Section K – Representations and Certifications

COMPLETED BY THE OFFEROR: [The Representations and Certifications must be executed by an individual authorized to bind the offeror.]

The offeror makes the following Representations and Certifications as part of its proposal (check or complete all appropriate boxes or blanks on the following pages).

_____ _____

Name of Offeror RFP No.

_____ _____

Signature of Authorized Individual Date

_____

Typed Name of Authorized Individual

K.1 FAR 52.252-1 SOLICITATION PROVISIONS INCORPORATED BY REFERENCE (FEB 1998)

This solicitation incorporates one or more solicitation provisions by reference, with the same force and effect as if they were given in full text. Upon request, the Contracting Officer will make their full text available. The offeror is cautioned that the listed provisions may include blanks that must be completed by the offeror and submitted with its quotation or offer. In lieu of submitting the full text of those provisions, the offeror may identify the provision identifier and provide the appropriate information with its quotation or offer. Also, the full text of a solicitation provision may be accessed electronically at this address: https://www.acquisition.gov.

Federal Acquisition Regulation (FAR) Provisions:

NUMBER	TITLE	DATE
52.209-2	Prohibition on Contracting with Inverted Domestic Corporations-Representation	RFO DEVIATION NOV 2025

(End of Section K)

Section L – Instructions, Conditions, and Notices to Offerors or Respondents

L.1 FAR 52.252-1 SOLICITATION PROVISIONS INCORPORATED BY REFERENCE (FEB 1998)

This solicitation incorporates one or more solicitation provisions by reference, with the same force and effect as if they were given in full text. Upon request, the Contracting Officer ill make their full text available. The offeror is cautioned that the listed provisions may include blocks that must be completed by the offeror and submitted with its quotation or offer. In lieu of submitting the full text of those provisions, the offeror may identify the provision identifier and provide the appropriate information with its quotation or offer. Also, the full text of a solicitation provision may be accessed electronically at this address: https://www.acquisition.gov.

Federal Acquisition Regulation (FAR) Provisions:

NUMBER	TITLE	DATE
52.203-11	Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions	SEP 2024
52.204-7	System For Award Management – Registration	RFO DEVIATION NOV 2025

L.2 FAR 52.216-1 TYPE OF CONTRACT (APR 1984)

The Government anticipates the award of a Firm-Fixed Price Contract (See FAR 16.2) resulting from this solicitation. However, the Contracting Officer reserves the right to choose another contract type if it is in the best interest of the Government to do so.

L.3 FAR 52.212-1 INSTRUCTIONS TO OFFERORS—COMMERCIAL PRODUCTS AND COMMERCIAL SERVICES (RFO DEVIATION NOV 2025)

(a) *Submission of offers*. Submit signed and dated offers to the office specified in this solicitation at or before the exact time specified in this solicitation. As a minimum, offers shall include—

(1) The solicitation number;

(2) The name, address, telephone number of the Offeror;

(3) The Offeror's Unique Entity Identifier (UEI) and, if applicable, Electronic Funds Transfer (EFT) indicator;

(4) Information necessary to evaluate the factors contained in the provision at 52.212-2 or as described in the solicitation;

(5) Responses to provisions that require Offeror completion of information, representations, and certifications (other than those collected via the System for Award Management (SAM)); and

(6) A statement specifying the extent of agreement with all terms, conditions, and provisions included in the solicitation and any solicitation amendments.

(b) *Period for acceptance of offers*. The Offeror agrees to hold the prices in its offer firm for 60 calendar days from the date specified for receipt of offers, unless another time period is specified in an addendum to the solicitation.

(c) *Late submissions, modifications, revisions, and withdrawals of offers*.

(1) Offerors are responsible for submitting offers and any modifications or revisions to the Government office designated in the solicitation by the time specified in the solicitation.

(2) Any offer, modification, or revision received after the time specified for receipt of offers is "late" and will not be considered unless it is received before award is made and the Contracting Officer determines that accepting the late offer would not unduly delay the acquisition. However, a late modification of an otherwise successful offer that makes its terms more favorable to the Government will be considered at any time it is received and may be accepted.

