

COMMONWEALTH OF PENNSYLVANIA
Pennsylvania Insurance Department (PID)
on behalf of the
Pennsylvania Health Insurance Exchange Authority

Request for Expressions of Interest
NAVIGATOR PROGRAM SERVICES

Summary The Commonwealth of Pennsylvania Insurance Department, on behalf of the Pennsylvania Health Insurance Exchange Authority (Commonwealth), is interested in receiving expressions of interest from firms qualified under state and federal law to be a Navigator for the provision of Navigator program services for the State-Based Exchange established pursuant to Act 42 of 2019 (Act 42). The purpose of the Commonwealth's request is to determine what experienced firms are available to assist the Commonwealth in executing its Navigator program within an aggressive timeframe.

Background Pursuant to Act 42, signed into law on July 2, 2019, the Commonwealth of Pennsylvania, through the Pennsylvania Health Insurance Exchange Authority (Authority), is implementing a State-Based Exchange on the Federally-Facilitated Platform (Exchange or SBE-FP) for plan year 2020, as contemplated by the Patient Protection and Affordable Care Act (ACA). The Exchange is an online marketplace on which individuals can shop for, compare and enroll in health insurance coverage. The Exchange must have consumer assistance functions, including a Navigator program. The purpose of this Request is to determine what experienced persons or entities are available to operate a Navigator program for the Authority for plan year 2020, including the open enrollment period beginning November 1, 2019.

The ACA requires an exchange, including the Commonwealth's SBE-FP, to establish a Navigator program that does all of the following:

- Conducts public education activities to raise awareness of the availability of qualified health plans;
- Distributes fair and impartial information concerning enrollment in qualified health plans, and the availability of premium tax credits and cost-sharing reductions;
- Facilitates enrollment in qualified health plans;
- Provides referrals to any applicable office of health insurance consumer assistance, health insurance ombudsman or appropriate Commonwealth agency, for any enrollee with a grievance, complaint, or question regarding their health plan, coverage, or a determination under such plan or coverage;
- Provides referrals to the Internal Revenue Service, licensed tax advisors, tax preparers, or other resources for assistance with tax preparation and tax advice related to consumer questions; and
- Provides information in a manner that is culturally and linguistically appropriate to the needs of the population being served by the Exchange.

The federal requirements for the Navigator program may be found at ACA § 1311(i), codified at 42 U.S.C. § 18031(i), and the implementing regulations at 45 C.F.R. §155.205-155.215. The selected vendor will be expected to adhere to these and any other applicable federal or state requirements for the Navigator program.

The ACA also allows licensed insurance agents and brokers (referring to “producers” in Pennsylvania law at 40 P.S. §§ 310.1 et seq.) to be Navigators. See ACA § 1311(i)(2)(B), codified at 42 U.S.C. § 18031(i)(2)(B). However, Navigators may not “receive any consideration directly or indirectly from any health insurance issuer in connection with the enrollment of any qualified individuals or employees of a qualified employer in a qualified health plan.” ACA § 1311(i)(4)(A)(ii), codified at 42 U.S.C. § 18031(i)(4)(A)(ii). Therefore, if a producer chooses to be a Navigator, the producer may no longer be paid by insurers in connection with qualified health plan enrollment activities.

Navigators in the Exchange will complement the services traditionally provided by producers by facilitating the enrollment of non-traditional populations that typically do not purchase health insurance. These groups include people who are in underserved and vulnerable populations, including those eligible for publicly funded health care (i.e., the Children’s Health Insurance Program and Medical Assistance (see 45 C.F.R. § 155.210(e)(8); see also 40 P.S. § 4404(b)) and those individuals who do not have the means or ability to travel to a producer. Navigator entities will serve an important role in educating and enrolling individuals and groups that typically will not enroll unless encouraged to do so.

Given the gravity of the heroin and opioid crisis in the Commonwealth, Navigator entities will conduct specific outreach for populations requiring access to substance use disorder treatment (SUD) or opioid use disorder treatment (OUD) to help facilitate access to health care. Additionally, Navigator entities will be required to maintain an informed staff with an understanding of how to access SUD and OUD treatment in the Commonwealth, including protections afforded in state and federal minimum coverage and mental health parity laws.

