

OACCAC Provincial Prequalification Process

Question and Answer Document

This Question and Answer Document is provided for the information of Applicants only. This is not a Prequalification Document and does not amend the Prequalification Documents.

	Question	OACCAC Response
General/Instructions to Applicants (“ITA”) Questions		
1.	Under what circumstances would entities want to prequalify as a joint venture?	<p>In order to prequalify as a Joint Venture, each Joint Venture Participant must pass the same financial capacity tests. The Joint Venture Applicant will be prequalified at the lowest of the Prequalification Levels of all of the Joint Venture Participants. All Joint Venture Participants are jointly and severally liable for the performance of the contract.</p> <p>A possible scenario for a Joint Venture Applicant is one where both entities are able to meet the same financial capacity tests but where one Joint Venture Participant wants to rely on the experience of another Joint Venture Participant in a future RFP Process. For example, if a medical equipment vendor wants to compete for an infusion equipment and supplies contract, it may approach a pharmacist or an infusion vendor about prequalifying as a Joint Venture Applicant in order to rely on the experience of such pharmacist/infusion vendor.</p>
2.	<p>ITA Section 2.3(5)</p> <p>Under what circumstances would the OACCAC permit two already prequalified applicants to join in a new joint venture for the purpose of submitting a proposal and what circumstances would they not permit this?</p>	<p>This will depend on the requirements of the specific CCAC RFP and will be set out in the RFP documents.</p>

	Question	OACCAC Response
3.	<p>In general with respect to joint ventures, how would a service provider know in advance of a RFP whether they need to prequalify as a joint venture? Do agencies that prequalified as a single entity have the ability to submit a RFP in a joint venture or applicant team with other prequalified entities?</p>	<p>Service providers who have been prequalified as individual entities may be permitted to form a new joint venture for the purpose of submitting a proposal in future RFP process, if permitted by the CCAC issuing the RFP. (See ITA Section 2.3(5)).</p>
4.	<p>In a joint venture arrangement, if one party in the joint venture does not meet its contractual obligations, does that effect the contract of the other parties? Would we continue service without that partner and/or find another joint venture partner?</p>	<p>Please see Section 3.11 of the General Conditions to the 2007 Template Documents on the OACCAC website and ITA Section 3.2. Joint Venture Participants are jointly and severally liable to the CCAC for the entire contract. If one participant defaults, the other participant is liable to the CCAC for performance of the entire contract.</p>
5.	<p>If a service provider is prequalified as an individual entity and as an existing Joint Venture, does this preclude this service provider from participating in a future RFP as a subcontracted agency rather than as the existing Joint Venture?</p>	<p>No. If the service provider is prequalified as a separate entity, it would be eligible to participate as a subcontractor on an Applicant Team in a future RFP process. As a subcontractor, this entity would not submit a proposal to the CCAC, but instead would be a subcontractor to the Prime Contractor (who would submit a proposal on behalf of the Applicant Team).</p> <p>It is important to note that, unless a CCAC permits otherwise, an entity can only participate in a single RFP process in one form. If it is a subcontractor of a Prime Contractor, it cannot submit another proposal as a Joint Venture Participant or an individual proponent in the same RFP Process. However, in exceptional circumstances, a CCAC may allow one entity to be a subcontractor in more than one proposal, or as a team member in more than one proposal depending on the particular circumstances in the CCAC's region (such a resource shortages) or the CCAC's policy and business decisions relating to the structure of a particular RFP process. CCACs will be consulting with stakeholders prior to issuing their RFP documents and will discuss their policy and business objectives with stakeholders during these consultations.</p>

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6.	Under what circumstances would entities want to prequalify as an Applicant Team?	<p>The benefit of applying as an Applicant Team is that entities that meet the experience requirements but not the financial capacity requirements for a particular Prequalification Level are able to participate in larger contracts as a member of an Applicant Team. Conversely, a Prime Contractor is able to rely on the experience of the subcontractors on the Applicant Team in its application. For an Applicant Team, only the Prime Contractor signs the contract and is directly responsible for the performance of the contract (See ITA Section 2.3(3)). The Applicant Team Members (subcontractors) do not have a direct contractual relationship with the CCAC.</p> <p>Applicants are advised that if an Applicant Team is prequalified, all members of the Applicant Team must remain the same when competing in a subsequent RFP process run by a CCAC. In order to maintain prequalification status, an Applicant cannot change any member of the Applicant Team without the consent of the OACCAC (See ITA Section 2.3(3)(a)).</p>
7.	Where applicants have current subcontractor relationships, should they prequalify as a team or can the Prime Contractor qualify individually and then request CCAC re-approval of subcontractors if the Prime Contractor is successful in achieving an award?	<p>If an Applicant intends to use subcontractors to perform future contracts, it is not necessary for those subcontractors to be prequalified individually. A prequalified entity may seek approval (from the specific CCAC) for the use of subcontractors after the contract is awarded and in accordance with Section 3.2 of the General Conditions.</p> <p>Alternatively, the Prime Contractor and a group of subcontractors could pre-qualify as an Applicant Team. In this case, if the Applicant Team was awarded a contract, the Prime Contractor would not require prior approval of the CCAC for the Applicant Team Members (subcontractors).</p>

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8.	<p>What is the impact of the assignment of a Prequalification Level on the RFP Process?</p>	<p>CCACs will open up contracts to entities prequalified at specific Prequalification Levels.</p> <p>An Applicant that is prequalified at a certain Prequalification Level, will be eligible to respond to RFPs that are issued for that Level. The applicable CCAC has the discretion to choose which Prequalification Levels (or configurations of Prequalification Levels) will apply to a particular RFP.</p> <p>A CCAC also has the option, at its discretion, to choose to open an RFP up to a Prequalification Level where the value of the contract is higher than the contract values used to determine the Prequalification Levels (as set out in the Financial Capacity Charts).</p> <p>The same Applicant may prequalify at different levels for each Service (as defined in the Data Sheet). For example, an Applicant may prequalify for Nursing at Level 3 and Therapy at Level 1. In this example, the Applicant might be eligible to participate in a RFP Process for Nursing Services at Levels 1, 2 or 3 (unless specified otherwise by the CCAC) but only a Therapy RFP at Level 1.</p>
9.	<p>Should Applicants send the original and the appropriate number of copies in one sealed envelope or should each copy be in a separate envelope?</p>	<p>Originals and copies can be together in one envelope.</p>
10.	<p>ITA Section 7.3</p> <p>Could the OACCAC provide an example of the circumstances under which it would make an exception to the rule of one proposal per Applicant, Applicant Team Member or Joint Venture Participant?</p>	<p>In the past, CCACs in under-served areas have permitted specialist subcontractors to participate on more than one team.</p> <p>Under the Central Prequalification process, only prequalified entities will be permitted to participate in a RFP Process. If a subcontractor is prequalified as a member of an Applicant Team and the Applicant Team submits a proposal in an RFP Process, the subcontractor will be precluded from participating as a subcontractor on another team in the same RFP Process.</p>