(3) If an emergency or unanticipated event interrupts normal Government processes so that offers cannot be received at the Government office designated for receipt of offers by the exact time specified in the solicitation, and urgent Government requirements preclude amendment of the solicitation or other notice of an extension of the closing date, the time specified for receipt of offers will be deemed to be extended to the same time of day specified in the solicitation on the first work day on which normal Government processes resume.

(4) Offerors may withdraw their offers by written notice to the Government received at any time before award.

(d) *Contract award (not applicable to Invitation for Bids)*. The Government intends to evaluate offers and award a contract without discussions with Offerors. Therefore, the Offeror's initial offer should contain the Offeror's best terms. However, the Government reserves the right to conduct discussions, if necessary. The Government may reject any or all offers if such action is in the public interest, accept other than the lowest offer, and waive informalities and minor irregularities in offers received.

(e) *Debriefings*. If a postaward debriefing is given to requesting Offerors, the Government will disclose the following information, if applicable:

(1) The agency's evaluation of the significant weak or deficient factors in the debriefed Offeror's offer.

(2) The overall evaluated cost or price and technical rating of the successful Offeror and the debriefed Offeror and past performance information on the debriefed Offeror.

(3) The overall ranking of all Offerors when any ranking was developed by the agency during source selection.

(4) A summary of the rationale for award.

(5) For acquisitions of commercial products, the make and model of the product to be delivered by the successful Offeror.

(6) Reasonable responses to relevant questions posed by the debriefed Offeror as to whether the agency followed source-selection procedures set forth in the solicitation, applicable regulations, and other applicable authorities.

L.4 PROPOSAL ORGANIZATION

The Offeror's proposal may be submitted in one (1) electronic submission, which shall be divided into the following three (3) volumes and marked accordingly:

Volume I	Technical Proposal
Volume II	Business Proposal
Volume III	Conflict of Interest

Proposal Format: Volume I – Technical Proposal and Volume III – Conflict of Interest shall be provided in searchable PDFs and/or Microsoft Word files. Volume II – Business Proposal, shall be provided in searchable PDFs and/or Word files and the price breakdowns shall be provided in Excel. The Excel file shall be unprotected, and include all formulas utilized in the formation of the spreadsheets.

L.5 SCHEDULE OF EVENTS

The following is the approximate schedule of events:

- Questions Due from offeror 07/16/2026
- CMS Response to Questions 07/22/2026
- Proposal Submission Due 08/13/2026
- Anticipated Award Date 09/10/2026

L.6 SUBMISSION OF QUESTIONS

Questions must be submitted no later than July 16, 2026 **by 1:00 PM EST**.

Questions on this Request for Proposal (RFP) shall be submitted electronically to the following:

Mr. Joshua Czerski, Contract Specialist
Joshua.czerski@cms.hhs.gov

Courtesy copy:
Mr. Brian Humes, Contracting Officer
Brian.humes@cms.hhs.gov

For EACH question submitted, the Offeror shall provide:

1. Document Title: Statement of Work (SOW), Solicitation, etc. being referenced;
2. If applicable, Attachment or Exhibit Number;
3. Section title and/or number (including subparagraph designations);
4. Page Number; and
5. Complete description of the question.

Example:

Document Title	Section	Section Title	Page	Question
1 Statement of Work	2.1	Kick-off Meeting	4	

L.7 SUBMISSION OF PROPOSALS

A complete response to this RFP must be submitted on **August 13, 2026,** no later than (NTL) **1:00 PM EST**.

Proposals shall be submitted electronically to the following:

Mr. Joshua Czerski, Contract Specialist
Joshua.czerski@cms.hhs.gov

Courtesy copy:
Mr. Brian Humes, Contracting Officer
Brian.humes@cms.hhs.gov

The electronic submission of your proposal, including attachments, should use data compression such as WinZip and/or Zip files compatible with Microsoft Office Suite. **Additionally, documents shall be provided in searchable PDFs and/or Word files and unprotected Excel files.**

L.8 VOLUME I – TECHNICAL PROPOSAL INSTRUCTIONS

Technical Proposal

The offeror shall respond to all aspects of the scope of work as presented in the Statement of Work (SOW). To facilitate proposal review and evaluation, the offeror shall follow the format shown below.

