 3.1.

Section 3.1 of the RFP is amended to correct a clerical error in the reference number of this RFP.

3.1 Issuing Office and RFP Reference Number

ASES is the issuing office for this RFP and all subsequent addenda relating to it. This RFP is titled GHP Enrollment Counselor Services and its reference number is RFP ~~#EC2019~~ **#EC-2020**.

7. Amendment to Section 3.4.4.

Section 3.4.4. of the RFP is amended to add information required regarding subcontractors.

3.4.4 Subcontractors

- A. Any entity who intends to provide services under this RFP as a subcontractor of another Offeror may not participate in this process as an Offeror.
- B. No part of the contract resulting from this RFP may be subcontracted without written consent of ASES prior to subcontract execution. If subcontractors are to be used, for functions and responsibilities under the scope of work of this RFP, the Offeror must clearly identify and explain in the Proposal their participation. Hence, all Subcontractors must be identified by name. ***Offeror/Contractor must also disclose the remuneration that the subcontractor will receive for the work to be carried out, and the profit margin, if any, that the Offeror will have in relation to the subcontractor's paid fees. Failure to comply with this requirement may be sufficient cause to disqualify the Offeror. —or, may be held as a breach of the Contract See also, Section 19.1.1 of the Model Contract.***
- C. The Contractor shall be wholly responsible for the entire performance under the terms of the Contract, whether or not Subcontractors are used.
- D. The Offeror awarded a Contract must submit Subcontract(s) to ASES for review.
- E. If Subcontractors are used, they must abide by all terms and conditions of the contract and the Contractor must guarantee that the subcontractor complies with all the requirements of this RFP, including all the documentation required for contracts with the Government.
- F. ASES reserves the right to audit Subcontractor(s) at the Contractor's expense.

- G. All Subcontractors are required to have a Business Associates Agreement (BAA) with the Contractor.

8. Amendment to Section 6.11 of the RFP

Section 6.11 of the RFP is amended to add under letter A the information requested under Section 3.4.4 and renumber each document accordingly, as follows:

6.11 Subcontractors

If the Offeror will be using subcontractors for functions and responsibilities under the scope of work of this RFP, it must provide the following documentation:

- A. Identify each subcontractor, specify the tasks in which each subcontractor will intervene and disclose the remuneration that the subcontractor will receive for the work to be carried out, and the profit margin, if any, that the Offeror will have in relation to the subcontractor's paid fees.*
- B.* Attestation of Independence and Freedom from Conflict of Interests and Conflict of Interest Affidavit (Apps. C & C-1 of this RFP)
- C.* Suspension and Debarment Form (App. D of this RFP)
- D.* Sworn Statement on Fraud and Misappropriation (App. E of this RFP)
- E.* Disclosure of Lobbying Activities (App. F of this RFP)
- F.* All Certifications required under Section 6.7.3 of this RFP
- G.* Copy of insurance policies mentioned in Section 6.8 of this RFP
- H.* Provide a list of any litigations or sanctions that have been applied under any current or former services contract in the last three (3) years. State the status, final outcome and findings in said process, particularly, any findings of noncompliance under federal or state law.

9. Amendment to paragraph 5 of Appendix E of the RFP

Appendix E of the RFP is amended to modify paragraph 5, as follows. A new Appendix E with said addition is attached to this Amendment:

- 5. That to the best of my knowledge *and belief, after diligent investigation*, the Company, its subsidiary companies, affiliates, and/or headquarters, and/or their respective shareholders, directors, associates, officers, functionaries, executives, principals ~~and/or~~ employees, *and/or business associates as defined in this RFP*, have not been convicted, no probable cause has been found for their arrest, nor are they under investigation in any legislative, judicial or administrative procedure,

whether in or out of Puerto Rico, for reasons of any crime that may constitute fraud, embezzlement or illegal appropriation of public funds, according to the provisions of Act 2-2018 known as “Ant-Corruption Code for the New Puerto Rico”, or any another legal provision that penalizes crimes against the treasury and the public confidence, and neither have I, the Declarant, been investigated, arrested, convicted, declared guilty nor sentenced for the criminal conducts previously mentioned.