The Commonwealth has identified an urgent need to secure the services of an experienced Navigator entity as soon as possible to assist the Commonwealth in executing a Navigator program. Accordingly, if the Commonwealth elects to engage a firm for these services, it will immediately proceed to execute and implement a contract on an emergency or sole source basis under the Commonwealth’s procurement procedures. The Commonwealth is issuing this Request for Expressions of Interest (RFEI) to allow for open competition in the Commonwealth’s selection of a firm for these services.

Issues to Be Addressed The Commonwealth is requesting that experienced firms that have an interest in working on this project send the information set out below. Responses should be as succinct as possible, preferably no more than 20 pages, but must include all information requested.

1) Experience and Personnel

a) Qualifications/Experience – Provide information regarding the firm, including prior relevant experience in executing a Navigator program.

(i) Navigators will be public or private entities that will communicate with, educate, and facilitate enrollment of qualified individuals and employers in Qualified Health Plans (QHPs) and publicly funded health care through multiple enrollment methods facilitated through the Exchange. In order to comply with federal requirements, only the following entities are eligible to be a Navigator pursuant to this procurement (*see* ACA §1311(i)(2)(B), codified at 42 U.S.C. §18031(i)(2)(B); 45 C.F.R. § 155.210(c)(2)):

- Community and consumer-focused nonprofit groups;
- Trade, industry and professional associations;
- Commercial fishing industry organizations, ranching and farming organizations;
- Chambers of commerce;
- Unions;
- Resource partners of the Small Business Administration;
- Licensed producers; or
- Other public or private entities or individuals that may include but are not limited to Native American tribes, tribal organizations, urban Native American organizations, and Commonwealth or local human service agencies.

Respondents must submit sufficient evidence to demonstrate that they comply with at least one of the above federal requirements.

(ii) The following entities are disqualified from providing services as a Navigator pursuant to federal requirements (45 C.F.R. § 155.210(d)):

- A health insurance issuer or issuer of stop loss insurance;
- A subsidiary (including a provider organization) of a health insurance issuer or issuer of stop loss insurance;
- An association that includes members of, or lobbies on behalf of, the insurance industry;
- An entity or individual that receives any consideration directly or indirectly from any health insurance issuer or issuer of stop loss insurance in connection with the enrollment of any individuals or employees in a QHP or a non-QHP.

Respondents must affirm in their submission that they are not disqualified from serving as a Navigator pursuant to any one of these federal requirements.

(iii) Respondents should:

- Demonstrate that the entity has existing relationships, or could readily establish relationships, with employers and employees, consumers (including

uninsured and underinsured consumers), or self-employed individuals likely to be eligible for enrollment in a QHP;

- Demonstrate willingness to meet the standards prescribed by the Authority, including maintaining a telephonic hotline to allow consumers to seek education on various aspects of health insurance coverage, including enrollment;
- Demonstrate the ability to work with individuals and families inflicted with SUD and OUD to understand options for accessing treatment and protections afforded by state and federal minimum coverage and mental health parity laws;
- Demonstrate the ability to work with the Department of Drug and Alcohol Programs, including its Single County Authority (SCA) offices, the Department of Human Services, other applicable public agencies and, as appropriate, private non-profit service entities, in accessing prevention and treatment resources for SUD and OUD;
- Demonstrate that the Respondent has or will have prior to the commencement of Navigator operations, a valid registration under Pennsylvania law as a navigator or exchange assister entity, or employees or associated volunteers with valid registrations under Pennsylvania law as navigators or exchange assisters (*see* 40 P.S. § 4403);
- Certify that the entity and staff will comply with Pennsylvania law regulating a Navigator's scope of activity (*see* 40 P.S. § 4404);
- Certify that the entity and staff will not have a conflict of interest during its term as a Navigator entity, *see* 45 C.F.R. §155.215(a), and if a conflict of interest occurs (including receipt of payment or other consideration from a health insurance issuer in connection with enrollment of individuals or groups), the Respondent will notify the Authority immediately and may be required to pay back funds received pursuant to this RFP to the Commonwealth;
- Demonstrate that the Respondent has processes in place that comply with the privacy and security standards adopted by the Authority as required in accordance with 45 CFR § 155.260; and
- Demonstrate how the Respondent's business model, service area, print, digital, social media and clientele will be leveraged to support the Navigator mission and show how funds received under this RFP will support the Navigator mission and ancillary functions of the entity.

