

December 20, 2023

Via Email

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RE: AHCCCS Request for Proposal No. YH24-0001

Dear Ms. LaPorte:

This firm, together with Henze Cook Murphy PLLC, represents Mercy Care, an Arizona nonprofit corporation, in connection with its proposal in response to the above-referenced solicitation (the “RFP”). The RFP sought proposals from managed care organizations to provide covered services to AHCCCS members enrolled in the Arizona Long Term Care System for individuals who are elderly or have a physical disability (“ALTCS E/PD”). On December 1, 2023, AHCCCS notified Mercy Care that it would not receive a contract award. This letter constitutes Mercy Care’s respectful protest of that decision.

Introduction and Overview of Protest Grounds

AHCCCS indicated that it intended “to make a total of three awards for this RFP,” including up to three contracts for the central geographic service area (“GSA”) covering Maricopa, Gila, and Pinal counties. *See* RFP § H – Instructions to Offerors (“Instructions”) at 8. Mercy Care ranked third among the five offerors, but AHCCCS awarded only two contracts. Based on the strength of Mercy Care’s proposal (including its 23-year history of successful performance) and in the interest of avoiding disruption to members and providers, Mercy Care should be awarded one of the statewide contracts. In the alternative, and in keeping with AHCCCS’s stated intent to award three contracts, Mercy Care should be awarded a third contract for the central GSA.

Failing the above-requested relief, AHCCCS should at a minimum issue a new solicitation. AHCCCS made its awards by applying arbitrary evaluation criteria that failed to assess proposals based on the stated criteria of the RFP and the goals of the ALTCS program, and through a flawed process that violated fundamental principles of procurement law. The most glaring flaws in the procurement process were:

First, despite representing that it had a scoring methodology in place when it issued the RFP, AHCCCS in fact did not formulate its scoring methodology until *after* it had received and reviewed proposals.

Second, despite indicating that cost bids and narrative submission requirements would be scored but oral presentations would not, AHCCCS not only scored the oral presentations but made them worth nearly *one third* of all available points. Scoring the oral presentations at all violated the terms of the RFP. Weighting them so heavily was arbitrary and unreasonable in light of the presentations' format: presentations were limited to 30 minutes each in response to surprise prompts for which presenters were given only one hour to prepare. Sticking to the scores for only those items AHCCCS said it would score—the cost bid and certain of the narrative submission requirements—results in Mercy Care ranking *first* among the five offerors.

Third, AHCCCS tied scores entirely to each offerors' rank in a given category rather than the individual merits of their proposals. Under the scoring formula, the top-ranked offeror in a given category would receive 100% of the points available for that category, the next-ranked offeror would receive 80%, and so on. The result was that the top-ranked offeror received a perfect score irrespective of its weaknesses and the last-ranked offeror received only 20% of available points irrespective of its strengths. And while the RFP indicated that AHCCCS would consider a host of qualitative factors in the event of “a negligible difference in scores” between competing proposals, Instructions at 5, the scoring formula eliminated evaluators' ability ever to apply these factors: with only five offerors, the difference in points between each offeror in a given category, absent a tie, would never be less than 20%. “Negligible differences in scores” were effectively impossible.

Fourth,¹ AHCCCS's evaluation was demonstrably arbitrary across several key categories, resulting in unequal treatment of offerors. For example, AHCCCS ranked Mercy Care lower (and thus awarded it disproportionately fewer points under the

¹ Mercy Care reserves the right to supplement this protest should additional public records or materials demonstrate further legal or factual bases for protest.

ranked scoring system) in categories where higher-ranked offerors gave objectively weaker or even entirely nonresponsive answers. AHCCCS also criticized Mercy Care for not addressing items the record clearly shows it addressed. These evaluation flaws are highlighted by the discrepancies between individual evaluators' notes and proposed ranks for each proposal and the final ranks reached in consensus scoring.

Accordingly, Mercy Care requests that AHCCCS sustain the protest and award it a statewide contract or a contract for the central GSA or, in the alternative, issue a new solicitation consistent with applicable law. *See* A.A.C. R9-22-604(H)(3) (listing available remedies in response to successful bid protest).

About Mercy Care

For nearly four decades, Mercy Care, a provider-sponsored non-profit, has served as a trusted partner with the State of Arizona, exemplifying a legacy of helping Arizonans achieve better health and contributing to AHCCCS initiatives and improvements for every new Medicaid program implemented since 1985. Over the term of this successful partnership, Mercy Care has worked collaboratively with AHCCCS to achieve the Quintuple Aim of improving health outcomes, promoting health equity, improving the member and provider experience, and lowering the cost of health care. Mercy Care lives its mission of addressing and advocating for the comprehensive health of members and families, including the varied circumstances that impact their well-being, with special consideration for the underserved and those with complex health needs. Mercy Care has unmatched experience in serving ALTCS members and other specialty populations with complex needs.

Mercy Care has worked side-by-side with AHCCCS to improve the cohesiveness and effectiveness of the Arizona healthcare system, reduce fragmentation in care for ALTCS members and their families, incentivize quality outcomes, leverage health information technology, and work with public and private sector partners to further innovation. Since Mercy Care became one of the original AHCCCS Medicaid managed care health plans, it has expanded to serve members with disabilities and older adults through a range of publicly funded health care programs. As of the date of its RFP proposal, Mercy Care serves more than 468,000 Arizonans, with nearly 1,200 personnel residing throughout the state.

Mercy Care embraces ALTCS's guiding principles and values its longstanding relationship with AHCCCS. Because Mercy Care's proposal, properly evaluated and scored, is most advantageous to the State, Mercy Care respectfully requests that AHCCCS affirm the protest and grant Mercy Care's requested relief. Mercy Care chose to file this protest only after careful consideration and a good faith belief, founded on the facts and law articulated more fully below, that Mercy Care is the

best-positioned managed care organization to support AHCCCS's stated goal of improving ALTCS member outcomes and experience. And, at the very least, maintaining Mercy Care's network in Arizona will enable further member choice and minimize disruption in services for vulnerable populations.

Background and Overview of the RFP

I. The Arizona Long Term Care System and Mercy Care's 23-year history with the program.

Established by law in 1994, ALTCS E/PD delivers long-term, acute, behavioral health, and case management services to Arizonans who are among the state's most vulnerable individuals. *See* A.R.S. § 36-2932. Contracted managed care organizations provide comprehensive delivery of services under the program. A.R.S. §§ 36-2932, -2940, -2944. As with other AHCCCS programs, an RFP must issue every five years to qualified health care services organizations to administer the program and deliver services to members. *See* A.R.S. § 36-2906(B).

Mercy Care was first awarded an ALTCS contract in 2000 and has continuously provided services to ALTCS members since. Mercy Care provides services to more than 10,000 ALTCS members and has over 300 staff dedicated to the program. Many members have language barriers, low health literacy, co-occurring behavioral health conditions, and health related social needs ("HRSN") challenges whose management and treatment Mercy Care is uniquely experienced in addressing.

Currently, two incumbent bidders not awarded a contract, Mercy Care and Banner-University Care Advantage dba Banner-University Family Care ("Banner"), service ALTCS contracts.

II. AHCCCS issues an RFP for the ALTCS E/PD program with both "Narrative Submission Requirements" and an oral presentation requirement.

AHCCCS published the RFP on August 1, 2023, with proposals due October 2, 2023. In addition to requiring financial and cost materials, the RFP instructed offerors to submit written responses to a series of "Narrative Submission Requirements" and to participate in an oral presentation "pertaining to key areas of the ALTCS E/PD Program" that would be scheduled during the weeks of October 23 and October 30, 2023. Instructions at 17–18. The RFP indicated that cost bids and Narrative Submission Requirements would be scored unless specifically exempted. The RFP gave *no* indication that the oral presentations would be scored.

The Narrative Submission Requirements

The Narrative Submission Requirements asked offerors for written responses to eleven subparts. The first two (B1 and B2) asked for an executive summary and citation to an offeror's exemplar Medicaid contracts for services similar to those required by the ALTCS E/PD program. RFP § I Ex. H: Narrative Submission Requirements. The RFP indicated that B1 and B2 "will not be scored." *Id.* The RFP then asked for narrative responses to six key aspects of the program, asking offerors to address how they would:

- Develop and implement best practices for case management (B4),
- Utilize person-centered service planning (B5);
- Collect, monitor, and analyze data to improve health outcomes and inform program initiatives (B6)
- Employ a network development strategy (B7);
- Employ an overall workforce development strategy and philosophy (B8);
- Provide timely access to services and supports as well as monitor outcomes for vulnerable populations (B9).

Across each of their responses to these narrative prompts, offerors were to describe how they would "address health inequities, health disparities, and/or structural and health-related social needs and promote equitable member care." *Id.* at 1. The RFP also requested metrics related to past performance (B10) and required offerors to submit their most recent AZ Medicaid Plan D-SNP STAR rating (B11). The RFP made clear that items B4 through B11 would be scored. Instructions at 6 ("With the exception of Narrative Submission Requirements noted as a non-scored item [i.e., B1 and B2] and Narratives that are noted as GSA-specific [none applicable], Narrative Submission Requirements will be scored for each Offeror and the score for that Offeror will be applied to all GSAs bid.").

The oral presentation requirement

The RFP required offerors to participate in a scheduled oral presentation regarding "key areas of the ALTCS E/PD Program." Instructions at 18. It instructed offerors to bring up to six employees with expertise in "medical management," "case management," and "quality management" to the scheduled presentation but did not otherwise specify the topics presenters would be expected to address. Offerors would be prohibited from using any previously prepared presentation materials and could

not bring communications devices. AHCCCS said that it would instead “provide a whiteboard or flip charts and markers for Offeror use in preparing for the Oral Presentation.”

The RFP gave no indication that the oral presentation would be scored, and, indeed, it was not “designated for scoring” according to the RFP’s own terms.

On October 2, 2023, five offerors submitted proposals in response to the RFP: Arizona Physicians IPA, Inc. (dba UnitedHealthcare Community Plan) (“APIPA”); BCBSAZ Health Choice (“BCBSAZ”); Health Net Access, Inc. dba Arizona Complete Health-Complete Care Plan (“Health Net”); Mercy Care; and Banner.

III. AHCCCS waits to develop a scoring methodology until after it opens proposals.

The RFP advised offerors that AHCCCS had “established a scoring methodology to evaluate an Offeror’s ability to provide cost-effective, high-quality contract services in a managed care setting in accordance with AHCCCS’ mission and goals.”² Instructions at 5. The items to be scored were limited to those “designated for scoring in this RFP,” using “only the information submitted to AHCCCS by the offeror with the exception of past performance.”³ *Id.* There have been no records produced to

² In response to several pre-submission questions submitted by the offerors, AHCCCS declined to provide “scoring or weighting details.” *See* Solicitation Amendment 1, at 7-8, & 11. Thus, by definition, offerors could not have raised challenges to scoring or weighting issues until after AHCCCS disclosed the procurement file on December 1, 2023.

³ The RFP also noted that “only information expressly provided by the Offeror will be considered.” Instructions at 15. The Executive Summary, however, disclosed for the first time that AHCCCS relied on “[a]dditional subject matter experts” to consult with the Scope and Evaluation Team members on an “as-needed basis.” *See* Executive Summary, at 2. To date, and notwithstanding a public records request seeking additional documents regarding the “subject matter experts,” AHCCCS has not identified which subject matter experts consulted with the Scope and Evaluation Teams, when and how many of those consultations occurred, why the Scope and Evaluation Teams believed they needed subject matter expertise, and whether the subject matter experts provided information outside the scope of the submitted proposals in direct violation of the RFP’s own terms. *See* Instructions at 5 & 15.

date indicating that AHCCCS provided evaluators with training in avoiding various forms of bias.

