

STATE OF WASHINGTON
OFFICE OF FINANCIAL MANAGEMENT

COMPETITIVE PROCUREMENT (CP) PROCESS

CP NO. 16-100

for

Washington All Payer Health Care Claims Database (WA-APCD)
Lead Organization and Data Vendor Services

PHASE 1 RESPONSE DUE DATE: May 13, 2016 *no later than* 3:30 p.m. Pacific Time, Olympia, Washington, USA.

ESTIMATED TIME PERIOD FOR CONTRACT: The initial period of performance will be five (5) years commencing on the latest signature date of the parties. The Office of Financial Management reserves the right, at its sole discretion, to extend the contract for additional two-year periods as set forth in the contract document.

AVAILABILITY OF CP DOCUMENTS - WASHINGTON ELECTRONIC BUSINESS SOLUTION (WEBS):

Bidders are solely responsible for accessing the CP documents via WEBS or at OFM's website (http://ofm.wa.gov/contracts_procurements/default.asp). Failure to obtain these documents via WEBS or the OFM website may result in a Bidder having incomplete, inaccurate or otherwise inadequate information for bidding.

The document(s) will be available in standard Microsoft Office and Adobe Acrobat formats. Bidders are solely responsible for:

- Downloading this solicitation consisting of the CP, Appendices, and any related incorporated documents provided by the CP Coordinator.
- Downloading all Addenda, if any, to this CP to ensure receipt of all updates and revisions.

WEBS notification via automated email of Addenda to the CP will only be provided to those Bidders who have registered with WEBS and **have downloaded the CP from WEBS**. Bidders must check their email spam filters to ensure receipt of WEBS email notifications are not being blocked.

ADA COMPLIANCE:

The state complies with the Americans with Disabilities Act (ADA). Bidders may contact the CP Coordinator to receive the CP documents in Braille or on tape.

BIDDER ELIGIBILITY: This procurement is open to those bidders who satisfy the minimum qualifications stated herein.

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Appendix C: Data Access Under Chapter 43.371 RCW.pdf

Appendix D: The Health Insurance Rate Review Grant Program Cycle III FOA.pdf

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SECTION 1 – INTRODUCTION

1.1 PURPOSE AND BACKGROUND

The State of Washington, by and through the Office of Financial Management (OFM), is conducting this Competitive Procurement (CP) process subject to chapter 39.26 Revised Code of Washington (RCW) Procurement of Goods and Services. The purpose of this process is to procure the services of a Lead Organization and Data Vendor to establish the state of Washington’s All Payer Health Care Claims Database (WA-APCD) as directed by the legislature under chapter 43.371 RCW. (<http://app.leg.wa.gov/RCW/default.aspx?cite=43.371>.)

Establishment of the WA-APCD is intended to support transparent public reporting of health care information. As set forth in chapter 43.371 RCW, the database must improve transparency to:

- a) Assist patients, providers, and hospitals to make informed choices about care
- b) Enable providers, hospitals, and communities to improve by benchmarking their performance against that of others by focusing on best practices
- c) Enable purchasers to identify value, build expectations into their purchasing strategy, and reward improvements over time
- d) Promote competition based on quality and cost

The database must systematically collect all medical and pharmacy claims from private and public payers, with data from all settings of care, which will permit the systematic analysis of health care delivery. Data suppliers include Public (state and federally purchased), Private and Voluntary (self-insured).

Through a data request process, claims data and information from the WA-APCD will be made available to various data requesters which may include, but are not limited to, businesses, health care providers, health care payers, community organizations, individuals, government organizations and researchers. Direct access to claims data in the system and to the WA-APCD system itself will be limited to the Data Vendor for purposes of receiving and processing data, and operating and maintaining the system. Release of data will be through a data request process determined and facilitated by the Lead Organization in conjunction with the Data Release Advisory Committee, as required by law, and in the requisite agreements. (See Appendix C, *Data Access Under Chapter 43.371 RCW* for OFM’s current understanding as to entities authorized to obtain data.)

1.2 DEFINITIONS – For definitions used in this CP see Attachment 1, *Definitions*

1.3 OFM ROLE

OFM is an Executive Branch, cabinet level agency that provides vital information, fiscal services and policy support to the Governor, Legislature, and state agencies. These organizations rely upon OFM provided information and services to, in turn, serve the people of Washington State.

OFM, through its Forecasting and Research Division (<http://www.ofm.wa.gov/forecasting/default.asp>), Health Care Research Center (<http://www.ofm.wa.gov/healthcare/default.asp>), is tasked by the Legislature with the establishment of the WA-APCD through a competitively awarded contract with a Lead Organization. The OFM goal is to establish a strategic and collaborative working relationship with the Lead Organization focusing on agreed upon critical success factors for the long term viability of the WA-APCD.

1.4 SCOPE OF THIS COMPETITIVE PROCUREMENT

The scope of this competitive process includes the following:

- Establish the WA-APCD system and functional mechanisms
- Collect and load historical claims data
- Establish the Lead Organization administrative processes and governance activities
- Create claims data products to be made available for free use by the public and other data products to sell to support the WA-APCD
- Establish the WA-APCD branding and website
- Conduct market and outreach activities
- Establish reporting for the Washington State Common Measure Set for Health Care Quality and Cost Performance Outcomes and conduct quarterly reporting
 - http://www.hca.wa.gov/hw/Documents/pmcc_final_core_measure_set_approved_121714.pdf
- Ongoing Maintenance and Support

1.5 FUNDING TO ESTABLISH THE WA-APCD

The work is funded by two 2-year grants from the Centers for Medicare and Medicaid Services (CMS), the Rate Review Cycle III and Rate Review Cycle IV grants. Currently the Cycle III grant is in its first one-year no-cost extension (or Year 3), which ends September 30, 2016. The Cycle IV grant is in its second year and ends September 30, 2016.

OFM intends to seek from CMS a second one-year no-cost extension for the Cycle III grant and a first one-year no-cost extension for the Cycle IV grant on or shortly after July 1, 2016. Should these extension requests be approved by CMS, OFM will confirm with the Lead Organization and Data Vendor the ability to start the next phase of work. If one or both of the one-year no-cost grant extension requests are not approved by CMS, OFM will work with the Lead Organization and Data Vendor to identify what work can be accomplished by September 30, 2016.

