

**New York State Department of Health
Office of Health Insurance Programs**

Request for Proposals (RFP) #20374: Independent Evaluation of New York State Health Insurance and Waiver Programs

Questions and Answers Posted [2/8/2024]

Question #	Corresponding RFI Section	Question	Answer
1.	General	Has any vendor been involved in the development of the scope of this RFP?	No.
2.	General	Does serving as the Independent Evaluator exclude that vendor from serving as a selected vendor for the Business Consulting RFP (NYS DOH RFP #20338 Consulting Services for New York State’s Health Insurance Programs and Waiver Initiatives) released on July 26, 2023?	Yes. The selected vendor for the Business Consulting RFP #20338 would exclude the vendor from serving as the selected vendor for this Independent Evaluator under the resulting contract for RFP #20374 due to a conflict of interest.
3.	3.1 Minimum Qualifications (page 6)	<p>On RFP page number 6, Section 3.1 Minimum qualifications, it states that “at the time of bid, the bidder and any proposed subcontractor(s) must attest to not having any direct business relationship with any Medicaid MCO”, and on RFP page number 6, Section 4.0 Scope of Work, it states that “the prime contractor and any subcontractor(s) utilized must continue to refrain from any direct business relationship with Medicaid MCOs and SDC pilot site agencies for the duration of the contract”.</p> <p>Can the State confirm if this pertains only to New York based Medicaid MCOs? Would it apply to a New York based MCOs parent company?</p>	The bidder must attest to not having any direct business relationship with any Medicaid MCO and SDC pilot site agencies. The prime contractor and any subcontractors utilized must continue to refrain from any direct business relationship with Medicaid MCOs and SDC pilot site agencies for the duration of the contract. This applies to all Medicaid MCOs including out-of-state Medicaid MCOs and it would apply to a New York based MCO parent company.
4.	4.0 Scope of Work (pages 7-8)	Have there been prior evaluations of the HIV Special Needs Plans (SNPS), Nursing Home Transition and Diversion (NHTD), and the Individual State Directed Payment models?	The prior HARP evaluation did include HIV Special Needs Plans. Please refer to the previous evaluation design as an example. All approved evaluation designs are posted here on the State Waiver List (Filter to New York State). https://www.medicaid.gov/medicaid/section-1115-demo/demonstration-and-waiver-list/index.html

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			For guidance on State Directed Payments and evaluation criteria please see CMS website https://www.medicaid.gov/medicaid/managed-care/guidance/state-directed-payments/index.html
5.	4.0 Scope of Work (pages 7-8)	Can DOH provide the start and end year for the period of the evaluation for each of the waivers?	The start and end period for the period of the evaluation includes both the three-year extension period (January 1, 2020 through March 31, 2022) and the latest approved waiver period (April 1, 2022 through March 31, 2027).
6.	4.0 Scope of Work (page 7)	<p>Regarding the Health and Recovery Plan (HARP) waiver, on which the current RFP only links to the 2019 RFP:</p> <p>a. Should we assume that the evaluator should focus on the same research questions? For example, during the period of the prior evaluation, BH HCBS were provided under a 1915(i) authority but they are currently provided under the 1115 Demonstration waiver and their scope has changed. Can you provide guidance on how this change might have impacted the state's preferences regarding the focus of the evaluation?</p> <p>b. Will the same data sources be available to the evaluator? For example, will the Community Mental Health Assessment (CMHA) or CMH screen, administered to evaluate eligibility for behavioral health HCBS during the period of the prior evaluation, be available as a data source?</p>	<p>a) The research questions while similar in nature are currently in the process of being revised and updated with CMS.</p> <p>b) Many of the same data sources will be available. The Community Mental Health Assessment is not longer being used by the program.</p>
7.	4.0 Scope of Work (page 7)	Regarding the Self-Directed Care (SDC) waiver. We understand that the state-funded Self-Directed Care pilot authorized under the 1115 Waiver ended in 2021 and that for the next phase of the SDC, the state had expected to use Medicaid funding, engaging managed care organizations with HARP product lines in the financing and management of the services and expanding the current number of sites from two (2) to six (6). Can you provide guidance on whether this is the way the state will proceed so that we can modify the SDC waiver evaluation plan to reflect this new reality?	The state funded pilot was extended to June 30, 2024, and is still underway. Currently, the SDC pilot has not transitioned to Medicaid funding.

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8.	4.0 Scope of Work (page 8)	Unless we missed the material, the RFP does not provide guidance on the evaluations for the HIV SNPS, NHTD, and Individual State Directed Payment models. Is the state planning to provide such guidance, at least in terms of key policy questions and data sources?	<p>All approved evaluation designs are posted here on the State Waiver List (Filter to New York State). https://www.medicaid.gov/medicaid/section-1115-demo/demonstration-and-waiver-list/index.html</p> <p>For guidance on State Directed Payments and evaluation criteria please see CMS website https://www.medicaid.gov/medicaid/managed-care/guidance/state-directed-payments/index.html</p>
9.	4.1.A Tasks/Deliverables (page 7)	Can the Department please estimate expected due dates for each of independent evaluations for the programs pertaining to the 1115 waiver, 1915c waiver, and 438.6c?	<p>For the 1115 waiver, an estimated due date for the Interim Evaluation would be January 2, 2026. The Interim Evaluation will be submitted to CMS with the extension application (no later than 3/31/2026) and needs to be posted to the DOH website ahead of submission for the public notice process. 1/2/2026 would allow time for internal review prior to the noticing process beginning at the end of January.</p> <p>An estimated due date for the Summative Evaluation would be September 1, 2028. The Summative Evaluation will be submitted to CMS 18 months after the end of the demonstration approval period (no later than 10/1/2028). 1/1/2028 would allow time for internal review.</p> <p>The 438.6c reports vary as they are often for smaller initiatives and there's no uniform timeline for evaluation for them.</p> <p>For the 1915c programs, reports would be completed annually in anticipation of plan review. The vendor would also be called upon to conduct an evaluation of a participant's level of care in</p>