The RFP's stated evaluation criteria

The RFP's stated evaluation criteria included: (1) Programmatic Submission Requirements; and (2) Financial Submission Requirements. As an initial matter, and contrary to its representation to Offerors that it had already "established a scoring methodology" to evaluate proposals, it appears that AHCCCS's Scope Team did *not* agree on a scoring methodology until *after* AHCCCS received, publicly opened, and completed the evaluation of the five offerors' proposals. See Executive Summary, at 2 & 3; and see Instructions at 5. Indeed, the Scope Team did not "determine[]" or "agree" on the scoring methodology until November 15, 2023, more than two months after the proposals were publicly opened (and the same day the Evaluation Team completed its evaluation). *Id.*

In any event, the RFP informed offerors that the scoring methodology would evaluate proposals "in accordance with the AHCCCS mission and goals." Instructions at 5. AHCCCS's mission is "to reach across Arizona to provide comprehensive quality health care to those in need while shaping tomorrow's managed health care from today's experience, quality, and innovation." RFP § D at 42 (including choice, dignity, independence, individuality, privacy and self-determination). And AHCCCS's "values, guiding system principles and goals," which serve as the "foundation for the development" of the resulting contract are:

- (1) Accessibility of Network.
- (2) Collaboration with Stakeholders.
- (3) Consistency of Services.
- (4) Member-Centered Case Management.
- (5) Member-Directed Options.
- (6) Most Integrated Setting.
- (7) Person-Centered Service Planning.

RFP § D at 45.

The RFP's scored items

The items “designated for scoring” in the RFP were limited to cost bids and the “Narrative Submission Requirements,” except those “Narrative Submission Requirements noted as a non-scored” item. *See* Instructions at 6. The Narrative Submission Requirements, located in Exhibit H to the RFP, included both non-scored items (B1 & B2) and scored items (B4–B11).

The Narrative Submission Requirements did not include B12, Oral Presentation Information, nor did they include the oral presentations themselves. Indeed, ***nowhere on the face of the RFP did AHCCCS disclose to offerors that oral presentations would be scored at all.*** *See* Instructions at 6; *see also* RFP Exhibit H, Narrative Submission Requirements.

IV. The oral presentations take the form of an impromptu pop quiz.

AHCCCS did not disclose the format or content of the oral presentations until each offeror’s team appeared in person for its scheduled presentation. Only then did AHCCCS reveal that each team would receive a prompt in response to which the team would have an hour to prepare a 30-minute oral presentation. A proctor would remain in the room while the team prepared its presentation, giving 15- and 3-minute warnings before the hour expired. The team would then deliver the presentation to AHCCCS evaluators using nothing more than the provided whiteboard, flip charts, and markers.

After completing the first presentation, AHCCCS would reveal a second prompt and likewise give each team an hour in which to prepare another 30-minute oral presentation.

The first oral presentation (“OP1”) prompt asked each offeror to address its plan for supporting ALTCS members’ family caregivers:

Provide a detailed analysis and summary of the Offeror’s understanding of the needs of family caregivers, particularly as it pertains to ensuring members are served in the least restrictive setting. Describe how the Offeror will engage family caregivers and prioritize addressing the needs of family member caregivers including what tools and resources will be utilized to assess risks and needs while identifying and providing needed supports and services.

Unknown to the presentation teams, AHCCCS would use four criteria to evaluate responses to OP1:

- “Innovative”
- “Implementable”
- “Addresses Person-Centered Service Planning”
- “Improves Outcomes (Quality/Member)”

These evaluation criteria were not disclosed in the RFP and, other than “Person-Centered Service Planning,” are not included among AHCCCS’ mission, “values, guiding system principles, and goals” (which the RFP informed offerors would form the basis of the scoring methodology).

The second oral presentation (“OP2”) prompt asked offerors to address their plan for preventing abuse, neglect, and exploitation of individual members:

It is the right of every individual to be free from abuse, neglect, and exploitation and it [sic] is critical for the success, health, and well-being of the program’s vulnerable members. The State of Arizona has taken numerous measures to enhance prevention of abuse, neglect, and exploitation of members as well as to inform and improve abuse monitoring to ensure the safety of vulnerable persons residing in long-term care settings and/or receiving long-term care services in their home. Describe how the Offeror will commit to prevent, protect, and ensure the safety and security of its members.

Also unknown to presenters, AHCCCS would assess OP2 using the following four criteria:

- “Training and Communication”
- “Includes Case Management Principles”
- “Proactive Strategies”
- “Reactive Strategies”

Again, these evaluation criteria were not disclosed in the RFP and, other than potentially “Includes Case Management Principles,” are not included among AHCCCS’ mission, “values, guiding system principles, and goals” (which the RFP informed offerors would form the basis of the scoring methodology).

V. The scoring model assigns nearly a third of all points to the oral presentations.

AHCCCS did not disclose its scoring rubric until it announced its contract awards on December 1, 2023. (The award itself came nearly two weeks earlier than AHCCCS said it anticipated issuing its decision, on December 13, 2023. See Anticipated Procurement Timeline.) The finally disclosed rubric revealed that offerors’ performance in the two 30-minute oral presentations together accounted for nearly *one third* of all available points—290 out of 1,000:

Each Offeror can earn points as follows:

| STATEWIDE | |
|---|----------------|
| SUBMISSION | MAXIMUM POINTS |
| Narrative Submission Requirements | 610 |
| Oral Presentations | 290 |
| Capitation Agreement/Administrative and Case Management Cost Components Bid | 100 |
| Total | 1000 |

Each of these submission requirements can be awarded a maximum of the following points:

| PROGRAMMATIC SUBMISSION REQUIREMENTS | |
|--------------------------------------|----------------|
| NARRATIVE SUBMISSION | MAXIMUM |
| B1 | 0 (Not Scored) |
| B2 | 0 (Not Scored) |
| B3 | 0 (Not Scored) |
| B4 | 75 |
| B5 | 145 |
| B6 | 40 |
| B7 | 75 |
| B8 | 145 |
| B9 | 75 |
| B10 | 35 |
| B11 | 20 |
| Total | 610 |

| ORAL PRESENTATION | MAXIMUM |
|---------------------|------------|
| Oral Presentation 1 | 145 |
| Oral Presentation 2 | 145 |
| Total | 290 |

The disproportionate weight assigned to the oral presentations resulted in Mercy Care ranking fifth overall among the offerors for “Programmatic Submission Requirements.”

Overall Scoring by Points
 Statewide Scores

| Measure # | Measure Name | Points Possible | Best and Final Offer | | | | | |
|----------------------------------|---|-----------------|------------------------------|----------------------------------|----------------------|-------------------|---------------|---------------|
| | | | ARIZONA PHYSICIANS IPA, INC. | BANNER-UNIVERSITY CARE ADVANTAGE | BCBSAZ HEALTH CHOICE | HEALTH NET ACCESS | MERCY CARE | |
| B1 | Executive Summary | Not Scored | | | | | | |
| B2 | Contract Citations | Not Scored | | | | | | |
| B3 | Health Equity | Not Scored | | | | | | |
| B4 | Complex Conditions & Member Transitions | 75 | 45.00 | 15.00 | 30.00 | 60.00 | 75.00 | |
| B5 | Person-Centered Service Plan | 145 | 116.00 | 145.00 | 29.00 | 87.00 | 58.00 | |
| B6 | Data | 40 | 20.00 | 20.00 | 8.00 | 40.00 | 32.00 | |
| B7 | Network Development | 75 | 60.00 | 15.00 | 30.00 | 75.00 | 45.00 | |
| B8 | Workforce Development | 145 | 116.00 | 87.00 | 29.00 | 58.00 | 145.00 | |
| B9 | Access to Services & Supports (Peer Supports) | 75 | 30.00 | 60.00 | 75.00 | 45.00 | 15.00 | |
| B10 | Past Performance - Compliance Review | 35 | 28.00 | 35.00 | 7.00 | 14.00 | 21.00 | |
| B11 | Past Performance - Star Rating | 20 | 20.00 | 14.00 | 8.00 | 4.00 | 14.00 | |
| OP 1 | Family Caregiver Support | 145 | 116.00 | 58.00 | 145.00 | 87.00 | 29.00 | |
| OP 2 | Abuse and Neglect Prevention | 145 | 87.00 | 43.50 | 116.00 | 145.00 | 43.50 | |
| C1-C4 | Non-Benefit Cost Bid | 100 | 30.00 | 30.00 | 60.00 | 100.00 | 80.00 | |
| Total Points | | | 1,000 | 668.00 | 522.50 | 537.00 | 715.00 | 557.50 |
| Rank Based on Total Score | | | 2 | 5 | 4 | 1 | 3 | |

But if one were to exclude the oral scores and count only those items AHCCCS said it would score—the narrative submission requirements (B4 through B11) and the cost bid (C1-C4), *Mercy Care would rank in first place overall:*

| Measure # | Measure Name | Points Possible | APIPA | Banner | BCBSAZ | Health Net | Mercy Care |
|----------------------------------|---|-----------------|------------|------------|------------|------------|------------|
| B4 | Complex Conditions & Member Transitions | 75 | 45 | 15 | 30 | 60 | 75 |
| B5 | Person-Centered Service Plan | 145 | 116 | 145 | 29 | 87 | 58 |
| B6 | Data | 40 | 20 | 20 | 8 | 40 | 32 |
| B7 | Network Development | 75 | 60 | 15 | 30 | 75 | 45 |
| B8 | Workforce Development | 145 | 116 | 87 | 29 | 58 | 145 |
| B9 | Access to Services & Supports (Peer Supports) | 75 | 30 | 60 | 75 | 45 | 15 |
| B10 | Past Performance - Compliance Review | 35 | 28 | 35 | 7 | 14 | 21 |
| B11 | Past Performance - Star Rating | 20 | 20 | 14 | 8 | 4 | 14 |
| C1-C4 | Non-Benefit Cost Bid | 100 | 30 | 30 | 60 | 100 | 80 |
| Total Points | | 710 | 465 | 421 | 276 | 483 | 485 |
| Rank Based on Total Score | | | 3 | 4 | 5 | 2 | 1 |

VI. The scoring rubric reveals that numerical scores are based entirely on an offeror’s rank within each category.

The scoring rubric also revealed that it assigned points based not on an evaluation of the merits of each proposal, but instead based solely on each offeror’s rank relative to other offerors in a given category. The “Scope Team” determined how many points out of 1,000 would be available for each of the scored programmatic

submissions. The evaluators then ranked the five offerors in each category. AHCCCS would then determine each offeror's numerical score as a product of the offeror's rank and the points designated to the category.

More specifically, the formula called for dividing the total number of points in a given category by the number of offerors, and then multiplying the resulting quotient by the offeror's inverse rank. Because there were five offerors, no more than five scores would be available for any given category absent a tie, with the highest-ranked offeror receiving 100% of the available points and each next-ranked offeror receiving 20% fewer points. So, for example, in a category worth 100 points, the highest-ranked offeror would receive 100 points, the second-ranked would receive 80, points, the third-ranked would receive 60 points, the fourth-ranked would receive 40 points, and the fifth-ranked would receive 20 points. The last-ranked offeror would receive a poor score irrespective of its individual performance in the category and even if its performance relative to higher-ranked (or even the highest ranked) offeror were negligible.

Argument

I. AHCCCS should award a statewide contract to Mercy Care.

As discussed below, Mercy Care would have received the number one overall rank, had it not been for the overweighted and improperly scored oral presentations. Accordingly, AHCCCS should award one of the statewide contracts to Mercy Care.

II. In the alternative, AHCCCS should award a third central GSA contract to Mercy Care.

Mercy Care was evaluated unfairly based on an undisclosed scoring rubric that overweighed the *delivery* of an impromptu oral presentation over the *substance* of its more considered answers. The scoring rubric also resulted in Mercy Care receiving artificially low scores for its narrative programmatic submissions that were individually strong on the merits. And within various narrative programmatic submission categories, Mercy Care was ranked (and therefore scored) arbitrarily relative to other offerors. Each of these issues is addressed at length below.

Despite being placed at such a severe disadvantage, Mercy Care still came in third place. And notably, AHCCCS previously stated that it anticipated awarding up to **three** contract awards in the central GSA. Awarding Mercy Care the third contract for the central GSA—consistent with AHCCCS's stated intent—unquestionably would be in the best interests of the state and the members served by AHCCCS and the ALTCS program. The majority of ALTCS members reside in the central GSA.

Mercy Care is exceptionally experienced in serving ALTCS members. Providers with whom Mercy Care has longstanding relationships also strongly favor continuing to work with Mercy Care and avoiding the disruption that would come from ending its contract. Finally, ending Mercy Care's participation in the program would unnecessarily and dangerously risk disrupting services to vulnerable members whose complex needs are best served by an experienced health plan. AHCCCS should fulfill its intent to award three contracts in the central GSA by awarding a third contract to Mercy Care.

III. If AHCCCS will not issue a contract to Mercy Care, it should issue a new solicitation that does not rely on arbitrary scoring criteria.

