

Request for Proposal #7077
Privacy and Security Auditing and Monitoring Solution

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Associated Documents on RFP webpage:

- Notice of Intent to Submit Proposal and Request for Clarification
- UC Business Associates Agreement (HIPAA)
- UC Data Security Appendix

Request for Proposal #7077

Privacy and Security Auditing and Monitoring Solution

I. PROJECT OVERVIEW

UCLA Health is requesting vendors to submit their responses to this Request for Proposal (hereafter referred to as “RFP”) for the UCLA Health System.

UCLA Health seeks to acquire a healthcare privacy and security auditing and monitoring system to support the Office of Compliance Services – Privacy. UCLA Health is looking to replace a manual auditing process to support an increased breadth and depth of electronic medical record system auditing and monitoring functionality and improve the efficiency of the auditing team.

- UCLA Health consists of four hospitals, including Ronald Reagan University Medical Center, UCLA Medical Center, Santa Monica, Resnick Neuropsychiatric Hospital and Mattel Children’s Hospital. Our bed volume is 816. UCLA Health also has 300+ clinics throughout the entire Southern California region.
- UCLA Health uses CareConnect as its primary EHR, which is an Epic system. UCLA Health is currently using version 2014 and expected to go-live with version 2017 in October 2017.
- Estimated current total CareConnect users is 23,346
- Average daily unique weekday users in the CareConnect system is 11,000.
- Average daily unique weekend or holiday users is 3,500.
- Average number of rows in the access table in a 24 hour weekday period is 37 million.

Key elements of importance for the selected vendor are as follows:

- Ability to support auditing of multiple source systems including, but not limited to, the Epic EHR, HR systems, PACS.
- Ability to benchmark standard behavior of workforce members and provide algorithms that support identifying potential inappropriate accesses.
- Ability to provide on demand ad-hoc reporting of accesses by employee and/or patient.

The purpose of the RFP is to select a vendor of healthcare privacy and security auditing and monitoring systems using the criteria described herein. UCLA Health System will evaluate the potential deployment of the auditing and monitoring system commencing as soon as is deemed practical, given the constraints of other UCLA Health System activities.

The eligible system must meet all privacy and security requirements to protect Protected Healthcare Information.

UCLA Health desires to implement industry best practices leveraging a state of the art software package. If the system is implemented, the selected vendor will cooperate with UCLA Health personnel to assure a smooth implementation of the selected solution(s) and successful training of key staff members.

UCLA Health is aware that other UC Medical Centers (or other entities operating under the auspices of the Regents of the University of California) may have similar needs. UCLA Health has in mind that it may make the contract terms, conditions and pricing resulting from vendor selection on this RFP available to those UC entities.

II. ADMINISTRATIVE REQUIREMENTS

A. Issuing Office and Communications Regarding the RFP

The UCLA Health Procurement and Strategic Sourcing department is issuing this Request for Proposal and any subsequent addenda to it. The UCLA Health System Purchasing Department is the sole point of contact regarding all procurement and contractual matters relating to the requirements described in this RFP, and is the only office authorized to change, modify, clarify, etc., the specifications, terms, and conditions of this RFP and any contract(s) awarded as a result of this RFP.

All communications, including any requests for clarification concerning this RFP should be addressed in writing to:

Eric Anderson
UCLA Health Procurement
10920 Wilshire Blvd., Suite 750
Los Angeles, CA 90024-6509
(310) 794-0424
E-mail: eanderson@mednet.ucla.edu

All inquiries and requests for clarification regarding this RFP must be submitted in writing using the form provided in the attachments. This may be done by email (preferred) or by fax to the University Contact. Questions are due by the date specified in the RFP Schedule above.

All inquiries shall include:

- the RFP number
- company name, address, contact name and phone number
- clear and concise question(s) which reference specific section(s) or requirement(s) in the RFP

A list of all questions received by the University (without identifying the source of the question) and the corresponding University responses will be distributed by email to all who have submitted the Notice of Intent to Submit Proposal. The question and answer (Q & A) listing will also be posted on the UCLA webpage described below.

