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EXECUTIVE DIRECTOR

THE DIVISION OF PROCUREMENT SERVICES  
DELBERT H. SINGLETON, JR.  
DIVISION DIRECTOR  
(803) 734-8018  
JOHN ST. C. WHITE  
MATERIALS MANAGEMENT OFFICER  
(803) 737-0600  
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## Protest Decision

**Matter of:** Responsible Healthcare, LLC, Guardian Angels Professional Services, Inc., and NuWave Behavioral Health Services, LLC

**File No.:** 2025-117

**Posting Date:** February 6, 2025

**Contracting Entity:** South Carolina Department of Health and Human Services

**Solicitation No.:** N/A

**Description:** Medicaid Standard Eligibility Redetermination Services

### DIGEST

The Chief Procurement Officer (CPO) dismisses the protest of Responsible Healthcare, LLC, Guardian Angels Professional Services, Inc., and NuWave Behavioral Health Services, LLC (collectively the Protestants) challenging the emergency award of a contract by the South Carolina Department of Health and Human Services (the Department) where the protests were submitted past the deadline for protesting. Protestants' protests are attached as Exhibit A.<sup>1</sup>

### AUTHORITY

The Chief Procurement Officer (CPO) conducted an administrative review per S.C. Code Ann. §11-35-4210. This decision is based on materials in the procurement file and applicable law and precedents.

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<sup>1</sup> Guardian Angels Professional Services, Inc., and NuWave Behavioral Health Services, LLC, jointly submitted an undated protest via email from what appears to be a copier. The email is attached to their protest to show the date it was submitted.

## BACKGROUND

The Procurement Code requires the State to post notice of the award of an emergency contract in South Carolina Business Opportunities (SCBO). S.C. Code Ann. § 11-35-1570. On October 31, 2024, the Department advertised a notice in SCBO) that it had awarded a contract via emergency procurement procedures to The North Highland Company LLC (North Highland) for Medicaid standard eligibility redetermination services. [Exhibit B] On November 13, 2024, eight business days<sup>2</sup> after the advertisement but one day before the end date for the advertisement, the Protestants submitted their protests to the CPO.

## DISCUSSION

Section 11-35-4210(1)(c) states:

Any actual or prospective bidder, offeror, contractor, or subcontractor who is aggrieved in connection with the intended award or award of a contract pursuant to Section 11-35-1560 or Section 11-35-1570 **shall notify the appropriate chief procurement officer in writing of its intent to protest *within five business days of the date that award or notification of intent to award, whichever is earlier, is posted in accordance with this code.*** Any actual or prospective bidder, offeror, contractor, or subcontractor who is aggrieved in connection with the intended award or award of such a contract and has timely notified the appropriate chief procurement officer of its intent to protest, may protest to the appropriate chief procurement officer in the manner stated in subsection (2) within fifteen days of the date award or notification of intent to award, whichever is earlier, is posted in accordance with this code; except that a matter that could have been raised pursuant to subitem (a) as a protest of the solicitation may not be raised as a protest of the award or intended award of a contract.

Here, the Department posted notice of its emergency award in SCBO on October 31, 2024, and it appeared in SCBO for a period of fifteen days. However, deadline for filing a notice of intent to protest is calculated based on the date the notice was first published, not the end date for publication of such notice. Therefore, November 7, 2024, was the deadline for filing a notice of intent to protest.<sup>3</sup> Protestants did not file an intent to protest or protest until November 13, 2024,

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<sup>2</sup> November 11, 2024 was Veterans Day, a State holiday.


<sup>3</sup> Alternatively, a person may file an actual protest within five business days. A person timely filing a notice of intent to protest has fifteen calendar days after the date the notice of award is published to perfect its protest. S.C. Code

three business days too late. Therefore, the CPO lacks jurisdiction to consider Protestants' protest.<sup>4</sup>

## DECISION

For the reasons stated above, the CPO dismisses the Protestants' protest.

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John St. C. White  
Chief Procurement Officer

Columbia, South Carolina

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Ann. §11-35-4210(1)(c). A person filing an actual protest with five business days has the same fifteen calendar days to amend his protest.

<sup>4</sup> Even if the CPO had jurisdiction, the protest does not challenge the validity of the emergency determination nor of the emergency process the Department followed. Instead, the protest focuses on the lack of a competitive procurement and the ability of others to perform the type of work involved in the emergency acquisition.

