

RFA # 07-21

Vendor/Fiscal Employment Agent Financial Management Services

Q&A

	RFA Section	Question	Answer
1		In looking at FMS RFA it appears to cover both ODP and OLTL programs.	RFA 07-21 covers both OLTL and ODP's program needs.
2		I have seen notices about new FMS for OLTL and just wanted to check if they will both be part of bidding.	RFA 07-21 covers both OLTL and ODP's program needs.
3	Bidders' Conference	Was the Bidders' Conference presentation recorded? If so, would the Department make the recording available to attendees? The information provided concerning the SDB/VBE and Contractor Partnership would be helpful to review with our HR Department.	Please refer Addendum 1.
4	Pg. 1 – 1-3/Appendix C	Please clarify the discrepancy of the number of participants cited in RFP 1-3 "Currently, approximately 964 ODP participants and 625 OLTL participants have chosen participant-directed services and use the VF/EA FMS" and Appendix C Cost Sheet Years 1 through 3 "10,200" estimated members.	Please refer to Addendum 1.
5	Pg. 1 – 1-3/Appendix C	"The number of "Estimated Members" is provided only for the purpose of developing and evaluating Cost submittals. The selected Applicant's PMPM Fixed Administrative Fee will be based on the actual number of members in a given month." The calculated PMPM rate is much different from 10,000 members than the much lesser number estimated on Page 2. Please consider reducing the Appendix C number to a more realistic number for calculating the PMPM.	Please refer to Appendix C - Cost Submittal Worksheet - Revised.xlsx found on e-marketplace.
6	Pg. 2 – 1-4.1.c	What is the average funding amount required per payroll including all employer related costs?	ODP reimburses approximately \$1.3 million per payroll (bi-weekly). OLTL reimburses approximately \$1,036,559 per payroll cycle (bi-weekly).

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7	Pg. 2 – 1-4.1.c	What is the average funding amount required per month including all employer related costs?	Refer to response for Question #6.
	RFA Section	Question	Answer
8	Pg. 2 – 1-4.1.c	What is the payroll frequency (i.e., weekly, bi-weekly, semi-monthly)?	Bi-weekly.
	RFA Section	Question	Answer
9	Pg. 2 – 1-4.1.d	What are the state citizenship requirements for SSP, DCWs?	They can reside in any state.
	RFA Section	Question	Answer
10	Pg. 2 – 1-4.1.f	May the contractor submit invoices to PROMISE™ more often than monthly; for example, weekly or biweekly?	Yes. Applicants may submit claim transactions to PROMISE™ as often as daily and as many times daily they choose to.
	RFA Section	Question	Answer
11	Pg. 2 – 1-4.1.g	Are participants required to have Workers' Compensation insurance?	Yes.
	RFA Section	Question	Answer
12	Pg. 4 – 1-11	How is the percentage of SDB and VBE determined; i.e., percentage of PMPM, percentage to contract value, percentage of work performed?	Applicants should use Total Agreement Cost in Cell B12 of the Totals Tab of the Cost sheet to calculate their percentage commitments.
	RFA Section	Question	Answer
13	Pg. 4 – 1-11	Can an application meet the SDB or VBE goal percentage using only one contractor for the total percentage goal? For example, can an application use one VBE contractor amounting to the total 8% goal?	SDB and VBE participation goals are separate and distinct. Therefore, Offerors must meet both participation goals in full or seek a good faith efforts waiver from any unmet portion of the goals. However, an offeror may meet both the SDB and VBE participation goals through use of a single firm if that firm is DGS-verified as both an SDB and a VBE. If a prime offeror utilizes a subcontractor that is DGS-verified as both an SDB and VBE, the same

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			work performed by that subcontractor can count toward meeting both the SDB participation goal and the VBE participation goal. See, Appendices G and H, SDB-1 and VBE-1, Section 11.4. Dually verified firms.
	RFA Section	Question	Answer
14	Pg. 17 - Part III	Should a bidder include each defined requirement and then respond in the "Applicant Response" or just use the defined numbering and write a response?	Include each defined requirement and then respond in the Applicant Response.
	RFA Section	Question	Answer
15	Pg. 20 - III-4	What format do training materials need to be in?	Applicants should propose a format(s) in their applications.
	RFA Section	Question	Answer
16	Pg. 20 - III-4	If training does not have an oral component, does a copy of the training courseware suffice?	Applicants should include an explanation of training materials and methodology in their applications.
	RFA Section	Question	Answer
17	Pg. 20 - III-4	At what frequency does the Dept. estimate for system changes? Can you further define system changes?	System changes would be any time the Department may implement new electronic or reporting systems for case management, billing, reporting, communication, incident reporting, etc. The frequency would depend on the Department's need, but, typically, systems changes do not occur with any frequency.
	RFA Section	Question	Answer
18	Pg. 21 - III-6.A	Who is the current incumbent vendor?	The current FMS vendor for OLTL is Public Partnerships LLC. The current statewide vendor fiscal agent for ODP is PALCO.

