

Pete Ricketts, Governor

March 1, 2016

Thomas J. Culhane  
Erickson | Sederstrom P.C., L.L.O.  
10330 Regency Parkway Drive, Suite 100  
Omaha, NE 68114

RE: AmeriHealth Nebraska, Inc. d/b/a Arbor Health Plan - Protest of Award  
RFP No. 5151 Z1 - *Full-Risk Capitated Medicaid Managed Care Program for Physical Health, Behavioral Health and Pharmacy Services*

Dear Mr. Culhane:

We are in receipt of AmeriHealth's letter dated February 19, 2016, regarding their protest of the Intent to Award in connection with the above-captioned RFP. After careful review and consideration of the matter, we find as follows:

State Purchasing Bureau ("SPB") is in agreement that some sections of the Corporate Overview were not scored properly. In an effort to maintain the integrity of the evaluation and award process, SPB is in the process of rescinding the Intent to Award for the purposes of a limited re-evaluation using new evaluators; but the State is not rejecting bids.

The Corporate Overview section of all bid proposals will be re-evaluated with corrected scoring and a new Intent to Award will be posted once completed.

- A. **The scoring system used in awarding contracts under the RFP conflicts with Nebraska law and with the express terms of the RFP.** AmeriHealth states that the scoring system as set forth in the scoring sheets, renders the evaluators' scoring of the bidders regarding certain factors ministerial only, and removes the proper discretion from the process.

RESPONSE: SPB acknowledges that a few questions in the Corporate Overview section were not scored effectively. For this reason the Corporate Overview section of all bid proposals will be re-evaluated and scored accordingly by new evaluators.

- B. **Scoring errors and inconsistencies demonstrate a lack of proper control and oversight over the scoring process, resulting in an arbitrary award, which should be withdrawn.** AmeriHealth states that extreme variation among evaluators as to the scores awarded in certain categories demonstrates the lack of any defined or consistent standard.

RESPONSE: As is stated above, SPB acknowledges and agrees that a few sections of the Corporate Overview were not scored effectively. For this reason this section of all bid proposals will be re-evaluated and scored by new evaluators. However, please note that multiple evaluators are used to provide a range of independent evaluations. Variations amongst individual evaluators' scores are expected. The process allows for independent evaluations.

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Based upon this review, the original contract award will be rescinded. The State will re-evaluate the Corporate Overview section of the RFP with new evaluators. Upon completion of the re-evaluation a new Intent to Award will be posted accordingly. Please continue to monitor the SPB website for all information relevant to the RFP.

We thank you for your interest in doing business with the State of Nebraska.

Sincerely,



Marilyn Bottrell, Materiel Administrator  
Administrative Services – Materiel Division

cc: Michelle Thompson, Buyer  
Brad Gianakos, DHHS

MB:js