

# COVID-19 Community Testing Program Request for Proposals (RFP)

Updated July 27, 2020

## About the Philadelphia Department of Public Health

The mission of the Philadelphia Department of Public Health (PDPH) is to protect and promote the health of all Philadelphians and to provide a safety net for the most vulnerable. PDPH is the City of Philadelphia's lead public health agency responding to the coronavirus disease pandemic.

## About COVID-19

COVID-19 is a new virus that was first discovered in 2019. While some persons infected with COVID-19 have no symptoms, others (particularly older adults and persons with chronic medical conditions) can become seriously ill. The next phase of epidemic control to suppress COVID-19 requires three actions: containment, social distancing, and protecting vulnerable populations. Containment will require the establishment of widespread COVID-19 testing, particularly among people who are at high risk for acquiring or transmitting the infection.

## Purpose of this RFP

COVID-19 testing is available on a limited basis through providers in Philadelphia. However, existing test sites do not reach all people for whom testing might be beneficial. As COVID-19 case counts fall, PDPH seeks to:

- Identify people in populations with limited access to health care who might otherwise not be tested and who: (1) have high risk of serious infection or who have contacts that are vulnerable to serious infection, or (2) live or spend time in settings with elevated risk of disease transmission (e.g. congregate settings); and
- Identify COVID-19 cases more quickly so that contact tracing can stop the chain of transmission

## ABOUT THE COVID-19 COMMUNITY TESTING PROGRAM

### Required services

PDPH is partnering with PMHCC, Inc., a local nonprofit organization, to seek proposals from qualified organizations to implement the COVID-19 Community Testing Program (the Program).

The Program requires funded organizations to:

- 1) establish test sites for underserved populations across Philadelphia;
- 2) provide COVID-19 testing using defined criteria and approved testing methodologies;
- 3) provide test results to patients and counsel persons testing positive;
- 4) manage billing for public and private health insurance; and
- 5) collect data and submit required reporting as instructed by PDPH.

### Partners' roles and responsibilities

| Organization                                    | Responsibilities   |
|---|--|
| Provider Organizations                          | <ul style="list-style-type: none"> <li>• Provide services according to RFP criteria</li> <li>• Spend funds in accordance with grant awards</li> <li>• Submit required reports</li> </ul> |
| Philadelphia Department of Public Health (PDPH) | <ul style="list-style-type: none"> <li>• Provide funding</li> <li>• Provide clear instructions and criteria</li> <li>• Establish criteria for testing given limited supply</li> </ul>    |
| PMHCC, Inc.                                     | <ul style="list-style-type: none"> <li>• Administer contracts with Provider Organizations</li> <li>• Pay Provider Organizations</li> </ul>   |

### Factors of successful Provider Organizations

Provider Organizations will have experience with providing patient care, community outreach, connections to and experience with underserved and vulnerable populations, familiarity with safety protocols, willingness to learn and understand HIPAA compliance, adherence to testing criteria based on resource constraints, and experience with the use of personal protective equipment (PPE).

### Timeline and proposals process

The Program will receive proposals online on a rolling basis. Applications will be reviewed by PDPH, and the Program will notify applicants as soon as possible after receiving applications. Applicants should propose a timeline for providing testing services after notice of award. In general, PDPH expects awarded Provider Organizations to begin testing services within ten (10) days of notice of award.

### Contract amount and duration

Contract amounts will vary with the number of persons served and the population served. Contracts will generally be awarded for a duration of six (6) months or less. PDPH may discontinue or extend a contract at any time. Contracts are subject to available funding and compliance with contract terms.

## PROGRAM REQUIREMENTS

PDPH requires at least the services listed below, including the specific tasks and work activities described. Applicants may propose additional or revised tasks and activities but should explain why each is necessary and aligns with the Program's overall goals.

### **Deliverable 1: Testing Site Plan and Operational Procedures**

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*Establish COVID-19 testing site(s) and operational procedures*

#### ***Establish testing site(s), including defining hours and location***

Providers will be expected to provide one or more testing spaces that maintains patient confidentiality and assures protection of staff and patients from COVID transmission. This space should include a computer with Internet access and a phone. The space should be easily accessible to the community, and ideally should be close to SEPTA services. Both fixed and mobile services are eligible for funding.