The University of California maintains a publicly available website, where all official RFP documents, updates, modifications, and questions and answers are posted and available on a 24-hour-a-day basis.

Please check this website frequently throughout the process to be certain that your company is aware of all relevant updates and documents:

<http://purchasing.uclahealth.org> (click on "Information for Vendors" -> "RFP Info, Bidding on Jobs")

The University Purchasing Department may issue addenda or amendments to the RFP if and as necessary prior to the deadline for submission of quotations and, at its own discretion, may extend the deadline. Any such addenda or amendments will be sent by email to those who submit a Notice of Intent to Submit Proposal and will also be published on the UCLA webpage shown above. Amendments will be clearly marked as such, numbered consecutively, and shall be made part of this RFP. **It is the bidder's responsibility to check the UCLA bid posting web page for any and all RFP addenda, amendments, etc. prior to submitting a quotation.**

Except as stated in the above paragraph, no one is authorized to amend any part of this RFP either in writing or by oral statement.

B. RFP Schedule and Deadlines

Suppliers interested in submitting Proposals in response to this RFP shall do so according to the following schedule (all indicated times below are Pacific Daylight). This schedule is subject to change according to the needs of the University.

EVENT	TIME (PST)	DATE
RFP Issue Date	---	Wednesday, August 23
Last day for Bidders to submit Intent to submit proposal and requests for clarification	3:00 pm	Wednesday, August 30
UCLA's response to requests for clarification of RFP		Monday, September 11
Deadline for Vendor's Proposal	3:00 pm	Wednesday, September 20
Vendor Demonstrations/ Presentations (if required)	Wk of	October 16
Approximate vendor selection date	Wk of	October 30

Responses received after the closing date and time will not be considered in the RFP evaluation process.

C. Qualification Standards

Bidders must be able to demonstrate their current capability and possess a record of successful past performance in providing substantially similar products and/or services as those specified in this RFP. Accordingly, prospective Bidders must conform to the following minimum qualification standards and provide the required information in order to be considered for award.

- Bidders must be able to demonstrate adequate staffing, personnel experience, and other resources necessary to provide and support the required products and/or services in the timeline specified in Tab 5 – Implementation requirements of the attachment.
- Bidders must possess all trade, professional, or business licenses as may be required in order to complete the work specified in the RFP.
- Bidders must comply with the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”) that establishes new privacy rules for the protection of patient health information. Among other things, the HIPAA Privacy Rule imposes specific security and confidentiality rules relating to individually identifiable, protected health information (“PHI”) in written, electronic or oral formats.
- The vendor shall provide an electronic copy of its standard service agreement with its RFP response.

