

DVHA Routing Form

Revision Date 5/1/12

Type of Agreement: Contract Agreement #: 21602 Form of Agreement: Amendment Amendment #: 1

Name of Recipient: Wisehart, Wimette, and Associates, PLC Vendor #: 304313

Program Manager : Rich Donahey Phone #: 802-871-3004

Agreement Manager: Kate Jones Phone #: 802-879-8256

Brief Explanation of Agreement: To renew the contract by the first of two one year extensions.

Start Date: 04/16/2012 End Date: 09/30/2013 Maximum Amount: \$61,000.00

Amendments Only: Maximum Prior Amount: \$30,000.00 Percentage of Change: 51.00%

Bid Process (Contracts Only): Standard Simplified Sole Source Statutory Master Contract SOW

Funding Source

<u>Global Commitment 93.778</u>	<u>\$61,000.00</u>		

Contents of Attached Packet

- AA-14 Attachments A, B, C & F Attachment G - Academic Research
- Sole Source Memo Attachment D - Modifications to C & F MOU
- Qualitative/Justification Memo Attachment E - Business Associate Agreement Other: **Amendment I**

Reviewer	Reviewer Initials	Date In	Date Out
DVHA Grant & Contract Administrator	<u>Kate Jones</u>		<u>5/1</u>
DVHA BO	<u>Jill Gould</u>	<u>6/1/12</u>	<u>4/1/12</u>
DVHA Commissioner or Designee	<u>Mark Larson, Commissioner</u>	<u>6/4/12</u>	<u>6/4/12</u>
AHS Attorney General	<u>Seth Steinzor, AAG</u>		<u>6/11/12</u>
Following Approvals for Contracts Only:			
AHS CIO	<u>SP</u>	<u>7/11/12</u>	<u>7/13/12</u>
AHS Central Office	<u>Martha Giglio</u>		
AHS Secretary	<u>Christine Oliver, Dept Sec</u>		

Vision Account Codes: 3410010000/20405/507600/41486
SPY12 \$30,000 / SPY13 \$31,000

FFATA Entry Grant Tracking Module Vision PO #: 3925 Initials & Date: _____ Approval & B/C: ref 10/4

Note: All sections are required. Incomplete forms will be returned to department.

I. CONTRACT INFORMATION:

Agency/Department: Agency of Human Services/ Vermont Health Access Contract #: 21602 Amendment #: 1
 Vendor Name: Wisehart, Wimette, and Associates, PLC VISION Vendor No: 304313
 Vendor Address: 10 Morse Dr., Essex Junction, VT 05452
 Starting Date: 4/16/2012 Ending Date: 9/30/2013 Amendment Date: 9/29/2012
 Summary of agreement or amendment: To renew the contract by the first of two (2) one-year extensions.

II. FINANCIAL INFORMATION

Maximum Payable: \$61,000.00 Prior Maximum: \$ 30,000.00 Prior Contract # (If Renewal): 21602
 Current Amendment: \$31,000.00 Cumulative amendments: \$ 31,000.00 % Cumulative Change: 103.33 %
 Business Unit(s): 03410; ; - [notes:] VISION Account(s): 507600;

III. PERFORMANCE INFORMATION

Does this Agreement include Performance Measures tied to Outcomes and/or financial reward/penalties? Yes No
 Estimated Funding Split: G-Fund % S-Fund % F-Fund % GC-Fund 100.00 % Other %

III. PUBLIC COMPETITION

The agency has taken reasonable steps to control the price of the contract or procurement grant and to allow qualified organizations to compete for the work authorized by this contract. The agency has done this through:
 Standard bid or RFP Simplified Bid Sole Sourced Qualification Based Selection Statutory

IV. TYPE OF AGREEMENT & PERFORMANCE INFORMATION

Check all that apply: Service Personal Service Architect/Engineer Construction Marketing
 Information Technology Other, describe:

V. SUITABILITY FOR CONTRACT FOR SERVICE

Yes No n/a If this is a Personal Service contract, does this agreement meet all 3 parts of the "ABC" definition of independent contractor? (See Bulletin 3.5) If NO, then contractor must be paid through Payroll

VI. CONTRACTING PLAN APPLICABLE:

Are one or more contract or terms & conditions provisions waived under a pre-approved Contracting Plan? Yes No

VII. CONFLICT OF INTEREST

By signing below, I certify that no person able to control or influence award of this contract had a pecuniary interest in its award or performance, either personally or through a member of his or her household, family, or business.

