

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 Division’s 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 as set forth in Section 6.6.

3.1.6 Email Notification

Applicants must have an active notice email address to be awarded a Qualified Vendor Agreement (“QVA” or “Agreement”). **All notices pertaining to the Application from the Division are made via the Applicant’s notice email address.** Qualified Vendors shall keep their email address updated in the Qualified Vendor Application and Directory System (“QVADS”). There is no other method for changing notice email address.

3.2 Application Preparation

3.2.1 General

The Applicant shall submit, in a sealed envelope or package labeled with the Applicant’s name and “RFQVA # DDD 710000”, one (1) original, signed, electronically-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 (must request and receive a receipt):

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

By mail to:

Contract Management Unit
Business Operations – Site Code 791A
Arizona Department of Economic Security
Division of Developmental Disabilities
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 (see Section 9, Attachment A, for a sample of this form), which shall be generated by the QVADS). 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 via the QVADS).
2. A completed and signed *Qualified Vendor Application Assurances and Submittals* page (Section 3 in the electronic Application), which is generated by the QVADS. If any of the Applicant's responses to these assurances changes after award, changes must be made to the electronic Application via the QVADS, submitted in the QVADS, printed out, re-signed, and submitted to the Division's Contract Management Unit as listed above.
3. RFQVA Amendment signature pages for all applicable amendments to the RFQVA Solicitation.
4. A print-out of all sections of the electronic Application submitted by the Applicant in the QVADS. 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* (Section 3 in the electronic Application).

6. All forms and documents indicated on the *RFQVA Submittal Checklist*, as appropriate, and with original signatures where indicated.

If the hardcopy submittal is not minimally adequate as described above (refer also to the *RFQVA 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 QVADS that conforms to the hardcopy.

After submitting a proper electronic Application and the proper electronically-generated hardcopy of the Application, including all applicable amendments, submittals, forms, and documents, 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 Division's Contract Management Unit to confirm the status of its Application. An Application will not be considered submitted and released for processing until both the electronic and hardcopy versions are received by the Division's Contract Management Unit. Such "non-submittals" will not be eligible for consideration of an awarded Agreement.

An Applicant may be awarded only one (1) QVA 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 Division's Contract Manager or designee is available to assist in this transition which may involve the transition of authorizations from an old FEIN to a new FEIN as appropriate.

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 QVA, 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 ("A.A.C.") R2-7-103.

3.2.5 Agreement

An Application does not constitute a QVA nor does it confer any rights to the Applicant regarding the award of a QVA. A QVA is not created until the Application is accepted in writing by the Division's Contract Manager as evidenced by the Division's Contract Manager's

or designee's signature on the *Application and Qualified Vendor Agreement Award* (see Section 9, Attachment A for a sample).

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

The QVA shall consist of the various documents specified in Section 6.1.2 of the *DES/DDD Standard Terms and Conditions for Qualified Vendors*. However, the Applicant is only required to submit the *Application and Qualified Vendor Agreement and Award* form (see Section 9, Attachment A for a sample), the required information in the QVADS via the Division's website, a print-out of the required information entered by the Applicant into the QVADS (see Section 9, Attachment B), all applicable submittals required in the *Qualified Vendor Application Assurances and Submittals* form, and all documents specified on the *RFQVA Submittal Checklist* posted as part of the RFQVA.

Qualified Vendors should maintain a file titled "Qualified Vendor Agreement" that includes a copy of all of the items listed in Section 6.1.2 of the *DES/DDD Standard Terms and Conditions for Qualified Vendors*. 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 QVADS; the *Qualified Vendor Assurances and Submittals* form, and associated submittals; and the program description section of the service detail information component, including providing hardcopies of any applicable submittals, 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 QVADS at any time without requiring Division approval.

To add additional services to the QVA, the Qualified Vendor must request an amendment to the QVA. The Qualified Vendor shall submit the amendment electronically in the QVADS. The Qualified Vendor shall also submit all documents and submittals associated with the proposed amendment, which may include, but is not limited to, an updated *Assurances and Submittals* form, a *Qualified Vendor Supported Developmental Home Third Party Agreement* (where applicable), *Contingency Plan*, and an updated *Business Plan*. The Qualified Vendor shall also submit a new Home and Community-Based Services ("HCBS") Certificate reflecting the new service(s) being added. The addition of services to the QVA requires approval by the Division and the execution of an amendment to the QVA.

Qualified Vendors and Applicants are able to update or amend their Application/QVA 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 QVA 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 QVADS will be posted on the Division's website at www.azdes.gov/ddd/.

3.4 Individual Independent Providers and Professional Independent Providers

An "Individual Independent Provider" as referenced in this document means a person who is qualified to provide the service, does not have any employees, does not utilize subcontractors, has a provider identification number, and has an individual service agreement with the Division to provide one or more of the following services: Attendant Care; Habilitation, Hourly Support; Homemaker; 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 an Independent Provider Agreement ("IPA") for Attendant Care; Habilitation, Hourly Support; Homemaker; Respite; and Habilitation, Individually Designed Living Arrangement. Independent Providers may contact the Division's Program Districts in order to initiate an IPA. The RFQVA and its associated services specifications are not applicable to Individual Independent Providers who enter into an IPA with the Division. Published rates do not apply to Individual Independent Providers.

Individual Independent Providers are regarded as the Division member's employee and must be paid through the Division's fiscal intermediary program.

A "Professional Independent Provider" as referenced in this document means a person who is licensed or certified under Title 32, Arizona Revised Statutes ("A.R.S."), who provides services for members as a Qualified Vendor and is not an employee or a subcontractor of a provider agency. A Professional Independent Provider who wishes to receive a QVA must meet all requirements of the RFQVA, including those relating to insurance. Applications for a QVA require an EIN 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.A.C. R6-6-2115.

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 QVA:

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 RFQVA 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 whether its Application is incomplete within thirty (30) 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 sixty (60) days of receipt of a complete Application. The Division will not enter into a QVA unless it has reviewed and evaluated a complete Application.

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) QVA 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 defect or omission,
2. Reject any and all Applications or portions thereof, or
3. Cancel the RFQVA.