

## **Offeror Questions and NMMRC Responses**

### **RFP NUMBER MedRevBd 2023-01**

1. If the State Bar is awarded this contract, is there a deadline for having this project transitioned from its current location to the State Bar?

**Response:**

**The NMMRC is not imposing a deadline. However, if the existing vendor is not awarded the contract, there is no written contract, currently, therefore the transition time, if needed, must be determined either by oral agreement or legal requirement. Time, to be determined, would be allowed for transition.**

2. One of the elements listed under *1. Administrative Functions, a. Processing of Applications* on page 6 is "Verifying certifications of coverage as QHP under the Act." The RFP does not define QHP and we could not find a definition of QHP in the Medical Malpractice Act.
  - a. What is the definition of QHP in the context of this RFP and what does it mean to verify certifications of coverage as QHP?

**Response:**

**QHP (Qualified Health Plan) refers to a provider whose carrier has contributed to the Patient Compensation Fund as required by law in order to be entitled to the protections of the Medical Malpractice Act.**

**Not all QHPs are entitled to a panel hearing under the Act passed in 2021. When applications for panel review are submitted and received, the vendor must determine who is being named in the application and then submit those parties to the Office of the Superintendent of Insurance for a determination whether their insurance carrier has complied with the requirements of the Act to be a QHP.**

**At times the OSI records are incomplete or incorrect, and verification is also done through the providers legal counsel, the carrier and OSI. Verification as a QHP is one step in determining if a named party is entitled to a hearing.**

3. Our understanding is that this project is currently housed at NM Medical Society and would need to be moved to the State Bar, if the State Bar is awarded the contract. We have the following questions regarding this process.
  - a. Is there a Case Management System (CMS) and/or other systems/processes currently in place for maintaining records?
  - b. If there is a system in place, what are the systems and would they be transitioned to the State Bar?
  - c. If there is not a system currently in place, what format is the data in?
  - d. Roughly, how much data is contained in the CMS and other systems?
  - e. Are there also paper records? If so, roughly how many?
  - f. Is there a knowledgeable person who would assist with the transition of the systems, processes, and records to the State Bar?

**Response:**

**The decision where to house the NMMRC is up to the responding parties. The RFP simply advises of the requirement for housing. There are paper records and computer records on the New Mexico Medical Society server concerning NMMRC operations. A case management system has been selected**

and will be purchased once a contract is awarded. The party that is awarded the contract will be required to purchase the software and be reimbursed by the OSI, and will be responsible for setting up and utilizing the software to maintain all future records. There are paper records and electronic data dating to 2014.

Any assistance with transition of records would be handled between the party awarded the contract and the current vendor. It would be expected that the current vendor would cooperate in transferring records, all of which are the property of the NMMRC.

4. What entity is currently handling the Fiscal and Budgetary Administration of the project described on page 7 of the RFP?
  - a. What type of software is currently being used to perform these functions?
  - b. What types of records would need to be transferred in support of the project?
  - c. Is there a knowledgeable person who would assist with the transition of fiscal and budgetary information?

**Response:**

The referenced work is currently being handled by an employee of the New Mexico Medical Society who handles the same duties for the NMMS. The work consists of processing vendor invoices, panel chair invoices, and the NMMS billing for the operations of the NMMRC, and then submitting a monthly invoice to the Office of the Superintendent of Insurance.

The process in 2022 involved five or less monthly invoices. The information billed is kept for yearly totals and information. It is not known what software if any was used. The current Executive Director uses Word for invoicing and maintains the document on his laptop. OSI presumably maintains these records as well. It is unlikely any records would need to be transferred other than financial records kept from prior years. It is not known what records still exist or how they have been maintained. The party awarded this contract could check with the NMMS about assisting with transition and make those arrangements.

5. The first bullet under 2. *Office and Facility Requirements* on page 6, requires the Offeror to “provide sufficient employees and supervisory personnel to accomplish the Commission functions.” It also notes that there are presently two full-time employees dedicated to the work of the Commission.
  - a. Would the current employees transition with the project to the State Bar?
  - b. Would the current employees become State Bar employees, or would they be employees of the Commission?
  - c. If their salaries are to be included in this proposal, what are the salaries?
  - d. Are special office arrangements required for the staff working on this project to be compliant with HIPPA? For example, do project staff need dedicated copying, scanning, faxing capabilities and individual offices rather than cubicles.
  - e. Are the two staff members mentioned in this section the same as the staff person and program manager referenced in the last paragraph of page 7?
    - i. If not, who are the staff person and program manager employed by?

**Response:**

The current employees are employed by the New Mexico Medical Society. Therefore, they would not transition with the project. The Commission has no employees, and the party awarded this contract will need to provide employees to perform the necessary duties. We are unable to provide the salaries as they are not employed by the NMMRC.

HIPPA compliance is required in all aspects of the duties and responsibilities. Presently the provided employees use NMMS equipment and have their own offices. However, HIPPA compliance may or may not require this.

The only staff for the NMMRC is the Executive Director (Ned Shepherd). The staff provided by the winning bidder- the NMMS provided two full time and one ¼ as described in the RFP)

6. The fifth bullet under 2. *Office and Facility Requirements* on page 6, requires the Offeror to provide a physical meeting room for the project. Must this meeting room be dedicated to the project or can it also be used for other purposes? If the room can also be used for other purposes, what is the expected frequency of use of the room by the project.

**Response:**

The room may, of course, be used for other purposes. It is anticipated the room will be needed very infrequently. One or two meetings with the Review Committee may be required yearly. In-person panel hearings are the main reason the room is needed. They occur on weekday evenings. An in-person hearing has not been requested since before the pandemic.

7. Is the Offeror required to include the Director's salary in its cost proposal? If so, what is the Director's salary?

**Response:**

No

8. Appendix C: Campaign Contribution Form requires the prospective contractor to disclose campaign contributions given to an "applicable public official" for the prior two years. Who are the specific "applicable public officials" associated with this RFP?

**Response:**

This form is required by NM procurement code. It was created by the General Services Department and is standardized. Additional information is attached.

9. Page 10 regarding *Contract Terms and Conditions*, encourages a flat rate billable hour. Do you want one billed hourly rate for the full project? Or one billable hourly rate per staff member, to include benefits, purchases, IT applications, monthly subscriptions, office space, as well as, room rentals and miscellaneous expenses billed separately?

**Response:**

How the responding party proposes to bill for required services is up to that party. One or more options can be presented. The billable hour option is suggested as simplest for responding parties to propose as opposed to anticipating unknown or unexpected costs.