

Request for Proposals
Long Term Care Facilities Surveys Engagement #22-100 (A)

The Department of Health (“Department” or “DOH”) is looking to engage one (1) or more Contractor(s) to conduct approximately 100 on-site surveys in accordance with State and Federal regulations at Medicare-certified and or State-licensed Acute and Long-Term care Facilities. The surveys shall consist of a combination of Focused Infection Control Surveys, Recertification & Relicensing Inspections with life safety code, Complaint Investigations, and reinspection when appropriate.

Proposals Due: Thursday, May 19, 2022, by 3 PM EST

Question & Answer Period: Wednesday, May 4, 2022, by 3 PM EST

All Bidders must submit Proposals to centralprocurement@doh.nj.gov by the Proposal due date and specified time.

Contract term: Award Date (TBD) through **June 30, 2023, 12 months. This timeline may be subject to change.**

1.0 Scope of Work:

The Department of Health (“Department” or “DOH”) is looking to engage one (1) or more Contractor(s) to conduct approximately 100 on-site surveys in accordance with State and Federal regulations at Medicare-certified and or State-licensed Acute and Long-Term care Facilities. The Contractor shall complete the following activities, tasks, obligations, and responsibilities between the contract award date and June 30, 2023, the term of the contract.

1.1 Contractor Responsibilities:

The Contractor(s) shall:

- Provide Surveyor Minimum Qualification Test (SMQT) certified staff and Fire Safety Inspector 1 Life Safety Code staff to conduct approximately 100 complaint investigations, recertifications/licensure surveys and COVID-19 focused infection control surveys of facilities with the process outlined by the Centers for Medicare and Medicaid Services (CMS) and applicable federal laws and regulations at <https://www.cms.gov/Regulations-and-Guidance/Guidance/Manuals/Downloads/som107c05pdf.pdf>
<https://www.cms.gov/Regulations-and-Guidance/Guidance/Manuals/Downloads/som107c06pdf.pdf>

<https://www.cms.gov/Regulations-and-Guidance/Guidance/Manuals/Downloads/som107c07pdf.pdf> and
<https://www.cms.gov/files/document/qso-20-38-nh.pdf> .

- Provide any necessary Personal Protective Equipment (PPE) to surveyors working pursuant to the Contract.
- Enter all survey findings into the Automated Survey Processing Environment (ASPEN) shell and submit to NJ no later than five (5) business days from the date of survey completion.
- Submit the CMS Infection Control Tool to DOH along with the CMS-2567 no later than five (5) business days from the date of survey completion.
- Participate in meetings or conference calls, as requested by NJ, to assist in review of survey findings and/or the facility Plan of Correction.
- Notify NJ as soon as possible of any suspected Immediate Jeopardy (IJ) situation in a facility being surveyed and follow procedures set forth in the SOM
- Provide requested documentation and/or testimony regarding enforcement actions as needed to support federal or State counsel in any resulting litigation.
- At the completion of each contracted survey, release to DOH all information, working papers, and reports required by federal and State law used in determining whether participating facilities met federal requirements.
- Adhere to all federal and State requirements, including but not limited to forms, methods, policies and procedures, which are applicable to CMS survey and certification work, as well as federal laws and regulations.
- Refer to and comply with CMS Quality Safety and Oversight (QSO) memoranda released at: <https://www.cms.gov/Medicare/Provider-Enrollment-and-Certification/SurveyCertificationGenInfo/Policy-and-Memos-to-States-and-Regions>.

1.2 Surveys

The Contractor shall conduct the following survey activities.

- 1) Focused Infection Control surveys within 3 business days of assignment by DOH
Surveyors determine whether the facility is implementing proper infection prevention and control practices to prevent the development and transmission of COVID-19 and other communicable diseases and infections.
- 2) Relicensing or recertification surveys using the federal process including life safety code and revisits when appropriate, and
- 3) Complaint investigations and revisits when appropriate.

1.3 Survey Criteria

The Contractor shall utilize the following State and Federal criteria in determining and investigating compliance during the survey process.

