Ontario Medical Association

Request for Proposal:
Review and Evaluation of Evidence to Identify After-Hours Non-Elective Physician Work

September 21, 2018

1 Background

The data evaluated and recommendations made by the successful Respondent to this Request for Proposals (RFP) will be used by the Ontario Medical Association (OMA) to better understand the proportion of non-elective clinical work by physicians practicing in different Ontario Health Insurance Plan (OHIP) specialties. This information is critical for developing and measuring income relativity among physicians, which is a longstanding issue for the OMA, and it is also important during the bilateral negotiations between the government of Ontario and the OMA.

Specifically, the OMA currently uses two data sources to identify this type of work: the OHIP Schedule of Benefits claims and the Relativity Review Committee (RRC) Survey. In addition, the OMA has recently proposed a process whereby new evidence from OMA Sections can be submitted. This new evidence, in conjunction with the two existing data sources, will be evaluated by an independent Third Party reviewer, who will make recommendations on the best source(s) of data on mandatory after-hours clinical activity for each Section/specialty. This Request for Proposal (RFP) seeks a candidate to conduct this independent Third Party review. This Request is conditional on OMA Council's approval of the Project, which will be determined on October 21, 2018.

Note: throughout this RFP, the terms "Respondent", "successful candidate", and "Third Party reviewer" are used interchangeably, and refer to the selected successful respondent to this RFP.

2 Scope of Project

If OMA Council approves this Project, this work will be conducted between November 5 and December 5, 2018.

The Respondent will review the existing data sources (the OHIP Claims and the RRC Survey) and new evidence submitted by the OMA Sections (Specialties) and make recommendations on the best source(s) of data on mandatory after-hours clinical activity for each Section (Specialty). This review will be conducted only for Sections that submit new evidence to support arguments to update their work hours and/or after-hours activity.

Examples of such sources of data may include but are not limited to:

- Direct work activity measurement
- Time-stamped activity/OHIP claims for after-hours activity
- Prior data surveys
- New survey data

Each data source will be evaluated by the Respondent in terms of generalizability, accuracy and verifiability. The Respondent is responsible for providing statistically rigorous definitions of these terms and description of the methods that will be used to support the assessments of the quality of the submissions.

The Respondent will also take into consideration the Section's argument about why the existing data sources do not adequately capture its non-elective after-hours clinical work.

The Sections may also elect to conduct their own surveys. The OMA will support deployment of these surveys, but to avoid potential bias will not provide analysis or interpretation. The collected data will be held in trust by the OMA and the Respondent is responsible for analyzing the data and its quality (e.g. how the data were obtained and by whom; survey/reporting period; measures to avoid bias; assessment of generalizability of sample and sampling method used; response rate; representativeness, etc.). As such, the successful candidate will be required to sign a data sharing/confidentiality agreement.

To avoid bias, prior conclusions about which values for hours of work and/or after-hours modifiers are used will not be available to the Third Party reviewer. If the OMA determines that the Respondent has attempted to seek information from any source on prior conclusions, whether successful or not, this will constitute grounds for the immediate disqualification of the Respondent and termination of the contract, as per but not limited to, the provisions of Section 6 of this RFP.

All analyses and reports of the successful candidate will be posted to the OMA Members' website.

3 General Deliverables of the RFP

This Section describes the Deliverables that the successful Respondent must provide to the OMA. These requirements are mandatory. By submitting a Proposal in response to this RFP, the Respondent is accepting these deliverables and timelines, as specified below in section 4.3.

Description of Deliverables

A. The Respondent must develop a proposal and cost estimate for the data evaluation process that will answer the following main questions:

I. Data Evaluation Methods

1. What method(s) will be used to evaluate the data currently available or newly submitted according to the principles of generalizability, accuracy and verifiability (e.g. survey/consultation with Sections; audit)? Please provide statistically rigorous definitions, where possible, of generalizability, accuracy and verifiability, and justify and explain your rationale for each method.