## STATEMENT OF RIGHT TO FURTHER ADMINISTRATIVE REVIEW

*Protest Appeal Notice (Revised July 2024)*

The South Carolina Procurement Code, in Section 11-35-4210, subsection 6, states:

(6) Finality of Decision. A decision pursuant to subsection (4) is final and conclusive, unless fraudulent or unless a person adversely affected by the decision requests a further administrative review by the Procurement Review Panel pursuant to Section 11-35-4410(1) within ten days of posting of the decision in accordance with subsection (5). The request for review must be directed to the appropriate chief procurement officer, who shall forward the request to the panel or to the Procurement Review Panel, and must be in writing, setting forth the reasons for disagreement with the decision of the appropriate chief procurement officer. The person also may request a hearing before the Procurement Review Panel. The appropriate chief procurement officer and an affected governmental body shall have the opportunity to participate fully in a later review or appeal, administrative or judicial.

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Copies of the Panel's decisions and other additional information regarding the protest process is available on the internet at the following web site: <http://procurement.sc.gov>

FILING FEE: Pursuant to Proviso 111.1 of the 2024 General Appropriations Act, "[r]equests for administrative review before the South Carolina Procurement Review Panel shall be accompanied by a filing fee of two hundred and fifty dollars (\$250.00), payable to the SC Procurement Review Panel. The panel is authorized to charge the party requesting an administrative review under the South Carolina Code Sections 11-35-4210(6), 11-35-4220(5), 11-35-4230(6) and/or 11-35-4410...Withdrawal of an appeal will result in the filing fee being forfeited to the panel. If a party desiring to file an appeal is unable to pay the filing fee because of financial hardship, the party shall submit a completed Request for Filing Fee Waiver form at the same time the request for review is filed. *[The Request for Filing Fee Waiver form is attached to this Decision.]* If the filing fee is not waived, the party must pay the filing fee within fifteen days of the date of receipt of the order denying waiver of the filing fee. Requests for administrative review will not be accepted unless accompanied by the filing fee or a completed Request for Filing Fee Waiver form at the time of filing." PLEASE MAKE YOUR CHECK PAYABLE TO THE "SC PROCUREMENT REVIEW PANEL."

LEGAL REPRESENTATION: In order to prosecute an appeal before the Panel, business entities organized and registered as corporations, limited liability companies, and limited partnerships must be represented by a lawyer. Failure to obtain counsel will result in dismissal of your appeal. *Protest of Lighting Services*, Case No. 2002-10 (Proc. Rev. Panel Nov. 6, 2002) and *Protest of The Kardon Corporation*, Case No. 2002-13 (Proc. Rev. Panel Jan. 31, 2003); and *Protest of PC&C Transacts, LLC*, Case No. 2012-1 (Proc. Rev. Panel April 2, 2012). However, individuals and those operating as an individual doing business under a trade name may proceed without counsel, if desired.

**South Carolina Procurement Review Panel  
Request for Filing Fee Waiver  
1205 Pendleton Street, Suite 367, Columbia, SC 29201**

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\_\_\_\_\_  
Name of Requestor

\_\_\_\_\_  
Address

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip

\_\_\_\_\_  
Business Phone

- 
1. What is your/your company's monthly income? \_\_\_\_\_
  2. What are your/your company's monthly expenses? \_\_\_\_\_
  3. List any other circumstances which you think affect your/your company's ability to pay the filing fee:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

To the best of my knowledge, the information above is true and accurate. I have made no attempt to misrepresent my/my company's financial condition. I hereby request that the filing fee for requesting administrative review be waived.

Sworn to before me this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
Notary Public of South Carolina

\_\_\_\_\_  
Requestor/Appellant

My Commission expires: \_\_\_\_\_

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For official use only: \_\_\_\_\_ Fee Waived      \_\_\_\_\_ Waiver Denied

\_\_\_\_\_  
Chairman or Vice Chairman, SC Procurement Review Panel

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_  
Columbia, South Carolina

**NOTE: If your filing fee request is denied, you will be expected to pay the filing fee within fifteen (15) days of the date of receipt of the order denying the waiver.**

**November 13, 2024**

## Exhibit A

Materials Management Officer  
South Carolina Department of Health and Human Services  
1201 Main Street, Suite 600  
Columbia, SC 29201

Via Email: Protest-MMO@mmo.sc.gov

### **Subject: Notice of Protest – Emergency Procurement to The North Highland Company LLC**

Dear Materials Management Officer,

On behalf of Responsible Healthcare, LLC ([ResponsibleHealthcare.org](https://ResponsibleHealthcare.org)), I am writing to formally protest the recent emergency procurement contract awarded to The North Highland Company LLC by the Department of Health and Human Services (DHHS), with a contract amount of \$70,577,857. The notice, published on October 31, 2024, cites S.C. Code Ann. §11-35-1570 as the justification for the emergency procurement to support the state's Medicaid eligibility redetermination process. We believe this emergency procurement bypasses valuable alternative solutions that could meet the state's needs with equal effectiveness and cost efficiency.