- b) Qualifications/Personnel – Identify examples of staff that may be providing the services including the years and type of experience for each person.

Respondents should include a description of prior experience in communicating with, educating, and facilitating enrollment of qualified individuals and employers in Qualified Health Plans (QHPs) and publicly funded health care through multiple enrollment

methods facilitated through an exchange. Experience shown should be work done by individuals who will be assigned to this project as well as that of your company. Studies or projects referred to must be identified and the name of the customer shown, including the name, address, and telephone number of the responsible official of the customer, company, or agency who may be contacted.

2) Project Plan:

- a) Timeline – Provide a proposed timeline for the successful completion of the project based upon the “Timeline and Due Dates” section above. The Commonwealth desires to commence the project as soon as possible and must have a Navigator Program in place by September 12, 2019.
- b) Program requirements – Please confirm and describe how your firm will be able to meet the following program requirements:
 - (i) *Education and Outreach.* Navigator entities will be responsible for outreach, education and facilitating enrollment for the currently uninsured or underinsured populations and will present to those populations the options available under the ACA. Navigators may not charge an applicant or enrollee, or request or receive any form of remuneration from or on behalf of an individual applicant or enrollee, for application or other assistance related to Navigator duties. Navigators may not provide to an applicant or potential enrollee a gift of any value as an inducement for enrollment.

Outreach and education will include information regarding the ACA as it relates to the Exchange including but not limited to:

- Program Eligibility – Rules to purchase subsidized insurance through the Exchange and eligibility for Medical Assistance, CHIP, Medicare or other programs (see 45 C.F.R. § 155.210(e)(8); see also 40 P.S. § 4404(b));
- Methods of Purchase – Different means available to purchase and enroll in a QHP;
- Reasons to purchase – Education on the benefits of health insurance and what health insurance provides for individuals and employers;
- Coverage for SUD and OUD – Emphasis on access to health care services and treatment for those inflicted with SUD and OUD, including coverages protected in federal and state minimum coverage and mental health parity laws;
- Definitions of Health Insurance Terms – For example, aiding the consumer to understand the difference between a premium, deductible and co-insurance;
- Dispute Resolution – Providing information to the consumer regarding avenues to resolve disputes with carriers, including directing them to the Pennsylvania Insurance Department (see 45 C.F.R. § 155.210(e)(4)).

Outreach and education services will be conducted with at least the following standards and requirements:

- Awareness of Cultural Diversity – Providing culturally and linguistically appropriate health insurance education to Hispanics, Asians, Native Americans, those with disabilities, and other groups (see 45 C.F.R. § 155.210(e)(5));
- Telephone Hotline Capabilities – As a component of the overall services required of a Navigator, maintaining a toll-free hotline compliant with federal requirements staffed with knowledgeable personnel to allow consumers to seek education on various aspects of health insurance coverage, including enrollment (see 45 C.F.R. § 155.205(a));
- SUD and OUD Prevention and Treatment Resource Awareness – Communicating and coordinating with the Department of Drug and Alcohol Programs, including its Single County Authority (SCA) offices, the Department of Human Services, other applicable public agencies and, as appropriate, private non-profit service entities.

Outreach and education campaigns shall be required to be proposed and implemented and may take various forms, including but not limited to:

- Group Outreach Opportunities – Outreach to consumers in group settings, focusing on broad topics related to health insurance and coverage options;
- Comprehensive Community Outreach – Channels and venues in which outreach and education activities will be delivered include where the populations live, work, go to school, play and shop; and
- Online Outreach – Leverage online channels and social media to support reaching targeted populations.

