



State of New Hampshire
Department of Health and Human Services

REQUEST FOR PROPOSALS

FOR

Hospital Consumer Assessment of Healthcare Providers and
Systems Project

RFP-2027-DPH-14-HCAHP

RELEASE DATE: September 29, 2026

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1. PURPOSE AND OVERVIEW

1.1. Introduction

The New Hampshire Department of Health and Human Services, Division of Public Health (“Department”) is seeking responses to this Request for Proposal (solicitation) from qualified Vendors to design, facilitate, and deliver targeted improvement training activities for Hospital Consumer Assessment of Healthcare Providers and Systems (HCAHPS) measures for New Hampshire Critical Access Hospitals (CAHs). These activities will support participating CAHs in developing targeted strategies to improve their selected HCAHPS measures. The selected Vendor must provide quarterly learning collaboratives meetings with participating CAHs to share best practices, address challenges, and review progress on HCAHPS-related improvement strategies.

The Department anticipates awarding one (1) contract for the services in this Solicitation.

1.2. Key Information

The information in the table below is as anticipated by the Department and is subject to change. Agreements are contingent upon the availability of funds, and/or approval by the Governor and Executive Council.

Contract Effective Date	December 1, 2026	
Contract End Date	September 30, 2029	
Renewal Options	The Department may extend contracted services for up to two (2) additional years.	
Funding Source	The Department anticipates using Federal funds for resulting contract.	
	Assistance Listing Number	93.241
	Award Name	Medicare Rural Hospital Flexibility (FLEX)
Point of Contact	Claudia Roy, Senior Contract Specialist Claudia.I.Roy@dhhs.nh.gov 603-271-9513	
From the date of release of this Solicitation until an award is made and announced regarding the selection of a Vendor, all communication with personnel employed by or under contract with the Department regarding this Solicitation is prohibited unless first approved by the Point of Contact listed above. Department employees have been directed not to hold conferences and/or discussions concerning this Solicitation with any potential contractor during the selection process, unless otherwise authorized by the Point of Contact. Vendors may be disqualified for violating this restriction on communications.		
Interested vendors must read this entire Solicitation and submit the required documents in the specified manner. Vendors are responsible for reviewing the most updated information related to this Solicitation before submitting responses.		

1.3. Procurement Timetable

All times are according to Eastern Time. The Department reserves the right to modify these dates and times at its sole discretion.		
Item	Action	Date
1.	Solicitation Released	9/29/2026
2.	Letter of Intent Submission Deadline (optional)	10/9/2026
3.	Vendor Questions Submission Deadline	10/30/2026 12:00PM - Noon
4.	Department Response to Questions Published	11/6/2026
5.	Vendor Solicitation Response Due Date	11/13/2026 12:00PM - Noon

1.4. Background

1.4.1. New Hampshire Department of Health and Human Services, Division of Public Health

1.4.1.1. New Hampshire Department of Health and Human Services, Division of Public Health (DPH), Rural Health and Primary Care Section (RHPCS) administers the Medicare Rural Hospital Flexibility (Flex) Program Grant supporting the financial stability, operational improvement, quality improvement and population health improvement efforts of New Hampshire CAHs. The Centers for Medicare and Medicaid Services designates rural hospitals with 25 or fewer acute care inpatient beds as CAHs. There are 13 CAHs in New Hampshire. The Department is seeking a vendor to design and deliver targeted quality improvement training aimed to improve performance on Hospital Consumer Assessment of Healthcare Providers and Systems (HCAHPS) measures.

1.4.2. Objective

The primary objectives under the resulting contract include:

- 1.4.2.1. Providing training and technical assistance on HCAHPS to support participating CAHs in improving measure scores.
- 1.4.2.2. Developing and delivering targeted strategies for each participating CAH aimed at improving their selected HCAHPS measures.
- 1.4.2.3. Facilitating quarterly meetings with the cohort of participating CAHs to share best practices, discuss challenges, and review progress on implemented improvement strategies.

2. STATEMENT OF WORK

2.1. Scope of Services – See *Appendix A – Scope of Services*.

2.2. Mandatory Questions

2.2.1. In response to this Solicitation, Vendor(s) must respond to the Mandatory Questions below, utilizing Appendix E Technical Responses to Mandatory Questions. Each response is limited to 15 pages, which may be single spaced.

