

Open-Ended RFQ Contact Information Sheet

- *This document has been provided for informational purposes only.*
- *The OSP Contact Information provided below is specific to the referenced RFQ and is subject to change.*

RFQ Number: S000000069

Description: Nurse Investigators and Reporting

OSP Buyer: Cyndle Jump, 501-324-9314, Cyndle.Jump@arkansas.gov

OSP Main Phone: 501-324-9316

Note: This solicitation is an open-ended RFQ. Vendors may submit a Response to this solicitation at any time while the Solicitation is open. This Solicitation will remain open for submission of responses for a period of up to seven (7) years from the issuance date of October 22, 2021. The State will have the right to close/end this Bid Solicitation for submission at any time prior to the completion of the seven (7) year period, if it is in the best interest of the State to do so.

Qualified Nurse Investigators and Reporting Vendors

RFQ Number: S000000069

Description: Nurse Investigators and Reporting

OSP Buyer: Cyndle Jump, 501-324-9314, Cyndle.Jump@arkansas.gov

OSP Main Phone: 501-324-9316

Vendor	Email
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Terry Kuykendall	terryletr@gmail.com
Gena Fryar	gena.fryar@yahoo.com
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STATE OF ARKANSAS
DEPARTMENT OF TRANSFORMATION AND SHARED SERVICES
OFFICE OF STATE PROCUREMENT
 501 Woodlane St., Ste. 220
 Little Rock, Arkansas 72201-1023

REQUEST FOR QUALIFICATION-OPEN ENDED
SOLICITATION DOCUMENT

SOLICITATION INFORMATION			
Solicitation Number:	S000000069	Solicitation Issued:	October 22, 2021
Description:	Nurse Investigators and Reporting		
Department:	Arkansas State Board of Nursing (ASBN)		

SUBMISSION DEADLINE AND DELIVERY OF RESPONSE DOCUMENTS			
Response Opening Date:	December 05, 2022	Response Opening Time:	2:00pm, Central Time
<p>Response submissions for this Request for Qualification must be submitted through ARBuy, the State's eProcurement system. It can be accessed at https://arbuy.arkansas.gov. Responses received after the submission deadline may be rejected as untimely. See Section 1.2 for information regarding Live Response Openings.</p>			

TSS OFFICE OF STATE PROCUREMENT CONTACT INFORMATION			
TSS OSP Buyer:	Jennifer Trancoso Cyndle Jump	Buyer's Direct Phone Number:	501-371-6070 501-324-9314
Email Address:	Jennifer.Trancoso@arkansas.gov Cyndle.Jump@arkansas.gov	TSS OSP's Main Number:	501-324-9316
TSS OSP Website:	https://www.transform.ar.gov/procurement/		

SECTION 1 - GENERAL INSTRUCTIONS AND INFORMATION

- **Do not** provide responses to items in this section unless specifically and expressly required.

1.1 PURPOSE

The TSS Office of State Procurement (TSS OSP) issues this Request for Qualification (RFQ) on behalf of the Arkansas State Board of Nursing (ASBN) to establish a Qualified Vendor's List (QVL) containing a selection of Contractors qualified to provide nurse investigation and reporting services. Prospective Contractors listed on the resultant QVL will be eligible to contract with the State of Arkansas, as requested, to provide investigation and reporting services. Direct any questions, comments, or concerns regarding this solicitation to the TSS Office of State Procurement, not the ASBN.

1.2 LIVE RESPONSE OPENING

The response opening may be viewed online as follows:

Zoom Meeting Link:

<https://arkansas-gov.zoom.us/j/89358365492?pwd=SBhTnFLdjYQzITNzRDMUxqYTdrdz09>

Meeting ID 893 5836 5492

Meeting Password 301422

Dial-In Information: 877 853 5257 US Toll-free

888 475 4499 US Toll-free

1.3 TYPE OF CONTRACT

- A. As a result of this open-ended RFQ, TSS OSP intends to establish a Qualified Vendor's List (QVL) of multiple Contractors.
- B. The anticipated starting date for any resulting contract is December 06, 2021, except that the QVL start date may be adjusted forward unilaterally by the State for up to three (3) calendar months. By submitting a signed response to the RFQ, the Prospective Contractor represents and warrants that it will honor its response as being held open as irrevocable for this period.
- C. The initial term of a resulting QVL will be for one (1) year. Upon mutual agreement by the Contractor and Department, the QVL may be renewed by OSP for up to six (6) additional one-year terms or portions thereof, not to exceed a total aggregate QVL term of seven (7) consecutive years.