Yes No Is there an "appearance" of a conflict of interest so that a reasonable person may conclude that this party was selected for improper reasons: (If yes, explain)

VIII. PRIOR APPROVALS REQUIRED OR REQUESTED

Yes No Agreement must be approved by the Attorney General under 3 VSA §311(a)(10) (personal service)
 Yes No I request the Attorney General review this agreement as to form
 No, already performed by in-house AAG or counsel: _____ (initial)
 Yes No Agreement must be approved by the Comm. of DII; for IT hardware, software or services and Telecommunications over \$100,000
 Yes No Agreement must be approved by the CMO; for Marketing services over \$15,000
 Yes No Agreement must be approved by Comm. Human Resources (privatization and retiree contracts)
 Yes No Agreement must be approved by the Secretary of Administration

IX. AGENCY/DEPARTMENT HEAD CERTIFICATION; APPROVAL

I have made reasonable inquiry as to the accuracy of the above information:

6/4/12 *[Signature]* Date Agency / Department Head
 7/10/12 *[Signature]* Date Agency Secretary or Other Department Head (if required)
 6/11/12 *[Signature]* Date Approval by Attorney General
 Date Approved by Commissioner of Human Resources
 Date CIO Date CMO Date Secretary of Administration

[Handwritten] 7/13/12

JUL 19 2012

Agency of Human Services

Business Office

208 Hurricane Lane

Williston, VT 05495

[phone] 802-871-3005

[fax] 802-871-3001

MEMORANDUM

TO: Jeb Spaulding, Secretary of Administration

FROM: Jim Giffin, AHS CFO

DATE: July 10, 2012

RE: Wischart, Wimette, and Associates, PLC, Contract # 21602, amendment required.

The Department of Vermont Health Access's contract with Wischart, Wimette, and Associates is for personal services to perform an independent audit of the State's compliance w/ Medicaid Disproportionate Share Hospital (DSH) Payments Final Rule for FFY 2009. The contract currently in effect expires September 30, 2012. The proposed amendment exercises the first of two (2) one-year extensions in order to complete the FFY 2010 audit. The original contract's term, amount, specification of work, and payment provisions are amended accordingly.

Three vendors responded to the original RFP dated November 11, 2011, including Wischart, Wimette, and Associates, PLC. Bids from Clifton Gunderson, LLP for \$120,650 and Meyers Stuafter, LC for \$57,000 were rejected. Wischart, Wimette, and Associates' bid was accepted based on the firm's ability to successfully outline its approach to perform the DSH audit within the timeframe required for an estimated cost of \$30,000. Wischart, Wimette, and Associates successfully completed the 2009 DSH audit and proved itself capable of undertaking the FFY 2010 audit.

Received in BO

SEP 18 2012

PO Attached _____
AMENDMENT _____

It is agreed by and between the Agency of Human Services, operating by and through its Department of Vermont Health Access, and Wisehart, Wimette, and Associates, PLC, with a principal place of business of 10 Morse Drive, Essex Junction, VT, 05452, that the contract on the subject of personal services to perform an independent audit of the State's compliance with Medicaid Disproportionate Share Hospital Payments Final Rule, effective April 16, 2012, is hereby changed effective September 29, 2012 as follows:

1. On page 1, section 3, delete "\$30,000 (thirty-thousand dollars)" and insert in lieu thereof "\$61,000 (sixty-one thousand dollars)".
2. On page 1, section 4, add the following: "The period of Contractor's performance for this amendment will begin on September 29, 2012 and end on September 30, 2013. The State and the Contractor have the option of renewing this contract for up to one (1) one-year extensions."
3. On page 3, Attachment A, Specifications of Work To Be Performed, add the following: "The work to be provided is the independent examination of the State of Vermont's compliance with the federal government Disproportionate Share Hospital (DSH) regulations for payments made in Federal fiscal year 2010. These examinations and the related reports must meet the requirements of the December 19, 2008 Medicaid DSH final rule (73FR 77904) and CMS-2198-F: Medicaid Program: Disproportionate Share Hospital Payments."
4. On page 5, section 2, delete "Ursula Boehringer".
5. On page 5, section 2, add the following: "The audit must be completed by September 30, 2013. The draft audit report for FFY 2010, whether mailed or hand delivered, must arrive at the AHS Fiscal Office no later than 4:00 PM, October 11, 2013. Delivery after 4:00 p.m., October 11, 2013, but before 4:00 p.m., October 25, 2013, shall result in a loss of 10% of this payment. Delivery after 4:00 p.m., October 25, 2013, but before 4:00 p.m., November 8, 2013, shall result in a loss of 30% of this payment. Delivery after 4:00 p.m., November 8, 2013, but before 4:00 p.m., November 22, 2013, shall result in a loss of 50% of this payment. Delivery after 4:00 p.m., November 22, 2013, but before 4:00 p.m., December 13, 2013, shall result in a loss of 70% of this payment. Delivery after 4:00 p.m., December 13, 2013, but before 4:00 p.m., December 27, 2013, shall result in a loss of 90% of this payment."

The final audit report for FFY 2010, whether mailed or hand delivered, must arrive at the AHS Fiscal Office no later than 4:00 PM, on the date two weeks after AHS approval of draft, but no later than December 27, 2013."

6. On page 20, Attachment G, delete "2009" and insert in lieu thereof "2010".



Lois Collins 9/25/12

VICTORIA LONER, DEPUTY COMMISSIONER DATE
AHS/DVHA

*Lois
collins*

Todd Wimette 9/14/12

TODD WIMETTE, PARTNER DATE
WISEHART, WIMETTE, & ASSOCIATES, PLC