

SECTION 3 INSTRUCTIONS TO APPLICANTS

3.1 **Inquiries**

3.1.1 Duty to Examine

It is the responsibility of each Applicant to examine the entire Request for Qualified Vendor Applications (RFQVA), seek clarification in writing, and check its Application for accuracy before submitting the Application.

3.1.2 RFQVA Contact Person

Any inquiry related to the RFQVA, including any requests for or inquiries regarding standards referenced in the RFQVA, shall be directed to the DDDContractsManager@azdes.gov.

3.1.3 Submission of Inquiries

The DDD Contract Manager may require that an inquiry be submitted in writing. Any inquiry related to the RFQVA shall refer to the appropriate RFQVA number, page and paragraph.

3.1.4 No Right to Rely on Verbal Responses

Any inquiry that results in changes to the RFQVA shall be answered solely through a written RFQVA Amendment. An Applicant may not rely on verbal responses to its inquiries.

3.1.5 RFQVA Amendments (Solicitation Amendments)

The RFQVA Solicitation shall only be modified by an RFQVA Amendment. All amendments will be posted to the DDD website for 30 (thirty) days for review and comment prior to implementation. Qualified Vendors will be sent an electronic notice of final Solicitation amendments.

3.1.6 Email Notification

Applicants must have an active notice email address to be awarded a Qualified Vendor Agreement. **All notices to the Agreement from the Division are made via the applicant's notice email address.** Qualified Vendors shall keep their email address updated in their approved electronic Application. There is no other method for changing notice email address.

3.2 Application Preparation

3.2.1 General

The Applicant shall submit one (1) original, signed, electronic generated printable hardcopy (available only when the Application has been submitted electronically) of its Application plus necessary submittals with its Application:

In person or by courier:

DDD Contract Unit, 4th Floor Southwest
Business Operations – Site Code 791A
Division of Developmental Disabilities
Arizona Department of Economic Security
1789 West Jefferson Street
Phoenix, Arizona 85007
(602) 542-6874

By mail to:

DDD Contract Unit
Business Operations – Site Code 791A
Division of Developmental Disabilities
Arizona Department of Economic Security
P.O. Box 6123
Phoenix, Arizona 85005

The hardcopy shall consist of the following in the order specified below:

1. A completed and signed Application and Qualified Vendor Agreement Award form, which shall be generated by the Qualified Vendor Application and Directory System (see Section 9, Attachment A for a sample of this form). This form is not available until the Applicant has completed the electronic submittal of its Application (see Section 9, Attachment B for information about submitting the electronic Application on the Qualified Vendor Application and Directory System).
2. A completed and signed Qualified Vendor Application Assurances and Submittals page, which is generated by the Qualified Vendor Application and Directory System (see Section 9, Attachment B). An additional hardcopy version of Assurances and Submittals must also be signed and submitted (see Section 9, Attachment E). If any of the Applicant's responses to these assurances changes after award, changes must be made to the electronic Application and the hardcopy

version of Assurances and Submittals must be re-signed and submitted to the Division's DDD Contract Unit as listed above.

3. Completed and signed RFQVA amendment signature pages (as applicable).
4. A print-out of all sections of the electronic Application submitted by the Applicant into the Qualified Vendor Application and Directory System (see Section 9, Attachment B). The print-out is not available until the electronic application has been submitted.
5. All applicable submittals required in the Qualified Vendor Application Assurances and Submittals form. This form is part of the Qualified Vendor Application and Directory System (see Section 9, Attachment B). In addition, all forms and documents indicated on the Request for Qualified Vendor Applications Submittal Checklist shall be submitted, as appropriate.

An Applicant may be awarded only one (1) Qualified Vendor Agreement by the Division. This is enforced primarily by a unique Federal Employer Identification Number (FEIN) and W-9. If a new/replacement FEIN is obtained by a current Qualified Vendor, a new Application is required. The DDD Contract Manager is available to assist in this transition which may involve the transition of authorizations from an old FEIN to a new FEIN as appropriate.

A Qualified Vendor may apply for an amendment for the purpose of adding additional services throughout the term of the Agreement. The Applicant must ensure that the Application includes RFQVA amendment signature pages for all applicable amendments to the RFQVA.

If the Applicant amends the Application to add a service and has an existing Qualified Vendor Agreement, the Applicant shall submit a hardcopy of items 1 through 4 above as well as any submittals that have changed since approval as a Qualified Vendor.