1.4 SOLICITATION SCHEDULE

- A. For informational purposes, TSS OSP is providing a Solicitation Schedule; however, dates listed and noted with an asterisk (*) are anticipated dates only and are subject to change at the discretion of the State.

TABLE A: TENTATIVE SOLICITATION SCHEDULE

ACTIVITY	DATE
RFQ Release to Prospective Contractors	October 22, 2021
Response Due Date	December 05, 2022 2:00pm, Central Time
Post Anticipation to Award*	November 17, 2021
Award Contract*	December 06, 2021

1.5 CLARIFICATION OF SOLICITATION

- A. The Prospective Contractor should notify the TSS OSP buyer of any term, condition, etc., that precludes the Prospective Contractor from providing a compliant, Responsive Submission. Prospective Contractors should note that it is the responsibility of the Prospective Contractor to seek resolution of all such issues, including those relating to the terms and conditions of the contract, prior to the submission of a response.

- B. An oral statement by TSS OSP will not be part of any contract resulting from this solicitation and may not reasonably be relied on by any Prospective Contractor as an aid to interpretation unless it is reduced to writing and expressly adopted by TSS OSP.

1.6 DEFINITION OF TERMS

- A. Unless otherwise defined herein, all terms defined in Arkansas Procurement herein have the same meaning herein.
- B. "Prospective Contractor" means a responsible offeror who submits a response to this solicitation.
- C. The terms "Request for Qualifications", "RFQ," and "Solicitation" are used synonymously in this document.
- D. The terms "Contractor" and "Investigator" are used synonymously in this document.
- E. "Responsive Submission" means a submission in response to this solicitation that conforms in all material respects to this RFQ.
- F. "Shall" and "Must" mean the imperative and are used to identify requirements.
- G. "Requirement" means something required.
- H. "Specification" means any technical or purchase description or other description of the physical or functional characteristics, or of the nature, of a commodity or service. "Specification" may include a description of any requirement for inspecting, testing, or preparing a commodity or service for delivery.
- I. "State" means the State of Arkansas. When the term "State" is used herein to reference any obligation of the State under a contract that results from this solicitation, that obligation is limited to the Department using such a contract.

1.7 QUALIFICATION PROCESS

- A. Review of Submissions
 - 1. OSP will review each *Response Packet* submitted by the response deadline to verify that all Requirements and Response Submission Requirements to the RFQ have been met.
 - 2. As an open-ended RFQ, a Prospective Contractor may submit their Response Packet at any time during the year to potentially be added to the QVL.
- B. Prospective Contractors whose responses meet all Requirements and Response Submission Requirements of this RFQ will be included on the initial QVL.
- C. The State Procurement Official reserves the right to reject a response if it does not meet Requirements, fails to provide Response Submission Requirements, or if is in the best interest of the State to do so.
- D. Anticipation to Award QVL
 - 1. Once the anticipated successful Prospective Contractors have been determined, the anticipated award of the QVL will be posted on the ARBuy website at <https://arbuy.arkansas.gov>.
 - 2. Anticipated awards will generally be posted for a period of fourteen (14) days prior to the issuance of a contract. These are only anticipated awards and are subject to protest.
 - 3. OSP may waive the policy of Anticipation to Award when it is in the best interest of the State.

E. Issuance of a Contract

1. Any contract resulting from this QVL **shall** be subject to State approval processes which may include Legislative review.
2. A State Procurement Official will be responsible for award and administration of any resulting contract.
3. Prospective Contractors entering into a contract with the State resulting from the established QVL **shall** comply with all the terms and conditions contained herein.
4. The Arkansas State Board of Nursing will be responsible for the award and administration of any resulting contract(s).

