

<b>AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT</b>		1. CONTRACT ID CODE	PAGE OF PAGES 1   14
2. AMENDMENT/MODIFICATION NO. 000003	3. EFFECTIVE DATE 11/28/2007	4. REQUISITION/PURCHASE REQ. NO.	5. PROJECT NO. (If applicable)
6. ISSUED BY CMS, OAGM, MCG, DMSC 7500 SECURITY BLVD., MS: C2-21-15 BALTIMORE MD 21244-1850	CODE DMSC	7. ADMINISTERED BY (If other than Item 6) Craig Gillespie Contract Specialist 410-786-1126	CODE AGG/CG
8. NAME AND ADDRESS OF CONTRACTOR (No. street, county, State and ZIP Code)		9A. AMENDMENT OF SOLICITATION NO. (x) RFP-CMS-2007-0022	
		9B. DATED (SEE ITEM 11) x 10/19/2007	
		10A. MODIFICATION OF CONTRACT/ORDER NO.	
		10B. DATED (SEE ITEM 11)	
CODE	FACILITY CODE	11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS	

The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers  is extended.  is not extended.  
 Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods: (a) By completing Items 8 and 15, and returning 4 copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGEMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

12. ACCOUNTING AND APPROPRIATION DATA (If required)

13. THIS ITEM ONLY APPLIES TO MODIFICATION OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.

CHECK ONE	A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.
	B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b).
	C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:
	D. OTHER (Specify type of modification and authority)

E. IMPORTANT: Contractor  is not.  is required to sign this document and return \_\_\_\_\_ copies to the issuing office.

14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible)

The purpose of Amendment Number 000003 is to:

- 1) Revise the proposal submission instructions to request separate technical and business proposals if an Offeror is submitting a response to multiple RAC Jurisdictions. This revises the responses to Solicitation Question(s) 6 and 50;
- 2) Add a requirement in the business proposal for Offeror's to submit an order of preference. The order of preference will be used to select awards if an one Offeror is determined the overall best value for multiple RAC Jurisdictions. This amends the response to Solicitation Question 10;

Continued ...

Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.

15A. NAME AND TITLE OF SIGNER (Type or print)	16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) MARK WERDER
15B. CONTRACTOR/OFFEROR	16B. UNITED STATES OF AMERICA
15C. DATE SIGNED	16C. DATE SIGNED 11/28/2007
(Signature of person authorized to sign)	(Signature of Contracting Officer)

**CONTINUATION SHEET**

REFERENCE NO. OF DOCUMENT BEING CONTINUED  
RFP-CMS-2007-0022/000003

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NAME OF OFFEROR OR CONTRACTOR

ITEM NO. (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	<p>3) Extend the due date for proposals until December 17, 2007. Proposals shall be submitted no later than 12:00 PM local prevailing time Baltimore, MD in accordance with Section(s) L and M of the RFP;</p> <p>4) Extend the due date for the Past Performance Questionnaire, as stated in Section M.1.d, until December 17, 2007.</p>				

## SECTION L - INSTRUCTIONS, CONDITIONS, AND NOTICES TO OFFERORS OR QUOTERS

This solicitation includes instructions for submission of proposals for the contract award.

### L.1 **PROCUREMENT TIMELINE** is hereby amended as follows:

Request for Proposal (RFP) Released:	October 19, 2007
Questions Due:	October 29, 2007 (NLT 12:00 pm)
Answers Issued:	November 19, 2007 (estimated)
Notice of Intent to Submit Proposals:	November 09, 2007 (NLT 12:00 pm)
Technical & Business Proposals Due:	December 17, 2007 (NLT 12:00 pm)
Award of Contract:	March 2008

### L.9 **GENERAL INSTRUCTIONS** is hereby amended as follows:

The following establishes the acceptable minimum requirements for the format and content of proposals.

- a. **Award Description:** CMS intends to award multiple contingency-fee contracts as a result of this solicitation. Awards will be made in accordance with the four (4) Recovery Audit Contractor (RAC) jurisdictions described in the SOW. One (1) award shall be made for each of the four (4) RAC jurisdictions. It is the Governments intent to issue an Offeror only one (1) RAC jurisdiction. For example, an Offeror selected for the award of RAC Jurisdiction B will not be eligible for award of any additional RAC jurisdictions (i.e A, C, D).

