

STATE OF MARYLAND
BOARD OF CONTRACT APPEALS
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SUMMARY ABSTRACT
DECISION OF THE MARYLAND STATE BOARD OF CONTRACT APPEALS

Docket No. 2292	Date of Decision: 11/01/02
Appeal Type: <input checked="" type="checkbox"/> Bid Protest	<input type="checkbox"/> Contract Claim
Procurement Identification: Under DHMH RFP No. DHMH-OCPPM-02-7279	
Appellant/Respondent: Koba Institute, Inc. Department Of Health and Mental Hygiene	

Decision Summary:

Competitive Negotiation - The discretion involved in the evaluation of the relative desirability and adequacy of proposals will not be disturbed unless unreasonable, arbitrary, or a violation of law or regulation.

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**BEFORE THE
MARYLAND STATE BOARD OF CONTRACT APPEALS**

In The Appeal of Koba)
Institute, Inc.)
)
) Docket No. MSBCA 2292
Under DHMH RFP No. DHMH-OCPMP-)
02-7279)

APPEARANCE FOR APPELLANT: Gregory B. Walz, Esq.
Koba Institute, Inc.
Silver Spring, MD

APPEARANCE FOR RESPONDENT: Barbara Hull Francis
Assistant Attorney General
Baltimore, MD

APPEARANCE FOR INTERESTED PARTY: Joseph P. Hornyak, Esq.
Potomac Ridge Behavioral Health, Sonnenschein Nath & Rosenthal
Adventist HealthCare, Inc. Washington, DC
(Potomac Ridge)

OPINION BY BOARD MEMBER HARRISON

Appellant timely appeals the denial of its protests on grounds that its proposal was not properly evaluated, that the procurement was violative of the State's Minority Business Enterprise (MBE) program because the stated MBE subcontracting goal in the Request for Proposals (RFP) was 0% and no consideration was given to Appellant's MBE status, and that the debriefing it requested was not conducted in accordance with COMAR 21.05.03.06. During the hearing of the appeal the Appellant withdrew its protests relating to the 0% MBE subcontracting goal and to the conduct of the debriefing. Thus these grounds for protest will not be further

discussed.¹

Findings of Fact

1. On February 26, 2002, the Department of Health and Mental Hygiene (DHMH) Mental Hygiene Administration (MHA) issued an RFP seeking a vendor to operate a fully integrated twenty-four (24) hour, secure, locked residential treatment center (RTC), nonpublic special education school and community reintegration program (a group home) with the capacity to serve twenty-six (26) seriously mentally ill and behaviorally disturbed adolescents on the grounds of Crownsville Hospital Center (CHC).
2. The RFP was broken down into several sections commencing with "Specific Requirements", which included subsections on the Purpose of the RFP, the Services to be Performed, and the Scope of the Work.² The sections on the "Organization of Proposal" (including the Proposal Format) and the "Evaluation

¹COMAR 21.11.03.14 provides that a protest under COMAR 21.10.02 may not be filed concerning any act or omission by a procurement agency under Chapter 03 dealing with MBE policies. For this reason the Board conveyed its belief to counsel during the appeal process that it lacked jurisdiction to consider the appropriateness of the 0% subcontracting goal. The Board also advised counsel that such issue of appropriateness of the 0% goal would have been apparent from a review of the RFP, thus requiring, under COMAR 21.10.02.03, a protest concerning the level of MBE participation to have been filed prior to the due date for receipt of proposals: this did not occur. Appellant also protested on grounds that Potomac Ridge had not demonstrated the ability to operate a nonpublic school as a minimum requirement under the RFP, that Potomac Ridge was not a responsible offeror and that award to Potomac Ridge was not demonstrated to be in the best interest of the State. To the extent these grounds of protest were not withdrawn at the hearing, the appeal on such grounds is denied because the record fails to factually support these grounds of protest. See the Evaluation Committee's written recommendation to the Procurement Officer that Potomac Ridge be awarded the Contract, at pp. 8-10 below. Allegations of evaluator and agency bias were withdrawn during the hearing, and, in any event, there is no evidence in the record to support such allegations. The record reflects that there was no material violation of law or regulation that would have affected the outcome of this procurement.

²The stated purpose of the program as set forth in the RFP "is to provide a continuum of services to meet the goal of community reintegration for the severely mentally ill adolescents admitted to the program. In delivering the services the provider is to assure that the services are congruent with the principles of a) unconditional care focused on developing each adolescent's strengths; b) continuity of care, consistency and predictability in the twenty-four (24) hour treatment/educational environment; c) consistent and continuous focus on the development of the life skills and social behaviors; and d) the delivery of treatment interventions which recognize and support cultural differences."

and Selection Procedure" set forth the factors for evaluating the proposals. These sections were followed by sections on "General Information and Instructions", "Appendices", and contract related documents.