The CMS State Innovation Models grant is also funding specific work for the WA-APCD. This work includes the Lead Organization establishing reporting for the Washington State Common Measures Set for Health Care Quality and Cost Performance Outcomes, conducting quarterly reporting of these measures and enhancing the WA-APCD data collection.

For more detailed information on the distribution of funds for the work described in this CP see Appendix O: WA-APCD Cost Worksheet.

Any contract awarded as a result of this procurement is contingent upon the availability of funding. In the event additional funding becomes available, any contract awarded may be renegotiated to provide for additional services within the scope of this CP and the resultant contract.

One hundred percent (100%) of the total cost of this project is financed with federal money. OFM received \$5,500,000 in federal funds for this project. Zero percent (0%) of the total cost of this project is financed by nongovernmental sources.

1.6 INFORMATION TECHNOLOGY PROJECT OVERSIGHT

The WA-APCD Project is a Level 2 information technology project as assessed by the Washington State Office of the Chief Information Officer (OCIO) criteria. A Level 2 project is considered a major IT Project with medium risk. The WA-APCD Project has very high visibility amongst public stakeholders, the Legislature, and the Governor's office. The project will be monitored by the Assistant Director of the Forecasting and Research Division as the project sponsor, by an OCIO Liaison, and by a Quality Assurance vendor, who will be contracted by OFM.

For project oversight purposes, the WA-APCD Project will be considered complete upon OFM's acceptance of all completed deliverables under the CMS Rate Review Cycle III grant funding (see Appendix O, Cost Worksheet. At that time, project oversight by the OCIO Liaison and Quality Assurance vendor ends.

1.7 COMPETITIVE PROCUREMENT PROCESS

The competitive procurement process described below is intended to minimize the typical requirement on Bidders to produce static written responses with little opportunity for clarification. The process, facilitated by the CP Coordinator, is expected to maximize the opportunity between Bidders and state evaluators to explore Bidder capabilities in detail in order to get to best possible outcome.

The competitive procurement process described herein is designed to give the state the maximum opportunity to determine which Bidder solution is best positioned to successfully meet the goals of the state of Washington and the long term viability of the WA-APCD. To that end, this competitive procurement is designed to allow for exploration and clarification of Bidder's response so that the state most benefits from the outcome and is most likely to achieve the goals set forth by the legislature in developing and sustaining the WA-APCD.

This CP document includes appendices that are intended to be helpful to Bidders' overall understanding of project scope and objectives such as: legal requirements, funding source and requirements, and security and privacy requirements. Appendices include but are not limited to, sample statements of work, sample contract structure and content intended to be enhanced throughout the procurement process to reflect the project schedule, priority and timing of deliverables, any alternate or additional terms and conditions required to support short and long term agreements between the parties.

The competitive procurement process will consist of three (3) evaluative phases as briefly described below. For a detailed explanation of the evaluation process and scoring, see the section titled *Evaluation and Contract Award* in this CP.

Phase 1: Written Responses to Administrative Requirements, Minimum Mandatory Qualifications, and Experience

Bidders will submit written Responses to the administrative requirements, minimum mandatory qualifications, and experience. The objective of this phase is to confirm that Bidders meet administrative requirements and minimum mandatory qualifications, and possess the experience necessary to be successful in performing the work.

Bidders with the highest scores in Phase 1 will be invited to participate in Phase 2: Explore Bidder's Proposed Approach and Strategies. The Phase 1 scores do not pass to Phase 2.

Phase 2: Explore Bidder's Proposed Approach and Strategies

Phase 2 is designed as an on-site participatory activity in Olympia, Washington. For this phase, key resources proposed by the Bidder in the performance of the WA-APCD project must participate in the on-site process.

The objective of Phase 2 is to gain a deeper understanding of the Bidder's preparedness to execute the state's vision and goals for the WA-APCD and to allow a more detailed review and exploration of Bidder's approach. Discussions during this phase will include, but not be limited to: specific approaches, strategies, timelines, and other activities required to produce results. The process is intended to allow substantive interaction and exploration to understand Bidder's capability and specific approach. This is also an opportunity to discuss contract structure and content. Phase 2 of the competitive process will be recorded.

Bidders with the highest scores will be invited to Phase 3: Proposal Refinement/Final Proposal Submission. Phase 2 scores will not be cumulative and will not be passed to Phase 3.

Phase 3: Proposal Refinements/Final Proposal Submission

Highest scoring Phase 2 Bidders will be invited to prepare Final Proposal Submissions based upon information discovered and shared during the evaluation process. Bidders will prepare their Final Proposal Submissions in writing and deliver them as directed by the CP Coordinator.

The objective of Phase 3 is to allow selected Bidders to refine and document their proposed solutions for Final Proposal Submission to OFM for final review, evaluation and selection of an Apparently Successful Bidder (ASB).

The ASB will be that Bidder who is determined by OFM to have the best combination of attributes for success.

1.8 CONTRACT STRUCTURE AND AWARD

OFM intends to enter into a single contract with a Lead Organization to provide all of the required services for the WA-APCD. The Lead Organization will be required to enter into a separate contract with a Data Vendor to perform data collection, processing, aggregation, extracts, and analytics. OFM expects that the Bidder will act as the Lead Organization and as a Prime Contractor with the Data Vendor as its Subcontractor.

1.9 SAMPLE CONTRACT ATTACHED

A sample Contract has been included with this CP and is attached as Appendix B. This sample document will be the basis for the structure and content of the final contract negotiated between the ASB and the state. OFM may negotiate with one or more Bidders as part of the final contract negotiation process. Bidder may not submit their own standard contract terms and conditions as a replacement to the sample contract or make OFM's acceptance of their solution contingent on such a substitution.

