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STATE OF NEW HAMPSHIRE
INSURANCE DEPARTMENT

Analysis of Proposed State Health Benefit Mandates

RFP 2023-6-NHID

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Section 1 Overview and Schedule

1.1 Goal of This Procurement/Business Needs

The New Hampshire Insurance Department (the Agency) is requesting proposals for a Vendor to conduct an analysis of proposed insurance benefit mandates, as needed, that includes an evaluation of the social and economic impacts, as well as the medical efficacy of mandating the new benefit in accordance with RSA 400-A:39-b.

This analysis is conducted at the request of the legislature when the legislature is considering an insurance mandate proposal. The frequency and scope of such requests can vary significantly. The Agency will work with the Vendor to set appropriate parameters and a spending cap for each mandate study conducted.

The contract will commence upon New Hampshire Governor and Executive Council approval, but no sooner than January 1, 2024, and continue through June 30, 2027. Continuation of the contract through the July 1, 2026 through June 30, 2027 period shall be contingent upon the appropriation of sufficient funds in the New Hampshire 2026-2027 biennial budget.

1.2 Schedule

The following table provides a Schedule of Events for this RFP through contract finalization and approval. The Agency reserves the right to amend this Schedule at its sole discretion and at any time through a published Addendum.

EVENT	DATE	LOCAL TIME
RFP Released (Advertisement)	10/31/2023	
Vendor Inquiry Period Ends	11/06/2023	4:30 PM
Final Agency Responses to Inquiries	11/08/2023	4:30 PM
Proposals Due	11/17/2023	12:00 PM
Estimated Notification of Selection	11/22/2023	12:00 PM

1.3 Description of Agency or Program Issuing the Request for Proposals

The New Hampshire Insurance Department was established in 1851 as the first insurance regulator in the nation. The laws that govern the responsibilities of the Department are set forth in Title XXXVII, codified at RSA 400 through RSA 420-Q. The Insurance Commissioner is charged under Title XXXVII with the enforcement and execution of the insurance laws of New Hampshire, with the collection of premium taxes and fees, and the regulation of the insurance marketplace to ensure fair treatment of policyholders and claimants. The Department also is charged with promoting competitive and safe insurance markets.

The Department's mission is to promote the public good by ensuring the existence of a safe and competitive insurance marketplace through the development and enforcement of New Hampshire's insurance laws. We are committed to doing so in an honest, effective, and

timely manner.

The Life and Health Division of the Insurance Department includes several units that exist to ensure compliance with life and health insurance laws and regulations and to collect health data and provide policy and data analysis. The products regulated include life, annuities, major medical, ancillary health, long-term disability, short-term disability, Medicare supplement, dental, and long-term care insurance. The Division has a Health Analytics Unit which is responsible for collecting health care and health coverage market data, including the New Hampshire Comprehensive Healthcare Information System (NH CHIS) provided for under NH RSA 420-G:11, NH RSA 420-G:11-a, NH RSA 420-G:14, and NH RSA 420-G:14-a and promoting health transparency initiatives such as the agency's NH HealthCost web site.¹ The contract established through this RFP will be managed out of the Health Analytics Unit of the Life and Health Division of the Insurance Department.

1.4 Vendor Instructions

Interested Vendors must read the entire RFP and submit the required documents in the manner specified in the RFP. Vendors are responsible for reviewing the most updated information related to this RFP before submitting proposals.

Section 2 Requirements and Scope of Work

2.1 Minimum Vendor Qualifications

The Vendor must make available for this project a team of professionals with the applicable experience necessary to complete the analysis outlined in Section 2.2. The Vendor must have the following:

- Familiarity and experience working with large data sets for All Payer Claims Databases (APCD);
- Experience in conducting inferential analysis with the ability to make use of large and varied data sources to assemble economic models capable of identifying causal relationships;
- Familiarity and experience using actuarial methods for estimating health costs;
- Familiarity with the legal and regulatory requirements related to commercial health insurance, including but not limited to mandated benefits and essential health benefits;
- Familiarity and experience with the principles of social welfare economics, and
- Familiarity with medical research including, but not limited to, clinical research, epidemiological studies and analysis, and clinical practice guidelines.