- The vendor shall provide an electronic copy of its standard software license agreement with its RFP response.
- The vendor shall provide an electronic copy of any applicable software maintenance agreement with its RFP response.
- If the vendor has previously negotiated a services or software license or Business Associates agreement with UCLA Health System or other University of California Medical Center, this shall be included in the response.
- Vendor must comply with University procurement and contractual guidelines and must agree that their responses to this RFP may be incorporated into the contract negotiated with University.
- Bidders must have the ability to obtain the necessary insurance (ref.: Article 9 of the University of California Terms and Conditions of Purchase, Appendix A (see related documents)).
- All bids shall remain available for UCLA acceptance for a minimum of one hundred and twenty (120) days following the RFP closing date. The Vendor must include any limiting statements in the cover letter that would preclude the final response from being held as an irrevocable offer for at least one hundred and twenty days after the scheduled award date and all supporting information is requested.
- CONTRACTOR represents and warrants to UCLA that CONTRACTOR and CONTRACTOR's representatives are not: (1i) currently excluded, debarred, or otherwise ineligible to participate in the Federal health care programs as defined in 42 U.S.C. Section 1320a-7b-(f) (the "Federal health care programs") and/or present on the exclusion database of the Office of the Inspector General ("OIG") or the Government Services Administration ("GSA"); (ii) convicted of a criminal offense related to the provision of health care items or services but have not yet been excluded, debarred, or otherwise declared ineligible to participate in the Federal health care programs; (iii) under investigation or otherwise aware of any circumstances which may result in CONTRACTOR's or any of CONTRACTOR's representatives being excluded from participation in the Federal health care programs and/or being included on the OIG and/or GSA exclusion database; (iv) debarred, suspended, excluded or disqualified by any Federal governmental agency or department or otherwise declared ineligible from receiving Federal contracts or federally approved subcontracts or from receiving Federal financial and nonfinancial assistance and benefits; and/or (v) under investigation or otherwise aware of any circumstances which may result in CONTRACTOR or any of CONTRACTOR'S representatives being debarred, suspended, excluded or disqualified by any Federal governmental agency or department or being excluded from receiving any Federal contracts or subcontracts or participating in any Federal financial and nonfinancial assistance and benefits. This shall be an ongoing representation and warranty during the term of this Agreement and CONTRACTOR shall immediately notify UCLA of any change in the status of any of the representations and/or warranties set forth in this Section. Any breach of this Section shall give UCLA the right to terminate this Agreement immediately for cause.
- BEFORE ASSIGNING ANY EMPLOYEE TO ENTER UC PREMISES IN CONNECTION WITH ANY ORDER, THE CONTRACTOR SHALL CONDUCT THE BACKGROUND CHECKS LISTED BELOW. AS INDICATED IN UC'S AGREEMENT(S) WITH THE CONTRACTOR, CERTAIN FINDINGS PURSUANT TO THE BACKGROUND CHECKS MUST BE REPORTED TO THE UNIVERSITY OF CALIFORNIA AND WILL RESULT IN THE EMPLOYEE'S BEING UNABLE TO PERFORM WORK AT A UC SITE.
AN ACCEPTABLE BACKGROUND SCREEN SHALL CONSIST OF THE LAST 7 YEARS RESIDENCE AND EMPLOYMENT VERIFICATION AND CRIMINAL CONVICTION RECORDS INVESTIGATION CONDUCTED BY ONE OF THE SPECIFIED 3RD PARTY AGENCIES

APPROVED BY THE UNIVERSITY OF CALIFORNIA. A CRIMINAL CONVICTIONS RECORDS INVESTIGATION SHALL CONSIST OF A RECORDS SEARCH (DOCUMENTED BY A WRITTEN REPORT RETAINED BY THE CONTRACTOR OF THE RESULTS OF SUCH SEARCH) BY THE APPROPRIATE LAW ENFORCEMENT OR OTHER LOCAL OR STATE AGENCY IN EACH LOCATION IN WHICH THE EMPLOYEE HAS RESIDED AND WORKED IN AT LEAST THE SEVEN YEARS PRECEDING THE DATE OF THE CRIMINAL CONVICTION RECORDS INVESTIGATION. A PERSON CONVICTED AS AN ADULT OF ANY ONE OF THE FOLLOWING SHALL NOT PERFORM WORK ON UC PREMISES: MURDER; MANSLAUGHTER; KIDNAPPING; RAPE; SEXUAL BATTERY OR GROSS SEXUAL IMPOSITION; DOMESTIC VIOLENCE; ASSAULT; ARSON; ROBBERY; BURGLARY; THEFT; EMBEZZLEMENT; FRAUD; DRUG POSSESSION, MANUFACTURING OR TRAFFICKING. A PERSON CONVICTED AS AN ADULT OF ANY FELONY, CONVICTED OF ANY FELONY, CONVICTED OF MORE THAN ONE MISDEMEANOR IN THE PREVIOUS TWO YEARS, OR CONVICTED OF MORE THAN FIVE MISDEMEANORS IN THE PREVIOUS SEVEN YEARS SHALL NOT PERFORM WORK ON UC PREMISES. UC MAY REQUIRE PERSONS, BEFORE ENTERING UC PREMISES, TO COMPLETE A CRIMINAL CONVICTIONS QUESTIONNAIRE. IN THE EVENT THAT UC HAS GROUNDS TO BELIEVE THAT AN EMPLOYEE OF CONTRACTOR HAS FALSIFIED THE CRIMINAL CONVICTIONS QUESTIONNAIRE IN ANY WAY, SUCH PERSON SHALL NOT PERFORM WORK ON UC PREMISES. UC RESERVES THE RIGHT, AT ITS DISCRETION, TO REQUEST FROM SUPPLIER DOCUMENTATION OF THE COMPLETION OF A CRIMINAL CONVICTIONS RECORDS INVESTIGATION FOR ANY EMPLOYEE ASSIGNED TO WORK ON UC'S PREMISES. THE CONTRACTOR'S FAILURE TO HAVE COMPLETED A CRIMINAL CONVICTIONS INVESTIGATION OF ANY OF ITS EMPLOYEES IN ACCORDANCE WITH THIS CLAUSE SHALL BE GROUNDS FOR IMMEDIATE EXPULSION OF THE CONTRACTOR FROM UC PREMISES AND UC SHALL HAVE THE RIGHT TO TERMINATE FOR DEFAULT ALL ORDERS.