Bidder exceptions to the sample contract terms and conditions, additional or alternate terms and conditions may be submitted by Bidder in Phase 2 of the competitive procurement process. To facilitate Phase 2 discussions, Bidder should review the sample contract attached in Appendix B and identify any concerns along with proposed alternate and/or additional terms and conditions the

Bidder would like to discuss. Bidder may use the track changes function in the sample contract document and/or the format set out in Appendix B(a), *Proposed Contract Subjects* for discussion.

1.10 TERM OF CONTRACT

The initial term of the resultant Contract will be five (5) years commencing upon the Effective Date. The parties may determine after June 30, 2018 or as otherwise agreed, and after good faith and collaborative efforts, that the essential purpose of the contract cannot be reasonably met or sustained. In this case, the contract may be terminated by mutual agreement.

After the initial term, the Contract may be extended by additional two (2) year terms. Extensions will be offered at OFM's sole option. OFM will give written notice of its offer to extend the Contract prior to the then-current expiration date of the Contract. Extensions will be effective only by mutual agreement. OFM will not be required to offer nor will the Contractor be required to accept such extensions.

OFM's decision to offer an extension will be based on the performance of the Contractor. Factors may include, but are not limited to, Contractor's demonstrated ability to be self-sustaining, compliance with the terms and conditions of the Contract, compliance with OFM rules, effectiveness of service, responsiveness to users, or any other measure or assessment OFM determines to be a key factor in its decision-making.

Term of Statement of Work (SOW). The term of any SOW executed pursuant to the Contract will be set forth in the SOW. The term of any SOW may not exceed the term of the Contract.

1.11 SUBCONTRACTOR INFORMATION

OFM acknowledges that the Bidder, as the Lead Organization, will use a Subcontractor to act as the Data Vendor in order to accomplish certain requirements and deliverables under the resultant contract. The Lead Organization shall ensure, through its contract with the Subcontractor, that all relevant terms and conditions are flowed down and included in such subcontract. Further, prior to finalization of any such subcontract between the Lead Organization and the Data Vendor, OFM reserves the right to review the contract to ensure that subcontracted tasks and responsibilities are appropriately aligned.

In addition to the Data Vendor, any and all Subcontractors working under the resultant contract with the Lead Organization must be acceptable to OFM. Such concurrence will be in writing from OFM to the Lead Organization and must be obtained by the Lead Organization prior to starting work.

1.12 AUTHORITY TO BIND

The OFM Director, or designee, is the only government official who may legally commit OFM to the expenditure of funds for a contract resulting from this CP. No costs chargeable to the proposed contract may be incurred or encumbered before receipt of a fully executed contract approved by OFM.

SECTION 2 - ADMINISTRATIVE REQUIREMENTS

2.1 CURRENT OR FORMER STATE EMPLOYEES (M)

Specific restrictions apply to contracting with current or former state employees pursuant to chapter 42.52 RCW. Further, restrictions apply to former state employees who have retired from the State of Washington under the provisions of the 2008 Early Retirement Factors legislation. Proposers should familiarize themselves with these requirements prior to submitting a proposal that includes current or former state employees.

If any of Bidder or subcontractor staff were employed by the state of Washington during the past 24 months, or are currently a Washington State employee, identify the individual by name, the agency previously or currently employed by, job title or position held and separation date.

2.2 COMPETITIVE PROCUREMENT PROCESS COORDINATOR (M)

The CP Coordinator is the sole point of contact for this procurement. All communication regarding the subject of this CP upon its release shall be with the CP Coordinator, as follows:

Name	Bonnie Lindstrom, CP Coordinator
E-Mail Address	Bonnie.lindstrom@ofm.wa.gov
Mailing Address	PO Box 43113, Olympia, WA 98504-3113
Physical Address for Delivery	302 Sid Snyder Ave. S.W., Third Floor, Olympia, WA 98504
Phone Number	360/902.0568

Any other communication will be considered unofficial and non-binding on the Agency. Bidders are to rely only on written statements issued by the CP Coordinator. Communication directed to parties other than the CP Coordinator may result in disqualification of the Bidder.

2.3 ESTIMATED SCHEDULE OF PROCUREMENT ACTIVITIES

OFM Issues Competitive Procurement	April 15, 2016
Bidder may <i>submit written questions</i> until 3:30 pm local time, Olympia, WA	April 22, 2016
OFM Issues written <i>Responses to questions</i>	April 26, 2016
Last day for <i>Complaints</i> – 3:30 pm local time Olympia, WA	May 6, 2016
Phase 1 – Written Responses DUE by 3:30 p.m. local time, Olympia, WA	May 13, 2016
PHASE 1: Written Responses to Administrative Requirements, Minimum Mandatory Qualifications, and Experience	
Review of Administrative & Minimum Mandatory Qualifications & Scoring of Bidder Experience	May 16, 2016

Notice to Bidders of Phase 2 Participation	May 17, 2016
Bidders may submit Phase 2 Written <i>Questions</i> until 3:30 pm local time, Olympia, WA	May 20, 2016
OFM Issues Phase 2 <i>Answers</i>	May 24, 2016
Last day for Phase 2 <i>Feedback</i> 3:30 pm local time Olympia, WA	May 27, 2016
Bidder Phase 2 materials due by 3:30 pm local time, Olympia, WA	June 6, 2016
PHASE 2: Explore Bidder's Proposed Approach and Strategies	
Bidder On-site Interview/Exploration	June 7-10, 2016
Reference Checks (at the option of OFM)	June 14-16, 2016
Notice to Bidders of Phase 3 Participation	June 17, 2016
PHASE 3: Proposal Refinements/Final Proposal Submission	
Bidder Final Proposal Submissions Due by 3:30 pm local time, Olympia, WA ,	June 29, 2016
OFM notifies Apparently Successful Bidder and begins contract negotiations	July 5, 2016
OFM notifies unsuccessful Bidders	July 5, 2016
Unsuccessful Bidders may request Debriefing until 3:30 local time, Olympia, WA	July 8, 2016
OFM holds debriefing conferences, if requested	July 13, 2016
Estimated start date of contract	July 22, 2016

OFM reserves the right to revise the above schedule.
Any such revision will be in writing with notification through WEBS. OFM will not be obligated to give such notification in any other manner.