3. The contract period was to be from July 1, 2002 to June 30, 2004, with three additional one-year option periods. Because the Contract was to be primarily funded with non-State public funds and private funds the technical proposal was the sole determining component of the award; no financial bid was required. Included in the award was the State's provision through a lease of three buildings on the CHC grounds, at a \$1.00 per year rental, and the opportunity for the contractor to be reimbursed for the services to the adolescents through the pre-established billing process for all providers. The Minority Business Enterprise subcontracting goal was 0%.
4. On March 5, 2002, MHA conducted a site visit of the buildings on the CHC campus, and on March 8, 2002, MHA held a pre-proposal conference. On March 15, 2002, MHA issued an Addendum, amending the RFP and extending the deadline for receipt of proposals from March 19, 2002 to March 26, 2002.
5. Four (4) vendors submitted proposals³ which MHA distributed to the Evaluation Committee (Committee) members. The Committee consisted of seven (7) multi-departmental⁴ representatives: Linda F. Bluth, Ph.D., Branch Chief, Community and Interagency

³The proposals were submitted by Chesapeake Treatment Centers, Inc. (Chesapeake); Koba Institute, Inc. (Appellant); Maryland Center for Youth and Family Development, Inc., T/A Edgemeade (Edgemeade); and Potomac Ridge Behavioral Health, Adventist HealthCare (Potomac Ridge).

⁴The departments in addition to the Department of Health and Mental Hygiene (DHMH) were the Maryland State Department of Education (MSDE), the Department of Human Resources (DHR) and the Department of Juvenile Justice (DJJ).

Services Branch, Division of Special Education and Early Intervention Services, MSDE; Christie Johnson, Grants and Program Development, Program Services, DJJ; Grace Turner, Program Manager, Licensing, Contracts and Monitoring, Social Services Administration, DHR; Frank Pecukonis, Anne Arundel Core Services Agency, and representatives from MHA, Albert A. Zachik, M.D., Assistant Director, Child and Adolescent Services; Susan R. Steinberg, Special Assistant to the Director of MHA; and Noreen (Freddie) Herbert, Chief of Managed Care Compliance who served as Chair of the Committee. Teresa Ammons of DHMH's procurement office and Fiona Ewan of MHA's procurement office attended the meetings of the Committee.

6. The Committee members independently reviewed the proposals and, on April 15, 2002, met to discuss the proposals. The Committee then issued written requests to all vendors, and the Committee asked if any of them wished to have oral presentations. No vendor requested an oral presentation, and all of them submitted written answers to the Committee's questions on April 19, 2002. On April 26, 2002, the Committee met again, reviewed the answers, and ranked the vendors using their evaluation rating form for guidance.
7. The Committee ranked Potomac Ridge first, followed by Edgemoade and Chesapeake. The Committee ranked Appellant last. The Committee submitted its recommendation to the Procurement Officer that Potomac Ridge be awarded the Contract. On April 29, 2002, the Procurement Officer approved the Committee's recommendation of Potomac Ridge and sent notice thereof to Potomac Ridge. The other offerors were advised that they would not be awarded the Contract.

8. On May 7, 2002, DHMH received a debriefing request from Appellant. On May 9, 2002, Appellant protested the Procurement Officer's determination to award the Contract to Potomac Ridge. MHA held the debriefing on May 13, 2002. On May 20, 2002, Appellant supplemented the reasons for its protests.
9. On June 7, 2002, DHMH issued its final decision, adopting the Procurement Officer's decision and rejecting Appellant's protests. Appellant received the decision on June 10, 2002 and noted its appeal to this Board on June 20, 2002. The Contract has been awarded to Potomac Ridge.
10. At the debriefing on May 13, 2002, which was attended by DHMH and MHA procurement officials, the Committee Chair advised Appellant of some of the reasons why its technical proposal was deemed weak or deficient.⁵ At that time, and throughout the hearing of the appeal, Appellant contested the decision of the Committee on certain areas of alleged weakness or deficiency. Appellant asserted that such determination of weakness or deficiency was unreasonable, an arbitrary abuse of discretion, or a violation of law or regulation under the standard of review enunciated in Beilers Crop Service, MSBCA 1064, 1 MSBCA ¶25(1982), and subsequent Board decisions.

Decision

Appellant asserts that the Committee failed to properly assess its proposal. The decision on this appeal will turn on the

⁵In an attempt to more fully inform the Appellant concerning areas in which its proposal was deemed weak or deficient, the Appellant was advised during the debriefing process, under COMAR 21.05.03.06, of specific comment by evaluators which was contained in the evaluation forms. Accordingly, the evaluation forms that pertained to evaluation by the evaluators of Appellant's proposal, with the names of the evaluators redacted, were introduced into evidence at the hearing. Ordinarily such matter would not be part of the record because the thoughts, notes, or rankings of individual members of an evaluation committee are not to be discussed or disseminated during the debriefing process. See COMAR 21.05.03.06B(2).