Our organization, Responsible Healthcare, LLC, specializes in healthcare consulting services with a focus on community health management, public health analytics, and healthcare eligibility and redetermination processes. With extensive experience in supporting Medicaid and other public health programs, our team has the requisite capabilities and infrastructure to address the redetermination requirements highlighted in DHHS's contract with North Highland. Responsible Healthcare has developed innovative, evidence-based solutions to support state agencies and has a proven track record of effective program management and cost-efficient services.

### **Grounds for Protest**

1. **Lack of Competitive Procurement:** The decision to enter into an emergency contract without competitive bidding limits the state's opportunity to evaluate all qualified vendors. Responsible Healthcare, LLC has the capability to perform the tasks outlined by DHHS, and we believe that a competitive process would allow us and others to provide cost-effective proposals that meet the state's needs.

2. **Available Expertise and Resources:** As a South Carolina-based firm with extensive experience in eligibility determination, program evaluation, and process automation, Responsible Healthcare is well-positioned to support DHHS's unwinding process requirements. Our approach emphasizes efficiency, community engagement, and sustainable impact, which we believe aligns closely with DHHS's mission and would ensure both federal compliance and value for the state.
3. **Cost-Efficiency Considerations:** Awarding a contract of \$70 million without considering other potential vendors is likely to incur unnecessarily high costs for the state. Responsible Healthcare, LLC is committed to delivering high-quality services at a competitive rate, and we believe that a competitive bidding process could yield significant cost savings while still achieving DHHS's goals.

### **Requested Relief**

We respectfully request that DHHS consider opening a competitive bidding process for this contract to allow Responsible Healthcare, LLC and other qualified vendors the opportunity to submit proposals. This approach would ensure transparency, cost-effectiveness, and the best possible outcomes for the state's Medicaid beneficiaries.

Thank you for your attention to this matter. We look forward to the opportunity to demonstrate how Responsible Healthcare, LLC can provide valuable services to DHHS. Please feel free to contact me with any questions or for further information.

Sincerely,

Dr. Audrey Carter, DrPH  
CEO, Responsible Healthcare, LLC  
[ResponsibleHealthcare.org](https://ResponsibleHealthcare.org)  
Email: [info@responsiblehealthcare.org](mailto:info@responsiblehealthcare.org)  
Phone: 803-329-2273

Materials Management Officer  
South Carolina Department of Health and Human Services  
1201 Main Street, Suite 600  
Columbia, SC 29201

Via Email: Protest-MMO@mmo.sc.gov

**Subject: Protest of Emergency Procurement to The North Highland Company LLC**

Dear Materials Management Officer,

On behalf of Guardian Angels Professional Services, Inc. ([www.guardianangelsprofessionalservices.com](http://www.guardianangelsprofessionalservices.com)) and NuWave Behavioral Health Services, LLC, we hereby submit a formal protest against the emergency procurement contract awarded to The North Highland Company LLC by the South Carolina Department of Health and Human Services (DHHS) for the Medicaid eligibility redetermination process. This contract, totaling \$70,577,857, was announced on October 31, 2024, under the emergency procurement provisions of S.C. Code Ann. §11-35-1570.

Both Guardian Angels Professional Services and NuWave, LLC are established organizations with proven expertise in public health management, Medicaid eligibility determination, and IT system integration. We believe that this contract was awarded without a competitive process, which prevents other qualified vendors—like ourselves—from providing competitive proposals that could result in better value and outcomes for the state of South Carolina.

**Grounds for Protest**

1. **Lack of Competitive Bidding Process:** The emergency procurement process bypassed the usual competitive bidding requirements, effectively excluding other capable vendors from competing for the contract. Both Guardian Angels Professional Services and NuWave Behavioral Health Services, LLC have the necessary experience and resources to fulfill the contract's requirements at a competitive rate. The failure to allow other organizations to submit proposals undermines transparency and fairness in the procurement process.
2. **Experience and Capabilities:** Guardian Angels Professional Services and NuWave Behavioral Health Services, LLC have extensive experience working with Medicaid eligibility redetermination, data analytics, and process automation. Our teams are well-equipped to handle the complex tasks associated with the 14-month unwinding period and to ensure compliance with federal guidelines. We are



confident that our solutions could achieve the same outcomes as the current vendor, while providing added value through efficiency and cost-effectiveness.