II. Data Validity

2. How will the Respondent ensure that the data provided by each Section is representative of the entire Section (i.e. intra-sectional validity)?
3. If using surveys or consultation, how will the Respondent ensure that the sample for each OHIP specialty is of sufficient size (i.e. participation and response)?
4. How will the Respondent treat OHIP Specialties with a small number of physicians (e.g. Genetics)?
5. How will the Respondent reconcile differences between OHIP Specialties vs. OMA Sections?
6. How will the data/evidence submissions from Sections be validated?

III. Measurement of Variables

7. How will measurement of after-hours activity be assessed to determine that it includes only OHIP-insured, mandatory clinical service provision after-hours?
8. How will OHIP-insured clinical service provision be identified from other activities such as administration, research, teaching?

IV. Special Considerations

9. How will after-hours mandatory clinical service provision be assessed for the Emergency Medicine group?
    - The Emergency Medicine physician group includes OHIP Specialty Emergency Medicine, and physicians in OHIP Specialty General Practice who either participate in Emergency Department Alternative Funding Arrangement or whose fee-for-service claims in H-prefix codes represent 50% or more of their total professional fee-for-service billings.
10. How will after-hours mandatory clinical service provision be assessed for the Laboratory Medicine group?
    - The Laboratory Medicine group consists of OHIP Specialties Laboratory Medicine, Microbiology, and Clinical Biochemistry. Most physicians are paid by a salary or a contract and receive supplemental income from LMFFA, but some physicians also receive income predominantly from fee-for-service sources.

V. Other

11. What additional variables or approaches would you recommend be considered in determining the best source(s) of data to use for each Section/specialty for non-elective after-hours clinical activity?

12. How will the Respondent ensure the confidentially of the data?

B. The Respondent must complete a full report on the completion of the project. This report will include, but is not limited to:

- Description of Methods, Definitions, and Rationale for Approaches used
- Determination of Best Source(s) of Data for each Section, and Rationale for Determination
- Determination of After-Hours Modifier (i.e. percentage of after-hours non-elective clinical work) for each Section/specialty
- If surveys, audits, or consultations are used:
  - Analysis of Survey Results
  - Assessment of Survey Validity and Data Quality

C. The Respondent must provide a brief description of their company, along with a one page description listing specific past projects that demonstrate the Respondent's expertise relating to this RFP. The Respondent must also provide a list of the proposed team members along with their credentials and expected roles for this study.

D. The Respondent must provide a detailed work-plan describing their proposed approach and methodology to accomplish the above requirements; included must be specific dates and personnel responsible for each task.

E. The Respondent must provide a detailed cost information spreadsheet. Costs should be broken out by task, including total hours and rates per hour for each level of staff participating in the study, if possible.

F. The Respondent will turn over all other data and information to the OMA that were gathered, submitted and developed in this process. All such data and information shall be solely the property of the OMA.

G. The Respondent must provide regular updates on the progress of research activities and receive guidance/direction as needed.

H. The Respondent will assist in the consultations and involvement of all interested parties by providing reports and updates.

I. The Respondent will detail components of a "retainer period" in which they will be available to answer questions and respond to concerns of Sections and/or the OMA Project Team and/or Board for a period of no less than six (6) months following submission of the final report and recommendations.

4 RFP Submission Guidelines

This section describes how the Respondent should prepare its Proposal and provides a set of issues and questions to be addressed regarding information about the Respondent.

4.1 Proposal Format

Submissions must include an electronic copy and a hard copy, by noon on October 12, 2018.

We regret extensions cannot be granted. Responses received after the deadline will be returned unopened.