Q1 Describe your organization's knowledge and experience providing services with the following:

- a) Developing and conducting virtual training for healthcare providers and professional staff.
- b) Designing and implementing quality improvement projects, preferably those involving Medicare Beneficiary Quality Improvement Project (MBQIP) and Hospital Consumer Assessment of Healthcare Providers and Systems (HCAHPS) measures.
- c) Improving systems, processes and organizational behaviors that support positive patient experiences in rural healthcare facilities, particularly Critical Access Hospitals (CAHs).

Q2 Describe your organization's capacity to perform the full Scope of Services outlined in Appendix A of this Solicitation. Provide your organization's staffing plan within Appendix F – Program Staff List, and include the following in your response:

- a) An organizational chart including the number of full-time equivalent staff (FTE).
- b) Descriptions of qualifications, curriculum vitae/resumes, and/or credentials for key personnel.
- c) Any specialized staff training completed relevant to providing services in this Solicitation.

Q3 Describe your organization's ability to establish, maintain, and strengthen working relationships with NH CAH staff to support improvements in HCAHPS measure scores.

Q4 Describe your organization's approach to developing and maintaining annual work plans in alignment with Appendix A, Scope of Services, Section 1.14. Provide a recent example of a work plan. Include how you will:

- a) Collaborate with the Rural Health Quality Improvement Manager to meet required timelines.
- b) Ensure each work plan includes required training details and planned HCAHPS-related improvement activities.
- c) Use the work plan to track progress toward objectives and adjust activities as needed, incorporating a variety of learning styles and engagement strategies to support all participants.

2.3. Finance

- 2.3.1. Payment will be made based on completion and Department-acceptance of deliverables as specified in the resulting agreement.
- 2.3.2. The selected Vendor must complete and submit monthly invoices using a form satisfactory to the Department to initiate and request payment in accordance with the terms of the resulting contract.

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3. SOLICITATION RESPONSE EVALUATION

- 3.1. The Department will evaluate responses from Vendors based upon the criteria and standards contained in this Solicitation and by applying the points as set forth below, which will be used to determine the overall highest scoring Vendor(s). Vendors are advised that this is not a low-cost award.

TECHNICAL RESPONSE	POSSIBLE SCORE
Knowledge and Experience (Q1)	200 Points
Capacity (Q2)	200 Points
Ability (Q3)	150 Points
Work Plan (Q4)	150 Points
Technical Response – Total Possible Score	700 Points

COST PROPOSAL (see <i>Scoring of Cost Proposals</i> below)	POSSIBLE SCORE
Vendor Cost	300 Points
Cost Proposal – Total Possible Score	300 Points

MAXIMUM POSSIBLE SCORE	1000 Points
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3.2. Preliminary Scoring of Technical Responses

- 3.2.1. The Department will establish an evaluation team. The evaluation team will review the Technical Proposal and provide a preliminary score. Should a Vendor fail to achieve a minimum of 500 points during the preliminary scoring, it will receive no further consideration from the evaluation team and the Vendor's Cost Proposal will remain unopened.

3.3. Scoring of Technical Proposals

- 3.3.1. Vendor Technical Responses will be scored based on the following criteria:

Question 1	0-66 Points	67-133 Points	134-200 Points
	Vendor does not demonstrate the knowledge and experience necessary to perform scope of services/meet Solicitation requirements.	Vendor somewhat demonstrates the knowledge and experience necessary to perform scope of services/meet Solicitation requirements.	Vendor mostly or fully demonstrates the knowledge and experience necessary to perform scope of services/meet Solicitation requirements.
Question 2	0-66 Points	67-133 Points	134-200 Points
	Vendor staffing plan does not demonstrate capacity to perform scope of services/ meet Solicitation requirements.	Vendor staffing plan somewhat demonstrate capacity to perform scope of services/ meet Solicitation requirements.	Vendor staffing plan mostly or fully demonstrates capacity to perform scope of services/ meet Solicitation requirements.

Question 3	0-50 Points	51-100 Points	101-150 Points
	Vendor does not demonstrate ability necessary to perform scope of services/meet Solicitation requirements.	Vendor somewhat demonstrates ability necessary to perform scope of services/meet Solicitation requirements.	Vendor mostly or fully demonstrates ability necessary to perform scope of services/meet Solicitation requirements.
Question 4	0-50 Points	51-100 Points	101-150 Points
	Vendor does not demonstrate approach to developing and maintaining annual work plans necessary to perform scope of services/meet Solicitation requirements.	Vendor somewhat demonstrates approach to developing and maintaining annual work plans necessary to perform scope of services/meet Solicitation requirements.	Vendor mostly or fully demonstrates approach to developing and maintaining annual work plans necessary to perform scope of services/meet Solicitation requirements.