3. **Cost-Effectiveness:** The contract value of \$70.5 million for The North Highland Company LLC is substantial, and we believe that a competitive bidding process would yield better financial terms for the state. Guardian Angels Professional Services and NuWave, LLC are committed to providing cost-effective services without compromising quality, making us strong candidates to fulfill the requirements of this critical Medicaid redetermination project.

### **Requested Relief**

In light of the above concerns, we respectfully request that DHHS reconsider the decision to award this contract through an emergency procurement and instead initiate a competitive bidding process. This would allow Guardian Angels Professional Services, NuWave, LLC, and other qualified vendors to submit proposals that meet the state's needs at competitive prices, ultimately benefiting South Carolina's Medicaid beneficiaries.

We look forward to the opportunity to demonstrate our capabilities and to contribute to this important project. Thank you for your attention to this matter.

Sincerely,

Patricia Montgomery RN, MSN, PMHNP-BC

Co-owner/Operational Manager  
Guardian Angels Professional Services, Inc.  
843-765-3061

Patricia Montgomery RN, MSN, PMHNP-BC  
Owner  
NuWave Behavioral Health Services, LLC  
843-503-1209

**From:** [mclcopier3@gmail.com](mailto:mclcopier3@gmail.com)  
**To:** [Protest-MMO](#)  
**Subject:** [External]  
**Date:** Wednesday, November 13, 2024 2:18:07 PM  
**Attachments:** [doc05730720241113141747.pdf](#)

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## South Carolina Business Opportunities

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Published by Division of Procurement Services - Delbert H. Singleton, Jr., Division Director

**Ad Category:** Sole Source and Emergency

**Notice Start Date:** October 31, 2024

**Notice End Date:** November 14, 2024

**Vendor Name:** The North Highland Company LLC

**Contract Amount:** \$70,577,857

**Agency Procurement Manager:** Rebecca Lopez

**Agency Procurement Manager Email:** rebecca.lopez@scdhhs.gov

**Agency Procurement Manager Telephone#:** 803-898-7379

**The Agency hereby provides notice that it entered into an emergency contract per S.C. Code Ann. §11-35-1570 with Vendor for the following supplies, services, information technology, or construction:**

The Consolidated Appropriations Act, 2023, provides state Medicaid agencies with a date of April 1, 2023 to resume the standard eligibility redetermination process. April 2023 will begin a 14-month unwinding period, during which annual redeterminations for the state's 1.5 million beneficiaries must be initiated during the first 12 months with redetermination processing completed in 14 months. In addition to the expectations to complete annual redeterminations during the 14-month unwinding period and on an ongoing basis after, the state must adhere to application timeliness requirements. The unwinding period was extended to improve automated processes and meet federal requirements.

**Agency's justification for this emergency procurement may be viewed or obtained at:** Agency Procurement Manager (Listed Above)

### **PROTESTS:**

Any actual or prospective bidder, offeror, contractor, or subcontractor aggrieved in connection with the intended award or award of this emergency contract, shall notify the appropriate chief Procurement officer in writing of its intent to protest within five (5) business days of the date this notice is posted. Any actual or prospective bidder, offeror, contractor, or subcontractor who is aggrieved in connection with the intended award or award of this emergency contract and has timely notified the appropriate chief procurement officer of its intent to protest, may protest to the appropriate chief procurement officer in the manner set forth below within fifteen days of the date this notice is posted; except that a matter that could have been raised as a protest of the solicitation may not be raised as a protest of the award or intended award of a contract.

A protest must be in writing, filed with the appropriate chief procurement officer, and set forth the grounds of the protest and the relief requested with enough particularity to give notice of the issues to be decided. The protest must be received by the appropriate chief procurement officer within the time provided above. Days are calculated as provided in S.C. Code Ann. § 11-35-310(13).

**Any Notice Of Intent To Protest And Protest Must Be Addressed To:** Materials Management Officer

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South Carolina Business Opportunities • SCBO Team • 1201 Main Street, Suite 600 • Columbia, SC 29201  
803-737-0600 • [scbo@mmo.sc.gov](mailto:scbo@mmo.sc.gov) • <https://scbo.sc.gov> • <https://procurement.sc.gov>



## JUSTIFICATION FOR EMERGENCY PROCUREMENT

Agency: South Carolina Department of Health and Human Services

Emergency Vendor: The North Highland Company LLC

Agency has contracted with or plans to contract with Emergency Vendor for the supplies, services, information technology, or construction described below per S.C. Code Ann. §11-35-1570 and S.C. Regulation 19-445.2110, Emergency Procurement.