assessment of two areas of concern to the Appellant fairly encompassed by the protests filed below. The first is that the Committee (whose recommendations were adopted by the Procurement Officer) was improperly influenced by alleged erroneous information provided by one of the evaluators concerning Appellant's compliance with State law and regulation under its proposed Behavior Management Plan, which Plan is required in order to operate the school described by the RFP. Thus Appellant argues that the evaluation was fundamentally flawed because it was based in a material way on erroneous information. The second is that the evaluation form, used by the evaluators to assist them in evaluating and ranking the proposals, contained questions about the specifics of a proposal that did not correlate to the evaluation criteria set forth in the RFP and that certain minority and small business subcriteria of the Economic Benefit to the State evaluation criteria were not set forth in the evaluation form for consideration. Thus Appellant argues that the evaluation was not based entirely on the evaluation factors set forth in the RFP in violation of COMAR 21.05.03.03⁶ because the format of the evaluation form added factors not included in the RFP and left out factors that were set forth in the RFP.

Appellant's proposal was judged on twenty-three (23) evaluation factors and subfactors as set forth in the RFP in descending order of importance with the greatest emphasis being given to the Proposed Work Plan. This was followed by Experience

⁶Appellant also argues that certain matter in the scope of services or work statement in the RFP was not included as an evaluation factor in violation of COMAR 21.05.03.03. Any such defect would have been apparent from a reading of the RFP and thus a protest on such ground was required by COMAR 21.10.02.03 to have been filed prior to the due date for proposals. Since no timely protest was filed in this regard, we will not discuss the matter further. See Wilbanks Technologies Corporation, MSBCA 2066, 5 MSBCA ¶440(1998) and cases cited at p.3.

and Organization, Experience and Qualification of the Proposed Staff, Statement of the Problem, and Economic Benefits to the State. The Work Plan, the factor with the highest importance, was keyed to the services to be performed and to the scope of work as set forth in the RFP.

As noted, the Committee used an evaluation form as a tool to assist them in the rating of the vendors' proposals. All seven (7) members rated the proposals independently prior to discussions. The evaluation form consisted of 16 pages, broken down into five (5) sections covering the evaluation factors and subfactors as set forth in the RFP. There were forty-three (43) questions pertaining to evaluating the offerors' Work Plan. There were seven (7) questions pertaining to the Experience of the offerors' Organization or Firm, eleven (11) questions pertaining to the Experience and Qualification of the [offerors'] Proposed Staff, three (3) questions pertaining to the offerors' Statement of the Problem (understanding and solution) and five (5) questions pertaining to the Economic Benefit to the State. For most of the questions the ratings that could be checked were Excellent, Very Good, Good, Fair, Poor, and No Response. Some questions, however, were to be answered with "yes" or "no". The Committee often rated Appellant's proposal as only fair and often as poor, while it rated Potomac Ridge's proposal consistently as excellent or very good, with no Committee member ranking Potomac Ridge's proposal as fair or as poor on any question.

The Board finds that the sixty-nine (69) questions set forth in the 16-page evaluation form reasonably correlate to the evaluation criteria set forth in the RFP.⁷ It should also be

⁷We attach both the evaluation criteria set forth in the RFP and the evaluation form used by the Committee, respectively as Exhibits A and B, so that the interested reader may judge for himself the degree of correlation that

emphasized that the evaluation form was a tool to assist the evaluators in ranking the proposals and making a recommendation by the Committee to the Procurement Officer concerning award of a contract. To the extent one may find (and the Board does not) a lack of correlation between the evaluation form and the RFP evaluation criteria, such lack of correlation does not appear to have introduced impermissible, undisclosed evaluation factors through the evaluators use of the evaluation form. Also, the evaluation form did not fail to include matter, the absence of which may reasonably have led to a different ranking affecting the competitive position of the Appellant. In the Committee's written recommendation to the Procurement Officer concerning vendor selection, dated April 25, 2002, it is stated in relevant part:

The evaluation committee for the operation of the Maryland Mental Hygiene Administration program known as the Focus Point Continuum met on April 15 and 26, 2002 to review and recommend a vendor for contract award. The Focus Point continuum consists of a Residential Treatment Center (RTC), Special Education School and Community Reintegration Group Home located on the grounds of the Crownsville Hospital Center. Nineteen Request for Proposal documents were distributed and four vendors submitted proposals. Due to the diversity of services requested of this vendor, officials representing the Maryland State Department of Education (MSDE), Department of Human Resources (DHR), and Department of Juvenile Justice (DJJ) and the Anne Arundel County Mental Health Authority contributed their expertise to this review. The committee's recommendation of a vendor to operate this continuum and the ranking of the providers is unanimous...

The four program proposals were ranked

exists.

based on a complete and comprehensive review of all material submitted. This review consisted of the original response to the RFP as well as documentation submitted in response to questions asked by the selection committee. These questions were developed to allow further elaboration on areas which had not been addressed or needed additional clarification. The opportunity to make an oral presentation to the selection committee was offered and declined by all vendors.