3.4. Scoring of Cost Proposals

3.4.1. Vendor Budget Narrative Evaluation: Vendors must complete Appendix G, Deliverables.

3.4.2. **Vendor Total Cost:** The following formula will be used to assign points for Vendor Proposed Cost:

Vendor's Cost Score = (Lowest Total Proposed Cost / Vendor's Total Proposed Cost) x Maximum Number of Points for Vendor Cost.

****Example:***

- Vendor A proposes \$100,000
- Vendor B proposes \$200,000
- Maximum Number of Points for Vendor Cost = 300 points.

Vendor B Cost Score:

(\$100,000/\$200,000) x 300 = 150 Points

For the purpose of this formula, the lowest proposed cost is defined as the lowest total cost proposed in Appendix G, Cost Sheet, by a Vendor that has not been disqualified and received the minimum allowable points during preliminary scoring of technical responses as specified above. Fractions of points will be rounded up to the nearest whole number of points.

3.5. Rights of the Department in Evaluating Solicitation Responses

3.5.1. The Department reserves the right, at its sole discretion, to:

- 3.5.1.1. Consider information provided in the Vendor's Transmittal Letter in evaluating solicitation responses;
- 3.5.1.2. Make independent investigations in evaluating Solicitation responses;
- 3.5.1.3. Request additional information to clarify elements of a proposal;
- 3.5.1.4. Waive minor or immaterial deviations from the Solicitation and contract requirements, if determined to be in the best interest of the

State;

- 3.5.1.5. Omit any planned evaluation step if, in the Department's view, the step is not needed;
- 3.5.1.6. Reject any and all Solicitation responses in whole or in part at any time; and
- 3.5.1.7. Open contract discussions with the second highest scoring vendor and so on, if the Department is unable to reach an agreement on contract terms with the highest scoring vendor(s).

4. SOLICITATION RESPONSE PROCESS

4.1. Letter of Intent

- 4.1.1. A Letter of Intent to submit a response to this Solicitation is optional.
- 4.1.2. Receipt of the Letter of Intent by Department will be required to receive electronic notification of any addenda published to amend this Solicitation.
- 4.1.3. The Letter of Intent must be transmitted by email to the Contract Specialist identified in Subsection 1.2 and include the name, telephone number, mailing address and email address of the Vendor's designated contact as specified in Appendix D, Transmittal Letter and Vendor Information. **Notwithstanding the Letter of Intent, Vendors remain responsible for reviewing the most updated information related to this Solicitation before submitting a response.**

4.2. Solicitation Amendment

- 4.2.1. The Department reserves the right to amend this Solicitation by publishing any addenda, as it deems appropriate, on the Department's website (<https://www.dhhs.nh.gov/doing-business-dhhs/contracts-procurement-opportunities>) prior to the Submission Deadline on its own initiative or in response to issues raised through Vendor Questions submitted by the date specified in Subsection 1.3, Procurement Timetable. In the event that an addendum is published, the Department, at its sole discretion, may extend the Submission Deadline.

4.3. Questions and Answers

4.3.1. Vendors' Questions

- 4.3.1.1. All questions about this Solicitation including, but not limited to, requests for clarification, additional information or any changes to the Solicitation must be submitted to the Contract Specialist identified in Subsection 1.2 via email only using the [Solicitation Question Submission Form available here](#). Vendors must cite the specific page number, section, and document to which the question pertains. The Department assumes no liability for ensuring accurate and complete email transmissions.
- 4.3.1.2. The Department reserves the right to not accept questions submitted with incomplete information or without using the Solicitation Question Submission Form. The Department may consolidate or paraphrase questions for efficiency and clarity. Questions that are not understood

or statements that are not questions will not receive a response.

- 4.3.1.3. Questions must be received by the Department using the Solicitation Question Submission Form by the Vendor Questions Submission Deadline specified in Subsection 1.3, Procurement Timetable.