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	RFA Section	Question	Answer
19	Pg. 21 - III-6.A	The four-month Transition will require the availability and cooperation or the incumbent vendor the Department. Can the bidder assume the incumbent vendor and Department will have the staff, with their availability to meet their tasks assignments?	Applicants can assume the Department and incumbent will be a part of any transition activities and will have proper staff available.
	RFA Section	Question	Answer
20	Pg. 22 - III.6.A.2.b	What specialized business systems are in use by ODP/OLTL? What are these system requirements?	ODP and OLTL use the Home and Community Services Information System (HCSIS) for individual support plan management. HCSIS will be replaced by an Enterprise Case Management System. Details will be communicated to all vendors prior to implementation. Both ODP and OLTL use the PROMISe™ system for their Medicaid Management Information System (MMIS). Visit the PA DHS website for more information on Department of Human Services > For Providers > Providers > PROMISe
	RFA Section	Question	Answer
21	Pg. 25 - III.6.B.5.b	How should a bidder provide a "...demonstration of how it shall interact..."? Does a process flow demonstrate the interaction? If not, please provide more information about how a bidder should demonstrate.	If a flow chart adequately demonstrates process flow, that would be acceptable.
	RFA Section	Question	Answer
22	Pg. 25 - III.6.B.5.b	Can you define the role that SCOs play in reconciling claims?	SC entities are involved in requesting, obtaining and implementing service authorizations as well as monitoring their use. Supports Coordinators' primary functions include locating, coordinating, and monitoring needed services and supports for participants. If claims are denied as a result of plan issues, the SC is responsible for modifying the services on the plan to

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			accurately reflect the anticipated needs of the participant and correct authorizations.
	RFA Section	Question	Answer
23	Pg. 26 - III-6.C.3	Does each participant need to have an individual bank account with account and routing number?	No.
	RFA Section	Question	Answer
24	Pg. 26 - III.6.C.3	Does the FMS receive payment for services approved but not yet rendered?	Service units may not be billed until rendered.
	RFA Section	Question	Answer
25	Pg. 28 - III-6.E.5.c	How is "resolution" defined in the context of support requests?	"Resolution" in the context of Pg. 28 - III-6.E.5.c refers to contact, as full resolution may require ongoing investigation and supplemental actions.
	RFA Section	Question	Answer
26	Pg. 32 - III-6.K.5	Is the orientation provided by the existing orientation subcontractor mentioned in the beginning of Section K or by the FMS mentioned in K.5?	Both.
	RFA Section	Question	Answer
27	Pg. 32 - III-6.K.6	Are the DCWs reimbursed for gas mileage? Are the DCWs paid to attend the pre-orientation if they are not cleared to provide services?	For OLTL, DCWs are currently paid to attend the mandatory program orientation. ODP does not have mandatory program orientation and does not reimburse for gas mileage.
	RFA Section	Question	Answer
28	Pg. 34 - III-6.L.3.k	Are all participants required to use the EVV system? If not, please define the exemptions and provide an example. What percentage of participants are exempted from using the EVV?	Yes for OLTL. For ODP, the current vendor requires all services to be captured via an EVV system. However, the Cures Act only requires specific services to be captured via EVV. Applicants should visit PA DHS website on the EVV webpage for more information.

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	RFA Section	Question	Answer
29	Pg. 34 - III-6.L.3.k	How many timesheets were processed over the last 12 months?	ODP processed approximately 35,326 time-sheets in the past 12 months (Feb 2021- Jan 2022). OLTL processed 1,869 per month.
	RFA Section	Question	Answer
30	Pg. 34 - III.6.L.4	Is this required training for all CLEs? If they do not complete the training, are they allowed to self-direct? Does a certification of completion need to be provided?	A certification should be kept in the CLE's file. The CLE must complete the training.
	RFA Section	Question	Answer
31	Pg. 36 - III.6.M.3.q	Whose emergency contact information?	The participant's.
	RFA Section	Question	Answer
32	Pg. 36 - III.6.M.4	Please provide more detail about what is entailed in "Develop and implement an Online CLE Enrollment Process".	Applicant should propose a solution and approach to "Develop and implement an Online CLE Enrollment Process".
	RFA Section	Question	Answer
33	Pg. 39 - III-6.O	Will each SSP, DCW and CLEs need to requalify during the Transition Phase, or will the requalification requirements be met prior to their existing expiration date? If the requirement is required prior to their expiration date how will the applicant be provided with expiration dates?	Re-qualifications are completed once every 3 years and all entities subject to qualification/requalification go through the re-qualification process at the same time. The current re-qualification cycle will be completed by the end of December 2022 and will not take place again for 3 years (2025).
	RFA Section	Question	Answer
34	Pg. 39 - III.6.O.1	What are the qualifications required of the SSP/DCW?	All qualification requirements for the SSP/DCW are found in the following approved 1915(c) waivers: Consolidated, P/FDS, Community Living, OBRA and CHC waivers and Act 150 which are located on the PA DHS website.

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	RFA Section	Question	Answer
35	Pg. 39 - III.6.Q.1	“Determine if the qualified SSP is a family member, who is exempt from paying into FICA and FUTA and SUTA, and process payroll and related Federal taxes accordingly;” How is the contractor required to “determine” if the qualified SSP is a family member?	For ODP, it is currently determined by asking the question on the SSP Application and at time of Re-qualification.
36	Pg. 40 - III.6.Q.3	How many non-residents are currently a qualified or DCW? Please provide the number by state.	That number is currently unavailable.
37	Pg. 41 - III.6.Q.11	Please define and provide an example of a “voluntary deduction”?	Union dues would be an example of a voluntary deduction. That is monthly dues the union member would need submitted timely.
38	Pg. 49 - III.6.U	If Workers’ Compensation is being provided, what is the current Workers’ compensation rate?	The current Workers’ Compensation rate is 1.61%.
39	Pg. 49 - III.6.U	If Workers Comp is being provided, is it through individual polices per employer or through an umbrella policy?	Individual policies.
40	Pg. 62 - III.7.O	Who is the current DHS Aggregator?	Sandata.
41	Pg. 62 - III.7.O	Are services billed through the aggregator or separate from the aggregator through the 837-billing process?	All Medical Assistance services are billed to the Department’s MMIS referred to as PROMISe™. The MMIS validates the presence of an EVV record in the EVV aggregator against all required Cures Act data

