



JENNIFER KENT  
DIRECTOR

State of California—Health and Human Services Agency  
Department of Health Care Services



EDMUND G. BROWN JR.  
GOVERNOR

November 25, 2015

Dear Interested Parties:

**CALIFORNIA DENTAL MEDICAID MANAGEMENT INFORMATION SYSTEM FISCAL INTERMEDIARY SERVICES AND CALIFORNIA DENTAL ADMINISTRATIVE SERVICES ORGANIZATION REQUESTS FOR PROPOSAL 13-90270 AND 13-90271**

**ADMINISTRATIVE BULLETIN 4**

Administrative Bulletin Number 4, issued by the California Department of Health Care Services (DHCS), Office of Medi-Cal Procurement (OMCP), announces information to Requests for Proposal (RFP) 13-90270 and 13-90271 for the California Dental Medicaid Management Information System (CD-MMIS) - Fiscal Intermediary (FI) and Administrative Services Organization (ASO) procurement projects. DHCS provides notification to interested parties of the following:

The Proposal Due Date is being extended to January 15, 2016. Proposals are due no later than 4:00 p.m. Pacific Time (PT) on that date. In accordance with the language in each RFP, proposals received after the Proposal Due Date and Time will not be evaluated.

In addition, prospective proposers are hereby notified that the following language will be added to Exhibit E of both RFP documents:

**“LIMITATION OF LIABILITY:**

- a) Contractor’s liability for damages to the State for any cause whatsoever, and regardless of the form of action, whether in Contract or in tort, shall be limited to two times the Purchase Price. For purposes of this sub-section a), “Purchase Price” will mean the aggregate Contract price.
  
- b) The foregoing limitation of liability shall not apply (i) to any liability under Exhibit E, Additional Provisions, Provision 14 entitled “Conformance with Federal and State Statutes and Regulations;” (ii) to liability under Exhibit D(F), Special Terms and Conditions, Section 10, entitled “Intellectual Property Rights” or to any other liability (including without limitation indemnification obligations) for infringement of third party intellectual property rights; (iii) to claims covered by any specific provision herein calling for liquidated damages; (iv) to claims arising under provisions herein calling for indemnification for third party claims against the State for bodily injury to persons or damage to real or tangible personal property caused by Contractor’s negligence or willful

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misconduct; (v) to costs or attorney's fees that the State becomes entitled to recover as a prevailing party in any action; (v) to any liability under Exhibit E, Additional Provisions, Provision 33 entitled "Indemnification by Contractor;" or (vi) to any liability under Exhibit E, Additional Provisions, Provision 37 entitled "Liability for Overpayment."

c) The State's liability for damages for any cause whatsoever, and regardless of the form of action, whether in Contract or in tort, shall be limited to the Purchase Price, as that term is defined in subsection a) above. Nothing herein shall be construed to waive or limit the State's sovereign immunity or any other immunity from suit provided by law.

d) In no event will either the Contractor or the State be liable for consequential, incidental, indirect, special, or punitive damages, even if notification has been given as to the possibility of such damages, except (i) to the extent that Contractor's liability for such damages is specifically set forth in the Statement of Work or (ii) to the extent that Contractor's liability for such damages arises out of sub-section b)(i), b)(ii), b)(v) or b)(vi) above."

(Please note that the above references to Exhibit E, Additional Provisions, apply to the ASO RFP. The FI RFP will contain the same Additional Provisions but the actual provision numbers will be different.) Changes to Exhibit E and any other RFP language changes, as well as official responses to additional questions, will be released in a future Administrative Bulletin/Addendum.

Prospective Proposers can view and download both CD-MMIS RFP documents (posted August 21, 2015) and other procurement-related material from the following internet site:  
[http://www.dhcs.ca.gov/ProvGovPart/rfa\\_rfp/Pages/OMCPHomePage.aspx](http://www.dhcs.ca.gov/ProvGovPart/rfa_rfp/Pages/OMCPHomePage.aspx).

If any prospective Proposer is unable to obtain the RFP, Administrative Bulletins, Addenda, etc. via the Internet, please contact OMCP at (916) 552-8006 or e-mail OMCP at [omcprfp2@dhcs.ca.gov](mailto:omcprfp2@dhcs.ca.gov) to request a CD-R or hard copy version.

Thank you for your continued interest in the California Dental Medicaid Management Information System procurement effort.

Sincerely,

Original signed by *Kevin Morrill*

Kevin Morrill, Chief  
Office of Medi-Cal Procurement