In addition to the hardcopies of the Application, the Applicant shall provide the required information in the Qualified Vendor Application and Directory System and submit that information via the Division's website. Applications that do not include the required forms, are missing necessary signatures or are otherwise unclear will be considered incomplete and not subject to further processing.

After submitting a proper electronic Application and the proper electronically generated hardcopy of the Application (available only upon completion of electronic submittal) the Applicant will be notified via email that review of the Application has begun. If the Applicant does not receive an electronic notice via email after five (5) business days, it may contact the DDD Contract Unit to confirm the status of its Application.

An Application will not be considered submitted and released for processing until both the hardcopy and the electronic version are received by the Division.

If the hardcopy submittal is not minimally adequate as described above (refer also to the Request for Qualified Vendor Applications Submittal Checklist), the submittal will not be released for processing. The electronic version must be complete and include readable information for each of the required elements in the Qualified Vendor Application and Directory System that conforms to the hardcopy. The hardcopy of the Application shall be submitted in a sealed envelope or package labeled with the RFQVA number.

3.2.2 Consultants

Applicants who utilize consultants to assist in their Application shall not be represented by the consultant. All discussions and agreements will be made directly with the Applicant.

3.2.3 Website

The RFQVA and any amendments are available on the Internet at the Division's website at www.azdes.gov/ddd/. The website also contains links to other websites to access materials referenced in the RFQVA.

3.2.4 Public Record

Prior to the effective date of the Qualified Vendor Agreement, the Division shall not disclose any information identified by the Applicant as confidential business information or proprietary information without first notifying the Applicant in writing and allowing the Applicant opportunity to respond or protest the planned disclosure as provided in Arizona Administrative Code R2-7-103.

3.2.5 Agreement

An Application does not constitute a Qualified Vendor Agreement nor does it confer any rights to the Applicant regarding the award of a Qualified Vendor Agreement. A Qualified Vendor Agreement is not created until the Application is accepted in writing by the DDD Contract Manager as evidenced by the DDD Contract Manager's or designee's signature on the Application and Qualified Vendor Agreement Award (see Section 9, Attachment A).

Qualified Vendor initiated amendments to the approved Agreement requiring Division review and approval similarly are not part of the Qualified Vendor Agreement until approved by the Division. Qualified Vendor initiated electronic Applications/amendments for a Qualified Vendor Agreement that have been electronically submitted and are pending review will lock out the Application from any further change while pending approval.

The Qualified Vendor Agreement shall consist of the various documents specified in Section 6.1.2. However, the Applicant is only required to submit the Application and Qualified Vendor Agreement and Award form (see Section 9, Attachment A), the required information in the Qualified Vendor Application and Directory System via the Division's website, a print-out of the required information entered by the Applicant into the Qualified Vendor Application and Directory System (see Section 9, Attachment B), all applicable submittals required in the

Qualified Vendor Application Assurances and Submittals form (see Section 9, Attachment B), and all documents specified on the Request for Qualified Vendor Applications Submittal Checklist posted as part of the RFQVA.

Qualified Vendors should maintain a file titled “Agreement” that includes a copy of all of the items listed in Section 6.1.2. This entire file will reflect the total Agreement between the Qualified Vendor and the Division.

3.2.6 Application Updates and Amendments

A Qualified Vendor shall update and maintain current all the following: the general information section of the vendor contract information component in the Qualified Vendor Application and Directory System; the Qualified Vendor assurances and submittal form and associated submittals; and the program description section of the service detail information component, including providing hardcopies of any applicable submissions, when there is a change or at the request of the Division. Such changes will be subject to approval by the Division and the execution of an amendment to the Agreement. A Qualified Vendor may update all other information in the Qualified Vendor Application and Directory System at any time without requiring Division approval.

To add additional services to the Qualified Vendor Agreement, the Qualified Vendor must submit an amended Application that requests the additional services. The addition of services to the Agreement requires approval by the Division and the execution of an amendment to the Agreement.

Qualified Vendors and Applicants are able to update or amend their Application only after submitted changes have been reviewed and a disposition has been made. The Division shall respond to a request for an amendment to a Qualified Vendor Agreement based on the criteria defined in A.A.C. R6-6-2103 and A.A.C. R6-6-2104.

3.3 RFQVA Schedule

Notices for significant events in the processing of RFQVAs, amendments, and changes to the Qualified Vendor Application and Directory System will be posted on the Division’s website at www.azdes.gov/ddd/.

3.4 Independent Providers

“Independent provider” as referenced in this document means a person who does not have any employees other than himself/herself and who provides one or more of the following services: Attendant Care; Habilitation, Support; Housekeeping; Respite; or Habilitation, Individually Designed Living Arrangement.

