



CO L O R A D O

**Department of Health Care
Policy & Financing**

SOLICITATION #:
2017000265

Appendix A
Administrative Information

Table of Contents

SECTION 1.0	OFFICIAL MEANS OF COMMUNICATION	1
1.1.	SOLICITATION PUBLICATION AND COMMUNICATIONS.....	1
1.2.	SOLE POINT OF CONTACT.....	1
SECTION 2.0	SCHEDULE OF ACTIVITIES	1
2.1.	REGISTRATION IN CORE	2
2.2.	INQUIRIES	2
2.3.	INTENT TO BID NOTIFICATION	2
2.4.	PROPOSAL SUBMISSION DEADLINE	3
2.5.	LIST OF BIDDERS	3
SECTION 3.0	GENERAL CONSIDERATIONS	3
3.1.	DISCLAIMER ON INFORMATION IN SOLICITATION.....	3
3.2.	SOLICITATION CANCELLATION	3
3.3.	PROPOSAL AND PRE-CONTRACT COSTS.....	4
3.4.	OFFEROR REGISTRATION IN COLORADO	4
3.5.	OFFEROR IDENTIFICATION.....	4
3.6.	TAXES	4
3.7.	CERTIFICATION OF INDEPENDENT PRICE DETERMINATION.....	4
3.8.	CONFLICTS OF INTEREST	5
3.9.	DEBARMENT AND SUSPENSION.....	6
3.10.	CONTRACT PERFORMANCE DISCLOSURE	6
SECTION 4.0	PROPOSALS	7
4.1.	SOLICITATION COMPLIANCE / PROPOSAL REJECTION.....	7
4.2.	GENERAL INSTRUCTIONS	7
4.3.	COMPLETE PROPOSAL	8
4.4.	PROPOSAL PACKAGE AND COPIES	10
4.5.	PROPOSAL SUBMISSION.....	10
4.6.	PROCEDURE FOR SUBMISSION OF CONFIDENTIAL / PROPRIETARY INFORMATION	11
4.7.	MODIFICATION OR WITHDRAWAL OF PROPOSALS	11
4.8.	BINDING OFFER	11
4.9.	PROPOSAL MATERIALS OWNERSHIP.....	11

SECTION 5.0	AWARD AND CONTRACT	12
5.1.	NOTICE OF INTENT TO AWARD.....	12
5.2.	PROTESTED SOLICITATIONS AND AWARDS.....	12
5.3.	PROPOSAL CONTENT ACCEPTANCE	12
5.4.	CONTRACT TERMS AND CONDITIONS.....	12
5.5.	NEWS RELEASES.....	13
5.6.	CONTRACT FUNDING.....	13

SECTION 1.0 OFFICIAL MEANS OF COMMUNICATION

1.1. SOLICITATION PUBLICATION AND COMMUNICATIONS

The solicitation referenced on the cover page of this document is issued for the State of Colorado by the Department of Health Care Policy and Financing (Department) and is posted on the Colorado Operations Resource Engine (CORE) Web site at <https://codpa-vss.hostams.com/webapp/PRDVSS1X1/AltSelfService> (then click on “Public Access”).

During this solicitation process official communication with Offerors will be via notices on the Colorado CORE VSS Web site. Notices may include modifications, addenda, responses to inquiries and the announcement of the apparent winning Offeror. It is the Offeror’s responsibility to periodically check the CORE VSS Web site for notices, changes, additional documents or amendments that pertain to this solicitation.