Or in the alternative: in the case of having knowledge that any of the persons identified in the above-mentioned *paragraph* have been or are being investigated, arrested, declared guilty, convicted or sentenced for such criminal offences referred to in the preceding paragraph, a statement regarding this fact shall form part of this sworn declaration. The statement must be included in an additional sheet describing positions, full names, charges, description of the offence or offences for which they are being convicted or sentenced, including current processes status.

10. Amendment to Section 19.1.1 of Article 19 of Appendix N of the RFP

Appendix N of the RFP (Model Contract) is amended to add requirements to the request for a subcontractor, as follows:

ARTICLE 19 SUBCONTRACTS

19.1 Use of Subcontractors

- 19.1.1 Neither this Agreement, nor the services to be provided hereunder, may be assigned or subcontracted without the prior written approval of ASES, in its sole discretion. The request to contract a third party must: **(a) identify the subcontractor and the matters in which he/she will intervene; and (b) disclose the remuneration that the subcontractor will receive for the work carried out and the profit margin, if any, that the Contractor will have in relation to the subcontractor’s paid fees; and must be submitted in writing.** This request must be submitted in writing, and include the same documents and certifications required for government contracting that were required from the Contractor prior to the granting of this contract. The delegation of services without the mentioned authorization will be sufficient cause to terminate this contract. Failure to comply with this clause will hold the Contractor responsible for any damages or losses that may be caused to ASES, whether directly or indirectly.

11. Amendment to Section 2 of Appendix O of the RFP

Appendix O of the RFP (Cost Proposal Worksheet template) is amended to correct the Assumed Member Months. The total population used to calculate in the Cost Proposal Worksheet template

the Assumed Member Months for the Contract Period inadvertently included the membership projection for the Foster Children/Domestic Abuse population (FC/DA). As explained in Section 1.3 of the RFP, the Foster Care Population and Domestic Violence Population are Auto-Enrolled in one MCO and are not eligible to enroll into another MCO.¹ Hence, the FC/DA population does not use the services of the Enrollment Counselor. When an Enrollee ceases to be part of the FC/DA population but continues to be an Eligible Person, it will be considered a for cause reason for which the Enrollee may select a new MCO.

According to the actuary's projection, the FC/DA population is estimated to encompass 3,182 beneficiaries for the Contract Period. Hence, the revised computation for the Assumed Member Months for the Contract Period in the Cost Proposal Worksheet template must be **14,263,008**, instead of 14,301,192.

The new template has been titled "**Amended** Enrollment Counselor RFP Cost Proposal Worksheet" and the sections of the template have been highlighted in different colors. See below some sections for illustration purposes only. Attached to this Amendment is the revised Cost Proposal Worksheet template in Excel format that **MUST** be used when submitting the proposal.

¹ As of December 1, 2019, GHP approximately serves 1,110,261 beneficiaries including (1) 908,537 Medicaid Enrollees, (2) 89,926 Children's Health Insurance Program ("CHIP") Enrollees and (3) 116,798 Commonwealth individuals. See, Section 1.3 of the RFP. The current FC/DA population served as of December 1, 2019, included in the above-mentioned total is 2,912.

2.1	Total Cost for Call Center/Choice Counselor Services per	\$0.00	\$0.00	\$0.00
	PMPM Cost for Call Center/Choice Counselor Services per Contract	\$0.00	\$0.00	\$0.00

Explain the monthly operational service fees for Call Center/Choice Counselors:

[Enter explanations for Section 2 here]

Section 3 - Annual Operational Service Fees - Web-based Application

For each line item, enter the total proposed annual cost associated with each line item. Per model contract section 12.2.1.1, these fees may be paid monthly but please show the total annual costs in this template. Note this section captures annual fees for all web-based application functions

	Year 1	Year 2	Year 3	
3.1	\$0.00	\$0.00	\$0.00	
3.1.1	\$0.00	\$0.00	\$0.00	
3.1.2	\$0.00	\$0.00	\$0.00	
3.1.3	\$0.00	\$0.00	\$0.00	
3.1.4	\$0.00	\$0.00	\$0.00	[define here]
3.1.5	\$0.00	\$0.00	\$0.00	[define here]

Explain annual operational service fees for the Web-based Application (including web-based application and search portal):

[Enter explanations for Section 3 here]

Section 4 - Web-Based Application and Provider Search Portal Purchase Option

Attachments: (a) Amended Appendix E
(b) Amended Appendix O