2.2 Scope of Work

RSA 400-A:39-b allows a House or Senate standing committee having jurisdictional over a mandate proposal to make a referral to the Department to conduct a review and evaluation of the proposed mandated benefit and report the results of the analysis. By statute, the report must include the following:

¹ See, <https://nhhealthcost.nh.gov/>

- (a) The social impact of mandating the benefit.
- (b) The financial impact of mandating the benefit.
- (c) The medical efficacy of mandating the benefit.
- (d) The effects of balancing the social, economic, and medical efficacy considerations.

Upon referral of a proposed mandate, NHID will meet with the Vendor to discuss the proposed mandate and the specific expectations for the analysis of the proposed mandate, as well as a not to exceed budget for the project. The Vendor will conduct the analysis and provide a report summarizing the above factors as well as any other relevant factors identified during the planning meeting with NHID.

The nature of the analysis required will vary based on the type of benefit mandate being considered. While every mandate report may not require a thorough review of each factor below, the Vendor must be capable of completing an analysis that could require a thorough review and evaluation of the following factors.

1) Social Impact

Analysis of the social impact of the proposed mandate should include analysis of the effect on population health. The analysis should identify the positive and negative externalities and include a quantification of the marginal external cost or benefit of the proposed mandate.

2) Financial Impact

Analysis of the financial impact should include using actuarial methods to determine the estimated effect of the per member per month (PMPM) cost of insurance. Such analysis may require the use of data from New Hampshire's APCD as well as other databases. The analysis may require the use of predictive modeling including latency effect modeling.

3) Medical Efficacy

Medical efficacy analysis should include a discussion of available scientific data, clinical trials, and epidemiological analysis relating to the proposed mandated benefit. Such analysis may include a discussion of the types of services included under the proposed benefit as well as a review of the scientific evidence available relating to the effectiveness of the services in improving health outcomes.

4) Legal and Regulatory Considerations

As applicable, the report should include a discussion of legal or regulatory issues associated with the proposed legislation. Such analysis may include, but is not limited to, a discussion of potential state defrayal obligations under the defrayal provision of the Affordable Care Act, expansion of the state's essential health benefits, nondiscrimination, federal preemption, and jurisdiction of the New Hampshire Insurance Department.

Section 3 Contract Terms and Conditions

3.1 Non-Exclusive Contract

Any resulting Contract from this RFP will be a non-exclusive Contract. The Agency reserves the right, at its discretion, to retain other contractors to provide any of the services or deliverables identified in this RFP or make an award by item, part or portion of an item, group of items, or total Proposal.

3.2 Award

If the Agency decides to award a contract as a result of this RFP process, any award is contingent upon approval of the contract by the Governor and Executive Council of the State of New Hampshire and upon continued appropriation of funding for the contract.

3.3 Standard Contract Terms

The Agency will require the selected vendor to execute a contract using the Standard Terms and Conditions of the State of New Hampshire (Form P-37) which is attached as Appendix A. In no event is a vendor to submit its own standard contract terms and conditions as a replacement for the State's terms in response to this solicitation.

The terms of this RFP and the selected vendor's Proposal will be used to form the terms of any resulting contract. The resulting contract may incorporate some or all of the selected Vendor's Proposal. References in the P-37 to Exhibits A, B, and C are references to the required structure of any resulting contract (Exhibit A – Special Provisions/Amendments to the P-37, Exhibit B – Scope of Services, and Exhibit C – Payment Terms) and are not references to sections of this RFP.

To the extent that a vendor believes that exceptions to the contract terms in Appendix A will be necessary for the vendor to enter into the contract, the vendor must note those issues in its Proposal.

Section 4 Request for Proposal Process

4.1 Agency Point of Contact/Restriction of Contact with Agency Employees

The **sole point of contact** for this RFP, from the RFP issue date until the approval of the resulting contract by the Governor and Executive Council is:

Michelle C. Heaton

Michelle.C.Heaton@ins.nh.gov

From the date of release of this RFP until an award is made and announced regarding the selection of a vendor, all communication with personnel employed by or under contract with the Agency regarding this RFP is prohibited unless first approved by the RFP Sole Point of Contact. Agency employees have been directed not to hold conferences and/or discussions concerning this RFP with any potential contractor during the selection process unless otherwise authorized by the RFP Sole Point of Contact. Vendors may be disqualified for violating this restriction on communications.

