

Supporting State Electronic Case Management and Critical Incident Management Systems Design and Development

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June 2022

Brief #2: Recommendations for eCMS and eCIMS RFP and Contract Drafting

INTRODUCTION

Many states are sizing up potential changes to or overhauls of their electronic case management systems (eCMS) and/or their electronic critical incident management systems (eCIMS). This brief outlines some of the key recommended components that states address in Requests for Proposal (RFP) and other procurement-related documents.

This information is presented as a resource for states as they plan for these system changes and initiate their procurement processes. This brief complements its sister brief [**Recommendations for State eCMS and eCIMS Design Processes, Features, and Functionality**](#) and is intended to highlight key considerations and some provisions that are often overlooked; it does not present a comprehensive listing of provisions to be included in states' procurement documents.

States' procurement-related documents should address all the pertinent elements listed here, so that offerors can fully understand the state's expectations when preparing their proposals. Where procurement rules allow, states should also release a contract template with the RFP. Then, the state can be assured that proposals from

various offerors will be comparable across these domains, these elements will not be left to chance during contract negotiations and project execution, and contract negotiations will be more efficient.

Components to Include in State eCMS and/or eCIMS Procurement-Related Documents

Below is a series of important recommended topics for states to cover in their eCMS and/or eCIMS procurement documents. As noted in *Recommendations for State eCMS and eCIMS Design Processes, Features, and Functionality*, states should leverage their processes and language used to procure the Medicaid enterprise system and/or other significant information systems.



1. Project Overview or Description

So that offerors can understand the intended aims of the new systems, states should describe the context in which the new system(s) will be implemented. Typically, the most appropriate place for this information is the RFP, rather than the template contract. We recommend the RFP:

- Enumerate the state's goals for the eCMS and/or eCIMS project prompting the procurement.
- Outline the state's high-level goals, the agencies involved, the systems that are impacted, the nature of the people who will use the eCMS and/or eCIMS, the anticipated timeline and phases for development, design, and implementation, and any other information that will ensure there are no misunderstandings as work gets underway.
- Describe details about the people, programs, and workflows that the system(s) will support so that all potential offerors can understand the workflows and processes their system must support. Listing technical requirements without describing the activities the systems are designed to support is less likely to result in a successful design and implementation. Include values statements related to desired functionality. For example, a state may wish to leverage an eCMS to improve transparency and to promote more person-centered systems of support.



2. eCMS and/or eCIMS-Specific Offeror Experience

While it is common to require offerors to outline their experience, go a step further to ensure the selected offeror understands the project needs.

- Require offerors to have experience designing and implementing similar systems in other states.
- Require offerors to submit references from other clients, including other states for which the offeror has developed similar systems. Be sure to require offerors to include for each client reference a point of contact whom proposal evaluators can call for additional information — and then call the other states to gain insights regarding the offeror's performance in those states. Specifically ask for references from recent and past clients to ascertain long-range system functionality and vendor responsiveness.
- Give preference to offerors that demonstrate an understanding of the workflows and processes the system is designed to support and the importance of eCMS or eCIMS.



3. Require Demonstrations and Oral Presentations

While number 2 would have states asking probing questions about an offeror's experience and expertise, it would be valuable to require offerors to demonstrate their capabilities. To that end, we recommend that states require offerors to provide system demonstrations. Depending upon procurement rules:

- Invite vendors to conduct system demonstrations *prior* to the initiation of the procurement process. These demonstrations can grant the state the opportunity to learn what systems, features, and functionalities are available in the current market and to shape the procurement accordingly.

- Require offerors to conduct a system demonstration, then evaluate only those technical proposals submitted by offerors whose demonstration meets or exceeds the state's requirements.
- If the above strategies are not feasible for the state, require, at a minimum, that offerors make oral presentations and demonstrations after the state completes its evaluation of the technical proposal. Whether before or after proposals are submitted, receiving presentations and demonstrations of existing systems offerors have built for other, ideally similar, systems will help states evaluate whether the offeror truly understands and has the capabilities to deliver what the state requires.

4. **Articulate Preference for Customizable Off-the-Shelf (COTS) Solutions or Building from the Start**

Once states have completed a comprehensive planning process (as detailed in *Recommendations for State eCMS and eCIMS Design Processes, Features, and Functionality*), make a final decision about whether to build the eCMS or eCIMS from scratch or use a customizable off-the-shelf (COTS) solution. States should clearly indicate their preference or requirements in this regard.

