

## May 15, 2020 OPIOID EPIDEMIC RESPONSE ADVISORY COUNCIL

WebEx

10am-12pm

### I. Council member Introductions –

Dr. Anne Pylkas, Wendy Burt, Peter Carlson, Willie Pearl Evans (resigned), Sarah Grosshuesch, Cody Wiberg for Katrina Howard, Representative Katrina Howard, Kathy Nevins, Shelly Elkington, Judge Korey Wahwassuck, Dr. Heather Bell, Dana Farley, Gertrude Matemba-Mutasa, Dana Farley

Absent: Representative Dave Baker, Nicole Anderson, Senator Chris Eaton, Senator Erin Koegel, Esther Muturi, Toni Napier, Darin Prescott

Vacancies: Public Member in Opioid Recovery vacated by Willie Pearl Evans and Licensed Opioid Treatment Program, Sober Living Program or Substance Use Disorder Program Representative vacated by Roy Sutherland

OERAC Facilitator: Kris Van Amber

MMB Staff: Anna Solmeyer and Weston Merrick

Guests: George Lewis, Juliana Milhofer, Kelly Endres, Mary McCarthy

DHS Staff: Dwayne Green, Boyd Brown, April Beachem, Perry Moore, Sam Nord and Tara Holt

### II. Announcements

- Dr. Gazelka has resigned her position and Dr. Heather Bell has been appointed by the Minnesota Medical Association as their new representative.
- Willie Pearl Evans has resigned her position as she has taken a position with the MN Department of Health. Her position is an open competitive position and posted for applications.
- John Sutherland has resigned her position as he has moved out of state. His position is an open competitive position and posted for applications.

### III. Public Comment

- None

### IV. OERAC Request for Proposal and Timeline

- Boyd Brown let the council know that on May 8th there was a bidder's conference for the OERAC request for proposal with approximately 27 attendees on the call.
- The RFP due date is May 27<sup>th</sup>.
- Today's goal is to provide you grant reviewer training as the council has expressed their intent that they will be reviewing the grant proposals.
  - The original plan is to have the proposals ready to review by May 29<sup>th</sup>.
  - Proposal review meetings tend to be 4 hours by categories and there are 4 categories, why we are asking for volunteers by then.

## May 15, 2020 OPIOID EPIDEMIC RESPONSE ADVISORY COUNCIL

WebEx

10am-12pm

- If the group decides to go with video/in person presentation those need to be completed in June so DHS can start contract negotiations no later than in July.
- The group discussed the due date, review process and timeliness flexibility because of COVID pandemic. It was determined that with legislative mandate to make decisions by July 1st nothing would be extended at this time and timeline below would continue to be utilized.

### Opioid Council RFP Process Work Plan

Task	Due Date	Person(s) Responsible
Draft pre-RFP notification for Council approval	3/24/2020	DHS Staff
Revise and Approve pre-RFP notification	3/31/2020	Opioid Council Leadership
Pre-RFP notification published	4/6/2020	DHS Staff
Draft RFP for Council approval	4/1/2020	DHS Staff
Revise and Approve RFP	4/10/2020	Opioid Council Leadership
RFP sent to State Register and DHS website for publication	4/20/2020	DHS Staff
RFP published	4/27/2020	DHS Staff
RFP Bidders Conference	5/8/2020	DHS Staff/Council Representation
OERAC – Proposer Reviewer Training Meeting	5/15/2020	Full Meeting
RFP Due Date	5/27/2020	DHS Staff
Proposal review panel (Council members) receive proposals for individual review and scoring	5/29/2020	Opioid Council proposal review panel members
Conduct in-person review meeting with proposal review panel	6/10/2020 – 6/17/2020	Opioid Council proposal review panel members with DHS Staff facilitating
Proposer interviews/presentations	6/17/2020 – 7/1/2020	Opioid Council proposal review panel members with DHS Staff facilitating
Final funding recommendations	7/1/2020	Opioid Council
Contract Negotiations and Contract Execution – Nonprofits	7/1/2020 – 9/15/2020	DHS Staff
Contract Negotiations and Contract Execution – Governmental entities	7/1/2020 – 10/15/2020	DHS Staff