- (ii) *Reporting.* Status reports will be required to be provided to the Authority covering activities, problems and recommendations of the Navigator regarding the implementation of the required services, prior to and after implementation of the provision of Navigator services outlined in this RFEI. This report should be keyed to the work plan the respondent developed in its response, as amended or approved by the Issuing Office.

The selected Respondent must be able to provide reporting to the Authority and the Pennsylvania Insurance Department as needed about the services rendered as a Navigator and the persons served by the Selected Respondent sufficient to allow the Authority and the Pennsylvania Insurance Department to comply with any reporting requirements pursuant to federal or state law, regulations or subregulatory guidance. At a minimum, the Selected Respondent must be able to report on the following data:

- Number and identification/description of events in which the selected Respondent participated as a Navigator; and

- Number of persons served through each of the outreach efforts (including, at a minimum, the telephone hotline, group outreach, community outreach, online outreach, and individual outreach).

(iii) *Emergency Preparedness.* To support continuity of operations during an emergency, including a pandemic, the Commonwealth needs a strategy for maintaining operations for an extended period of time. One part of this strategy is to ensure that essential contracts that provide critical business services to the Commonwealth have planned for such an emergency and put contingencies in place to provide needed goods and services. Specifically:

- I. Describe how you anticipate such a crisis will impact your operations.
- II. Describe your emergency response continuity of operations plan. Please attach a copy of your plan, or at a minimum, summarize how your plan addresses the following aspects of pandemic preparedness:
 - A. Employee training (describe your organization’s training plan, and how frequently your plan will be shared with employees);
 - B. Identified essential business functions and key employees (within your organization) necessary to carry them out;
 - C. Contingency plans for:
 - How your organization will handle staffing issues when a portion of key employees are incapacitated due to illness; and.
 - How employees in your organization will carry out the essential functions if contagion control measures prevent them from coming to the primary workplace.
 - D. How your organization will communicate with staff and suppliers when primary communications systems are overloaded or otherwise fail, including key contacts, chain of communications (including suppliers), etc. and;
 - E. How and when your emergency plan will be tested, and if the plan will be tested by a third-party.

3) References. Submit a list of at least three references (clients) including the name, title, and telephone number for three individuals who we may use as references for whom you have performed similar services to those being sought by the Commonwealth within the past 3 years.

- 4) **Financial Capability.** Describe your company's financial stability and economic capacity to perform the contract requirements. Financial documents such as audited financial statements or recent tax returns will be acceptable to the Commonwealth.
- 5) **Estimated Cost.** Provide an estimate of projected costs the firm would expect to charge the Commonwealth for the described services, the method used to compute the cost and the proposed method(s) of payment you would accept from the Commonwealth. The total proposed cost may be broken down into the following components, as applicable:
- a) **Direct Labor Costs.** Itemize to show the estimated hours and rate per hour for each category of personnel with a different hourly rate.
 - b) **Labor Overhead.** Specify what is included and rate used.
 - c) **Travel and Subsistence.** Itemize transportation, lodging and meals per diem costs separately. Travel and subsistence costs must conform with the requirements of the most current version of Commonwealth Management Directive 230.10, *Travel and Subsistence Allowances*. The Commonwealth may accept higher rates normally paid by a Respondent, if those rates were approved by the contractor's officials and published prior to submitting this proposal to the Commonwealth.
 - d) **Subcontract Costs.** Itemize as in (a) above.
 - e) **Cost of Supplies and Materials.** Itemize.
 - f) **Other Direct Costs.** Itemize.
 - g) **General Overhead Costs.** Overhead includes **two** major categories of cost, operations overhead and general and administrative overhead. Operations overhead includes costs that are not **100%** attributable to the service being completed, but are generally associated with the recurring management or support of the service. General and administrative overhead includes salaries, equipment and other costs related to headquarters management external to the service, but in support of the activity being completed. Specify what specific items are included and the rates used.
 - h) **Fee or Profit.**
 - i) **Total Estimated Cost.**

The Authority will reimburse the selected Respondent for work satisfactorily performed after execution of an emergency purchase order and written contract and the start of the contract term, in accordance with contract requirements, and only after the Issuing Office has issued a notice to proceed in the form of an emergency purchase order. Payments will be made in one

installment upon the approval of the Authority of the final technical work plan submitted by the selected Respondent. In no event may the total cost for services exceed \$400,000.00.