Award shall be made to the Offeror whose proposal represents the best value as described in Section M. The Government anticipates issuance of contingency-fee type contracts with a period of performance consisting of a base year and four one-year options to be exercised at the discretion of the Government. Contingency-fee terms for are outlined in Section B.3 Contingency Fee.

- b. **General Procedure:** The Offeror's proposal package shall be submitted in two (2) volumes. Offeror's may submit proposals for multiple RAC jurisdictions and shall submit one proposal package (i.e. Volume I and Volume II) for each individual RAC jurisdiction.
1. Business (Cost) Proposal
  2. Written Technical Proposal

Each of these parts shall be separate and complete so that the evaluation of one may be accomplished independently of the evaluation of the other. The written technical proposal must not contain reference to price/cost, however, resource information such as data concerning labor hours and categories, materials, and subcontracts may be contained in the technical proposal so that the understanding of the scope of work may be evaluated. The Government will evaluate proposals in accordance with the evaluation criteria set forth in Section M.

- c. **Proposal Organization:** The Offeror's proposal submission shall consist of Volume I – Business Proposal and Volume II - Written Technical Proposal. Hard copies shall be organized as follows:
1. Binding and Labeling – A binder cover sheet shall be affixed to each volume which clearly identifies the volume, copy number, the RFP identification, and Offeror's name. The original of Volumes I and II shall be marked "Original" and all other copies shall be marked "Copy".
  2. Indexing – Tab indexing shall be used to identify all sections of each Volume. Each Volume shall be organized such that an extensive search of the Government required documents is not necessary to review the proposal.
  3. Page Size, Font Type and Size, Spacing and Page Numbering – Page size shall be 8.5 x 11 inches. Submit proposals, to the extent possible, on high-grade white paper that can be recycled. Font shall be Times New Roman Size 12 with no less than single spacing between lines.
- d. **When/Where/How Many to Submit:** Please submit **one (1) original and four (4) hard copies** of the business and technical proposals for each of the RAC jurisdictions the offeror is interested in bidding against. **Proposals are due no later than 12:00 PM local prevailing time Baltimore, MD on Monday, December 17, 2007.** Offeror's shall include one (1) electronic copy of each proposal on compact disc (CD) or discs included with the hard copy submission. The electronic copy will be checked for completeness against the hard copy submission. The proposal(s) shall be delivered to the following address:

Centers for Medicare and Medicaid Services  
OAGM/MCG/Division of Medicare Support Contracts  
Attn: Craig Gillespie, Contract Specialist  
7500 Security Boulevard, M/S C2-21-15  
Baltimore, MD 21244-1850

**NOTE:** Offeror's are hereby advised that the place for submission of proposals (CMS Single Site at 7500 Security Boulevard, Baltimore (Woodlawn), Maryland), is a secure building. Therefore, when hand-delivering or utilizing a mail carrier service to deliver proposals, Offeror's should allow for sufficient time to obtain a visitor's parking pass and registration at the Security Guard's desk located in the Central Building (main entrance to the complex). Please be advised that CMS Security Guards will not accept proposals for CMS staff. Proposal delivery must be made to the exact location stated in this RFP solicitation on or before the date and time specified. The proposal is not considered to be delivered until it is in the hands of the Contract Specialist.

Proposals delivered by a mail carrier service other than the U.S. Postal Service are not accepted in the CMS mailroom and therefore, Offeror's proposals may not be delivered timely to the location and person specified in this RFP solicitation. Offeror's are reminded that FAR 52.215-1 does not make allowance for proposals received late when submitted by mail services other than the U.S. Postal Service. Offeror's are advised to take that possibility into consideration in determining when and how a proposal must be received at the specified location to meet the date and time requirements. Offeror's are also advised to make sure that the proposal is clearly marked as to:

- The RFP number,
  - The date and time for receipt,
  - The intended room/cube location,
  - The intended recipient, and
  - The telephone number of the intended recipient.
- e. **Late proposals:** Late Proposals will be handled in accordance with FAR 52.215-1, Instructions to Offeror's – Competitive Acquisition. For this provision, a proposal includes **all** proposal submissions from the contractor and its subcontractors (i.e., hard copies and electronic copies/submissions) to all recipients identified in this solicitation.

