



*Delaware Health  
And Social Services*

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**DIVISION OF MANAGEMENT SERVICES**

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PROCUREMENT

DATE: November 23, 2016

HSS-16-039

Maintenance of Certified Nurse Aide Registry

for

Division of Long Term Care Residence Protection

Date Due: December 8, 2016  
By 11:00 am Local Time

ADDENDUM # 1 – Q&A

**PLEASE NOTE:**

THE ATTACHED SHEETS HEREBY BECOME A PART OF THE ABOVE MENTIONED RFP.

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Procurement Administrator

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Division Contact

**Questions for the State of Delaware RFP Number HSS-16-039  
Submitted by Pearson Vue, NCS Pearson Inc. and Prometric  
November 23, 2016**

1. Regarding Section B RFP Submissions, paragraph 2. Proposals, page 4, the RFP states that “Each proposal must be submitted with two (2) paper copies and three electronic copy on CD or DVD media disk, or USB memory drive.” This requirement conflicts with another instruction in the RFP found in Appendix A, Minimum Mandatory Submission Requirements, next to the last paragraph (item 1), page 40, that instructs vendors to provide “Six (6) paper copies of the vendor proposal paperwork.” Could the State clarify which number of proposal copies vendors must submit, 2 or 6?

2 copies will suffice.

2. Regarding Appendix B, Statement of Work, paragraph 2.0 Term, page 41, it is stated that “The described services shall commence no later than January 1, 2017, and continue through the term of the contract as described in Contract, A.2.” Since the due date for submission of proposals is December 8, 2016, would the State be willing to extend implementation to 90 days from contract award?

No, the current vendor’s contract expires December 31, 2016 and there is no provision for an extension.

3. Regarding Appendix B, Statement of Work, paragraph 6.0 Testing, item A, page 42, it is stated that the “Contractor shall provide web-based written and oral CNA tests to multiple testing sites secured by the Contractor throughout Delaware.” Would the paper-based delivery of the written tests be acceptable to the State?

Yes, paper-based delivery would be acceptable.

4. Also regarding Appendix B, Statement of Work, paragraph 6.0 Testing, item A, page 42, it is stated that the “Tests shall be offered in at least two locations in each of the three (3) counties in Delaware each month.” Could the State provide vendors with the annual testing volume for the written and oral tests for 2014 and 2015 by each location?

Compiling the list of locations would take some time, meanwhile we’ve included the volume for the past 4 years.

	<u>Written/Oral</u>	<u>Clinical</u>
2012	1151	1369
2013	1467	1652
2014	1468	1566
2015	1311	1501

5. Regarding Appendix B, Statement of Work, paragraph 6.0 Testing, item H, page 42, it is stated that the "Contractor shall administer a Client-approved clinical examination in compliance with 42 CFR § 483.154." Could the State provide vendors with the annual testing volume for the clinical examination for 2014 and 2015 by each location?

See above

6. Regarding Appendix B, Statement of Work, paragraph 6.0 Testing, Item I, page 42, it is stated "Contractor shall administer randomly-assigned clinical skills exam forms that include five (5) unique skills. All forms shall include Handwashing, Indirect Care, and 3 additional psychomotor skills." Would the State please provide examples of "Indirect Care" and "psychomotor skills"?

**Indirect Care** is care related to residents' rights and preferences, communication with the resident, resident safety, comfort and needs, and infection control.

**Psychomotor** learning is demonstrated by physical **skills** such as movement, coordination, manipulation, dexterity, grace, strength, speed; actions which demonstrate the fine motor **skills** such as use of precision instruments or tools.

7. Regarding Appendix B, Statement of Work paragraph 7.0 Post Testing, item A, page 43, it is stated that the "Contractor shall score oral and written competency evaluation and provide written score report to the nurse aide candidate within three (3) business days of the exam, including areas not successfully completed." In order to meet this score reporting timeline, could the State clarify if the oral and written competency evaluation and the clinical examinations are taken on the same day?

Ideally, they should occur on the same day, but we realize that exceptions will occur. However, that is not to say we would approve a rigid system where they are only offered on separate days.

