

WRITTEN QUESTIONS AND ANSWERS

DH-21-0008 (RFA)

ANSWERS ARE IN RED

1) *requests the following changes be made to the AR DOH BAA: Deletion of Section III(g)(i)-(ii) and (iv).*

- *Timelines for reporting breach. AHA's UPA has set notification periods of when to notify hospitals of a potential data breach. Arkansas' BAA requires that AHA notify the state no later than 5 days after a breach is discovered, which is defined as the 1st day AHA knew or should have known about the breach. (Section III(g)(i)-(ii), p.3)).*
- *AHA financially responsible for breach notifications. Breaches caused by AHA require our organization to be liable for the costs to provide notifications. This can be extremely expensive and burdensome to the AHA. Within our UPA, we have language that narrows the scope of what defines "cause" but the state template is more broad and simply uses the term [for breaches] "caused by" AHA, Section III(g)(i)-(iv), p.4)).*
- *Venue in Arkansas. AHA endeavors to remain silent on venue with these state entities but the BAA requires Arkansas law to govern. (Section VI, p.5).*

○ ANSWER the BAA is non-negotiable

2) we had a request to make regarding the BAA portion of the grant and bid opportunity for: DH-21-0012:

respectfully requests the following changes be made to the AR DOH BAA: Deletion of Section III(g)(i)-(ii) and (iv).

○ ANSWER the BAA is non-negotiable

3) Are you requesting written demonstration for each item listed in Section 2.2 or rather, whether the submission of a proposal indicates the contractors agreement that it meets each of the requirements in Section 2.2.

ANSWER: A written description addressing each item listed in the Bid Solicitation document is not required at the time of bid submission, but ADH reserves the right to request a demonstration of a requirement in the future if needed. By signing and submitting the Response Packet, a respondent agrees and certifies that they do in fact meet the requirements specified in Section

- 4) How should we reflect a request to modify the Standard Terms and Conditions? There is at least one term that is problematic that we cannot agree to, namely, section 19 to assign all rights in any data provided to the state under this relationship to the state.

ANSWER: If your company is selected to be awarded then respondent has the opportunity to indicated if a stated requirement listed in the Bid Solicitation document cannot be met. In order to do this, provide a written explanation of the requirement that cannot be met and the reason. This will be submitted to the ADH Legal Team and they will make a determination.

- 5) A business associates agreement is mentioned in the bid. Can we send our own or is there one specific to Arkansas we need to fill out?

ANSWER: The ADH Business Associate agreement may be found on the ADH Grant and Bid Opportunities web page under the Downloads section just beneath the location of the Response Packet.

- 6) Where is the funding for the project coming from?

ANSWER: State funds.

- 7) Will the agreement be treated like a contract for goods and services or a grant (including a subaward of a federal grant or federal funding)?

ANSWER: Initial one-year contract with up to six one-year renewal periods.

- 8) One provision of the RFP states that AHA will “Observe and comply with federal and State of Arkansas laws, local laws, ordinances, orders, and regulations existing at the time of, or enacted subsequent to the execution of a resulting contract which in any manner affect the completion of the work.” Please provide a copy of this provision from the agreement that the successful RFP applicant will be executing related to compliance with laws.

ANSWER: Go to the Office of State Procurement web page (<https://www.transform.ar.gov/procurement/>) see “procurement laws and rules” under “helpful links” tab.