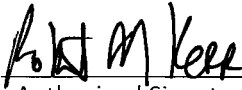

Describe the nature of the emergency condition and the resulting immediate threat to public health, welfare, critical economy and efficiency, or safety that this procurement responded to: Despite extensive planning, including hiring and training of additional staff needed to complete Medicaid redeterminations during the state's COVID-19 public health emergency unwinding period, staff attrition and recruiting challenges limited the state's ability to build needed capacity to complete this work. This jeopardizes the state's ability to: meet federal requirements to complete redeterminations in a 14 month period; qualify for enhanced federal funding contingent upon meeting federal requirements during the unwinding period; take appropriate measures including necessary outreach to ensure eligible beneficiaries retain needed health benefits and those that do not are transferred to the Federally Facilitated Marketplace; and protect state and federal tax dollars by disenrolling individuals no longer eligible for benefits.

Description of the facts and circumstances giving rise to the above describe emergency condition and threat: State Medicaid agencies are required to check the eligibility status of Medicaid members annually to ensure those enrolled remain eligible for the programs. In response to the COVID-19 federal Public Health Emergency (PHE) and the Families First Coronavirus Response Act in March 2020, SCDHHS paused its standard annual redetermination process to comply with continuous enrollment requirements of the Act. During this time, Medicaid eligibility was protected for beneficiaries unless they moved out of state, are deceased, or requested to have benefits end. Due to the risk of beneficiaries losing eligibility, the conversion process from the legacy eligibility system to the new Member Management System (MMS) was ceased. The Consolidated Appropriations Act, 2023, provided state Medicaid agencies with a date of April 1, 2023, to resume the standard eligibility redetermination process. April 2023 began a 14-month unwinding period, during which annual redeterminations for the state's 1.5 million beneficiaries must be initiated during the first 12 months and redetermination processing completed in 14 months. The state did extensive planning to prepare for this unwinding period and the unprecedented volume of work that has had to be completed. This included hiring and training additional staff to complete the work. In addition to expectations to complete annual redeterminations during the 14-month unwinding period and on an ongoing basis after, the state must adhere to application timeliness requirements. States must process Medicaid applications within 45 days when a disability determination is not required and within 90 days when a disability determination is needed. As the PHE unwinding period progressed and impacts on beneficiaries evaluated, the unwinding period was extended to improve some automated processes, as well as to allow more time for beneficiaries to return forms and other information needed to determine eligibility. In addition, during the PHE unwinding period, the incoming volume of applications has increased for both applicants new to Medicaid as well as those who lost eligibility at annual review. The state continues to diligently

process applications, annual reviews, and complete the work to convert beneficiaries from the legacy system to the new eligibility system. However, additional system automation is needed to be able to meet timeliness standards for processing applications and annual reviews on an ongoing basis. The additional staffing is needed as the state takes steps to automate more work and decrease the volume of staff needed in the future.

Basis for Selection of the Vendor – include a description of competition Agency conducted or will conduct, if any, and explain why more extensive competition was/is not practical under the circumstances: The vendor was selected due to the limited time available to identify and select a vendor that was able to provide the needed staff resources prior to the state’s resumption of redetermination processing on April 1, 2023; the selected vendor’s ability to recruit qualified staff from an identified pool of candidates in the state; as well as the vendor’s demonstrated ability to provide this service in multiple other states. The vendor has met these expectations with hiring, training and managing staff, as well as maintaining the desired staffing levels. Due to the time, it would take to ramp up to current staffing levels to maintain production with current work, conducting a competitive process is not practical.

Description of supplies, services, information technology, or construction: Recruit, hire, train and manage staff who will conduct the following tasks: Data entry of Medicaid beneficiary evidence into the state’s eligibility system; Outbound calling to Medicaid beneficiaries and authorized representatives to attempt to obtain missing information needed to make a determination; Conversion of Medicaid eligibility evidence from the state’s legacy system to its newer rules-based system; Other activities that support Eligibility processing.

   
\_\_\_\_\_  
Authorized Signature  
Printed Name: Robert Kerr  
Title: Director  
Date: 9/13/2024

**Notes:**

**Authorized signature is the agency head unless the agency head has delegated that authority. Delegation of authority must be submitted to the Materials Management Officer in writing.**