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11.	<p>Under what circumstances could the OACCAC accept late applications (ITA Section 5.2)? Giving OACCAC the sole discretion to accept late Applications or reject them, with no explanation, accountability or consistency of approach, seems to us to lack transparency and fairness.</p>	<p>The OACCAC’s right to accept late applications is intended to add flexibility to the process and increase fairness for all service providers, including new entrants who have not experienced a prequalification process before.</p> <p>The OACCAC is making every effort to be as inclusive as possible, to reach all potential providers and to be as open and fair as possible. If an Applicant is late, it risks missing a cut off point for the evaluation process, and therefore may not be prequalified in time for a specific RFP process. For this reason, it is not in the best interests of Applicants to be late. However, since the OACCAC intends to conduct more than one prequalification process in the first year, it does not want to turn a late Applicant away only to request the same information from the Applicant a few months later.</p> <p>The OACCAC does not guarantee that all late applications will accepted and the OACCAC will not delay the prequalification process for Applicants who submitted prior to the deadline as a result of a late Applicant.</p>
12.	<p>Can you please define “services” as it is used in ITA Section 2.4(2)? Is this the same “Services” as defined in ITA Section 1.1(1) and, if so, should it be capitalized?</p>	<p>No, the reference to “services” in Section 2.4(2) is not the same as the reference to “Services” in Section 1.1(1). The capitalized term means those “Services” that are defined in the relevant Services Schedule of the OACCAC Template Agreements. The Applicant is prequalifying to be able to compete for contracts to provide the “Services” in the future. The reference to “services” in Section 2.4(2), refers to prior experience in providing “services”. This could refer to services provided under a CCAC contract or other services that are the same as or similar in nature to the defined term “Services”.</p>
13.	<p>Upon issuing an RFP and in the event of conflict or ambiguity between the Prequalification Data Sheets and the RFP; which Data Sheets prevail?</p>	<p>The Data Sheet attached to the RFP is unrelated to the Prequalification Data Sheets. There should be no conflict.</p>
14.	<p>Does a CCAC have the discretion to insert into an RFP any requirements that are not set out in the Prequalification Data Sheets?</p>	<p>Each CCAC will use template RFP documents in the subsequent RFP Process which are publicly available to Applicants. The submission requirements are different than those required in the prequalification process. CCACs will rely on the Central Prequalification for identification of entities eligible to participate. In addition, CCACs are permitted to ask for updated information from the prequalified entities (See ITA Section 7.2(2)).</p>

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15.	<p>ITA Section 2.7(2)(d)</p> <p>Does an Applicant need to disclose violations of rules of professional colleges by their employees that occurred during the employee’s employment with another company?</p>	<p>ITA Section 2.7(2)(d) requires Applicants to disclose information relating to any violation of rules of relevant professional colleges. This disclosure relates to violations of the Applicant and/or any of its employees within the last 3 years and is not limited to the time that an employee has been employed by the Applicant. For clarity, if an employee violated the rules of a relevant professional college within the last 3 years but prior to becoming an employee of the Applicant, the Applicant must disclose this violation.</p>
16.	<p>ITA Section 2.7(2)(b) and Information Form 3</p> <p>What if we experience individual violations of the Employment Standards Act (ESA) as it relates to overtime or lack of sufficient days off? This may technically be a violation of the ESA, but staff members have requested to work certain times (such as mornings, 7 days per week). If there has been no governmental order issued relating to these violations, is this something that must be disclosed on Information Form 3? If so, in how much detail?</p>	<p>ITA Section 2.7(2)(b) requires Applicants to disclose information relating to <u>any</u> violation of wage or other fair labour standards. For clarity, Applicants are required to submit a description of all violations, irrespective of whether an Applicant has received a government order relating to such violation. Where a similar type of violation has occurred or is occurring for more than one employee, the Applicant may provide a description of the type of violation and disclose the number of employees to which the violation applies.</p>
17.	<p>ITA Section 4.1(2) – Clarification Questions</p> <p>What if the response from the OACCAC or respective CCAC does not clearly respond to the a clarification question? What opportunity does the Applicant have to clarify the response?</p>	<p>Applicants should ensure questions are posed in a straightforward manner to ensure that the response is clear. If a question is submitted early in the process, there will be greater opportunity for additional interaction with the OACCAC.</p> <p>Given that this is a central prequalification process, the interaction with the OACCAC will be flexible. If there is a true clarification issue, it will be possible to receive clarification prior to the submission deadline.</p>
18.	<p>ITA Section 4.2</p> <p>Will the clarification meeting be mandatory?</p>	<p>It is in the discretion of the OACCAC to convene a meeting. If a meeting is convened, attendance will not be mandatory.</p>
19.	<p>If an Applicant has a change in legal, financial or business circumstance, how is updated information provided to the OACCAC?</p>	<p>Please see ITA Section 5.5. Prequalified entities will be required to inform the OACCAC about any material change in information within 10 days of the material change. The relevant OACCAC contact person will be provided in the prequalification notice sent to Applicants who are prequalified.</p>