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			elements. If the record passes EVV validation, then it continues through the usual claims adjudication process.
	RFA Section	Question	Answer
42	Pg. 50 - III.6.V.1	Are umbrella Workers Compensation policies allowable?	No.
	RFA Section	Question	Answer
43	Appendix C	“The selected Applicant’s PMPM Fixed Administrative Fee will be based on the actual number of members in a given month.” How and by whom, are the actual number of members determined each month?	Individuals who receive a participant directed service in the month would be considered eligible to be billed for a PMPM.
	RFA Section	Question	Answer
44	Appendix C	Please confirm the State does not project any growth in the number of members for years 1 through 3?	The state cannot estimate growth. It is based on participants leaving and new ones entering the program. The numbers listed are estimates.
	RFA Section	Question	Answer
45	Appendix C	Please explain how the number of members for the six-month extension are cut from 10,200 to 5,100?	Please refer to Addendum 1.
	RFA Section	Question	Answer
46	Appendix I	Please provide the number of members by CHC region.	Approximately 964 ODP participants and 625 OLTTL participants direct their own services.
	RFA Section	Question	Answer
47	Appendix J	Please provide the number of members by ODP region.	West: 98 Central: 327 Northeast: 134 Southeast: 433

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	RFA Section	Question	Answer
48	Section III-6A.1.c	Is SAMS being used with ODP?	No.
	RFA Section	Question	Answer
49	Section III-6 F.1	<i>Webpage must include severe weather conditions and other information.</i> Does a link to the National Weather Service qualify?	The applicant would need to explain in its application as to how that would accurately inform DCWs by region.
	RFA Section	Question	Answer
50	Section III-6 F.12	What does <i>Newsletter</i> need to cover before being published?	Appropriate topics for the targeted audience such as updates on mileage reimbursement, EVV system, Best Practices in the Field, Safety Techniques, COVID-19, New Services, Timesheet Tips, reminders and work with Program office topics of concern.
	RFA Section	Question	Answer
51	Section III-6 F.12	Does the letter need to be reviewed and approved by OLTL and ODP before being published?	Newsletters can be discussed during regularly established meetings with the Department. For ODP and OLTL, they must be reviewed and approved prior to being published.
	RFA Section	Question	Answer
52	Section III-6 I.1	Will the Department consider lowering the satisfaction rate to 90%-93%, as with experience, responses are around 18%-20%?	SLAs can be discussed during negotiations between the Department and the selected applicant. Applications must be based upon the SLAs as set forth in the RFA.
	RFA Section	Question	Answer
53	Section III-6 I.1	If not, can questions be specific to FMS performance or FMS given credit toward 95% when answers are specific to things outside of FMS control, such as a dissatisfaction with hourly rate?	Please refer to the response to Question # 52. The Department usually does not hold an applicant accountable for issues outside of its control with proper explanation and documentation

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	RFA Section	Question	Answer
54	Section III-6 K.6	Will DCWs no longer be paid minimum wage for attending the PSO?	Maximum billable rates are determined by the Department's actuary. Rates of payment to direct care workers are set by the CLE from that maximum billable rate. DCW's will continue to be paid minimum wage for their attendance at the mandatory orientation.
	RFA Section	Question	Answer
55	Section III-6 K.6	Is it based on region?	Yes.
	RFA Section	Question	Answer
56	Section III-6 K.6	Who is deciding the rate per region?	The Department's actuary assists in determining the maximum billable rate.
	RFA Section	Question	Answer
57	Section III-6 K.6	What will the rate for DCWs who live outside of PA?	The CLE is responsible for setting the worker's hourly wage.
	RFA Section	Question	Answer
58	Section III-6 L.1	Can there be separate trainings for OLTL and ODP CLEs so there is no confusion?	Yes.
	RFA Section	Question	Answer
59	Section III-6 L.4	What will happen if a CLE will not attend a CLE training?	They will not be able to participate as a CLE.
	RFA Section	Question	Answer
60	Section III-6 O	Criminal Background Checks are not mentioned for requalification? Is this an oversight?	CBC's are required on a specific basis and not yearly as with requalification.
	RFA Section	Question	Answer
61	Section III-6 O	Will re-qualification forms need to be re-completed as part of the transition?	No for OLTL. For ODP, re-qualification forms may need to be completed.

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	RFA Section	Question	Answer
62	Section III-7 C	Customer Service Transformation - Can we get a succinct summary of what this section is referring to?	This allows internal Department identified users the ability to use consistent login credentials to access internal and/or external systems where a business partner agreement is in place to do so.
	RFA Section	Question	Answer
63	Section III-7 C	Is this the Keystone Login?	Yes.
	RFA Section	Question	Answer
64	Section III-7 C	What is the responsibility of the FMS as it pertains to the Keystone Login?	If the FMS provider has a local system(s) that requires Department identified users to access the system, the applicant would be required to conform to the single login requirements specified in the RFA in order to provide a consistent and secure approach to account administration.
	RFA Section	Question	Answer
65	Section III-7 Q	<i>Worker Protection and Investment - Is this for the FMS employees?</i>	The applicant would be subject to <i>BOP-2201 EO 2021-06 Worker Protection</i> . The applicant is required to confirm and maintain compliance with Pennsylvania's Unemployment Compensation Law, Workers' Compensation Law, and all applicable Pennsylvania state labor and workforce safety laws.
	RFA Section	Question	Answer
66	General	RFA in Entirety. Will the selected vendor be disqualified if they take exceptions to any terms as provided within the RFA? Any such exceptions will be presented for negotiation purposes.	Applicants must submit their applications on the basis of the terms provided in the RFA. To the extent the applicant has objections to any of the terms, those objections may be raised

