

CONTRACT AMENDMENT NO. 18

Original Contract Number 14-64254

1. PARTIES

This Amendment to the above-referenced Original Contract (hereinafter called the “Contract”) is entered into by and between DXC Technology Services LLC, 1775 Tysons Blvd, Tysons, VA, 22102, (hereinafter called “Contractor”), and the STATE OF COLORADO, acting by and through the Department of Health Care Policy and Financing, 1570 Grant Street, Denver, Colorado 80203 (hereinafter called “Department” or “State.”)

2. EFFECTIVE DATE AND ENFORCEABILITY

This Amendment shall not be effective or enforceable until it is approved and signed by the Colorado State Controller or designee (hereinafter called the “Effective Date.”) The Department shall not be liable to pay or reimburse Contractor for any performance hereunder, including, but not limited to, costs or expenses incurred, or be bound by any provision hereof prior to the Effective Date.

3. FACTUAL RECITALS

The Parties entered into the Contract to develop and install the Colorado interChange and to provide services related to the Colorado interChange.

The purpose of this Amendment is to update Section 7, PAYMENTS TO CONTRACTOR; modify Exhibit C, REQUIREMENTS, to add system modifications to provide reporting functions for new service agency reporting requirements; and to delete and replace Exhibit E, COMPENSATION AND QUALITY MAINTENANCE PAYMENTS, Section 1.1.13., in order to provide funding for Electronic Visit Verification (EVV) work.

4. CONSIDERATION

The Parties acknowledge that the mutual promises and covenants contained herein and other good and valuable consideration are sufficient and adequate to support this Amendment.

5. LIMITS OF EFFECT

This Amendment is incorporated by reference into the Contract, and the Contract and all prior amendments thereto, if any, remain in full force and effect except as specifically modified herein.

6. MODIFICATIONS

The Contract and all prior amendments thereto, if any, are modified as follows:

A. Section 7, PAYMENTS TO CONTRACTOR, subsection A., Maximum Amount, is hereby deleted in its entirety and replaced with the following:

A. Maximum Amount

The maximum amount payable under this Contract to Contractor by the State is shown in the following table, as determined by the State from available funds. Payments to Contractor are limited to the unpaid obligated balance of the Contract at the rates set forth in Exhibit E, Compensation and Quality Maintenance Payments. The maximum amount payable by the State to Contractor is:

State Fiscal Year 2013-14	\$9,201,096.00
State Fiscal Year 2014-15	\$25,491,547.00
State Fiscal Year 2015-16	\$25,851,971.00
State Fiscal Year 2016-17	\$24,876,103.97
State Fiscal Year 2017-18	\$36,497,277.57
State Fiscal Year 2018-19	\$34,090,860.84
State Fiscal Year 2019-20	\$41,341,295.24
State Fiscal Year 2020-21	\$38,080,571.60
State Fiscal Year 2021-22	\$21,280,837.39
State Fiscal Year 2022-23	\$2,966,212.50
State Fiscal Year 2023-24	\$1,041,245.50
Total for All State Fiscal Years	\$260,719,018.58
<i>Funding Changes in Contract Amendment 18</i>	
<p>Access to Disability Services and Stable Workforce:</p> <ul style="list-style-type: none"> - Added \$431,000.00 to State Fiscal Year 2019-2020. <p>Claims Editing Solution</p> <ul style="list-style-type: none"> - Deducted \$779,998.59 from State Fiscal Year 2018-19 - Added \$779,998.59 to State Fiscal Year 2019-20 (\$248,875.04 for enhancement pool hours and \$531,123.55 for license and implementation fees) <p>Electronic Visit Verification:</p> <ul style="list-style-type: none"> - Deducted \$366,124 from State Fiscal Year 2018-19 - Added \$366,124 to State Fiscal Year 2019-20 - Added \$3,532,016.30 to State Fiscal Year 2019-2020 (\$165,116.00 Implementation, \$3,366,900.30 Operations) - Added 4,597,331.70 to State Fiscal Year 2020-2021 (\$112,800.00 Implementation, \$4,484,531.70 Operations) - Added \$6,129,896.06 to State Fiscal Year 2021-2022 (\$112,800.00 Implementation, \$6,017,096.06) 	

The State Fiscal Year amounts in the table in this section are based on State appropriations. Based on the timing of the invoicing and payment, the Contractor may receive amounts paid in a different State Fiscal Year than when the amounts were actually earned by the Contractor.