4.2 Vendor Inquiries

All inquiries concerning this RFP, including but not limited to, requests for clarifications, questions, any changes to the RFP, and shall be submitted via email to the Agency Point of Contact specified above. Inquiries must be received by the end of the vendor inquiry period (see Schedule of Events herein).

The vendor must identify the RFP name and the number and include the vendor's name, telephone number, and e-mail address.

The Agency will issue responses to properly submitted inquiries on or before the date specified in the Schedule of Events; however, this date is subject to change at the Agency's discretion.

The Agency may consolidate and/or paraphrase questions for sufficiency and clarity. The Agency may, at its discretion, amend this RFP on its own initiative or in response to issues raised by inquiries, as it deems appropriate. In response to requested exceptions to P-37, the Agency will review requested exceptions and accept, reject, or note that it is open to negotiation of the proposed exception at its sole discretion. Questions about or requested exceptions to the RFP, Form P-37, and/or any relevant attachments not raised during the inquiry period are waived. Oral statements, representations, clarifications, or modifications concerning the RFP shall not be binding upon the Agency. Official responses by the Agency will be made only in writing by the process described above. Vendors shall be responsible for reviewing the most updated information related to this RFP before submitting a proposal.

Section 5 RFP Terms and Conditions

5.1 Debarment

Vendors who are ineligible to bid on proposals, bids or quotes issued by the Department of Administrative Services, Division of Procurement and Support Services pursuant to the provisions of RSA 21-I:11-c shall not be considered eligible for an award under this RFP.

5.2 Proposal Preparation Cost

By submitting a proposal, a vendor agrees that in no event shall the Agency be either responsible for or held liable for any costs incurred by a vendor in the preparation of or in connection with the Proposal, or for work performed prior to the Effective Date of a resulting Contract.

5.3 Validity of Proposal

Proposals must be valid for one hundred and eighty (180) days following the deadline for submission of Proposals in Schedule of Events, or until the Effective Date of any resulting Contract, whichever is later.

5.4 RFP Addendum

The Agency reserves the right to amend this RFP at its discretion, prior to the Proposal submission deadline. In the event of an addendum to this RFP, the Agency, at its sole discretion, may extend the Proposal submission deadline, as it deems appropriate.

5.5 Non-Collusion

The vendor's signature on a Proposal submitted in response to this RFP guarantees that the prices, terms and conditions, and work quoted have been established without collusion with other Vendors and without effort to preclude the Agency from obtaining the best possible competitive Proposal.

5.6 Property of the Agency

All material received in response to this RFP shall become the property of the Agency and will not be returned to the vendor. Upon contract award, the Agency reserves the right to use any information presented in any Proposal.

5.7 Proposal Confidentiality

Unless necessary for the approval of a contract, the substance of a proposal must remain confidential until the Effective Date of any Contract resulting from this RFP. A vendor's disclosure or distribution of Proposals other than to the Agency may be grounds for disqualification.

5.8 Public Disclosure

The information submitted in response to this RFP (including all materials submitted in connection with it, such as attachments, exhibits, addenda, and presentations), any resulting contract, and information provided during the contractual relationship may be subject to public disclosure under Right-to-Know law, including RSA 91-A. In addition, in accordance with RSA 9-F:1, any contract entered into as a result of this RFP will be made accessible to the public online via the website Transparent NH (<http://www.nh.gov/transparentnh/>).

Confidential, commercial, or financial information may be exempt from public disclosure under RSA 91-A:5, IV. If a vendor believes any information submitted in response to this RFP should be kept confidential, the vendor must specifically identify that information where it appears in the submission in a manner that draws attention to the designation and must mark/stamp each page of the materials that the vendor claims must be exempt from disclosure as "CONFIDENTIAL." Vendors must also provide a letter to the person listed as the point of contact for this RFP, identifying the specific page number and section of the information they consider to be confidential, commercial, or financial and providing their rationale for each designation. Marking or designating an entire proposal, attachment, or section as confidential shall neither be accepted nor honored by the State. Vendors must also provide a separate copy of the full and complete document, fully redacting those portions and shall note on the applicable page or pages that the redacted portion or portions are "confidential."