In addition to the information required above, University may request additional information either from the Bidder or others, to verify the Bidder's ability to successfully meet the requirements of this RFP.

D. Instructions for Submitting Proposals

Bidders are required to respond to this RFP by completing the templates provided under **Tabs 2-8**. Bidders may provide additional information if they believe that such additional information will enhance their proposals. However, over elaborate presentations are not desired and discouraged. Additional information shall be attached at the end of the vendor's proposal.

RFP responses are to be addressed to:

Eric Anderson
UCLA Health Procurement
10920 Wilshire Blvd., Suite 750
Los Angeles, CA 90024-6509
RFP #7077

The RFP number must be clearly marked on the outside of the package or envelope.

UCLA request that all RFP responses be sent via overnight express mail, messenger service, or any other method that will ensure timely receipt (delivery) and shall be accompanied by “proof of delivery”. Proposals must be received at the address shown prior to the Proposal Submission Deadline shown in the above RFP Schedule. **Late proposals will not be accepted. Proposals sent via facsimile (FAX) or email will not be accepted.**

The vendor shall provide five (5) written copies and two (2) electronic copies (USB-compatible or CD-ROM in editable MS Word/Excel format **and** protected PDF format) of their proposal.

1. Three (3) paper copies of the proposal shall be “price blind”, WITHOUT the completed cost schedules (i.e. no cost data should be included with these proposal copies).
2. Two (2) paper **AND** electronic copies of the proposal including **WITH** the cost templates completed and quotations on company letterhead. Proposals must show all detail. Please have the written and electronic copies together in a standard binder. The binders must be clearly marked on the front and spine **RFP Number 7077 - Master Copy.**

E. Proposal Format and Required Submittals

Proposals must contain all required submittals and provide a complete response to all requirements stated in the RFP. Proposals should be prepared simply and economically, providing a straightforward, concise description of the bidder’s capability to satisfy the requirements of the RFP. Emphasis should be on completeness and clarity of content rather than expensive bindings and preprinted promotional materials.

Proposals should be organized in the format and order presented below:

1. **Proposal Cover Letter:** A cover letter must be included with the response. The cover letter shall specify at a minimum, the categories for which the response is being submitted. A company representative who is duly authorized to commit and respond on behalf of the company must sign the cover letter. The submission of a signed proposal will confirm understanding and acceptance of all requirements, terms, and conditions of the RFP unless specific exceptions are requested and alternative provisions are offered.
2. **Executive Summary:** This section should present an introduction and general description of the company’s background, nature of business activities, and experience relevant to this RFP. This section should also provide a statement of the Bidder’s understanding of the major objectives of the RFP. The overview should contain a brief summary of the Bidder’s approach to fulfilling the requirements, including a description of the salient features and distinctive merits of the proposed products and/or services. The summary should be readily understandable by non-technical persons at the management level and should be no more than three pages in length.
3. **Response to the requirements:** Bidders are to provide a complete response to each of the product and/or service requirements specified in this RFP by completing the templates provided under **Tabs 2-8** in order to demonstrate the Bidder’s capability of fulfilling the stated requirement.

