



**Contra
Costa
County**

To: Board of Supervisors
From: Anna Roth, Health Services Director
Date: November 16, 2021

Subject: Rescind Prior Board Action Pertaining to Contract #27-791-10 with Cotiviti, Inc.

RECOMMENDATION(S):

RESCIND Board action of September 21, 2021 (C.34), which pertained to a contract amendment agreement for transfer of services to Cotiviti, Inc., doing business in California as Cotiviti I, Inc; and APPROVE and AUTHORIZE the Health Services Director, or designee, to execute on behalf of the County Contract Amendment Agreement #27-791-10 containing modified indemnification, with Cotiviti, Inc., doing business in California as Cotiviti I, Inc, a corporation, effective October 30, 2021, to increase the payment limit by \$320,000, from \$300,000 to a new payment limit of \$620,000, and extend the termination date from October 31, 2021 to October 31, 2022, for transition of software services from a standalone application, to a hosted solution for Contra Costa Health Plan's Healthcare Effectiveness Data and Information Set measures.

FISCAL IMPACT:

Approval of this amendment will result in additional annual expenditures of up to \$320,000 and will be funded as budgeted by the department in FY 2021-2022, by 100% Contra Costa Health Plan Enterprise Fund II revenues.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY

☐ RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **11/16/2021** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Diane Burgis, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: November 16, 2021

Monica Nino, County Administrator and Clerk of the Board of Supervisors

By: Laura Cassell, Deputy

Contact: Sharron Mackey,
925-313-6104

BACKGROUND:

This contract meets the needs of the County's population by providing data analysis software for Health Plan Employer Data and Information Set (HEDIS) projects and reports in support of State and contractual requirements for Contra Costa Health Plan (CCHP). Cotiviti Inc. provided the licensed program, Quality Intelligence, for the calculation and analysis of HEDIS measures used by CCHP. CCHP began contracting with this vendor in November 2009.

On February 25, 2020, the Board of Supervisors approved Contract #27-791-8 with Cotiviti, Inc. doing business in California as Cotiviti I, Inc., for the provision of consultation and technical assistance concerning data analysis services for HEDIS projects and annual reports for the period from November 1, 2019, through October 31, 2020. On October 13, 2020, the Board of Supervisors approved Contract #27-791-9 to allow the contractor to provide software and consultation services, and to license software to the County, through October 31, 2021.

On September 21, 2021, the Board of Supervisors approved item C.34 for the transfer of some services provided under contract #27-799-11 with Health Management Systems, Inc. (the "HMS Services"). However, due to the start of the HEDIS season looming, the parties have agreed to delay the transfer of the HMS Services, to allow for time for negotiation of the terms, and focus on transitioning the delivery of Cotiviti's HEDIS licensed program from a stand-alone suite of software modules to a hosted solution. This board order will rescind the prior action, and authorize the contract amendment, under which the Contractor will migrate the County's HEDIS data to a Contractor-hosted software solution that provides for the calculation and analysis of HEDIS measures, upgrade the software to Cotiviti's Quality Improvement, ASP +, and perform analytic and insight services. This contract contains modified indemnification. Under the contract, Cotiviti's liability, including its indemnity obligations, is limited to the amount paid by the County under the contract except for bodily injury, death, fraud or criminal acts by Cotiviti, which is not capped, and any claims that an unauthorized party accessed data protected health information in the Cotiviti-hosted system, which is capped at \$5,000,000. The contract requires Cotiviti to maintain \$5,000,000 in cyber-liability insurance.

CONSEQUENCE OF NEGATIVE ACTION:

If the recommendation is not approved, the prior Board action will stand, and the department will not have Board authorization for the change in the service model from a stand-alone software license to a web-based hosted solution through this amendment.