Submissions that do not conform to these instructions by failing to include a redacted copy (if necessary), by failing to include a letter specifying the rationale for each redaction, by failing to designate the redactions in the manner required by these instructions, or by including redactions which are contrary to these instructions or operative law may be rejected by the State as not conforming to the requirements of the proposal.

Pricing, which includes but is not limited to, the administrative costs and other performance guarantees in Proposals or any subsequently awarded contract shall be subject to public disclosure regardless of whether it is marked as confidential.

Notwithstanding a vendor's designations, the State is obligated under the Right-to-Know law to conduct an independent analysis of the confidentiality of the information submitted in a proposal. If a request is made to the State to view or receive copies of any portion of the proposal, the State shall first assess what information it is obligated to release. The State will then notify the Vendor that a request has been made, indicate what, if any, information the

State has assessed is confidential and will not be released, and specify the planned release date of the remaining portions of the proposal. To halt the release of information by the State, a vendor must initiate and provide to the State, prior to the date specified in the notice, a court action in the Superior Court of the State of New Hampshire, at its sole expense, seeking to enjoin the release of the requested information.

By submitting a proposal, vendors acknowledge and agree that:

- The State may disclose any and all portions of the proposal or related materials that are not marked as confidential and/or which have not been specifically explained in the letter to the person identified as the point of contact for this RFP;
- The State is not obligated to comply with a vendor's designations regarding confidentiality and must conduct an independent analysis to assess the confidentiality of the information submitted in your proposal; and
- The State may, unless otherwise prohibited by court order, release the information on the date specified in the notice described above without any liability to a vendor.

5.9 Electronic Posting of RFP Results and Resulting Contract

At the time of receipt of proposals, the Agency will post the number of responses received with no further information. No later than five (5) business days prior to submission of a contract to the Department of Administrative Services, the Agency will post the ranks or scores of each responding vendor. In the event that the contract does not require Governor & Executive Council approval, the Agency will disclose the rank or score at least 5 business days before final approval of the contract.

Pursuant to RSA 91-A and RSA 9-F:1, the Secretary of State will post to the public any document submitted to G&C for approval, including contracts resulting from this RFP, and post those documents on its website

(<https://sos.nh.gov/administration/miscellaneous/governor-executive-council/>). By submitting a proposal, vendors acknowledge and agree that, in accordance with the above mentioned statutes and policies, (and regardless of whether any specific request is made to view any document relating to this RFP), any contract resulting from this RFP that is submitted to G&C for approval will be made accessible to the public online.

5.10 Non-Commitment

Notwithstanding any other provision of this RFP, this RFP does not commit the Agency to award a contract. The Agency reserves the right, at its sole discretion, to reject any and all proposals, or any portions thereof, at any time; to cancel this RFP; and to solicit new proposals under a new acquisition process.

5.11 Ethical Requirements

From the time this RFP is published until a contract is awarded, no vendor shall offer or give, directly or indirectly, any gift, expense reimbursement, or honorarium, as defined by RSA 15-B, to any elected official, public official, public employee, constitutional official, or family member of any such official or employee who will or has selected, evaluated, or awarded an RFP, or similar submission. Any vendor that violates RSA 21-G:38 shall be subject to prosecution for an offense under RSA 640:2. Any vendor who has been convicted of an offense based on conduct in violation of this section, which has not been annulled, or who is subject to a pending criminal charge for such an offense, shall be

disqualified from bidding on the RFP, or similar request for submission and every such vendor shall be disqualified from bidding on any RFP or similar request for submission issued by any state agency. A vendor that was disqualified under this section because of a pending criminal charge that is subsequently dismissed, results in an acquittal, or is annulled, may notify the Department of Administrative Services, which shall note that information on the list maintained on the state's internal intranet system, except in the case of annulment, the information, shall be deleted from the list.