Proposal responses must follow the order and format of the requirements presented in the RFP for ease of evaluation.

If the Bidder cannot perform any part of the work as specified, this must be clearly stated in the proposal. Responses should indicate any deficiencies, enhancements, or other differences that exist between the proffered products and services and those that the University has described in its specifications.

After responding to each of the RFP requirements, bidders may present alternate and innovative approaches to meeting the requirements that may result in greater efficiency or cost savings to the University. These must be clearly identified.

4. Additional submittals: Includes any other required or supplemental information such as:
 - Reference account information, financial statements, and other required qualification information (see section “Qualification Standards”)
 - Sample Subscription, License Agreement or Maintenance/Support Agreement, as applicable, for the University’s consideration.
 - Supplemental information Bidders wish to provide such as product literature, alternative solutions etc.
5. Cost Proposal: Bidders must provide a cost proposal in the form and format specified on **Tab 8** of this RFP. The cost information is to be included with two proposal copies only, as instructed in Section D above.

Incomplete proposals are subject to disqualification, however, the University reserves the right at its sole discretion, to require the Bidder to supply any missing information, with the exception of Cost Proposal data, which cannot not be included or amended after the proposal due date. Proposals must be accurate; errors or omissions of a material nature will result in rejection of a proposal.

F. Evaluation of Proposals and Method of Award

The contract resulting from this RFP, if any, will be awarded to the responsive and responsible Bidder offering the greatest benefit to the University, as determined by University, when considering technical suitability for intended University purpose, supplier performance potential, and total cost, (including trade and prompt payment discounts, available volume discounts, shipping and other miscellaneous charges).

Proposals will be examined by a University evaluation team and scored using a cost-per-quality point system. The intent of the evaluation process is to determine, through application of uniform criteria, how effectively the proposed products and/or services satisfy the University’s requirements. In addition to material provided in the proposal, the evaluation team may utilize site visits, or may request oral presentations, additional material, information, or references from the Supplier and others. The evaluation team will assign quality point scores to each proposal using the criteria listed below. The points assigned by each evaluator will be added together to determine the total quality points for each proposal. The total quality points will then be divided by the total proposed cost to determine the proposal offering the lowest cost per quality point.

Proposals must meet or exceed 50% of the total possible quality points in order to be considered for award. Any proposals that are found to be administratively or technically non-responsive are subject to immediate disqualification.

Factors that will be used to evaluate proposals for quality points include:

- Company Qualifications & Experience
- Overall bid response (i.e. compliance with RFP instructions, completeness, exceptions to terms, conditions or specifications)
- Compliance with functionality requirements
- Implementation Expertise

The evaluation process may occur in two phases at the option of the University. If the option is taken, a preliminary cost per quality point analysis will be conducted to determine a list of finalists. The University will then conduct further evaluation of the finalists which may include on-site presentation to the evaluation committee, requests for additional information, site visits to the Bidder's facilities, interoperability tests, reference site visits and other means to further determine the Bidder's capabilities. A final quality point evaluation will then be done that includes the additional information obtained from these presentations and other sources.

The proposal offering the lowest cost per quality point will be recommended for award. Should the Bidder with the proposal offering lowest cost per quality point refuse or fail to accept the tendered purchase contract, the award may be made successively to the Bidder with the second lowest cost per quality point, or then to the third in the event of further failure to accept.

Exceptions taken in bids, or irregularities therein, may be negotiated with or corrected by the bidder involved provided that, in the judgment of the University, such action will not negate fair competition and will permit proper comparative evaluation of bids submitted. The University's waiver of an immaterial deviation or defect shall in no way modify the RFP documents or excuse the bidder from full compliance with the Request for Proposal specifications in the event the contract is awarded to that bidder.