A. Technical Understanding and Approach
B. Personnel Qualifications
C. Management Plan
D. Section 508 Accessibility Compliance Checklist

Technical submissions shall include all (if any) technical assumptions, conditions, or exceptions related to any of the requirements or terms and conditions of the requirement. If not noted in the offeror's proposal, it will be assumed that there are no assumptions, conditions, or exceptions for award, and that the offeror agrees to comply with all of the terms and conditions set forth in this RFP. It is not the responsibility of the Government to seek out and identify technical assumptions, conditions, or exceptions buried within the offeror's submission. The Government reserves the right to reject any proposal that includes any

technical assumptions, conditions or exceptions that impact or affect the Government's objectives or requirements.

A. Technical Understanding and Approach

The written proposal shall provide a statement of the technical understanding and approach in the offeror's own words. The Offeror shall demonstrate a complete understanding of the Statement of Work (SOW).

The Offeror shall provide a clear and concise explanation of the technical approach chosen for the contract. This shall be complete and cover all aspects of the scope of work. The Offeror shall provide sufficient detail in the proposal to indicate technical understanding of, and capability of performing the requirements of the scope of work.

The technical approach shall be specific, detailed, and complete enough to clearly and thoroughly demonstrate that the Offeror understands and can respond to the intent of the SOW.

B. Personnel Qualifications

This portion of the proposal shall describe the educational background, professional experience, and special qualifications which directly relate to the contract of all professional personnel to be involved. When consultants or subcontractors are to be used, their special qualifications, educational background, and experience shall be included. The proposal shall specify how the personnel employed under this contract will be integrated organizationally and what their responsibilities and percentage of time under the contract will be.

The Project Director shall be capable of effectively communicating with individuals representing various professional disciplines and service providers. Experience in quality improvement, data analysis, and managed care plan assessment is desirable.

For key personnel:

1. Describe functions and duties with respect to the contract
2. Describe relevant training and experience
3. Specify percent of time to be allocated to this project
4. Provide (in an appendix) a current resume indicating relevant specific experience and education.

C. Management Plan

The proposal shall describe how the project will be organized and managed, how tasks will be sequenced and in what time frames, and what management control and coordination mechanisms will be utilized to assure the timely and successful conduct of this project. The management plan shall address the procedures to be employed in handling a number of different tasks that are proceeding simultaneously. The proposed management plan shall specify resource allocation by tasks and subtasks. This shall include a matrix of full-time equivalent (FTE) hours committed to the project by person by task. The management plan shall indicate if any of the tasks of the contract will be subcontracted and how any subcontractor work will be monitored.

D. Section 508 Accessibility Compliance Checklist

The offeror shall submit a current 508 Accessibility Compliance Checklist (**see Attachment 3**) in accordance with the following:

HHSAR 352.239-78 Information and [Communication] Technology Accessibility Notice. [(Deviation)] (FEB 2024)

(a) Any offeror responding to this solicitation must comply with established HHS Information and Communication Technology (ICT) accessibility standards. Information about Section 508 is available at https://www.hhs.gov/web/section-508/index.html.

(b) The Section 508 accessibility standards applicable to this solicitation are stated in the clause at 352.239-79 Information and Communication Technology Accessibility. In order to facilitate the Government's determination whether proposed ICT supplies, products, platforms, information, and documentation meet applicable Section 508 accessibility standards, offerors must submit an appropriate HHS Section 508 Accessibility Conformance Checklist (see https://www.hhs.gov/web/section-508/accessibility-checklists/index.html) or an Accessibility Conformance Report (ACR) (based on the Voluntary Product Accessibility Template (VPAT) see https://www.itic.org/policy/accessibility/vpat), in accordance with the completion instructions. The purpose of the checklists and conformance reports are to assist HHS acquisition and program officials in determining whether proposed ICT supplies, products, platforms, information, and documentation conform to applicable Section 508 accessibility standards. Checklists and ACRs evaluate—in detail—whether the ICT conforms to specific Section 508 accessibility standards and identifies remediation efforts needed to address conformance issues.

(c) If an offeror claims its supplies or services meet applicable Section 508 accessibility standards, and it is later determined by the Government, i.e., after award of a contract or order, that supplies, products, platforms, information, documentation, or services support delivered do not conform to the described accessibility standards, remediation of the supplies, products, platforms, information, documentation, or services support to the level of conformance specified in the contract will be the responsibility of the Contractor at its expense.