Any changes to the maximum amount payable under the Contract or Quality Maintenance Payments Specified in Exhibit E, shall require a formal written amendment, in accordance with State Fiscal Rules and State Controller Policies and Guidelines

The Contractor shall work collaboratively with the Department throughout the activities of this amendment. The Contractor shall discuss issues, timelines, and prioritization of tasks with the Department and shall obtain the Department's approval on issue resolution or any changes. The Contractor shall discuss any changes to tasks or decisions that had already received approval and shall obtain the Department's approval on any changes.

B. Exhibit C, REQUIREMENTS, Section 93. to 94.1.2.2., is hereby added as follows:

93.0 ACCESS TO DISABILITY SERVICES AND STABLE WORKFORCE

- 93.1 Reference Amendment 18-2020: Amendment Background
 - 93.1.1 Reference Amendment 18-2020: Reimbursement rates are increased by six and one-half percent (6.5%) for the following fourteen (14) services, delivered through Home & Community Based Services, for persons with Developmental Disabilities, Supported Living Services, and Children's Extensive Support Waivers:
 - 93.1.1.1 Reference Amendment 18-2020: Group Residential Services and Supports.
 - 93.1.1.2 Reference Amendment 18-2020: Individual Residential Services and Supports.
 - 93.1.1.3 Reference Amendment 18-2020: Specialized Habilitation.
 - 93.1.1.4 Reference Amendment 18-2020: Respite.
 - 93.1.1.5 Reference Amendment 18-2020: Homemaker Basic.
 - 93.1.1.6 Reference Amendment 18-2020: Homemaker Enhanced.
 - 93.1.1.7 Reference Amendment 18-2020: Personal Care.
 - 93.1.1.8 Reference Amendment 18-2020: Prevocational Services.
 - 93.1.1.9 Reference Amendment 18-2020: Behavioral Line Staff.
 - 93.1.1.10 Reference Amendment 18-2020: Community Connector.
 - 93.1.1.11 Reference Amendment 18-2020: Supported Community Connections.
 - 93.1.1.12 Reference Amendment 18-2020: Mentorship.
 - 93.1.1.13 Reference Amendment 18-2020: Supported Employment – Job Development
 - 93.1.1.14 Reference Amendment 18-2020: Supported Employment – Job Coaching
 - 93.1.2 Reference Amendment 18-2020: Implementation of this change in reimbursement began July 1, 2018.
 - 93.1.2.1 Reference Amendment 18-2020: The rate increases for the 14 services, as described in section 93.1.1., became effective March 1, 2019.
- 93.2 Reference Amendment 18-2020: New Service Agency Requirements