The University reserves the right to apply to any contract resulting from this RFP the terms and conditions contained in any pre-existing master agreement between the University and the successful bidder.

The University reserves the right to accept or reject any or all bids, make more than one award, or no award, as the best interests of University may appear. Any contract awarded pursuant to this RFP will incorporate the requirements and specifications contained in the RFP, as well the contents of the bidder's proposal as accepted by the University.

G. Restriction on Communications

Except for the University contact designated in this RFP, Bidders are not permitted to communicate with University staff regarding this solicitation during the period between the Request for Proposal issue date, and the announcement of awards, except during:

- The course of a Bidders' conference, if conducted;
- Oral presentations and site visits, if conducted.

If a Bidder is found to be in violation of this provision, the University reserves the right to reject the bid.

H. Rejection of Bids

The University reserves the right to reject bids that are non-responsive, including, without limitation, bids which contain the following defects:

- Late or incomplete bids;
- Failure to conform to the rules or requirements contained in the RFP;
- Failure to sign the bid;
- Proof of collusion among bidders, in which case all proposals involved in the collusive action will be rejected;

- Noncompliance with applicable law, unauthorized additions or deletions, conditional bids, or irregularities of any kind which may tend to make the bid incomplete, indefinite or ambiguous as to its meaning;
- Provisions reserving the right to accept or reject an award, or to enter into a contract containing terms and conditions that are contrary to those in the solicitation;

I. Proposal Preparation Costs

The University will not be responsible under any circumstances for any costs incurred by the respondents in the generation and submission of responses, site visits, presentations, documentation, or marketing literature.

J. Disclosure of Records

All bids, supporting materials, and related documentation will become the property of the University.

This RFP, together with copies of all documents pertaining to any award, if issued, shall be kept for a period of five years from date of contract expiration or termination and made part of a file or record which shall be open to public inspection. If the response contains any trade secrets that should not be disclosed to the public or used by University for any purpose other than evaluation of your approach, the top of each sheet of such information must be marked "CONFIDENTIAL INFORMATION". All information submitted as part of the bid must be open to public inspection (except items marked as trade secrets and considered trade secrets under the California Public Records Act) after the award has been made.

Should a request be made of University for information that has been designated as confidential by the bidder and on the basis of that designation, University denies the request for information; the bidder shall be responsible for all legal costs necessary to defend such action if the denial is challenged in a court of law.

K. Bid Validity Period

"Validity Period" as used in this provision, means the number of calendar days available to the University for awarding a contract. All bids shall remain valid offers open for University acceptance for a minimum of 120 days following the Request for Proposal closing date.

L. Post-qualification & Site Visit

All proposals submitted from bidders who have not been pre-qualified as a supplier to the University will be subject to post-qualification. Qualified status is based on such factors as financial resources, past performance with the University of California, delivery capability, experience, organization, personnel, technical skills, operations controls, equipment, warehouse facilities, quality control, and other related factors which may be an indicator of a supplier's ability to perform.

M. Insurance Requirements

If work is to be performed on University premises, supplier(s) shall furnish a certificate of insurance acceptable to University (Ref.: University of California Terms and Conditions of Purchase, Article 17). All certificates shall name the Regents of the University of California as an additional insured. The certificate must be submitted to the Purchasing Department prior to the commencement of services. Certificates of insurance must be delivered to:

**UCLA Health System Procurement
Attn: Eric Anderson
10920 Wilshire Blvd., Suite 750
Los Angeles, CA 90024-6509**

N. Audit Requirements

Any agreement resulting from this Request for Proposal shall be subject to examination and audit by University and the State of California for a period of three (3) years after final payment. The examination and audit shall be confined to those matters connected with the performance of the agreement, including but not limited to, the costs of administering the agreement.

O. Marketing References

The successful Bidder shall be prohibited from making any reference to the University, in any literature, promotional material, brochures, or sales presentations without the express written consent of the UCLA Public Information Office.