Hours of operation for testing services may be variable and should be described in detail by the Applicant. PDPH is particularly interested in testing services provided during evenings, nights, and/or weekends, which may be more convenient for essential workers across Philadelphia. Providers must:

- Identify, establish and train a team of medical credentialed and other operational staff
- Establish written site operational protocols that are approved in writing by PDPH
- Establish appointment and/or queuing procedures to protect staff and individuals tested
- Establish infection control procedures to protect staff and individuals tested
- Publish and disseminate location(s) and schedule for testing, including on City websites

#### ***Assure consistent sourcing of required materials***

- Purchase and maintain consistent sourcing of laboratory tests and related supplies for either:
  - a) FDA-approved PCR tests (preferably with results returned in 24 hours or less),
  - b) point-of-care PCR tests, or
  - c) other tests approved *in writing* by PDPH
- Comply with all manufacturer and CLIA guidelines for performing rapid tests
- Establish agreement with a laboratory for testing services if non-point-of-care tests are used, with assistance from PDPH if required
- Purchase and maintain consistent sourcing of personal protective equipment (PPE) appropriate to the type of testing Applicant proposes to use

#### ***Assure access to populations of concern***

- Assure access for non-English speakers, or describe why you are unable to do so
- Determine target population(s) for testing and describe an outreach plan

## Deliverable 2: Testing

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Provide COVID-19 testing to identified populations using approved testing methodologies

- Conduct testing at least three (3) days per week
- Counsel on safe behaviors while patients are waiting for test results
- Conduct testing for individuals regardless of health insurance status or other protected status (see [City of Philadelphia Fair Practices Ordinance](#))
- Refer individuals reporting shortness of breath or other medical symptoms requiring medical care to hospital emergency departments or other sites to receive medical care

### Testing criteria

PDPH expects that Provider Organizations will adhere to the testing priority groups outlined by the *Resolve to Save Lives* COVID-19 initiative (<https://preventepidemics.org/wp-content/uploads/2020/04/TestingPrioritization.pdf>) and as directed by PDPH. Funded organizations should offer COVID-19 testing to the following groups:

- **Asymptomatic** individuals with suspected or known exposure to a COVID-19 case. PDPH recommends exposed, asymptomatic persons wait to be tested until at least 7 days after exposure due to the average incubation period for COVID-19.
- Persons of any age who present with **new-onset**:
  - Cough and/or Shortness of breath,OR
  - Two of the following symptoms: fever, chills, muscle pain, sore throat, headache, new loss of taste or smell
- High-priority individuals referred for testing by PDPH or affiliated organizations approved by PDPH for making referrals, including persons who are contacts of people with COVID-19 referred for testing by PDPH or affiliated organizations
- Prioritize testing of **symptomatic** persons who are:
  - At increased risk for severe disease because of advanced age (>60 years), and/or presence of preexisting chronic medical conditions<sup>1</sup>
  - Residents and staff in congregate settings (i.e. nursing homes, behavioral health facilities, shelters, group homes and prisons)
  - Healthcare workers
  - Public safety workers (Police, Fire, EMS)
  - Other essential workers (mass transit workers, grocery store / pharmacy staff, etc.)
  - Close contacts of known cases or persons who are associated with a known cluster of cases

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<sup>1</sup> Chronic lung disease, moderate to severe asthma, serious heart conditions, conditions can cause a person to be immunocompromised, including cancer treatment, smoking, bone marrow or organ transplantation, immune deficiencies, poorly controlled HIV or AIDS, and prolonged use of corticosteroids and other immune weakening medications, diabetes, chronic kidney disease, or chronic liver disease.