A copy of the ranking is attached for your information. This ranking indicates that Potomac Ridge Behavioral Health (PRBH), Adventist Healthcare System was ranked as the committee's recommendation for award. The committee is recommending PRBH for the following reasons:

- 1) The committee is confident that three of the offerors are qualified to perform the services under this contract for which proposals were submitted, however PRBH presented a comprehensive plan to deliver a well-coordinated continuum as requested by the RFP. The Chesapeake Youth Center, Inc. and Maryland Center for Youth and Family Development, T/A Edgemoade did not present plans with a firm focus on coordination of care within the continuum. Although Koba Institute demonstrated a plan to secure certification from the Joint Commission for the Accreditation of Healthcare Organizations as required to operate the RTC and receive Medicaid reimbursement, the plan demonstrated insufficient planning to operate this segment of the program until accreditation is obtained. Therefore it would not be possible for them to immediately assume operation of the RTC and submit charges to Maryland Health Partners for payment by Medicaid.
- 2) The Behavioral Management Plan offered by PRBH demonstrated a clear and strong commitment to the provision of

unconditional care to this seriously disturbed population with a minimal need for outside assistance. This plan was superior to the others offered and focused on assuring optimal safety to the youth, staff and community.

- 3) The plan presented by PRBH to provide educational services was diverse and offered youth several options. This proposal also demonstrated a comprehensive knowledge of the disabilities enrolled youth will demonstrate. PRBH is currently approved to operate this type of educational program and is in good standing with MSDE.
- 4) PRBH demonstrates an overall plan to transition those individuals currently employed within the three segments of the program into the PRBH system and thus maintain their employment status. The plans offered by the three other vendors were less comprehensive and specific.
- 5) PRBH was the only offeror who demonstrated a strong commitment to assisting employees in attaining higher levels of education as identified as preferred for direct care staff in the RFP.
- 6) PRBH is a Maryland based company.

It is the committee's opinion that Potomac Ridge Behavioral Health, Adventism Health Care is fully qualified to provide the requirements identified under this RFP: that their proposal should be given consideration due to the overall evaluation and should be awarded the contract.

The language used in the Committee's recommendation does not suggest that the Committee placed any undue weight on any of the sixty-nine (69) evaluation form questions or that the Committee

evaluated the proposals on any basis not legitimately raised either directly or by necessary inference in the evaluation criteria set forth in the RFP. Concerning the Economic Benefit to the State of Maryland evaluation criteria, the Board finds that the evaluation form section for such benefits does not expressly include a question relating to subcontractor dollars committed to Maryland small business and MBE. However, one of the evaluators discussed the fact that Appellant was an MBE in his comments under question number 5 of the Economic Benefits to the State of Maryland section of the evaluation form, which asked in "yes or no" response fashion whether the offeror had explained any other economic benefits to the State. We also note that this particular economic factor is the least important of all the economic benefits subfactors and that economic benefits is the least important factor. We do not believe that the competitive position of the Appellant could reasonably have been affected assuming arguendo that the evaluators did not otherwise consider this subfactor even though not specifically set forth in the evaluation form.

Based on the entire record, the Board finds that the Appellant has not met its burden to prove that the evaluation was flawed by the evaluators' use of the evaluation form as an aid to the evaluation of the proposals, and the appeal on such grounds is denied.

Turning to Appellant's other area of concern we find that Appellant has not met its burden to show that the Committee (whose recommendation was adopted by the Procurement Officer) was improperly influenced by alleged erroneous information provided by one of the evaluators concerning Appellant's compliance with State law and regulation relating to its Behavior Management Plan. A Behavior Management Plan addresses the behavior management of

disturbed adolescents in the nonpublic school environment. Such a Plan must be approved by MSDE in order for a school to be certified.

Appellant focuses on the concern expressed by Dr. Bluth during the evaluator meeting of April 15, 2002 where the proposals were discussed that Appellant's Behavior Management Plan was flawed in certain respects. It appears that during or following this meeting (up until the time the evaluation forms were collected from the evaluators at the final evaluator meeting of April 26, 2002 when the vendors were ranked) that the evaluators changed their scoring for Appellant on several questions that pertained to the Appellant's proposal as it related to the operation of the school with the State-required Behavior Management Plan. In this regard it appears that at least four (4) evaluators (one of whom was Dr. Bluth) wrote a comment on question 22 that Appellant's policies and procedures relating to the Behavior Management Plan for the school (as discussed in its proposal) were not consistent with State law, which comment reflected information provided by Dr. Bluth that caused the remaining evaluators to change (lower) their scores for Appellant on questions that pertained to the Behavior Management Plan and the school. The Appellant argues that because it was certified by the State Board of Education to operate the school and had specifically addressed the development of its Behavior Management Plan with the State Department of Education in connection with the certification process that its Behavior Management Plan was in compliance with State law and the Plan (or portions thereof) was inappropriately discredited by Dr. Bluth whose position improperly affected the scoring by the other evaluators. We reject Appellant's argument.