The RFP stated that AHCCCS had a scoring methodology in place at the outset of the solicitation, that the scoring methodology would assess bidders' ability to provide services consistent with AHCCCS's mission and goals, and that AHCCCS would consider several qualitative factors in the event of a negligible difference in scores between bidders. AHCCCS did not abide by these terms of its RFP.

A. AHCCCS improperly waited to determine the scoring criteria until *after* proposals were received and evaluated.

AHCCCS did not finalize its scoring criteria until November 15, 2023—the same day on which its evaluation team concluded its evaluation meetings and two months *after* proposals were first been opened on October 2. This plainly violated the terms of the RFP, which expressly represented that AHCCCS already had a scoring methodology in place at the outset of the procurement. *See* Instructions at 5 (stating that “AHCCCS *has* established a scoring methodology”) (emphasis added)).

The post-hac development of the scoring criteria also violates equitable principles that govern procurement decisions. *See Guidesoft, Inc. dba Knowledge Services v. Ariz. Dep't of Admin.*, No. 22F-003-ADM, at *8 (Ariz. Office of Admin. Hrgs. May 22, 2023) (noting that procurement adjudicator “is required to apply equitable principles when rendering decisions” and that “[t]he application of equity entails offering a remedy to avoid an unconscionable or unjust result”). As the ALJ in *Guidesoft* observed:

The very act of waiting until the offers have been opened and reviewed before determining the Scoring Criteria vitiates the premise that the responses exceeded met, or fell below anyone's expectations. One cannot anticipate what an offer will include if one has already reviewed the offer.

Id. at *11.

The ALJ in *Guidesoft* concluded that formulating a scoring methodology only after proposals are received and reviewed “is antithetical to the purposes of the [procurement] code. Rather, the requirement that [scoring tools and instructions] be finalized prior to the offers being opened demonstrates that the offers themselves should not affect the scoring.” *Id.* at *12. AHCCCS committed the same error here as the agency in *Guidesoft*.

B. AHCCCS arbitrarily weighed the oral presentations to the detriment of evaluating ability in accordance with AHCCCS's mission and goals.

The RFP never disclosed that AHCCCS would assign a score to the oral presentations (and, indeed, the plain language of the RFP indicated that oral presentations would not be scored, *see, e.g.*, Instructions at 6 & RFP Exhibit H). Nor did AHCCCS disclose to offerors the prompts on which they would be asked to present or the criteria it would use to evaluate their presentations. This alone is a ground to sustain Mercy Care's protest. *See Labat-Anderson Inc.*, 71 Comp. Gen. 252, 257 (Feb. 18, 1992) (“Since the agency provided no information as to what was expected from the offerors at the oral presentations, and gave no notice of the weight to be afforded presentation during BAFO evaluations, we think it was improper to downgrade [protestor's] proposal without affording it a reasonable opportunity to propose on the basis of the agency's revised evaluation method.”); Dep't of Commerce--Request for Modification of Recommendation, B-283137.7 (GAO Feb. 14, 2000) (recognizing “fundamental” principle that offerors “must be informed of the criteria against which their proposals will be judged”).

In addition, the decision to place so much weight on the oral presentations was both unreasonable and inconsistent with the RFP's stated evaluation criteria. *See Bio-Rad Lab's, Inc.*, B-297553, at *9 (GAO Feb. 15, 2006) (resolution of protest turns on “whether the agency's judgment was reasonable and in accord with the RFP's stated evaluation criteria”).

Placing dispositive weight on oral presentation performance was unreasonable

The ALTCS E/PD program is a pillar of AHCCCS's managed care service model. The program provides services to tens of thousands of vulnerable Arizonans with complex acute care needs and home and community based services ("HCBS"), and its administration requires the expenditure of hundreds of millions of dollars. Contract awards for the program should turn on reasoned consideration of proposals that offerors have had a meaningful opportunity to develop in response to disclosed, well-articulated selection criteria. Allocating 29% (!) of available points to the delivery of two 30-minute presentations that presenters were given only 60 minutes to prepare and sketch out by hand on a whiteboard or flip pad is a patently unreasonable and arbitrary means by which to determine who should be awarded the state's most important government contracts.

Heavily scoring oral presentations was inconsistent with the stated evaluation criteria

The RFP made clear that AHCCCS would score cost bids and the Narrative Submission Requirements unless specifically exempted. It never disclosed that oral presentations would be scored, let alone that they would together account for 29% of the overall score—or nearly half the points allotted to all non-cost requirements combined. Scoring the oral presentations at all, let alone to the degree to which AHCCCS did, was plainly inconsistent with the RFP's terms.

Weighing the oral presentations so heavily necessarily came at the expense of meaningfully evaluating "an Offeror's ability to provide cost-effective, high-quality contract services in a managed care setting ***in accordance with the AHCCCS mission and goals.***" Instructions at 5. The format for the oral presentations—surprise prompts and 60 minutes to prepare and sketch out a 30-minute presentation—speaks merely to the presenters' public speaking skill under pressure and cannot seriously be expected to meaningfully reflect an offeror's ability to perform consistent with AHCCCS's mission and goals—none of which involve impromptu presentation skills.⁴ And because Mercy Care would have ranked in first place overall absent the

⁴ The evaluation of oral presentations was also limited by the evaluators' ability to take accurate and complete notes in real time. Mercy Care made a public records request for evaluator notes and individual scoring or analysis, but AHCCCS represented that it has no responsive documents (likely because those notes were destroyed in violation of Arizona's Public Records Law). And although there were

improperly scored oral presentations, it was materially prejudiced by the error and would have been awarded a contract in its absence.

C. The scoring methodology eliminated negligible differences between offerors.

The Instructions to Offerors stated that, “[i]f AHCCCS deems that there is a negligible difference in scores between two or more competing Proposals for a particular Geographic Service Area (GSA), in the best interest of the State, AHCCCS may consider additional factors in awarding the Contract,” among which are potential disruption to members and an offeror’s satisfactory performance in the interest of continuity of care. Instructions at 5–6. But the design of the scoring methodology is such that *it is mathematically impossible for there to be negligible differences in scores between offerors.*

The scoring formula divides the maximum points for each submission requirement by the number of offerors and then multiplies the quotient by each offeror’s inverse rank. With only five offerors and absent a tie, there are only five possible point scores available for each category, and each score is 20% higher or lower than the next. The lowest-ranked offeror can receive no more than one fifth of the available points in a given category, no matter how strong their individual performance in that category. And the highest-ranked offeror will get a perfect score, even if they missed key evaluation criteria and performed only marginally better than the other bidders.

Consider the following scenario: five students take an exam with 100 questions. Student 1 gets 91% of the answers correct, Student 2 gets 92%, Student 3 gets 93%, Student 4 gets 94%, and Student 5 gets 95%. While Student 5 did slightly better than Student 1, all the students did reasonably well.

But applying the scoring methodology from this RFP results in scores that would suggest some students woefully failed the exam. Suppose 100 points are available. The formula calls for dividing that number by the number of test-takers (here, 5) and multiplying that quotient (here, 20) by each student’s inverse rank. The result is:

audio recordings, it is not clear whether any evaluator reviewed them (and the evaluation deficiencies below suggest they did not), and even if they had, the audio quality was poor and made it unlikely evaluators could meaningfully assess offerors’ complete answers.

| Rank | Student | Inverse Rank | Distribution of Points |
|------|-----------|--------------|------------------------|
| 1 | Student 5 | 5 | 5*20 = 100 |
| 2 | Student 4 | 4 | 4*20 = 80 |
| 3 | Student 3 | 3 | 3*20 = 60 |
| 4 | Student 2 | 2 | 2*20 = 40 |
| 5 | Student 1 | 1 | 1*20 = 20 |

The results are facially absurd, especially for Student 1. Despite answering 91% of the questions on the exam correctly, Student 1 can earn no more than 20 points out of the available 100. And the next-highest-ranked student (Student 2) gets 20% more of the available points despite only having answered *one* more question correctly than Student 1. Student 5 gets a perfect score—and 80% more of the available points than Student 1—despite having answered only 4 more questions correctly than Student 1.

The scoring system results in artificially inflated or deflated numerical scores that are not reflective of the individual merits of each proposal. As the GAO has explained:

[E]valuation ratings are merely guides for intelligent decision-making in the procurement process; the evaluation of proposals and consideration of their relative merit should be based upon a qualitative assessment of proposals consistent with the solicitation’s evaluation scheme.

Cyberdata Techs., Inc., B-417084, at *6 (GAO Feb. 6, 2019); *see also Mevacon-Nasco JV*, B-414329, at *21 (May 11, 2017) (“The essence of an agency’s evaluation is reflected in the evaluation record--the underlying merits of particular strengths and the proposal as a whole--rather than a comparison of the adjectival ratings.”). It follows that the points assigned to proposals are not dispositive metric for an agency to express a proposal’s merit. *See Goldschmitt & Assocs., LLC*, B-418459.2; B-418459.3, at *4 (April 15, 2020) (“What is important is not the scores themselves, but the underlying substantive merits of the proposals as embodied in, or reflected by, the scores”).

Here, the Procurement Officer accepted the Scope Team’s recommendation to award contracts to the two highest-ranked offerors based entirely on their point

scores.⁵ But the scoring system resulted in scores that were not reflective of the merits of any individual proposal. A strong or even excellent proposal would be scored poorly even if the differences between it and a higher-ranked proposal were qualitatively marginal. While relying on the scoring formula was error, that error was compounded by relying on the final scores without any further explanation for why the selections were the most advantageous to the state and the population served by AHCCCS and the ALTCS program. *See Bio-Rad Lab's, Inc.*, B-297553, at *9 (“While adjectival ratings and/or point scores are useful as guides to decision-making, they generally are not controlling, but, rather, must be supported by documentation of the relative differences between proposals, their weaknesses and risks, and the basis for the selection decision.”).

IV. AHCCCS employed arbitrary scoring criteria.

It is fundamental that “a contracting agency must treat all offerors equally, evaluating proposals evenhandedly against common requirements and evaluation criteria.” *Banknote Corp. of Am. v. United States*, 56 Fed. Cl. 377, 383 (2003), *aff'd*, 365 F.3d 1345 (Fed. Cir. 2004); *see also Freealliance.com, LLC*, B-419201.3, at *6 (GAO Jan. 19, 2021) (“[A]gencies may not generally engage in conduct that amounts to unfair or disparate treatment of competing vendors.”).

Yet the evaluators’ comments in “Final Ranking and Rationale” documents demonstrate the arbitrary nature of AHCCCS’ forced rank scoring methodology and failure accurately to compare each proposal against the scoring criteria. A few examples below are illustrative. Notably, these evaluations—ostensibly the product of consensus scoring—in many instances differ markedly from individual evaluator’s observations and proposed ranks with respect to written submissions. *See Exhibit A* (select individual evaluator comments and proposed notes.)⁶ In several instances, individual evaluators proposed ranking Mercy Care highly in categories it ultimately

⁵ It is unclear whether the Evaluation Team was aware of the scoring impact of forced ranking, the significant point differential between ranked proposals, and/or whether that information would have affected the evaluators’ ranking decisions (particularly where evaluators believed proposals to have only minimal differences in substance). Mercy Care requested training materials provided to the Evaluation Team, but AHCCCS represented that it had no responsive documents.

⁶ AHCCCS has not produced Individual evaluator comments and proposed ranks as to the oral presentations. To the extent these records were destroyed, their destruction violated applicable public records laws and prejudices Mercy Care’s ability meaningfully to review the evaluation. *See A.R.S. § 39-121 et seq.*

was ranked last or close to last. The disproportionately low point score associated with the low rank also further highlights the flaws with the ranked scoring formula.

The upshot is that AHCCCS unfairly ranked Mercy Care lower than other offerors who made nonresponsive or plainly deficient submissions, faulted Mercy Care for not providing information it clearly provided, and criticized Mercy Care for certain answers where other offerors provided nearly identical responses but instead received praise and a higher ranking. These concerns warrant sustaining the protest for unequal treatment of offerors. *Freealliance.com, LLC*, B-419201.3, at *7–8 (record did not support conclusion that agency’s evaluation was administered on an even-handed basis when it did not explain why the strengths assigned to one offeror differed from those assigned to another).