- If the state selects a COTS solution, it should:
 - Require offerors to tailor the COTS system to suit the state's requirements
 - Require offerors to note any and all exceptions to the state's requirements (as described in number 18).
- Regardless of whether the state elects to build or buy, the state should detail system requirements during the procurement. It is not advisable to assume anything is included. Rather specifically detail everything the state requires.

Relying on a COTS solution has the potential to reduce implementation time, to allow states to benefit from the learning of users in other states, and to benefit from system updates being made by the vendor based on feedback from various customers and in some cases received via formal user advisory groups convened by the vendor. While relying on a COTS system offers many benefits, it does not obviate the need to detail system requirements during procurement.

Provide a comprehensive scope of work, including a thorough description of the business process and workflows that the system must support.



5. **eCMS and eCIMS System Requirements**

It is important to provide a comprehensive scope of work for the project, taking the project overview and fleshing out all the pieces that will need to be done to bring the eCMS and/or eCIMS to fruition, including the exact elements the offeror will be responsible for completing. A key component of the scope of work should be the eCMS and/or eCIMS requirements.

- The state should include a thorough description of the business process and workflows that the system must be able to support.
- Use this section to outline business requirements, technical requirements, and as much specificity as necessary (unless addressed in other subsections) about important details such as annual transaction volumes, numbers of users in various user groups, frequency of logins, and other figures to enable the offerors to anticipate usage.
- Consider developing a series of use cases and ask offerors to conduct system demonstrations illustrating how their systems would support those use cases, including which functionalities and features exist in their COTS system and which would require customization.

- Require offerors to convey their understanding of each required activity, so the state can judge the offeror's comprehension of the project. Simply stating the requirements and asking offerors to attest that they can meet those requirements will not enable the state to evaluate each offeror's capabilities and knowledge. A related requirement the state can impose is to require the offerors to submit an architectural diagram of the system.



6. Key Tasks and Deliverables

Another part of the scope of work should be a definitive statement detailing the key tasks or flow of activities that the offeror must perform and the order in which it must perform those tasks, along with associated deliverables. States may wish to simply outline phases of work and selected activities that must occur in those phases, then require offerors to develop a more detailed project plan specifying all necessary tasks, as noted in number 8 below.



7. Deliverable Review

It is imperative that states' procurement documents detail the timeframes and process for deliverable review. Defining the process, the responsible parties, the requisite approvals for deliverable review and acceptance will help to ease contract and change management. States should be mindful to establish deliverable review timeframes that are realistic given both available staff resources and the project's implementation timelines.



8. Project Plan Development and Ongoing Project Staffing and Management

While states will have developed and specified the key tasks and target completion dates (as outlined in number 6), an important activity will be the development of a project plan by the successful offeror. The RFP can require offerors to outline the steps, deliverable dates, and check-ins they propose in compliance with the project's requirements. The RFP and contract should require the successful offeror to develop and submit for approval a detailed project plan within the starting months of the contract.

Likewise, if the state has specific requirements for how it wants the contractor to manage the project, the state should delineate those in the procurement documents. So, for example, if the state wants the successful offeror to assign a team of four developers to be onsite during the build, this specification should be included in the RFP. If the state wants a dedicated project manager who will submit monthly status reports, draft the procurement documents to include this.



9. Ownership

States should address two aspects of ownership:

- Data – At a minimum, the state should retain ownership over the data collected by and housed in the system. This is an important consideration that is often overlooked. Failure to specify ownership at the outset may leave the state feeling married for life to the vendor who initially built the system because the state cannot take over control or make changes independently.
- System(s) – If the state is procuring a COTS system, it most likely will not have the option to own the system; however, if it is building a custom system, the state should establish contract provisions that enable it to retain ownership rights to the system during or at the end of the vendor's contract term.



10. Hosting

Ownership (addressed in number 9 above) does not necessarily mean the state will be hosting the system while it is operational. If the state has requirements for what hosting model(s) or platforms are acceptable, it is recommended

that these be affirmatively stated in the RFP and contract. For example, include whether the system will be hosted within the state network, in the cloud, or on the vendor’s platform.

11. Legacy Data

Access to historical data is essential to perform case management and critical incident management functions and, thus, should be addressed in offerors' proposals. States need to detail exactly what this means to them so that offerors understand the state's expectations. For example, specify whether the contractor will migrate legacy data into the new system such that it is converted from its existing format to a consumable format, or whether the new system is expected to interface with existing state systems to access legacy data. If states are ambiguous about this, offerors could interpret "access" to historical data to mean that the legacy system can still be used for research purposes or that the data is archived in pdf files, which is very likely not what states would want "access" to mean.