8. Regarding Section 7, General Contract Terms, paragraph x, Work Product, page 23, it is stated that "All materials and products developed under the executed contract by the vendor are the sole and exclusive property of the State." In performance of the services under any resulting contract, contractors will utilize significant existing proprietary computer programs, source code, materials, test items, tests and intellectual property that have been previously developed by the contractor or its 3rd party licensor ("Contractor Intellectual Property"), some of which may be trade secret, copyright, patent and trademark protected. We presume the State understands contractor or its licensors will retain all Intellectual Property rights to Contractor's Intellectual Property including derivative or customized works; is our presumption correct?

Yes, it is understood.

9. Regarding Attachment 2, Non-Collusion Statement, header line 3, Deadline to Respond, page 30, it is stated that the Non-Collusion Statement is due on 11/18/16 at 11:00 AM (Local Time). This timing conflicts with the RFP instructions in Appendix A, Minimum Mandatory Submission Requirements, paragraph 4, page 40, which instructs vendors to include a "complete, signed, and notarized copy of the non-collusion agreement (See Attachment 2)", which is to be submitted with the proposal by December 8, 2016 by 11:00 am. Could the State clarify when vendors need to submit the Non-Collusion Statement?

December 8, 2016.

10. Section B. RFP Submissions  
Paragraph 2. Proposals

Page 4

Text: Each proposal must be submitted with two (2) paper copies and three (3) electronic copy on CD or DVD media disk, or USB memory drive. Please provide a separate electronic pricing file from the rest of the RFP proposal responses.

Appendix A on page 40 requires different quantities of paper and electronic copies of the proposal. Please clarify the submittal requirements.

See 1 above.

11. Section B. RFP Submissions  
Paragraph 13.a. Primary Vendor

Page 7

Text: Nothing in this section shall prohibit the State of Delaware from the full exercise of its options under Section IV.B.16 regarding multiple source contracting.

Should the referenced section really be IV.B.18?

Yes, it should refer to IV, B.18.

12. Section D. Contract Terms and Conditions, Subsection 7. General Contract Terms  
Paragraph x. Work Product

Page 23

Text: All materials and products developed under the executed contract by the vendor are the sole and exclusive property of the State. The vendor will seek written permission to use any product created under the contract.

The solution we intend to propose for the provision of examinations and registry services will include use of our proprietary item bank and test items for the examinations and our software and systems for delivery of the examinations and use of our proprietary registry. Will the State confirm that Vendor's proprietary test items, tests, associated materials, software and systems, including our proprietary registry system, created before, during or subsequent to the term of the agreement that are created for the purpose of conducting our business, and not specifically created for the sole purpose of the State of Delaware under this contract, are exempt from the clause entitled "Work Product", will remain fully owned by the Vendor, and that Vendor will not be required to seek written permission to use any of our proprietary items, examinations, software or systems?

Yes, that is understood.

13. Section Appendix B Contract  
Paragraph Intro for Statement of Work

Page 41

Text: ... “to define rights and responsibilities of the Parties in performing test development services in connection with the Client certification exams.”

Should the introduction be expanded to include the services required for this contract (i.e. test delivery services and Registry services), particularly since the exams being used are the property of the Vendor?

Yes, in addition to testing the services to be provided will include test delivery services and Registry services.

14. Section Appendix B Contract  
Paragraph 9.0.B Renewals

Page 43

Text: Contractor shall provide an option for on-line certification renewal for CNAs employed by Medicare-certified health care providers.

Please provide additional information around the Division’s requirement for on-line certification renewals, including but not limited to the following:

- Will CNAs be allowed to self-renew?
- Or does the Division intend that the Medicare-certified health care providers are to renew their employees?
- What interface, if any, is required to the Division’s continuing education monitoring system, in support of self-renewal functionality?

Response:

- No, the Division must confirm that the minimum of CEUs have been attained, the minimum number of hours has been worked and renewal payment has been received.
- No.
- While that would be ideal, there are no plans to interface the systems at this time. However, the contractor will be responsible for providing the Division with an updated data file at the beginning of each month showing the status of all CNAs on the Registry at that time. That data file will be shared with the current continuing education vendor.