Health Insurance Sealed Bid Opening Processes and COVID-19

Many school districts who have group health insurance coverage plans renewing on July 1, 2020, have raised questions regarding how to best comply with their impending deadlines (between today and April 2, 2020) and other requirements for opening sealed bids under Minnesota’s Health Insurance Transparency Act, the recent Minnesota Governor’s Emergency Executive Order 20-20 (i.e., “stay at home”), and current COVID-19 health and safety guidance. In light of these dynamics, here are a couple of possible approaches for school districts to consider in conjunction with their professional insurance and legal advisors:

1. **Adopt a Remote/“Online” Bid Opening Process**

   If a school district and the selected representative(s) of the exclusive representative of the largest group of school employees will agree to it, the school district may want to use a remote/“online” platform (e.g., using Skype, Zoom, Webex, or any number of other remote/“online” meeting services) to facilitate the sealed bid opening process. Like an “in person” sealed bid opening process, a remote/“online” process must also conform with Minnesota’s Health Insurance Transparency Act and other relevant laws (e.g., open meeting, data practices, etc.). Here are a few suggestions to support a transparent sealed bid opening process using a remote/“online” platform:
   
   - Assure that all of the respective representatives fully understand and agree to a remote/“online” process;
   - Confirm the technology used to facilitate the process is accessible to and works for all representatives and which may vary in reliability;
   - Designate a school representative to identify and record (telephonically and/or through video connectivity) all representatives who attend the sealed bid opening meeting;
   - Have a school representative identify and record all of the insurers/providers who responded to the bid request using a bid log-in sheet/form;
   - Share only information that is needed to confirm bid receipts during the remote/“online” initial bid opening (assuming “best and final” resubmissions will occur within 2 weeks thereafter)
   - Conduct any “best and final” resubmissions using the same remote/“online” final bid opening process (recognizing that final proposals after opening become public data)

2. **Carefully Open the Sealed Bids “In-Person”**

   If adopting a remote/“online” bid opening process is not viable, and despite the current COVID-19 “stay at home” Emergency Executive Order 20-20 restrictions, a meeting “in person” may essentially be the only way for a school district, its representative(s), and a union representative(s) to address the sealed bid opening requirement under Minnesota’s Health Insurance Transparency Act. If that’s the case, such a meeting and those representatives should follow the most current COVID-19 health and safety guidance with respect to social distancing, personal hygiene, touching surfaces/bid packages, time spent together, and any other protection measures.

If school districts need assistance with selecting remote/“online” platforms, please don’t hesitate to contact MSBA. Also, for more general information about Minnesota’s Health Insurance Transparency Act and the typical group health insurance coverage bid opening process, we have attached MSBA’s FAQ for the HITA Sealed Bid Process.

Finally, for school districts that have renewal dates in fall 2020 or January 2021, MSBA will provide additional information on how to properly plan ahead for bid opening requirements in the near future.