

Addendum #1: Q&A and Revisions

RESPONSE TO WRITTEN INQUIRIES AND REVISIONS TO RFP DOCUMENTS

**Request for Proposals # 3000013043
Dental Benefit Program Management**

LOUISIANA DEPARTMENT OF HEALTH
BUREAU OF HEALTH SERVICES FINANCING
JULY 9, 2019

PART 1: QUESTIONS AND ANSWERS

Question No.	Document Reference	Section Number	Section Heading	Page	Question	Answer
1	RFP	2.13	Ownership of Proposal	9	This section, which states that LDH shall own all submitted materials and may use any ideas contained in the proposals, conflicts with Section 5.9, which imposes limitations on LDH's ability to use trade secret or otherwise confidential or proprietary information belonging to the Proposer. Will LDH remove Section 2.13 or revise to ensure that the Proposer's ownership rights in its material, and all limitations on the State's ability to use or disclose the Proposer's trade secret and/or otherwise confidential or proprietary information, are preserved?	Section 2.13 has been revised to give precedence to the limitations set forth in Section 5.9. Please refer to revision #1 in Part 2 below.
2	RFP	2.15.2	Proposal Response Format	10	Section 2.15.2 states: "Proposals should not exceed one hundred fifty (150) pages in length, not inclusive of all attachments and appendices." Please confirm all attachments are excluded from the 150 page requirement.	Required attachments are excluded from the 150-page limit.
3	RFP	2.15.2	Proposal Response Format	10	May proposers provide additional attachments other than the attachments identified as being required?	Yes. However, non-required attachments will be counted toward the 150-page limit.
4	RFP	2.15.4.1.1.9, 2.15.4.3.5	Proposal Response Format	11, 12	Please clarify what is meant by " <i>related to the delivery of Medicaid benefits.</i> " Please also clarify whether " <i>involvement in litigation...in the last ten (10) years</i> " includes litigation resolved (even if not initiated) in the last ten years.	Please refer to revision #2 in Part 2 below. Yes, the Proposer should report involvement in all litigation within the last ten (10) years, regardless of whether it was initiated, resolved, or ongoing during that period.
5	RFP	2.15.4.3.4	Background and Experience	12	Should proposers include penalties and sanctions from all regulatory authorities, including de minimus penalties for late tax payments or for filing late annual reports as part of the licensure renewal process. Departments of Revenue and Insurance are regulatory agencies, however, such	Please refer to revision #3 in Part 2 below.

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					administrative fines do not speak to the proposers fitness as a Medicaid Managed Care entity.	
6	RFP	2.15.4.3.9	Background and Experience	12	Please clarify if the state is looking for reference contact information for direct with states Medicaid dental services contracts or also as a subcontractor to a health plan. If also as subcontractor to a health plan, how does that state suggest bidder provide contact for health plans that no longer exist?	The Proposer must identify the state representative who can attest to its performance in contracts to provide Medicaid dental services during the past five (5) years, either as the prime contractor or as a subcontractor. Please refer to revision #4 in Part 2 below.
7	RFP	2.15.4.3.1 5	Background and Experience	13	<p>The RFP states: "If the organization submitting the proposal is a subsidiary of another company, the Proposer must provide the same information for the parent company along with a statement as to what percentage of the parent company's revenue is produced by the Proposer."</p> <p>If the bidding entity has intermediate parent companies and an ultimate parent, please confirm that the proposer only needs to provide this information with respect to the immediate parent and not with respect to the ultimate parent or every company in the chain.</p> <p>If the parent company has changed during the time period covered by a question, please confirm that we do not need to include information about the company that was the parent prior to the change.</p> <p>With respect to providing the same information for the parent company, please confirm that the request only applies to items 2.15.4.3.1-2.15.4.3.14.</p>	This provision has been removed. Please refer to revision #5 in Part 2 below.