Dr. Bluth and Ms. Herbert testified that they were concerned

with aspects of Appellant's Behavior Management Plan that involved an absence of parental involvement at the pre Individualized Educational Program meeting and the harshness of certain behavior management procedures. However, we note that the testimony of Ms. Herbert and Dr. Bluth reflected that all the evaluators were aware that the Appellant's school was certified by the State at the time of their deliberations and that a Behavior Management Plan was required for certification. Ms. Herbert and Dr. Bluth further testified that if the above was not the case the Appellant's proposal would have been rejected for failure to meet the basic requirements of the RFP. Dr. Bluth testified that Federal and State regulations, under the Individuals with Disabilities Education Act, are frequently modified. She further testified that aspects of Appellant's Behavior Management Plan were deficient based on recent regulatory modifications. The Board finds from the record that the Appellant's Behavior Management Plan in effect when it was certified in March of 1999 by the State Board of Education was essentially the same plan submitted in connection with its proposal. The record does not reflect that the low scoring relating to the Appellant's Behavior Management Plan was unduly influenced by Dr. Bluth's comments. We note that Dr. Bluth's comments that Appellant's policies and procedures were inconsistent with State law were made in connection with question 22 of the Work Plan section of the evaluation form, and the Committee did not go back and reconsider their evaluations on preceding questions, some of which dealt with aspects of the Behavior Management Plan. Also, the record reflects that at least two (2) evaluators had scored Appellant low on question 22 before attending the first evaluation meeting on April 15, 2002. We thus deny Appellant's appeal on this ground as well.

In summary, based on a review of the entire record, the Board concludes that in the award of the Contract by DHMH to Potomac Ridge the agency did not abuse its discretion or violate laws or regulations that had any material affect on the competitive standing of the offerors consistent with the standards previously enunciated by this Board. Baltimore Motor Coach Co., MSBCA 1216, 1 MSBCA ¶94(1985) at p.10; B. Paul Blaine Associates, Inc., MSBCA 1123, 1 MSBCA ¶58(1983) at p.11; Beilers Crop Service, *supra* at p.5; and more recently in APS Healthcare, Inc., MSBCA 2244, 5 MSBCA ¶504(2001).

Accordingly, the appeal is denied.

Wherefore it is Ordered this day of November, 2002 that the appeal is denied.

Dated:

Robert B. Harrison III
Board Member

I Concur:

Michael J. Collins
Board Member

Certification

COMAR 21.10.01.02 **Judicial Review.**

A decision of the Appeals Board is subject to judicial review in accordance with the provisions of the Administrative Procedure Act governing cases.

Annotated Code of MD Rule 7-203 **Time for Filing Action.**

(a) Generally. - Except as otherwise provided in this Rule or by statute, a petition for judicial review shall be filed within 30 days after the latest of:

- (1) the date of the order or action of which review is sought;
- (2) the date the administrative agency sent notice of the order or action to the petitioner, if notice was required by law to be sent to the petitioner; or
- (3) the date the petitioner received notice of the agency's order or action, if notice was required by law to be received by the petitioner.

(b) Petition by Other Party. - If one party files a timely petition, any other person may file a petition within 10 days after the date the agency mailed notice of the filing of the first petition, or within the period set forth in section (a), whichever is later.

* * *

I certify that the foregoing is a true copy of the Maryland State Board of Contract Appeals decision in MSBCA 2292, appeal of Koba Institute, Inc. under DHMH RFP No. DHMH-OCPMP-02-7279.

Dated:

Loni Howe
Recorder

EVALUATION AND SELECTION PROCEDURE

A. Evaluation Committee

The evaluation of proposals will be conducted by a committee established by the Department. During the selection process, the committee may request technical assistance from any source. Technical proposals will be reviewed by the evaluation committee and evaluated in accordance with the criteria listed below.

B. Evaluation Criteria

The evaluation criteria set forth below are arranged in **descending** order of importance. (1 is more important than 2 and 2 is more important than 3, etc.) Within each criteria, the subcriteria are also arranged in descending order of importance (a is more important than b).

1. Work Plan

Extent to which the proposed work plan and staffing succeeds in meeting the requirements of the RFP.

Does the proposal demonstrate a timeline, showing all critical steps of the project, with dates each task is to be completed, and the names (and positions) of staff responsible for completion of each task?

2. Experience/Organization

Extent to which the offeror's description of its experience and organizational structure clearly describes and indicates its ability to provide the services required by this RFP.

3. Experience and Qualifications of the Proposed Staff; Number of Staff

Extent to which the experience and qualifications of the proposed staff for the project succeeds in meeting the requirements of the RFP. Has the offeror documented that there will be sufficient staff with appropriate training and experience? Has the offeror discussed the maximum utilization of the current staff? The offeror must produce resumes and other evidence that

critical staff assigned to the project have the requisite credentials and experience needed to successfully complete the project.

4. Statement of the Problem

Extent to which the proposal succeeds in meeting the requirements of the RFP.

- a. Has the offeror demonstrated an understanding of the objectives to accomplish the work needed to meet the requirements of the RFP?
- b. Does the offeror provide reasonableness of solutions and details of how important aspects of the RFP will be managed by the offeror?