(d) In order to facilitate the Government's determination whether proposed ICT supplies meet applicable Section 508 accessibility standards, offerors must submit an Accessibility Conformance Report, in accordance with its completion instructions and tailored to the requirements in the solicitation. The purpose of the Report is to assist HHS acquisition and program officials in determining whether proposed ICT supplies conform to applicable Section 508 accessibility standards. The template allows offerors or developers to self-evaluate their supplies and document, in detail, whether they conform to a specific Section 508 accessibility standard, and any underway remediation efforts addressing conformance issues. Instructions for preparing the HHS Section 508 Evaluation Template are available at https://Section508.gov/.

(e) In order to facilitate the Government's determination whether proposed ICT services meet applicable Section 508 accessibility standards, offerors must provide enough information to assist the Government in determining that the ICT services conform to Section 508 accessibility standards, including any underway remediation efforts addressing conformance issues.

(f) Respondents to this solicitation must identify any inability to conform to Section 508 requirements. If an offeror claims its supplies or services meet applicable Section 508 accessibility standards, and it is later determined by the Government, i.e., after award of a contract or order, that

supplies or services delivered do not conform to the described accessibility standards, remediation of the supplies or services to the level of conformance specified in the contract will be the responsibility of the Contractor at its expense.

(g) Items delivered as electronic content must be accessible to HHS acceptance criteria. Checklist for various formats are available at http://508.hhs.gov/. Materials, other than items incidental to contract management, that are final items for delivery should be accompanied by the appropriate checklist, except upon approval of the Contracting Officer or Contracting Officer's Representative.

L.9 VOLUME II – BUSINESS PROPOSAL INSTRUCTIONS

The Business Proposal shall be organized as follows:

A. Table of Contents
B. SF-33, Section K Representations Certifications
C. Business Proposal Pricing Breakdown
D. Subcontractor Proposal(s) if applicable
E. Other Administrative Data

A. Table of Contents

B. SF-1449, Section K Representations and Certifications

The SF-1449 and the Representations and Certifications contained in Section K must be executed by an official authorized to bind the Offeror.

C. Business Proposal Pricing Breakdown

1. General Business/Price Proposal Instructions: The business proposal price breakdown shall illustrate the base period plus each optional period illustrated separately. Each element of the business proposal shall be identified – labor, other direct costs including subcontractor costs, etc. It shall be noted that this is a firm-fixed price contract, therefore labor rates should be fully-burdened.

2. Elements of a Business Proposal: The business proposal narratives shall be used to support the price breakdown spreadsheet and include, at a minimum, the following:

    i. ***Labor***: The Offeror shall provide labor rates for all labor categories that are expected to be used in the performance of the contract.

    - If the labor rates are escalated, the Offeror shall provide the escalation rate and the rationale for the proposed escalation rate.
    - The Offeror shall provide detailed labor rationale by labor category (e.g. historical data, technical experience, etc.).
    - For each labor category please show the "number of labor hours times hourly labor rate equals resultant total dollar amount" by task.

- Subcontract direct labor shall be shown in the same manner ("number of labor hours times hourly labor rate equals resultant total dollar amount"), however, under the subcontractor line item.

ii. ***Subcontracts (as appropriate)***: Identify all subcontractors and provide documentation required in accordance with FAR 44.202, including the subcontract agreement or other documentation to illustrate the subcontractor's intent to perform as a subcontractor.

The Offeror shall provide subcontract cost information per subcontractor as prescribed above under "Subcontracts within Other Direct Costs (ODCs)" if applicable. In addition, Subcontractors may submit their business proposal spreadsheet showing the breakdown of prices to CMS in a separate email.

iii. ***Travel*:** (if applicable)

- Travel: All travel costs shall be proposed in accordance with the Federal Travel Regulation (FTR). The Contractor shall consolidate travel costs into one line item. However, a separate schedule shall be provided for travel cost breakdown, to include number of trips, mileage, per diem, air fare, miscellaneous expense, etc. The Contractor shall provide a brief explanation of how travel costs are reimbursed to employees within its organization, i.e. per diem allowance versus submitting receipts, etc. For proposal purposes, all travel should be proposed at an off-site rate.
- The Offeror shall provide the detailed rationale for the chosen labor categories traveling. CMS should be able to understand from this narrative the reason for, rationale for and importance of the travel.