- 1) Proper infection prevention and control practices (F880, F885, and E0024) to prevent the transmission of COVID-19 and other infections using the Centers for Medicare and Medicaid Services (CMS) Focused Infection Control survey process with a crosswalk to the NJ regulations;

- 2) Medicare Requirements for Participation in the Electronic Code of Federal Regulations (e-CFR) - updated 05/07, [Publication # 100-07 - State Operations Manual](#) and State regulations at N.J.A.C. 8:43F, Standards for Licensure of Adult and Pediatric Day Health Services; N.J.A.C. 8:36, Standards For Licensure of Assisted Living Residences, Comprehensive Personal Care Homes, and Assisted Living Programs; N.J.A.C. 8:39, Standards For Licensure of Long-term Care Facilities; N.J.A.C. 8:43, Standards For Licensure of Residential Health Care Facilities; N.J.A.C. 8:43E, General Licensure Procedures and Enforcement of Licensure Regulations; N.J.A.C. 8:86, Adult and Pediatric Day Health Services; N.J.A.C. 8:43 A, Manual for Standards for Licensing Ambulatory Care Facilities; N.J.A.C. 8:43 G-H Licensing Standards for Hospitals and Rehabilitation Hospitals, respectively.
- 3) Medicare Requirements for Participation in the Electronic Code of Federal Regulations (e-CFR) - updated 05/07, [Publication # 100-07 - State Operations Manual](#) (SOM) using the CMS complaint process with a crosswalk to NJ regulations.

2.0 Proposal Submission Requirements

2.1 Proposal Submission

In order to be considered for an award, the Proposal must be received by the New Jersey Department of Health's (DOH) Central Procurement Unit, electronically through the central e-mail account {centralprocurement@doh.nj.gov } by the required date and time.

The date and time of the Proposal opening are indicated on the RFP cover sheet and on DOH Bidding Opportunities webpage www.nj.gov/health/mgmt/bids.shtml. If the Proposal opening deadline has been revised, the new Proposal opening deadline shall be shown on the posted Bid Amendment and on www.nj.gov/health/mgmt/bids.shtml. Proposals not received prior to the Proposal opening deadline shall be rejected.

2.2 Experience:

Bidder(s) shall provide relevant experience on projects of similar size and scope and have direct experience providing services with governmental public health entities. Bidders shall have experience of providing on-site assistance to healthcare facilities, specifically long-term care facilities. Surveyors must be certified Surveyor Minimum Qualifications Tested (SMQT). Detailed resumes should be submitted for all management, supervisory, and key personnel and pool survey staff to be assigned to the Contract. Resumes should emphasize relevant qualifications and experience of these individuals in successfully completing Contracts of a similar size and scope to those required by this RFP.

2.3 Pricing:

Bidder shall submit an all-inclusive price based on a survey type: complaint investigation, focused infection control, or biennial licensing survey, and combinations thereof, (for example, focused infection control and complaint investigation at the same time) and shall include all tasks.

Pricing shall be firm fixed pricing. **Firm Fixed Price** means a price that is all-inclusive of direct cost and indirect costs, including, but not limited to, direct labor costs, overhead, fee or profit, clerical support, equipment, materials, supplies, managerial (administrative) support, all documents, reports, forms, travel, reproduction, and any other costs.

Please complete the attached price sheet. If the Bidder is unable to provide a deliverable the corresponding field must be marked as “No Bid”.

2.4 Technical Proposal Requirements

Bidder shall submit a Technical Proposal, which describes its approach and plans for accomplishing the work outlined in the Scope of Work section, Contractor Responsibilities, Deliverables, Experience, and Pricing, i.e., Sections 1.0 - 2.0. The Bidder shall set forth its understanding of the requirements of this RFP and its approach to successfully complete the contract. The Bidder should include the level of detail it determines necessary to assist the evaluation committee in its review of the Bidder’s Proposal.

3.0 Proposal Evaluation:

Each criterion will be scored, and each score multiplied by a predetermined weight to develop the Technical Evaluation Score.