5. Economic Benefits to the State of Maryland

Extent to which the proposal demonstrates economic benefit to the State of Maryland as described in Part II, Section B.5 of this RFP. **(SEE NEXT PAGE)**

C. Evaluation Process

The Committee will evaluate each technical proposal using the evaluation criteria set forth above. The Committee may request discussion with the vendor regarding their proposal; if so, these discussions will be documented and become part of the technical proposal. Only those offerors whose technical proposals are deemed reasonably susceptible of being selected for award and who are determined "responsible" shall be considered "qualified offerors". Accordingly, if the Committee, with the concurrence of the Procurement Officer, determines at any time that an offeror is not reasonably susceptible of being selected for award, or determines that an offeror is not responsible, that offeror will be notified.

Following the completion of the technical evaluation of all offerors, including discussions, the Committee will rank each qualified offeror's technical proposal. Then, if it is determined to be in the best interest of the State, the Procurement Officer may invite offerors to make final revisions to their technical proposals through submission of a Best and Final Offer (See Part III, Section E of this RFP).

The Committee shall recommend the offeror whose overall proposal provides the most advantageous offer to the State considering the evaluation criteria set forth in this RFP.

5. Economic Benefit to the State of Maryland

The Offeror shall describe the benefits that will accrue to the Maryland economy as a direct or indirect result of the successful Offeror's performance of the contract resulting from this RFP. Based upon the indefinite amount of the contract, the economic benefit should be stated as a percentage of each anticipated \$100,000 in expenditures under this contract. Economic benefits include:

Exhibit B

- a. The contract dollars to be recycled into Maryland's economy in support of the contract, through the use of Maryland sub-contractors, suppliers, and joint venture partners. offerors should be as specific as possible, providing a breakdown of expenditures.
- b. The numbers and types of jobs for Maryland residents created by this contract. Indicate job classifications, number of employees in each classification, and the aggregate payroll to which the offeror has committed at both the prime, and if applicable, sub-contractor levels.
- c. Tax revenues to be generated for Maryland and its political subdivisions as a result of this contract. Indicate tax category (sales tax, inventory taxes and estimated personal income taxes for new employees) and provide a forecast of the total tax revenue generated by this contract.
- d. Sub-contractor dollars committed to Maryland small business and MBEs.
- e. In addition to the foregoing factors, the offeror should explain any other economic benefits to the State of Maryland that would result from the offeror's proposal.

Request for Proposals
Operation of a Residential and Educational Program
For Emotionally Disturbed Adolescents
DHMH-OCPMP 02-7279
Evaluation Format

Provider: _____

Reviewer: _____ **Date:** _____

Please be specific and note your thoughts or reasons for offering the ratings
Please circle or mark below, then add your comments

N/R=(no response).

Work Plan

1. Overall do you find that the proposal is clear and precise?

Yes No

2. How well does the proposal present a comprehensive understanding of the scope of work requested in this RFP?

Excellent Very Good Good Fair Poor N/R

3. How well does the proposal present a comprehensive understanding of the population to be served by this program?

Excellent Very Good Good Fair Poor N/R

4. Is the work plan presented descriptive of a comprehensive behavior management program that assures the MHA that the adolescents in **all** components of the Program: Residential Treatment Center, School, and Group Home, will be provided services in a safe environment in accordance with the standards established by the JCAHO.

Yes No No Response

5. How would you rate the overall plan for delivering services in a safe environment?

Excellent Very Good Good Fair Poor N/R

Reviewer: _____,

Provider: _____

6. How would you rate the overall plan for delivering services for this specific population (frequently self-injurious, multiple unsuccessful treatment experiences, unable to be served in other RTCs, aggressive)?

Excellent	Very Good	Good	Fair	Poor	N/R
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7. Does the offer currently hold JCAHO accreditation?

Yes	No	No Response
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8. If the offeror does not currently hold JCAHO accreditation do they present a reasonable understanding of the requirements and a plan to obtain accreditation?

Yes	No	No Response
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(the score for either seven or eight will be included in the final total)

9. How do you rate the overall effectiveness and coordination of the plan for crisis response system throughout all components (RTC, school, and group home) of the program?

Excellent	Very Good	Good	Fair	Poor
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10. Rate how well the crisis response plan described presents a clear understanding of the youth to be served in this program?

Excellent	Very Good	Good	Fair	Poor	N/R
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11. How would you rate both the comprehensiveness and potential effectiveness of the crisis response plan in the RTC?

Excellent	Very Good	Good	Fair	Poor	N/R
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12. How would you rate the comprehensiveness and potential effectiveness of the crisis response plan in the school setting

Excellent	Very Good	Good	Fair	Poor	N/R
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13. How would you rate the comprehensiveness and potential effectiveness of the crisis response plan in the group home?

Excellent	Very Good	Good	Fair	Poor	N/R
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Reviewer: _____

Provider: _____

14. Rate how well the crisis response system presented utilizes the resources of the program and minimizes the need for additional outside assistance, (police of discharge to acute care).