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8	RFP	3.1	Administrative and Mandatory Screening	17	<p>RFP states: "All proposals will be reviewed to determine compliance with administrative and mandatory requirements as specified in this RFP. Proposals that pass the preliminary screening and mandatory requirements review will be evaluated based on information provided in the proposal. Proposals that are not in compliance will be excluded from further consideration."</p> <p>Please define "administrative requirements."</p>	<p>"Administrative requirements" are required proposal elements (i.e., those designated by a "shall", "must", or "will") that are not included in the mandatory qualifications to propose (see Section 1.5.1) and are not scored (see Section 3.4.3).</p>
9	RFP	3.1	Administrative and Mandatory Screening	17	<p>RFP states: "All proposals will be reviewed to determine compliance with administrative and mandatory requirements as specified in this RFP. Proposals that pass the preliminary screening and mandatory requirements review will be evaluated based on information provided in the proposal. Proposals that are not in compliance will be excluded from further consideration."</p> <p>Please provide clarity on what components (sections, etc.) of proposers' proposals will be reviewed during the "preliminary screening."</p>	<p>Administrative requirements will be reviewed in the preliminary screening. See response to question #8.</p>
10	RFP	3.1	Administrative and Mandatory Screening	17	<p>RFP states: "All proposals will be reviewed to determine compliance with administrative and mandatory requirements as specified in this RFP. Proposals that pass the preliminary screening and mandatory requirements review will be evaluated based on information provided in the proposal. Proposals that are not in compliance will be excluded from further consideration."</p> <p>Please provide clarity on what components</p>	<p>Mandatory requirements that will be reviewed under Section 3.1 are those qualifications that the Proposer must meet in order to propose, as provided in Section 1.5.1, and are not scored (see Section 3.4.3).</p>

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					(sections, etc.) of the RFP document contain the "mandatory requirements" that will be evaluated.	
11	RFP	3.4.3.1	Evaluation	20	<p>Section 3.4.3.1 states: "The Proposer must receive a minimum score of one thousand, one hundred (1,100) points, fifty percent (50%) of the total available points in the technical categories of Background and Experience, Eligibility and Enrollment; Coverage and Authorization of Services; Utilization Management; Provider Network Requirements; Provider Services; Enrollee Marketing, Education and Services; Enrollee Grievances, Appeals and State Fair Hearing Processes; Quality Management; Program Integrity; Systems and Technical Requirements; Claims Management; Implementation and Readiness Reviews; Mandatory Narratives; and Staffing Requirements to be considered responsive to the RFP."</p> <p>Please confirm that our interpretation of "responsive" is accurate: A proposer must meet all mandatory requirements and receive at least 1,100 points in the technical categories in order to be considered "responsive." If this interpretation is not correct, please provide the complete definition of responsive as it pertains to evaluating the proposals.</p>	The Proposer must meet all administrative and mandatory requirements and receive a minimum score of one thousand, one hundred (1,100) points in the technical categories to be considered responsive.
12	RFP	5.1	Corporate Requirements	30	[RFP] states that: "If the contractor is a corporation not incorporated under the laws of the State of Louisiana, the Contractor shall have obtained a certificate of authority pursuant to La. R.S. 12:301-302 from the	Confirmed.

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					<p>Louisiana Secretary of State. If the contractor is a for-profit corporation whose stock is not publicly traded, the Contractor shall ensure that a disclosure of ownership form has been properly filed with the Louisiana Secretary of State.”</p> <p>Notwithstanding the foregoing, R.S. 12:302 K provides in pertinent part:</p> <p>§302. Acts not considered transacting business</p> <p>Without excluding other activities which may not constitute transacting business in this state, a foreign corporation or a business association shall not be considered to be transacting business in this state, for the purpose of being required to procure a certificate of authority pursuant to R.S. 12:301, by reason of carrying on in this state any one or more of the following activities:</p> <p>K. If the foreign corporation ... is ... an insurance company...</p> <p>Additionally, R.S. 12:303 A (2) provides as follows:</p> <p>§303. Name of authorized foreign corporation</p> <p>A. No certificate of authority shall hereafter be issued to a foreign corporation unless its corporate name:</p> <p>(2) Does not contain any word or phrase</p>	