1.8 QUALIFIED VENDOR LIST ADMINISTRATION

- A. OSP will administer the resulting QVL. Each year prior to the expiration date of the QVL, OSP will send a renewal notification to each Prospective Contractor listed on the QVL.
1. OSP will send the renewal notification using the email address submitted with the Prospective Contractor's *Response Packet* or using an updated email as provided by the Prospective Contractor during the term(s) of the QVL.
 2. The renewal notification will contain information and/or documentation, which the Prospective Contractor **shall** provide by the deadline specified in the renewal.
 3. Should the Prospective Contractor fail to provide the required information and/or documentation on or before the deadline stated in the renewal notice, the Prospective Contractor will not be included on the renewed QVL.
- B. Throughout the term(s) of the resulting QVL, the Contractor **shall** provide OSP with immediate, written notification regarding changes in contact information including but not limited to names, email addresses, and phone numbers.

1.9 PRICING

Prospective Contractor **shall not** include any pricing in their response. Pricing will be negotiated with the apparent successful Contractor after the evaluation of responses. Should the Prospective Contractor's response contain any pricing, the response may be rejected.

1.10 RESPONSE DOCUMENTS

- A. All bid responses **must** be submitted through ARBuy, the State's eProcurement system. The system can be accessed at <https://arbuy.arkansas.gov>.
- B. *Response Packet*
1. The following items are response submission requirements and **must** be submitted as part of a Prospective Contractor's response.
 - a. Signed *Response Signature Page*. Signature may be ink or digital. (See *Response Packet*.)
 - b. Completed *Bid Response Packet*, which **must** be in the English language.
 - c. *Exceptions Form*.
 2. The following items, which **must** be submitted prior to a contract award to the Prospective Contractor, may also be included with the Prospective Contractor's bid response:

- a. EO 98-04: *Contract and Grant Disclosure Form*.
 - b. Copy of Prospective Contractor's *Equal Opportunity Policy*.
 - c. Investigative Report Samples, As specified in Section 3.2
 - d. Narrative Descriptions of Education/Experience, as specified in Section 3.2
3. **DO NOT** include any other documents or ancillary information, such as a cover letter or promotional/marketing information.
- C. Pricing is not requested for this solicitation and **must not** be submitted with the response. (See *Pricing*.)

1.11 ACCEPTANCE OF REQUIREMENTS

- A. Unless a Prospective Contractor expressly and conspicuously identifies any exception or exceptions to any of the Requirements in the Requirements Section(s) of this Solicitation by listing them on the *Exceptions Form (See Response Packet)*, Prospective Contractor understands and agrees its submission of a response to represent that its response meets all such Requirements.
- B. A Prospective Contractor's response may be rejected if a Prospective Contractor takes exception to any Requirements in the Requirements Section(s) of this Solicitation.

1.12 ADDITIONAL TERMS AND CONDITIONS

- A. This RFQ incorporates all of the Solicitation Terms and Conditions located on the TSS OSP website here (Agencies – Forms and Reporting – Solicitation Templates):
<https://www.transform.ar.gov/procurement/agencies/forms-and-reporting/>.
- B. Any special terms and conditions included in this solicitation **shall** override the Solicitation Terms and Conditions.
- C. Unless a Prospective Contractor expressly and conspicuously identifies any exception or exceptions to any of the terms in the Services Contract (SRV-1) by listing them on the *Exceptions Form (See Response Packet)*, Prospective Contractor agrees and **shall** adhere to all terms if selected as the successful Contractor. Items identified as non-negotiable may only be modified if the legal requirement is satisfied and approved by the State. The Services Contract (SRV-1) Fillable Form can be viewed on the TSS OSP website here (Agencies – Services – Forms):
<https://www.transform.ar.gov/procurement/agencies/services/>.
- D. A Prospective Contractor's response may be rejected if a Prospective Contractor takes exception to any terms or conditions in the documents listed in 1.12.A and 1.12.C.

SECTION 2 – REQUIREMENTS

- *Do not provide responses to items in this section unless specifically and expressly required.*

2.1 INTRODUCTION

This open-ended Request for Qualification (RFQ) is issued by the Office of State Procurement (OSP) on behalf of the Arkansas State Board of Nursing (ASBN) to obtain a QVL of Nurse Investigators who will provide investigation and reporting services for the State of Arkansas.