Oral Presentation No. 2

One of the most glaring scoring discrepancies among several was the oral presentation evaluators’ ranking of Health Net as the top ranked offeror in response to Oral Presentation No. 2, while Mercy Care was ranked fifth. And because the oral presentations held an outsized weight in the overall evaluation, compounded significantly by the forced rank scoring methodology, this particular scoring error was both material and highly prejudicial to Mercy Care (who finished first after evaluation of the narrative proposals and cost bid, but only third after the oral presentations). The scoring error in Oral Presentation No. 2 explains the arbitrariness of that scoring shift.

Oral Presentation No. 2 (emphasis added) provided that:

It is the right of every individual to be free from abuse, neglect, and exploitation and it is critical for the success, health, and well-being of the program’s vulnerable members. The State of Arizona has taken numerous measures to enhance prevention of abuse, neglect and exploitation of members as well as to inform and improve abuse monitoring to ensure the safety of vulnerable persons residing in long-term care settings and/or receiving long-term care services in their home. Describe how the Offeror will commit to prevent, protect and ensure the safety and security of its members.

The question actually posed to the offerors concerned—quite clearly—abuse, neglect, and exploitation of ALTCS’ individual members, and each offeror’s description of how it would commit to ensuring vulnerable members’ “safety and security” in their care. Four of the five offerors heard the question and addressed “abuse, neglect, and exploitation.” Only one of the offerors – inexplicably, the offeror who ranked first –

completely ignored the actual question posed, and instead addressed financial “fraud, waste, and abuse.” There was nothing in Health Net’s answer that described its commitment to “prevent, protect and ensure” the “safety and security” of ALTCS’ members.

Notably, the RFP Instructions advised offerors that they should bring to the oral presentation experts in Medical Management, Case Management, and Quality Management. *See* Instructions at 18. Each of those experts is relevant to, and would have expertise in, abuse, neglect, and exploitation of individual members and their safety in receiving services. None of those experts would be relevant to, or have specific expertise in, financially based concerns with fraud, waste, and abuse. There was no reason, either based on the instructions or in the language of the question itself, to believe AHCCCS was asking or would ask about financial fraud, waste, or abuse. There is no justification, either in the RFP, its instructions, or the language in the question itself, to believe an answer related to fraud, waste, and abuse was either (1) responsive or (2) the most responsive among the five offerors. There is no rational justification for the evaluators’ scoring decision.

Health Net’s wholly nonresponsive answer earned it first place and 100% of the available points. Mercy Care provided a thorough discussion of how it identifies and combats potential harm to its members, both in facility and in-home settings. *See e.g.*, (16:58) (discussing EVV data, which applies only to in-home care situations). Yet this responsive answer (which was more robust than AHCCCS acknowledged, but certainly more robust than Health Net’s non-answer) received a fifth place ranking and only 20% of the available points. This scoring discrepancy alone would have resulted in a substantial change in points scored by both Health Net and Mercy Care. At a minimum, the point differential would have been negligible as between Health Net and Mercy Care, such that AHCCCS could and should have considered including Mercy Care to the ALTCS contract, as set forth in the RFP. Even worse, should this award stand, AHCCCS members have no indication as to how Health Net will ensure the safety and security of ALTCS members.

Further compounding the inconsistencies in scoring, AHCCCS credited all offerors other than Mercy Care for mentioning “the Governor’s Abuse and Neglect Prevention Task Force.” OP2 Final Rankings & Observations. Mercy Care mentioned the Task Force *at least twice*, even noting that several Mercy Care staffers sat on the task force. (12:18); *see also* (28:05) (concluding the presentation by reminding evaluators that Mercy Care’s work is “aligned with Governor Ducey’s Abuse, Neglect, and Prevention Task Force.”).

Next, AHCCCS credited both Health Net and BCBSAZ Health Choice (the second-ranked offeror) for “discuss[ing] the role of the [Quality

Management/Performance Improvement (“QMPI”)] in data analysis and Peer Review in responding to incidents.” OP2 Final Rankings & Observations. But despite Mercy Care’s discussion of how it leverages a QMPI committee to perform peer review of data for quality of care concerns, it received no such credit for its response. (9:10); *see also* 7:41-12:03 (discussing use of QMPI in data analysis to achieve proactive member monitoring).

Finally, in assessing Offerors’ “proactive strategies,” AHCCCS noted that Mercy Care “mentioned meetings with providers but did not describe clearly other external communication/collaboration,” when in fact Mercy Care spoke extensively about external communication and how it is leveraged to improve member support. OP2 Final Rankings & Observations. For example, Mercy Care noted its collaboration with Adult Protective Services. (25:42). But while the offerors ranked first through third were specifically credited for referencing APS, Mercy Care received no such credit. *See* OP2 Final Rankings and Rationale. And while Mercy Care described further external partnerships, such as those with the “AAAs” and the “Associations,” including Leading Edge, Arizona Healthcare Association, and Alzheimer’s Association, AHCCCS failed to acknowledge this portion of Mercy Care’s response. (19:10). This, despite the fact that AHCCCS found these partnerships noteworthy in response to a separate set of criteria within OP2, pertaining to training and communication. *See* OP2 Final Rankings & Observations.

Oral Presentation No. 1

While praising BCBSAZ Health Choice (the first-ranked offeror) for demonstrating “how its strategy for supporting family caregivers and workforce development is informed by data,” AHCCCS negatively remarked on Mercy Care’s supposed failure to do the same. OP1 Final Rankings & Observations. In reality, Mercy Care discussed *several ways* in which its efforts are informed by data—for example, using its Councils and Boards committee structure, Mercy Care collects the input and experiences of members and their family caregivers. (8:31). And through the SocialScape technology platform, Mercy Care identifies health related social needs (“HRSN”) at both the individual and community levels to “drive community reinvestments.” *Id.*; *see also* (28:44) (discussing provider audits and monitoring).

Similarly, AHCCCS credited BCBSAZ for “describ[ing] multiple tools to support family caregivers . . . including . . . Blue Connection (food/nutrition assistance).” OP1 Final Rankings & Observations. And while AHCCCS credited Mercy Care for several tools used to support caregivers (*e.g.*, Pyx, Dispatch Care, SocialScape, etc.), it excluded any mention of Mercy Care’s Fresh Express Bus and food boxes. (24:44).

Next, AHCCCS disparately considered Mercy Care and APIPA (the second-ranked offeror) in the area of health outcomes for family caregivers. Mercy Care discussed this topic in depth yet was docked for failing to “address clearly its approach to improving [health] outcomes” for family caregivers. OP1 Final Rankings & Observations. Meanwhile, APIPA received kudos for addressing health outcomes and citing the specific example of its “HOPE Inc. warm line.” OP1 Final Rankings & Observations. But ironically, Mercy Care provided not just one, but *three* specific ways it supports the health outcomes of family caregivers. First, Mercy Care discussed Trualta, its program that “offers education to the family and caregivers,” including “over 100 courses and tools” that help the caregiver learn to support both their family and themselves. (9:37). Second, Mercy Care discussed using its Interdisciplinary Care Team to support families. (14:41). Third, Mercy Care explained its family phone line, where family members can call for resources and information. (21:56).

Section B5

Section B5 asked how offerors would ensure “person-centered service planning.” After the evaluation, Mercy Care ranked 4th, successful offeror APIPA finished 2nd, and successful offeror Health Net finished 3rd. Even a cursory review of the Evaluation Team’s “Rationale and Major Observations,” reveals that the evaluation was arbitrary, and that forced rank scoring compounded the error, resulting in the selection of proposals that were not most advantageous to the State.

Specifically, Mercy Care’s evaluation observations noted only two criticisms of Mercy Care’s proposal. **First**, the evaluation summary contends that Mercy Care “did not describe clearly its strategy for recognizing individual strengths and needs.” To the contrary, Mercy Care extensively documented members’ needs and preferences throughout its proposal, and although Mercy Care may not have used the specific word “strength,” the substance of its strategy for recognizing individual strengths and needs is robust. For example, the proposal provides:

- “We proactively use person centered approaches to understand members' health care goals and health related social needs;” Mercy Care Response Narrative Submission Requirement B5 at 22.
- “We assess and address ALL aspects of members quality of life and empower members....to lead the discussion and creation of a service plan that aligns with their needs and wishes;” *id.* at 22.
- Concern with what is “best suited to meet the member’s unique, physical, behavioral, cultural and social needs;” *id.* at 22.

- “At the initial PCSP review meeting, the CM asks the member about what matter most to them, what works and what does not and their attitudes toward health care;” *id.* at 22.
- “To understand the members’ view of the quality of their life, and where they would like to be, CM use motivational interviewing, the PCSP review tool, and other tools to learn about members' physical, behavioral, functional, and social needs;” *id.* at 23.
- “CM use their training in SafeTALK to assess BH quality of life and to identify members with suicidal thoughts or mental health or SUD needs,” *id.* at 23.
- “Members can review the Life Planning-5 wishes end of life brochure with their CM/HCDM/DR/family to indicate their personal, medical, emotional legal and spiritual wishes.” *Id.* at 23

Second, the evaluation summary notes that although Mercy Care discussed provider participation in the planning process, it “did not describe clearly how it encourages and supports their active participation.” Every offeror received a similar criticism; thus, it cannot be the basis for differentiating between the proposals.

But the evaluation summaries for APIPA (2nd) and Health Net (3rd) reveal *multiple* instances where APIPA and Health Net failed to describe clearly or otherwise address matters critical to Section B5 (and in each of these areas, Mercy Care *did* include clear descriptions, acknowledged by the evaluators):

- Health Net “**did not describe clearly** its process for outcomes follow-up.”
 - Mercy Care “discussed use of a variety of evidence-based assessments (e.g., InterRAI and SAFE), as well as outcomes monitoring and follow-up. Offeror provided an example of a disparity evaluation in which mammography screening rates were found to be lower than average in two zip codes with significant latino populations.”
- APIPA “**did not describe clearly** its systems to support case managers and to facilitate supervision of case manager activities.”
 - Mercy Care “described its approach to implementing person centered service planning, including its systems to support members and case managers and to facilitate supervision activities.”

- APIPA “**did not describe clearly** new initiative for which there would be an associated implementation timeframe.” And Health Net “**did not describe clearly** other implementation milestone dates.”
 - Mercy Care “discussed its timeframe for implementing systems or processes not currently in place.”
- APIPA and Health Net “**did not describe clearly** [a] support plan for case managers based on varying levels of demonstrated competencies.”
 - Mercy Care “described multiple methods for performing oversight of case managers performance, and its support plan for case managers based on varying levels of demonstrated competencies.”
 - Indeed, Mercy Care’s proposal met everything AHCCCS sought in the RFP; none of the other plans met this important aspect of the ALTCS program. Mercy Care specifically addressed: Mercy Care’s CM Services follow AMPM Chapter 1600 and ACOM 405, Quarterly Inter-Rater Reliability, Supervisors monitor reports related to CES, Advance Directives, Placement; Supervisors observe/conduct joint PCSP review, AMPM 1630, Supervisors meet with CM’s monthly one on one visits. Neither APIPA nor Health Net (both of whom ranked higher than Mercy Care in response to Section B5) met AMPM 1630 or ACOM 405, a significant issue for AHCCCS.
- APIPA “**did not describe clearly** how individual case manager performance is monitored and addressed.” And although APIPA “mentioned chart audits and supervision of case managers [it] **did not describe clearly** its process for either activity.”
 - Mercy Care “described its approach to conducting ongoing monitoring, including through use of multiple tracking and trending tools and reports, e.g. PCSP performance monitoring measures and interrater reliability reviews, an annual analysis of case management strategy, and monthly case file audits (sample for established case managers and 100 percent audit of new case managers). Offeror described how supervisory staff perform hands-on oversight of case manager performance.”

Notwithstanding the evaluators’ observations that both APIPA and Health Net failed to address Section B5’s requirements clearly, each scored higher than Mercy Care by a significant margin (APIPA scored 80% of the available points, Health Net

Scored 60% of the available points, and Mercy Care scored only 40%—less than half—of the available points). The scoring errors are particularly concerning given the individual evaluator notes, *see* Exhibit B, which reflect that Mercy Care placed second after individual evaluators independently reviewed Mercy Care’s proposal (section B5) (with two evaluators ranking Mercy Care *first*), but then placed fourth as a result of “consensus” scoring. There is nothing in the evaluation summary that supports why, after “consensus” scoring, two evaluators changed their Mercy Care ranks from first to fourth (with a corresponding reduction of 60% of the available points).