Excellent Very Good Good Fair Poor N/R

15. Rate the experience described by this provider in the provision of safety and security for both the residents in the RTC, group home, the students in the school and for the surrounding community? (Are issues of community safety addressed adequately?)

Excellent Very Good Good Fair Poor N/R

16. Does this provider currently demonstrate the ability to meet all the requirements of the Federal Medicaid Program?

Yes No No Response

17. If the provider does not demonstrate the ability do they present a viable plan to meet these requirements within the allotted time frame?

Yes No No Response

18. Does this provider demonstrate experience in the submission of the documentation currently required by the State of Maryland to establish a daily rate for Residential Treatment Services?

Yes No No Response

19. If the provider does not demonstrate experience in the submission of the documentation currently required by the State of Maryland to establish a daily rate for Residential Treatment Services do they present a viable plan as to how this documentation will be gathered?

Yes No No Response

20. Rate how well this provider demonstrates effective experience in the ongoing collaboration with the MHA's Administrative Services Organization as detailed in the PMHS provider manual?

Excellent Very Good Good Fair Poor N/R

21. If the provider does not currently have a relationship with the ASO rate how well they present a knowledge base of the process?

Reviewer: _____,

Provider: _____

Excellent Very Good Good Fair Poor N/R

22. Rate how well this provider demonstrates the ability to operate a nonpublic school. Do they currently meet the standards established by the Maryland State Department of Education MSDE in the Code of Maryland Regulations (COMAR) 13A.09.10 - Educational Programs in Nonpublic Schools and Child Care and Treatment Facilities or present a plan as to how they will meet these standards?

Excellent Very Good Good Fair Poor N/R

23. How well does this provider demonstrate experience or knowledge regarding the submission of the documentation currently required by the Maryland Department of Education to establish a daily rate for educational services?

Excellent Very Good Good Fair Poor N/R

24. How well does this provider demonstrate the ability to operate a group home by currently meeting the standards set forth by the Office of Children Youth and Families and monitored by the Department of Human Resources outlined in COMAR 01.04.04 - Residential Child Care Programs.

Excellent Very Good Good Fair Poor N/R

25. How well does this provider describe a treatment protocol that outlines the admission and discharge process?

Excellent Very Good Good Fair Poor N/R

26. Rate the process described for admission to the RTC.

Excellent Very Good Good Fair Poor N/R

27. Rate the process described for admission the group home.

Excellent Very Good Good Fair Poor N/R

28. Rate the process described for admission the educational program.

Excellent Very Good Good Fair Poor N/R

Reviewer: _____,

Provider: _____

29. How well does this provider describe the process for the development and implementation of individual treatment plans in the RTC?

Excellent **Very Good** **Good** **Fair** **Poor** **N/R**

30. Rate the process described for the development of an individual treatment plan in the group home.

Excellent **Very Good** **Good** **Fair** **Poor** **N/R**

31. Rate the appropriateness of the process described by this provider for the development of individual education plans to most effectively address the needs of this population.

Excellent **Very Good** **Good** **Fair** **Poor** **N/R**

32. Rate how well the proposal describes the development of individual treatment and education plans that demonstrate a coordinated system of care which addresses the treatment, education and life skills goals of the consumers.

Excellent **Very Good** **Good** **Fair** **Poor** **N/R**

33. Rate the process described for admission the group home.

Excellent **Very Good** **Good** **Fair** **Poor** **N/R**

34. Rate how this provider outlines their plans for coordination between the three parts of the program.

Excellent **Very Good** **Good** **Fair** **Poor** **N/R**

35. Rate how well this provider demonstrates a sound knowledge of the principles of providing unconditional care to severely behaviorally disturbed and mentally ill adolescents.

Excellent **Very Good** **Good** **Fair** **Poor** **N/R**

36. Rate how well this provider demonstrates the ability to maintain the intensive supervision and staffing required to assure the adolescents' stability and avoid the need for admission to acute care facilities or discharge from the Program.

Excellent **Very Good** **Good** **Fair** **Poor** **N/R**

Reviewer: _____,

Provider: _____

37. Rate how well this proposal demonstrates the ability to understand and plan for the provision of the required staff training to assure the adolescents' stability and avoid the need for admission to acute care facilities or discharge from the Program.

Excellent	Very Good	Good	Fair	Poor	N/R
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38. Rate how well this provider demonstrates the ability to provide the appropriate medical support to assure the adolescents' stability and avoid the need for admission to acute care facilities or discharge from the Program?

Excellent	Very Good	Good	Fair	Poor	N/R
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39. Rate how well this provider describes training activities designed to address the needs of both the educational and residential staff to assure that care is coordinated throughout the twenty-four (24) hours of the day.

Excellent	Very Good	Good	Fair	Poor	N/R
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40. Rate how well this provider describes a coordinated education and treatment program that meets the special education requirements of year-round programming by providing services for a minimum of 215 days a year, for students grades eight through twelve.

