

# STATE OF OREGON



## COVER PAGE

Department of Human Services

**NURSING FACILITY, RESIDENTIAL CARE**

**AND ASSISTED LIVING FACILITY**

**CAPACITY DETERMINATION FOR COVID 19 CARE**

Request for Applications (RFA)

**DHS-5049-20**

Date of Issue: July 17, 2020

Closing Date: November 30, 2020

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## SECTION 1: GENERAL INFORMATION

### 1.1 INTRODUCTION

The State of Oregon, acting by and through the Department of Human Services (“DHS”), Aging and People with Disabilities Division, Administration/Central Office herein after referred to as “Agency”, is seeking Applications from interested Residential Care Facilities, Nursing Facilities and Assisted Living Facilities, hereinafter referred to as “Facilities” in the Portland and Salem Metro areas who have capacity to serve COVID-19 positive individuals requiring long term care services.

### 1.2 SCHEDULE

The table below represents a tentative schedule of events. All times are listed in Pacific Time. All dates listed are subject to change. N/A denotes that event is not applicable to this RFA.

Event	Date	Time
RFA Opens	July 17, 2020	3:00 PM
<b>Questions / Requests for Clarification Due</b>	Questions can be submitted to the SPC at any time until the RFA closes.	
<b>Applications due</b> Applications will be accepted and are due up until the day and time stated.	The last business day of each month until RFA Closure	3:00 PM
<b>RFA Final Closure unless otherwise amended.</b>	November 30,2020	3:00 PM
<b>RFA Care Application Evaluation</b>	Not later than the second week of each month following stated due dates	
<b>Applicant Applications Intent to Award Notices</b>	Notices will be sent by email by SPC to each Applicant awardee after completion of evaluation.	

### 1.3 SINGLE POINT OF CONTACT (SPC)

The SPC for this RFA is identified on the Cover Page, along with the SPC’s contact information. Applicant will direct all communications related to any provision of the RFA, whether about the technical requirements of the RFA, contractual requirements, the RFA process, or any other provision only to the SPC.

## SECTION 2: AUTHORITY, OVERVIEW, AND SCOPE

### 2.1 AUTHORITY and Method

Agency is authorized to issue this Request for Application (RFA) through the Oregon Department of Administrative Services (DAS) OAR 125-246-0170(2), Statutes and Rules found in ORS 279B.085

### 2.2 DEFINITION OF TERMS

For the purposes of this RFA, capitalized words will refer to the following definitions.

### 2.2.1 General Definitions

Capitalized terms not specifically defined in this document are defined in OAR 125-246-0110.

### 2.2.2 Project Specific Definitions

- a. **Approved Care Facility** Means a Care Facility that has submitted an Application to be considered for a Contract award to provide licensed care services described in the Scope of Work Section 2.4 to residents from any care facility that have tested positive for COVID19. Applicant's Application in response to this RFA will first be reviewed by the SPC for completeness and further evaluated by Agency as described in Section 3.4.1; evaluated by Agency committee as described in Section 3.4.2; with the assigning of a score that will be ranked for Contract Award as described in Section 4.1.2.
- b. **Care Facility** for the purposes of this RFA means either an **Oregon Licensed Residential Care Facility, Nursing Home** or an **Assisted Living Facility** that provides services as a twenty- four hour residential care facility, as they are defined in OAR 411-086, etal (Nursing Homes), and OAR 411-054, etal (Residential Care and Assisted Living).

## 2.3 OVERVIEW

- 2.3.1 This RFA is in response to the state of emergency declared by the Governor on Saturday, March 7, 2020 and pursuant to the Major Disaster Declaration number DR4499OR as a direct result of the COVID-19 pandemic. This RFA shall be governed by the Scope of Work and related terms and conditions. Contracts awarded will be conditioned upon the statements of work found in the Attachment C, Sample Contract with final terms and conditions related to bed capacity and provision of care to COVID-19 positive individuals in need of long-term care. Rates to be negotiated with any Approved Care Facility awarded as a result of this RFA.
- 2.3.2 This RFA is open to Care Facilities in the Portland and Salem Metro area who submit an Application for review and evaluation to become an "Approved Care Facility".
- 2.3.3 Facilities as a result of this RFA will be utilized by the Agency to work with long-term care residents who have tested positive for the COVID-19.