Personnel: The qualifications and experience of the Bidder’s management, supervisory and key field personnel, and pool survey staff assigned to the contract.

Experience of firm: The Bidder’s documented experience in successfully completing contracts of a similar size and scope in relation to the work required by this RFP; and direct experience providing services with governmental public health entities. Contractors shall have the experience of providing on-site assistance to healthcare facilities, specifically long-term care facilities.

Ability of firm to complete the Scope of Work based on its Technical Proposal: The Bidder’s demonstration in the Proposal that the Bidder understands the requirements of the Scope of Work and presents an approach that would permit successful performance of the technical requirements of the RFP.

The intent of this RFP is to award a contract(s) to that responsible Bidder(s) whose Proposal(s),

conforming to this RFP is most advantageous to the State, price and other factors considered. Should the Department decide to award to multiple Bidders, it reserves the right to select the number of IPs it will accept from each Bidder.

5.0 Required forms:

5.1 FORMS, REGISTRATIONS AND CERTIFICATIONS REQUIRED WITH PROPOSAL

All required forms are found at the following link:

<https://www.state.nj.us/treasury/purchase/forms.shtml>

All bid submissions should include completed mandatory compliance forms, which include:

- Ownership Disclosure
- Disclosure of Investigations and Other Actions Involving Contractor
- Disclosure of Investment Activities in Iran
- Chapter 51 Compliance, where applicable
- Chapter 271 form, where applicable
- MacBride Principles
- Source Disclosure
- E.O. 271 Statement or Certification
- Business Registration Certificate
- Affirmative Action Compliance
- Evidence of Insurance
- State of New Jersey Standard Terms and Conditions
- Waivered Contracts Supplement to the State of New Jersey Standard Terms and Conditions
- Certification of Non-Involvement in Prohibited Activities in Russia or Belarus

Bidders are under a continuing obligation to report updates to the information contained in its required forms.

Unless otherwise specified, forms must contain an original, physical signature, or electronic signature.

Winning Bidder(s) must register with NJSTART as a Contractor for the State of NJ.

www.njstart.gov

5.2 MACBRIDE PRINCIPLES CERTIFICATION

Pursuant to N.J.S.A. 52:34-12.2, a Bidder is required to certify that it either has no ongoing business activities in Northern Ireland and does not maintain a physical presence therein or that it will take lawful steps in good faith to conduct any business operations it has in Northern Ireland in accordance with the MacBride principles of nondiscrimination in employment as set forth in N.J.S.A. 52:18A-89.5 and in conformance with the United Kingdom's Fair Employment (Northern Ireland) Act of 1989, and permit independent monitoring of their compliance with those principles.

5.3 OWNERSHIP DISCLOSURE FORM

Pursuant to N.J.S.A. 52:25-24.2, in the event the Bidder is a corporation, partnership, or limited liability company, the Bidder must disclose all 10% or greater owners by (a) completing and submitting the Ownership Disclosure Form with the Proposal; (b) if the Bidder has submitted a signed and accurate Ownership Disclosure Form dated and received no more than six (6) months prior to the Proposal submission deadline for this procurement, the State may rely upon that form; however, if there has been a change in ownership within the last six (6) months, a new Ownership Disclosure Form must be completed, signed and submitted with the Proposal; or, (c) a Bidder with any direct or indirect parent entity which is publicly traded may submit the name and address of each publicly traded entity and the name and address of each person that holds a 10 percent or greater beneficial interest in the publicly traded entity as of the last annual filing with the federal Securities and Exchange Commission or the foreign equivalent, and, if there is any person that holds a 10 percent or greater beneficial interest, also shall submit links to the websites containing the last annual filings with the federal Securities and Exchange Commission or the foreign equivalent and the relevant page numbers of the filings that contain the information on each person that holds a 10 percent or greater beneficial interest. N.J.S.A. 52:25-24.2.