- 93.2.1 Reference Amendment 18-2020: Contractor shall implement System Modifications for the Collection of Information, in order to provide reporting functions for the new service agency reporting requirements, as listed in section 93.2.2., below.
- 93.2.2 Reference Amendment 18-2020: Service agencies are required to track and report on how they used the funds resulting from the increase in reimbursement, as described in section 93.1.1., through the MMIS. In order to meet new requirements resulting from the increased reimbursement rates, service agencies are required to complete the following:
 - 93.2.2.1 Reference Amendment 18-2020: Service agencies are required to submit a report to the Department, through the MMIS, demonstrating how the funding was used to increase direct support professional compensation for the following Fiscal Years, on the following dates:
 - 93.2.2.1.1 Reference Amendment 18-2020: On or before December 31, 2019, for FY 18/19.
 - 93.2.2.1.2 Reference Amendment 18-2020: On or before December 31, 2020 for FY 19/20.
 - 93.2.2.1.3 Reference Amendment 18-2020: On or before December 31, 2021 for FY 20/21.
 - 93.2.2.1.3.1 Reference Amendment 18-2020: Program may be extended beyond FY 20/21.
 - 93.2.2.2 Reference Amendment 18-2020: Service agencies will identify the Waiver program(s) and services that were billed for the FY.
 - 93.2.2.3 Reference Amendment 18-2020: Service agencies will report, at the start and end of each FY, the number of direct support professionals that were compensated.
 - 93.2.2.4 Reference Amendment 18-2020: Service agencies will report the number of direct support professionals that indicated leaving the position due to salary constraints for each fiscal year.
 - 93.2.2.5 Reference Amendment 18-2020: Service agencies will be required to collect and provide the following information for all direct support professionals, for each service outlined in section 93.1.1.:
 - 93.2.2.6 Reference Amendment 18-2020: Salary.
 - 93.2.2.6.1.1 Reference Amendment 18-2019: Wages.
 - 93.2.2.6.1.2 Reference Amendment 18-2019: Tips.
 - 93.2.2.6.1.3 Reference Amendment 18-2019: Bonuses.
 - 93.2.2.6.2 Reference Amendment 18-2020: Benefits.
 - 93.2.2.6.2.1 Reference Amendment 18-2019: Employer Paid Health Insurance.
 - 93.2.2.6.2.2 Reference Amendment 18-2019: Other Insurance.
 - 93.2.2.6.2.3 Reference Amendment 18-2019: Paid Time Off.
 - 93.2.2.6.2.4 Reference Amendment 18-2019: Sick Time.
 - 93.2.2.6.2.5 Reference Amendment 18-2019: Vacation Time.
 - 93.2.2.6.3 Reference Amendment 18-2020: Payroll Taxes (Employee)
 - 93.2.2.6.4 Reference Amendment 18-2020: Payroll Taxes (Employer)
 - 93.2.2.6.5 Reference Amendment 18-2020: Other Fixed and Variable Benefits:
 - 93.2.2.6.5.1 Reference Amendment 18-2019: Retirement Plan.
 - 93.2.2.6.5.2 Reference Amendment 18-2019: Stock Options.
 - 93.2.2.6.5.3 Reference Amendment 18-2019: Tuition Reimbursement.
 - 93.2.2.6.5.4 Reference Amendment 18-2019: Childcare Benefits.

- 93.2.2.6.5.5 Reference Amendment 18-2019: Fringe Benefits.
 - 93.2.2.6.5.6 Reference Amendment 18-2019: Legal Plan.
 - 93.2.2.6.5.7 Reference Amendment 18-2019: Gym/ Wellness Membership.
 - 93.2.2.6.5.8 Reference Amendment 18-2019: Short- & Long-term Disability.
 - 93.2.2.6.5.9 Reference Amendment 18-2019: Life Insurance.
 - 93.2.2.6.5.10 Reference Amendment 18-2019: Other types of benefits as determined by the Department.

 - 93.2.2.7 Reference Amendment 18-2020: Service agencies will update information for each fiscal year reporting cycle. The system will keep an audit of all the changes, as well as the user who made the changes.
 - 93.2.2.7.1 Reference Amendment 18-2020: Service agencies can view previously submitted reports.
 - 93.2.2.7.2 Reference Amendment 18-2020: After the reporting period closes on December 31, the Contractor will send a notification via the web portal notifying the agencies that did not provide a report. The Department will grant, at its discretion, a maximum of 60 additional days for service agencies to provide the report.
 - 93.2.2.7.2.1 Reference Amendment 18-2020: Service agencies are not allowed to update the report after the close of the reporting period, specified in section 93.2.2.7.2., unless approved by the Department.
- 93.2.2.8 Reference Amendment 18-2020: Each service agency will report amounts based on individual NPI/Atypical ID, or all locations associated with a particular provider.
 - 93.2.2.9 Reference Amendment 18-2020: The MMIS will provide weekly reimbursements for each of the 14 services and provide a summary for the current Fiscal Year (or past eight quarters) for each provider ID. Each provider ID will be based on location selection (individual/all locations).
 - 93.2.2.10 Reference Amendment 18-2020: The MMIS will record the Provider that submits the information, title, telephone number, and email address.
 - 93.2.2.10.1 Reference Amendment 18-2020: Each service agency will, upon request, provide a written attestation to the accuracy of the information provided.
- 93.2.2.11 Reference Amendment 18-2020: The Provider will report if the service agency chose not to bill the increased rate and not pass through the funding increase to the direct supported professionals.
 - 93.2.2.11.1 DELIVERABLE: System Modifications for the Collection of Information
 - 93.2.2.11.2 DUE: November 1, 2020

94.0 ELECTRONIC VISIT VERIFICATION (EVV)

- 94.1.1 Reference Amendment 18-2020: Addition of Consumer Directed Financial Management Services (FMS) Integration

 - 94.1.1.1 Reference Amendment 18-2020: Contractor shall include additional interfaces from the Consumer Directed FMS Vendors, as determined necessary by the Department, in order to support the full Consumer Directed Suite.