4.3.2. **Department Responses**

- 4.3.2.1. The Department intends to issue responses to properly submitted questions by the date specified in Subsection 1.3, Procurement Timetable. This date may be subject to change at the Department's discretion. All oral answers given are non-binding. Written answers to questions received will be posted on the Department's website (<https://www.dhhs.nh.gov/doing-business-dhhs/contracts-procurement-opportunities>). This date may be subject to change at the Department's discretion.

4.3.3. **Exceptions**

- 4.3.3.1. The Department will require the successful Vendor to execute a contract using the Form P-37, General Provisions and Standard Exhibits, which are attached as Appendix B. To the extent that a Vendor believes that exceptions to Appendix B will be necessary for the Vendor to enter into a contract, the Vendor must request those exceptions by the Vendor Questions Submission Deadline in Subsection 1.3. Vendors may not request exceptions to the Scope of Services or any other sections of this Solicitation.
- 4.3.3.2. The Department will review requested exceptions and accept, reject or note that it is open to negotiation of the proposed exception at its sole discretion in its response to Vendor questions.
- 4.3.3.3. Any exceptions to the standard form contract and exhibits that are not raised by a Vendor by the Vendor Questions Submission Deadline may not be considered. **In no event is a Vendor to submit its own standard contract terms and conditions as a replacement for the Department's terms in response to this Solicitation.**

5. **SOLICITATION RESPONSE SUBMISSION INSTRUCTIONS**

- 5.1. Responses to this Solicitation must be submitted electronically via email to **rfx@dhhs.nh.gov** **AND** to the Contract Specialist at the email address specified in Subsection 1.2.
 - 5.1.1. The subject line must include the following information:
RFP-2027-DPH-14-HCAHP (email xx of xx).
- 5.2. The maximum size of file attachments per email is 25 MB. Submissions with file attachments exceeding 25 MB must be sent via multiple emails.
- 5.3. The Department must receive submissions by the time and date specified in the Procurement Timetable in Section 1.3 and in the manner specified or it may be rejected as non-compliant, unless waived by the Department as a non-material deviation.
- 5.4. The Department will conduct an initial screening step to verify Vendor compliance with

the requirements of this Solicitation. The Department may offer a limited opportunity for a Vendor to cure immaterial deviations from the Solicitation Response requirements if it is deemed to be in the best interest of the Department.

- 5.5. Late submissions not accepted will remain unopened. Disqualified submissions will be discarded. Submission of Solicitation responses shall be at the Vendor's expense.

6. SOLICITATION RESPONSE REQUIREMENTS

- 6.1. Acceptable Solicitation responses must offer all services identified in Appendix A - Statement of Work, unless an allowance for partial scope is specifically described in Section 2.

- 6.2. Vendors must submit a separate electronic document for the Technical Response and a separate electronic document for the Cost Proposal.

6.3. Technical Response Contents

Each Technical Response must contain the following, in the order described in this section:

- 6.3.1. **Appendix C - Culturally and Linguistically Appropriate Services (CLAS) Requirements**

- 6.3.2. **Appendix D – Transmittal Letter and Vendor Information**, including:

- 6.3.2.1. **Vendor Code Number** – Prior to executing any resulting contract(s), the selected Vendor(s) will be required to provide a vendor code number issued by the State of New Hampshire Department of Administrative Services upon registering as an authorized vendor with the State. Vendors are strongly encouraged to provide a vendor code number in the Appendix D if available. More information can be found at: <https://das.nh.gov/purchasing/vendorresources.aspx>

- 6.3.3. **Appendix E– Technical Responses to Mandatory Questions**

- 6.3.4. **Appendix F – Program Staff List**

- 6.3.5. **Resumes** – Vendors must provide resumes for key personnel primarily responsible for meeting the terms and conditions of any agreement resulting from this Solicitation. Vendors must redact all personal information from resumes.

6.4. Cost Proposal Contents

- 6.4.1. **Appendix G, Deliverables** – Vendors must complete an Appendix G, Deliverables with proposed costs for each State Fiscal Year (July 1 through June 30).

- 6.4.2. If applicable, copy of your organization's Federally Negotiated Indirect Cost Rate Agreement (NICRA).

7. ADDITIONAL TERMS AND REQUIREMENTS

7.1. Non-Collusion

Vendors must establish prices, terms, conditions, and services in their Solicitation Response without collusion with other Vendors and without effort to preclude the Department from

obtaining the best possible competitive Solicitation response.