Section B7

Section B7 suffered from similar arbitrary evaluation, ranking, and scoring. It asked offerors to describe their “network development strategy.” Health Net (1st) APIPA (2nd) both failed to follow the eight critical and *mandatory* network development elements set forth in the RFP. *See* RFP § D at 160–61. Mercy Care addressed those critical elements in its methods to build institutional capacity and maximize resources providing detailed action steps with supporting proof points for each of the eight elements, as well as a detailed table of its innovation strategies and outcomes. Health Net failed to reference any proof points and only cited general statistics; yet it was given credit for a “detailed” response that was far inferior in substance and specificity to Mercy Care’s.

Further, Health Net’s response failed to meet the RFP’s required three-year timeline. Specifically, each offeror—except for Health Net—submitted its offer for three years starting on October 1, 2024, the RFP’s proposed implementation date. AHCCCS provided clear guidance in RFP Amendment #2 on this issue in response to Health Net’s very own question about when the timeline begins. AHCCCS stated in response to Question #6: “In reference to B7 submission requirement where it states: ‘Provide action steps and a timeline for the first three years of the Contract, along with measurable outcomes to be achieved,’ the action steps should focus on the contract start (execution) date.” But Health Net submitted its offer for three years from the contract award date (2023). Thus, the entire first year of Health Net’s offer is the transition period. Health Net proposed that it would take until the *end of 2025* to build its network to the level of Mercy Care’s network today. In fact, Mercy Care’s specialty network is markedly more robust than that of APIPA: Mercy Care has 46 SNFs (skilled nursing facilities), compared to APIPA’s 4 to 5. Mercy Care’s network also includes critical specialty contracts not available from the contract awardees (e.g., behavioral health, members on ventilators, members with wandering dementia, etc.).

Not only does Health Net’s offer fail to meet the RFP’s three-year term from the implementation date, but it fails to meet AHCCCS’ mission and goals of moving

the ALTCS program forward. Reducing the number of managed care organizations servicing the ALTCS program necessarily results in less innovation and a more limited and narrower network. Health Net anticipates spending more than a year simply getting back to a network that already exists today, a fact that will result in significant disruption for members and a failure to accomplish AHCCCS' goals of expanding the network and moving the program forward.

The individual scorer notes support Mercy Care's concerns. When the individual scorers independently reviewed Mercy Care's proposal (B7), Mercy Care ranked first; but after "consensus" scoring, Mercy Care ranked third (resulting in a loss of 40% of the available points). Nothing in the evaluation summary supports this significant point reduction or reduced ranking.

Section B9

In B9, worth 75 of the total 1,000 points available, offerors are tasked with addressing social risk factors in the delivery of care. Specifically, offerors had to identify the manner in which it would provide timely access to services and support and monitor care outcomes while commenting on its strategies for addressing barriers to care for those residing in rural and tribal communities as well as those needing community and peer or family support services. The scoring criteria focuses on health equity; strategies supporting access to care; collaboration and engagement; and other notable considerations. AHCCCS awarded Mercy Care the lowest points possible.

AHCCCS laments that Mercy Care "generally discussed" the relevant considerations but fails to specify where it falls short. This "generally discussed" description ignores the fact that Mercy Care's four-page response to the inquiry covers all requisite topics in detail. Starting with strategies to address social risk factors, Mercy Care advised that it uses HRSN Z-codes, SocialScape and Mercy Care's proprietary risk stratification tool to identify members' social risk factors. No other offeror describes the same. Mercy Care addresses social risk factors by utilizing its proprietary community resource guide to connect members to local resources and by using CommunityCares, Arizona's closed loop referral service, to refer members to CBOs that can address their identified HRSN and then track and close those referrals. Mercy Care highlights the fact that it invested almost \$10 million in community grants designed to enhance member care in managing chronic conditions, supporting mental health, empowering recovery from substance abuse and addressing housing insecurity. As to care barriers, Mercy Care funded the Pima Counsel on Aging with \$130,000 to facilitate Dementia Capable Southern Arizona Memory Cafes as well as to facilitate Visibility Matters, a training curriculum for the unique challenges older LGBTQ individuals face as they age. Moreover, Mercy Care spent almost \$1.5 million on eighteen community reinvestment projects aimed at

delivering care to tribal members. These issues are more than generally discussed, they are discussed with specificity.

Mercy Care thoroughly set forth how it will continue to provide timely access to services and supports. And while Mercy Care was not credited for it in the evaluator narratives, it stated that all of its providers participate in its “Advancing Health Equity for MC’s ALTCS Tribal Members” Training. Mercy Care also extensively referenced its telehealth capabilities, despite not receiving credit for such and other offerors receiving positive reviews for their telehealth answers. Concerning members needing community services, Case Managers have access to Mercy Care’s suite of wellness tools and the PCSP process to understand members’ whole-health needs. Again, this is more than a reference...or general discussion.

Mercy Care’s commitment to monitoring outcomes is further illustrated by its continuous use of Z-codes, health information exchange information, electronic visit data and dashboards. Areas of improvement are analyzed and modified. From this, it is clear that Mercy Care’s response was more than just “general.”

Initially, the language used on the Scoring Tool does not match the actual RFP Narrative Submission Requirement for B9 which is so much broader. Nevertheless, AHCCCS applies its unspecified scoring methodology differently to Health Net. Health Net does not reference or explain data collection and analysis to monitor timely access but still somehow receives a perfect score. AHCCCS’ decision to utilize different criteria than set forth in the RFP is arbitrary, without structure or consistency and is irregular.

Again, the individual scorer notes ranked Mercy Care third after an independent review of Mercy Care’s proposal (B9), but after “consensus” scoring, Mercy Care ranked fifth (resulting in a loss of 40% of available points) without meaningful or accurate justification in the evaluation summary. *See Exhibit B.*

V. Request for Stay

Pursuant to A.A.C. R9-22-604(E), Mercy Care respectfully requests that the Chief Procurement Officer stay this procurement (to include any and all transition or implementation activities) until Mercy Care’s protest has been fully and finally adjudicated.

As set forth in detail above, Mercy Care has established a reasonable probability that its protest must be sustained. *See* A.A.C. R9-22-604(E)(1). Namely, the record before the Chief Procurement Officer is clear that, at a minimum: (a) oral presentations were improperly scored, contrary to the RFP’s terms; (b) the scoring

methodology was not developed until after the proposals were publicly opened, contrary to the RFP's terms; (c) oral presentations, which were not tailored to assess the narrative proposals' actual merit, were assigned outsized weight inconsistent with the RFP's stated evaluation criteria; (d) the forced ranking methodology wholly eliminated "negligible" differences between offerors and structurally failed to account for minor differences between proposals (imposing an unreasonable 20% point penalty between each rank, compounding other scoring errors, and artificially depressing Mercy Care's total score); (e) multiple scoring decisions were arbitrary and demonstrated either a failure to accurately compare each proposal against the scoring criteria or to treat each proposal fairly and equally.

Those errors, several of which are indisputable based on the procurement file and available public records, are both material and prejudicial to Mercy Care, whose proposal would have received significantly more points and would have been ranked higher (in the top two), but for those errors in the procurement process.

Further, a stay of the contract award is in the best interest of the state. *See* A.A.C. R9-22-604(E)(2). Given the multiple, significant errors in the procurement process, a stay will simply preserve the status quo during AHCCCS' review, analysis, and determination of Mercy Care's protest. Mercy Care can and will continue to operate under its existing ALTCS E/PD contract for the duration of the stay, ALTCS members will maintain continuity in receipt of care, and members will not face uncertainty and/or disruption pending resolution of the protest only to have further disruption when Mercy Care's protest is affirmed. Importantly, in issuing the RFP, AHCCCS contemplated that a protest may delay its October 1, 2024 implementation date and expressly informed all proposers of that possibility. *See* Instructions at 8. A stay is fully consistent with the RFP's instructions. *Id.*

VI. Requested Relief and Conclusion

As the third highest point scorer, without the appropriate corrections, Mercy Care seeks an award of a statewide contract, or in the alternative, a contract for the central GSA, as contemplated in the RFP. *See* A.A.C. R9-22-604(H)(3)(d); Instructions at 8. Failing either of these remedies, Mercy Care requests that AHCCCS issue a new solicitation that addresses and resolves the numerous scoring and other issues raised by this and/or any other protest. A.A.C. R9-22-604(H)(3)(b).

Mercy Care's request is consistent with the factors enumerated in A.A.C. R9-22-604(H)(2):

(a) Seriousness of procurement deficiency.

Mercy Care has identified several serious deficiencies in this procurement process, both with respect to the scoring of Mercy Care's proposal and the procurement process generally. Each of those deficiencies is material and prejudicial to Mercy Care, such that Mercy Care would have received a contract award but for those errors. Mercy Care is entitled to its requested relief.

(b) Degree of prejudice to other interested parties or to the integrity of the RFP process.

Mercy Care's requested relief, whether it is awarded a statewide contract, a contract for the central GSA (as contemplated by the RFP itself), or whether AHCCCS issues a new RFP, will not prejudice any other interested party and will only serve to ensure the integrity of the RFP process. The RFP informed all interested parties of AHCCCS' intent to award three contracts. *See* Instructions at 8 ("AHCCCS intends to make a total of three awards for this RFP . . ."). Mercy Care's requested relief, as the third-place finisher, is fully in line with the RFP's explicit instructions and further benefits the Medicaid population. Alternatively, the RFP informed all interested parties that the implementation deadline could be postponed "[i]n the event of a protest or unforeseen circumstance." Instructions at 8. All interested parties submitted their proposals understanding those instructions; there is no prejudice to any proposer in reissuing the RFP.

Nor is there prejudice to ALTCS' membership in granting Mercy Care's relief. Members will suffer less disruption, have greater choice, and prolonged continuity of care if Mercy Care is awarded a statewide contract, a contract for the central GSA, and/or if the current incumbents continue to provide service under the terms of their existing contracts pending reissuance of the RFP.

Granting Mercy Care's requested relief is consistent with the terms of the RFP. AHCCCS' willingness to engage in a careful review of its procurement process would: encourage transparency, ensure selection of the proposals that are most advantageous to the state, and further the integrity of the RFP process.

(c) Good faith of the parties.

Mercy Care submits this timely protest, which complies with the RFP and applicable statutes and regulations, only after a careful review of the procurement process and a good faith, genuine belief that Mercy Care's proposal was most advantageous to the state, AHCCCS, and ALTCS members.

(d) Extent of performance.

Mercy Care is not aware of any contract performance from the contract award announcement (December 1, 2023) to date. Indeed, the procurement process is still in the protest period. The targeted implementation date is not until October 1, 2024 at the earliest. Mercy Care has requested a stay of contract transition and implementation to maintain the status quo, such that performance would not begin until after its protest is fully and finally resolved.

(e) Costs to the state.

There should be no additional cost to the state if Mercy Care is awarded a statewide contract or a contract for the central GSA. Mercy Care presented a competitive cost proposal (indeed it ranked second), such that selection of Mercy Care for a contract will *decrease* costs to the state. Alternatively, if AHCCCS decides to reissue the RFP, there may be some limited administrative costs associated with the reissued solicitation. Those costs, however, are de minimis given the magnitude of the ALTCS program, its impact on members throughout the state, and the importance of selecting proposals most advantageous to the state and the most vulnerable of our citizens in Arizona.

(f) Urgency of the procurement.

Mercy Care is not aware of a particular urgency to this procurement. AHCCCS' target implementation date is nearly a year out (October 1, 2024) and is expressly subject to delay pending procurement protests and other unforeseen circumstances. See Instructions at 8. Three incumbents currently serve ALTCS members and can continue uninterrupted service pending resolution of Mercy Care's protest.

(g) Best interests of the state.

For the myriad reasons discussed throughout this protest, awarding a contract to Mercy Care is in the best interest of the state, AHCCCS, and ALTCS' members. Mercy Care's requested relief furthers AHCCCS' objectives of ensuring provider choice and minimizing disruption for its most vulnerable members.

