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July 22, 2019

Administrative Services  
1526 K Street, Suite 130  
Lincoln, NE 68508  
Attention: Materiel Division Administrator  
Bid Reference Number 6097 Z1

Dear Materiel Division Administrator:

Netsmart Technologies (Netsmart) has carefully reviewed the information provided on the State's website for Request for Proposal (RFP) Number 6097 Z1 released May 21st, 2019. Netsmart recognizes the effort and attention to detail that the State Purchasing Bureau has provided for this RFP. We appreciate your time and efforts related to these complex solicitations.

According to the website, an award was issued to Omnicell, Inc. on July 11, 2019. The RFP under Section I (PROCUREMENT PROCEDURE) Part V (AWARD) allows for a grievance/protest procedure if filed by a bidder within ten (10) days after the intent to award decision is posted to the Internet. Netsmart prefers to not protest state awards, but we have found some specific issues that we would like to bring to the attention of the Materiel Division Administrator for this RFP. The provided path is to use the Standard Protest/Grievance Procedures for Vendors posted on the State's website. We believe the information below to be accurate based on all non-redacted information from the website. Please let us know if you have any questions that may assist you in your review.

Specific Issues that are disputed:

(1) Interfaces

The RFP requests that it should "include interfaces, data transmission, and all hardware parts function as designed". Netsmart's interpretation is that this includes all interfaces including costs of any EHR vendor's interface costs. The RFP has the following interface references:

- o Section F (Scope of Work) includes "a complete process to include interfaces, data transmission"
- o Section H (Deliverables) includes "implemented and tested system interfaces"
- o Business Requirement SAF-1 includes "vendor will establish and manage the interface with RxConnect"
- o Technical Requirements INT-1 include "automated approach to managing interfaces"

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- o Technical Requirements INT-5 “proposed solution has or will be able to interface with the state’s current pharmacy system Rx-Connect”
- o VII (Cost Proposal Requirements) includes “The bidder must include details in the State’s Cost Sheet supporting any and all costs”
- o VII (Cost Proposal Requirements) for State’s Cost Sheet for Table 1 includes a row for interfaces.

Netsmart’s review of the references and responses brings into question if all interface costs have been included. Netsmart did include all interface costs as referenced in the State’s Cost Sheet for Table 1 where we responded with “included”. It is unknown from the State’s Cost Sheet for Table 1 completed by Omnicell if interface costs are included as there is no response to that cost cell.

Omnicell specifically included language in its terms and conditions response for In-bound Interfaces and Out-bound Interfaces that says “Omnicell is not responsible for;

- o Development, installation, set-up, or testing of the HIS side of an interface
- o Receiving and processing interface messages or records on the HIS side of an interface

Given the importance of cost to the scoring to the award, the State Purchasing Bureau would want to compare costs that are “apples to apples”. If the pharmacy interface (RxConnect) costs are to be included, then that cost should be clarified and/or added to the Omnicell cost response. If the pharmacy interface costs are not to be included, then Netsmart should have the opportunity to remove that cost from its submitted cost workbook.

By Omnicell leaving the Table 1 interface cost cells blank and with the added terms and conditions, it brings into question if interfaces are included.

## (2) Resume Requirement

Section I (Summary of Bidder’s Proposed Personnel/Management Approach) requests that “The bidder should identify the specific professionals who will work on the State’s project if their company is awarded the contract resulting from this RFP” and further that “the names and titles of the team proposed for assignment to the State project should be identified in full”. The section goes on to request resumes that “at a minimum, academic background and degrees, professional certifications...”

Netsmart provided names and resumes for specific professionals. Netsmart did not see that Omnicell provided this information. If the information was provided in a redacted response, Netsmart requests that the State confirms the information was provided. If that information was not provided, then Netsmart would like an explanation as to why the Omnicell response was not rejected.

## (3) Terms and Conditions

The RFP is very clear under section I (Deviations from the request for proposal) that “any deviations from the RFP in Sections II through VI must be clearly defined by the bidder in its proposal and, if accepted by the State, will become part of the contract”.

In Section II (Terms and Conditions), it specifically states that “Bidder is expected to read the Terms and Conditions and should initial either accept, reject, or reject and provide alternative language for each clause. The bidder should also provide an explanation of why the bidder rejected the clause or rejected the clause and provided alternate language.”

Netsmart’s review of Omnicell’s response shows that all responses that were “reject & provide alternative within RFP response” did not provide any alternative and that the same comment was used for every response.

Please confirm that should the State move forward with Omnicell under a contract, that all terms and conditions that were initialed as “rejected & provide alternative within RFP response” that had no alternative language proposed will remain unchanged and treated as Accepted conditions by the State.

#### (4) Costs

The RFP did not describe if the optional renewal periods were to include new hardware (hardware refresh) or just include costs for maintaining the existing hardware. The life span of hardware is not unlimited. The State should clarify what was intended for optional renewal periods.

Netsmart’s main point of contact for this Protest/Grievance is listed below:

Kade Harris  
Client Alignment Executive  
4950 College Boulevard  
Overland Park, KS 66211  
e-mail: DL\_PublicSector\_RFP\_Contact@ntst.com & kharris@ntst.com  
Phone: (913) 242-6176

Please consider this letter our Protest to the award. Thank you for your attention to this request.

Sincerely,

*Kade Harris*

Kade Harris  
Client Alignment Executive, Public Sector West  
Netsmart Technologies Inc.