1.2. SOLE POINT OF CONTACT

The Department’s sole point of contact and for this solicitation is:

Sarah Miller

Colorado Department of Health Care Policy and Financing

Purchasing and Contracting Services Section

1570 Grant Street

Denver, CO 80203-1818

(303) 866-3782

RFPQuestions@hcpf.state.co.us

SECTION 2.0 SCHEDULE OF ACTIVITIES

The schedule of key activities for this solicitation is as follows:

ACTIVITY	DATE ¹
Pre-Bid Conference Conference will cover only questions related to the Bidding Process.	05/18/2017 3:30p.m. Mountain Time
Inquiry Deadline	05/25/2017 11:00 a.m. Mountain Time
Intent to Bid Notification Deadline	06/16/2017 11:00 a.m. Mountain Time
Proposal Submission Deadline	07/28/2017 3:00 p.m. Mountain Time

Vendor Selection (Estimated) and Notification of Award	Week of 10/02/2017
<p>¹NOTE: The Department reserves the right to revise the dates in this schedule. If revisions are made prior to the Proposal Submission Deadline, changes will be made via a modification to this solicitation posted on the CORE Web site.</p>	

2.1. REGISTRATION IN CORE

Prospective Offerors must register in the CORE Vendor-Self-Service option (VSS) in order to obtain solicitation documents and updates. Offerors may register at the following link: <https://codpa-vss.hostams.com/webapp/PRDVSS1X1/AltSelfService>. The VSS Help Desk is available Monday through Friday 8:00 a.m. to 5:00 p.m. MT and can be reached by calling (303)-866-6464 or emailing VSSHelp@state.co.us.

2.2. INQUIRIES

Prospective Offerors' inquiries shall be received by the Department by the date and time indicated in the Schedule of Activities. Inquiries received after the inquiry deadline may not be accepted.

Prospective Offerors shall submit all inquiries by electronic mail (e-mail) to RFPQuestions@hcpf.state.co.us. The e-mail shall include the following:

- This solicitation number and title listed in the e-mail subject line.
- The section or line numbering in this solicitation that precedes the text on which the inquiry is based. Follow the numbering with the prospective Offerors' question(s) pertaining to that text in this solicitation.

Inquiries received by the Department by the Inquiry Deadline will be responded to by the Department via a modification posting on the CORE VSS Web site. Inquiries received after the Inquiry Deadline may not be included in the Department's response.

2.3. INTENT TO BID NOTIFICATION

Organizations planning on submitting a proposal in response to this solicitation are requested to provide a letter of intent to bid stating the organization's intention of submitting a proposal. The letter of intent to bid shall contain a statement of an organization's intent to submit a proposal and which region the organization intends to bid on and shall be submitted via e-mail to RFPQuestions@hcpf.state.co.us by the Intent to Bid Notification Deadline.

If the Offeror would like to receive the data described in Appendix HH, Data Sets, for the sole purpose of bidding on this RFP, the Offeror must include a completed and signed Appendix JJ, HIPAA BAA, Appendix KK, Regional Accountable Entity for the Accountable Care Collaborative – Data Access Request, and Appendix JJ, Data Use Agreement with their Intent to Bid. The Offeror must also mail all original forms to the Department at:

Colorado Department of Health Care Policy and Financing
Attn: Purchasing and Contracting Services Section

1570 Grant Street
Denver, CO 80203

Submission of a letter of intent to bid with a request for data will be considered a binding commitment to submit a bid for this RFP.

Submission of a letter of intent to bid without a request for data is not binding and does not obligate an organization to submit a proposal.

2.4. PROPOSAL SUBMISSION DEADLINE

Proposals must be received on or before the Proposal Submission Deadline.

It is the responsibility of the Offeror to ensure that the Department receives Offeror's complete proposal package on or before the Proposal Submission Deadline regardless of delivery method used.

Offerors mailing a proposal package shall allow ample time to ensure timely receipt.

Proposals received after the Proposal Submission Deadline will not be considered.

2.5. LIST OF BIDDERS

Following the Proposal Submission Deadline, organizations may request a list of names of all Offerors who have submitted a proposal package that was received by the Proposal Submission Deadline by e-mailing the request to RFPQuestions@hcpf.state.co.us. If the proposal package was submitted in response to an Invitation for Bids, the Organization may also request the proposed prices from each Offeror.