Meggan LaPorte
AHCCCS Chief Procurement Officer
December 20, 2023
Page 31

Pursuant to A.A.C. R9-28-604 and R9-22-604, the protester, along with its pertinent contact information, is as follows:

Mercy Care
Attn: Lorry S. Bottrill
President & Chief Executive Officer
4750 S. 44th Place, Suite 150
Phoenix, AZ 85040
(602) 400-7082
lorry.bottrill@mercycares.org

Sincerely,



Roy Herrera
Counsel for Mercy Care

Exhibit A

| | | | |
|---|--|--|---|
| Criteria Consideration - (Other Consideration Item) | N/A | N/A | N/A |
| Criteria Consideration - Other | N/A | N/A | N/A |
| IRMSD CATEGORY - STRATEGIC THAT IMPROVE MEMBER EXPERIENCE AND OUTCOMES | | | |
| Criteria Consideration - (Other Consideration Item) | This panel is their standardized assessment process which incorporates longitudinal data to assess their progress and outcomes. | CMs develop strategic action plans to address their members' needs. | CMs develop member profiles, a diverse case base to consider the most needs and outcomes for a member, cultural, spiritual, professional as well as other needs. CMs support members to meet their PCP goals, and other members on their goals and outcomes. CMs support members to meet their PCP goals, and other members on their goals and outcomes. |
| Criteria Consideration - (Other Consideration Item) | CMs use tools such as the ACTC's Discovery Tool, to identify aspects of members' lives that bring them joy and drive individualized goal setting by determining what is most important to each member. | CMs monitor the attainment of PCP goals and objectives, identify and remove barriers, and facilitate communication between providers and members. | CMs monitor the attainment of PCP goals and objectives, identify and remove barriers, and facilitate communication between providers and members. |
| Criteria Consideration - (Other Consideration Item) | N/A | N/A | N/A |
| Criteria Consideration - Other | N/A | N/A | N/A |
| IRMSD CATEGORY - OTHER NOTABLE CONSIDERATIONS | | | |
| Criteria Consideration - (Use of cited contracts) | Minimally referenced, but when cited contracts only referenced those indicated in Narrative B2. | Only reference to cited contracts was related to their Banner Medicare Advantage (DMA) members - CMs also participate with the member's original and assigned DMA. CMs are available to answer questions and address issues A/C, offering their group physicians' resources. | Minimally referenced A/C DMA. Otherwise, references to contracts outside of those indicated in Narrative B2 were not found. |
| Criteria Consideration - (Supporting provider training for DMA) | Based on provider feedback, they used community reinvestment funds to support provider partners in purchasing training business needed for online training to reduce travel burden for provider DMA. | N/A | Workforce Development Administrator expanded Workforce Team has developed education, training, and certification supports through our Blue ACTC Academy - not only for current DMA's and caregivers, but also for candidates who can expand the workforce including new college graduates, family members, friends, neighbors, them and family, conditions, and nursing facilities particularly in rural areas. |
| Criteria Consideration - (Reference to the applicant's Business Plan) | It is related to the applicant's business plan, but will be further updated. | Minimal references related to the business plan/operations of the DMA enterprise (See Rows 27, 28, 29 & 30 above). | No response. |
| DRAFT FINANCING | 1 | 4 | 3 |

| | |
|--|--|
| N/A | N/A |
| N/A | N/A |
| <p>Indicates alignment with ALICE's values/membership and CSB goal with members to identify their whole person Strengths Engagement Plan - team members of staff with a variety of abilities</p> <p>Goal to use of different person-related assessment tools and person-first language to identify members' strengths, interests, desired outcomes, goals, and risks in alignment with ALICE Guiding Principle Member-Centered Care Management</p> <p>As part of the PDP process, they speak to connecting members with services that support independence such as Peer Support Specialists, to help members meet their goals (e.g. reaching out to friends, identifying a nearby accessible coffee shop, and arranging transportation)</p> <p>CSB asks members to self-define CSB goals for preferred daily activities, independence and mobility, income, housing, food and personal safety, sustained optimal relationships, and community involvement.</p> | <p>Working with various stakeholders such as school and public system representatives to create a unified assessment, goals, and services</p> <p>CSB has access to our structure programs, which help members to connect to the community and connect them with CSB of their choice</p> <p>CSB helps members to use their choice and voice to create goals</p> |
| N/A | N/A |
| N/A | N/A |
| No reference to contracts cited in B2 or others. | Only reference to contract cited in B2, no others. |
| N/A | N/A |
| ALICE/CSB | ALICE/CSB |
| 1 | 1 |

| END OF RFP FOR BIDDING TOOL | | | | | |
|---|--|--|--|--|--|
| BIDDING CONTRACTS | | | | | |
| <p>B2 - The Offeror shall identify no more than three contracts. The Offeror shall list only the three contracts that it wishes to use throughout the RFP. The Offeror does not need to include Arizona Medicaid Contracts in the list, which represent its experience in managing similar healthcare delivery systems to the ACTS EPOD Program. The Offeror must list the HCE CAP or BE if the Offeror wishes to experience related to the RFP. The Offeror shall describe all programs for the contracts selected including those from Arizona. The description shall include but not be limited to geographic coverage, population served and capacities, behavioral health/psychiatric health integration plans, years in program, and current contractual status. In response to the Narrative Submission Requirements that ask for the Offeror's experience as well as any other responses where experience is requested, the Offeror shall refer exclusively to the experience from the identified contracts in this response, and must always include Arizona experience, if applicable. Any contracts referenced in Narrative Submission Requirements responses which are not identified in this response will not be considered.</p> <p>B3 - To be an eligible Respondent for Narrative Submission Requirements (B2-B3) the Offeror shall include in its response how the Offeror will address behavioral, health disparities, and/or structural and social determinants of health and promote equitable member care.</p> | | | | | |
| <p>DEMOGRAPHIC REQUIREMENT B3 - NETWORK DEVELOPMENT Describe the Offeror's Network Development strategy, including methods to build home and Community Based Services (CBS) providers and institutional capacity in rural areas and evaluate available resources. Also discuss specifically how the Offeror will avoid rural nursing facilities seeking to expand into community based care. Provide action steps and a timeline for the first three years of the Contract, along with measurable outcomes to be achieved. The action steps should focus on the contract start (pre-award) data and that illustrates how the Offeror's operational areas will work in an integrated fashion to identify and address network needs.</p> | | | | | |
| <p>PAGE LIMIT 40</p> | | | | | |
| <p>EVALUATION TEAM - The Proposal Mentions Information of the Individual Evaluators Has Been Redacted</p> | | | | | |
| <p>CONTRACT CATEGORY - Other - Care - Care within a</p> | | | | | |
| PROVIDER | PROVIDER PERSONNEL - INC | PROVIDER UNIVERSITY AND ADVANTAGE | PROVIDER HEALTH FINANCING | PROVIDER HEALTH ACCESS | PROVIDER CARE |
| Contract Identified in Narrative B2 (Y/N) | Contract Identified in Narrative B2 (Y/N) | Contract Identified in Narrative B2 (Y/N) | Contract Identified in Narrative B2 (Y/N) | Contract Identified in Narrative B2 (Y/N) | Contract Identified in Narrative B2 (Y/N) |
| Contract Identified in Narrative B2 (Y/N) | Contract Identified in Narrative B2 (Y/N) | Contract Identified in Narrative B2 (Y/N) | Contract Identified in Narrative B2 (Y/N) | Contract Identified in Narrative B2 (Y/N) | Contract Identified in Narrative B2 (Y/N) |
| Contract Identified in Narrative B2 (Y/N) | Contract Identified in Narrative B2 (Y/N) | Contract Identified in Narrative B2 (Y/N) | Contract Identified in Narrative B2 (Y/N) | Contract Identified in Narrative B2 (Y/N) | Contract Identified in Narrative B2 (Y/N) |
| <p>PROVIDER CATEGORY - OTHER NOTABLE CONSIDERATIONS</p> | | | | | |
| <p>Contract Consideration - Understand the unique aspects regarding the CAP</p> | <p>Contract Consideration - Understand the unique aspects regarding the CAP</p> | <p>Contract Consideration - Understand the unique aspects regarding the CAP</p> | <p>Contract Consideration - Understand the unique aspects regarding the CAP</p> | <p>Contract Consideration - Understand the unique aspects regarding the CAP</p> | <p>Contract Consideration - Understand the unique aspects regarding the CAP</p> |
| <p>Contract Consideration - Address HCEI providers and institutional capacity in rural areas</p> | <p>Contract Consideration - Address HCEI providers and institutional capacity in rural areas</p> | <p>Contract Consideration - Address HCEI providers and institutional capacity in rural areas</p> | <p>Contract Consideration - Address HCEI providers and institutional capacity in rural areas</p> | <p>Contract Consideration - Address HCEI providers and institutional capacity in rural areas</p> | <p>Contract Consideration - Address HCEI providers and institutional capacity in rural areas</p> |
| <p>Contract Consideration - Overview</p> | <p>Contract Consideration - Overview</p> | <p>Contract Consideration - Overview</p> | <p>Contract Consideration - Overview</p> | <p>Contract Consideration - Overview</p> | <p>Contract Consideration - Overview</p> |
| <p>Contract Consideration - Assistance with rural financing facilities seeking to expand into community based care</p> | <p>Contract Consideration - Assistance with rural financing facilities seeking to expand into community based care</p> | <p>Contract Consideration - Assistance with rural financing facilities seeking to expand into community based care</p> | <p>Contract Consideration - Assistance with rural financing facilities seeking to expand into community based care</p> | <p>Contract Consideration - Assistance with rural financing facilities seeking to expand into community based care</p> | <p>Contract Consideration - Assistance with rural financing facilities seeking to expand into community based care</p> |
| <p>Contract Consideration - [Other Consideration Here]</p> | <p>Contract Consideration - [Other Consideration Here]</p> | <p>Contract Consideration - [Other Consideration Here]</p> | <p>Contract Consideration - [Other Consideration Here]</p> | <p>Contract Consideration - [Other Consideration Here]</p> | <p>Contract Consideration - [Other Consideration Here]</p> |
| <p>Contract Consideration - Other</p> | <p>Contract Consideration - Other</p> | <p>Contract Consideration - Other</p> | <p>Contract Consideration - Other</p> | <p>Contract Consideration - Other</p> | <p>Contract Consideration - Other</p> |
| <p>PROVIDER CATEGORY - NETWORK DEVELOPMENT STRATEGIES</p> | | | | | |
| <p>Contract Consideration - Overview (What options exist to build and maintain adequate)</p> | <p>Contract Consideration - Overview (What options exist to build and maintain adequate)</p> | <p>Contract Consideration - Overview (What options exist to build and maintain adequate)</p> | <p>Contract Consideration - Overview (What options exist to build and maintain adequate)</p> | <p>Contract Consideration - Overview (What options exist to build and maintain adequate)</p> | <p>Contract Consideration - Overview (What options exist to build and maintain adequate)</p> |
| <p>Contract Consideration - Use of data</p> | <p>Contract Consideration - Use of data</p> | <p>Contract Consideration - Use of data</p> | <p>Contract Consideration - Use of data</p> | <p>Contract Consideration - Use of data</p> | <p>Contract Consideration - Use of data</p> |
| <p>Contract Consideration - Identify and resolve barriers to rural delivery</p> | <p>Contract Consideration - Identify and resolve barriers to rural delivery</p> | <p>Contract Consideration - Identify and resolve barriers to rural delivery</p> | <p>Contract Consideration - Identify and resolve barriers to rural delivery</p> | <p>Contract Consideration - Identify and resolve barriers to rural delivery</p> | <p>Contract Consideration - Identify and resolve barriers to rural delivery</p> |
| <p>Contract Consideration - Provision of three year timeline with measurable and/or observable outcomes</p> | <p>Contract Consideration - Provision of three year timeline with measurable and/or observable outcomes</p> | <p>Contract Consideration - Provision of three year timeline with measurable and/or observable outcomes</p> | <p>Contract Consideration - Provision of three year timeline with measurable and/or observable outcomes</p> | <p>Contract Consideration - Provision of three year timeline with measurable and/or observable outcomes</p> | <p>Contract Consideration - Provision of three year timeline with measurable and/or observable outcomes</p> |
| <p>Contract Consideration - Overview</p> | <p>Contract Consideration - Overview</p> | <p>Contract Consideration - Overview</p> | <p>Contract Consideration - Overview</p> | <p>Contract Consideration - Overview</p> | <p>Contract Consideration - Overview</p> |
| <p>Contract Consideration - [Other Consideration Here]</p> | <p>Contract Consideration - [Other Consideration Here]</p> | <p>Contract Consideration - [Other Consideration Here]</p> | <p>Contract Consideration - [Other Consideration Here]</p> | <p>Contract Consideration - [Other Consideration Here]</p> | <p>Contract Consideration - [Other Consideration Here]</p> |
| <p>Contract Consideration - Other</p> | <p>Contract Consideration - Other</p> | <p>Contract Consideration - Other</p> | <p>Contract Consideration - Other</p> | <p>Contract Consideration - Other</p> | <p>Contract Consideration - Other</p> |
| <p>PROVIDER CATEGORY - OTHER NOTABLE CONSIDERATIONS</p> | | | | | |
| <p>Contract Consideration - Use of rural contracts</p> | <p>Contract Consideration - Use of rural contracts</p> | <p>Contract Consideration - Use of rural contracts</p> | <p>Contract Consideration - Use of rural contracts</p> | <p>Contract Consideration - Use of rural contracts</p> | <p>Contract Consideration - Use of rural contracts</p> |
| <p>Contract Consideration - [Other Consideration Here]</p> | <p>Contract Consideration - [Other Consideration Here]</p> | <p>Contract Consideration - [Other Consideration Here]</p> | <p>Contract Consideration - [Other Consideration Here]</p> | <p>Contract Consideration - [Other Consideration Here]</p> | <p>Contract Consideration - [Other Consideration Here]</p> |
| <p>Contract Consideration - [Other Consideration Here]</p> | <p>Contract Consideration - [Other Consideration Here]</p> | <p>Contract Consideration - [Other Consideration Here]</p> | <p>Contract Consideration - [Other Consideration Here]</p> | <p>Contract Consideration - [Other Consideration Here]</p> | <p>Contract Consideration - [Other Consideration Here]</p> |
| <p>DRAFT RANKING</p> | | | | | |
| 1 | 2 | 3 | 4 | 5 | 6 |