7.2. Collaborative Solicitation Responses

Solicitation responses must be submitted by one organization. Any collaborating organization must be designated as a subcontractor subject to the terms of Appendix B, P-37 General Provisions and Standard Exhibits.

7.3. Conflict of Interest

Vendors must disclose any actual or potential conflicts of interest in providing the services requested in this Solicitation in Appendix D: Transmittal Letter and Vendor Information. The selected Vendor must immediately notify the Department in writing of all actual or potential conflicts of interest during the period of the contract resulting from this Solicitation.

7.4. Validity of Solicitation Responses

Solicitation responses must be valid until the Effective Date of any resulting contract.

7.5. 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 Solicitation.

7.6. Property of Department

Any material property submitted and received in response to this Solicitation will become the property of the Department and will not be returned to the Vendor. The Department reserves the right to use any information presented in any Solicitation response provided that its use does not violate any copyrights or other provisions of law.

7.7. Solicitation Response Withdrawal

Prior to the Response Submission Deadline specified in Subsection 1.3, Procurement Timetable, Letters of Intent or Solicitation responses may be withdrawn by submitting a written request for its withdrawal to the Contract Specialist specified in Subsection 1.2.

7.8. Confidentiality

Pursuant to RSA 21-G:37, the content of responses to this Solicitation must remain confidential until the Governor and Executive Council have awarded a contract. The Vendor's disclosure or distribution of the contents of its Solicitation response, other than to the Department, will be grounds for disqualification at the Department's sole discretion.

7.9. Public Disclosure

- 7.9.1. The information submitted in response to this Solicitation (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 laws, including RSA 91-A. In addition, in accordance with RSA 9-F:1, any contract entered into as a result of this Solicitation will be made accessible to the public online via the New Hampshire Secretary of State website (<https://sos.nh.gov/>).
- 7.9.2. 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 Solicitation 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 Solicitation, identifying the specific page number and section of the information considered to be confidential, commercial or financial and providing the rationale for each designation. Marking or designating an entire submission as confidential shall neither be accepted nor honored by the Department. 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."

- 7.9.3. Submissions which 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 Department as not conforming to the requirements of the Solicitation.
- 7.9.4. Pricing, which includes but is not limited to, the administrative costs and other performance guarantees in responses or any subsequently awarded contract shall be subject to public disclosure regardless of whether it is marked as confidential.
- 7.9.5. Notwithstanding a Vendor's designations, the Department is obligated under the Right-to-Know law to conduct an independent analysis of the confidentiality of the information submitted in response to the Solicitation. If a request is made to the Department to view or receive copies of any portion of the response that is marked confidential, the Department shall first assess what information it is obligated to release. The Department will then notify the Vendor that a request has been made, indicate what, if any, information the Department has assessed is confidential and will not be released, and specify the planned release date of the remaining portions of the response. To halt the release of information by the Department, a Vendor must initiate and provide to the Department, 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.
- 7.9.6. By submitting a response to this Solicitation, Vendors acknowledge and agree that:
 - 7.9.6.1. The Department may disclose any and all portions of the response or related materials which 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 Solicitation;
 - 7.9.6.2. The Department 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; and
 - 7.9.6.3. The Department 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.

7.10. Non-Commitment

Notwithstanding any other provision of this Solicitation, this Solicitation does not commit the Department to award a contract. The Department reserves the right to reject any and all responses to this Solicitation or any portions thereof, at any time and to cancel this Solicitation and to solicit new Solicitation responses under a new procurement process.

7.11. Solicitation Response Cost

By submitting a response to this Solicitation, the Vendor agrees that in no event shall the Department be either responsible for or held liable for any costs incurred by a Vendor in the preparation or submittal of or otherwise in connection with a Solicitation response, or for work performed prior to the Effective Date of a resulting contract.

7.12. Request for Additional Information or Materials

The Department may request any Vendor to provide additional information or materials needed to clarify information presented in the Solicitation response. Such a request will be issued in writing and will not provide a Vendor with an opportunity to change, extend, or otherwise amend its Solicitation response in intent or substance.