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20.	ITA Section 6.2(1): Given no references are provided within the application documents, could the OACCAC provide further guidance regarding the process to be followed for contacting references?	If the OACCAC determines that contacting counterparties from past contracts is necessary, it will solicit contact information from the Applicant. Please see ITA Section 6.2(1).
21.	ITA Section 6.3 Could the OACCAC provide an example of what it would consider to be a minor deviation in an Application, as well as under what circumstances it would waive an Applicant's ability to meet the qualification criteria?	An example of a minor deviation in an Application would be if the Applicant failed to submit the required number of copies of its Application (for example, the Applicant was required to submit eight copies and it only submitted seven).
22.	ITA Section 7.7(1) Could the OACCAC provide further details of the process it intends to implement that will allow organizations to update their current contact information?	All updates to contact information should be forwarded to the contact person identified by the OACCAC in the prequalification notice sent to prequalified entities.
23.	ITA Section 7.3 Can you clarify that Section 7.3 will prevent providers without a 24/7 business model from subcontracting for after-hours coverage of cases and exclude them from successfully competing? If so, as we believe, to counteract this, it will be important that all CCACs will allow exceptions to the rule set out in this section, as is permitted and must be set out in the RFP documents.	Irrespective of how an entity prequalifies, it will always be possible for a prequalified entity to use subcontractors to deliver services under a future CCAC contract (provided the subcontractors are approved by the particular CCAC that issued the RFP in accordance with Section 3.2 of the General Conditions). These subcontractors do not need to be prequalified under the central prequalification process.

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24.	<p>Please clarify my understanding:</p> <p>ITA Section 2.3 says that an Applicant Team member can apply to prequalify as an individual Applicant</p> <p>ITA Section 7.3 says that once prequalified only one RFP proposal submission is accepted and therefore the service provider must choose to submit either as an individual Applicant OR as an Applicant Team Member (assuming the SP has prequalified under both scenarios).</p>	<p>Section 2.3 permits a service provider to apply for prequalification as an individual Applicant, as part of an Applicant Team and/or as part of a Joint Venture. If an individual service provider wanted to apply in more than one capacity, it will need to submit separate applications for each.</p> <p>After prequalification, when a CCAC issues a RFP, ITA 7.3 states that a prequalified service provider can only submit one proposal to the CCAC in one capacity (unless the CCAC permits more than one proposal to be submitted by the same service provider in different capacities in accordance with the terms of the RFP).</p> <p>For example, unless permitted by the CCAC, a service provider would not be able to submit a proposal in its capacity as a subcontractor and submit another proposal as an individual Applicant in the same RFP Process.</p>
25.	<p>As a Franchisor, can I submit one application to prequalify each of my Franchisees?</p>	<p>If each franchisee is a separate legal entity it must prequalify as an individual Applicant (and participate in RFPs as an individual Proponent) and it must submit its own Application, including financial, experience, legal and corporate information for that particular franchise.</p> <p>Alternatively, the franchisor could submit an application as an Applicant Team with each franchisee as a subcontractor on the Applicant Team.</p>
26.	<p>I am a parent company to a number of operating companies that enter into CCAC contracts as separate entities, can I submit one application on behalf of all of my subsidiaries to prequalify them individually?</p>	<p>No. If a subsidiary wishes to prequalify as a separate entity, it must submit its own Application, including financial, experience, legal and corporate information specific to that entity.</p>
27.	<p>Would the OACCAC consider increasing the length of pre-qualification to 2 or 3 years instead of 1?</p>	<p>No. Yearly prequalification renewal is necessary to ensure that CCACs that initiate RFP processes have the most up-to-date information and to ensure fairness in the process.</p> <p>The risk of insolvency and/or diminished financial capacity is a significant risk to the CCAC in the delivery of quality and continuous services to CCAC clients. Because financial capacity can change over time, the CCAC must conduct an annual renewal process for prequalification.</p>

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28.	<p>Given that this is pass / fail criteria, what will the 4 experience levels be used for?</p> <p>Can entities that are prequalified for Levels 3 and 4 be considered prequalified for a longer period than 1 year?</p>	<p>The experience levels will determine the size of contract that a prequalified entity is able to compete for in a subsequent RFP process. Each prequalified entity will be prequalified at one of the four Prequalification Levels. This information will be available to CCACs that initiate RFP processes during the period that prequalification is valid.</p> <p>Yearly prequalification renewal is necessary to ensure that CCACs that initiate RFP processes have the most up-to-date information and to ensure fairness in the process.</p>
29.	<p>Can you please clarify ITA Sections 7.1(1) and 7.7?</p> <p>Does this mean that once an Applicant has prequalified, their status is valid for a maximum of one year and only the renewal documents need to be completed to renew the Applicant's status? Does this mean that an Applicant will renew its prequalification status every year, even if there is no subsequent RFP in that specific year?</p>	<p>The central prequalification replaces prequalification that would occur by each CCAC prior to issuing an RFP and therefore, it is necessary for this information to be updated on an annual basis.</p> <p>Prequalification is valid for only one year. The OACCAC will issue documents relating to the process for renewal closer to the time of renewal. Prequalified entities will be required to update financial, legal, experience and corporate information so that the OACCAC has, at all times, up-to-date information to ensure a fair prequalification process.</p> <p>Renewal of prequalification will be necessary even if an Applicant has not competed in a RFP process.</p>
30.	<p>ITA Section 7.7</p> <p>Given there is the potential for just a short period of time to elapse between the Prequalification process and the issuance of RFPs by individual CCACs, would the OACCAC consider replacing the phrase "...will be required to update key prequalification information..." to "...may be required to update key prequalification information..." in the second sentence?</p> <p>Could the OACCAC provide further clarification with respect to how the prequalification information will be updated? For example, will organizations be required to complete the Information Forms again or would a letter confirming that the information is current/outlining any changes suffice?</p>	<p>No. The obligation is on the Applicant to update its information at the renewal stage.</p> <p>Instructions about how information is to be provided to the OACCAC for renewal of prequalification will be provided by the OACCAC closer to the date of renewal.</p>