SECTION 3.0 GENERAL CONSIDERATIONS

3.1. DISCLAIMER ON INFORMATION IN SOLICITATION

All statistical and fiscal information contained within this solicitation and its appendices, and any amendments and modifications thereto reflect the best and most accurate information available to the Department at the time of solicitation preparation. No inaccuracies in such data shall constitute a basis for legal recovery of damages or protests, either real or punitive, except to the extent that any such inaccuracy was a result of the intentional misrepresentation by the Department.

3.2. SOLICITATION CANCELLATION

The Department reserves the right to cancel this entire solicitation or individual phases at any time, without penalty.

In the event that the Department receives only one (1) proposal, the Department has determined that this would create insufficient competition. In this event, the Department reserves the right to cancel this solicitation and either enter into Competitive Negotiations with the sole Offeror or choose to re-solicit.

3.3. PROPOSAL AND PRE-CONTRACT COSTS

The Department is not liable for any costs incurred by Offerors prior to issuance of a legally executed contract or procurement document. No property interest of any nature shall occur until a contract is awarded and signed by all concerned parties.

3.4. OFFEROR REGISTRATION IN COLORADO

Awarded Offeror, whether headquartered within or outside of Colorado, must be registered to conduct business in Colorado with the Colorado Secretary of State and obtain a Certificate of Good Standing or Certificate of Existence prior to the execution of any contract resulting from this solicitation. Proof of such certification shall be provided upon request by the Department.

3.5. OFFEROR IDENTIFICATION

The tax identification number provided on any forms related to this solicitation must be that of the Offeror responding to this solicitation. The Offeror must be a legal entity with the legal right to contract.

3.6. TAXES

The State of Colorado, as purchaser, is exempt from all federal excise taxes under Chapter 32 of the Internal Revenue Code (Registration No. 84-730123K) and from all state and local government use taxes (C.R.S. § 39-26-704). The Colorado State and Local Sales Tax Exemption Number is 98-01159-0000. Seller is hereby notified that when materials are purchased in certain political sub-divisions (for example in the City of Denver) the seller may be required to pay sales tax even though the ultimate product or service is provided to the State of Colorado. This sales tax will not be reimbursed by the State.

3.7. CERTIFICATION OF INDEPENDENT PRICE DETERMINATION

By submission of this proposal each Offeror certifies:

- (a) The prices in this proposal have been arrived at independently, without consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other Offeror or with any competitor;
- (b) Unless otherwise required by law, the prices which have been quoted in this proposal have not been knowingly disclosed by the Offeror and will not knowingly be disclosed by the Offeror prior to opening, directly or indirectly to any other Offeror or to any competitor; and
- (c) No attempt has been made or will be made by the Offeror to induce any other person or firm to submit or not to submit a proposal for the purpose of restricting competition.

The person causing this proposal to be submitted certifies that:

- (a) She/he is the person in the Offeror's organization responsible within that organization for the decision as to the prices being offered herein and that she/he

has not participated and will not participate in any action contrary to Section 3.7 of Appendix A; or

- (b) She/he is not the person in the Offeror's organization responsible within that organization for the decision as to the prices being offered herein but that she/he has been authorized in writing to act as agent for the persons responsible for such decision in certifying that such persons have not participated and will not participate in any action contrary to Section 3.7 of Appendix A, and as their agent does hereby so certify; and she/he has not participated, and will not participate, in any action contrary to Section 3.7 of Appendix A.

If any statement in Section 3.7 of Appendix A of this document is not true for Offeror's organization the proposal will not be considered for award unless the Offeror furnishes with the proposal a signed statement which sets forth in detail the circumstances of the disclosure and the head of the agency, or her/his designee, determines that such disclosure was not made for the purpose of restricting competition.