If any portion of the proposal (Prime Contractor AND Subcontractor) is not received by the above specified date and time, you will be contacted and advised that the proposal is not accepted for consideration.

- f. **Questions:** All questions concerning this solicitation shall be submitted in writing and shall be received by the Contract Specialist **no later than 12:00 pm local prevailing time Baltimore, MD on Monday, October 29, 2007**. All questions for which answers can be provided will be conveyed to prospective Offeror's by amendment to this solicitation, with copies of both the questions and answers being supplied without reference as to the originating source. **Questions submitted by telephone or in person will not be honored.**

The Contracting Officer may hold a subsequent question and answer session depending on the initial questions and answers received. However, Offeror's are cautioned that the initial question and answer session identified above is the only official Q&A session envisioned at this time. Any subsequent Q&A sessions will be identified in an amendment to the solicitation.

Offeror's shall submit questions via electronic mail (E-mail) in the form of an electronic file attachment in Microsoft Word 2003 format to [Craig.Gillespie@CMS.HHS.gov](mailto:Craig.Gillespie@CMS.HHS.gov).

Questions shall be submitted in the following format (Please only use standard tabs and indent software features. Do not use any elaborate features such as indexing, tables, columns, etc.);

Submission of Questions shall include at a minimum, company name, address, point of contact and phone number and;

For EACH question submitted, the Offeror shall provide:

1. Statement of Work (SOW) section number (including subparagraph designations) or solicitation section being referenced;
2. Title of the SOW or solicitation section; and
3. Complete description of the question

All questions for which answers can be provided will be conveyed in the form of a solicitation amendment to all contractors on the FedBizOpps.gov website on or about **Monday, November 19, 2007**.

- g. **Intent to Submit a Proposal:** The offeror shall indicate intent to submit a proposal in response to this RFP no later than **12:00 PM local prevailing time Baltimore, MD on Friday, November 09, 2007. The intent shall be submitted via e-mail to Craig Gillespie at [craig.gillespie@cms.hhs.gov](mailto:craig.gillespie@cms.hhs.gov).** The intent to submit a proposal is not considered binding. It is for planning purposes only. (An Offeror that submits a negative response is not precluded from submitting a proposal.)
- h. **Section M:** CMS will evaluate proposals in accordance with the evaluation criteria set forth in Section M, Evaluation Factors for Award of this RFP.
- i. **Cost for Proposal Submission:** Please be advised that this RFP does not commit the Government to reimburse any costs associated with the preparation or submission of a proposal nor to procure or contract for the services described herein. In addition, the Contracting Officer is the only individual who can legally commit the Government to the expenditures of public funds in connection with the proposed procurement.
- j. **Award Without Discussion:** Offeror's are advised that award may be made without discussion (See also FAR 52.215-1, Instructions to Offeror's – Competitive). Accordingly, proposals should be submitted initially on the most favorable terms from a price/cost and technical standpoint.

**L.10 BUSINESS PROPOSAL INSTRUCTIONS** is hereby amended as follows:

Offeror's shall submit one (1) original and four (4) hard copies of the business proposal for each of the RAC jurisdictions (A, B, C, D) for which the Offeror is interested in proposing against. Business proposals shall be clearly marked to identify the RAC jurisdiction applicable to the proposal. As stated in Section L.9a, an Offeror may only receive an award for one RAC jurisdiction. The number of pages for each business proposal is **unlimited**. Each business proposal shall be comprised of the following elements:

a. **Table of Contents**

b. **Contract Form and Representation and Certifications**

1. The following sections of this RFP must be executed by an official authorized to bind the Offeror in addition to the representations identified in ORCA.

SF-33, Sections B, G and H (see also H.8 info below) of the RFP Representations and Certifications contained in Section K

2. **Section H.8 - Conflict of Interest:** In order to be eligible for award of a contract the Government must ensure that an Offeror is free, to the greatest extent possible, of all conflicts of interest. Offeror's could have organizational relationships that create potential conflicts of interest that may affect award of a RAC contract. An actual, potential, or apparent conflict exists if a RAC, through its parent company, subsidiaries or affiliates, has a relationship with a Carrier, Fiscal Intermediary (FI), Medicare Administrative Contractor (MAC), Program Safeguard Contractor (PSC), Quality Improvement Organization (QIO), Coordination of Benefits Contractor (COBC), Qualified Independent Contractor (QIC), and CMS Systems Maintainers.

