

**California Health Benefit Exchange
HBEX13: Outside Legal Counsel
Response to Questions**

No.	Question	Response
1	If the firm is selected as the Contractor, will the Exchange waive conflicts in the event new or existing firm clients are adverse to the Exchange?	Conflict waivers will be considered on a case-by-case basis.
2	Is the selected Contractor expected to be on site at the Exchange offices throughout the retention?	No.
3	In the RFP, you state that is your expectation that the Contractor store all work product on your LAN. If we are selected, will we be able to store copies on our network as well?	Yes.
4	Regarding Attachment 1E--it is listed as "Bidder Instructions" on the proposal checklist, yet on page 15 of the RFP, it is listed as "Acceptable Use Security Policy", which we are to include. Can you clarify? If we are to include the Security Policy, will that be made available for completion/inclusion?	The Bidder Instructions is the correct form for Attachment 1-E. There is no "Acceptable Use Security Policy" form, and one is not required to be returned with the proposal.
5	The Proposal Checklist identifies Attachments 1-H and 1 J-K-L as "if applicable". If they are not applicable, do you want us to acknowledge as much in our response, or simply not include?	Acknowledge that they are not applicable.
6	Page 15 of the RFP includes Attachment 1-N (Confidentiality Agreements), which is to be submitted as part of our response. We cannot seem to locate the attachment. Are we to include with our response, and if so, will it be made available?	Attachment 1-N was not included with this RFP, so the Confidentiality Agreement is not a required attachment for the proposal.
7	Regarding Attachments 2 A-C, are these to be completed after work is awarded? If not, can you advise how you would like them included in our response?	These will be negotiated and completed after the apparently successful bidder is chosen. Exceptions to these Attachments should be included as part of the response as a basis for negotiation
8	Regarding Attachment 2 D, do you want us to include the chart in the body of the response?	Yes.
9	Regarding Attachments 2 E-H, could you clarify if you want us to indicate acceptance of the provisions? If so, where in the response would you like the acknowledgement?	Attachments 2A through 2H are the model contract. Please submit these attachments with the proposal as acceptance of the provisions contained therein. If any provision is unacceptable, please provide suggested changes to the documents in redline.

**California Health Benefit Exchange
HBEX13: Outside Legal Counsel
Response to Questions**

10	Does the HBEX anticipate that counsel will be involved in the review of QHP contracts? If so, will the involvement extend to: review of the process, selection of QHPs, negotiation of contracts, and/or insurer challenges of denials?	No.
11	Is the work solely prospective, or might counsel also evaluate legal issues presented by recommendations previously adopted by the Board?	Counsel may evaluate legal issues implicating policies previously adopted by the Board and staff or issues that the Board and staff will consider in the future.
12	Will counsel be involved in the review of support vendor agreements for the individual Exchange? For the SHOP Exchange? If so, how many such vendors currently exist? And would counsel review all vendor contracts or only contracts with particular types of vendors? Which types?	No.
13	Implementation of the ACA requires cooperation and coordination across agencies. Will counsel be focusing exclusively on implementation activities at the Exchange, or might counsel also address the scope of other agencies' jurisdiction?	Under this RFP, counsel may assist with determining the scope of other agencies' jurisdiction to the extent it impacts Exchange activities.
14	Would counsel be asked to opine on appeals brought before the HBEX?	No.
15	It is our understanding that counsel will only be addressing implementation and will not be involved in litigation (e.g., any challenges to regulations or contracting). Is this correct?	Yes.
16	Has the HBEX designated any legal costs and billing guidelines specific to this solicitation? If so, where can we find them.	No.
17	Please forward a list of the questions e-mailed to date and the answers that the Exchange provided concerning the outside legal counsel RFP (attribution not necessary).	This list is provided herein.
18	Please describe the expectations of the California Health Benefit Exchange as it related to conflicts of interest. Will the Exchange entertain conflicts of interest waivers? If so, under what circumstances?	Conflict waivers will be considered on a case-by-case basis.