2.4 REVISIONS TO THE CP

OFM reserves the right to change this CP at any time. OFM may correct errors in the procurement document identified by OFM or Bidders. Any changes or corrections will be by one or more written addenda attached to or incorporated in and made a part of this procurement document. All changes must be authorized and issued in writing by the CP Coordinator. In the event that it is necessary to revise or correct any portion of the CP, an addendum will be posted on WEBS.

If there is any conflict between addenda, or between an addendum and the CP, whichever document was issued last in time shall be controlling.

OFM also reserves the right to cancel or reissue the CP in whole or in part, prior to the execution of a contract.

2.5 BIDDER QUESTIONS AND ANSWERS

During the CP process, Bidders will be given an opportunity to ask clarifying questions and get answers. Bidders may use e-mail or US mail to deliver written questions to the CP Coordinator. Questions will be accepted until the date set forth in the section titled *Estimated Schedule of Procurement Activities* of this CP for the specific phase of the process. Bidders may only rely on written statements issued by the CP Coordinator. Any oral communications are unofficial and are not binding on OFM. Early submission of questions is encouraged.

For Phase 1, questions may be submitted via e-mail or US mail and answers will be posted by addenda/amendment on WEBS and at ofm.wa.gov.

For Phase 2, Bidders who are invited to this phase will submit questions via e-mail. Answers will be sent by the CP Coordinator via e-mail to Bidders participating in this phase of the evaluation process. Bidders who are invited to this phase will also have the opportunity to provide feedback about Phase 2, per the Procurement Schedule in Section 2.3.

For Phase 3, clarifications to Bidders based on Phase 2 activities will be provided via e-mail to those who are invited to provide Final Proposal Submission to OFM in Phase 3.

2.6 COMPLAINTS

This procedure is available to potential Bidders who are contemplating submitting a Proposal in Response to this CP. A complaint period will be allowed prior to the Phase 1 written Response due date as indicated in the section titled *Estimated Schedule of Procurement Activities* of this CP. Only complaints concerning the following subjects will be considered:

1. A claim that the solicitation unnecessarily restricts competition;
2. A claim the solicitation evaluation or scoring process is unfair or flawed, or
3. A claim the solicitation requirements are inadequate or insufficient to prepare a Response.

Bidders submitting complaints about this procurement must follow the procedures described below. Complaints that do not follow these procedures will not be considered. If a Bidder submits a complaint against this solicitation, the Agency response will be considered the final disposition and the complaint cannot be raised again during the protest period.

All complaints must be in writing and signed by the complaining party or an authorized agent. The complaint must be sent to the CP Coordinator, or designee, by the due date set forth in the Schedule and must clearly articulate the basis for the complaint. The Bidder submitting the complaint must also include a proposed remedy. Complaints not addressing the then-current phase for which complaints are due will not be considered.

Upon receipt of a complaint, a complaint review will be held by OFM. The OFM CP coordinator will respond to complaints in writing and the OFM director will be notified of all complaints and provided a copy of OFM's response. A copy of the response to the complaint, including any changes to the solicitation, will also be posted to WEBS.

The complaint process does not include an appeal process.

2.7 COSTS TO PARTICIPATE IN THE COMPETITIVE PROCESS

OFM will not be liable for any costs incurred by the Bidder in preparation of a proposal submitted or participation in any phase of the evaluation process described in this CP, including, but not limited to activities that require the Bidder to be on site at OFM's location.

2.8 NO OBLIGATION TO CONTRACT

OFM reserves the right to refrain from Contracting with any and all Bidders. Neither the release of this procurement document nor the execution of a resulting Contract obligates OFM to make any purchases.

2.9 REJECTION OF PROPOSALS

OFM reserves the right at its sole discretion to reject any and all Responses or Proposals received without penalty and to not issue a contract as a result of this CP.

2.10 ELECTRONIC PAYMENT

The State requires the utilization of electronic payment in its transactions. The successful Bidder will be required to register in the Statewide Vendor Payment system, which is found at:

<http://des.wa.gov/services/ContractingPurchasing/Business/VendorPay/Pages/default.aspx>

Such registration must be completed prior to submitting a request for payment under a Contract resulting from this CP. No payment shall be made until the registration is completed.

2.11 SUBMISSION OF RESPONSES AND RESPONSE CONTENTS

Instructions to Bidders for Response and Final Proposal Submission Form and Format

Except as otherwise instructed in this CP, Responses and Final Proposal Submissions must be prepared in electronic format.

The Response and Final Proposal Submission, as well as any reference materials presented by Bidder, must be written in English and Bidder must provide all costs in United States dollars.

Materials for each of the three (3) phases of this competitive procurement process must be submitted in the order noted below:

1. Phase 1: Administrative Requirements, Minimum Mandatory Qualifications and Experience including the Letter of Submittal, and signed Certifications and Assurances (Appendix A to this CP)
 - a. A hard copy of the Letter of Submittal and signed Certifications and Assurances must be received by the CP Coordinator by 3:30 PM, Local time, Olympia, WA, on May 16, 2016. .
2. Phase 2: Explore Bidder's Proposed Approach and Strategies
3. Phase 3: Proposal Refinements/Final Proposal Submission

Phase 1 and 2 Response and Phase 3 Final Proposal Submission content is detailed in *Appendix N: Competitive Procurement Submission Content*.

Responses and Final Proposal Submissions must provide information in the same order presented in each Phase of this document with the same headings. Pages must be numbered consecutively within each section of the Response showing Response section number and page number. Figures and tables must be numbered and referenced in the text of the Response by that number. This will not only be helpful to the evaluators of the Response, but should assist the Bidder in preparing a thorough Response and Final Proposal Submission.

Numbering: Number each response so that it corresponds to the Competitive Procurement requirement numbering. A reference to another section will not suffice, each answer must stand alone.

Attachments to the Bidder Response: Attachments must be labeled with the requirement number to which it corresponds clearly indicated.

Content of Response/Final Proposal Submission. Bidders should provide only the information requested. Additional information or documents submitted as part of the Bidder's response, but which are not responsive to the question, are not required to be considered.