CMS is concerned that a RACs relationship with any of the aforementioned contractors would influence the payment of claims, the identification of fraud, waste and abuse, medical necessity determinations, the appeals process. Specifically, CMS is concerned with the appearance or potential that a contractor could either intentionally or unintentionally incorrectly pay claims so that the RAC business would be able to collect the payments on a contingency-fee basis. This relationship, if left unmitigated, could call into question the validity of the RAC efforts in collecting true overpayments.

Described below are hypothetical situations which could arise that would be determined to present an actual, potential or apparent conflict of interest that must be mitigated:

- (i) A RACs parent company is responsible for the payment of claims. The RACs parent company may incorrectly pay claims so the RAC would have the ability to collect the payment and receive the contingency-fee.
- (ii) A RACs parent company also owns a Program Safeguard Contractor (PSC). The parent company may have the PSC forgo identifying fraud in order to allow the RAC to recover the improper payment and receiving the contingency-fee.

- (iii) A holding company owns both a RAC and CMS Systems Maintainer. The holding company may ask the Systems Maintainer to withhold or incorporate system edits which would have otherwise prevented the claim overpayment. The RAC could then collect the overpayment and receive a contingency fee for a fraudulent overpayment.

In addition to the requirements in Section H.8, a RAC's proposed mitigation plan must:

- (i) Prevent any other entity from having absolute control or improper influence, or give the appearance of absolute control or improper influence over the RAC's day-to-day operations; and
- (ii) Ensure that the RAC remains impartial in identifying payment or processing errors even when the RAC's findings may reflect negatively on an affiliated contractor's performance.

The above information should not be construed as to change the requirements stated in section H.8 for identifying, mitigating, and resolving conflicts of interest. RACs must continue to identify organizational conflicts and propose mitigation methods so that conflicts can be resolved in accordance with section H.8. In order to be considered for award the Offeror must disclose the information contained in contract Section H.8, Conflict of Interest Evaluation. (**Note:** Failure to submit the required information will deem an Offeror's proposal to be non-responsive to this RFP).

c. **Other Administrative data**

1. **General:** The Offeror's proposal must stipulate that it is predicated upon all the terms and conditions of this RFP. In addition, it must contain a statement to the effect that it is firm for a period of at least **180 days** from the date specified for receipt of offers by the Government.
2. **Order of Preference:** The Offeror shall clearly identify an order of preference for the award of RAC Jurisdictions. In the event one Offeror is determined the overall best value in multiple RAC Jurisdictions the order of preference will be used to determine contract award.

For example, Offeror 1 is determined the overall best value for award of Jurisdictions A, B, and C. As stated above, it is the Government's intent to issue an Offeror only one (1) RAC jurisdiction. The Offeror submits an order of preference as follows: 1<sup>st</sup> choice - Jurisdiction B, 2<sup>nd</sup> choice - Jurisdiction C, and 3<sup>rd</sup> choice - Jurisdiction A. The Government will use the order of preference and award Offeror 1 RAC Jurisdiction B. Offeror 1 will be eliminated from consideration for the award of Jurisdictions A and C and award will be made to the next overall best value Offeror.

Please note, an Offeror's proposed order of preference shall not change and must remain consistent in each of the business proposals.

3. **Statement on the Offeror's Financial Capability:** The Offeror's proposal must indicate whether it has the necessary financial capacity, working capital, and other resources to perform the contract without assistance from any outside source (If not, indicate the amount required and the anticipated source).

The Government estimates approximately nine (9) months before a RAC begins recovering overpayments. Offeror's must indicate the necessary financial capability to perform the necessary tasks during the start-up period and prior to receiving contingency-fee payments.

4. **Financial Statements:** Include a copy of audited financial statements for the most recent fiscal year. If an audited financial statement is not available, provide the most recent revised, compiled or internally prepared financial statement.
5. **Small Business Subcontracting Plan:** All Offerors (except Small Businesses) are required to submit a Small Business Subcontracting Plan. (See Attachment J.6).

d. **Contingency Fee Percentage:**

1. Offeror's shall submit a contingency-fee percentage following the chart contained in Section B.3, Payment Methodology Scale. As stated in Section M.1, the Government intends to award contracts without discussions. Therefore, an Offeror's initial proposal should contain the best terms from a contingency-fee percentage. The Government reserves the right to conduct discussions if the Contracting Officer later determines them to be necessary.