RFP RFP #24-0001 SCORING TOOL

82 - The Offeror shall identify no more than three contracts, *The Offeror shall list only the three contracts that are not Arizona Medicaid Contracts that it wishes to use throughout the RFP. The Offeror does not need to include Arizona Medicaid Contracts in its list, which represent its experience in managing similar healthcare delivery systems in the ALTCs/FP Program. *The Offeror must list the FICE-SM in 82 if the Offeror wishes to participate related to the FICE-SM contract. The Offeror shall describe all programs for the contracts identified including those from Arizona. The description shall include but is not limited to geographic coverage, population served and enrollment, behavioral health integration status, plans to program, and current contractual dates. In response to the Narrative Submission Requirement that asks for the Offeror's experience as well as any other responses where experience is presented, the Offeror shall refer exclusively to the experience from the identified contracts in the response, and must always include Arizona experience, if applicable. Any contracts referenced in Narrative Submission Requirement responses which are not identified in this response will not be considered.

83 - In EACH response for Narrative Submission Requirements (84-86) the Offeror shall include in its response how the Offeror will address health inequities, health disparities, and/or structural and social determinants of health and provide equitable member care.

SUBMISSION REQUIREMENT 87: NETWORK DEVELOPMENT
 Describe the Offeror's network development strategy, including methods to build Home and Community Based Services (HCBS) providers and institutional capacity in rural areas and maximize available resources. Also discuss specifically how the Offeror will assist rural nursing facilities seeking to expand into community-based care.
 Provide action steps and a timeline for the first three years of the Contract, along with measurable outcomes to be achieved. The action steps *should focus on the contract start (insertion) date and shall illustrate how the Offeror's operational areas will work in an integrated fashion to identify and address network needs.

TABLE LIMIT 4
 The Personally Identifying Information of the Individual Evaluators Has Been Redacted Herein

| CONTRACT IDENTIFIER | PROVIDER CATEGORY | PROVIDER NAME | PROVIDER TYPE | PROVIDER ADDRESS | PROVIDER PHONE | PROVIDER FAX | PROVIDER EMAIL |
|--|---|-----------------------------------|---------------|--|----------------|--------------|----------------|
| Contract Identifier - Narrative 83.1.1.1 | PROVIDER CATEGORY - HEALTH EQUITY (INSTITUTIONAL) | Arizona HealthCare Services, Inc. | Home Health | 1000 North Central Avenue, Suite 1000, Phoenix, AZ 85004 | 602.441.1111 | 602.441.1111 | ahcs@ahcs.com |
| Contract Identifier - Narrative 83.1.1.2 | PROVIDER CATEGORY - HEALTH EQUITY (INSTITUTIONAL) | Arizona HealthCare Services, Inc. | Home Health | 1000 North Central Avenue, Suite 1000, Phoenix, AZ 85004 | 602.441.1111 | 602.441.1111 | ahcs@ahcs.com |

84 - Did not really address needs, but cited articles in the north - shortages of AAs, and their plans to address this by using certified, local AAs in the north.

85 - Two strategies to build capacity, increase provider ability to serve more members, increasing provider skills. Did not really address needs, but cited articles in the north - shortages of AAs, and their plans to address this by using certified, local AAs in the north.

86 - No differences in the hours facing capacity rural vs. statewide, but a statement doesn't significantly vary and appear targeted statewide. Suggests payments will be higher rural? (60-90% in home program. Arizona Care & Wellness uses in-home care to reduce disparities, Caron's a SMF provider wrap-around care, will include home meds, safety support, SP, interpretation services, therapy, daily self-care, mental services, personal care. DCH Back Up Program supports caregivers by offering them a toolbox when needed. Peer/Family Advisory Project teams for CHCs. Discussed oversight of NEMT that reduced grievances since 1/22. Because rural transport (led by 50% of interviewed stakeholders in a problem, AZCH helped create a first Adult Day club and dementia club, plans to expand. COPA) targeted care to place model, 100% continuation of care, curriculum for 18 post-doctoral students in rural SMF abroad.

87 - Do feedback from AHCA on this, but current levels have not recovered. Plans to meet with them to identify models. Also, HPIF contract with Hesperia of the Valley to provide insight in two integrated rural SMFs. Copra to launch space for rural SMF. HPIF contract with Hesperia of the Valley to provide rural SMF CCE (not really HCBS) 7/2. Will have specialized SMF/CHC provider relations staff.

88 - 50-50 split between rural and urban. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model.

89 - In-home primary care. Support for caregivers, 29,000 grant over 3 years to improve access to caregiver support (HPIF), CareLink caregiver coaches.

90 - 50-50 split between rural and urban. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model.

91 - 50-50 split between rural and urban. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model.

92 - 50-50 split between rural and urban. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model.

93 - 50-50 split between rural and urban. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model.

94 - 50-50 split between rural and urban. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model.

95 - 50-50 split between rural and urban. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model.

96 - 50-50 split between rural and urban. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model.

97 - 50-50 split between rural and urban. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model.

98 - 50-50 split between rural and urban. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model.

99 - 50-50 split between rural and urban. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model.

100 - 50-50 split between rural and urban. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model.

101 - 50-50 split between rural and urban. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model.

102 - 50-50 split between rural and urban. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model.

103 - 50-50 split between rural and urban. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model.

104 - 50-50 split between rural and urban. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model.

105 - 50-50 split between rural and urban. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model.

106 - 50-50 split between rural and urban. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model.

107 - 50-50 split between rural and urban. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model.

108 - 50-50 split between rural and urban. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model.

109 - 50-50 split between rural and urban. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model.

110 - 50-50 split between rural and urban. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model.

111 - 50-50 split between rural and urban. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model.

112 - 50-50 split between rural and urban. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model.

113 - 50-50 split between rural and urban. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model.

114 - 50-50 split between rural and urban. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model.

115 - 50-50 split between rural and urban. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model.

116 - 50-50 split between rural and urban. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model.

117 - 50-50 split between rural and urban. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model.

118 - 50-50 split between rural and urban. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model.

119 - 50-50 split between rural and urban. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model.

120 - 50-50 split between rural and urban. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model.

121 - 50-50 split between rural and urban. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model.

122 - 50-50 split between rural and urban. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model. Support for members with BP conditions in SMFs and ALTA 41 SMFs and ALTA 45 care model.

or all programs for the contracts selected including those from Actico. The description and contracts referenced in the Narrative Solicitation Requirement responses which are not identified



MERCY CARE

After reading Contractor's response, enter your individual notes here for this Broad Category and Criteria Consideration

Act

Collaborating with Tribal Nations. Serving tribal communities on and off the land across the state. The Contractor shares information with providers to help better serve tribal members. Provider training includes the inclusion of the inclusion of tribal members in medical decisions, and provider of aggressive behavior. The Contractor instructs it issues in health and data that improve connectivity between providers and members to improve member experience and outcomes.

Offer an on-site way to use resources and skills to support providers to bring more meaningful care. Offer a virtual way to use resources and skills to support providers to bring more meaningful care. Offer a virtual way to use resources and skills to support providers to bring more meaningful care. Offer a virtual way to use resources and skills to support providers to bring more meaningful care.

The Contractor does not have a goal in addressing the needs for DCH due to the shortage. However, the Contractor does not have a goal in addressing the needs for DCH due to the shortage. However, the Contractor does not have a goal in addressing the needs for DCH due to the shortage. However, the Contractor does not have a goal in addressing the needs for DCH due to the shortage.

After reading Contractor's response, enter your individual notes here for this Broad Category and Criteria Consideration

After reading Contractor's response, enter your individual notes here for this Broad Category and Criteria Consideration

The Contractor's WIDC leads 3 of the 5 APF WIGs.

Philosophy that expanding access to long-term care, delivering culturally responsive solutions for rural health care, and addressing the challenges of the health care workforce are the core of the contractor's mission to serve the ALSC population.

After reading Contractor's response, enter your individual notes here for this Broad Category and Criteria Consideration

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After reading Contractor's response, enter your individual notes here for this Broad Category and Criteria Consideration

EPO RFP #19-001 SCORING TOOL
Overall Metric - Compliance

22. The Offeror shall identify no more than three contracts. The Offeror shall only list the three contracts that are not Arizona Medical Contracts that it wishes to cite throughout its RFP. The Offeror does not need to include Arizona Medical Contracts in its list, which represent its experience in managing similar healthcare delivery systems to the ACCIS/EPO Program. The Offeror must list the FCCS (RFP # 22) if the Offeror wishes to experience related to the FCCS/EPO contract. The Offeror shall describe all programs for the contracts selected including those from Arizona. The description shall include but not be limited to geographic coverage, population served and enrollment, behavioral health/physical health integration status, years in program, and current contract status. In response to the Narrative Submission Requirement that asks for the Offeror's Experience as well as an offer response where experience is presented, the Offeror shall offer evidence to the experience from the identified contracts in this response, and not share outside Arizona experience. If applicable, any contracts referenced in Narrative Submission Requirement response which are not identified in this response will not be considered.

COMPLIANCE REVIEW
 Pursuant to 42 CFR 438.120 (L), Medicaid agencies must conduct compliance reviews of their contracted Managed Care Organizations at least every three years. ANCCCC will evaluate compliance reviews and incorporate the Offeror's past performance as specified below:
 1. **Compliance (COP) Contract:** A compliance audit required. ANCCCC will follow the ANCCCC Contract for COP (FACTS LTR) Operational Review QMS.
 2. **Compliance (COP) Contract:** A compliance audit not required. ANCCCC will follow the most recent contract ANCCCC Operational Review QMS.
 3. **Non-Compliance Contract:** The Offeror shall submit to their board financial data together complete accuracy and on. The financial data shall be selected from one of the Medical Contracts listed in 22 in compliance with 42 CFR 438.120 (L) for a business line which includes provision of services that are comparable to the Scope of Services for this RFP. The Offeror shall include a description of how the services identified in 22 meet the required compliance review as comparable to the Scope of Services for this RFP. The Offeror's submission shall not exceed one page plus attached compliance records. ANCCCC reserves the right to validate the submitted review.
 23. **Final LTR:** LTR request for Non-Compliance Contract.
 For Non-Compliance Contract: Refer to (BR02) and RFP Section 9, Instructions to Offerors for submission format requirements.