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			during negotiations in the event the applicant is selected.
	RFA Section	Question	Answer
67	Pg. 1, Part I, General Information	General Question for Contract execution and go-live schedule. Deploying an FMS solution for multiple programs entails a high degree of complexity that will require proper lead time for discovery and planning with the Commonwealth. Due to this complexity, the time required for evaluation of bids, award, and contract execution, it is assumed that the go-live will be set to occur in 2023. Can the Commonwealth please confirm the anticipated award, contract execution, and go-live dates?	Ongoing timeline will be discussed with the selected applicant.
	RFA Section	Question	Answer
68	Pg. 3, Part I, Section I-5	The Department intends to award one Grant Agreement as the result of this RFA. If the Department enters into an agreement, it will be a Cost Reimbursement agreement containing the IT Contract Terms and Conditions as shown in Part VII of this RFA. All references to the term "Contractor" shall refer to the selected Applicant and all references to the term "Contract" shall refer to the Grant Agreement. Is the expectation that the VF/EA will pay out for services, then bill back for reimbursement? If so, please confirm the reimbursement time frames.	Yes. Services are paid retrospectively based on cost reimbursement. A claim is typically held in the MMIS for 11 calendar days before it is released from prudent pay. On the 12th calendar day it is released from prudent pay and is available to be processed through the next financial cycle. If a claim has been held for 11 or fewer calendar days when the financial process runs early Saturday morning, it will have to wait until the next financial cycle to be processed, which occurs in 7 more calendar days. Once a claim processes through the financial cycle, the generation of a remittance advice (RA) is initiated and is available in two (2) calendar days. The generation of the RA initiates the release of payment to the provider which occurs 10 calendar days later. The maximum number of days it could take a claim to go through each step of the process is as follows: <ul style="list-style-type: none"> • Up to 19 calendar days from the claim

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			<p>submission date* for a “clean claim” to be released to the financial cycle;</p> <ul style="list-style-type: none"> • Up to 21 calendar days from the claim submission date* before the RA is generated; and • Up to 31 calendar days from the claim submission date* before payment is issued.
	RFA Section	Question	Answer
69	Pg. 3, Part I, Section I-5	The Department intends to award one Grant Agreement as the result of this RFA. If the Department enters into an agreement, it will be a Cost Reimbursement agreement containing the IT Contract Terms and Conditions as shown in Part VII of this RFA. All references to the term “Contractor” shall refer to the selected Applicant and all references to the term “Contract” shall refer to the Grant Agreement. Can the Commonwealth provide the expected service dollars paid out per month currently?	ODP currently issues approximately \$2,717,127.23 monthly to the VF/EA. OLTL issues approximately \$2,073,118 monthly to the VF/EA.
	RFA Section	Question	Answer
70	Pg. 5, Part I, Section I-3 Overview of Project	... Currently, approximately 964 ODP participants and 625 OLTL participants have chosen participant-directed services and use the VF/EA FMS. The RFA indicates there are 1,589 members between the 2 programs, yet the cost submittal annualizes total costs using 10,200 members which is 12 months times 850 members. Can the Commonwealth please clarify the discrepancy?	Please refer to Addendum 1.
	RFA Section	Question	Answer
71	Pg. 5, Part I, I-13, Application Requirements	Section in entirety. Can the Commonwealth confirm if an electronic signature is sufficient for any parts, volumes, forms, etc. on which a signature is required?	Electronic signature is acceptable.
	RFA Section	Question	Answer
72	Pg. 26. Part III, Section III-6-C: Managing Public Funds, question 3	Establish a separate bank account for each individual participant for the deposit of payments for participant-directed service for the purpose of managing participant-directed funds (“Participant Account”). The selected Applicant must immediately deposit all payments for participant-directed services from MA and the state into each account. The selected Applicant must submit to ODP and OLTL	The selected applicant must establish one bank account for program funds and track the individual funds separately.

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		<p>written evidence that the bank has established these accounts as set forth below. The selected Applicant must complete all forms as specified by ODP and OLTL and the bank to establish electronic fund transfers from MA and the state to the bank account. The selected Applicant must set up the Participant Account to:</p> <ul style="list-style-type: none"> a. Prohibit the withdrawal of funds except for payment for FMS services provided to participants including all taxes, insurances, and fees; and b. Be maintained, to the extent legally permissible, in a manner that prevents creditors of the selected Applicant from in any way encumbering or acquiring funds in the bank account. In similar contracts, it is a common industry practice to establish one bank account for program funds and track the individual funds separately. Does the Commonwealth expect the selected vendor to follow this practice, or is it intended that the VF/EA would establish individual bank accounts? 	
	RFA Section	Question	Answer
73	<p>Pg. 32, Part III, Section III-6: For OLTL Direct Care Workers Only, Providing Direct Care Worker Orientation and Skills Training, question 1</p>	<p>Verify that all newly hired Direct Care Workers (“DCW”) in the Act 150 or OBRA Waiver have completed an in-person, pre-service orientation. In the limited situations where in-person, pre-service orientation is not possible due to geographical limitations, the selected Applicant shall verify that the newly hired DCW has completed pre-service orientation by a DHS-approved alternative means. Can the Commonwealth please clarify if the in-person, pre-service orientation is required for OLTL Direct Care Workers Only, or for both the Act 150 and OBRA DCWs?</p>	<p>For both the Act 150 and OBRA DCWs.</p>
	RFA Section	Question	Answer
74	<p>Pg. 36 and 37, Part III, Section(s) M-Enrolling Individuals... & N-Enrolling Qualified SSPs, DCWs... Technical Submittal</p>	<p>M. Enrolling Individuals with the Applicant as the Common Law Employer. Section in entirety.</p> <p>N. Enrolling Qualified SSPs, DCWs, and Vendors. Section in entirety.</p> <p>These sections refer to enrollment/onboarding and other paperwork to be completed by Individuals, DCWs, Vendors, etc. Will the Commonwealth please verify that electronic signatures are permitted in these cases?</p>	<p>Electronic signatures are acceptable.</p>