Delivery of Responses and Final Proposal Submission. Bidder's Responses and Final Proposal Submission must be sent via e-mail to the CP Coordinator at the e-mail address set forth in the section titled Procurement Coordinator of this CP, no later than 3:30 pm, local time – Olympia, WA on the date set forth in the section titled *Estimated Schedule of Procurement Activities*.

Bidder's Email to the CP Coordinator must contain "16-100 –OFM-WA-APCD – Bidder Name" in the subject line.

If the Bidder experiences size / email capacity issues in submitting the Proposal email with attachments, Bidder may submit multiple emails with the required attachments, ***clearly labeled in the Subject Line "16-100 –OFM-WA-APCD – Bidder Name – x of XX"*** (i.e., 3 emails labeled, 1 of 3, 2 of 3, 3 of 3).

Late Responses and late Final Proposal Submissions will not be evaluated and will be automatically disqualified from further consideration. All Responses and any accompanying documentation become the property of OFM and will not be returned.

"Zipped" attachment files are NOT accepted by OFM email security, and are NOT acceptable formats for Bidder's Response documents.

CP Requirements Response. Each of the CP requirements are numbered and/or titled. Each requirement has a designation indicating how the Response will be evaluated. The designations below are used throughout the CP. The Bidder is expected to respond as indicated for each requirement.

"Mandatory" or "(M)" shall mean the Bidder must provide a Response that will be evaluated on a pass or fail basis. The Response must indicate explicitly whether or not the Bidder or its proposed Subcontractor meets the requirement and provide all information requested. A statement, "(Bidder Name) has read, understands, and fully complies with this requirement" is acceptable, along with any additional information requested.

“Mandatory/Score/SCOR” or “(MS)” shall mean the Bidder must respond to the requirement and the Bidder’s response will be evaluated as described in the Evaluation and Contract Award section of this CP. The Response must always indicate explicitly whether or not the Bidder, its Subcontractor or its proposed solution meets the requirement, **and** describe how the requirement will be satisfied.

“Bonus Points” or “(BP)” shall mean the requirement is important, but not mandatory, and the Response will be evaluated as described in Section 3.2, *Strengths, Challenges, Opportunities/Options, and Risks (SCOR) Analysis*. The Response must always indicate explicitly whether or not the Bidder, the Subcontractor or the proposed solution meets the requirement, **and** as instructed, describe how the requirement will be satisfied.

2.12 LETTER OF SUBMITTAL (M)

Bidders must include a signed Letter of Submittal on Bidder’s official business letterhead as the first page. The Letter of Submittal must be sent both electronically with the Bidder’s Response and in hard copy to the CP Coordinator at the address set forth in the section titled *Competitive Procurement Process Coordinator* of this CP. Signing the Letter of Submittal indicates that the Bidder accepts the terms and conditions of the CP and must contain the following information:

- a) Name, address, principal place of business, telephone number, and fax number/e-mail address of legal entity or individual with whom contract would be written.
- b) The name of the contact person for this CP.
- c) A list of all CP addenda downloaded by the Bidder from WEBS and listed in order by addenda number and date. If there are no CP addenda, the Bidder must include a statement to that effect.
- d) A statement substantiating that the person who signs the letter is authorized to contractually bind the Bidder’s organization
- e) Identification of the page numbers on the Bidder’s Response that are marked “Proprietary Information”.
- f) If the Bidder or any subcontractor contracted with the state of Washington during the past 24 months, indicate the name of the agency, the contract number and project description and/or other information available to identify the contract.
- g) Bidders must identify in the Letter of Submittal if they, or any subcontractors, meet the definitions and/or are certified as described in Section 2.18.

2.13 BIDDER CERTIFICATION AND ASSURANCES FORM (M)

Bidders must submit a completed Bidder Certification and Assurances Form, Appendix A of this CP. Bidder must sign and include this form with its Letter of Submittal along with any attachments that are necessary. The Certification and Assurances Form must be sent both electronically with the Bidder’s Response and in hard copy to the CP Coordinator at the address set forth in the section titled *Competitive Procurement Process Coordinator* of this CP.

2.14 PROPRIETARY INFORMATION/PUBLIC DISCLOSURE (M)

Responses submitted in response to this competitive procurement shall become the property of OFM. All Responses received shall remain confidential until the Apparently Successful Bidder is announced thereafter, the Responses shall be deemed public records as defined in chapter 42.56 of the Revised Code of Washington (RCW).

Any information in the Response that the Bidder desires to claim as proprietary and exempt from disclosure under the provisions of chapter 42.56 RCW, or other state or federal law that provides for the nondisclosure of your document must be clearly designated. The information must be clearly identified and the particular exemption from disclosure upon which the Bidder is making the claim must be cited. Each page containing the information claimed to be exempt from disclosure must be clearly identified by the words "Proprietary Information" printed on the lower right hand corner of the page. Marking the entire Response exempt from disclosure or as Proprietary Information will not be honored.

If a public records request is made for the information that the Bidder has marked as "Proprietary Information" OFM will notify the Bidder of the request and of the date that the records will be released to the requester unless the Bidder obtains a court order enjoining that disclosure. If the Bidder fails to obtain the court order enjoining disclosure, OFM will release the requested information on the date specified. If a Bidder obtains a court order from a court of competent jurisdiction enjoining disclosure pursuant to Chapter 42.56 RCW, or other state or federal law that provides for nondisclosure, OFM shall maintain the confidentiality of the Bidder's information per the court order.

A charge will be made for copying and shipping, as outlined in chapter 42.56 RCW. No fee shall be charged for inspection of contract files, but twenty-four (24) hours' notice to the CP Coordinator is required. All requests for information should be directed to the CP Coordinator.

2.15 PRIOR CONTRACT PERFORMANCE (M)

If the Bidder has had a contract terminated for default in the last five (5) years, describe such termination. Termination for default is defined as: notice to stop performance due to the Bidder's non-performance or poor performance and, the issue was either (a) not litigated or (b) litigated and such litigation determined the Bidder to be in default.

Bidder must submit full details of all terminations for default including the other party's name, address, and phone number. The Bidder must describe the deficiencies in performance, and describe whether and how the deficiencies were remedied. Vendor must present any other information pertinent to its position on the matter.