EVALUATION TEAM - The Primary/Identifying Information of the Individual Evaluators Has Been Redacted Where Appropriate

| CONTRACT FACILITY | ARIZONA PHYSICIANS PA, INC. | BANNER-UNIVERSITY CARE ADVANTAGE | SOBAC HEALTH CHOICE | HEALTHNET ACCESS | MERCY CARE |
|--|--|--|---|--|--|
| Contract Identified in Question #22 (COP) | Individual/Member/Plan/Contract/PA/Physician | Banner-Medicaid Advantage/COOP Advantage | Medicare Plus/United Health/Blue Cross/Blue Shield | HEALTHNET | MercyCare Advantage (MMA/OP/Other) |
| Contract Identified in Question #22 (COP) | Individual/Member/Plan/Contract/PA/Physician | Banner-Medicaid Advantage/COOP Advantage | Medicare Plus/United Health/Blue Cross/Blue Shield | HEALTHNET | MercyCare Advantage (MMA/OP/Other) |
| Contract Identified in Question #22 (COP) | Individual/Member/Plan/Contract/PA/Physician | Banner-Medicaid Advantage/COOP Advantage | Medicare Plus/United Health/Blue Cross/Blue Shield | HEALTHNET | MercyCare Advantage (MMA/OP/Other) |
| MEMORANDUM - COMPLIANCE REVIEW (COMPLIANCE) | | | | | |
| Contract Consideration - Total Score ANCCCC (0-100) Compliance with all in | 100 | 100 | 100 | 100 | 100 |
| Contract Consideration - Final Score | 170 | 175 | 152 | 154 | 179 |
| Contract Consideration - % Satisfies Full Compliance (Full compliance is equal to 100) | 100 | 100 | 100 | 100 | 100 |
| Contract Consideration - Compliance Considerations/Findings | 70.8% of metrics were in full compliance, concerns noted with care coordination and care management planning, member patient manual, EPSSD services, monitoring of ED utilization, member education practices, quality of care/triage monitoring, provider performance, ADLH considerations, BA treatment coordination/transition, and other considerations. | 82.2% of metrics were in full compliance, concerns noted with care coordination and care management planning, member patient manual, EPSSD services, monitoring of ED utilization, member education practices, quality of care/triage monitoring, provider performance, ADLH considerations, BA treatment coordination/transition, and other considerations. | 82.2% of metrics were in full compliance, concerns noted with patient support, medical records, MSA, EPSSD services, QMS, medication monitoring, social networking, QMS, vendor monitoring, inclusion/exclusion reporting, Q program elements, community initiatives, BA medical records. | 82.8% of metrics were in full compliance, concerns noted with program compliance, care coordination programs, provider services, access to care, material change monitoring, grants, claims, dispute programs, pharmaceutical SUD care, EPSSD community coordination and training, preventive care, timely medical record review for patients. | 82.1% of metrics were in full compliance, concerns noted include care management practices in care planning and care coordination, CAPS, BA services, M service monitoring, CM standards, timely initiation of services, timely claim denials, provider manual, EPSSD services, ED admission monitoring, member experience, timely of services, QMS, ADA considerations. |
| Contract Consideration - LTR open/PA experience | Yes, although there were some concerns with LTR items (e.g. Case management, especially around member planning aspects). LTR has heavy emphasis on care coordination, which generally appears to be a concern for LTR, based on their DR. | Yes, although a few concerns with LTR, especially around care planning and resources. | Yes LTR experience in AZ, and also related BA for LTR but scoring based on experience as part of the RFP structure. | Yes LTR experience in AZ (in terms of DR contracts). History of service not generally. The plan scored for LTR (L and H) - primary/secondary claims payments are a big concern for LTR. | Yes, biggest area of concerns was case management, which is concerning. |
| Contract Consideration - [Enter Consideration Here] | | | Mostly "member care issues" vs. business issues. | Mostly "business" issues vs. issues that impact member care (e.g. QMS, ED, MSA, SUD). | |
| Contract Consideration - Other | | | | | |
| MEMORANDUM - OTHER NOTABLE CONSIDERATIONS | | | | | |
| Contract Consideration - Use of Local Providers | N/A | N/A | N/A | N/A | N/A |
| Contract Consideration - [Enter Consideration Here] | | | | | |
| Final Score | 170 | 175 | 152 | 154 | 179 |

RFP RFP# 0001 SCORING TOOL

CLERK NOTICE - Consideration

82 - The Offeror shall identify no more than three contracts. The Offeror shall list only the three contracts that are not Arizona Medicaid Contracts that it wishes to cite throughout its RFP. The Offeror does not need to include Arizona Medicaid Contracts in its list, which represent its experience in managing similar healthcare delivery systems to the ACTS CPOA Program. *The Offeror must list the FDCG SNP in 82 if the Offeror wishes to experience related to the FDCG SNP. The Offeror shall describe all programs for the contracts selected including those from Arizona. The description shall include but not be limited to geographic coverage, population served and enrollment, behavioral health/physical health integration status, value to program, and current contractual status. In response to the Narrative Submission Requirement that asks for the Offeror's experience as well as any other responses where experience is requested, the Offeror shall refer exclusively to the experience from the identified contracts in this response, and must always include Arizona experience, if applicable. Any contracts referenced in Narrative Submission Requirement responses which are not identified in this response will not be considered.

SUBMISSION REQUIREMENT 81: SNP

The Offeror shall submit its "2023 AZ Medicaid Plan S-SNP STAR Rating, if the Offeror does not have a S-SNP STAR Rating in Arizona, the Offeror shall cite its "2022 STAR rating with the corresponding Medicaid Contract Number, from one of the states for the Medicaid contracts cited in Submission Requirement 82, using the preference order detailed below. Preference order for STAR Rating from another State:

1. FDCG SNP Plan
2. Banner University Care, or
3. HealthPart Advantage Plus

For all other states, refer to the Instructions to Offerors for submission format requirements.

EXPLANATION: The Following Identifying Information of the Individual Evaluators Has Been Redacted Herein

NOTE: The Following Identifying Information of the Individual Evaluators Has Been Redacted Herein

CONTRACT FACILITATION - Price, Cost and Lead Volume

| OFFERORS | ARIZONA PHYSICIAN PA, INC | BANNER UNIVERSITY CARE ADVANTAGE | BIGDAZ HEALTH CHOICE | HEALTHNET ACCESS | HEALTHY CARE |
|---|------------------------------------|---|--|---------------------------------|---------------------------------------|
| Contracts Identified in Narrative 81.1 (2) | HealthPart Advantage Plus (Banner) | Banner University Care Advantage (SNP) (Banner) | BigDaz Health Choice (SNP) (Banner) | HealthNet Access (SNP) (Banner) | Healthy Care Advantage (SNP) (Banner) |
| Contracts Identified in Narrative 81.2 (2) | HealthPart Advantage Plus (Banner) | HealthPart Advantage Plus (Banner) | BigDaz Health Choice (SNP) (Banner) | HealthNet Access (SNP) (Banner) | Healthy Care Advantage (SNP) (Banner) |
| Contracts Identified in Narrative 81.3 (2) | HealthPart Advantage Plus (Banner) | HealthPart Advantage Plus (Banner) | BigDaz Health Choice (SNP) (Banner) | HealthNet Access (SNP) (Banner) | Healthy Care Advantage (SNP) (Banner) |
| BROAD CATEGORY - COMPLIANCE/REGULATION | | | | | |
| Criteria Consideration - Contract type/contract form | Used required format | Used required format | Used required format | Used required format | Used required format |
| Criteria Consideration - Contract number/ Contract/Contract ID number | HE021 | HE021 | HE021 | HE021 | HE021 |
| Criteria Consideration - Submission Date | 3 | 3 | 4 | 3.5 | 3 |
| Criteria Consideration - Bid/ask Date | Arizona | Arizona | Arizona | Arizona | Arizona |
| Criteria Consideration - Plan Type | FDCG/SNP/HE SNP | FDCG/SNP | FDCG/SNP | SNP | SNP |
| Criteria Consideration - [Enter Consideration Here] | | | | | |
| Criteria Consideration - Other | | | | | |
| BROAD CATEGORY - VERIFICATION | | | | | |
| Criteria Consideration - Score verified against Medicare Plan Finder | 3 | 3 | 4 | 3.5 | 3 |
| Criteria Consideration - [Enter Consideration Here] | | | | | |
| Criteria Consideration - Other | | | | | |
| BROAD CATEGORY - OTHER NOTABLE CONSIDERATIONS | | | | | |
| Criteria Consideration - List of Lead Evaluators | Medicare/PH0001, TH0001, CT0001 | Banner University Care Advantage aka Banner Medicare Advantage Dual | BIGDAZ Health Choice Pathway - FDCG Contract No. 10007 | HealthNet HCB-001-01 | Healthy Care Advantage HCB-001 |
| Criteria Consideration - [Enter Consideration Here] | | | | | |
| Criteria Consideration - Other | | | | | |
| DRAFT RANKING | 3 | 4 | 2 | 3 | 4 |

Exhibit B

| B5 | | | | | |
|---|------------------------------|----------------------------------|----------------------|-------------------|------------|
| 145 points | ARIZONA PHYSICIANS IPA, INC. | BANNER-UNIVERSITY CARE ADVANTAGE | BCBSAZ HEALTH CHOICE | HEALTH NET ACCESS | MERCY CARE |
| RFP Scoring Rank | 2nd | 1st | 5th | 3rd | 4th |
| AHCCCS Score Sheet Number | | | | | |
| 001486 | 5 | 4 | 3 | 2 | 1 |
| 001484 | 4 | 3 | 2 | 1 | 5 |
| 001485 | 3 | 4 | 5 | 2 | 1 |
| Evaluator Total Points | 12 | 11 | 10 | 5 | 7 |
| Ranking Based on Evaluator Points | 5th | 4th | 3rd | 1st | 2nd |
| B5 Evaluators: Danielle Ashlock (ALTCs Project Manager), Dara Johnson (Program Development Officer - DHCS), Melissa Arzabal (ALTCs Case Management Program Manager) | | | | | |
| B7 | | | | | |
| 75 points | ARIZONA PHYSICIANS IPA, INC. | BANNER-UNIVERSITY CARE ADVANTAGE | BCBSAZ HEALTH CHOICE | HEALTH NET ACCESS | MERCY CARE |
| RFP Scoring Rank | 2nd | 5th | 4th | 1st | 3rd |
| AHCCCS Score Sheet Number | | | | | |
| 001490 | 1 | 2 | 5 | 4 | 3 |
| 001491 | 4 | 2 | 3 | 5 | 1 |
| 001492 | 2 | 5 | 4 | 1 | 3 |
| Evaluator Total Points | 7 | 9 | 12 | 10 | 7 |
| Ranking Based on Evaluator Points | 1st | 3rd | 5th | 4th | 1st |
| B7 Evaluators: Christina Quast (Deputy Assistant Director of Managed Care Operations), Gini Britton (Operations Compliance Officer), Jay Dunkleberger (Network Administrator) | | | | | |
| B9 | | | | | |
| 75 points | ARIZONA PHYSICIANS IPA, INC. | BANNER-UNIVERSITY CARE ADVANTAGE | BCBSAZ HEALTH CHOICE | HEALTH NET ACCESS | MERCY CARE |
| RFP Scoring Rank | 4th | 2nd | 1st | 3rd | 5th |
| AHCCCS Score Sheet Number | | | | | |
| 001496 | 4 | 3 | 1 | 2 | 5 |
| 001497 | 2 | 3 | 5 | 4 | 1 |
| 001498 | 4 | 2 | 1 | 5 | 3 |
| Evaluator Total Points | 10 | 8 | 7 | 11 | 9 |
| Ranking Based on Evaluator Points | 4th | 2nd | 1st | 5th | 3rd |
| B9 Evaluators: Rachel Conley (Tribal ALTCs Administrator), Dr. Melissa Del-Cole (Adult System of Care Program Administrator), Susan Kennard (Administrator Office of Individual and Family Affairs) | | | | | |
| Overall | | | | | |
| Total Evaluator Points (B4-B11) | 69 | 68 | 81 | 68 | 53 |
| Ranking Based on Evaluator Points | 4th | 2nd | 5th | 3rd | 1st |
| RFP Overall Scoring By Points (B4-B11) | 435 | 391 | 216 | 383 | 405 |
| Ranking Based on RFP Overall Scoring Points (B4- B11) | 1st | 3rd | 5th | 4th | 2nd |
| OP1 | 116.00 | 58.00 | 145.00 | 87.00 | 29.00 |
| OP2 | 87.00 | 43.50 | 116.00 | 145.00 | 43.50 |
| C1-C4 Non-Benefit Cost Bid | 30.00 | 30.00 | 60.00 | 100.00 | 80.00 |
| | 302.00 | 199.50 | 402.00 | 400.00 | 205.50 |
| | 3 | 5 | 1 | 2 | 4 |

Mercy Care scored 2nd after individual scoring but ranked 4th after consensus scoring.

Mercy Care tied for 1st in individual scoring, but ranked 3rd after consensus scoring.

Mercy Care scored 3rd after individual scoring, but ranked 5th after consensus scoring.