Excellent	Very Good	Good	Fair	Poor	N/R
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41. Rate how well this proposal demonstrates a timeline showing all critical steps of the project?

Excellent	Very Good	Good	Fair	Poor	N/R
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42. Rate how well this proposal demonstrates reasonable dates for each item on the timeline to be completed?

Excellent	Very Good	Good	Fair	Poor	N/R
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43. Rate the experience of the individuals identified to be responsible for completion of each task?

Excellent	Very Good	Good	Fair	Poor	N/R
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Reviewer: _____,

Provider: _____

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*(EXTRA SPACE FOR notes and or reasons for ratings >PLEASE INSERT WHICH NUMBER THE COMMENT IS BEING REFERED TO;)
{Example Pg.# 1 #1}*

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Reviewer: _____,

Provider: _____

Experience of the Organization or Firm

1. Rate the information provided in this proposal as to the appropriate background, experience and qualifications of the offer's firm?

Excellent	Very Good	Good	Fair	Poor	N/R
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2. Rate the offeror's experience in the operation and successful licensure of a RTC?

Excellent	Very Good	Good	Fair	Poor	N/R
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3. Rate the offeror's experience regarding their operation and successful licensure of a fully certified Special Education Program for similar youth

Excellent	Very Good	Good	Fair	Poor	N/R
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4. Rate the offeror's experience regarding operation and successful licensure of a group home for severely disturbed youth.

Excellent	Very Good	Good	Fair	Poor	N/R
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5. Rate the overall quality of the documentation included regarding previous contracts for similar types of programs.

Excellent	Very Good	Good	Fair	Poor	N/R
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6. Has the offeror supplied a minimum of three references, which are Not State employees, related to the provision of psychiatric services, educational, and community based group care to support the proposal ?

Yes	No
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7. Rate the information regarding the overall experience of this offeror obtained from the references provided.

Excellent	Very Good	Good	Fair	Poor	N/R
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Experience and Qualification of the Proposed Staff

1. Does the proposal include the services of a Board Certified Child and Adolescent Psychiatrist to serve as Medical Director of the Program who will be fully responsible for overseeing care?

Yes No No Response

2. Rank the experience and qualifications of the individual proposed for this position regarding their years and level of experience in provided twenty-four (24) hours, seven (7) days a week medical direction to this type of program.

Excellent Very Good Good Fair Poor N/R

3. Rate the offeror's plan for staffing the RTC?

Excellent Very Good Good Fair Poor N/R

4. Rate the offeror's staffing ratio in terms of being realistic and attainable.

Excellent Very Good Good Fair Poor N/R

5. Rate the plan presented by the provider to attain the higher level of education for the program Staff?

Excellent Very Good Good Fair Poor N/R

6. Rate the offeror's plan for staffing the in the school as required by COMAR13A.09.10.

Excellent Very Good Good Fair Poor N/R

7. Rate how well the staffing pattern described addresses the needs of this population.

Excellent Very Good Good Fair Poor N/R

8. Rate how well the staffing pattern describes integrating youth from the group home and community into the school program

Excellent Very Good Good Fair Poor N/R

Reviewer: _____,

Provider: _____

9. Rate the offeror's plan for staffing the community reintegration group home in accordance with the anticipated needs of their clients.

Excellent **Very Good** **Good** **Fair** **Poor** **N/R**

10. Rate how well the offeror's staffing pattern demonstrates sensitivity to the needs of the community.

Excellent **Very Good** **Good** **Fair** **Poor** **N/R**

11. Rate the offeror's plan for the maximum retention and utilization of the current staff.

Excellent **Very Good** **Good** **Fair** **Poor** **N/R**

Reviewer: _____,

Provider: _____

Statement of Problem

1. Rate the offeror's overall understanding of the objectives of the RFP?

Excellent Very Good Good Fair Poor No Response

2. Rate how well the offeror has demonstrated an understanding of the objectives to accomplish the work needed to meet the requirements of the RFP?

Excellent Very Good Good Fair Poor No Response

3. Rate how well the offeror provides reasonable solutions and details as to how important aspects of the RFP will be managed?

Excellent Very Good Good Fair Poor No Response

Reviewer: _____,

Provider: _____

Economic Benefit to the State of Maryland

2. Has the Offeror described the benefits that will accrue to the Maryland economy as a direct or indirect result of the performance of the contract resulting from this RFP?

Yes	No	No Response
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3. Are the economic benefits stated as a percentage of each anticipated \$100,000 in expenditures under this contract.

Yes	No	No Response
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4. Has the offeror given specific information regarding the breakdown of expenditures

Yes	No	No Response
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4. Has the offeror cited specific numbers and types of positions created by this contract? Indicating job classifications, number of employees in each classification, and the aggregate payroll to which the offeror has committed.

Yes	No	No Response
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5. In addition to the foregoing factors, has the offeror explained any other economic benefits to the State of Maryland that would result from the offeror's proposal?

Yes	No	No Response
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