



**PETITION FOR RELIEF FROM BIDDING AS A PROCUREMENT METHOD  
(INDEPENDENT CONTRACTOR)**

Agency: **MS Division of Medicaid**  
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Agency Contact Phone Number: **601-359-6189**  
Date Form Submitted to PPRB's OPSCR staff:  
Requested PPRB Meeting Date: **April 4, 2018**  
Briefly describe the proposed scope of work for the procurement:

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The State of Mississippi, Office of the Governor, Division of Medicaid (DOM) issues this Request for Qualifications, hereafter referred to as the RFQ, to solicit offers from responsible offerors to provide services for statewide administration of the Mississippi Children's Health Insurance Program (CHIP), a coordinated care program for Mississippi children that DOM implemented to address the following goals: improve access to needed medical services; improve quality of care; improve efficiencies and cost effectiveness. The contract will be for a term of three years with two optional renewal years. The RFQ will result in the award of two contracts.

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1. Petition for relief from bidding (the use of Invitation for Bids) as a procurement method may be requested for one of the reasons listed below. Check the reason that prevents your agency from using Invitation for Bids (IFB) as a procurement method for this service:

- ☐ Federal and/or state law has established limitations on the use of competitive bidding for the personal or professional contracts the agency is seeking to procure;
- ☐ The agency is required to hire professionals whose members are prohibited from bidding by the rules of professional conduct promulgated by the regulating agency or agencies for that professional; or
- ☒ **Competitive bidding through the use of an Invitation for Bids (IFB) is not practicable and advantageous to the business of the agency.**

2. Provide a detailed explanation of the reason(s) why a procurement method other than bidding (IFB) is requested (attach supporting documentation including, but not limited to, any identified laws, orders, rules, or regulations issued by a governing body):

The Federal Children's Health Insurance Program (CHIP) was established under Title XXI of the Social Security Act. The CHIP program is designed to provide health coverage to children in families with incomes too high to qualify for Medicaid but unable to afford private coverage. Mississippi's CHIP was established by Miss. Code Ann. § 41-86-1, *et seq.* (1972, as amended). The State and School Employees' Health Insurance Management Board (HIMB) historically administered CHIP; however, effective January 1, 2013, the CHIP program and the contract for insurance services were transferred from the HIMB to DOM through Miss. Code Ann. § 41-86-9 (1972, as amended). DOM is currently responsible for the implementation and administration of CHIP in accordance with Federal and State laws. Additional information about Mississippi's CHIP program can be found at: <http://www.medicaid.ms.gov/programs/childrens-health-insurance-program-chip/>.



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[Pursuant to House Bill 1109 (Regular Session 2017) use the following factors to provide a detailed explanation of the practicable and advantageous determinations;

- The need for flexibility;
- The type of evaluations that will be needed after offers are received;
- Whether the evaluation factors involve the relative abilities of offerors to perform, including degrees of technical or professional experience or expertise;
- Whether the type of need to be satisfied involves weighing artistic and aesthetic values to the extent that price is a secondary consideration;
- Whether the types of supplies, services or construction may require the use of comparative judgmental evaluations to evaluate them adequately; and
- Whether prior procurements indicate that a Request for Proposals may result in more beneficial contracts for the state.
- Whether quality, availability or capability is overriding in relation to price in procurements for research and development, technical supplies or services;
- Whether the initial installation needs to be evaluated together with later maintenance and service capabilities and what priority should be given to these requirements in the best interests of the state; and
- Whether the marketplace will respond better to a solicitation permitting not only a range of alternative proposals but evaluation and discussion of them before making the award.
- Whether federal law or federal court order has established limitations on the use of competitive bidding for the personal or professional contracts the agency is seeking to procure; or
- The agency is required to hire professionals whose members are prohibited from bidding by the rules of professional conduct promulgated by the regulating agency or agencies for that profession; or
- The agency can establish that the use of competitive bidding will be counterproductive to the business of the agency.]

DOM is requesting to competitively procure for CHIP services through a RFQ because price is not an evaluation factor of the procurement. Additionally, the evaluation factors consider the relative abilities of offerors to perform, including degrees of technical and professional experience and expertise.

3. If petition for relief from bidding is granted, a competitive procurement procedure for selecting the vendor must be established. The PPRB may audit your records to ensure competitive procedures were used to procure the required service. If the request for petition for relief from bidding (IFB) is granted, please indicate the method of procurement that will be used:

DOM's CHIP services are managed by two coordinated care companies. These companies are paid a capitated rate that is formulated by an actuarial firm. Because the rates are formulated by an actuarial firm, price is not an evaluation factor. Thus, DOM has decided that an RFQ is the appropriate method of competitive procurement for this service.