3.8. CONFLICTS OF INTEREST

The holding of public office or employment is a public trust. A public officer or employee whose conduct departs from his fiduciary duty is liable to the people of the State. Rules of conduct for public officers and state employees:

- Proof beyond a reasonable doubt of commission of any act enumerated in this section is proof that the actor has breached his fiduciary duty.
- A public officer or a state employee shall not:
 - (a) Engage in a substantial financial transaction for her/his private business purposes with a person whom she/he inspects, regulates, or supervises in the course of his official duties;
 - (b) Assist any person for a fee or other compensation in obtaining any contract, claim, license, or other economic benefit from her/his agency;
 - (c) Assist any person for a contingent fee in obtaining any contract, claim, license, or other economic benefit from any state agency; or
 - (d) Perform an official act directly and substantially affecting its economic benefit a business or other undertaking in which she/he either has a substantial financial interest or is engaged as counsel, consultant, representative, or agent.
 - (e) Serve on the Board of any entity without disclosure to the entity, the Secretary of State, and his/her employer.

NOTES:

A head of a principal department or a member of a quasi-judicial or rule-making agency may perform an official act notwithstanding bulleted item (d) above if her/his participation is necessary to the administration of a statute and if she/he complies with the voluntary disclosure procedures under C.R.S. § 24-18-110.

Bulleted item (c) above does not apply to a member of a board, commission, council, or committee if she/he complies with the voluntary disclosure procedures under C.R.S. § 24-18-110 and if she/he is not a full-time state employee.

Reference C.R.S. § 24-18-108, as amended.

3.9. DEBARMENT AND SUSPENSION

By submitting a proposal in response to this solicitation, the Offeror certifies to the best of its knowledge and belief that it, its principals and proposed Subcontractors:

- Are not presently debarred, suspended, proposed for disbarment, declared ineligible, or voluntarily excluded from covered transactions.
- Have not within a three-year period preceding the proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements or receiving stolen property;
- Are not presently under investigation for, indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in the previous bulleted item; and
- Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default.

If the Offeror is unable to certify any of the statements in this certification, Offeror is to provide an explanation included as a separate attachment to the proposal as an Additional Attachment. The inability of the Offeror to provide the certification will not necessarily result in disqualification of the Offeror. The explanation will be considered in connection with the Department's determination whether to award a contract to an Offeror.

3.10. CONTRACT PERFORMANCE DISCLOSURE

The proposal shall fully disclose any serious negative contract problems for the Offeror, its principal, and affiliates for contracts or potential contracts in the last seven (7) years. If applicable, the Offeror shall include a separate attachment to the proposal as an Additional Attachment and disclose the following:

- Any investigative or audit or similar findings or charges of fraud, malfeasance, anti-trust violation, civil violation, criminal activity or fine including those agreed to by settlement.
- Any formal notices to cure or formal audit findings concerning contractor deficiencies in a contract with a local, state or federal government agency.
- Detailed information on all lawsuits for issues pertaining to contract performance, payments, or other obligations under an agreement with a local, state or federal agency and the outcome of the lawsuit or settlement.

SECTION 4.0 PROPOSALS

4.1. SOLICITATION COMPLIANCE / PROPOSAL REJECTION

Proposals will be accepted only for the entire Statement of Work as described within this solicitation.

Estimated costs/prices will not be accepted. Proposed costs/prices must be firm.

Failure of an Offeror to comply with or meet all requirements or respond to all requests for information within this solicitation may result in Offeror's proposal being disqualified or determined not acceptable. The Department reserves the right to reject any or all proposals for non-compliance, to waive informalities and minor irregularities in proposals received, and to accept any portion of a proposal or complete proposals if deemed in the best interest of the State. Such disqualification or determination may occur at any point following the Proposal Submission Deadline.

Unless the solicitation specifically allows for or requires multiple proposals, Offerors shall submit only one (1) proposal in response to this solicitation. The Department may, at its sole discretion, disqualify an Offeror's proposals from evaluation if the Offeror submits more than one (1) proposal and/or any alternative proposals.

Best and final offers may be requested and considered, at the Department's option and request, as part of the evaluation process.