2.2 OVERVIEW

The law defines the responsibilities of nurses and “scope of practice” – the range of activities and services as well as the qualifications for practice. The Nurse Practice Act (NPA) is intended to protect patients from harm as a result of unsafe or incompetent practice, or unqualified nurses. The Nurse Practice Act describes what constitutes unprofessional conduct or misconduct, and investigation and the disciplinary procedures for complaints filed against a nurse.

2.3 MINIMUM EXPERIENCE

Prospective Contractor **shall** have a minimum of three (3) years’ experience in investigating healthcare related issues.

2.4 WORK FEE

In any resulting contract, the Contractor will be paid a flat fee of \$50 per hour plus reimbursable expenses (postage, mileage within the state of Arkansas, drug screens and litigation packet) will be paid for investigative services. The fee will be reviewed annually by the Arkansas State Board of Nursing and adjusted if necessary.

2.5 SCOPE OF WORK

- A. In any resulting contract, selected Contractor(s) **shall** perform an appropriate investigation based on the information and details given in a particular complaint.
- B. Contractors **shall** perform services to include full investigations of nurses that have allegedly violated the Nurse Practice Act or Rules. These services may include, but not limited to:
 1. Verify licensure and professional credentials.
 2. Inspect, copy, and retrieve medical records as needed.
 3. Obtain recorded statements.
 4. Attend (in person or via phone) the monthly disciplinary case review meeting. A minimum of five (5) days’ notice will be provided by the Board.
 5. Be available in person to testify at formal board hearings if requested. A minimum of twenty (20) days’ notice in writing will be provided by the Board. The Contractor will be paid for appearance based on an hourly rate.
 6. Produce investigative reports for all investigations. These reports **must** be submitted to the ASBN assigned contact within five (5) business days of the completion of the investigation.
- C. Contractors **shall** be assigned to investigations based on the known facts of the complaint and the Contractor’s area of expertise.

2.6 COMPLAINT INVESTIGATION PROCEDURES

- A. Complaints **must** be submitted to the ASBN in writing for an investigation to be initiated.

- B. All complaints will be reviewed by the Director of the ASBN.
- C. Investigators **shall** be assigned complaint(s) that appear to be a violation of the Nurse Practice Act.
- D. Complaints that present an immediate threat to public safety are given priority; however, all complaints are investigated as timely as possible.
- E. The ASBN provides "due process" to the nurse by notifying him/her of the investigation and the allegations, unless doing so would jeopardize the Board's investigation.
- F. At the time the complaint is assigned to an Investigator, the complainant will be contacted and given the opportunity to provide additional information.
- G. The nurse is afforded the opportunity to respond to the allegations made against him/her and to show compliance with the Nurse Practice Act for retention of the license.
- H. Investigators **shall** conduct a thorough investigation. The investigative process is usually conducted through the mail and over the phone. Investigators may make site visits if needed.
- I. The steps taken in the investigation are determined by the specifics of the allegations. The Investigator **shall** follow the investigative steps below which include but are not limited to the following:
 - 1. Locating and interviewing the complainant, the witnesses, the licensee and other relevant individuals.
 - 2. Requesting ASBN to issue subpoenas for necessary information.
 - 3. Obtaining documentation and evidence related to the complaint such as employment records, drug screens, pharmacy records, etc. ASBN will issue all subpoenas.
 - 4. Reviewing all documents and determining significance to investigation.
- J. After the information is collected and interviews are conducted, the Investigator **shall** write an investigative report that **must** be submitted to the ASBN within five (5) business days after the completion of the investigation.
- K. The ASBN will review the report to determine whether there has been a violation of the Nurse Practice Act. The Investigator **shall not** investigate beyond past discipline.

2.7 CONTRACTOR COMPLAINT INVESTIGATION REQUIREMENTS

- A. Investigators **shall** perform a thorough investigation and detail the appropriate elements that **must** be conducted during an investigation to include but not be limited to the following:

INVESTIGATION ELEMENTS

- 1. What is the specific allegation?
- 2. What is the basis of the investigation?
- 3. Ask if the information being gathered is related to the incident and addresses the elements of the offense.
- 4. Who was present at the time of the incident? (Victim, perpetrator, witnesses?)