iv. ***Other Direct Costs (ODCs)*:** (if applicable)

- The Offeror shall identify ODCs per year identified in the price spreadsheet submission
- An explanation and basis shall be provided for each item of "Other Direct Cost" proposed, such as materials, reproduction costs, etc. Also include any assumptions that were made in preparing the business proposal.
- Please include justification and/or rationale for the Other Direct Costs proposed.

C. Subcontractor Proposal(s)

1. The prime shall submit a complete business proposal for all subcontractors proposed for this contract. Specifically, the proposal shall include the following: (**NOTE**: Subcontractors may choose to submit their proposal under separate cover directly to the Contracting Officer to protect proprietary information.

    a. Section K Representations and Certifications

    b. Information other than certified cost and pricing data – Subcontractor cost or pricing data shall be submitted if necessary.

c. All other information required as part of the prime contractor's proposal submission (e.g., other administrative data).

2. The prime contractor shall –

a. Conduct appropriate cost or price analyses to establish the reasonableness of proposed subcontract prices (see FAR 15.404-3).

b. Description of the extent to which price competition was obtained, or justification for its absence.

c. Statement as to whether the proposed subcontractor is on the List of Parties Excluded from Federal Procurement and Non-procurement Programs.

D. <u>Other Administrative Data</u>

1. **Statement of Proposal Validity:** Your proposal must stipulate that it is predicated upon all the terms and conditions of this RFP.

2. **Statement of Offeror's Financial Capability:** Your proposal must indicate whether you have the necessary financial capability, working capital, and other resources to perform the contract without assistance from any outside source (if not, indicate the amount required and the anticipated source). Include a copy of your audited financial statements for the past two (2) fiscal years. If an audited financial statement is not available, provide the most recent revised, compiled or internally prepare financial statement. Offeror's that are newly formed shall submit the financial statements of the "parent" company(ies).

3. **Property:**

a) **NOTE:** It is HHS policy that Contractors provide all equipment, materials, facilities, etc. necessary for performance of this contract; however, in some instances, an exception may be granted to furnish Government owned property or to authorize purchase with contract funds. If additional equipment must be acquired, you must include in your proposal the description and estimated cost of each item.

b) You must identify all Government-owned property in your possession and all property acquired from Federal funds, to which you have title, which is proposed to be used in the performance of the prospective contract.

c) The management and control of Government Property must be in accordance with the HHS Publication entitled, "HHS Contracting Guide for Contract of Government Property," a copy of which will be provided upon request.

L.10 VOLUME III – CONFLICT OF INTEREST

In accordance with Section H.2 of the solicitation, the offeror shall complete and submit Attachment 2 Contractor/Offeror Conflict of Interest as Volume III with its proposal (or a document containing similar information). A response must be provided for all sections of the form even if no conflict exists. The

Prime Contractor/Offeror shall conduct an analysis of each of its subcontractors' COI submissions (Attachment J.2 or similar information) in order to ensure that the subcontractor can perform services conflict-free. The Prime Contractor/Offeror shall include each of its subcontractors' analysis with its proposal, but will not submit copies of the completed Attachment 2 (or similar) subcontractor submissions. However, the Contracting Officer may request a copy of the subcontractor submissions if necessary.

(End of Section L)

Section M- Evaluation Factors for Award

M.1 GENERAL PROCEDURES FOR AWARD

An Offeror should not assume that the Contracting Officer will independently obtain information necessary to evaluate its proposal and should therefore supply all information required to evaluate its proposal.

The Centers for Medicare & Medicaid Services (CMS) will conduct an evaluation of your proposal to determine if your proposal offers the best combination of technical capabilities and estimated cost/price to the Government.

In accordance with FAR 9.103, contracts shall be awarded to responsible prospective contractors only. Before awarding any contract, the Contracting Officer must make an affirmative determination of the prospective contractor's responsibility. FAR 9.104-1, General Standards, lists the areas that shall be considered.