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31.	Where do I find the “OACCAC Template Agreements”	The OACCAC Template Agreements are posted on the OACCAC website. One template agreement relates to the clinical services (nursing, PSW, therapies) and the other template agreement relates to medical equipment and supplies services.
32.	If we are applying for more than one service, do you want them in 2 separate submissions or in the same document?	Please submit one application for multiple areas of service. Please submit as many experience forms as are necessary to support your experience in each area of service.
Experience Questions		
33.	What if we would prequalify at Level 2 for experience but only Level 1 for financial capacity? Can we prequalify for Level 2?	<p>No. As an individual Applicant, in order to prequalify at a specific Prequalification Level, you must meet the necessary requirements for experience <u>and</u> financial. In this example, you could only prequalify at Prequalification Level 1.</p> <p>For another example, if an Applicant would prequalify at Level 3 for experience, in order to be prequalified at that level, the Applicant must meet the Level 3 financial capacity test. If the Applicant only met the financial capacity for Level 2, the Applicant would only prequalify at Level 2.</p> <p>As an option, for an opportunity to participate in a larger contract, an Applicant could apply as a subcontractor on an Applicant Team with a Prime Contractor who meets a higher level of financial capacity.</p>
34.	How is the experience of prior subcontractors of an Applicant incorporated into an Application? Does each subcontractor submit a separate Application?	<p>For an Applicant who has performed contracts in the past through the use of subcontractors, the experience of the subcontractors may be included in the experience of the Applicant submitted. For example, if, in the past, the Applicant was awarded a nursing contract for a volume of 25,000 hours of nursing services and the Applicant used subcontractors to deliver the services, the Applicant could count the entire 25,000 hours in its experience.</p> <p>An entity who was formerly a subcontractor to a company that had a contract with the CCAC may apply as an Applicant, however, only the direct experience of the subcontractor is admissible as experience. For example, if, in the above example a subcontractor performed 10,000 hours of the 25,000 contract, it could only include the 10,000 hours in its experience.</p>

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35.	<p>We are a newly incorporated company and do not have the necessary corporate experience. However, the principals of the corporation have experience that meets the relevant prequalification levels. Can we submit the experience of the principals of the company?</p>	<p>New companies who are applying for nursing, personal support and homemaking or therapy services and who do not have experience as an corporate entity, can submit the experience of one or more of its principals, in accordance with the Experience Equivalents Chart (Section 2.4(1) of the Data Sheet). This experience must demonstrate the principal's personal experience in the management of the services in a community setting and must meet the minimum number of hours set out in the Experience Equivalents Chart for each of the Data Sheets.</p> <p>This does not apply for medical supplies and equipment vendors. The Experience Equivalents that are considered for each of the three medical supplies and equipment services are set out in detail in the Experience Equivalents Charts.</p>
36.	<p>When submitting experience levels from existing contracts, do we present years of "therapy" experience as a total or should each rehabilitation discipline be broken down and presented separately?</p>	<p>Applicants should submit their experience as a total. All therapy experience is considered equal for the purposes of prequalification for any therapy RFP.</p>
37.	<p>We are a newly formed company, we do not have experience as a company. However, all staff at key positions have experience providing community based nursing services well beyond the requirements. Within the current forms, how to I provide experience as a skilled community-based nursing care provider?</p>	<p>No, experience of employees is not acceptable in these circumstances. Only the experience of principals (i.e. owners) of a company may be submitted (for nursing, personal support and therapies).</p>
38.	<p>How do we submit experience that has been provided in a long-term care or retirement setting?</p>	<p>Long-term care experience is considered in the "Experience Equivalents Chart" in Section 2.4(3) of the Data Sheets for nursing, personal support and homemaking and all of the therapy services. If this is the only experience that you have, you are only eligible to qualify for Level 1 as an individual entity.</p> <p>Alternatively, you may wish to be a subcontractor to another prequalified entity to participate in larger contracts. This would assist in gaining experience for the purposes of prequalifying at a higher level in future prequalification processes.</p>

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39.	<p>If the Applicant has changed its name in the past three years, will the experience before and after the name change be included in the experience of the Applicant?</p>	<p>If the name change was made in the ordinary course of business (ie: not as a result of a merger, amalgamation, etc.), the experience before the name change is permissible. However, because there could be many reasons for a name change, please submit a detailed explanation of the nature of the name change with your Application.</p>
40.	<p>For the purposes of experience, will the OACCAC take into consideration the actual volumes received under a contract or only the contracted volumes?</p>	<p>Applicants who are submitting experience information should submit actual volumes rather than contracted volumes.</p>
41.	<p>Often times contracts do not offer volume guarantees or estimates of volume. We keep record of volume delivered to each client per year. Is this acceptable as experience?</p> <p>Also, our contracts are signed service Agreements with signed consents often with a single private client – this is the service agreement for that client. Does this qualify as a contract according to the OCCAC’s expectations?</p>	<p>Please use actual volumes of services delivered to clients when submitting experience. This is acceptable as experience.</p> <p>Experience must relate to the actual volume of services delivered that can be verified in a contract, purchase order, invoice or other document. The signed service Agreements with consents for each client would qualify as a contract.</p>
42.	<p>If an Applicant Team (Prime and Subcontractors) qualifies to compete, will subsequent RFP processes consider the experience and the added value of the subcontractor services? If the Prime Contractor qualifies individually, will subsequent RFP processes consider the experience and added value of the Prime Contractor’s traditional subcontractors?</p>	<p>If an Applicant Team is prequalified, the experience of the entire team will be considered in a subsequent RFP process.</p> <p>If a Prime Contractor is prequalified, the experience of the subcontractors that they intend to use in the future will not be considered. The experience of the subcontractors that they have used in the past will be considered.</p>
43.	<p>Can we include ‘shared-care’ PSW hours conducted in retirement homes under CCAC contracts? Where does services provided in retirement homes fall?</p>	<p>Please see the Personal Support and Homemaking Data Sheet. Section 2.4(3), the Experience Equivalents Chart sets out how services that have been provided in retirement homes are considered.</p> <p>Services delivered to a retirement home through a CCAC contract are counted towards the Service experience. Hours delivered in a retirement home that are not paid for by the CCAC are treated as equivalent service.</p>