5.4 DISCLOSURE OF INVESTMENT ACTIVITIES IN IRAN

The Bidder should submit Disclosure of Investment Activities in Iran form to certify that, pursuant to N.J.S.A. 52:32-58, neither the Bidder, nor one (1) of its parents, subsidiaries, and/or affiliates (as defined in N.J.S.A. 52:32-56(e)(3)), is listed on the Department of the Treasury's List of Persons or Entities Engaging in Prohibited Investment Activities in Iran and that neither the Bidder, nor one (1) of its parents, subsidiaries, and/or affiliates, is involved in any of the investment activities set forth in N.J.S.A. 52:32-56(f). If the Bidder is unable to so certify, the Bidder shall provide a detailed and precise description of such activities as directed on the form. If a Bidder does not submit the form with the Proposal, the Bidder shall submit the form prior to contract award.

5.5 BUSINESS REGISTRATION

In accordance with N.J.S.A. 52:32-44(b), a Bidder and its named Subcontractors must have and shall submit valid Business Registration Certificate ("BRC") issued by the Department of the Treasury, Division of Revenue and Enterprise Services prior to the award of a contract. To facilitate the Proposal evaluation and contract award process, the Bidder should submit a copy of its valid BRC and those of any named Subcontractors with its Proposal. See Section 2.1 of the State Standard Terms and Conditions.

Any Bidder, inclusive of any named Subcontractors, not having a valid business registration at the time of the Proposal opening, or whose BRC was revoked prior to the submission of the Proposal, should proceed immediately to register its business or seek reinstatement of a revoked BRC.

The Bidder is cautioned that it may require a significant amount of time to secure the reinstatement of a revoked BRC. The process can require actions by both the Division of Revenue and Enterprise Services and the Division of Taxation. For this reason, a Bidder's early attention to this requirement is highly recommended. The Bidder and its named Subcontractors

may register with the Division of Revenue and Enterprise Services, obtain a copy of an existing BRC or obtain information necessary to seek re-instatement of a revoked BRC online at https://www1.state.nj.us/TYTR_BRC/jsp/BRCLoginJsp.jsp.

A Bidder otherwise identified by the DOH as a responsive and responsible Bidder, inclusive of any named Subcontractors, but that was not business registered at the time of submission of its Proposal must be so registered and in possession of a valid BRC by a deadline to be specified in writing by the DOH. A Bidder failing to comply with this requirement by the deadline specified by the DOH will be deemed ineligible for contract award. Under any circumstance, the DOH will rely upon information available from computerized systems maintained by the State as a basis to verify independently compliance with the requirement for business registration.

5.6 DISCLOSURE OF INVESTIGATIONS AND OTHER ACTIONS INVOLVING BIDDER FORM

The Bidder should submit the Disclosure of Investigations and Other Actions Involving Bidder Form, with its Proposal, to provide a detailed description of any investigation, litigation, including administrative complaints or other administrative proceedings, involving any public sector clients during the past five (5) years, including the nature and status of the investigation, and, for any litigation, the caption of the action, a brief description of the action, the date of inception, current status, and, if applicable, disposition. If a Bidder does not submit the form with the Proposal, the Bidder must comply within seven (7) business days of the State's request, or the State may deem the Proposal non-responsive.

5.7 SOURCE DISCLOSURE

Pursuant to N.J.S.A. 52:34-13.2, prior to an award of a contract, the Bidder is required to submit a completed Source Disclosure Form. The Bidder's inclusion of the completed Source Disclosure Form with the Proposal is requested and advised.

5.8 AFFIRMATIVE ACTION

The intended Contractor must submit a copy of a New Jersey Certificate of Employee Information Report, or a copy of Federal Letter of Approval verifying it is operating under a federally approved or sanctioned Affirmative Action program. Awarded Contractors not in possession of either a New Jersey Certificate of Employee Information Report or a Federal Letter of Approval must complete the Affirmative Action Employee Information Report (AA-302) located on the web at <https://www.state.nj.us/treasury/purchase/forms.shtml>.