**L.11 TECHNICAL PROPOSAL INSTRUCTIONS** is hereby amended as follows:

A written technical proposal is required for this RFP. Offeror's shall submit one (1) original and four (4) hard copies of the technical proposal for each of the RAC jurisdictions (A, B, C, D) for which the Offeror is interested in proposing against. Each technical proposal **shall not exceed eighty (80) pages** and shall be bound separately from the corresponding business proposal. The technical proposal shall be clearly marked to identify the RAC jurisdiction applicable to the proposal. The proposal should be an example of the Offeror's ability to communicate clearly and concisely the requirements set forth in the Statement of Work. Offeror's proposals that simply repeat the requirements of the SOW and state "we will conform to the requirements as stated" are not acceptable and will be considered non-responsive. Detailed curriculum vitae, project summaries, work breakdown charts, and compliance matrixes may be included in the proposal as separate attachments with no length restrictions.

In order to facilitate proposal review and evaluation, Offeror's shall submit a technical proposal with, at a minimum, the following sections in the order in which they are listed (see also Section M.2):

1. Technical Approach for Identification of Non-MSP Improper Payments;
2. Technical Approach to Collection/Payment of Non-MSP Improper Payments;
3. Key Personnel Qualifications and Availability and Overall Staffing Plan;
4. Communications Plan;
5. Reporting;
6. Security Plan;
7. Past Performance; and
8. Subcontracting Approach.

\*Foldouts of charts, spreadsheets, etc. are not preferred, but are not prohibited.

## SECTION M - EVALUATION FACTORS FOR AWARD

**M.1 GENERAL PROCEDURES FOR AWARD OF CONTRACTS** is hereby amended as follows:

- a. General: Four (4) Recovery Audit Contractor (RAC) contracts shall be awarded as a result of this solicitation. Each of the four (4) RAC Jurisdictions shall receive one (1) award. It is the Governments intent to issue an Offeror only one (1) RAC Jurisdiction. For example, an Offeror selected for the award of RAC Jurisdiction B will not be eligible for award of any additional RAC jurisdictions (i.e A, C, D).

The Government intends to award multiple contracts resulting from this solicitation to the responsible Offeror whose proposal represents the “best value” after evaluation. Under this solicitation, the “best value” will be made on the basis of the lowest price of proposals meeting or exceeding the acceptability standards for non-cost factors. In other words, the “best value” will be made using a method in which technical (non-cost) factors are significantly less important than cost/price (contingency fee percentage) and allows the Government to consider award to the lowest price technically acceptable Offeror. As previously stated, a single Offeror will be eligible for one RAC Jurisdiction only and will not be eligible for multiple awards. If an Offeror is considered the best value for multiple RAC Jurisdictions, award will be made using the Offeror’s order of preference as outlined in Section L.10.c.2.

1. The Government intends to evaluate proposals and award a contract without discussions with Offeror’s (except clarifications as described in FAR 15.306(a)). Therefore, the Offeror’s initial proposal should contain the best terms from a cost or price (contingency fee percentage) and technical standpoint. The Government reserves the right to conduct discussions if the Contracting Officer later determines them to be necessary.
  - i. In the event that a clear cut winner cannot be determined after review and scoring of the original proposals, a competitive range will be established.
  - ii. Conduct discussions with Offeror’s in the competitive range.
  - iii. Give Offeror’s within the competitive range an opportunity to submit revised best and final proposals.

- b. Technical Evaluation: The Technical Evaluation Panel (TEP) will evaluate and score each proposal by applying the weighted technical criteria and sub-criteria set forth in Section M.2 below. The evaluation will produce numerical scores (points) for each Offeror based upon the information contained in the written technical proposal. Therefore, the written technical proposal shall provide all information necessary to properly evaluate the proposals in accordance with the evaluation criteria.

In addition to determining a numerical score (points) for each Offeror, the TEP will 1) recommend whether or not a proposal is technically acceptable or technically unacceptable and 2) identify its strengths, weaknesses and deficiencies.