The OFM will evaluate the facts and may, at its sole discretion, reject the proposal on the grounds of the past experience if the information indicates that completion of a Contract resulting from this CP may be jeopardized by selection of the Vendor.

If no such termination for default has been experienced by the Bidder in the past five (5) years, so indicate.

2.16 BIDDER CONFLICT OF INTEREST POLICY (M)

In the event the Bidder is named the ASB, it must submit a Conflict of Interest policy and process within thirty (30) days of signing a Contract resulting from this CP.

2.17 FEDERAL SYSTEM FOR AWARD MANAGEMENT REGISTRATION (M)

The Bidder who is named the Lead Organization along with any and all of its subcontractors must register in the Federal System for Award Management database within thirty (30) days of signing a Contract resulting from this CP.

2.18 DIVERSITY PARTICIPATION-SMALL BUSINESS AND VETERAN-OWNED BUSINESS PARTICIPATION GOALS

In accordance with the intent of RCW 39.26.005, the State encourages purchases of goods and services from State small businesses. State “small business”, “minibusiness”, and “microbusiness” is defined in RCW 39.26.010 (22), (17), and (16) respectively.

In accordance with RCW 43.60A.200 the State encourages participation in all of its contracts from firms certified by the Washington State Department of Veterans’ Affairs (DVA). For information on these certified firms, Bidders may contact DVA at <http://www.dva.wa.gov/BusinessRegistry/>.

While participation in these programs is encouraged, no minimum level of participation will be required as a condition for receiving an award and Responses will not be rejected or considered non-responsive on that basis.

In some cases, a Small Business as described above may also be certified by the Office of Minority and Women’s Business Enterprises (OMWBE) in accordance with chapter 39.19 RCW. For this CP, the state of Washington encourages participation by these firms. For information about these certified firms, Bidders may contact OMWBE at: <http://www.omwbe.wa.gov/>.

Bidders must identify in the Letter of Submittal if they, or any subcontractors, meet the definitions and/or are certified as described above.

2.19 RESPONSIVENESS

All Responses will be reviewed by the CP Coordinator to determine compliance with administrative requirements and instructions specified in this CP. The Bidder is hereby specifically notified that failure to comply with any part of the CP may result in rejection of the Response as non-responsive.

OFM also reserves the right, however, at its sole discretion to waive minor administrative irregularities.

2.20 WITHDRAWAL OF RESPONSE OR FINAL PROPOSAL

Bidders may withdraw a Response or Final Proposal that has been submitted at any time up to the due date and time for such Response or Final Proposal, identified in Section 2.2, *Estimated Schedule of Procurement Activities*. To accomplish Response or Final Proposal withdrawal, a written request signed by an authorized representative of Bidder must be submitted to the CP Coordinator. After withdrawing a previously submitted Response or Final Proposal, Bidder may submit another Response or Final Proposal at any time up to the submission deadline for such Response or Final Proposal.

2.21 INCORPORATION OF DOCUMENTS INTO CONTRACT

Bidders cannot treat the Response or Final Proposal as a “marketing” document, as it will become part of the contractual commitment of the Bidder. Bidder’s subject matter experts, technical staff, and others, as appropriate, should be involved to ensure that all information in the Bidder’s Response or Final Proposal are accurate. Any disclaimer or other language contained in a Response or Final Proposal that differs from these requirements will be disregarded by OFM and may, if rejected by Bidder, result in the disqualification of Bidder.

2.22 INSURANCE (M)

The Apparently Successful Bidder will be required to provide proof of Insurance. See Attachment 2 to this CP titled *Insurance* for details.

2.23 WORKERS' COMPENSATION COVERAGE (M)

The successful Contractor will at all times comply with all applicable workers' compensation, occupational disease, and occupational health and safety laws, statutes, and regulations to the full extent applicable. The State will not be held responsible in any way for claims filed by the Contractor or their employees for services performed under the terms of the contract resulting from this CP.

SECTION 3 - EVALUATION AND CONTRACT AWARD

3.1 EVALUATION AND SCORING

PHASE 1 - ADMINISTRATIVE REQUIREMENTS, MINIMUM MANDATORY QUALIFICATIONS, AND EXPERIENCE

Administrative Requirements and Minimum Mandatory Qualifications

The Administrative Requirements are evaluated on a pass/fail basis. Those Bidders passing the Administrative Requirements will be reviewed for the Minimum Mandatory Qualifications.

The Minimum Mandatory Qualifications are evaluated on a pass/fail basis. Those Bidders passing the Minimum Mandatory Qualifications will then be scored on their experience.

Experience

The maximum number of evaluation points available for the Bidder's Experience is set forth below:

Bidder's Experience	300 Points
Experience Bonus Points	100 Points
TOTAL PHASE 1 POINTS POSSIBLE	400 Points

PHASE 2 – EXPLORE BIDDER'S APPROACH AND STRATEGIES

The maximum number of evaluation points available for the Bidder's Approach and Strategies is set forth below:

WA-APCD Administration & Governance	50 Points
Approach to WA-APCD Technical Solution and SOW	250 Points
Business Strategy and Sustainability Strategy	200 Points
TOTAL APPROACH AND STRATEGY POINTS POSSIBLE	500 Points

The maximum number of Bonus Points available for the Bidder's Sustainability Plan and References is set forth below:

Sustainability Plan Bonus Points	25 Points
Reference Check: On-Time, On- Budget Performance Bonus Points	25 Points
<i>TOTAL SUSTAINABILITY AND REFERENCE BONUS POINTS POSSIBLE</i>	<i>50 Points</i>

PHASE 3 – WRITTEN PROPOSAL REFINEMENTS/FINAL PROPOSAL SUBMISSION

FINAL EVALUATION - QUALITATIVE	SCOR
OFM CP #16-100	
For Washington All Payer Health Care Claims Database	

3.2 EVALUATION PROCEDURE

Phase 1: Administrative Requirements, Minimum Mandatory Qualifications, and Experience

Bidders will submit written responses to the Administrative Requirements, Minimum Mandatory Qualifications, and the Experience set forth in this CP.

