

## Green & Healthy Homes Initiative

# Request for Proposals: Legal Consultant for Pay for Success projects with value-based healthcare

### *Purpose*

The Green & Healthy Homes Initiative (GHHI) is working with a growing cohort of asthma programs around the country to help them secure Medicaid reimbursement for two types of traditionally non-reimbursable services: 1) home visiting to reinforce self-management of asthma and 2) home modifications to remove the underlying asthma triggers. Many of these projects will utilize value-based contracting with managed care organizations (MCOs) to reimburse for these services on the back end. Through the value-based contract, MCOs will pay providers from savings produced by the asthma services as verified by actuarial evaluation. Under this agreement, providers would have flexibility to deliver the services (including non-covered services) they deem necessary to achieve those savings. As needed, Pay for Success (PFS) financing will be employed to secure working capital for providers on the front end. In PFS financing models, third-party funders provide upfront funding for services under an agreement to be repaid only if predetermined outcomes are met. In this innovative model GHHI is pioneering, providers will repay the PFS funders through the value-based payments received from the MCOs. See appendix for illustrative diagram.

GHHI is actively working with MCOs and providers to construct value-based contracts for asthma projects. GHHI seeks an experienced legal consultant to build a model PFS financing agreement that could be customized by third-party funders, service providers, and MCOs according to the needs of a foundational value-based contract. While GHHI is currently working on behalf of asthma programs, the goal is for this contract template to be applicable to other issue areas related to the social determinants of health.

### *Tasks*

- Develop a model PFS financing agreement, including term sheet and required ancillary documents, for projects that involve value-based contracts between healthcare payers and providers to implement comprehensive asthma services.
  - Revise agreement as needed based on discussions with funders, healthcare entities, service providers, and GHHI.
  - Include optional adjustments to the agreement based on potential involvement of an independent financial intermediary, evaluator, and project manager.
- Develop service agreement templates for a project manager, evaluator, and financial intermediary to be used by projects that require any of these roles.

### *Additional potential tasks*

- Participate in and advise on one or more specific agreements for projects in the negotiation phase.
- Travel to meetings with project partners.

### *Desired Qualifications*

- Experience with:
  - Developing Pay for Success agreements, loan documents, and related ancillary agreements
  - Writing or negotiating provider contracts with a health plan
  - Developing or negotiating value-based purchasing models
  - Translating complicated contracts and concepts and generating buy-in for different audiences, including health plans, funders, community-based organizations, and government entities
- Knowledge of:
  - Pay for Success financing models
  - Value-based purchasing strategies and approaches
  - Healthcare reimbursement policies and Medicaid managed care regulations
- Ability to:
  - Work with commercial and philanthropic funders to incorporate their needs into PFS agreements
  - Work with non-legal staff of community-based organizations to translate their operational needs into legal contracting structure
  - Communicate effectively with all partners about novel contracting structures and contracting terminology
  - Work efficiently through a complex contracting and negotiating process involving a variety of partners
- Interested in:
  - Addressing social determinants of health, such as housing, through innovative financing and healthcare reimbursement strategies

### *Limitations*

- The anticipated contract period is 8 and 1/2 months, beginning on February 18, 2019 and ending on October 31, 2019
- Contract will be structured as hourly rate

### *Request and Selection*

If interested, please submit the following:

1. Proposal (1 page)
  - a. Proposed scope of work, structured in terms of tasks able to provide. GHHI is open to proposals for only a subset of the listed tasks. Please use the **Needs** list above as a starting point and include additional tasks that are not listed if you feel they are critical to achieving the stated goal.
  - b. Hourly rates and other costs (please provide a budget range with low/high estimates)
    - i. Please indicate any opportunities for pro bono discounts, if available
  - c. Minimum and maximum number of hours available over the contract period
2. Qualifications (up to 2 pages)
  - a. List of team members and their relevant qualifications as described above, with a particular focus on relevant experience

Email completed proposals and qualifications (single-spaced, 12pt font) to Michael McKnight ([mmcknight@ghhi.org](mailto:mmcknight@ghhi.org)) by February 4, 2019. Prior to submission, interested parties may have a 30-minute call with GHHI to discuss and ask for more background information. If interested, these calls must be requested by January 25, 2019.

GHHI will review all submitted proposals and select finalists by February 11, 2019. For finalists, GHHI may send clarification and/or follow-up questions to finalists via email and discussed via phone call prior to selection. Following this second round, GHHI will award a contract to the selected Legal Consultant by February 18, 2019.

### **Terms and Conditions**

As this project is supported by the federal Corporation for National and Community Service's Social Innovation Fund, the selected Legal Consultant shall comply with all guidelines outlined in the most recent versions of both the [CNCS General Terms and Conditions](#) and the [SIF Pay for Success Terms and Conditions](#).<sup>1</sup>

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<sup>1</sup> <https://www.nationalservice.gov/resources/terms-and-conditions-cnsc-grants>

## Appendix: Illustrative Contracting Diagram