- 94.1.1.2 Reference Amendment 18-2020: Additional interfaces shall include, at a minimum:
- 94.1.1.2.1 Reference Amendment 18-2020: The Consumer Directed Caregiver file, which automatically loads Consumer Directed Caregiver data into the Consumer Directed Suite.
- 94.1.1.2.2 Reference Amendment 18-2020: The Consumer Directed Member/Caregiver Crosswalk, which details the Consumer Directed member/caregiver relationship for the Consumer Directed.
- 94.1.2 Reference Amendment 18-2020: Contractor shall provide any documentation, evidence, and support, as requested by CMS, to the Department during the process of certifying the EVV solution. If the Department does not receive certification from CMS, the Contractor shall support the Department in meeting any additional requirements of CMS in resubmitting the certification.
- 94.1.3 Reference Amendment 18-2020: Addition of Invoicing Requirement for Recurring Fees
- 94.1.3.1 Reference Amendment 18-2020: Contractor shall include the number of monthly transactions contained in invoices that include monthly transaction fees and notify the Department when the Monthly Transaction Fee exceeds the annual maximum, as outlined in Exhibit E, COMPENSATION AND QUALITY MAINTENANCE PAYMENTS, Section 1.1.13.
- 94.1.3.2 Reference Amendment 18-2020: Contractor shall include the number of members contained in the Aggregator on invoices containing EVV Aggregator Per Member Per Month (PMPM) Fee.

D. Exhibit E, COMPENSATION AND QUALITY MAINTENANCE PAYMENTS, Section 1.1.13. is hereby deleted in its entirety and replaced with the following:

Access to Disability Services and Stable Workforce		
Deliverable	Due Date	Amount
System Modifications for the Collection of Information	November 1, 2020	\$431,000.00

Electronic Visit Verification		
Deliverable	Due Date	Amount
Kick Off Meeting Completion	Two (2) Weeks After Amendment Execution	\$100,000.00
Final EVV System Implementation Project Plan Approval	No Later Than Ten (10) Business Days After Kickoff Meeting	\$115,002.00
Approval of Business Rules for EVV System	After EVV System Project Plan Approval	\$215,002.00

Approval of Training Plan		Prior to First Training Session	\$73,335.00		
Acceptance of User Acceptance Testing for EVV System		All Severity 1 and 2 Issues Resolved, and 3 (at the Department's Discretion) Issues are Resolved	\$200,000.00		
EVV System Deployment		No Earlier than December 31, 2018	\$273,335.00		
Kick Off Meeting and Project Plan Approval for EVV Scheduling Module and Consumer Directed Suite		After EVV System Deployment	\$67,351.00		
Approval of the EVV Scheduling Module and Consumer Directed Suite Business Rules		After EVV Scheduling Module Project Plan Approval	\$125,372.00		
User Acceptance Testing for EVV Scheduling Module and Consumer Directed Suite		All Severity 1 and 2 Issues Resolved, and 3 (at the Department's Discretion) Issues are Resolved	\$51,351.00		
EVV Scheduling Module and Consumer Directed Suite Deployment		No Later than December 31, 2019	\$87,101.00		
Totals			\$1,307,849.00		
Per Item Fees					
Provider EVV System Setup		Invoiced at the Start of Implementation	\$41.00/Provider, up to the maximum of \$52,316.00		
Third Party Interfaces for Aggregator		Invoiced as They Occur	\$3,000/Interface, up to the maximum of \$135,000.00		
Instructor Led Classroom and Webinar Training		Invoiced as They Occur	Instructor Led Classroom: \$2,625/Each and Instructor Led Webinar: \$990/Each, up to the maximum of \$72,300.00		
Consumer Directed Financial Management Services (FMS) Interface Integration		Invoiced as They Occur	A maximum of \$7,800.00		
Totals			\$267,416.00		
Recurring Fees	Invoice Frequency	Rates	FY 2019-2020	FY 2020-2021	FY 2021-2022