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					<p>which indicates or implies that ... it is authorized or empowered to conduct the business of ... insurance underwriting ...</p> <p>Our organization is a foreign insurer authorized by the Louisiana Department of Insurance to transact the business of Health and Accident Insurance in the State and the name of our company contains words which indicate that we are in the business of insurance underwriting. We have confirmed with the Secretary of State's office that they are not able to issue a certificate of authority to an insurer as a result of the restriction set forth in R.S. 12:303. For this reason, we request confirmation that the requirement to obtain a certificate of authority from the Secretary of State under 12:301 does not apply to a contractor that is not considered to be transacting business under R.S. 12:302 or otherwise ineligible for such certificate under R.S. 12:303.</p>	

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13	RFP	5.9	Confidential Information, Trade Secrets, and Proprietary Information	37	<p>The RFP states that the Proposer must <i>“mark the cover sheet of the proposal with the following legend,”</i> and then subsequently provides the language to be used. In the first sentence of the legend provided, there appears to be a word missing (specifically from <i>“The data contained in pages...”</i>) – can LDH please clarify and/or provide the correct language to be used? In addition, the last sentence of the legend (<i>“This restriction does not limit the State of Louisiana’s right to use or disclose data obtained from any source, including the Proposer, without restrictions”</i>) appears to contradict the rest of the legend, since the restriction set forth in the legend limits the State’s right to use or disclose the Proposer’s confidential data. Will LDH remove the last sentence of this legend to ensure greater clarity or revise the last sentence so that it may be reconciled with the rest of the legend?</p>	<p>The first sentence of the legend has been revised for clarity. The Proposer must fill in the blank by identifying the page numbers that contain trade secrets and/or privileged or confidential information. The Proposer may present the page numbers in a format of its choice.</p> <p>The last sentence of the legend has been revised to resolve any actual or apparent contradiction.</p> <p>Please refer to revision #6 in Part 2 below.</p>
14	RFP	6.2.2.5.3	Key Personnel Positions	57	<p>Our understanding is the criteria for the Dental Director is threefold: 1) being a Louisiana-licensed Doctor of Dental Medicine (DMD) or Doctor of Dental Surgery (DDS), with no restrictions or other licensure limitations, 2) have at least three (3) years’ experience managing a Medicaid project of equal or greater scope and 3) Must be physically located in Louisiana.</p> <p>We would respectfully assert that finding a candidate that can meet all three criteria is virtually impossible, unless you are the incumbent. Would the state be agreeable to updating requirement #2 from having at</p>	<p>Key Personnel Position requirements have been updated. Please refer to revision #8 in Part 2 below.</p>

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					least three years' experience managing a Medicaid project of equal or greater scope, to having at least three years' experience serving the Medicaid population?	
15	RFP	6.2.2.5.4 - 6.2.2.5.7	Key Personnel Positions	57	Are the IT Manager, Claims Manager, Provider Network Manager, and Compliance Officer key positions required to be 100% dedicated to Louisiana?	Yes. All key personnel positions must be 100% dedicated to the contract, as stated in Section 6.2.2.5.
16	RFP	6.3.14.1.3.2.1	Automatic Assignment	71	If LDH selects two vendors for the program, will LDH provide a minimum membership guarantee to new DBPMs to ensure viability on Day 1 of the new contract period?	There is no minimum membership guarantee. As stated in Section 6.3.14.1.2.4, if there is more than one DBPM, no auto-assignments shall occur once the Contractor's enrollment capacity reaches sixty percent (60%) or more of total statewide membership.
17	RFP	6.4.3.9.1	Coverage and Authorization of Services	81	Section 6.4.3.9.1 requires that Proposers must provide the actuarial value of any proposed value-added services (VAS). Are Proposers required to provide the actuarial value in the RFP response, or is this information due when Proposer enters into a contract?	Yes, the Proposer must provide the actuarial value of any proposed value-added services in the proposal.
18	RFP	6.4.3.9.1	Coverage and Authorization of Services	81	Section 6.4.3.9.1 requires that Proposers must provide the actuarial value of any proposed value-added services (VAS). Please confirm that value-added services are only for Group B enrollees.	Value-added services apply only to Group B enrollees.
19	RFP	6.6.1.3 & 6.6.9.4	Provider Network Requirements	97, 107	The RFP states that " <i>the DBPM shall submit model Provider Agreement templates to LDH for review and approval,</i> " and similarly states later in Section 6.6 that " <i>the DBPM shall submit all Provider Agreement templates to LDF for review to determine compliance with contract requirements.</i> " Please confirm that while the selected DBPM must submit model provider	Confirmed. The Proposer is not required to submit model provider agreement templates in its proposal.