## May 15, 2020 OPIOID EPIDEMIC RESPONSE ADVISORY COUNCIL

WebEx

10am-12pm

### V. Request for proposal training

- Dwayne Green, DHS Grants and Contracts manager, provided the request for proposal training.
- Dwayne spoke about that the request for proposal has 4 categories and if an application wanted to apply for multiple categories they would need to submit a separate proposal for each.
- Confidentiality
  - Applicants submit their proposals to the Minnesota Department of Human Services with the assurance that the information provided is available only to the individuals involved in the proposal review process. In order to assure that a review has been carried out fairly, any materials you use, or information you obtain, must be kept secure. This section addresses the most common issues and questions that reviewers have regarding confidentiality.
- Conflict of Interest (COI) - or Appearance of a Conflict of Interest
  - A conflict of interest is a relationship between a proposal reviewer and another party that could affect or appear to affect the reviewer's ability to impartially assess grant proposals. Prior to reading your assigned proposals, review the list of proposals that you will review and ensure that you do not have a conflict of interest. A reviewer has a conflict of interest when:
    - The reviewer has agreed to serve as an employee or consultant on a project for which funding is being sought in a proposal under review, or has been offered the opportunity to do so and has not yet accepted or declined, based on whether a grant is awarded;
    - The reviewer's personal financial interests will be affected by the outcome of the competition;
    - The reviewer helped prepare a proposal in the competition, even if the reviewer has no financial interest in the outcome of the process; or
    - The reviewer has a relationship with an entity or individual that has a financial interest in the outcome of the competition.
  - When in doubt disclose. We will have to figure out how to do this electronically – form when you get the packet of proposals.
  - [OERAC RFP Review Team Member Agreement](#) (click on hyperlink) needs be signed by each reviewer.
- During the review panel meeting
  - You can discuss proposals with fellow reviewers during the panel meeting;
  - You may not discuss scores, written comments, or the proposals with anyone else before, during, or after the panel review meeting;
  - You may not contact applicants during the review process.
  - Anne asked if the scoring sheet is the same as was in the proposal, the answer is yes.
  - DHS does a preliminary review to ensure that only proposals that have the have the mandatory forms and declarations are reviewed.

## May 15, 2020 OPIOID EPIDEMIC RESPONSE ADVISORY COUNCIL

WebEx

10am-12pm

- Reviewer comments
  - Review comments are available to the applicants
  - Each applicant may receive a copy of the reviewer comments for his or her application. The public may request individual reviewer comments under the Freedom of Information Act (FOIA). Therefore, as you write comments be aware that the proposal review forms may be sent to the applicants. Even though your name does not appear on the forms, you must exercise care when writing comments. It is important that your comments are clear, legible, well justified, and that they reflect a thorough review of the entire application based on the selection criteria.
  
- During the review panel meeting
  - You can discuss proposals with fellow reviewers during the panel meeting;
  - You may not discuss scores, written comments, or the proposals with anyone else before, during, or after the panel review meeting;
  - You may not contact applicants during the review process.
  - Open meeting law does apply to these meetings, but it would be low risk of legal suit if the meetings took place without open meeting so long as the results discussed prior to final selection took place as an open meeting.
  
- Reviewer comments
  - Review comments are available to the applicants
  - Each applicant may receive a copy of the reviewer comments for his or her application. The public may request individual reviewer comments under the Freedom of Information Act (FOIA). Therefore, as you write comments be aware that the proposal review forms may be sent to the applicants. Even though your name does not appear on the forms, you must exercise care when writing comments. It is important that your comments are clear, legible, well justified, and that they reflect a thorough review of the entire application based on the selection criteria.
  
- Read the proposals
  - Each reviewer will receive copies of the proposals to read. Prior to discussing a proposal with the panel, you must independently read and score the application against the selection criteria using the Excel document provided. Scores can be altered after the panel meeting if needed.
  
- Scoring Guidelines
  - Evaluate the proposal against the published selection criteria.
  - Evaluate the proposal on the information contained in the proposal. In scoring a proposal, you may only consider the information contained in the proposal.
  
- Writing Comments:
  - The numerical scores you assign to a proposal's response to the selection criteria must be consistent with your comments. Therefore, if a criterion has almost a perfect score, you should have substantially more strengths than weaknesses.

