



**Washington Health Benefit Exchange**  
**RFQQ 17-006 Addendum 1**  
 June 1, 2017

**TO:** Potential Bidders for RFQQ 17-006 and Other Interested Parties  
**FROM:** Erin Hamilton, RFQQ Coordinator  
**SUBJECT:** Addendum 1 to RFQQ 17-006 “Presiding Officer Services for WAHBE Appeals”  
**PURPOSE:** To amend specific provisions of RFQQ 17-006 and to provide responses to questions submitted by potential bidders by the May 26 deadline.

- HBE’s responses to bidder questions submitted by the May 26 deadline are provided as an attachment to this Addendum.
- RFQQ, Section 1.1 INTRODUCTION, is amended to read as follows where ~~interlined~~ material is deleted and red underlined material is new:

The Washington Health Benefit Exchange (HBE) is initiating this Request for Qualifications and Quotations (RFQQ) to secure Vendors to preside at administrative hearings as part of the implementation of the Affordable Care Act (ACA). The HBE will award up to ~~three (3)~~ five (5) optional use contracts to respondents most capable of satisfying the required levels of experience and expertise. The actual number of contract awards is at the sole discretion of HBE. Because these will be optional use contracts, if awarded a Contract, there is no guarantee of any payment or work. The successful Respondent(s) may be required to perform a variety of HBE responsibilities, as defined in Statements of Work (SOW), throughout the term of the resulting Contract.

- The scoring table provided in RFQQ, Section 4.4 EVALUATION PHASE I, is amended as follows where ~~interlined~~ material is deleted and red underlined material is new:

SCORE	
REQUIREMENTS/CRITERIA	
Submission of all Mandatory Requirements	<i>Pass/Fail</i>
	WEIGHT ASSIGNED
Required Qualifications/experience of Candidate(s) – Sections <del>2.8.3 and 2.8.4</del> <u>2.9.3 and 2.9.4</u>	50
Desirable Experience and Qualifications of Candidate(s) – Section <del>2.8.5</del> <u>2.9.5</u>	20
Cost for Services – Section <del>2.8.6</del> <u>2.9.6</u>	30
<b>TOTAL</b>	<b>100</b>

4. RFQQ, Section 1.9 AWARD, is amended to read as follows where ~~interlined~~ material is deleted and **red underlined** material is new:

Up to ~~three (3)~~ **five (5)** Apparently Successful Vendors (ASVs) will be identified via this RFQQ. HBE intends to award up to ~~three (3)~~ **five (5)** Contracts.

5. Sample Contract, Section 19 INSURANCE, is hereby removed in its' entirety and replaced with the following:

#### **19. INSURANCE**

19.1 CONTRACTOR shall provide insurance coverage as set out in this section. The intent of the required insurance is to protect the Exchange should there be any claims, suits, actions, costs, damages or expenses arising from any negligent or intentional act or omission of the CONTRACTOR or subcontractor, or agents of either, while performing under the terms of this contract.

19.2 The CONTRACTOR shall provide insurance coverage, which shall be maintained in full force and effect during the term of this contract, as follows:

- Automobile Liability. In the event that services delivered pursuant to this contract involve the use of vehicles, either owned or unowned by the CONTRACTOR, automobile liability insurance shall be required. The minimum limit for automobile liability is: \$300,000 per occurrence, using a Combined Single Limit for bodily injury and property damage.

19.3 The insurance required shall be issued by an insurance company/ies authorized to do business within the state of Washington. All policies shall be primary to any other valid and collectable insurance. CONTRACTOR shall instruct the insurers to give EXCHANGE thirty (30) calendar days advance notice of any insurance cancellation.

19.4 CONTRACTOR shall submit a certificate of insurance that outlines the coverage and limits defined in the Insurance section. CONTRACTOR shall submit renewal certificates as appropriate during the term of the contract.

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Please contact the RFP Coordinator at [contracts@WAHBExchange.org](mailto:contracts@WAHBExchange.org) if there are any questions concerning this Addendum.

Respectfully,



Erin Hamilton  
RFQQ Coordinator  
[contracts@wahbexchange.org](mailto:contracts@wahbexchange.org)

Vendor Questions and WAHBE Responses for RFP 17-006 – Presiding Officer Services for WAHBE Appeals