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					agreement templates to LDH for approval prior to execution of the contract, the Proposer is not required to submit model provider agreement templates along with its proposal.	
20	RFP	6.6.2.1	Network Capacity and Geographic Access Standards	98	<p>[RFP] states: "An individual PDP shall not have more than five thousand (5,000) Medicaid linkages."</p> <p>We have received significant provider feedback regarding this provision. There are multiple high-quality providers who routinely have more than 5,000 members linked to them and they have complained to our organization about the unintended impact of this ratio. Dental, unlike medical, anticipates children being seen an average of twice per year. Given the AAPD/EPSDT periodicity schedule, dentists have the ability to have a higher patient base. We recommend removing this ratio just as the 2014 DBPM RFP was amended to remove the same provision in response to similar provider complaints regarding the impact of this requirement.</p>	Please refer to revision #9 in Part 2 below.
21	RFP	6.9.8.2.2	Enrollee Marketing, Education, and Services	129	Can LDH elaborate as to when an enrollee identification card would need to be mailed?	If required, the Contractor must furnish the ID card to the enrollee within ten (10) business days following the receipt of the member file. Please refer to revision #10 in Part 2 below.
22	RFP	6.15	Major Subcontracts	186	<p>Please confirm that, for purposes of this RFP, "major subcontracts" do not include contracts with non-affiliates for the following types of ancillary services, regardless of the value of the contract:</p> <ul style="list-style-type: none"> • Fulfillment (printing, etc.) • Software 	Please refer to the definition of "Major Subcontract" on p. 205 of the RFP. The Provider Payment Platform would qualify as a major subcontract. Other services listed may also qualify if reasonably expected to be more than one-hundred thousand dollars (\$100,000) per year.

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					<ul style="list-style-type: none"> • Staffing (hiring agencies, etc.) • Storage • Shredding • IT/data-backup/recovery • Professional Consulting Services (Financial, Legal, Actuarial, etc.) Provider Payment Platform (payment fulfillment only)	
23	RFP	6.15	Major Subcontracts	186	Please clarify whether, for purposes of this RFP, “major subcontracts” include contracts with non-affiliates for any of the following types of services and, if so, whether such contracts are only considered “major subcontracts” if valued at more than \$100k p/yr: <ul style="list-style-type: none"> • State/Federal Exclusion Screenings • Outbound phone/texting • Afterhours Call Answering Service • Language Valet/TTY • Interpretation, Translation • Car Service Primary Source Verification (CVO) (we understand Louisiana reserves the right to select the CVO used under the contract)	Please refer to the definition of “Major Subcontract” on p. 205 of the RFP. The listed services qualify as major subcontracts regardless of contract value.