4.2. GENERAL INSTRUCTIONS

Offeror shall adhere to the format prescribed and content required for proposal responses. Offeror's proposal response and attachments shall:

- Comply with the standards of Section 508 of the Rehabilitation Act of 1973, (29 USC § 794). The Offeror may not have an opportunity to re-draft their proposal response and attachments to make them accessible to persons with vision impairments after the proposal submission deadline and in the event that the Department has evaluator(s) serving on an Evaluation Committee requiring accessibility, the Department may disqualify an Offeror's proposal from evaluation.
- Present writing that is responsive, succinct, self-explanatory and well organized on pages that are consecutively numbered in a consistent numbering format.
- Be succinct, self-explanatory and well organized so that Evaluation Committee can understand how the Offeror will fulfill the requirements of this solicitation. There is no page limit for proposal responses; however, the Department does not encourage excessive responses and does not desire unnecessary tables, graphs, photographs, or attachments and expects that the Offeror's technical proposal will not exceed 400 pages, excluding appendices.
- Include attachments, as specified within the solicitation documents. Present attachments that are labeled with wording related to the requirement or topic covered within that attachment.

- Address ‘OFFEROR’S RESPONSE’ items from throughout the solicitation as follows:
 - Display the complete text of each item labeled throughout the solicitation with the bold font wording ‘OFFEROR’S RESPONSE’ followed by its number. The ‘OFFEROR’S RESPONSE’ text shall appear in bold font in the proposal.
 - Provide Offeror’s full and complete response to each numbered ‘OFFEROR’S RESPONSE’. Offeror’s responses shall be placed directly after the numbered ‘OFFEROR’S RESPONSE’ it is addressing and shall contain Offeror’s full and complete response to that particular numbered ‘OFFEROR’S RESPONSE’.

NOTE:

The Evaluation Committee expects Offeror’s full and complete response to be placed directly following the repeated numbered ‘OFFEROR’S RESPONSE’ text from the solicitation. Offerors shall not expect the Evaluation Committee to review anything but Offeror’s response directly following the repeated numbered ‘OFFEROR’S RESPONSE’ text from the solicitation.

4.3. COMPLETE PROPOSAL

A complete proposal shall include the following:

1. Technical Proposal

The Technical Proposal shall consist of the following:

- Table of Contents

The Table of Contents shall include headings that denote the major sections in the proposal. In addition, each attachment shall be separate.

- Executive Summary

The Executive Summary must be factual and shall succinctly cover the core aspects of Offeror’s staffing, methodologies and approaches to fulfill the Statement of Work within the solicitation. The name, phone number and e-mail address for the Offeror’s contact person for the Offeror’s proposal. Also include the Offeror’s CORE VSS number in the Executive Summary.

- W-9 (Appendix C in this solicitation)
 - A W-9 must be completed and signed.

- Technical Proposal

The Technical Proposal shall consist of Offeror’s full and complete response to all numbered ‘OFFEROR’S RESPONSE’ items with the exception of any numbered ‘OFFEROR’S RESPONSE’ items that specifically asks for a response pertaining to Offeror’s cost or pricing quote to fulfill the Statement of Work within the solicitation.

- Technical Proposal Attachments, if applicable

Any attachments that are requested or required within the Statement of Work or any attachment deemed applicable by Offeror in response to a numbered 'OFFEROR'S RESPONSE' item.

2. Additional Attachments

Additional Attachments shall consist of Offeror's response, as applicable, to any of the following:

- Conflicts of Interest (see Section 3.8 of this document)
- Debarment and Suspension (see Section 3.9 of this document)
- Contract Performance Disclosure (see Section 3.10 of this document)
- Contract Terms and Conditions (see Section 5.4 of this document)

3. Financial Information

The Financial Information shall consist of the following:

- A summary that demonstrates that the Offeror has the financial strength to maintain a contract resulting from this solicitation.
- Copies of Offeror's two (2) most recent annual financial statements. These statements must include a Balance Sheet and an Income Statement for the most recent reporting period. The statements must meet generally accepted accounting principle standards.

Provide one (1) of the following (in order of preference):

- 1) A financial statement audited by a certified public accountant.
- 2) A financial statement reviewed by a certified public accountant.
- 3) A third-party prepared financial statement if a certified public accountant- audited or reviewed statement is not available.
- 4) A CPA/CPA firm's internally-prepared financial statements.