## 2.4 SCOPE OF WORK

- 2.4.1 Facilities are being sought to provide direct long-term care services for clients who have tested positive for the COVID-19 virus. Approved Facilities will receive referrals from various sources, including the Agency. Approved facilities will be required to submit a prior authorization to the agency before admitting any new resident. Facilities will act timely in responding to prior authorizations issued by the Agency.
- 2.4.2 The RFA is open to Facilities that comply with all pertinent DHS Administrative Rules, including Oregon Administrative Rules (OAR's) 411-085-0000 through 411-085-0370, 411-086-0010 through 411-086-0360, 411-087-0005 through 411-087-0490, 411-089-0010 through 411-089-0150, 411-054-0000 through 411-054-0200 and 411-057-0100 through

411-057-0160, as well as State Laws and Federal Regulations.

- 2.4.3** Facilities in addition to standard licensing protocols for these types of facilities must also meet specific requirements in response to this COVID-19 virus outbreak, as follows:
- a. Have capacity to isolate residents for short term stays and be able to isolate the identified beds from other areas.
  - b. Possess a license free of conditions.
  - c. Meet or exceed staffing standards. Ensure that staff are currently trained in infection control standards and practices. Ensure that staff are not shared in other non-COVID-19 positive areas of the facility.
  - d. Have a facility in the Portland and Salem Metro area limited to the counties stated in Attachment B , section B3. .
- 2.4.4** Facilities who apply to provide care in the State of Oregon must have appropriate Oregon issued licensure based on the levels of care they provide and must be in the State of Oregon. This information will be documented on the Attachment A found in ORPIN as a separate document.
- 2.4.5** Facilities who provide services described in this RFA Scope of Work will utilize communication, and management skills in accepting any appropriate resident referrals from private sources and the Agency while working directly with residents who have been accepted for placement in their facility.
- 2.4.6** The Agency will provide the care facility with a prior authorized referral form. The facility will be responsible for screening the potential resident to ensure they can provide adequate care services. Facilities will submit a completed prior authorization request to the agency. The agency will respond with an approval or denial of the prior authorization request.
- 2.4.7** Facilities will provide the Agency progress reports prepared timely. The frequency will be determined by the Agency depending on the individual circumstances detailed in each referral with time periods established prior to the start date of services.
- 2.4.8** Facilities Service Periods under this RFA will have specific parameters that will need to be followed based on the bed capacity that needs to be maintained to provide a proper response to the COVID-19 virus outbreak.
- 2.4.9** Agency through the RFA process is seeking to determine the total capacity available for Facilities that can provide beds in response to the COVID19 pandemic. Applications from qualified Facilities is part of this Facility Capacity Determination by seeking capacity to serve COVID-19 positive individuals requiring short term care services and intends to award Contracts for an initial 90-day Contract period beginning approximately July 31, 2020 with additional 90-day periods of extended services upon satisfactory service and by mutual agreement between Agency and each Facility.

## SECTION 3: APPLICATION REQUIREMENTS AND EVALUATION

The SPC on behalf of the Agency is expecting to receive applications from qualified Applicants submitted to the SPC at their office address found on the cover page.

### 3.1 APPLICATION REQUIREMENTS

Applicant Applications will provide a response to the Scope of Work described in Section 2.4 addressing requirements in this section.

#### 3.1.1 Applicant Experience and Regulatory Requirements

- a. Applicant must have a minimum of five years of operating a Nursing Home, Residential Care Facility or Assisted Living Facility in Oregon to be recorded on Attachment A .
- b. Applicants must describe their current capacity to isolate COVID-19 affected residents with specific beds identified and isolated from other areas, summarized on Attachment B.
- c. Applicants must meet all regulatory requirements under license to provide care services as licensed by the Agency as described in the Scope of Work.
- d. Applicants must provide documentation on how they meet or exceed regulatory staffing standards, as summarized on Attachment B. with an attached roster of staffed positions and vacant positions.
- e. Attachment B will summarize the Applicants experience and identify locations where care services will be provided.
- f. Technical Requirements will be used to evaluate each Applicant and determine how well they have responded to the requirements of this RFA to be evaluated by committee through a scoring process and ranking of each Applicant.

#### 3.1.2 APPLICATION PACKET FORMAT AND CONTENTS

Application Packet will include only one set of Application documents, including Attachment A and B along with staffing rosters, and written supplemental materials requested in Attachment A and B.

- a. **Application Paper Format and Page Limitations** , Applicants **written** supplemental materials **requested** will use standard weight paper 8 ½ inch by 11inch paper, preferably recycled materials, if available to the Applicant. Written supplemental materials requested in Attachment B , Section B3 will be typewritten in at least 12 point font and limited to **two pages total** , not including Attachments or staffing rosters requested. .
- b. **Application Attachments** ATTACHMENT A: APPLICANT IDENTIFICATION AND CERTIFICATION STATEMENTS and ATTACHMENT B APPLICANT BUSINESS AND SERVICE CAPACITY INFORMATION.