Please send completed submissions to the following address:

Kate Damberger

Kate.damberger@oma.org

Economics, Policy and Research

Ontario Medical Association

150 Bloor Street West, Suite 900

Toronto, ON, M5S 3C1

4.2 Respondent Information

The Proposal must provide/state:

a) The name, address, telephone and facsimile numbers of the contact person(s) for the Respondent;

b) The Respondent's legal name and any other name under which it carries on business;

c) The Respondent's address, telephone and facsimile numbers;

d) The name of the person who is primarily responsible for the Proposal;

e) Please provide biographies of the key team members who will be involved on your project team and advise what each team member will be responsible for in terms of the deliverables of the RFP.

f) Whether the Respondent is an individual, a sole proprietorship, a corporation, a partnership, a joint venture, an incorporated consortium or a consortium that is a partnership or other legally recognized entity;

g) The name(s) of the proprietor, where the Respondent is a sole proprietor; each of the directors and officers where the Respondent is a corporation; each of the partners where the Respondent is a partnership and applicable combinations of these when the Respondent is a joint venture or consortium, whichever applies;

h) Whether the Respondent intends at any time during the term of an agreement arising out of this RFP, to use the services of another entity, in connection with the management of the services to be provided pursuant to such an agreement. If so, attach full details;

i) Whether the Respondent is a partner, director, officer, shareholder of, or a contributor of capital to another individual, sole proprietorship, corporation, partnership, joint venture, or a consortium that has as its principal business the provision of services similar to the services required pursuant to this RFP. If so, attach full details.

4.3 Timelines

Key milestones for the planning process are as follows:

(Note: Committee refers to the Relativity Advisory Committee)

RFP submissions due	October 12, 2018
Candidate Selection	October 26 2018
Meeting with EPR and RAC	TBD
Progress Report	November 16 2018
Final Report	December 5, 2018

5 Evaluation Criteria

Subject to the Terms and Conditions set out in Article 6, the evaluation of the RFP submissions shall include the following criteria. Each RFP will be evaluated out of 100 points. The number of points allocated to each criterion is listed below:

1. The Respondent's demonstrated knowledge, experience (public and private sector) and qualifications with respect to the full Scope of the Work – 15 points;

2. The Respondent's understanding and responsiveness to the format of this proposal and the information provided in the submission – 10 points;
3. The Respondent's demonstrated knowledge and understanding of the OHIP Schedule of Benefits (SOB), including detailed understanding of OHIP billing codes and practices. Specifically, physicians need to be part of the team, or at least be accessible as advisors – 15 points;
4. The Respondent's demonstrated technical knowledge with respect to evaluation of data sources. However, the Respondent is not permitted in any form to use services of any former OMA staff – 15 points;
5. The overall costs of the services – 15 points;
6. The extent to which the Respondent is able to complete the full scope of the work in a time period which meets the needs of the OMA – 10 points;
7. The extent to which the Respondent is able to provide a retainer of service to respond to questions from Section Executives and staff for a period of at least six (6) months following submission of its final report – 10 points;
8. The overall suitability and merits of the proposal, including the creativity and innovation demonstrated – 5 points; and
9. Additional strengths leveraged by the Respondent – 5 points.

6 RFP Terms and Conditions

This section describes the procedures and practices used by the OMA to govern the RFP process.

6.1 RFP Terminology

Throughout this RFP, terminology is used that describes the importance of each requirement. Such terminology is as follows:

"Must", "Shall"	A requirement that ***must*** be met in a substantially unaltered form.
"***Should***"	A requirement having a significant degree of importance to the objectives of the RFP.
"***Conditional***"	A requirement that OMA Council must approve this Project prior to the successful candidate commencing Part 2 of the Project Requirements and Deliverables. This approval will be sought at the special Council meeting October 21, 2018.
"***Retainer***"	A requirement that the successful candidate must be available to answer questions and respond to concerns of Sections and/or the OMA Project Team and/or Board for a period of no less than six (6) months following submission of the final report and recommendations.

