

**Janice K. Brewer, Governor**  
**Thomas J. Betlach, Director**

801 East Jefferson, Phoenix, AZ 85034  
PO Box 25520, Phoenix, AZ 85002  
Phone: 602-417-4000  
www.azahcccs.gov



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March 26, 2013

Kathy A. Steadman  
Hennelly & Steadman PLC  
Goldsworthy House  
322 West Roosevelt  
Phoenix, Arizona 85003

Dear Ms. Steadman:

This letter is in response to your March 26, 2013 request for the “evaluator comments in connection with the Acute/CRS RFP and awards.” Please review the extensive information that is posted regarding the RFP which may be found at:

<http://www.azahcccs.gov/commercial/Downloads/Solicitations/BiddersLibrary/Procurement/RFPOverviewofEvaluationProcess.pdf>

In particular, please review the material found under the “RFP Evaluation Process” which describes the consensus evaluation process used in evaluating the procurement. Additionally, please review the Narrative Submission Ranking and Consensus Documents posted under the Acute and CRS sections, the Ranking and Consensus Documents specific to the Oral Presentation, and the Submission Evaluation Considerations.

In part, the Overview for the “RFP Evaluation Process” states: “Through the consensus evaluation meeting(s), the Team will establish a consensus ranking for each submission requirement which is approved by each and every member of the Team and incorporated into a Consensus Ranking document. The Consensus Ranking document represents the raw score for each submission requirement for each Offeror....A Consensus Rationale document will also be completed which specifies the reason(s) for the ranking of each submission requirement. All working documents used in the evaluation process will be destroyed.”

Although individual team member comments are working documents and have been destroyed, the Consensus Rationale documents include a section entitled “Major Observations.” The statements under “Major Observations,” signed by all Team Members and the Facilitator, note the reasons for the particular ranking of an Offeror approved by the Team. With respect to your inquiry asking whether it would “be appropriate for a winning bidder to submit a bid protest” under certain circumstances, AHCCCS cannot provide you with legal advice.

Sincerely,

Michael Veit  
Chief Procurement Officer  
Division of Business and Finance