The objective of this phase is to confirm that Bidders meet administrative requirements and minimum mandatory qualifications, and possess the experience to best position them for success on this project.

Proposals will be reviewed initially by the CP Coordinator to determine on a pass/fail basis compliance with administrative requirements and minimum mandatory qualifications as specified in Appendix N, Competitive Procurement Submission Content. At the direction of the CP Coordinator, evaluation teams may assist with this process.

The State reserves the right to determine at its sole discretion whether Bidder's Response to the Administrative Requirements and Minimum Mandatory Qualifications is sufficient to pass. If, however, all responding Bidders fail to meet a Mandatory item, OFM reserves the following options: (1) cancel the procurement, or (2) revise or delete the Mandatory item.

Bidders meeting the Administrative Requirements and Minimum Mandatory Qualifications will then be scored on their Experience. Bidders with the highest Experience scores will move to Phase 2: Explore Bidder's Proposed Approach and Strategies. The CP Coordinator will notify participants of the date, time, and location of the Phase 2: Explore Bidder's Proposed Approach and Strategies. The dates in the Section of this CP titled *Estimated Schedule of Procurement Activities* are an estimate and are subject to change at the discretion of OFM.

The State reserves the right to determine at its sole discretion which Bidder(s) will pass to Phase 2. The Phase 1 Experience scores are not cumulative and do not pass to Phase 2.

Phase 2: Explore Bidder's Proposed Approach and Strategies (recorded)

The objective of Phase 2 is to gain an understanding of the Bidder's proposed approach to establishing the WA-APCD and completing the statement of work, and the Bidder's strategies for the long term viability of the WA-APCD. To that end, Phase 2 will be an opportunity for Bidders to present and discuss their approaches to the Administration and Governance, Technical Solutions, Statement of Work deliverables and Business and Sustainability strategies.

During the Phase 2 activities, the Evaluation Team will determine which Bidders are best positioned to support the success of the WA-APCD and the goals of the State of Washington by scoring the presentations.

Phase 2 is designed as an on-site participatory activity in Olympia, Washington. For this phase, key resources proposed by the Bidder in the performance of the WA-APCD project, including the Lead Organization lead, Data Vendor lead and Analytics and/or Data Products lead, must participate in the on-site process.

Bidders will prepare three (3) presentations:

- 1) Approach to WA-APCD Administration and Governance
- 2) Approaches to the WA-APCD Statement of Work and Technical Solutions

3) Approach to Business Strategy and Sustainability and Sample Contract Concerns.

The Evaluation Team will be able to ask questions about the presentation for discussion with the Bidders. This is also an opportunity to discuss and clarify contract structure and content such as contract terms, renewals, payment terms, ownership, and collaborative opportunities.

Evaluation Teams will score the Bidder in the following areas:

- Presentation #1: WA-APCD Administration & Governance
 - o WA-APCD Structure, Staffing, Oversight & Governance
- Presentation #2: Approach to WA-APCD Technical Solution and Statement of Work
 - o Technical Approach to the WA-APCD System and Data
 - o Approach to Security and Privacy
 - o Approach to Producing the Washington State Common Measure Set for Health Care Quality and Cost Performance Outcomes Reporting
 - o Approach to WA-APCD Analytics and Data Products
 - o Implementation Timeline, Short-Term Operations & Maintenance, and Risk and Mitigation
- Presentation #3: WA-APCD Business Strategy and Sustainability Strategy
 - o Business Strategy
 - o Sustainability Strategy
 - o Bonus Points on Sustainability Plan

Verbal assertions made during the presentation are eligible for scoring.

In this Phase, Bidders are encouraged to incorporate a discussion of how the WA-APCD requirements (*Attachment L, WA-APCD Requirements List*) will be addressed into their approaches. During this Phase, Bidders will have the opportunity to discuss questions and concerns over these requirements before providing their final proposals in Phase 3.

This phase will also include the checking of references and awarding Bonus Points for on-time, on-budget work completed by the Bidder for those references. The highest scoring Bidders will then be identified.

In addition to the award of points, the Evaluation Team will use the SCOR process described below in the titled Strengths, Challenges, Opportunities/Options and Risks (SCOR) Analysis Description.

Highest scoring Bidders will then be passed to Phase 3: Proposal Refinement/Final Proposal Submission. Points awarded in Phase 2 will not be cumulative and will not be passed to Phase 3 however, the results of the SCOR process will be provided to the Phase 3 Evaluation Team for context and validation purposes.

The CP Coordinator will notify participants of the due date and time of Phase 3: Proposal Refinement/Final Proposal Submission. The dates in the section titled *Estimated Schedule of Procurement Activities* of this CP are an estimate and are subject to change at the discretion of OFM.

Phase 3: Proposal Refinements/Final Proposal Submission

The highest scoring Bidder(s) from Phase 2 will be invited to refine its/their proposal(s) (as presented in Phase 2) for final submittal based upon information discovered and shared during the

Phase 2 discussions and any published OFM clarifications on assumptions. Bidders will prepare their Final Proposal Submission in writing and deliver them as directed by the CP Coordinator. The Final Proposal Submission should contain the same information from the presentation updated with:

- Verbal Assertions made during the Presentations
- Changes from the presentation to the approaches or strategies (called out/highlighted) based on discussion and OFM clarifications
- Final Sustainability Plan (*Appendix K, Sustainability Plan Template*)
- Final Cost (*Appendix O, WA-APCD COST WORKSHEET*)
- Final Contract Issue List and Suggested Language (if the Bidder drafts language to suggest), utilizing Appendix B, Attachment 1.

The objective of Phase 3 is to allow selected Bidders to refine and document their proposed solutions for submission to OFM and final review and evaluation by OFM.

OFM reserves the right to negotiate with one or more of the top scoring Bidders the contract terms and conditions, pricing or any other subject determined by OFM to be appropriate in Bidder's Final Proposal Submission prior to announcing the ASB.

Evaluation Teams will use the SCOR process to make a final recommendation to OFM as to which Bidder is best positioned to support the success of the WA-APCD and the goals of the State of Washington.