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	RFA Section	Question	Answer
75	Pg. 38 Part III, Section III-6-N: Enrolling Qualified SSPs, DCWs, and Vendors, question 12	National Provider Indicator (“NPI”). As part of the SSP and DCW hiring process, the selected Applicant must obtain for SSPs and DCWs an NPI using taxonomy code “Attendant Care Provider” and include the home address for the SSP’s or DCW’s business mailing address. This section indicates that the VF/EA would obtain the NPI on behalf of the SSP/DCW. Is this process different from the State Unique ID process which requires the individual to obtain their own ID?	It is the same process. OLTL requires all DCWs providing services in OLTL PDS programs to register for a Unique Identification (ID) Number. This includes DCWs in the Aging, Attendant Care, Independence, and OBRA waivers, the Act 150 Program, and Community HealthChoices (CHC). This Unique ID Number serves as a reference number in the Unique ID Registry.
	RFA Section	Question	Answer
76	Pg. 45 Part III, Section III-6: End of Year Tax and Other Activities, question 10	Process any returned qualified SSP or DCW payroll options or vendor payments in accordance with PA Unclaimed Property Laws; Can the Commonwealth confirm that this filing be processed in aggregate by the F/EA or must the report be filed for each CLE EIN?	Each CLE.
	RFA Section	Question	Answer
77	Pg. 89 Part VII, Section 18 - Payment: IT Contract Terms and Conditions	(a) Payment Date. The Commonwealth shall put forth reasonable efforts to make payment by the required payment date. The required payment date is: (i) the date on which payment is due under the terms of the Contract; (ii) 30 days after a proper invoice actually is received at the “Bill To” address if a date on which payment is due is not specified in the Contract (a “proper” invoice is not received until the Commonwealth accepts the service as satisfactorily performed); or (iii) the payment date specified on the invoice if later than the dates established by paragraphs (a)(i) and (a)(ii), above. (b) Delay; Interest. Payment may be delayed if the payment amount on an invoice is not based upon the price(s) as stated in the Contract. If any payment is not made within 15 days after the required payment date, the Commonwealth may pay interest as determined by the Secretary of Budget in accordance with Act of	Applicants must submit their applications on the basis of the terms provided in the RFA. These are standard IT Contract Terms and Conditions and can be discussed during negotiations.

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		<p>December 13, 1982, P.L. 1155, No. 266, 72 P. S. 1507, (relating to interest penalties on Commonwealth accounts) and accompanying regulations 4 Pa. Code 2.31—2.40 (relating to interest penalties for late payments to qualified small business concerns).</p> <p>(c) Payment should not be construed by the Contractor as acceptance of the Service performed by the Contractor. The Commonwealth reserves the right to conduct further testing and inspection after payment, but within a reasonable time after performance, and to reject the service if such post payment testing or inspection discloses a defect or a failure to meet specifications.</p> <p>Would the Commonwealth consider revising the payment terms to make it clear that implementation fees and application services fees become due and payable upon live production use of the solution by the Commonwealth?</p>	
	RFA Section	Question	Answer
78	Pg. 92. Part VII, Section 22 - Default: IT Contract Terms and Conditions	<p>(i) Failure to begin Services within the time specified in the Contract or as otherwise specified;</p> <p>...</p> <p>(iv) Failure to meet requirements within the time periods(s) specified in the Contract;</p> <p>Would the Commonwealth consider revising certain default events to read as follows:</p> <p>“(i) Failure to begin Services within the time specified in the Contract or as otherwise specified due to no fault of Contractor;</p> <p>(iv) Failure to meet the requirements within the time period(s) specified in the Contract due to no fault of Contractor;”</p>	Please refer to the response to Question #77.
	RFA Section	Question	Answer
79	Pg. 96, Part VII, Section 26 Termination, question (c) - Default	<p>Default. The Commonwealth may, in addition to its other rights under this Contract, terminate this Contract in whole or in part by providing written notice of default to the Contractor if the Contractor materially fails to perform its obligations under the Contract and does not cure such failure within 30 days, or if a cure within such period is not practical, commence a good faith effort to cure</p>	Please refer to the response to Question #77.