### 3.2 APPLICATION SUBMISSION REQUIREMENTS

Application Packet will be submitted to the SPC at their office and address stated on the cover page.

### 3.2.1 Application Submission

Applicant is solely responsible for ensuring its Application Packet is received by the SPC prior to each month's deadline stated in Section 1.2 and prior to the final deadline stated for this RFA.

- a. Application Packet submission methods include mail, email, or fax machine using the information found on the cover page listing the SPC. Agency is not responsible for any misdirected deliveries, or late deliveries of Application Packets.
- b. Application Packets must be submitted in the formant as described in Section 3.1.2 submitted either by *mail*, email or fax. The Applicant in sending the Application Packet to the SPC by *email* or *fax* must identify the Applicant name and address along with the alphanumeric identification "DHS RFA 5049" on the *fax* cover page or email subject line.

### 3.2.2 Authorized Representative

A representative authorized to bind the Applicant will sign the Application. Failure of the authorized representative to sign the Application may subject the Application to rejection by Agency.

### 3.2.3 ATTACHMENT A - APPLICANT IDENTIFICATION AND CERTIFICATION STATEMENTS

This Attachment allows the Applicant to specifically identify business, with contact information and the years of service as a licensed facility. The Attachment also includes a certifications statement for compliance with rules and regulations governing the RFA process and requirements that will apply to contracts that may be awarded.

### 3.2.4 ATTACHMENT B -APPLICANT BUSINESS AND SERVICE CAPACITY INFORMATION

This Attachment B allows the Applicant to provide specific information about location of services, capacity and provide a response to both Section 3.1.1 Applicant Experience and Section 3.2.5 Technical Requirements.

### 3.2.5 Applicant Technical Response Requirements

The following Technical Response Requirements will be evaluated in addition to the SPC Screening the recrement are stated as follows:

- a. **Applicant** in listing their facility or facilities certifies they facility has a current license free of conditions and is in the Portland/Salem, area limited to the counties stated on the Attachment B , Section B 3 and B5.
- b. **Resident Isolation Capacity** Does the facility have capacity to isolate residents and staff for short term stays?
- c. **Staffing and Staff Training** Does the facility meet or exceed regulatory staffing standards and are all staff trained in infection control standards and practices;
- d. **Care Facility Level of Service, Number of Beds and Rate of Payment** To be considered for this RFA, the care facility will submit a proposed rate for the provision of services listed in

the Scope of Work. The proposed rate may include a Bed Hold rate. The proposal should include the type of facility and level of care (skilled nursing facility, memory care unit, assisted living or residential care). The proposal must also include the number of designated beds the facility has identified for this RFA.

### **3.2.6 Public Record/Confidential or Proprietary Information**

All Applications are public record and are subject to public inspection after Agency has determined each Approved Care Facility added to the list of Approved Care Facilities. If Applicant believes any of its Application materials are exempt from disclosure under Oregon Public Records Law (ORS 192.311 through 192.478) the Applicant must indicate clearly by providing a fully redacted version of the Application in addition to the original.

## **3.3 PROCUREMENT PROCESS**

### **3.3.1 Questions / Requests for Clarification**

All inquiries, whether relating to the RFA process, administration, deadline or method of award, or to the intent or technical aspects of the RFA must:

- e. Be emailed to the SPC,
- f. Reference the RFA number - DHS-5049-20,
- g. Identify Applicant's name and contact information,
- h. Be sent by an authorized representative.
- i. Refer to the specific area of the RFA being questioned (i.e. page, section and paragraph number); and
- j. Be received by the due date and time for Questions/Requests for Clarification identified in the Schedule (See section 1.2)

### **3.3.2 Modification or Withdrawal of Applications**

Any Applicant who wishes to make modifications to an Application already received by Agency will submit its modification in one of the manners listed in the Application Submission Options section and must denote the specific change(s) to the Application submission.

- a. If an Applicant wishes to withdraw a submitted Application, they will do so prior to final closing date in each month's due dates or before the final Closing stated in Section 1.2.
- b. The Applicant will submit a Written Notice Signed by an authorized representative of their intent to withdraw their Application in accordance with OAR 125-247-0440.
- c. The notice must include the RFA number and be submitted to the SPC.

### **3.3.3 Application Due**

Applications will be due based on the he schedules found in Section 1.2 of this RFA.

- a. Applicants must ensure that Application Packet are delivered on the date and before the deadline stated in Section 1.2.