7.13. Oral Presentations and Discussions

The Department reserves the right to require some or all Vendors to make oral presentations of their Solicitation response. The purpose of the oral presentation is to clarify and expound upon information provided in the written Solicitation response. Vendors are prohibited from altering the original substance of their Solicitation response during the oral presentations. The Department will use the information gained from oral presentations to refine the technical review scores. Any and all costs associated with an oral presentation shall be borne entirely by the Vendor.

7.14. Site Visits

The Department may, at its sole discretion, at any time prior to contract award, conduct a site visit at the Vendor's location or at any other location deemed appropriate by the Department, to determine the Vendor's capacity to satisfy the terms of this Solicitation. The Department may also require the Vendor to produce additional documents, records, or materials relevant to determining the Vendor's capacity to satisfy the terms of this Solicitation. Any and all costs associated with any site visit or requests for documents shall be borne entirely by the Vendor.

7.15. Successful Vendor Notice and Contract Negotiations

The Department will only notify selected Vendors of selection. **The Department will not notify Vendor(s) that are not initially selected to enter into contract negotiations.**

Until the Department successfully completes negotiations with the selected Vendor(s), all submitted Solicitation responses remain eligible for selection by the Department. The Department reserves the right to open contract discussions with the second highest scoring vendor and so on, if the Department is unable to reach an agreement on contract terms with the higher scoring vendor(s).

7.16. Scope of Award and Contract Award Notice

- 7.16.1. The Department reserves the right to award a service in whole or in part. A contract award is contingent on approval by the Governor and Executive Council and continued appropriation of funding for the contract.

- 7.16.2. If a contract is awarded, the selected Vendor(s) must obtain written consent from the State before any public announcement or news release is issued pertaining to any contract award.

7.17. Contract Registration Requirements

Prior to submission of any agreement for Governor and Executive Council for approval, the selected Vendor(s) must be:

- 7.17.1. Registered and in good standing with the NH Department of State, per RSA 5:18-a (<https://quickstart.sos.nh.gov/online>).
- 7.17.2. Registered with the NH Department of Administrative Services and have a Vendor Code ([Vendor Resource Center | Procurement and Support Services | NH Dept. of Administrative Services](#)) in order to receive payment.
- 7.17.3. Registered and in good standing with the NH Department of Justice Charitable Trust Unit if the organization meets the definition of Charitable Organization per RSA 7:21 (<https://www.doj.nh.gov/bureaus/charitable-trusts>).

7.18. Electronic Posting of Solicitation Results and Resulting Contract

- 7.18.1. At the time of receipt of responses, the Department 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 pursuant to this Solicitation, the Department will post the name, rank or score of each responding Vendor. In the event that the resulting contract does not require Governor & Executive Council approval, the Agency will disclose the rank or score at least five (5) business days before final approval of the contract.
- 7.18.2. 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 Solicitation, and posts those documents on its website (<https://sos.nh.gov/administration/miscellaneous/governor-executive-council/>). By submitting a response to this Solicitation, 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 Solicitation), any contract resulting from this Solicitation that is submitted to G&C for approval will be made accessible to the public online.

7.19. Protest of Intended Award

Any challenge of an award made or otherwise related to this Solicitation shall be governed by RSA 21-G:37, and the procedures and terms of this Solicitation. The procedure set forth in RSA 21-G:37, IV, shall be the sole remedy available to challenge any award resulting from this Solicitation. In the event that any legal action is brought challenging this Solicitation and selection process, outside of the review process identified in RSA 21-G:37, IV, and in the event that the State of New Hampshire prevails, the challenger agrees to pay all expenses of such action, including attorney's fees and costs at all stages of litigation.

7.20. Contingency

Aspects of the award may be contingent upon changes to state or federal laws and regulations.

7.21. Ethical Requirements

From the time this Solicitation 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 a Solicitation, 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 submitting a response to this Solicitation, or similar request for submission and every such Vendor shall be disqualified from submitting any Solicitation response or similar request for submission issued by any state agency. A Vendor that was disqualified under this section because of a pending criminal charge which 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.

7.22. Liquidated Damages

The selected Vendor agrees that liquidated damages may be determined by the Department as part of the contract specifications, as failure to achieve required performance levels will more than likely substantially delay and disrupt the Department's operations.

8. COMPLIANCE

8.1. The selected Vendor(s) must comply with all applicable federal and state laws, rules and regulations, and applicable policies and procedures adopted by the Department currently in effect, and as they may be adopted or amended during the contract period.