PART 2: REVISIONS

Revision No.	Document Reference	Page	Revised Provisions
1	RFP	9	<p>2.13 Ownership of Proposal All materials submitted in response to this RFP shall become the property of LDH. LDH retains the right to use any and all ideas or adaptations of ideas contained in any proposal received in response to this RFP. Selection <u>Subject to the limitations set forth in Section 5.9, the selection</u> or rejection of a proposal shall not affect this right. Once a contract is awarded, all proposals will become subject to the Louisiana Public Records Act.</p>
2	RFP	11, 12	<p>2.15.4.1.1.9 A brief statement of the Proposer’s involvement in litigation related to the delivery of Medicaid <u>dental</u> benefits in the last ten (10) years; and</p> <p>2.15.4.3.5 A detailed statement of the Proposer’s involvement in litigation related to the delivery of Medicaid <u>dental</u> benefits in the last ten (10) years.</p>
3	RFP	12	<p>2.15.4.3.4 The Proposer must briefly describe any regulatory action, sanctions, and/or fines <u>related to the delivery of Medicaid dental benefits</u> imposed by any federal or Louisiana regulatory entity or a regulatory entity in another state within the last three (3) years, including a description of any letters of deficiencies, corrective actions, findings of non-compliance, and/or sanctions. Please indicate which of these actions or fines, if any, were related to Medicaid or CHIP programs. LDH may, at its option, contact these clients or regulatory agencies and any other individual or organization whether or not identified by the Proposer. Proposer must identify the representative of the client or regulatory agency who can attest to the regulatory action. Contact information must be provided and include the contact name, email address, and telephone number for the representative.</p>
4	RFP	12	<p>2.15.4.3.9 As it relates to all contracts to provide Medicaid dental services during the past five (5) years, Proposer must identify the <u>state</u> representative who can attest to the performance of Proposer. Contact information must be provided and include the contact name, email address, and telephone number for the representative. LDH reserves the right to contact any or all of these representatives.</p>
5	RFP	13	<p>2.15.4.3.15 If the organization submitting the proposal is a subsidiary of another company, the Proposer must provide the same information for the parent company along with a statement as to what percentage of the parent company’s revenue is produced by the Proposer.</p> <p>2.15.4.3.156 The Proposer should include a description of how their organizational components communicate and work together in both an administrative and functional capacity from the top down. This section should include an organizational chart displaying all administrative and operational components and the proposed positions assigned to each for this program. The organizational chart should show lines of responsibility and authority.</p>
6	RFP	37-38	<p>5.9 Confidential Information, Trade Secrets, and Proprietary Information [fifth and sixth unnumbered paragraphs] The Proposer must clearly designate the part of the proposal that contains a trade secret and/or privileged or confidential proprietary information as “confidential” in order to claim protection, if any, from disclosure. The Proposer shall mark the</p>

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			<p>cover sheet of the proposal with the following legend, specifying the specific section(s) of his proposal sought to be restricted in accordance with the conditions of the legend:</p> <p>“The data contained in <u>pages</u> ____ pages have been submitted in confidence and contain trade secrets and/or privileged or confidential information and such data shall only be disclosed for evaluation purposes, provided that if a contract is awarded to this Proposer as a result of or in connection with the submission of this proposal, the State of Louisiana shall have the right to use or disclose the data therein to the extent provided in the contract. This restriction does not limit the State of Louisiana’s right to use or disclose <u>any other data obtained from the Proposer or any</u> data obtained from any <u>other</u> source, <u>including the Proposer,</u> without restrictions.”</p>
7	RFP	38	<p>5.9 Confidential Information, Trade Secrets, and Proprietary Information [final unnumbered paragraph] If your proposal contains information that you consider confidential, you should<u>must</u> submit a redacted copy along with your proposal. If you fail to submit a redacted copy, it will be assumed that you do not claim that any of the information in your proposal is confidential.</p>
8	RFP	57	<p>6.2.2.5.1 DBPM CEO, who must have a bachelor’s degree and at least three (3) years’ experience managing a Medicaid project dental or medical program or contract of equal or greater scope. <u>Medicaid experience is preferred.</u></p> <p>6.2.2.5.3 Dental Director, who must be a Louisiana-licensed Doctor of Dental Medicine (DMD) or Doctor of Dental Surgery (DDS), with no restrictions or other licensure limitations., and have at least three (3) years’ experience managing a Medicaid project of equal or greater scope.</p>
9	RFP	98	<p>6.6.2.1 The PDP may practice in a solo or group practice or may practice in a clinic (i.e. Federally Qualified Health Center (FQHC), Rural Health Clinic (RHC) or outpatient clinic). The DBPM shall provide at least one (1) full time equivalent (FTE) PDP per five thousand (5,000) enrollees. LDH defines a full-time PDP as a provider that provides dental care services for a minimum of thirty-two (32) hours per week of practice time. An individual PDP shall not have more than five thousand (5,000) Medicaid linkages. Once an individual PDP has more than five thousand (5,000) Medicaid linkages, the Contractor shall not auto-assign any additional enrollees to the PDP; however, enrollees may continue to select the PDP proactively.</p>
10	RFP	128	<p>6.9.8.1 The DBPM shall notify, in writing, within ten (10) business days following the receipt of the member file, each person who is newly enrolled or re-enrolled.</p> <p>6.9.8.2 The DBPM shall furnish the following materials <u>within ten (10) business days following the receipt of the member file to each person who is newly enrolled or re-enrolled</u> to the new enrollee:</p> <p>[Subsequent provisions renumbered.]</p>