M.2 FAR 52.212-2 EVALUATION—COMMERCIAL PRODUCTS AND COMMERCIAL SERVICES

(a) Evaluation factors. The Government will award a contract resulting from this solicitation to the responsible Offeror whose offer conforming to the solicitation will be most advantageous to the Government, price and other factors considered. The following factors will be used to evaluate offers: CMS shall evaluate the Offeror's technical proposal based on the following:

1. VOLUME I - TECHNICAL EVALUATION

a. Technical Understanding and Approach

The offeror's proposal is complete and demonstrates an understanding of the SOW. This includes having an awareness of contract objectives and the tasks required that produce the required service as defined by the requirements. The proposed approach is sound and well documented and ensures the achievement of timely and acceptable performance.

b. Personnel Qualifications

The staff proposed is competent and experienced in the skills required to accomplish the SOW. Resumes of staff and consultants reflect not only academic qualifications, but also actual on-the-job experience in tasks similar to those in this SOW.

c. Management and Staffing Plan

The offeror's response shall demonstrate its ability to manage all aspects of the proposed effort including technical performance, time and delivery constraints, price and use of subcontractors. CMS will evaluate the offeror's ability to identify, address and resolve problems; and maintain a positive working relationship with CMS staff. The Management Plan should identify the offeror's plan for accomplishing the work in a logical sequence that will lead to successful performance.

d. Section 508 Accessibility Compliance Checklist – Adequate/Inadequate

The Government will evaluate the successful Offeror's completed CMS Accessibility Checklist for adherence to applicable Section 508 standards for the apparent successful Offeror(s). Additionally, the Contracting Officer may use other information, besides that disclosed by the Offeror, in the Contracting Officer's evaluation of adherence to section 508 standards.

As deemed necessary prior to award, the Contracting Officer may have exchanges with the successful Offeror to remedy any issues or request additional information as it pertains to the successful Offeror's CMS Accessibility Checklist submission. These exchanges with the successful Offeror(s) do not constitute discussions and will be utilized to ensure that award is made to contractor(s) capable of meeting the 508 accessibility standards.

The 508-compliance evaluation will not result in a score/rating as it is only applicable to the apparent successful Offeror.

2. VOLUME II - BUSINESS PROPOSAL EVALUATION

The business/price proposal will be evaluated through various price analysis techniques in order to determine proposed price estimates are fair and reasonable. Additionally, analysis will be performed to determine if the level of effort and the mix of labor proposed are appropriate to perform the requirements set forth in the Statement of Work and correspond to the technical proposal. The Government reserves the right to consider the realism of the offeror's proposed price(s), if necessary, as a method of determining if price reveals problems that would impact performance risk and responsibility matters. Price realism analysis will be performed, if necessary, in accordance with the methodology set forth in FAR 15.404-1(d).

3. VOLUME III - CONFLICT OF INTEREST EVALUATION

In accordance with FAR 9.504(e) and Section H.2, the Government will evaluate the Attachment 3 - CONTRACTOR/OFFERORCONFLICT OF INTEREST as well as other information, as appropriate. The conflict of interest evaluation will not result in a score/rating as it is only applicable to the apparent successful Offeror.

(b) *Options.* Evaluation of the option periods will be conducted pursuant to FAR 52.217-5, Evaluation of Options.

The combined evaluated costs for the Base Year and all option periods will be utilized in determining the best value. This includes the options under FAR 52.217-8, Option to Extend Services, which is applicable to this solicitation. Except when it is determined in accordance with FAR 17.206(b) not to be in the Government's best interests, the Government will evaluate offers or quotations for award purposes by adding the total price for all options to the total price for the basic requirement to determine the total evaluated price. This includes options under FAR clause 52.217-8, Option to Extend Services, which applies to this solicitation, and shall be evaluated by taking half of the cost of the last option period and adding it to the total. Evaluation of options will not obligate the Government to exercise the option(s).

(c) *Notice of award*. A written notice of award or acceptance of an offer furnished to the successful Offeror within the time for acceptance specified in the offer, shall result in a binding contract without further action by either party. Before the offer's specified expiration time, the Government may accept an

offer (or part of an offer), whether or not there are negotiations after its receipt, unless a written notice of withdrawal is received before award.

(End of Section M)