An individual independent provider is not required to become a Qualified Vendor to provide these services. The Division uses a simpler and more streamlined method of contracting with independent providers using Independent Provider Agreements (IPAs) for Attendant Care;

Habilitation, Support; Housekeeping; Respite; Habilitation, Individually Designed Living Arrangement. Independent providers may contact the Division's Program Districts in order to obtain a contract. The service specifications and the RFQVA are not applicable to independent providers who enter into an IPA with the Division. Published rates do not apply to independent providers.

Independent providers are regarded as the consumer's employees and must be paid through the Division's fiscal intermediary program.

An individual independent provider who wishes to receive a Qualified Vendor Agreement must meet all requirements of the RFQVA, including those relating to insurance. Applications for a Qualified Vendor Agreement require a FEIN and may not be submitted under an individual's social security number.

3.5 Verification

The Division may contact any source available to verify the information submitted in the Application and may use this information and any additional information obtained from the source(s) in evaluating the Application. The Division may also utilize internal and external sources and resources to conduct background checks.

3.6 Protests

A protest shall comply with and be resolved according to A.C.C. R6-6-2115. An Applicant or Qualified Vendor may protest the posting of a RFQVA, denial of a Qualified Vendor Application in its entirety, or denial of one or more services included in the Application by filing a written Request for Problem Solving with the Division Assistant Director or a Notice of Protest with the Department procurement officer. The Qualified Vendor or Qualified Vendor Applicant shall include the following information in the Request for Problem Solving or in the Notice of Protest:

1. Name, address and telephone number of the protester;
2. The signature of the protester or its representative;
3. Identification of the adverse action by the Division that is in dispute;
4. A statement of the legal and factual grounds of the intended protest including copies of relevant documents; and
5. The form of relief requested.

The Qualified Vendor or Qualified Vendor Applicant shall file the Request for Problem Solving with the Division within 21 (twenty-one) days of the date the Qualified Vendor or Applicant receives notice of the action.

The protester shall file the Notice of Protest with the Department procurement officer within 21 (twenty-one) days of the date the protester receives notice of the action or within 14 (fourteen) days of issuance of the verification of non-resolution through the Problem Solving process from the Assistant Director.

3.7 Evaluation

3.7.1 Evaluation Factors

The Division shall consider the following factors in determining if an Applicant is a Qualified Vendor and eligible to enter into a Qualified Vendor Agreement:

1. Ability of the Applicant to meet the need for services based on performance, including compliance with licensing and certification requirements; program monitoring, agreement monitoring, or contract monitoring reports; and corporate or individual experience providing community developmental disability services or similar services in Arizona and in other states.
2. Whether the Applicant has met the requirements of the Request for Qualified Vendor Applications process.
3. Whether the Application is consistent with the Division's network development plan or other documentation of projected service need.
4. Financial stability of the Applicant as demonstrated by the financial information provided in the Application.
5. The responsibility of the Applicant, as demonstrated by the background information provided in the Application and/or received from other sources.

3.7.2 Evaluation Process

The Division will advise each Applicant in writing or via email if its Application is incomplete within 30 (thirty) days of receipt of the Application (**this will only occur after receipt of both the electronic and hardcopies**). The notice will identify the information or documentation that is missing or incomplete in the Application. The Division may conduct discussions with the Applicant to provide information about the completeness of the Application. The Division will specify the timeframe in which the Applicant must provide the missing information. The Division will deny the Application if the Applicant does not provide the additional information within the specified timeframe. The Division will notify an Applicant in writing or via email whether the Applicant has been accepted as a Qualified Vendor within 60 (sixty) days of receipt of a complete Application. The Division will not enter into an Agreement unless it has reviewed and evaluated a complete Application.

If an Applicant does not submit both a signed hardcopy of the Application and an electronic copy via the Division's website, the Application will not be considered submitted. Such "non-submittals" will not be awarded an Agreement and will not receive any notice.

3.7.3 Disqualification

The Application of an Applicant who is currently debarred, suspended or otherwise lawfully prohibited from any public procurement activity shall be rejected. **An Applicant may have only one (1) Qualified Vendor Agreement with the Division.**

3.7.4 Waiver and Rejection Rights

Notwithstanding any other provision of the RFQVA, the Division reserves the right to:

1. Waive any minor informality;
2. Reject any and all Applications or portions thereof; or
3. Cancel the RFQVA.