4. Confidential Ranking List

The Confidential Ranking List shall consist of the following:

- A list of the regions the Offeror prefers to be awarded in order of preference.

5. Ownership/Controlling Interest

For the purpose of this section the Offeror shall use the definitions contained in Appendix MM, Disclosure Instructions.

The Ownership/Controlling Interest shall consist of the following:

- Identity of all individuals and entities with more than a five percent (5%) ownership or control interest in the Offeror's organization and the percentage of their ownership or control interest.

- Identity of any subcontractors in which the Offeror has any direct or indirect ownership of more than five percent (5%) and the percentage of ownership they have.
- Identity of any Key Personnel who have equivalent or greater roles in another health related organization, other than the Offeror's and what those roles are.
- Identity of any entity with more than a five percent (5%) ownership or control interest in the Offeror's organization that also has a controlling interest in any Medicaid provider, fiscal agent or managed care entity and the percentage of their ownership or control interest.

4.4. PROPOSAL PACKAGE AND COPIES

An Offeror's proposal package shall consist of all of the following:

- 1) Five (5) Universal Serial Bus (USB) flash drives containing all of the following:
 - Exact and complete copy of the Technical Proposal. Labeled as "Technical Proposal".
 - Exact and complete copy of the Cost Proposal. Labeled as "Cost Proposal".
 - Exact and complete copy of the Additional Attachments. Labeled as "Additional Attachments".

NOTES:

- All documents on the USB flash drives shall be presented in searchable format.
 - The USB flash drives shall be labeled as "Proposal Copy 1 of 5", "Proposal Copy 2 of 5" etc.
- 2) One (1) USB Flash Drive containing the Financial Information (as specified in Section 4.3 item 4 of this document). This USB shall be labeled "Financial Information".

4.5. PROPOSAL SUBMISSION

The complete proposal package, including all required copies, shall be received by the Proposal Submission Deadline at the address for the Department's sole point of contact as specified in Section 1.2.

Offeror's shall submit a separate proposal package for each region it desires to bid for.

Proposals must be submitted in a sealed package showing the following information clearly on the outside of the package:

Offeror's Name

Region Offeror is Bidding On

Solicitation Number and Title

Proposal Submission Deadline

4.6. PROCEDURE FOR SUBMISSION OF CONFIDENTIAL / PROPRIETARY INFORMATION

The Offeror may request any restrictions on the use or inspection of material contained within the Offeror's proposal package.

The Offeror will provide a separate USB flash drive with all confidential/proprietary information redacted. The USB flash drive will include a letter indicating what portion of the Colorado Open Records Act at Colorado Open Records Act, C.R.S. Title 24, Article 72, Part 2, as amended applies to the suggested confidential/proprietary information.

The Offeror will be informed in writing via email as to the decision on the confidentiality request as soon as practicable. The Offeror may protest the decision Procurement Rule 24-103-202a-08.

The USB flash drive shall be submitted in one (1) sealed envelope labeled "Confidential/Proprietary" and the solicitation number. Co-mingling of confidential/proprietary information with other proposal documents will nullify the confidential/proprietary status and will remove any restrictions on the use or inspection of the material.

Neither a proposal in its entirety nor the proposal cost/price information will be granted confidential/proprietary status. Any information that will be included in any contract resulting from this solicitation cannot be considered confidential.

After award, the proposals will be open to public inspection pursuant to the Colorado Open Records Act, subject to any continued prohibition on the disclosure of confidential data.

4.7. MODIFICATION OR WITHDRAWAL OF PROPOSALS

Proposals may be modified or withdrawn by the Offeror prior to the Proposal Submission Deadline.

4.8. BINDING OFFER

By submitting a proposal, the Offeror confirms that their proposal shall remain a firm offer for 180 days. Acknowledgment of this condition is indicated by submission of the vendor's proposal.