Bidders should verify its Affirmative Action Compliance status on the "Maintain Terms and Categories" Tab within its profile in NJSTART. In the event of an issue with a Contractor's Affirmative Action Compliance status, NJSTART provides a link to take corrective action.

5.9 INSURANCE CERTIFICATES

The Contractor shall provide the State with current certificates of insurance for all coverages required by the terms of this contract naming the State as an Additional Insured. See Section 4.2 of the State Standard Terms and Conditions accompanying this Request for Proposal. The Bidder should verify its Insurance Certification Compliance status on the “Maintain Terms and Categories” Tab within its profile in NJSTART.

5.10 COVID-19 VACCINE CERTIFICATION

Please be advised that on October 20, 2021, Governor Murphy signed Executive Order No. 271 which went into effect on that day. In accordance with EO 271, a covered contractor must certify that it has a policy in place:

- (1) that requires all covered workers to provide adequate proof, in accordance with EO 271, to the covered contractor that the covered worker has been fully vaccinated; or
- (2) that requires that unvaccinated covered workers submit to COVID-19 screening testing at minimum one to two times weekly until such time as the covered worker is fully vaccinated; and
- (3) that the covered contractor has a policy for tracking COVID-19 screening test results as required by EO 271 and must report the results to local public health departments.

The requirements of EO 271 apply to all covered contractors and subcontractors, at any tier, providing services, construction, demolition, remediation, removal of hazardous substances, alteration, custom fabrication, repair work, or maintenance work, or a leasehold interest in real property through which covered workers have access to State property. Please review and complete the EO 271 certification and submit it with your Proposal.

5.11 CERTIFICATION OF NON-INVOLVEMENT IN PROHIBITED ACTIVITIES IN RUSSIA OR BELARUS

On March 9, 2022, Governor Murphy signed P.L.2022, c.3, which prohibits certain government dealings with businesses engaged in prohibited activities in Russia or Belarus. The new law requires the Department of the Treasury to develop a list of persons and entities that engage in prohibited activities in Russia or Belarus and an accompanying form for use statewide.

Prior to entering into, renewing, amending, or extending a contract, the intended Contractor must certify that they are not engaged in prohibited activities in Russia or Belarus using the provided Certification Of Non-Involvement In Prohibited Activities In Russia Or Belarus Pursuant To P.L.2022, c.3.

6.0 EXECUTIVE ORDER 166 REQUIREMENTS FOR POSTING OF WINNING PROPOSAL AND CONTRACT DOCUMENTS

Pursuant to Executive Order No. 166, signed by Governor Murphy on July 17, 2020, the Office of the State Comptroller (“OSC”) is required to make all approved State contracts for the allocation and expenditure of COVID-19 Recovery Funds available to the public by posting such contracts on an appropriate State website. Such contracts will be posted on the New Jersey transparency website developed by the Governor’s Disaster Recovery Office (GDRO Transparency Website).

The contract resulting from this [RFP/RFQ] is subject to the requirements of Executive Order No. 166. Accordingly, the OSC will post a copy of the contract, including the [RFP/RFQ], the winning bidder’s proposal and other related contract documents for the above contract on the GDRO Transparency website.

In submitting its proposal, a bidder/proposer may designate specific information as not subject to disclosure. However, such bidder must have a good faith legal or factual basis to assert that such designated portions of its proposal: (i) are proprietary and confidential financial or commercial information or trade secrets; or (ii) must not be disclosed to protect the personal privacy of an identified individual. The location in the proposal of any such designation should be clearly stated in a cover letter, and a redacted copy of the proposal should be provided. A Bidder’s/Proposer’s failure to designate such information as confidential in submitting a bid/proposal shall result in waiver of such claim.

The State reserves the right to make the determination regarding what is proprietary or confidential and will advise the winning bidder/proposer accordingly. The State will not honor any attempt by a winning bidder/proposer to designate its entire proposal as proprietary or confidential and will not honor a claim of copyright protection for an entire proposal. In the event of any challenge to the winning bidder’s/proposer’s assertion of confidentiality with which the State does not concur, the bidder /proposer shall be solely responsible for defending its designation.