5.12 Challenges to Identification of Selected Vendor

Within 5 business days of the Agency's posting of the rank or score on its website, vendors may, in accordance with RSA 21-G:37, request that the agency review its selection process. The request must be in writing and must specify all points on which the vendor believes the agency erred in its process and shall contain such argument in support of its position as the vendor seeks to present. In its request for review, a vendor shall not submit, and an agency will not accept nor consider, any substantive information that was not included in the original proposal. The agency will respond to the request within 5 business days of its receipt.

Section 6 Evaluation of Proposals

6.1 Criteria for Evaluation and Scoring

The Agency will evaluate each responsive Proposal using a scoring scale of 100 points, which will be distributed as set forth in the table below.

CATEGORIES	POINTS
TECHNICAL PROPOSAL, with the following potential maximum scores for each Technical Proposal category:	
PROPOSED APPROACH TO THE PROJECT	25
QUALIFICATIONS AND EXPERIENCE	30
TECHNICAL EXPERTISE	20
PRICE PROPOSAL, with the following potential maximum score:	25
TOTAL MAXIMUM POINTS	100

- Proposed Approach to the Project: The proposal must include a generic Work Plan and specify project deliverables. The proposal should be specific about the steps that could be taken by the vendor to conduct a proposed mandate analysis, including specifics as to the methodology the Vendor intends to use to meet the goals of this RFP specified in Section 2.2 Scope of Work.
- Qualifications and Experience: The proposal should detail the general qualifications and related experience of the Vendor as an organization and of the individuals who will be carrying out the work outlined in the Vendor's proposal. The proposal should include a summary of experience, including a current resume for each individual expected to perform work under the proposal.
- Technical Expertise: The proposal should include a narrative description of the

technical expertise that the Vendor will bring to bear on the project, including, at a minimum, expertise in advising state agencies on health costs. The Vendor must be familiar with the legal, regulatory, and public policy landscape relating to health coverage and healthcare markets. The proposal should include a listing of 2 references from former engagements by the Vendor that reflect the skills appropriate for this project, including telephone numbers and specific persons to contact.

- **Price Proposal:** The proposal should include an estimated range of prices as discussed below. The complexity and scope of work required for each mandate study will vary. The proposal should include a range of cost estimates and timelines for a simple mandate proposal and a complex mandate proposal. The simple mandate proposal estimate should be representative of the most basic analysis the Vendor could complete. The complex mandate proposal estimate should be representative of an analysis that thoroughly addresses each of the factors in Section 2.2 Scope of Work for a more complicated proposed mandate. Each estimate should include the hourly rate for each individual working on the project, an estimate of the amount of time each person is expected to expend on the project, and a detailed description of the tasks to be completed. Proposals will be evaluated with emphasis on the range of estimated prices for simple and complex mandate proposals, project timeline estimates, and the hours associated with staff possessing crucial expertise.

The Agency will select a vendor based on the criteria and standards contained in this RFP and by applying the weighting in this section. Oral interviews and reference checks, to the extent they are utilized by the Agency, may be used to refine and finalize scores.

If the Agency decides to make an award based on these evaluations, the Agency will notify the selected vendor(s). Should the Agency be unable to reach agreement with the selected vendor(s) during Contract discussions, the Agency may then undertake Contract discussions with the next preferred vendor and so on, or the Agency may reject all proposals, cancel this RFP, or solicit new Proposals under a new acquisition process.

6.2 Planned Evaluations Steps

The Agency plans to use the following process:

- Step 1. Initial screening to ensure that the Proposals are in compliance with submission requirements;
- Step 2. Preliminary evaluation of the Technical Proposals;
- Step 3. Oral interviews (only if deemed necessary);
- Step 4. Final Scoring of Technical Proposals;
- Step 5. Price Proposals review; and
- Final Selection: Select the highest-scoring vendor(s) and begin contract execution.

6.3 Step 1: Initial Screening

The Agency will conduct an initial screening to verify vendor compliance with the proposal submission requirements set forth in Sections 4 and 7. The Agency may waive or offer a limited opportunity to cure immaterial deviations from the RFP requirements if it is determined to be in the best interest of the State.