5. Who else might have information about the incident? (Other caregivers on duty, supervisors, visitors, maintenance or kitchen staff, social workers?)
6. Include all persons who are connected in any way with the incident under investigation. Identify each person separately in such a manner that he/she cannot be confused with any other individual, including full name, nicknames, demographic, and contact information.
7. Interview other staff who might know or have information about the behaviors of the residents or the staff person in question.
8. Where did it happen? (Specify the exact location.)
9. When (date and time) did it happen?
10. How did it happen? (Recreate the alleged incident. Could it have happened the way the reporter stated?)

Additional elements **must** be included based on the type of misconduct.

PHYSICAL ABUSE

1. Written and signed statements by witnesses, which include a description of the amount of physical force used. This may include, but isn't limited to, the acceleration of force; the range of motion of the perpetrator; open hand or closed fist.
2. A description of the victim's reaction to the physical force. For example, the victim fell backwards, victim vocalizations, or indications of pain.
3. Verbal Abuse/Psychological Abuse.
4. A statement of the exact words used to the best of the witnesses' or victim's recollection.
5. The volume (loud or soft) and tone of voice (e.g., sarcastic, sneering) of the accused, a description of the body language or any accompanying gestures of the accused.
6. The effect of the words on the victim, e.g., fearful, crying, angry, etc.

SEXUAL ABUSE

1. The results of any physical assessment conducted by a medical professional including doctor or Sexual Assault Nurse Examiners (SANE nurses).
2. The results of any psychological assessment conducted by a mental health professional or social worker.
3. A copy of the police report.
4. All medical information related to the incident.

NEGLECT

1. Documentation of the treatment, service, care, goods, or supervision required but not provided.
2. Documentation verifying the caregiver's duty to provide care to the individual verification that the act or failure to act resulted in or could reasonably have resulted in harm.

MISAPPROPRIATION

1. A description of any stolen items.
2. Copies of all financial records related to the incident including cancelled checks or credit card statements.
3. A copy of the police report.
4. Verification that the stolen items belonged to the victim.
5. Verification that the victim did not/could not give consent to the individual.

CRIMINAL INVESTIGATION/CONVICTION

1. Police Report.
2. Criminal records search.
3. Certified court disposition.

PRACTICE

1. Review of personnel file and any counseling documents.
2. Review of medical records if patients are involved (physicians' orders, medication administration record, pharmacy records, nurses' notes, etc.).
3. Photographs, letters, print out of internet postings, emails, or text messages.
4. Automated medication management system report (Pyxis, Omnicell, etc.)
5. Agency Policy and Procedure Manual.

BOUNDARY VIOLATION

1. Description of incident.
2. Photographs, letters, print out of internet postings, emails, or text messages.

2.8 REPORT FINDINGS REQUIREMENTS

- A. Investigator **shall** provide a thorough investigation which adequately addresses the circumstances of the allegation.
- B. The investigation report should include the facts necessary to form a reasoned conclusion as to what happened.
- C. The ASBN will view the following as important elements of all investigations. Additional elements may be necessary based on the facts of the complaint.
 1. A signed and dated written statement from all persons who are connected in any way with the incident under investigation. Identify each person separately in such a manner that he/she cannot be confused with any other individual, including full name, nicknames, demographic, and contact information.

2. Written statements from other staff that might know or have information about the behaviors of the nurse in question.
3. Description of where and when, date(s) & time(s), the incident happened.
4. Identification of relevant information surrounding the incident.
5. Notification to licensee of the complaint.
6. Letter of explanation from licensee.
7. Personnel file from current and past employers.

2.9 INVESTIGATIVE REPORT SUBMISSION REQUIREMENTS

- A. Investigator **shall** submit investigative reports to the ASBN within five (5) business days after completion of the investigation.
- B. Report submissions should include but not be limited to the following:
 1. All original documents (Note: not all documents will be utilized in the investigative report).
 2. Typed investigative report meeting the following criteria:
 - a. Photocopies of original documents.
 - b. Arrange in chronological order.
 - c. Pages numbered at top right-hand corner.
 - d. No staples, paper clips or dividers
 3. Cover page that includes:
 - a. Date report completed.
 - b. Licensee's name.
 - c. License number.
 - d. Employer.
 - e. Type of case.
 - f. Investigator's name.
 - g. Description of each attachment.
 4. Include a copy of the complaint and request for investigation.
 5. Make a clear demarcation between sections. The divider should not be physical.
 6. Do not include irrelevant documents in report (all documents obtained during investigation **must** be submitted to ASBN but not necessarily placed in the investigative report).
 7. Do not include civil judgments, bankruptcies, etc. unless specifically related to the complaint.
 8. Do not highlight anything in the report. To draw attention to a specific section you may underline, or use an asterisk etc.