## May 15, 2020 OPIOID EPIDEMIC RESPONSE ADVISORY COUNCIL

WebEx

10am-12pm

- If the proposal is poorly written or organized, it should be noted in the General Comments, but if the relevant information is found in the proposal, it should be considered in the score.
- Indicate the page number (when referring to a specific part of the proposal). Write or electronically enter comments that are clear, legible, and well justified.
- Write comments that reflect a thorough review of the entire proposal.
- Clearly state “No strengths” or “No weaknesses” when applicable.
- The comments should evaluate the strengths and weaknesses of the proposal, not just simply rehash the information contained in the submitted document.
- Changing Scores
  - Reviewers may change scores during or after the review team panel discussions. Final scores must be submitted to GRANT MANAGER at the end of the review panel meeting scheduled, June TBD, 2020. No changes can be made after the final review score sheet and notes are submitted.
- Time needed for Reviews
  - On average it takes one hour to review each proposal
  - Additional time, approximately 4-6 hour is needed to plus time to participate in the panel review and you will need to be available for the entire time.
  - The interview is an option not a stated it as a requirement. The wild card is not knowing how many we will need to manage. The council will need to make that decision.
  - The group would like the dates of the prospective meetings as soon as possible.
  - DHS asked if the council was still interested in having outside reviewers. The council determined due to the current situation they would not pursue outside reviewers for this round but will reconsider the next round of funding.

### VI. Status of the current opioid legislation

- Representative Koegel provided an update about HF 4601 which has the direct appropriations the council agreed on. HF 4601 was voted off the house floor, it is now going to the Senate for passage. There was a request to amend the previously passed language to be less restrictive for ECHO’s which has now been removed.

### VII. OERAC Fund Collections Discussion

- This item is to begin the discussion about some decisions the council may need to make in the future if the fees and registration funds collected by the Board of Pharmacy end up being lower than anticipated.
  - Cody Wiberg from the Board of Pharmacy discussed that the Board is currently collecting fees until the end of May. Last year’s estimate was \$20,000,000 in fee collection estimate was based on if all of the manufacturers and distributors remained operational in Minnesota. Unfortunately we are finding that many of them appear to no longer do business in Minnesota.

## May 15, 2020 OPIOID EPIDEMIC RESPONSE ADVISORY COUNCIL

WebEx

10am-12pm

- Additionally, some manufactures are filing lawsuits would could additionally impact or at the least hold up the release of those funds. that they object to the fee
- Cody as things are going on now lawsuits and registration.
- Cody said currently they have collected about \$8 million dollars.
- Cody talked about the uniqueness of this bill not only in the state but nationwide which is resulting in the unknowns.
- Elyse Bailey, DHS, explained that this is still relatively new information within the last few days but the current bill lays out a lot of direct appropriations get paid first and what is left goes to counties for child protection and then to OERAC council.
  - We could have a million or less for both the direct appropriations and the request for proposal
  - Additionally we need to consider the payback to the general fund.
- With the legislative proposals in HF 4601 still moving forward that were intended to provide additional funding programs that are already under contract with DHS for opioid related work under federal opioid response funding and leave funds for the competitive RFP we issued a decision needs to made on how to proceed forward today as it does appear that the amount of funding coming in from Opioid fees is likely to be much lower than expected.
  - The council voted to propose to the Senator Koran & Eaton and Representative Koegel and Baker to change the amount of funding that would go to these specific named entities to accommodate that possibility to percentages. Anne and Shelly volunteered to lead this request with the Legislators. Elyse volunteered for technical support as needed.
  - The council also voted that if there was not \$1 million in funds available they may need to cancel the RFP as there won't be any money available.
  - A motion was made that if allowed by MMB we would not pay this year's half of the general fund payment this year but a quorum was not present. Elyse will check with MMB to see if this is possible.

### VIII. Next Steps and Meeting Wrap up

- The council decided to meet for one hour on June 2<sup>nd</sup> at 6pm for an update on feed collection and determine if they would move forward with the request for proposal.
- Review panel meetings – June 10-17 review meeting, proposer interviews/presentations (June 17-July 1)
- OERAC Meeting July 17