	Question	OACCAC Response
44.	<p>Is it possible to prequalify at Prequalification Level 4 for nursing with the following: a total of 50,000 visits/hours with at least one contract at 30,000 and the remainder made up of CCAC and non CCAC volume.</p>	<p>No. Please see Nursing Data Sheet Section 2.4. In order to prequalify for Level 4 experience, an entity must have an aggregate minimum volume of 60,000 hours per year (and meet the relevant financial tests). The experience can be comprised of CCAC and non-CCAC volume, provided the services provided are the same as or similar to the “Services” as such term is defined in the Nursing Services Schedule.</p>
45.	<p>What would the OACCAC consider “equivalent experience” if it was to consider equivalent experience?</p>	<p>Details of the equivalent experience that the OACCAC will consider is set out in the Experience Equivalence Chart in Section 2.4(3) of the Data Sheet.</p>
46.	<p>Please clarify ITA Section 2.4(2): “...but excludes services provided in an institutional setting such as hospitals and long-term care facilities” What if these services are provided on behalf of the CCAC in a long term care facility?</p>	<p>Service provided on behalf of the CCAC is considered CCAC experience. If it is not CCAC-contracted service, it counts as equivalent service experience.</p>
47.	<p>Section 2.4(1) of the Data Sheet references “services (the same or similar to the Services)”. Please clarify what is meant by the defined term “Services”.</p>	<p>In any given Data Sheet, the “Services” are described in Section 1.1 of the Data Sheet. Section 1.1 directs Applicants to the relevant Services Schedule in the OACCAC Template Documents which can be accessed on the OACCAC website under “For Service Providers” and “CCAC Procurement”. For the purpose of each Data Sheet, “Services” are defined as the services set out in the relevant Services Schedule.</p>
48.	<p>How can applicants ascertain the scope of the services for which the RFP is being issued? Although the service providers hope to be prequalified for specific services, this is often, age and geography-specific, i.e. as paediatric specialists, we are not looking to serve the entire age continuum nor the full CCAC geography (in such vast catchments as the HHNB CCAC).</p>	<p>The prequalification stage is not testing a service provider’s ability to provide a particular type of service, but instead the ability to manage volume of a broader range of services.</p> <p>The OACCAC has grouped prequalification of all of the therapies together. As such, a prequalified party will be prequalified to compete in contracts (open to their Prequalification Level) that may be beyond the scope of services they have provided in the past. This does not mean that every prequalified party will be able to win every contract as this will depend on the ability of the service provider to provide the specific services requested in any RFP. Once prequalified, it will be up to individual service providers to determine if they are interested in competing in RFPs across the province or locally and for a broad or narrow band of services.</p>

	Question	OACCAC Response
49.	<p>Experience Levels Chart/Experience Equivalents Charts</p> <p>What services qualify as “the same or similar to the Services”.</p>	<p>This depends on the definition of “Services” that is applicable to that Data Sheet. For nursing services, the services provided in the past must be the same or similar to the definition of “Services” found in the Nursing Services Schedule of the 2007 Template Documents posted on the OACCAC website.</p>
50.	<p>Experience Levels Chart (Nursing)</p> <p>“3 years of providing experience....” Does a year constitute a specific number of hours?</p>	<p>Please review the Experience Levels Charts in the Data Sheets. Each year must have a minimum volume of a certain number of actual hours.</p>
51.	<p>Does “services in a community setting” include services provided in an out-patient physiotherapy clinic considering that seniors with THA, OA, post surgery etc and many more conditions are assessed and treated by PT’s and OT’s and thus this setting is very similar to the nursing out patient CCAC clinics?</p>	<p>No, services delivered in an outpatient clinic are not considered to be similar to Services. This is considered an equivalent service and should be submitted as equivalent experience.</p> <p>CCAC clinic services may be similar to the “Services” but in most contracts the service provider is providing services in both the clinic and the home.</p>
52.	<p>Can the value of the yearly “contracts” be equivalent to regular business volume obtained through business other than that which is contracted?</p>	<p>Experience must relate to the actual volume of services delivered that can be verified in a contract, purchase order, invoice or other document.</p>
53.	<p>Data Sheet 2.4(1)</p> <p>Please define what is meant by “Contract” under the Prequalification Levels 2, 3 and 4. Does it have to be a formalized and signed contract like those of the CCAC?</p> <p>Does the contract have to specify the volume because what if there is a no volume guarantee?</p>	<p>A contract does not need to be a formalized signed contract. However, experience must relate to the actual volume of services delivered that can be verified in a contract, purchase order, invoice or other document.</p> <p>A contract does not need to specify volume. Please use the actual volume of services delivered.</p>
54.	<p>Is Section 2.4(2) missing in the Data Sheet?</p>	<p>No. The Data Sheet section references relate to references to the Data Sheet in the Instructions to Applicants. There is no reference to the Data Sheet in ITA Section 2.4(2).</p>

	Question	OACCAC Response
55.	<p>Data Sheet – Experience Equivalents Chart</p> <p>In the Data Sheet chart in Section 2.4(3) there are subsections (a) to (e) in terms of years of experience. Are Applicants required to meet ALL of subsections (a) to (f) to qualify? Should these be read to have an “and” or an “or” between each subsection?</p>	<p>The subsections set out in the Experience Equivalent Chart in the Data Sheets should be read as if there was an “or” after each subsection. Applicants only need to provide evidence satisfactory to the OCCAC for ONE of the listed items, to meet the experience requirements.</p>
56.	<p>Could you clarify Section 2.4(2) in the Instructions to Applicants and the Experience Equivalents Chart in Section 2.4(3) of the Data Sheet? Institutions such as hospitals and long-term care facilities are excluded in 2.4(2) but included in the Experience Equivalents Charts.</p>	<p>For the purposes of the Experience for Levels of Prequalification Chart in Section 2.4(1) of the Data Sheet, the “services” that are described must be “services in a community setting” (excluding hospitals and long term care facilities).</p> <p>For the purposes of the “Equivalent Experience Chart” in Section 2.4(3) of the Data Sheet, the OCCAC will consider experience in hospitals and long term care facilities in some cases. However, note that this experience only counts toward Prequalification Level 1.</p>
57.	<p>The Data Sheet states that “Applicants must demonstrate experience during this time as...” . How detailed should this description be?</p>	<p>This prequalification stage is designed for Applicants to demonstrate that they have sufficient capacity to deliver the services required for a specific area of service at a particular Prequalification Level. Applicants should provide sufficient evidence to demonstrate that the Applicant has such capacity to provide the services. In addition, the OACCAC has the ability to request additional information from Applicants, if required.</p>