- 6) **Suspension/Debarment.** Submit a statement certifying that no principal of the firm nor any proposed subcontractor is suspended or debarred from contracting with the Commonwealth of Pennsylvania, the United States Government or any other state government.

Respondents are solely responsible for all expenses associated with responding to this RFEI. Respondents needing confidential treatment for any proprietary information they furnish must clearly identify that in their respective responses and provide a redacted version of the submission redacting all confidential information. All information received in response to this RFEI that is marked Proprietary will be handled in accordance with applicable law, including the Right-To-Know Law (65 P.S. Sec. 67.101 et. seq.), as amended.

Respondents to this request shall not provide recommendations as to specific courses of action and shall not be deemed to be an advisor or consultant to the Commonwealth. The Commonwealth will evaluate the information presented and determine any subsequent course of action. This course of action may consist of further contracting for implementation of Commonwealth determined work. Such work may be procured through any lawful method available, and respondents to this request may be considered for selection to perform this work.

Presentations. After a review of the submissions, the Commonwealth reserves the right to request presentations regarding the proposed services. At such presentations, respondents should be prepared to address any questions regarding their response to this RFEI.

Due Dates. In order to be considered for a potential contract for this project, written expressions of interest must be received by close of business on August 5, 2019. You must submit your complete written response (an original and five copies) or an electronic copy emailed to the point of contact named below. Timing for evaluating responses and optional scheduling of presentations will depend on the quantity and quality of responses received. However, The Commonwealth will make every effort to adhere to the following schedule:

Activity	Responsibility	Date
Deadline to submit Questions via email to mlapkowicz@pa.gov .	Respondents	5:00 p.m. on July 22, 2019
Answers to Potential Contractor questions posted to eMarketplace at http://www.emarketplace.state.pa.us/Search.aspx no later than this date.	Issuing Office	5:00 p.m. on July 29, 2019
Please monitor website for all communications regarding the RFEI.	Respondents	Ongoing

Sealed paper or electronic RFEI responses due to the Issuing Office: Pennsylvania Insurance Department on behalf of the Health Insurance Exchange Authority c/o Mark Lapkowitz Pennsylvania Insurance Department Bureau of Administration 1326 Strawberry Square Harrisburg, Pennsylvania 17120 or Email: mlapkowitz@pa.gov	Respondents	5:00 p.m. on August 5, 2019
Vendor selection and notification	Issuing Office	On or before August 19, 2019
Commencement of Navigator activities.	Selected Respondent	September 12, 2019
Termination of the contract for services resulting from this RFEI.		September 11, 2020

Commonwealth Reservation of Rights. The Commonwealth reserves the right to consider or reject any and all responses to this Request, to amend and/or reissue this Request and to abandon and then recommence at any time, or not recommence, this process. All costs of any response to this Request and participation in any presentations to the Commonwealth prior to conclusion of any contract for services with the Commonwealth are solely the responsibility of the Respondent and the Commonwealth shall not be liable for payment of any such costs.

All submissions and contacts concerning this solicitation must be sent to or made with:

Point of Contact. This office is the sole point of contact. For all questions concerning this RFEI, please contact:

Pennsylvania Insurance Department
on behalf of the Health Insurance Exchange Authority
c/o Mark Lapkowitz
Pennsylvania Insurance Department Bureau of Administration
1326 Strawberry Square
Harrisburg, Pennsylvania 17120
Phone: 717.783.4316
Fax: 717.705.3873
Email: mlapkowitz@pa.gov