- b. Applications will be collected and batched together for review by the designated Agency Committee.
- c. Applications received after the final closing date for each month's deadline stated in Section 1.2 will be held over by the SPC for the next month when Application screenings are completed using the Screening Matrix.
- d. Applications received after the final closing date of the RFA stated in Section 1.2 will be considered Late and non-responsive not to be considered any further for the month and placed in the secure shred bin by the SPC.

### 3.3.4 Application Rejection

Agency may reject an Application for any of the following reasons:

- a. Applicant fails to substantially comply with all prescribed RFA procedures and requirements, including but not limited to the requirement that Applicant's authorized representative sign the Application in ink.
- b. Applicant fails to meet the responsibility requirements of ORS 279B.110.
- c. Applicant attempts to inappropriately influence any state representative or state employee.
- d. Application rejection falls within one of the "Reservation of DHS Rights", as identified in Section 5.5 of this RFA.

## 3.4 EVALUATION PROCESS

Applicant's Applications submitted to become an Approved Care Facility will go through a review process and Application evaluation as described in this Section.

### 3.4.1 Responsiveness and Responsibility Determination

Applications received in each month by the deadlines stated in Section 1.2 will be opened and reviewed by the SPC for both Responsiveness and Responsibility.

- a. Responsiveness is a determination by the SPC to make certain that each Applicant has responded to all RFA Application submission requirements and all documents can be found in the Application packet as described in Section 3.2
  - (1) Applications that seem to be fully responsive but need clarification by the SPC can be considered but SPC will need to confirm with the Applicant where the item in question can be found in their Application packet materials.
  - (2) Clarifications may not be used to rehabilitate a non-Responsive Application where requested materials have not been clearly provided. Missing materials not included as determined by the SPC will result in the Application being considered Non-Responsive and will be rejected in the specific month of evaluation.
  - (3) Clarifications where a mistake is found may be determined in accordance with OAR 125-247-0470 and may be corrected at the direction of the SPC.
- b. Responsibility is determined by the SPC through the Oregon Secretary of State for Registered business and the Federal Systems of Award Management to determine if Applicant is federally debarred from participating in a procurement in the state of Oregon.

### 3.4.2 Application Review and Acceptance

The Applications meeting all requirements for application submission described in Section 3.2 will be reviewed for Responsiveness as described in Section 3.4.1. Applications that meet these two requirements will then be submitted to an Agency program evaluation committee made up of subject matter experts to be evaluated based on the criteria set out in the RFA Scope of Work , Application submission requirements and assigned scores according to the Screening Matrix criteria found in Section 3.4.3.

### 3.4.3 Screening Matrix

Agency will select a committee of subject matter experts who will review all applications following each monthly deadline. All Applications will be screened and scored not later than 14 days following each monthly deadline. Agency will use screening matrix below to review and screen each Application. Each Application must meet at least 70 % of the total possible score for each individual evaluation criteria. Applications will need to pass the following criteria to be considered acceptable and be considered to have passed the evaluation process. \*

#### **Application Screening Matrix for Approving Applicants to become Approved Care Facilities**

Agency will use screening matrix to review and screen each Application. The Agency will provide a scoring rubric upon request.

<b>RFA Section</b>	<b>Header Title/Subject Matter</b>	<b>Screening Points Possible</b>	<b>Required points to Pass*</b>
3.2.3 and 3.4.1	Determination of Responsiveness and Responsibility requirements by SPC. and Attachments A and B	Pass/Fail	SPC reviews
3.2.5 Section “a”	Applicant Technical Requirements “ <b>Care Facility Status and Location</b> ”	20	14*/20
3.2.5 Section “b”	Applicant Technical Requirements “ <b>Resident Isolation Capacity</b> ”	20	14*/20
3.2.5 section “c”	Applicant Technical Requirements “ <b>Staffing and Staff Training</b> ”	20	14*/20
3.2.5 Section “d”	Applicant Technical Requirements “ <b>Proposed Level of Service, Number of Beds and Rate</b> ”	20	14*/20
<b>Grand total possible Scores</b>			<b>56*/ 80</b>
<b>* Total score for each requirement must be at 70% or greater to pass screening.</b>			

## SECTION 4: NOTIFICATION

### 4.1 NOTIFICATION PROCESS

#### **4.1.1 Public Notice**

The RFA, including all Addenda and attachments, is published in the Oregon Procurement Information Network (ORPIN) at <http://orpin.oregon.gov>. RFA documents will not be mailed to prospective Applicants.