9. Do not write on any original document, only write on copies.

10. Refer to past discipline in report.

11. Do not include employer write-ups for absenteeism.

2.10 PERFORMANCE STANDARDS

- A. State law requires that qualifying contracts for services include Performance Standards for measuring the overall quality of services that a Contractor **shall** provide.
- B. The State may be open to negotiations of Performance Standards prior to contract award, prior to the commencement of services, or at times throughout the contract duration. Table A: *Performance Standards* identifies expected deliverables, performance measures, or outcomes; and defines the acceptable standards.
- C. Performance Standards **shall not** be amended unless they are agreed to in writing and signed by the parties.
- D. Failure to meet the minimum Performance Standards as specified will result in the assessment of damages.
- E. In the event a Performance Standard is not met, the Contractor will have the opportunity to defend or respond to the insufficiency. The State has the right to waive damages if it determines there were extenuating factors beyond the control of the Contractor that hindered the performance of services. In these instances, the State has final determination of the performance acceptability.
- F. Should any compensation be owed to the Department due to the assessment of damages, Contractor **shall** follow the direction of the Department regarding the required compensation process.

TABLE A: PERFORMANCE STANDARDS

CRITERIA	STANDARD	DAMAGES
Current Licensure	100% compliant	Delayed payment, possible termination
Investigation	100% compliant	Submit and implement a corrective action plan, delayed payment, possible termination
Reporting	100% compliant	Submit and implement a corrective action plan, delayed payment, possible termination

SECTION 3 – CRITERIA FOR SELECTION

- **Do not** provide responses to items in this section.

3.1 RESPONSE SUBMISSION REQUIREMENTS

- A. On a pass/fail basis, OSP will review each *Response Packet* submitted by the response deadline as listed on page one (1) of the RFQ to verify all Requirements have been met.
- B. The resulting QVL will be comprised only of those Prospective Contractor's meeting the Requirements and providing the Response Submission Requirement documents specified in this RFQ.
- C. Prospective Contractor's whose responses meet (pass) all Requirements and Response Submission Requirements of this RFQ will be included on the initial QVL.
- D. Prospective Contractor's whose responses do not meet (fail) the Requirements and Response Submission Requirements of this RFQ as determined by OSP and/or the Racing Commission will not be included on the initial QVL.
- E. The State Procurement Official reserves the right to reject a response if it does not meet Requirements, if any of the Response Submission Requirement documents are omitted, or if is in the best interest of the State to do so.

3.2 SELECTION OF QUALIFIED VENDOR(S)

Arkansas State Board of Nursing (ASBN) will select nurse investigators from the qualified vendor list based on experience. The ASBN has the authority to determine how many nurse investigators will be needed at time of selection.

At a minimum vendor's responses **must** include the following information:

MINIMUM EXPERIENCE

Proof of a minimum of three (3) years of experience investigating healthcare related issues.

Arkansas State Board of Nursing factors for consideration are:

EDUCATION and EXPERIENCE (Agency will use to determine area of expertise)

1. Curriculum Vitae
2. Narrative description of past education and experience investigating complaints against licensed nurses.
3. Sample of a minimum of four (4) investigative reports dated within the past three (3) years.

After initial review of the minimum experience by the TSS Office of State Procurement, those meeting minimum qualifications will be forwarded to the Arkansas State Board of Nursing where a review of the Prospective Contractor's submissions will be conducted. At that time, the Arkansas State Board of Nursing in collaboration with the TSS OSP will determine their final decision regarding Prospective Contractor's placement on the Qualified Vendors List.

3.3 PROSPECTIVE CONTRACTOR ACCEPTANCE OF EVALUATION TECHNIQUE

The submission of a *Response Packet* signifies the Prospective Contractor's understanding and agreement that some subjective value judgments will be made during the evaluation and scoring of the responses.