8.2. The selected Vendor(s) may be required to complete a contract monitoring questionnaire, to be provided by the Department, to determine risk of noncompliance and appropriate monitoring activities, including, but not limited to:

- 8.2.1. Site visits.
- 8.2.2. File reviews.
- 8.2.3. Staff training.

8.3. Culturally and Linguistically Appropriate Services

8.3.1. Vendors are required to consider the need for language services for individuals with Limited English Proficiency (LEP) as well as other communication needs, served or likely to be encountered in the eligible service population, both in developing their budgets and in conducting their programs and activities.

8.3.2. Vendors are required to complete Appendix C, Culturally and Linguistically Appropriate Services (CLAS) Requirements as part of their Solicitation response. This is in accordance with Federal civil rights laws and intended to help inform Vendors' program design, which in turn, will allow Vendors to put forth the best possible Solicitation response.

8.3.3. If awarded a contract, the selected Vendor(s) will be required to submit:

- 8.3.3.1. A detailed description of the language assistance services, within ten (10) days of the Effective Date of the resulting agreement, to be provided to ensure meaningful access to programs and/or services to individuals with limited English proficiency; individuals who are deaf

or have hearing loss; individuals who are blind or have low vision; and individuals who have speech challenges.

- 8.3.3.2. A written attestation, within 45 days of the Effective Date of the resulting agreement and annually thereafter, that all personnel involved the provision of services to individuals under the resulting agreement have completed, within the last 12 months, the Contractor Required Training Video on Civil Rights-related Provisions in DHHS Procurement Processes, which is accessible on the Department's website (<https://www.dhhs.nh.gov/doing-business-dhhs/civil-right-compliance-dhhs-vendors>).
- 8.3.3.3. The Department's Federal Civil Rights Compliance Checklist within ten (10) days of the Effective Date of the resulting agreement. The Federal Civil Rights Compliance Checklist must have been completed within the last 12 months and is accessible on the Department's website (<https://www.dhhs.nh.gov/doing-business-dhhs/civil-right-compliance-dhhs-vendors>).

8.4. Audit Requirements

- 8.4.1. The selected Vendor(s) must email an annual audit to dhhs.act@dhhs.nh.gov if any of the following conditions exist:
 - 8.4.1.1. Condition A - The Contractor is subject to a Single Audit pursuant to 2 CFR 200.501 Audit Requirements.
 - 8.4.1.2. Condition B - The Contractor is subject to audit pursuant to the requirements of NH RSA 7:28, III-b.
 - 8.4.1.3. Condition C - The Contractor is a public company and required by Securities and Exchange Commission (SEC) regulations to submit an annual financial audit.
- 8.4.2. If Condition A exists, the Contractor shall submit an annual Single Audit performed by an independent Certified Public Accountant (CPA) to dhhs.act@dhhs.nh.gov within 120 days after the close of the Contractor's fiscal year, conducted in accordance with the requirements of 2 CFR Part 200, Subpart F of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal awards.
- 8.4.3. The Contractor shall submit a copy of any Single Audit findings and any associated corrective action plans. The Contractor shall submit quarterly progress reports on the status of implementation of the corrective action plan.
- 8.4.4. If Condition B or Condition C exists, the Contractor shall submit an annual financial audit performed by an independent CPA within 120 days after the close of the Contractor's fiscal year.
- 8.4.5. The Contractor, regardless of the funding source and/or whether Conditions A, B, or C exist, may be required to submit annual financial audits performed by an independent CPA upon request by the Department.
- 8.4.6. In addition to, and not in limitation of, any other obligations under the resulting contract(s), the selected Vendor(s) shall be liable for any state or federal audit exceptions. The selected Vendor(s) shall return to the Department any

payments made under the resulting contract(s) that are disallowed or subject to exception, within sixty (60) days following final determination of the exception, including the conclusion of any applicable appeals process.

9. APPENDICES TO THIS SOLICITATION

- 9.1. Appendix A – Scope of Services**
- 9.2. Appendix B – Form P-37 General Provisions and Standard Exhibits**
- 9.3. Appendix C – Culturally and Linguistically Appropriate Services (CLAS) Requirements**
- 9.4. Appendix D – Transmittal Letter and Vendor Information**
- 9.5. Appendix E – Technical Responses to Mandatory Questions**
- 9.6. Appendix F – Program Staff List**
- 9.7. Appendix G – Deliverables**