6.2 Respondent Questions

All questions concerning this RFP must be directed, in writing, exclusively to the RFP Project Manager. Under no circumstances are inquiries to be directed to the Committee or OMA staff or OMA Section Representatives, OMA

Board or Executive Committee members, or OMA Members in general. The questions and the answers to written questions will be sent to all individuals and organizations that have requested a copy of the RFP.

All questions must be submitted to the Project Manager:

Kate Damberger

Economics, Policy and Research

Kate.damberger@oma.org

The Respondent has the responsibility, at all times, to notify the Project Manager in writing of any ambiguity, divergence, error, omission, oversight or contradiction contained in the RFP as it is discovered, or to request any instruction, decision or direction which may be required to prepare the Submission.

In order for the OMA to deal effectively with any Respondent concern about any provision of this RFP, such concern must be communicated to the Project Manager at least three (3) days prior to the RFP closing date October 9, 2018. Questions received after 2:00 p.m. local time on October 9 2018 will not be addressed.

6.3 Confidentiality

Information pertaining to the OMA, and/or any of its members obtained by the Respondent, its employees and agents as a result of its participation in relation to this RFP, shall be kept confidential and must not be disclosed by the Respondent except as authorized, in advance, by the OMA. The Respondent shall use best efforts, consistent with measures it takes to safeguard its own confidential and proprietary information, to ensure that it keeps the confidential information confidential. At the OMA's request, the Respondent will either destroy all confidential information or surrender all originals and all copies of any confidential information that it may have in its custody and shall provide to the OMA, at the OMA's request, a certificate which verifies the destruction or the return of such confidential information.

Respondents' responses, including the Submission, become the property of the OMA and will not be returned.

6.4 Intellectual Property

The Respondent agrees that the OMA will own all right, title and interest in and to the deliverables produced by the Respondent, alone or in collaboration with others, including copyright, patent, trade secrets and any other industrial and intellectual property rights and other proprietary rights. The Respondent shall expressly and irrevocably assign all intellectual property rights and proprietary rights in the deliverables to the OMA. The Respondent agrees that it will not include in any deliverables produced through it work designs, plans, models, samples, software, integrated circuits, reports, or other writing or product which the Respondent either knows or have reason to believe are covered by the valid patent, copyright, or other form of intellectual property right of a third party without the OMA's prior written permission.

6.5 Disqualification & Cancellation

A Submission may be disqualified and not receive further consideration where:

The Submission has failed to meet or has not been submitted in accordance with instructions and the procedural requirements of this RFP; or

The OMA has found, in its sole and absolute determination that an attempt on the part of the Respondent has been made to contact any person other than the RFP Project Manager with respect to this RFP, after its release date on September 21, 2018.

Without limiting the foregoing, no attempt shall be made to contact:

Any expert or other advisor assisting the OMA;

Any current member of the OMA Board or the OMA Executive;

Any staff of the OMA;

Any current member of an OMA Section Executive;

Any current OMA member; or

Any member of the Relativity Advisory Committee.

The disqualification, as a result of the above, may be made at any time in the RFP process, or any subsequent contracting process, and the Respondent agrees that the OMA shall not be liable without limiting the generality, any losses, damages, liabilities, or claims as a result of any disqualification.

The Submission of any Respondent will be disqualified at any time during the RFP process where it is found, at the OMA's sole and absolute determination, that the Submission contains incomplete, false or misleading information or a conflict of interest exists.

A Submission will be disqualified where it meets any grounds for disqualification set out elsewhere in this RFP document.

The OMA may, in its sole and absolute determination revoke the Respondent's status as a Respondent, and reject any potential or actual Submission forwarded by the Respondent, without liability and in addition to any other remedies available at law. The Respondent agrees that it shall be estopped from bringing any demand or action against the OMA due to its cancellation of the RFP process or revocation of the Respondents status as a Respondent.