	Question	OACCAC Response
Financial Capacity Questions		
58.	We are a newly incorporated company and do not have the necessary financial information. What do we submit for the financial submission?	<p>New companies may have difficulty meeting the financial capacity tests. The OACCAC suggests that if new companies wish to apply as a single Applicant, they submit as much financial information as possible about the company (and any principals of the company) and include a Bank Reference Letter for the company. As per Section 2.6(5) of the Instructions to Applicants, if an Applicant does not provide sufficient financial information to permit the OACCAC to pass the Applicant on the financial portion of the prequalification evaluation, the OACCAC may request additional information or commitments and has the discretion to prequalify the Applicant. However, this decision is entirely within the discretion of the OACCAC and will be dealt with by the OACCAC on a case-by-case basis.</p> <p>Alternatively, a new company can be prequalified as part of an Applicant Team as a subcontractor to a Prime Contractor who meets the financial capacity tests. This would also permit the new company to gain experience and to demonstrate financial capacity in subsequent prequalification processes.</p>
59.	For each of the Prequalification Levels, can you divulge what ratio targets the OACCAC requires for debt to equity? What percentage of dollar targets of working capital the OACCAC looking for? What tests are used to determine borrowing capacity? What is the relevant weighting of the financial tests?	<p>The financial capacity tests are confidential and will not be publicly disclosed.</p> <p>As set out in the Data Sheet, financial capacity will be measured by assessing a number of factors including typical solvency tests such as the working capital ratio and the debt to equity ratio. Working capital capacity tests are also performed, which measure the amount of available working capital, borrowing capacity and equity against the potential value of the contract that the Applicant is trying to obtain.</p> <p>If an Applicant is not initially determined to be eligible for prequalification at the desired Prequalification Level because of financial capacity, the OACCAC will provide information on the perceived weakness and give the opportunity for the Applicant to provide additional information to address the weakness.</p>

	Question	OACCAC Response
60.	<p>If an Applicant prequalifies at Level 2, 3, or 4 by submitting review engagement reports and a bank letter in accordance with ITA Section 2.5(2)(b), how will the Applicant renew their prequalification status with the requirement of 2 years of audited financial statements? Will these Applicants be permitted to submit review engagement reports and bank letters at the time of renewal?</p>	<p>If an Applicant submits financial information in accordance with ITA Section 2.5(2)(b) and is applying for Prequalification Level 4 in Equipment and Equipment-Related Supplies Services, Medical Supplies Services, or Infusion Equipment and Infusion Supplies Services or is applying for Prequalification Level 3 or 4 in Nursing Services, Personal Support Services or Therapy Services, on the annual renewal of the Applicant’s prequalification, the Applicant will be required to submit one fiscal year of audited financial statements for the most recent fiscal year in order to maintain the Applicant’s prequalification status.</p> <p>If an Applicant submits financial information in accordance with ITA Section 2.5(2)(b) and is applying for Prequalification Level 1, 2, or 3 in Equipment and Equipment-Related Supplies Services, Medical Supplies Services, or Infusion Equipment and Infusion Supplies Services or is applying for Prequalification Level 1 or 2 in Nursing Services, Personal Support Services or Therapy Services, on the annual renewal of the Applicant’s prequalification, the Applicant will be required to submit, either</p> <ul style="list-style-type: none"> (a) one fiscal year of audited financial statements for the most recent fiscal year, in order to maintain the Applicant’s prequalification status; or (b) one fiscal year of review engagement report financial statements and a letter of reference from its bank, for the most recent fiscal year, in order to maintain the Applicant’s prequalification status.
61.	<p>ITA Section 2.5(2)(a)</p> <p>If an entity has a December 31st fiscal year end, it may not be possible to obtain audited financial statements for approximately 90 days. If the deadline for submission of Applications is within this 90 day window (January 1 – March 31), the audited financial statements for the most recent fiscal year would not be available. How would the Applicant deal with this situation?</p>	<p>If two prior years of audited financial statements are available but the most recent audited financial statement is more than 6 months old, ITA Section 2.5(2)(a) requires that the Applicant submit interim financial statements.</p> <p>In addition, please see ITA Section 2.6(3). If the Applicant is only able to submit one fiscal year of audited financial statements, the Applicant may submit a review engagement report for the most recent fiscal year. However, the Applicant will be required to submit audited financials in a renewal of prequalification.</p>

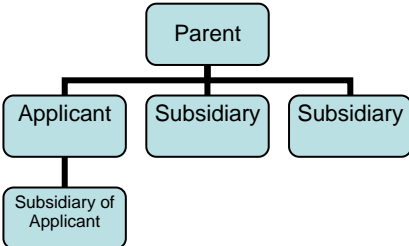
	Question	OACCAC Response
62.	<p>ITA Section 2.5(2)(a)</p> <p>Please define “audited financial statements for two full fiscal years”. Most audited financial statements have two years of financial statements for comparative purposes (e.g. 2008 and 2007), including related note disclosure. In respect of certain past submissions we have been told to submit two separate sets of financial statements (e.g. 2007 & 2006 comparative financial statements and 2006 & 2005 comparative financial statements). In this example, please clarify whether the submission of the 2007 & 2006 comparative financial statements is sufficient to comply with the requirements.</p>	<p>An Applicant is to submit two sets of financial statements for the two most recent fiscal years (See ITA Section 2.5(2)(a)). For example, if fiscal year end is December 31, 2008, the Applicant would submit audited financial statements for the fiscal year ended December 31, 2008 and audited financial statements for the fiscal year ended December 31, 2007. In this example, the financial statements would compare 2006 and 2007 in one financial statement and 2007 and 2008 in the other. Both are required.</p>
63.	<p>ITA Section 2.5</p> <p>In the previous prequalification process, an Applicant was required to provide both financial statements (or review engagement report) and a letter of reference from its bank. In the draft document it appears that a letter of reference from a bank is only required in the event audited financial statements are not available. Could the OACCAC confirm that our understanding is correct?</p>	<p>This is correct. If audited financials are provided, a bank reference letter is not required. Please see ITA Section 2.5(2)(a).</p>
64.	<p>We believe that the OACCAC should not have the sole discretion to select the option provided in ITA Section 2.6(5)(e), without first contacting the Applicant and exploring whether any of the options afforded in 2.6(5)(a) – (d) could be utilized to enable the Applicant to pass the financial portion of the prequalification examination. Dropping an Applicant to a lower Prequalification Level than its experience might otherwise allow could have a severe negative impact on the Applicant, including the potential inability to prequalify for an RFP involving contracts currently held. This option should be open to OACCAC only when the other options have been explored first.</p>	<p>There will be consultation with Applicants on financial capacity. However, the OACCAC must retain discretion to prequalify the Applicant at a lower Prequalification Level.</p> <p>The risk of insolvency and/or diminished financial capacity is a significant risk to the CCAC as it relates to the delivery of quality and continuous services to CCAC clients. Because financial capacity can change over time, the OACCAC must conduct an annual renewal process for prequalification.</p> <p>Annual renewal will also provide each prequalified Applicant with the opportunity to upgrade their Prequalification Level.</p>