- c. Business Evaluation: The business proposal will be analyzed and evaluated by the TEP to determine an Offeror's financial capability, Conflict of Interest certificates, and responsibility determinations.
- d. Past Performance: Performance information will be used for both the responsibility determination and as an evaluation factor against which Offeror's relative rankings will be compared to assure best value to the Government. The attached Past Performance Questionnaire (**Attachment J.3**) must be submitted directly by the references listed in your proposal. **Attachment J.3** includes a sample cover letter and the questionnaire that should be submitted to each reference. References shall be asked to submit their responses directly to CMS no later than **December 17, 2007**. CMS will follow up with references which have not responded by the date specified. Individuals and/or other entities, other than those identified by the Offeror, may be contacted by the Government about the Offeror's past performance. Past performance responses from those individuals/entities may be used in the evaluation of the Offeror's past performance. In accordance with FAR 9.104-1, General standards, the Offeror must have a satisfactory performance record in order to be considered for award. See also FAR 9.104-3(b), Satisfactory Performance Record, and FAR 42.15, Contractor Performance Information.
- e. Clarification/Communications with Offerors Before Establishment of the Competitive Range: In accordance with FAR 15.306, Exchanges with Offerors After Receipt of Proposals, the Government may be required to conduct clarifications and/or communications with the Offeror prior to the establishment of the Competitive Range. Discussions, as defined in FAR 15.306(d) may be conducted after establishment of the Competitive Range.

An Offeror should not assume that the Contracting Officer will independently obtain information necessary to evaluate its proposal and should therefore supply all information required to evaluate its proposal. Failure to provide the information required in order to evaluate a proposal could result in rejection of the proposal as being technically unacceptable.

- f. Competitive Range: Based on the ratings of each proposal against all evaluation criteria and other requirements of the solicitation, the Contracting Officer may establish a Competitive Range comprised of all of the most highly rated proposals unless the range is reduced for purposes of efficiency (see below). The Competitive Range will be determined based on the following:
  - Scoring of the technical proposal;

- Evaluation of past performance information
- Evaluation of other business proposal components; and
- A preliminary responsibility determination (See FAR 9.1 Responsible Prospective Contractors). Note: At this point in the procurement cycle the responsibility determination is preliminary. The responsibility determination process will continue up to the time contracts are awarded.

Further, if the Contracting Officer determines that the number of proposals that would otherwise be in the Competitive Range exceeds the number at which an efficient competition can be conducted, the Contracting Officer may limit the number of proposals in the Competitive Range to the greatest number that will permit an efficient competition among the most highly rated proposals. See also M.1.h. below.

Offerors will be notified by letter whether or not it has been included in the Competitive Range. Offerors not in the Competitive Range will be eliminated from further consideration for award. Offerors excluded or otherwise eliminated from the Competitive Range may request a debriefing in accordance with FAR 15.505, Pre-award Debriefing of Offerors or with 15.506, Post-award Debriefing of Offerors.

- g. Discussions: After announcement of the Competitive Range and upon completion of discussions in accordance with FAR 15.3, a request for final revised proposals will be issued to all Offerors still within the Competitive Range. If, after discussions have begun, an Offeror originally in the Competitive Range is no longer considered to be among the most highly rated Offerors being considered for award, that Offeror may be eliminated from the Competitive Range whether or not all material aspects of the proposal have been discussed, or whether or not the Offeror has been afforded an opportunity to submit a proposal revision.

After receipt and evaluation of a final revised proposal, an Offeror may be selected for award and may be involved in final negotiations. The content of such negotiations would not have any bearing on the selection process and would be in accordance with HHSAR 315-370, "Finalization of details with the selected source."

However, the Contracting Officer reserves the right to make award of a contract without regard to "discussions" after the final Competitive Range is determined. Therefore, it is in the best interest of the Offeror to submit the most advantageous proposal to the Government with the initial submission.

You are reminded that inclusion in the Competitive Range is not a guarantee for award of a contract. Offeror's eliminated from the Competitive Range will be notified in accordance with FAR 15.503, Notice to Unsuccessful Offerors.

- h. Source Selection: Source selection will be made in accordance with the guidelines of the Federal Acquisition Regulation (FAR) and The Department of Health and Human Services Acquisition Regulations (HHSAR) and this

solicitation. Award of contract under this solicitation shall be made to an Offeror whose proposal is determined to provide the best value to the Government.

- i. Amendment or Cancellation of Solicitation: CMS reserves the right to amend or cancel this solicitation as necessary to meet CMS requirements.