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	IT Terms and Conditions	such failure to perform within the specified period or such longer period as the Commonwealth may specify in the written notice specifying such failure, and diligently and continuously proceed to complete the cure. The Contracting Officer shall provide any notice of default or written cure notice for Contract terminations. Would the Commonwealth be amenable to capping Contractor’s liability for the Commonwealth’s procurement of substitute services in the event the Commonwealth terminates part of the Services due to Contractor’s uncured default at the value of the contract with the selected vendor?	
	RFA Section	Question	Answer
80	Pg. 101, Part VII, Section 31(b), question (i) – Data Breach or Loss IT Contract Terms and Conditions	(i) The Contractor shall report unauthorized access, use, release, loss, destruction or disclosure of Data or Confidential Information (“Incident”) to the Commonwealth within 1 hour of when the Contractor knows of or reasonably suspects such Incident, and the Contractor must immediately take all reasonable steps to mitigate any potential harm or further access, use, release, loss, destruction or disclosure of such Data or Confidential Information. Would the Commonwealth consider revising the data breach notification requirement from one hour to “promptly, but in no event more than 24 hours from the time at which the Contractor knows of or reasonably suspects such Incident”?	Please refer to the response to Question #77.
	RFA Section	Question	Answer
81	Pg. 102, Part VII, Section 31(b), question (ii) – Data Breach or Loss IT Contract Terms and Conditions	(ii) The Contractor shall provide timely notice to all individuals that may require notice under any applicable law or regulation as a result of an Incident. The notice must be pre-approved by the Commonwealth. At the Commonwealth’s request, Contractor shall, at its sole expense, provide credit monitoring services to all individuals that may be impacted by any Incident requiring notice. Would the Commonwealth consider revising Contractor’s obligation to provide credit monitoring services to individuals impacted by an Incident to be required only where required by law?	Please refer to the response to Question #77.
	RFA Section	Question	Answer
82	Pg. 105, Part VII, Section 36 – Limitation of Liability IT Contract Terms and Conditions	Section in entirety. Would the Commonwealth consider making damages under Section 40 (Patent, Copyright, Trademark, and Trade Secret Protection), Section 31 (Data Breach or Loss), and Section 39 (Virus, Malicious, Mischievous or Destructive Programming) subject to the liability cap?	Please refer to the response to Question #77.

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	RFA Section	Question	Answer
83	Pg. 110, Part VII, Section 42 – Use of Contractor and Third Party Property IT Contract Terms and Conditions	<p>Section in entirety. This section states that the Commonwealth will receive a license to any intangible or tangible property incorporated into the Supplies or Services.</p> <p>Contractor will provide a SaaS solution. Accordingly, Contractor does not expect to license intellectual property or grant ownership of work product under the contract because SaaS providers typically do not provide intellectual property licenses or ownership rights to customers. As such, does the Commonwealth agree that the SaaS solution and all Contractor Property incorporated therein will be owned by Contractor?</p>	Please refer to the response to Question #77.
	RFA Section	Question	Answer
84	Pg. 128, Part VII, Section 62 – Liquidated Damages, question (a) IT Contract Terms and Conditions	(a) By accepting this Contract, the Contractor agrees to the delivery and acceptance requirements of this Contract. If a due date is not met, the delay will interfere with the Commonwealth’s program. In the event of any such delay, it would be impractical and extremely difficult to establish the actual damage for which the Contractor is the material cause. The Commonwealth and the Contractor therefore agree that in the event of any such delay, the amount of damage shall be the amount set forth in this section, unless otherwise indicated in the Contract, and agree that the Contractor shall pay such amount as liquidated damages, not as a penalty. Such liquidated damages are in lieu of all other damages arising from such delay. Would the Commonwealth consider removing its right to liquidated damages in the event of delay, or, in the alternative, clarifying that this provision will only apply in the event that the delay is caused solely by the action or inaction of Contractor?	Please refer to the response to Question #77.
	RFA Section	Question	Answer
85		What is the average participant budget size, as well as the minimum and maximum budget sizes?	<p>This is defined by the individual support plan.</p> <p>ODP’s Consolidated Waiver: No Cap</p> <p>ODP’s P/FDS Waiver: \$41,000 cap</p> <p>ODP’s Community Living Waiver: \$85,000 cap</p> <p>ODP’s Average Monthly Budget: Between \$55,000 to \$60,000/person</p> <p>OLTL Average Monthly Budget: 3,943 units or 157 hours</p>

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			OLTL's Average Monthly Utilized: 1,246 units or 49.84 hours
	RFA Section	Question	Answer
86		What is the timeframe for reimbursing for pass-through claims including the claims related to the hourly services provided by employees of the participant (Medicaid recipient receiving the self-directed services)?	A claim submitted to the Department's MMIS, PROMISE™, is typically held for 11 calendar days before it is released from prudent pay. On the 12th calendar day it is released from prudent pay and is available to be processed through the next financial cycle. If a claim has been held for 11 or fewer calendar days when the financial process runs early Saturday morning, it will have to wait until the next financial cycle to be processed, which occurs in 7 more calendar days. Once a claim processes through the financial cycle, the generation of a remittance advice (RA) is initiated and is available in two calendar days. The generation of the RA initiates the release of payment to the provider which occurs 10 calendar days later.
	RFA Section	Question	Answer
87	Page 1, Part I-3 Overview of the Project	On page 1, Part I-3, in the Overview of the Project section, the anticipated number of participates is listed as approximately 964 ODP participants and 625 OLTL participants choosing participant-directed services and use the VF/EA FMS. However, on the Appendix C, Cost Submittal Worksheet, the number of participants is listed as 10,200. Can you please clarify the number of anticipated participants that will be served within this RFA opportunity?	Please see Addendum 1.
	RFA Section	Question	Answer
88		Is there anticipated program growth over the contract cycle?	Yes.