	Question	OACCAC Response
65.	<p>ITA Section 2.6(5)(a), (c) – (e)</p> <p>Do these sections refer to a parent company or a separate single entity?</p>	<p>If the Applicant does not pass the financial portion of the evaluation, the OACCAC may request any additional information from the Applicant (or its parent, principal, etc.) that it deems appropriate. Please see ITA Section 2.6(5)(d).</p>
66.	<p>Will loans from shareholders be treated as part of the equity of the Corporation?</p>	<p>Yes. Shareholder loans will be treated as equity when calculating debt to equity ratios.</p>
67.	<p>Can one Review Engagement report be submitted to cover the last two full fiscal years or do you require a separate Review Engagement Report for each year ending?</p>	<p>Please provide a separate review engagement report for each fiscal year end.</p> <p>In addition, please note that if an entity wishes to prequalify at Levels 2, 3 or 4, audited financial statements will be required for renewal of prequalification. Please see ITA Section 2.6(1).</p>
68.	<p>If a Corporation uses two financial institutions for their business, will the OACCAC accept two bank reference letters?</p>	<p>Yes.</p>
69.	<p>Financial Capacity Table</p> <p>Are the dollar values listed in the Financial Capacity table based on per one year of the contract or based on the financial value of the contract in its entirety (all years of contract)?</p>	<p>The dollar values in the Financial Capacity refer to annual amounts (i.e. per year of the contract).</p>
<p>Legal Questions</p>		
70.	<p>We are a newly incorporated company. What information should I provide for legal matters if we do not have any.</p>	<p>Please see the note at the top of Information Form (3). If no matters exist, state “Not Applicable” in the right hand column of the chart. However, if the Applicant was incorporated in the past 3 years, the principals(s) of the Applicant must submit an Information Form 3. Please See Data Sheet Section 2.4(3).</p>

	Question	OACCAC Response
71.	<p>ITA Section 2.7</p> <p>Does the OACCAC want to be notified of all labour relation actions (ie: grievances) or only those that resulted in awards or successful prosecutions against the Applicant? Where should this information be provided?</p>	<p>Please see ITA Section 2.7. Each Applicant is required to submit information regarding labour relations strikes or labour relations actions <u>that may materially adversely affect the Applicant’s ability to deliver the Services set out in the Data Sheet</u>. This information should be provided in Information Form 3.</p>
72.	<p>ITA Section 2.7(1)</p> <p>For clarification purposes, does this disclosure relate strictly to contractual matters between the contracting parties?</p>	<p>No, Applicants should disclose all litigation matters related to contracts.</p>
73.	<p>Regarding lawsuits, arbitrations or legal action arising from contracts – there may be actions that are in process and therefore undecided awards. Could the instructions or form reflect this possibility?</p>	<p>Legal matters that are in progress should be included in the legal disclosure. Please See ITA Section 2.7(1) and Information Form 3.</p>
74.	<p>The request for litigation history and legal matters is a new requirement to the prequalification process. As such could the OACCAC please elaborate or give an example of the kind of information they are looking for in response to:</p> <p>“a description of how the risks associated with the legal matter have been or will be mitigated by the Applicant...”</p>	<p>The request for litigation history and legal matters is not a new requirement and is the same requirement as in past CCAC prequalification processes. The OACCAC is requesting that Applicants provide information regarding mitigation of any outstanding legal matters, including whether the liabilities are covered by the Applicant’s insurance (see ITA Section 2.7(4)) to permit the OACCAC to make a more fulsome assessment of the risks associated with such legal liabilities in determining whether an Applicant will be prequalified. Information could include an indication of whether the liabilities disclosed are covered by insurance, a description of the mitigation strategies the Applicant employs in relation to its risk profile, etc.</p>
75.	<p>Where should the information regarding mitigation of risks (per Section 2.7(4)) to be included in Form 3?</p>	<p>This information can be included along with the description of the action or legal matter.</p>
76.	<p>Does the reference of a “violation of rules of relevant professional colleges” relate to the Applicant (company) or to its employees?</p>	<p>The reference to the rules of relevant professional colleges relates to both the Applicant and its employees.</p>

	Question	OACCAC Response
77.	<p>ITA Section 2.7(4)</p> <p>The prequalification documents have requested that Applicants provide a description of how the risks associated with each legal matter have been or will be mitigated. Could the OACCAC provide an example of the level of detail that is expected?</p>	<p>For example, is the disputed amount covered by insurance, and if so, whether insurance covers the entire exposure or only a portion.</p>
78.	<p>Could the OACCAC provide examples of what it considers to be professional matters or other matters relevant to its business?</p>	<p>Professional matters refer to matters related to professions that exist in the company. For example, if the company employs nurses, professional matters would be matters related to the Colleges of Nurses of Ontario. The service provider is in the best position to know any other matters that are relevant to its business.</p>
79.	<p>On Information Form 3 it states:</p> <p>“Provide details of any conviction or investigation.....or any other matters relevant to its business”</p> <p>Can you provide examples of “any other matters relevant to its business”?</p>	<p>Please refer to the entire paragraph in Information Form 3. It relates to a conviction, violation or investigation of criminal law or <u>other regulations or requirements relating to professional matters or other matters relevant to its business</u>. The service provider is in the best position to know which regulations or requirements are relevant to its business.</p>
80.	<p>If client is defined as a person receiving care, we have concerns related to client confidentiality/release of information. Legal counsel on this issue has advised that we should not divulge information that would allow the identification of a party. Our intent would therefore be to provide general information about the nature of the claim, including generally who has been named in the claim (i.e. ourselves, a CCAC and a hospital) without disclosing an individual client name. Is this acceptable to the OACCAC? Would the OACCAC consider removing the requirement for “name of client” from the form?</p>	<p>If the matter is on the public record, because for example an individual has filed a statement of claim, then the names of the parties should be identified. However, if the matter is not on the public record and the Applicant has been advised that it should not disclose the name of the individual, then the Applicant can simply disclose that it is a client and the nature of the services delivered to such client (for example [Client A, Recipient of Nursing Services] vs. ABC Inc.) and indicate that the name of the client has been redacted.</p>
81.	<p>With reference to defaults on a contract, is the OACCAC seeking disclosure only with respect to CCAC contracts or all contracts?</p>	<p>Disclosure relates to all contracts, not just CCAC contracts.</p>