12. Interoperability and Other Important Interfaces

RFPs should be abundantly clear regarding specifications for systems with which the eCMS or eCIMS will be required to interface. For example, states should articulate whether contractors will access or import data related to a participant's Medicaid eligibility or protective services. During the procurement, states should provide offerors with detailed information about existing systems and system interface specifications, so that offerors' proposals will reflect a reasonable level of effort to establish necessary system interfaces.

13. System and Information Security

States often have technical, technological, and security-related requirements for systems contractors. These must be outlined in the eCMS and/or eCIMS procurement documents. States should address concerns and requirements related to information system security as well as the security of data stored within the systems. They should also address role-based access to information.

14. Training

Building and implementing eCMS or eCIMS will yield desired impacts only if the users are willing and able to use the new system. Depending upon the scope and nature of the system changes, substantial operational and cultural change might be needed. States should set forth in the procurement documents expectations for training, such as:

- Conducting training in preparation for system launch and on an ongoing basis, to account for staff turnover as well as system refinements made over time.
- Providing training to All user groups, tailored to their unique needs.
- Assuring that training reflects the language needs and reading levels of various user groups.
- The extent to which the contractor must provide on-demand training, including online pop-up help windows, and/or user manuals, and the circumstances under which they will be updated.

15. Ongoing Maintenance and Operations

States should clearly define the contractor's role in the ongoing maintenance and operation of the new system(s), such as help desk support, bug fixes, scheduled releases, and licenses. Some states take over portions of this role, while some states rely entirely on the vendor to perform this role.





16. Performance Requirements and Service Level Agreements

States should establish clear performance requirements related to all aspects of the contractor's scope of work, as well as Service Level Agreements (SLAs) for the most important performance requirements. For example, SLAs might be established for:

- Meeting implementation milestones
- System performance
- User support (e.g., maximum response timeframes)

States should assure that they have the capacity and authority to assess contractor performance on each SLA. States also should assure that their procurement rules allow them to hold the selected contractor accountable not just for the requirements set forth in the RFP and contract, but also for the commitments made in the contractor's proposal, particularly where the proposed approach exceeds the state's minimum requirements.



17. Reporting

As suggested in *Recommendations for State eCMS and eCIMS Design Processes, Features, and Functionality*, states should have a clear understanding of what data they need to be able to extract from the systems they are building, how they want it extracted (fixed reports or ad hoc), and how easy it will be for anyone with proper permissions to extract the information, run reports, analyze trends, etc. Defining system reports during procurement can help to assure that the system is designed to collect and manipulate the data fields required to generate the report. For this reason, RFPs should detail at length the information to be reported out of the system(s) and how to extract it.



18. Statement of Exceptions

Since it is possible that an offeror will not be able to meet all the project's requirements (for example, a COTS product cannot be tailored to meet some of the RFP specifications), states should require offerors to explicitly indicate any exceptions to the requirements set forth in the RFP, template contract, and other procurement-related documents. States should provide a template or form offerors must complete and submit as part of their proposals, detailing any and all exceptions to the project's requirements. Then, states can efficiently and thoroughly consider these exceptions in their evaluation of proposals. The listing also can be very useful during contract negotiations and in post-award project management.



19. Change Management

Change management is particularly important given the wide range of eCMS and eCIMS users and the time sensitivity of the processes the systems support. Changes must be managed during the initial implementation and then ongoing. Changes can take many forms, such as modifications to system functionality, alterations to training requirements, updates in timelines, etc. The key to identifying a change is clearly defining the requirements during the procurement process. The key to managing a change is a clear process for prioritizing and approving changes. Establishing a process for handling changes is essential, particularly since policy and process changes will necessitate system and other modifications during the system lifecycle. It is extremely important for states to describe their process for change management in the procurement documents.



20. Warranties

States should require warranties to protect against system defects for a defined period of time and should outline the processes to activate the warranty and the actions the contractor must take to address such defects. Broader

warranty language, for example, addressing surreptitious or unauthorized code, will offer further protections. This is an area where leveraging language from other state information system procurements could be particularly worthwhile.

CONCLUSION

This brief outlined several critical components states should include in their procurement documents when procuring eCMS or eCIMS solutions. In the interest of supporting the many states who are currently pursuing eCIMS and eCMS changes, this brief was developed based on an expedited review of materials and experiences of a limited number of states who volunteered to participate in the information collection for the brief. We hope that this brief will serve as the foundation for continuing discussion and learning among states so that states can develop more sophisticated and effective eCMS and eCIMS procurement processes and systems.