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	RFA Section	Question	Answer
89		Does the Commonwealth require face-to-face enrollment visits or are e-enrollments allowed?	OLTL requires face-to-face enrollment. ODP e-enrollments are allowed.
90		What are the background check requirements? Are the costs for background checks part of the participant's budget or included in the pmpm (per member per month) FMS fee?	Refer to website: Clearances (pa.gov) . Costs are included in the PM/PM.
91		If there are background check requirements, what is the fee? Also, is fingerprinting required? Lastly, what is the average time it takes for results to be determined?	Child Abuse Checks \$13.00 Child Abuse Clearances- \$ 22.00 FBI Clearances \$ 22.60 Please see the website: Clearances (pa.gov) for when fingerprints are required. Average time it takes for the results to be determined vary by individual.
92		Is workers' compensation insurance required?	Yes.
93		Are there any DCW and SSP trainings required?	For ODP, SSP trainings are not currently required. For OLTL, a DCW orientation is required prior to being considered "Good to Work". Ongoing trainings are being considered for the future.
94		What is the current pmpm (per member per month) FMS fee?	Applicants are to propose a PM/PM.
95		What is the average number of DCW/SSPs per participant?	DCWs – 2, SSP- 3

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	RFA Section	Question	Answer
96		Does the Commonwealth allow for invoicing for claims within the same month of services?	Yes. Claims must be invoiced per Medical Assistance rules. Services must be rendered prior to invoicing.
97		What is the frequency of submitting claims allowed by the Commonwealth?	No frequency restrictions.
98		Does the vendor have to wait a required amount of time after the service is completed to submit for reimbursement of claims? If so, what is the amount of time?	No.
99		What is the timeframe for reimbursing for provider related claims, including the financial management per member/per month claim?	PM/PM cannot be billed any earlier than the first day after the following month in which the PM/PM applies.
100		What is the length of the authorization for services?	OLTL's authorizations are done monthly. For ODP, the authorizations are within a state fiscal year which is July 1- June 30.
101		Does the Commonwealth allow providers to access funds related to authorized services prior to issuing payroll for the rendered service?	No.
102		What is average dollar amount of monthly payroll and employer tax expenditure?	ODP currently issues approximately \$2,717,127.23 monthly to the VF/EA. OLTL issues approximately \$2,073,118 monthly to the VF/EA.
103		What is the current employer payroll tax percentage?	As of January 2022, the current tax rate for Social Security is 6.2% for the employer and 6.2% for the employee, for a total of 12.4%.

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			The current rate for Medicare is 1.45% for the employer and 1.45% for the employee, for a total of 2.9%. Employers are required to withhold PA personal income tax at a flat rate of 3.07 percent of compensation from resident and nonresident employees earning income in Pennsylvania.
	RFA Section	Question	Answer
104		Given that Health Information Trust (HITRUST) certification is the gold standard for IT security, exceeding the requirements for SOC I and SOC II, and encompasses compliance with ISO/IEC 27000-series, National Institute of Standards and Technology (NIST), Health Insurance Portability and Accountability Act (HIPAA), and Health Information Technology for Economic and Clinical Health (HITECH) Act standards, would the Commonwealth be willing to accept this credentialing in lieu of the requirement of the SOC I and SOC II?	Please refer to the response to Question #77.
	RFA Section	Question	Answer
105		Are the office locations required in the transition section of the RFP only required during the transition period of time?	A local presence is required during the course of service delivery.
	RFA Section	Question	Answer
106		Do all Attachments require a wet ink signature or is an electronic signature suffice?	Electronic Signatures are acceptable.
	RFA Section	Question	Answer
107		If we use a DGS-verified SDB, would the total subcontracted amount be 5% in order to meet the RFA goals? How do we indicate a DGS-verified SDB on the SDB-3.1 form and on the VBE-3.1 form? Also, would we be required to submit both Appendix D and E?	SDB and VBE participation goals are separate and distinct. Applicants are required to meet the 5% SDB goal AND the 3% VBE separately or submit the appropriate Good Faith Effort Waiver request for any unmet portion, an Applicant's failure to meet the SDB participation goal in full and the VBE participation goal in full, or their failure to receive an approved Good Faith Efforts

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			waiver for any unmet portion of either the SDB or VBE participation goal will result in the rejection of the Application as nonresponsive. There is no SDB/VBE indicator box on form 3.1 "Letter of Commitment" the form packets - the title of the packet serves as the SDB/VBE indicator. It is the prime Applicant's responsibility to confirm SDB/VBE validity dates for listed SDB or VBE firms.
	RFA Section	Question	Answer
108		Can you elaborate on the requirement to use the existing orientation subcontractor in (K, page 32)?	OLTL is requesting that the selected Applicant continue to use the existing orientation subcontractor for ease of transition.
	RFA Section	Question	Answer
109		Can the bi-weekly web trainings required for providing common law employer orientation and skills training (L, page 33) be pre-recorded trainings?	Can be discussed during negotiations.
	RFA Section	Question	Answer
110	Pages 6 and 59 Part I, Section I-13 B.1.a. and Part III, Section III-7.I	Conflict Free is listed under Tab 8 Requirements in Part I, Section I-13.B.1.a. and also required separately as TAB 11 in Part III, Section III-7.I. Does the State prefer for this to be referenced in both locations?	Yes.
	RFA Section	Question	Answer
111	Pages 5 and 6 Part I, Section I-13.A. and Part 1, Section I- 13.B.1.	Appendix A: Application Cover Sheet is mentioned in Part I, Section I-13.A. stating that Appendix A should be attached to the applicant's application. However, Appendix A is not listed in Part I, Section I-13.B.1 as a tab in the Technical Submittal. Does the Department prefer that Appendix A:Application Cover Sheet precede the Table of Contents in the Technical Submittal?	Appendix A: Application Cover Sheet can precede the Table of Contents in the Technical Submittal.
	RFA Section	Question	Answer
112	Pages 8-9	Appendix B: Trade Secret Confidential Proprietary Information Notice Form is mentioned in Part I, Section I-19.C. However, Appendix B is not listed in Part I,	Appendix B – Trade Secret Confidentiality Proprietary Information Notice Form is not a