Question #	Document Reference	Vendor Question	HBE Response
1	Sample Contract, Section 19 “Insurance”, Pages 24-25	Will the insurance requirement be part of the final contract or can it be waived? I previously served on contract as a hearing officer for another Washington State agency. Any insurance requirement was waived.	The insurance requirements have been amended as part of this addendum.
2	Sample Contract, Sections 36-39 “Termination”, Pages 28-29	Under what conditions may the vendor terminate the contract? It appears that no provisions for vendor termination are included in the sample contract. It would appear reasonable for the vendor to be permitted to terminate upon 30, 60, or 90 days’ notice.	HBE will consider a vendor’s alternate contract terms including, but not limited to, requests for changes to the stated termination procedures. Any changes to the requirements listed in the sample contract will be negotiated with the Apparent Successful Vendor as part of the contracting process. In order to be considered, any proposed changes must be provided as part of the vendor’s RFQQ response, and should be included as part of their letter of transmittal.
3	General	How many appeals does WAHBE receive each year? What is the percentage of appeals that are resolved prior a formal hearing?	2015=806 appeals, 144 pre-hearing conferences, 18 hearings 98% resolved prior to hearing.  2016=706 appeals, 226 pre-hearing conferences, 13 hearings, 98% resolved prior to hearing.  2017 (thru May) = 525 appeals, 118 prehearing conferences, 18 appeals, 97% resolved prior to hearing.
4	General	Does WAHBE have a preferred method of attaching electronic signatures for Response to the RFQQ?	WAHBE does not have a preferred method. Acceptable methods include, but are not limited, signed and scanned PDF copies or electronic signature programs such as DocuSign or EchoSign.
5	RFP, Section 2.9.6.	Does WAHBE have preferred or established job titles that should be listed as part of the response to section 2.9.6.?	No.
6	General	Is there an established method of evaluating presiding officer performance?	Currently, the WA Health Benefit Exchange uses Informal conversation between the Associate Director and the Presiding Officer as necessary through the year. At least once a year, the Legal Services Division provides training to the Presiding Officers. At this meeting (conference call), Presiding Officers evaluate the work of the Appeals Specialists as well as discuss potential improvements to processes, templates, and invoicing.
7	General	Is WAHBE able to share the templates currently used by presiding officers?	The templates are attached below.

<First Name> <Last Name>  
<Mailing Address>  
<Mailing Address City>, <State> <Mailing Address ZIP/Postal Code>  
*Emailed to: <Appellant E-mail>*

<Authorized Rep Name>  
*Emailed to: <Authorized Rep Email>*

### ORDER DISMISSING APPEAL

Dear <First Name> <Last Name>:

The Washington Health Benefit Exchange recently received your request for an appeal hearing. I have denied your request because:

- You requested a hearing for something that cannot be appealed under the applicable federal regulations for appeals (45 C.F.R. 155).
- You sent your hearing request more than 90 days after the date you received the notice you disagree with.
- You failed to appear at your hearing.
- You withdrew (cancelled) your hearing request.
- Our records indicate the appellant passed away.

In other words, no hearing or other proceedings will occur in this matter. If you disagree with this dismissal, and you still want a hearing, you may request a review. You must request a review in writing within 30 days from the date of this order. You may request a Request for Review of Dismissal form by emailing [appeals@wabexchange.org](mailto:appeals@wabexchange.org) or faxing it to 360-841-7653.

Effect on your eligibility: Because your appeal has been dismissed, the eligibility decision from the Healthplanfinder including your coverage, tax credit or cost sharing amount remains unchanged. Be aware that if you elect to take an advanced premium tax credit at this time, that tax credit will be reconciled with the IRS when you file your taxes. The tax credit will be based on your actual total income for the year as provided on your tax return.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

By: <SIGNATURE OF PRESIDING OFFICER>  
Presiding Officer

cc: <WAHBE Staff>,

Attachments:

- a. Appeal/Hearing Request
- b. Application review materials
- c. Email communications
- d. Appeal Request Withdrawal

<First Name> <Last Name>  
<Mailing Address>  
<Mailing Address City>, <State> <Mailing Address ZIP/Postal Code>  
*Emailed to: <Appellant E-mail>*

<Authorized Rep Name>  
*Emailed to: <Authorized Rep Email>*

### **ORDER DISMISSING APPEAL**

On <DATE of WITHDRAWAL>,, <BUSINESS NAME> withdrew the request for hearing filed <APPEAL RECEIVED DATE>.

**It is ordered that the request for hearing is dismissed.**

No hearing or other proceedings will occur in this matter.

Signed this \_\_\_\_ day of \_\_\_\_\_ 2016.

By: <Presiding Officer's Name>  
Presiding Officer

cc: <Your Name>, Appeals Specialist

Notice to Employer: This order is based on the evidence and attestations presented to the Washington Health Benefit Exchange. Employers must still certify and reconcile the *Employer Shared Responsibility* with the IRS. The IRS has the final authority to determine whether the employer is subject to penalties regardless of the outcome of this appeal.

Employer May Ask the Presiding Officer to Reconsider: If the Employer disagrees with this decision, the employer may make a request to have the decision reconsidered. The employer should request this in writing within 30 days from the date of this order. A request to reconsider (vacate) the decision can be emailed to [appeals@wabhexchange.org](mailto:appeals@wabhexchange.org) or faxed to 360-841-7653.

Effect on the Employee's Eligibility: The employee updated his Healthplanfinder application to show that affordable employer-sponsored insurance was offered. The employee is ineligible for tax credit. If the employee disagrees with this decision, the employee may file an appeal upon receipt of the Washington Healthplanfinder new eligibility determination.

Attachments:

- a. Appeal/Hearing Request
- b. Appeal Request Withdrawal