Agency shall advertise all Addenda on ORPIN. Prospective Applicant is solely responsible for checking ORPIN to determine whether any Addenda have been issued. Addenda are incorporated into the RFA by this reference.

#### **4.1.2 Notification to Applicants**

As review and screenings occur, and final determinations are made on a monthly basis by Agency. Applicant notifications will be sent to Applicants by the SPC. Applicant approval shall be based on Responsiveness and Responsibility Determination by the SPC and Application Review and Acceptance by the Agency evaluation committee with scoring based on the Application Screening Matrix. This Applicant notification will be for official approval of the Applicant to be an Approved Care Facility. The Agency will separately provide a public notice in a manner of their choosing, signifying that the Applicant is an Approved Care Facility who is available to work with those Residential Care and Assisted Living Facilities that will be referred by the Agency for services.

## **SECTION 5: ADDITIONAL INFORMATION**

### **5.1 GOVERNING LAWS AND REGULATIONS**

This RFA is governed by the laws of the State of Oregon. Venue for any administrative or judicial action relating to this RFA, evaluation and award is the Circuit Court of Marion County for the State of Oregon; provided, however, if a proceeding must be brought in a federal forum, then it must be brought and conducted solely and exclusively within the United States District Court for the District of Oregon. In no event shall this Section be construed as a waiver by the State of Oregon of any form of defense or immunity, whether sovereign immunity, governmental immunity, immunity based on the eleventh amendment to the Constitution of the United States or otherwise, to or from any Claim or from the jurisdiction of any court.

### **5.2 OWNERSHIP/PERMISSION TO USE MATERIALS**

All Applications submitted in response to this RFA become the Property of Agency. By submitting an Application in response to this RFA, Applicant grants the State a non-exclusive, perpetual, irrevocable, royalty-free license for the rights to copy, distribute, display, prepare derivative works of and transmit the Application solely for the purpose of evaluating the Application, negotiating an Agreement, if awarded to Applicant, or as otherwise needed to administer the RFA process, and to fulfill obligations under Oregon Public Records Law (ORS 192.311 through 192.478). Applications, including supporting materials, will not be returned to Applicant unless the Application is submitted late.

### **5.3 CANCELLATION OF RFA; REJECTION OF APPLICATIONS; NO DAMAGES.**

Pursuant to ORS 279B.100, Agency may reject any or all Applications in-whole or in-part; or may cancel this RFA at any time when the rejection or cancellation is in the best interest of the

State or Agency, as determined by Agency. Neither the State nor Agency is liable to any Applicant for any loss or expense caused by or resulting from the delay, suspension, or cancellation of the RFA, Notification of inclusion on Agency’s List of Approved Care Facilities, or rejection of any Application.

#### **5.4 COST OF SUBMITTING AN APPLICATION**

Applicant will pay all the costs in submitting its Application, including, but not limited to, the costs to prepare and submit the Application, costs of samples and other supporting materials, costs to participate in demonstrations, or costs associated with protests.

#### **5.5 RESERVATION OF AGENCY RIGHTS**

- 5.5.1** AGENCY reserves the right to close this RFA prior to closing date listed in the Schedule (Section 1.2). AGENCY will post an addendum to ORPIN within 7-10 calendar days of RFA closure, with notification of exact closing date and time.
- 5.5.2** Amend or cancel this RFA without liability if it is in the best interest of the state to do so, in accordance with ORS 279B.100;
- 5.5.3** Reject any and all Applications received by reason of this RFA upon finding that it is in the best interest of the state to do so, in accordance with ORS 279B.100;
- 5.5.4** Waive any minor informality with the provisions or procedures of this RFA, and to seek clarification from the Applicant, if required;
- 5.5.5** Reject any Application that fails to substantially comply with all prescribed procurement procedures and requirements;
- 5.5.6** Negotiate the statement of work within the scope of work described in this RFA and to negotiate the rates;
- 5.5.7** Extend, amend or negotiate any contracts that are a result of this RFA, in accordance with the terms and conditions of the Form Contract;
- 5.5.8** Engage Contractor by selection or procurement for different or additional services independent of this RFA process or any contracts or agreements entered into pursuant hereto;
- 5.5.9** Reject any Application upon finding that to accept the Application may impair the integrity of the procurement process or that rejecting the Application is in the best interest of the State.

## **SECTION 6: LIST OF ATTACHMENTS**

### **SECTION 7: ATTACHMENT A: APPLICANT IDENTIFICATION AND CERTIFICATION STATEMENTS**

**SECTION 8: ATTACHMENT B APPLICANT BUSINESS AND SERVICE CAPACITY INFORMATION**