	Question	OACCAC Response
82.	In what column should an organization report the amount of an accepted settlement offer? (i.e. it is not an award by a court nor is it technically an amount that is in dispute)	This should appear in the column entitled "Award for or against the Applicant". Please note that it was a settlement amount.
83.	Where should an amount listed in a Statement of Claim be listed?	An amount listed in a Statement of Claim should be recorded in the "Disputed Amount" column.
Data Sheet Questions		
84.	Why are visits converted to hours by a multiple on 1x when fixed period visits for therapy and social work services are approximately 2hours?	In order to have a standard comparison across all services areas, please <u>convert each visit to 1 hour</u> . All service providers will be using the same formula so there will be no disadvantage. The rationale for the selection of one hour is to be able to convert non-CCAC experience, where an hour is the only comparable unit.
Information Form Questions		
85.	If the Applicant has no related business entities, is it required to submit an organizational chart for the Applicant alone?	No. Please state that the Applicant has no related business entities.
86.	If the Applicant is a division of a parent company does the Applicant provide the organizational chart for itself or for its parent?	The applicant should show the organizational structure of all related entities. In this example, the Applicant would include an organizational chart showing the parent and all related entities of the parent (which would include the Applicant). The chart should also show all entities related to the Applicant.
87.	Could the OACCAC provide some guidance as to the level of detail that is expected with respect to the description of the Applicant Team or Joint Venture?	The description should include all of the information requested in the Information Form 1. This is only a description of the structure and the relationship between the parties, not a description of the experience of each of the entities.
88.	Please clarify if you are interested in receiving an operational organization chart or just a corporate org chart that would show related companies, such as parent, sister, etc.	Only a corporate organizational chart is necessary.

	Question	OACCAC Response
89.	<p>Information Form 1 - Corporate</p> <p>What is the purpose of selecting whether or not the Applicant is “For Profit” or “Nor-for-Profit”? Is one status preferred over the other in scoring the prequalification.</p>	<p>One status is not preferred over the other and this is not scored. This information is provided so that the OACCAC is aware of the corporate status of each service provider and is used to better understand the financial information submitted by the Applicant.</p>
90.	<p>Information Form 1 – Description of Applicant Team</p> <p>Please expand on what the OACCAC means by “the Applicant providing a description of the Applicant Team.” Does this mean the names of those involved in the application process or do you want more information or some other information? Does this question apply only to Joint Ventures or Franchises? What if you are a single location?</p>	<p>The description of an Applicant Team should identify the name of the Prime Contractor, the name of all subcontractors and the corporate relationship (if any) between any of the team members (ie: subsidiary, parent, franchisor/franchisee, etc. relationships). If you are a single entity Applicant you are not an Applicant Team and are not required to provide this information.</p>
91.	<p>Information Form 1 - Corporate</p> <p>Could the OACCAC provide some guidance as to the level of detail that is expected with respect to the description of the organization structure of the Applicant?</p> <p>Also, could the OACCAC provide its definition of “related companies” and further, how it intends to use the information provided in this section?</p>	<p>The organizational structure or chart should set out the ownership structure and/or relationship between any related parties of the Applicant. An example of a simple corporate organization chart is the following:</p> <div style="text-align: center;">  <pre> graph TD Parent[Parent] --- Applicant[Applicant] Parent --- Subs1[Subsidiary] Parent --- Subs2[Subsidiary] Applicant --- SubApp[Subsidiary of Applicant] </pre> </div> <p>Related companies refer to any companies that are owned (or partially owned) by the same parent, any subsidiaries, divisions, franchisor/franchisee relationships, partnerships, etc. This information is necessary to assist the OACCAC in understanding the business of the Applicant and to ensure that the proper financial information has been provided.</p> <p>Please note, for Joint Venture Applicants, an organizational chart is required for all Joint Venture Participants. For Applicant Teams, an organizational chart is only required for the Prime Contractor.</p>

	Question	OACCAC Response
92.	<p>Organizational Chart:</p> <p>Please clarify the type of description that is being requested in the Organizational Chart. Is it as simple as “Corporation” or “Partnership”? By organizational structure do you mean who the president is, who the treasurer is etc.? Could you provide an example of the organizational structure you are requesting?</p> <p>In the organizational chart being requested, does the applicant have to disclose other companies that it may be related to but that are independent entities of the Applicant company?</p> <p>Does this organizational chart have to be included as an “Appendix” or “Schedule”?</p>	<p>An example of a simple organizational chart is provided in Question #92, above.</p> <p>We are not interested in the operational structure of an entity (such as the president, treasurer, etc.) but rather the relationship between related business entities (subsidiaries, affiliates, sister companies, parent, etc.). This will include related but independent entities.</p> <p>The organizational chart can be attached as an appendix to Information Form 1. If a company does not have any related entities, it is not required to submit an organizational chart.</p>
93.	<p>Information Form 2</p> <p>Should the explanation of experience be placed under the “Brief description of the work or contract” section or the “Services provided under the contract” section?</p>	<p>Please provide an explanation of experience under a contract in the “Services provided under the contract” row.</p>
94.	<p>Information Form 2</p> <p>Should the explanation of experience be placed under the “Brief description of the work or contract” section or the “Services provided under the contract” section?</p>	<p>Please provide an explanation of experience under a contract in the “Services provided under the contract” row.</p>

	Question	OACCAC Response
Bank Reference Letter Questions		
95.	Please confirm that a bank reference letter (Schedule 3) is not required if there is submission of two full fiscal years' audited financial statements.	That is correct. If two full fiscal years of audited financial information is provided, a bank reference letter is not necessary. Please see ITA Section 2.5(2).
Letter of Application Questions		
96.	Prequalification Level Should we request a Prequalification Level or will a level of Prequalification be awarded by the OACCAC?	The OACCAC will make a determination on Prequalification Levels.