Strengths, Challenges, Opportunities/Options and Risks (SCOR) Analysis Description

This competitive procurement process will use a Strengths, Challenges, Opportunities/Options, and Risks (SCOR) Analysis as the qualitative basis to evaluate Bidders.

The goal of the SCOR process is to support a substantive understanding of key strategies, approach, capabilities and goals of each Bidder. Such an understanding is expected to result in a determination of the overall solution having the best possible alignment with Washington state goals for the WA-APCD leading to the highest possibility of short and long term success. This assessment will be made based on all applicable information from the CP.

The SCOR process is a facilitated exploration process intended to allow a flexible interaction between evaluators and Bidders within a defined evaluation framework. Each individual evaluator will prepare a worksheet with his or her own observations and assessment for each element of the CP that is subject to evaluation using this method. Upon completion of each segment or phase of the SCOR evaluation process, a consensus SCOR process facilitated by the CP Coordinator will be conducted wherein the evaluators discuss their individual analysis and agree upon a consensus ranking of the Bidders.

In addition to its use in the interactive portions of the evaluation process, the SCOR analysis will be used by evaluators on the Bidder's Final Submission to determine the recommended ASB.

3.3 FINAL DETERMINATION OF APPARENTLY SUCCESSFUL BIDDER

At the end of Phase 3, the Evaluation Team will recommend a single Bidder to OFM for consideration as the Apparently Successful Bidder. The recommendation to OFM will be based on the Phase 3 Evaluation Team's assessment, in its sole opinion, of the Strengths, Challenges, Opportunities/Options, and Risks to the State of Washington in implementing that Bidder's Final Proposal submitted in Phase 3. In its final determination, OFM may take into consideration any applicable information from this CP process.

In its final review, OFM may consider past or current performance of any OFM contracts by a finalist(s), and any experience of the program or OFM in working with a finalist(s) under any past or current contract with OFM.

OFM will be guided, but not bound, by the recommendations of the evaluators. OFM will determine which Proposals reviewed during this final selection process will best meet the needs of the State of Washington.

3.4 FINAL SUBMITTAL ACCEPTANCE PERIOD (M)

All Final Submittals, including pricing, must be fixed and held open for a minimum of 120 days from the date of receipt of the Bidder's Final Submittal. OFM reserves the right to work with the Bidder to extend such minimum 120 day period, as desired by OFM.

3.5 NOTIFICATION TO BIDDERS

The OFM CP Coordinator will notify the Apparently Successful Bidder of OFM's decision in writing upon completion of the evaluation process. Individuals or firms not selected for further negotiation or award will be notified separately by e-mail.

3.6 DEBRIEFING OF UNSUCCESSFUL BIDDERS

Any Bidder who has submitted a proposal and been notified that they were not selected for contract award may request a debriefing. The request for a debriefing conference must be received by the CP Coordinator within three (3) business days after the announcement of the Apparently Successful Bidder is e-mailed to the Bidder. Debriefing requests must be received by the CP Coordinator no later than 3:30 PM, local time, in Olympia, Washington on the date set forth in the section titled *Estimated Schedule of Procurement Activities* of this CP. The debriefing will be held on the date set forth in the section titled *Estimated Schedule of Procurement Activities* of this CP.

Discussion at the debriefing conference will be limited to the following:

- Evaluation and scoring of the firm's proposal;
- Critique of the proposal based on the evaluation;
- Review of proposer's final score in comparison with other final scores without identifying the other firms.

Comparisons between Proposals or evaluations of the other Proposals will not be allowed. Debriefing conferences may be conducted in person or on the telephone and will be scheduled for a maximum of one hour.

3.7 PROTEST PROCEDURE

Protests may be made only by Unsuccessful Bidders who submitted a response to this solicitation document and who have participated in a debriefing conference. Upon completing the debriefing conference, the Bidder is allowed five (5) business days to file a protest of the acquisition with the CP Coordinator. Protests must be received by the CP Coordinator no later than 3:30 PM, local time, in Olympia, Washington on the date set forth in Section 2.2 *Estimated Schedule of Procurement Activities* of this CP. Protests may be submitted by e-mail or facsimile, but must then be followed by the document with an original signature.

Bidders protesting this procurement shall follow the procedures described below. Protests that do not follow these procedures shall not be considered. This protest procedure constitutes the sole administrative remedy available to Bidders under this procurement.

All protests must be in writing, addressed to the CP Coordinator, and signed by the protesting party or an authorized Agent. The protest must state the CP number, the grounds for the protest with specific facts and complete statements of the action(s) being protested. A description of the relief or corrective action being requested should also be included.

Only protests stipulating an issue of fact concerning the following subjects shall be considered:

- A matter of bias, discrimination or conflict of interest on the part of an evaluator;
- Errors in computing the score;
- Non-compliance with procedures described in the procurement document or DES policy.

Protests not based on procedural matters will not be considered. Protests will be rejected as without merit if they address issues such as: 1) an evaluator's professional judgment on the quality of a proposal, or 2) OFM'S assessment of its own and/or other agencies needs or requirements.

Upon receipt of a protest, a protest review will be held by the OFM. The OFM Director or an employee delegated by the Director who was not involved in the procurement will consider the record and all available facts and issue a decision within five (5) business days of receipt of the protest. If additional time is required, the protesting party will be notified of the delay.

In the event a protest may affect the interest of another Bidder that also submitted a proposal, such Bidder will be given an opportunity to submit its views and any relevant information on the protest to the CP Coordinator.

The final determination of the protest shall:

- Find the protest lacking in merit and uphold the OFM's action; or
- Find only technical or harmless errors in the OFM's acquisition process and determine the OFM to be in substantial compliance and reject the protest; or
- Find merit in the protest and provide the OFM options which may include:
 - Correct the errors and re-evaluate all Proposals, or
 - Reissue the solicitation document and begin a new process, or
 - Make other findings and determine other courses of action as appropriate.

If the OFM determines that the protest is without merit, the OFM may enter into a contract with the Apparently Successful Bidder. If the protest is determined to have merit, one of the alternatives noted in the preceding paragraph will be taken.