

PROCUREMENT NOTICE

Date: January 12, 2024
From: Meggan LaPorte, AHCCCS Chief Procurement Officer
Regarding: Osborn Maledon Request for Briefing Schedule

This notice is being posted to the public procurement file for Request for Proposals, Solicitation No. YH24-0001 for Arizona Long Term Care Services (ALTCS Solicitation), and is being sent via email to counsel for the protestors and the two proposers who were selected for award under the ALTCS Solicitation, Health Net Access, Inc. dba Arizona Complete Health-Complete Care Plan (AzCH) and Arizona Physicians IPA, Inc. dba UnitedHealthcare Community Plan (“United”).

The Procurement Officer has received an emailed message from Theresa Rassis of Osborn Maledon on behalf of Protestor Banner-University Care Advantage (Banner) requesting that the Procurement Officer set a response deadline for any submission by United in connection with the three pending protests of the award decision for the ALTCS Solicitation, and for any reply to the responsive filing made on behalf of AzCH and any responsive filing that may be made by United. The Procurement Officer advises all protestors and the selected awardees that AHCCCS has determined that the requested deadlines and briefing schedule are not required or contemplated by the Arizona Administrative Code provisions relevant to the protest process before AHCCCS, A.A.C. § R9-22-604, they are not part of AHCCCS’ normal protest consideration practice, and setting additional filing deadlines of the type proposed by Banner restricts the discretion and authority of the Procurement Officer to issue the decision on the protests at any point prior to the final deadline for a decision that the Procurement Officer deems appropriate. While the Procurement Officer retains discretion to consider additional matters relevant to the original protest grounds submitted by the protestors or the selected awardees after the protest deadline and before issuance of the Procurement Officers’ decision on the protests, the Procurement Officer is not obligated under the AHCCCS regulations to do so. Furthermore, the Procurement Officer may not consider, and will not consider, any arguments by any party that would constitute the submission of new and untimely protest grounds. The Procurement Officer does not intend this message to deter any protestor from submitting briefing that does not constitute new, untimely grounds for protest and that is directly responsive to the materials submitted by AzCH, or to any similar materials that United may file. However, given the breadth of the original protest arguments already submitted, filing parties should also be mindful of the practical limitations on the Procurement Officer’s ability to consider any additional submissions, particularly those that are filed close to the date on which the Procurement Officer elects to issue the protest decisions. The Procurement Officer reserves the ability to issue the decision on the protests at any time before or on the deadline for any decision.