6.6 Selection Criteria

(a) The OMA reserves the right to choose the bidder whose proposal offers the best value to OMA members. However, the OMA is under no obligation to award any contract in whole or in part and the OMA reserves the right in its sole discretion to cancel this RFP process at any time before or after closing without providing reasons for such cancellation.

(b) The OMA, without liability, cost or penalty, may at any time prior to or after the closing time:

- Alter any dates in this RFP;
- Amend or supplement this RFP; or
- Issue a new RFP for the same similar services.

The Respondent agrees that it shall be estopped from bringing any demand or action against the OMA if the OMA takes any of the above actions.

(c) The OMA will not make any commitment to choose the lowest cost bid and reserves the right to waive any formality within proposal submissions. While the cost and value to members are important elements in the selection process, it is to be clearly understood that there are other evaluation criteria in the RFP that the OMA will consider in evaluating Submissions.

(d) The OMA, without liability, cost or penalty, may, in its sole discretion and at any time after the Submission has been delivered, seek clarification from any Respondent with respect to its Submission. Any written information

received by the OMA from a Respondent in response to a request for clarification from OMA shall be considered an integral part of the Respondent's Submission.

(e) The OMA may verify any Respondent's claim or statement by whatever means the OMA deems appropriate, including contacting references other than those offered by the Respondent, and may reject any Respondent's statement or claim, if in the judgment of the OMA the statement or claim is unwarranted or not credible.

6.7 Submission Rejection

The OMA may reject any or all Submissions or cancel this RFP at any time or for any reason.

6.8 Incurred Costs

The OMA shall not be liable and/or be responsible for any costs incurred by Respondents for the preparation or presentation of Submissions.

6.9 Submission Return

The Submissions and accompanying materials submitted by the Respondent are the property of the OMA and will not be returned.

6.10 Submission Alteration

Submissions submitted must be final and may not be altered in any subsequent offerings, discussion or commitments, unless the Respondent is requested to do so by the OMA.

6.11 Revisions

If it becomes necessary to revise any part of this RFP, the revision will be provided in writing to all Respondents who have requested the RFP from the Project Manager. It is the sole responsibility of the Respondent, prior to the closing date, to ensure that the Respondent has received all revisions pertaining to the RFP.

6.12 Liability for Errors

The OMA and its agents shall not be held liable or accountable for any error or omission in any part of this RFP or response to Respondent questions.

6.13 Respondent Responses

In responding, Respondents are directed to comply fully with the procedures outlined in the RFP.

6.14 Respondent Compliance with OMA Policies and Procedures

All Respondents are required to adhere to all OMA policies and procedures that are relevant to the RFP. Any such policy shall be made available to the Respondent upon request.

6.15 List of Medical Specialties (Name and OHIP Specialty Number) in the Study

- Anaesthesia (01)
- Cardiology (60)
- Cardiovascular and Thoracic Surgery (09)

- Clinical Biochemistry (30)
- Clinical Immunology (62)
- Community Medicine (05)
- Dermatology (02)
- Diagnostic Radiology (33)
- Emergency Medicine (12)
- Endocrinology and Metabolism (15)
- Gastroenterology (41)
- General Practice (00)
- General Thoracic Surgery (64)
- Genetics (22)
- General Surgery (03)
- Geriatrics (07)
- Haematology (61)
- Infectious Disease (46)
- Internal and Occupational Medicine (13)
- Laboratory Medicine (28)
- Medical Oncology (44)
- Microbiology (29)
- Nephrology (16)
- Neurology (18)
- Neurosurgery (04)
- Nuclear Medicine (63)
- Obstetrics and Gynaecology (20)
- Ophthalmology (23)
- Otolaryngology (24)
- Orthopaedic Surgery (06)
- Plastic Surgery (08)
- Psychiatry (19)
- Paediatrics (26)
- Physical Medicine and Rehabilitation (31)
- Radiation Oncology (34)
- Respiratory Disease (47)
- Rheumatology (48)
- Urology (35)
- Vascular Surgery (17)