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	Part I, Section I-19.C. and Part I, Section I-13.B.1.	Section I-13.B.1. as a tab in the Technical Submittal. Where in the order of the Technical Submittal should Appendix B be included?	tab in the Technical Submittal and may be submitted separately.
	RFA Section	Question	Answer
113	Pages 4, 13, 75 Part I, Section I-11; Part II, Section II-1.C.; Part V, Section V-1	What does a good faith effort constitute for Small Diverse Business and Veteran Business Enterprise? Please define "good faith effort."	Please review Appendix D and E;-SDB/VBE Participation Packet; Section 4 -Guidance for Good Faith Efforts. In order for its application to be responsive, the Applicant must either (1) meet the SDB participation goal and document its commitments for participation of SDB firms, or (2) when it does not meet the SDB participation goal, submit a Good Faith Efforts waiver request as more fully described in the SDB-4 Guidance. Likewise, in order for its application to be responsive, the Applicant must either (1) meet the VBE participation goal and document its commitments for participation of VBE firms, or (2) when it does not meet the VBE participation goal, submit a Good Faith Efforts waiver request as more fully described in the VBE-4 Guidance.
	RFA Section	Question	Answer
114	Pages 5, 6, 13, 75 Part I, Section I-13.A.; Part I, Section I-13.B.3.; Part II, Section II-1.C.; Part V, Section V-4.A.	Please define Good Faith Efforts documentation. Is it an amount of contacts, attempts to contact, and a record of those contacts? Is this only if a vendor is seeking a percentage waiver request?	The "Good Faith Efforts" requirement means that when requesting a waiver, the Applicant must demonstrate that it took all necessary and reasonable steps to achieve the SDB participation goal. Please review SDB/VBE Participation Packet Section 4 -Guidance for Good Faith Efforts, Section I -Definitions. In order for its application to be responsive, the Applicant must either (1) meet the SDB participation goal and document its commitments for participation of SDB firms, or (2) when it does not meet the SDB participation goal, submit a Good Faith Efforts

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	RFA Section	Question	Answer
			waiver request as more fully described in the SDB-4 Guidance. Please note the same requirements apply for VBE participation.
115	Pages 22-24 Part III, Section III-6.A.2.a-j and Part III, Section III-6.A.3-4.	In Part III, Section III-6A. tasks 2-4 please confirm that all transition activities/deliverables for ODP and OLTL are due within five (5) business days of the effective date of the agreement.	Pages 22-24, Part III, Section III-6.A.2.a-j and Part III, state that “The selected Applicant must prepare and submit a separate comprehensive Transition Plan for both ODP and OLTL within five business days of the Effective Date of the Agreement.” This is the only deliverable due within that timeframe.
116	Page 54 Part III, Section III-7.C.1.a.	As referenced in Part III, Section III-7.C.1.a. is the Keystone Login specific to state users or for participant-directed employers and workers (or both?)	Keystone Login users include citizens as well as individuals and entities that conduct business with or on behalf of the Commonwealth (each a “Business Partner”).
117	Page 54 Part III, Section III-7.C.	Is this for the PA ODP and OLTL programs or something else?	Yes. ODP and OLTL are both program offices under the Department of Human Services and already have Keystone Logins. Keystone Login users include citizens as well as individuals and entities that conduct business with or on behalf of the Commonwealth (each a “Business Partner”).
118	Page 54 Part III, Section III-7.C.1.a.-b.	With this model, what is the registration workflow for an existing user; new user; state user; program applicant; employer; and worker? For instance, will users already have a Keystone Login before they enroll with the approved FMS?	This information is unavailable.
119	Pages 36-38 Part III, Section III-6.M, N, P, Q, T	Will electronic tracking of all enrollment forms, timesheets and other data be an acceptable alternative to storing hardcopy or form images, as long as those forms could be accurately and electronically recreated upon request?	Yes.

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	RFA Section	Question	Answer
120	Page 57 Part III, Section III-7.C.3	How will PA.GOV name and structure URLs for external application websites related to ODP and OLTL programs?	Users would be expected to login into a pa.gov domain but then could be redirected to the applicant's domain/website.
	RFA Section	Question	Answer
121	Page 57 Part III, Section III-7.C.4	Does "satisfaction and feedback related data" include application behavioral usability data that may be collected without Commonwealth review?	Yes, it could.
	RFA Section	Question	Answer
122	Page 79 Part VI, Section IV-2.	Part VI, Section VI-2 mentions the Contractor Partnership Program. To qualify for this program, does the Department review the total cost of the competitively procured contract including all potential contract extensions? Does the Department consider only the PMPM cost structure or also the self-directed SSP or DCW payroll dollars that flow through this type of contract?	Yes. Enrollment in CPP is based off of a contract awarded with a base amount of \$5 million or more. We will only consider the PMPM cost structure. If it ends up being \$5 million or more, they would be required to enroll in CPP.
	RFA Section	Question	Answer
123	Pages 79, 81 Part VI, Section IV-2.	Please define "good faith effort" as mentioned in Part VI, Section VI-2.	Good faith effort means that the contractor makes every effort to fulfill their CPP requirement. This can include posting jobs on the PA CareerLink website or working with a local E&T provider to seek out qualified TANF applicants for open positions. It also means maintaining up to date reporting in CWDS to reflect active engagement with program requirements.
	RFA Section	Question	Answer
124	Page 91 Part IV, Section IV-21.	Would the Commonwealth accommodate a collaborative Agile methodology for Software Development and Acceptance?	Applicant should explain its methodology in its application.
	RFA Section	Question	Answer
125		Is this meeting being recorded? If so, will the Department make the meeting recording available to attendees? It would be helpful to pass along the meeting to our HR department concerning the SDB/VBE and Partnership Participation.	The Pre-Application Conference was not recorded. Please refer to Addendum 1.

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	RFA Section	Question	Answer
126		Will these slides be posted to DGS site for quick reference?	Please refer to Addendum 1.