

October 2024

**FAQs re University of California 2025-27 Health Affairs, Privacy & Data Protection (HAPDP) Preferred Provider Panel RFP**

Please find below FAQs and our responses regarding the University of California 2025-27 HAPDP panel. If you have additional questions, please send them to [Michael.Gormley@ucop.edu](mailto:Michael.Gormley@ucop.edu).

- 1. If we have a response that is longer than any word/character count limit, are we able to submit a PDF with additional information? If so, should we submit it via email?**

Yes, although our preference is that data is submitted via Smartsheet, you can submit an attachment via email to me. Please insert in the Smartsheet field the date you sent us the attachments.

- 2. How would you like us to share data with you which is best responded to using tables (e.g. Firm / Office Demographics - Number of homegrown partners and Diversity and Inclusion numbers)? We cannot include anything but plain text in the Smartsheet.**

Please feel free to send me documents in table format and insert in the Smartsheet field the date you sent us the table attachments.

- 3. Section 4 of the Program Requirements of the application requests a retainer proposal for Group II matters, are there any parameters regarding the range of hours per month per category on which we should base such an estimate?**

A retainer proposal for about 40 hours per month would be helpful.

- 4. There are two statements in the “Program Requirements” section of the RFP that specifically speak to fees – items #3 and 4. Item #3 relates to Group I matters and states that firms must agree to structure, quote, and negotiate using the value-based model (described later in the RFP). Item #4 speaks to Group II matters and asks firms to provide a proposal for a heavily discounted monthly retainer for routine advice. We are reading both of these requirements as commitments you are asking upfront from the firm as part of the RFP process, however, the precise fees (to include the retainer) will be agreed upon later with firms after the UC has made its selection for the panel. Is that understanding correct?**

That’s correct that we do not need specific fees for the Group I value-based model in Section 3 of Program Requirements. Also for Group II retainer proposals in Section 4 of Program Requirements, we do not need specific numbers though if you want to add them that would help us assess that retainer proposal.

However, under General Questions Section 15 we are asking for specific hourly rates that would apply to panel work.

- 5. Section 2 of the Program Requirements requires applicants to agree that “with very limited and narrow exceptions proposals for which must be made as part of your RFP response, UC Legal will not approve advance blanket waiver requests and instead will consider all waivers on a case-by-case basis.” Does UC have any flexibility on blanket waivers?**

UC Legal will consider proposals for limited and narrow blanket transactional waivers but please describe with specificity your proposal in your RFP response.

- 6. Section 2 of the General Questions asks for Firm/Office Demographics. My DEI team has asked if the UC would like the Firm to answer the question as a snap-shot in time, or whether this should be answered with a date range in mind?**

Current data is fine.

- 7. Section 2 of the General Questions – Firm/Office Demographics states that we may attach our current NALP form to the application. Please explain how to attach our NALP form, as there does not appear to be a place in Smartsheet to attach or upload additional documents.**

Please see #2 above.

- 8. With respect to question #2 in Group-Specific Questions, should the team of attorneys presented here be an exhaustive list for both Groups I and II?**

No, when you open each of the different specialty areas, there is room for applicants to answer question #2 as to that area. So each team of attorneys for each Group I or II specialty area should be listed separately.

- 9. In Group I, could you please clarify the scope of the Reimbursement/Payer Disputes category? For example, does it include disputes over reimbursements to medical providers for emergency medical services rendered to a health plan's members or enrollees?**

Yes, that category does include such reimbursement disputes.

- 10. Please clarify the scope of work for the Group I area Reimbursement/Payer Disputes, and specify whether this area mainly covers disputes and litigation with private insurers regarding rates and contracts.**

This Group I area includes both reimbursement advice and counsel and payer disputes. Regarding reimbursement advice, this could involve any large-scale reimbursement issue such as Medicare, Medi-Cal, 340B or provider relief fund. Regarding payer disputes, your description is correct.

- 11. For Group-Specific Questions for Group II matters, we noticed that the instructions ask us to answer “at least the first two questions” and the online system does not appear to contain a field for question #3. Is there an opportunity to respond to question #3 for Group II matters, or should we just respond to questions #1 and #2?**

It is fine to respond just to questions #1 and #2 for Group II matters. Applicants are free to respond to question #3 as to Group II matters by sending us the information as a supplemental attachment.

- 12. When responding to Group-Specific Questions, Group II matters, should we note which subcategories we are responding to, or should the firm be able to address all of the subcategories listed under each topic area?**

Please split it into subcategories to which the applicant is responding. There is no need to address all of the subcategories.

- 13. If we don't have experience for one of the subcategories listed in Group II practice areas, are we precluded from bidding on the entire category? For example, if we have experience in all areas under Regulatory/Internal Investigations/White Collar except for Medical Marijuana/Legalization, are we permitted to bid on the remaining subcategories?**

Yes. It would be helpful if you could explain the subcategories for which you have experience and in which you are interested.

- 14. For Group II Matters which are covered by our response(s) in Group I, would you like us to refer to our Group I response i.e. “Please refer to...” or duplicate the information?**

Please duplicate the information.

**15. In Group II, for Antitrust (healthcare-specific), please explain the scope of matters that would be included in this category.**

Advice and counsel on antitrust risk assessment and management for health care business transactions and affiliations, including joint ventures, co-management arrangements, gainsharing arrangements, clinically integrated networks, ACOs, data exchanges and mergers.

**16. Can you please elaborate on the procurement capabilities you are looking for under the Group II area Transactional / Corporate section?**

This procurement subcategory is in support of the UC Health procurement, a description of which can be found here: <https://www.ucop.edu/uc-health/initiatives/supply-chain-procurement/index.html>

Contracts could include for example device and drug manufacturer, PBM, health information, health consulting contracts, etc.

**17. Are we able to submit a request for exceptions or variances from the Master Retention, or must we accept all terms without exception? If requests for exceptions are permitted, please confirm if it's appropriate to add such requests under Additional Considerations.**

You are permitted to submit a request for exceptions or variances from the Master Retention. It is fine to add such requests to Additional Considerations.

**18. My firm has active matters that fit under the scope of the issued RFP that came as a result of the 2022-24 HAPDP RFP. Should my firm secure a formal position on this panel (2025-2027), will those matters be considered under the new panel, and as such, be subject to any fee arrangements my firm offered as part of the new panel?**

No, pre-existing matters will not be subject to 2025-27 HAPDP panel rates.

**19. The Smartsheet response form appears to be open to the public. How can we ensure that we are able to submit our sensitive information accurately and securely?**

Only UC will be able to view your firm's responses in Smartsheet. Members of the public including other firms will not be able to view your firm's responses. Our contract with Smartsheet also contains privacy and security obligations for Smartsheet to safeguard your firm's responses.

**20. What is the scoring methodology that will be used to score the responses for each question? Please can you also supply any weighting which is to be used for the questions.**

The factors that will be used to score the responses will include expertise, cost and diversity, equity and inclusion. There will not be any specific weighting of these factors.