- ☐ Request for Proposals  
☒ **Request for Qualifications**  
☐ Other (Please explain):

This form and all attachments should be submitted electronically to the PPRB's OPSCR staff via the PPRB e-system, using the four-digit agency number and six-digit board meeting date as the contract number. For example, if the agency's four-digit agency number is 1234 and the board meeting date is March 18, 2018, then the contract number for purposes of this form would be submitted as 1234031818.



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4. When will the procurement be issued and/or advertised? **June 1, 2018**
5. When will the vendor(s) be selected? **August 24, 2018**
6. How many contract(s) will be issued as a result of the procurement? **Two**
7. What evaluation factors will be used and what is the weight/percentage of each factor? **See graph below.**

[Pursuant to House Bill 1109 (Regular Session 2017) use the following factors, as appropriate to individual circumstances to draft evaluation factors for the procurement;

Technical factors (Proposed methodology)

- (a) Does the offeror's proposal or qualification demonstrate a clear understanding of the scope of work and related objectives?
- (b) Is the offeror's proposal or qualification complete and responsive to the specific RFP or RFQ requirements?
- (c) Has the past performance of the offeror's proposed methodology been documented?
- (d) Does the offeror's proposal or qualification use innovative technology and techniques?

Cost factors (Factors must be submitted separately from other factors unless specifically approved by the Public Procurement Review Board):

- (a) Cost of goods to be provided or services to be performed:
  - a. Relative cost: How does the cost compare to other similarly scored proposals or qualifications?
  - b. Full explanation: Is the price and its component charges, fees, etc. adequately explained or documented?
- (b) Assurances of performance:
  - a. If required, are suitable bonds, warranties or guarantees provided?
  - b. Does the proposal or qualification include quality control and assurance programs?
- (c) Offeror's financial stability and strength: Does the offeror have sufficient financial resources to meet its obligations?

Management factors (Factors that will require the identity of the offeror to be revealed must be submitted separately from other factors):

- (a) Project management:
  - a. How well does the proposed scheduling timeline meet the needs of the soliciting agency?
  - b. Is there a project management plan?
- (b) History and experience in performing the work:
  - a. Does the offeror document a record of reliability of timely delivery and on-time and on-budget implementation?
  - b. Does the offeror demonstrate a track record of service as evidenced by on-time, on-budget, and contract compliance performance?
  - c. Does the offeror document industry or program experience?
  - d. Does the offeror have a record of poor business ethics?
- (c) Availability of personnel, facilities, equipment and other resources:

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- a. To what extent does the offeror rely on in-house resources vs. contracted resources?
- b. Are the availability of in-house and contract resources documented?
- (d) Qualification and experience of personnel:
  - a. Documentation of experience in performing similar work by employees and when appropriate, sub-contractors?
  - b. Does the offeror demonstrate cultural sensitivity in hiring and training staff?

PROPOSAL SECTION	MAXIMUM SCORE	HB1109 REQ. CLAUSES
Transmittal Letter	Pass/Fail	Office of Procurement
Executive Summary/Understanding of Project	2	Technical Factors (Phase 1 blind)
Corporate Background and Experience	8	Management factors (Phase 2)
Ownership and Financial Disclosures	Pass/Fail	Management factors (Phase 2)
Organization and Staffing	8	Management factors (Phase 2)
Methodology and Work Statement	31	Technical Factors (Phase 1 blind)
Management and Control	8	Management factors (Phase 2)
Work Plan and Schedule	8	Technical Factors (Phase 1 blind)
<b>Price</b>	<b>35</b>	Locked in due to DOM setting rates.
<b>TOTAL</b>	<b>100</b>	

8. What is the anticipated term of the contract? **Three years with two optional renewal years.**

9. Will the contract include renewal terms? If yes, how many? **Yes, two.**

What is the anticipated total amount of funds expended under the contract? **The total amount expended for both CHIP contracts for SFY2017 was \$152,035,312.38.**

10. Will the contract negate the need for an existing PIN/WIN? If so, please explain how the contract is more cost effective: **No.**

Please indicate whether procurement is associated with any new, continued, expanded, or terminated program(s): **The procurement is associated with the continued Mississippi CHIP program. DOM began management of the CHIP program January 1, 2013. DOM was authorized to have a CHIP managed care delivery system January 1, 2015.**

11. Please provide the names of the Evaluation Committee members and attach a Form PPRB-010, Procurement Committee Evaluator Certification, for each evaluation team candidate. **Not Applicable at this time.**

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12. Has relief from bidding of this service been previously requested? **X No** ☐ Yes

If "Yes" please explain and attach the previous approval or denial. If denied, please explain why this request is different. What was the date of the previous PPRB meeting when this was considered by the Board?

Chief Procurement Officer Signature

Date

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