6.4 Step 2: Preliminary Technical Scoring of Proposals

The Agency will establish an evaluation team to review for compliance with the minimum requirements as set forth in Section 2. This evaluation team will then review the technical proposals and give a preliminary score to the technical proposals under the guidelines set forth in Section 6. Price proposals will not be reviewed by the evaluation team during the preliminary technical review.

6.5 Step 3: Oral Interviews and Product Demonstrations

If the Agency determines that it is appropriate, vendors may be invited to oral interviews. The Agency retains the sole discretion to determine whether to conduct oral interviews, with which vendors, and the number of interviews. Vendors are advised that the Agency may decide to conduct interviews with less than all responsive vendors. The purpose of oral interviews and product demonstrations is to clarify and expound upon information provided in the written proposals. Vendors are prohibited from altering the basic substance of their proposals during the oral interviews and product demonstrations. The Agency may ask the vendor to provide written clarifications of elements in their technical proposal regardless of whether it intends to conduct oral interviews.

Information gained from oral interviews and product demonstrations will be used to refine technical review scores assigned from the initial review of the proposals.

6.6 Step 4: Final Technical Scoring of Proposals

Following oral interviews, product demonstrations, reference checks (if appropriate), and/or review of written clarifications of proposals requested by the Agency, the evaluation team will determine a final score for each technical proposal.

6.7 Step 5: Price Proposal Review

Price proposals will be reviewed upon completion of the final technical scoring of proposals. The Vendor's price proposal will be allocated a maximum potential score of 25 points. Vendors are advised that this **is not a low bid award** and that the scoring of the price proposal will be combined with the scoring of the technical proposal to determine the overall highest scoring vendor.

6.8 No Best and Final Offer

The Proposal should be submitted initially on the most favorable terms that the vendor can offer. There will be no best and final offer procedure.

6.9 Final Selection

The Agency will conduct a final selection based on the final evaluation of the proposals and begin contract discussions with the selected vendor(s).

6.10 Rights of the Agency in Accepting and Evaluating Proposals

The Agency reserves the right, at its sole discretion, to:

- Make independent investigations in evaluating proposals;
- Request additional information to clarify elements of a proposal;
- Waive minor or immaterial deviations from the RFP and contract

- requirements, if determined to be in the best interest of the State;
- Omit any planned evaluation step if, in the Agency's view, the step is not needed;
- Reject any and all proposals at any time; and
- Open contract discussions with the second highest scoring vendor and so on, if the Agency is unable to reach an agreement on contract terms with the higher scoring vendor(s).

Section 7 Process for Submitting a Proposal

Proposals submitted in response to this RFP must be received no later than the Proposal Due Date specified in the Schedule of Events in this RFP.

The Price proposal must be labeled clearly and submitted separately from the technical proposal.

Unless waived as a non-material deviation in accordance with Section 6, late submissions will not be accepted. Delivery of the Proposals shall be at the vendor's expense. The time of receipt shall be considered when a Proposal has been officially documented by the Agency, in accordance with its established policies, as having been received at the email address designated below.

Proposals must include one electronic copy of the Proposal with all Confidential Information fully redacted, as provided for in Section 5H of this RFP and one unredacted copy.

Proposals must be clearly marked as follows:

STATE OF NEW HAMPSHIRE

RESPONSE TO RFP 2023-6-NHID

Proposals must be submitted electronically, by email, and must be addressed to:

TO: Michelle.C.Heaton@ins.nh.gov

CC: Jason.G.Dexter@ins.nh.gov

Subject line must include: RESPONSE TO RFP 2023-6-NHID Submissions must be submitted using the following criteria:

- Searchable PDF Format
- Files must be less than 10MB in size.

Exception: If files are greater than 10MB in size, the vendor will be required to submit their proposal in parts. It is the vendor's responsibility to ensure a complete proposal is submitted.

Section 8 Proposal Content and Requirements

Proposals should follow the format outlined below and provide the required information set forth below:

- Cover page

- Transmittal letter
- Technical Proposal, including narratives that contain the following elements as described in Section 6 of this RFP and that respond to the Goals and Scope of Work as described in Sections 1 and 2 of this RFP:
 - Proposed Approach to the Project
 - Qualifications and Experience
 - Technical expertise
- Price Proposal, as described in Section 6 and stated separately from the Technical Proposal.