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			<p>the event that the participant's status changes, but this makes up a very small percentage of the assessments the vendor would have to complete.</p> <p>For additional guidance on expected due dates, please see the State Waiver List and review State Terms and Conditions and approved evaluation designs. All approved evaluation designs are posted here on the State Waiver List (Filter to New York State). https://www.medicare.gov/medicaid/section-1115-demo/demonstration-and-waiver-list/index.html</p>
10.	4.1.A Tasks/Deliverables (page 7)	Is the Department considering selecting multiple Independent Valuation vendors to address the various programs within the 1115 Waiver?	No.
11.	4.1.A Task/Deliverables (page 7)	Does the Department anticipate that this contract will also include evaluation of components added to the Demonstration through the amendment approved on 1/9/24?	Yes.
12.	4.1, A Task/Deliverables (pages 7-8)	Are there any minimum requirements for the evaluation plan?	<p>Please see CMS 1115 Demonstration State Monitoring & Evaluation Resources: https://www.medicare.gov/medicaid/section-1115-demonstrations/1115-demonstration-monitoring-evaluation/1115-demonstration-state-monitoring-evaluation-resources/index.html</p>
13.	4.12 Minority & Women-Owned Business enterprise (MWBE) (page 15)	If a contractor is certified as a minority or women-owned business entity federally or in another state, but not in New York, does their participation still count towards the 30% M/WBE participation goal stated in the RFP?	No. The contractor must be a New York State certified MWBE in order for a subcontracting arrangement to count toward the 30% goal.
14.	6.0 Proposal Content (page 18-19)	Can the Department please confirm that there is no page limit for this proposal?	There is no page limit however, Bidders are requested to keep their submissions to the shortest length consistent with making a complete presentation of qualifications. .

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15.	6.1.8 References (page 20)	Can bidders provide a reference who is an employee of a New York State agency?	The Bidder shall provide references that demonstrate the ability of the Bidder to perform jobs similar in scope to the size, nature, and complexity of this RFP.
16.	8.4 Cost Evaluation (page 25)	Is there a maximum total cost allowable for this scope?	No. There is no maximum budget associated with this RFP.
17.	9.0 Attachments (page 26) – Attachment 8 DOH Standard Contract	Without a cap on liability, the solicitation favors larger firms that are more able to accept the risk of an uncapped liability project. Establishing a liability cap could potentially allow smaller firms the opportunity to participate in the project. Would the state be open to establishing a cap on liability?	The Department reserves the right and is open to negotiating the inclusion of a limitation of liability provision within the scope of the RFP and in the best interest of New York State. Nonetheless, inclusion is not a guarantee and Bidders must be fully prepared to accept all of the terms and conditions set forth in the RFP, without modification, should the Department determine this constitutes the best interests of New York State.
18.	9.0 Attachments (page 26) – Attachment 8 DOH Standard Contract, Section II, Payment and Reporting	Section II, Payment and Reporting indicates that invoices are to be submitted monthly. Will this be updated to reflect invoices shall be submitted with the completion of each deliverable as instructed in RFP #20374 per Section 4.9 Payment and Attachment B Cost Proposal? Our understanding based on the RFP is the resulting agreement will be fixed price with milestone billing.	Invoices are to be submitted pursuant to Section 4.9 of the RFP.
19.	9.0 Attachments (page 26) – Attachment 8 DOH Standard Contract, Section IX, General Specifications, Clause 8	Section IX, General Specifications, Clause 8 ownership includes terms that are unacceptable to many research organizations, non-profits and universities. These terms could ultimately result in these organizations not being able to pursue this work as currently written. In trying to balance the State's interest and the interest of such organizations, would the State be willing to amend the paragraphs under this section to: a. Grant to the contractor a license for the work and deliverables the contractor first produces under this agreement? The license could be scoped in a way to support of the mission of these organizations for dissemination of scholarly article and journal articles. b. Remove all requirements within the section that require prior approval before release of any materials	The Department reserves the right to negotiate terms of the contract that are non-material in nature with the contract awardee, within the scope of the RFP and in the best interests of New York State. Nonetheless, bidders must be fully prepared to accept all of the terms and conditions set forth in the RFP, without modification, should the Department determine that that constitutes the best interests of New York State.

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		developed under the agreement. A review period for which all comments would be carefully considered and where all identified confidential information would be removed could be an alternative to the approval requirement and likely meet the needs of all parties.	
20.	9.0 Attachments (page 26) – Attachment 8 DOH Standard Contract, Appendix H	Appendix H includes a BAA. Would the state remove this appendix for research organizations who do not meet the definition of a Business Associate (45 CFR 160.103) since the work is being performed for research? As an alternative, data use agreements would be an option in place of a BAA to ensure appropriate protections.	The Department reserves the right to negotiate terms of the contract that are non-material in nature with the contract awardee, within the scope of the RFP and in the best interests of New York State. Nonetheless, bidders must be fully prepared to accept all of the terms and conditions set forth in the RFP, without modification, should the Department determine that that constitutes the best interests of New York State.