4.9. PROPOSAL MATERIALS OWNERSHIP

All products and materials submitted in response to this solicitation become the property of the State of Colorado at the Proposal Submission Deadline, unless otherwise noted in this solicitation.

Proposals may be reviewed by any person after the "Notice of Intent to Make an Award" announcement has been issued, subject to the terms of C.R.S. Title 24, Article 72, Part 2, as amended and any confidential/proprietary status granted by the Department per Section 4.6.

SECTION 5.0 AWARD AND CONTRACT

5.1. NOTICE OF INTENT TO AWARD

Upon approval of the Evaluation Committee's recommendation for award, the Department will issue a "Notice of Intent to Make an Award" announcement to all Offerors that will state the Department's intent to make an award to the selected Offeror. The award will also be published on the CORE Web site.

5.2. PROTESTED SOLICITATIONS AND AWARDS

Any actual or prospective Offeror or contractor who is aggrieved in connection with this solicitation or award of a contract may submit a protest. The protest shall be submitted in writing or via e-mail within seven (7) working days after such aggrieved person knows, or shall have known, of the facts giving rise thereto. (Reference: C.R.S. Title 24, Article 109)

The protest shall be submitted to:

Kim V. Eisen, Purchasing and Contracting Services Section Manager
Colorado Department of Health Care Policy and Financing
Purchasing and Contracting Services Section
1570 Grant Street
Denver, CO 80203-1818
kim.eisen@hcpf.state.co.us

5.3. PROPOSAL CONTENT ACCEPTANCE

The contents of the proposal of the successful Offeror, including persons specified to implement the project, will become contractual obligations if acquisition action ensues. Failure of the successful Offeror to accept these obligations in a contracting instrument may result in cancellation of the award and such Offeror may be removed from consideration for future solicitations.

A contract will be offered to the successful Offeror and, upon successful completion of negotiations, will be signed by both parties.

Should the contract not be completed and agreed to by both parties within 30 calendar days following the issuance of a draft contract to the successful Offeror for review, through no fault of the Department's, the Department, at its sole discretion, may elect to cancel the existing award announcement and make an award to the next most advantageous Offeror.

5.4. CONTRACT TERMS AND CONDITIONS

The contracting document resulting from this solicitation will be substantially similar to the draft contracting document included with this solicitation as Appendix B. The Provisions 1 through 21, Special Provisions and the Health Insurance Portability and Accountability Act Business Associate Addendum of the Draft Contract shall not be negotiable.

By submitting a proposal, the Offeror confirms its willingness to enter into a contracting document containing the terms and conditions or substantially similar terms and conditions to the draft

contract and the requirements of this solicitation without exception, deletion, qualification or contingency.

If the Offeror is not willing to accept all terms and conditions, the Offeror shall provide a statement of explanation and a listing of all exceptions the Offeror requires. Requests for changes, additions or exceptions to the standard terms and conditions must be submitted as Additional Attachments. The request must include a listing of all changes, additions or exceptions desired; an explanation of why Offeror is requesting each change, addition or exception; and the specific affect it will have on the Offeror's ability to perform the requirements of this solicitation.

The Department will not accept any proposals that are conditional on acceptance of modified terms and conditions.

Prior to the execution of a contract with the Department, the successful Offeror must provide documentation that contract signing authority is vested in the individual signing the contract.

5.5. NEWS RELEASES

News releases pertaining to this solicitation or intent to award shall NOT be made prior to execution of the contract or without prior written approval by the Department.

5.6. CONTRACT FUNDING

The Contract is subject to and contingent upon the continuing availability of Federal and State funds for the purpose hereof. The Offeror recognizes that it is to be paid, reimbursed or otherwise compensated with Federal and State funds provided to the Department for the purposes of contracting for the services provided herein. The Offeror expressly understands and agrees that all its rights, demands and claims to compensation arising under the Contract are contingent upon receipt of such funds by the Department. In the event that the Department does not receive such funds or any part thereof, the Department may immediately terminate the Contract without liability, including liability for termination cost.