Monthly Transaction Fee – Includes Minimum Monthly Transaction Fees: <ul style="list-style-type: none"> Months 1-3 Post Go Live: 438,550 Transactions Per Month Months 4-Ongoing Post Go Live: 751,800 Transactions Per Month 	Invoiced Monthly	\$0.11/ Transaction Per Month	\$2,541,835.30	\$3,678,205.13	\$3,991,956.03
Ongoing Support Services Fee	Invoiced Monthly	\$30,000.00/ Month	\$360,000.00	\$360,000.00	\$360,000.00
Percentage of Calls Abandoned is Less Than 5%; 85% of Calls Answered Within 60 Seconds	Invoiced Monthly Invoiced Monthly	\$2,000.00 \$3,241.00	\$62,892.00	\$62,892.00	\$62,892.00
EVV Aggregator PMPM Fee	Invoiced Monthly		\$1,719,315.00	\$1,865,972.57	\$2,025,140.03
Scheduling Module Ongoing Support Fee	Invoiced Monthly and Starts After EVV Scheduling Deployment	\$10,416.00/ Month	\$124,992.00	\$124,992.00	\$124,992.00

Date Range	Amount
State Fiscal Year 2017-18, July 1, 2017 through June 30, 2018 for interchange	\$6,100,000.00
State Fiscal Year 2018-19, July 1, 2018 through June 30, 2019 for interchange	\$2,062,000.00
State Fiscal year 2018-19, July 1, 2018 through June 30, 2019 for MAPIR hours	\$150,000.00
State Fiscal year 2018-19, July 1, 2018 through June 30, 2019 for Claims Editing Solution	\$441,501.36

State Fiscal year 2018-19, July 1, 2018 through June 30, 2019 for enhancement projects	\$1,962,417.96
State Fiscal year 2019-20, July 1, 2019 through June 30, 2020 for Claims Editing Solution	\$1,432,377.44
State Fiscal year 2020-21, July 1, 2020 through June 30, 2021 for Claims Editing Solution	\$295,875.60
TOTAL	\$12,444,172.36

7. START DATE

This Amendment shall take effect on its Effective Date.

8. ORDER OF PRECEDENCE

Except for the Special Provisions and the HIPAA Business Associates Addendum, in the event of any conflict, inconsistency, variance, or contradiction between the provisions of this Amendment and any of the provisions of the Contract, the provisions of this Amendment shall in all respects supersede, govern, and control. The most recent version of the Special Provisions incorporated into the Contract or any amendment shall always control other provisions in the Contract or any amendments.

9. AVAILABLE FUNDS

Financial obligations of the state payable after the current fiscal year are contingent upon funds for that purpose being appropriated, budgeted, or otherwise made available to the Department by the federal government, state government and/or grantor.

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Contract Number 14-64254A18

THE PARTIES HERETO HAVE EXECUTED THIS AMENDMENT

Persons signing for Contractor hereby swear and affirm that they are authorized to act on Contractor's behalf and acknowledge that the State is relying on their representations to that effect.

CONTRACTOR:

STATE OF COLORADO:

Jared S. Polis, Governor

By: DocuSigned by:
David Hadsell
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By: DocuSigned by:
Emily Eelman
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Date: 1/15/2020

Date: 1/23/2020

ALL CONTRACTS REQUIRE APPROVAL BY THE STATE CONTROLLER

CRS §24-30-202 requires the State Controller to approve all State Contracts. This Contract is not valid until signed and dated below by the State Controller or delegate. Contractor is not authorized to begin performance until such time. If Contractor begins performing prior thereto, the State of Colorado is not obligated to pay Contractor for such performance or for any goods and/or services provided hereunder.

STATE CONTROLLER:

Robert Jaros, CPA, MBA, JD

By: DocuSigned by:
Greg Tanner
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Department of Health Care Policy and Financing

Date: 1/23/2020