### **Deliverable 3: Communicating Test Results and Counseling**

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*Provide COVID-19 test results to patients and counsel COVID-19 positive individuals*

#### **Reporting test results to individuals**

- Provide test results (positive and negative) to all tested persons
- Counsel patients who test positive with PDPH-approved isolation procedures and refer to available services for isolation as instructed by PDPH
- Use approved collateral materials for providing information to individuals during testing and after notification of positive or negative test results

### **Deliverable 4: Billing**

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*Establish and/or implement billing processes while assuring no out-of-pocket charges to patients*

- Collect health insurance information for all tested persons and bill individual health insurance for testing costs, including for private health insurance plans, Medicaid plans, and Medicare
- Participate in the [federal COVID-19 Claims Reimbursement Program](#) to obtain reimbursement for testing uninsured people
- Assure patients do not incur any out-of-pocket costs for tests or patient care
- All income resulting from participation in this program will be considered program income as defined by [45 CFR §75.307](#)

### **Deliverable 5: Reporting and Data Collection**

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*Assure appropriate data collection and submit required reports as instructed by PDPH*

#### **Report test results to PDPH as directed**

- Support the contact tracing activities of PDPH by:
  - Collecting information on symptoms, locating information (including cell phone number), demographic information, and risk-related information on each person tested
  - Reporting the above information on persons testing positive to PDPH immediately (within 1 hour of receiving result)
  - Testing persons who are contacts of people with COVID-19 infection referred for testing by PDPH or affiliated organizations
  - Cooperating with PDPH contact tracing team in other ways to be later defined
- In addition to reporting positive test results on individuals, report aggregate data daily on timelines and using formats as directed by PDPH

#### **Invoices and fiscal reports**

The successful Applicant shall report to PMHCC on a regular basis regarding the status of the project and its progress in providing the contracted services and/or products. At a minimum, the successful Applicant shall submit a monthly invoice detailing the services and/or products provided, the goals/tasks accomplished, and the associated costs. If hourly rates are charged, the invoice must also detail the number of hours, the hourly rate, and the individual who performed the service. Invoices shall conform to approved budget and shall not exceed awarded amount.

## HOW TO APPLY

Applicants submit proposals through [the online submission form](#). The requirements for a complete proposal to be considered are:

A. Applicant Organization – *up to two (2) pages*

Provide information summarizing:

- Structure of Provider Organization (e.g. nonprofit, for-profit)
- Employer Identification Number (EIN)
- Services currently offered by Provider Organization and population(s) served
- Experience providing services similar to or relevant to those in this Program
- Medical qualifications of staff involved in this project
- Experience billing for medical and/or lab specimen collection services
- Names and contact information for two (2) references familiar with the work of the organization

If the applicant plans for subcontractor(s) to provide some of the services, this information must be provided for all subcontractors.

B. Program Narrative – *up to six (6) pages*

This section must respond to each item described in this RFP. Responses should state in detail how the Provider Organization will carry out each task, including the specific personnel and job titles responsible for completing each task. The Program Narrative should be organized using the same sections in this RFP.

- Deliverable 1: Testing Site Plan and Operational Procedures
  - Name specific address(es) of test site(s) if known
  - Describe if space is owned, leased, or if there is another arrangement
  - Describe date testing will begin and how long it will be offered (if resources are available)
  - Describe hours of operation by day for test site(s)
  - Describe data management or other technology system(s) used
  - Describe test site operations including:
    - Symptom screening
    - Referrals as needed for medical care
    - Collection of locating, demographic, and risk information
    - Provision of information to persons during testing
    - Laboratories to which tests will be sent
    - Infection control procedures to protect staff and persons tested

- Staffing of testing operation
- Infectious waste and trash disposal
- Deliverable 2: Testing
  - Describe target population(s) to be tested
  - Describe expected number of tests per week and ramp-up period, if relevant
  - Describe consistent source for PPE and which PPE supplies will be used
  - Describe plan to reach target populations
  - Describe patient confidentiality and privacy systems
- Deliverable 3: Communicating Test Results and Counseling
  - Describe process for:
    - Notification of tested person of their results
    - Counseling of persons testing positive and linkage to available services
- Deliverable 4: Billing
  - Describe billing system(s) and vendor(s) proposed, if applicable
- Deliverable 5: Reporting and Data Collection
  - Describe process for:
    - Reporting of information on positives to PDPH
    - Reporting of aggregate data on testing to PDPH

### C. Budget – up to two (2) pages

Applicants should submit a Budget that describes line-item costs broken down into at least the following categories. Applicants may use more categories if desired.

- Personnel cost by role, including hourly rates and fringe/benefits costs if included
- Lab test kits
- PPE supplies
- Infectious waste and trash disposal
- Costs to submit bills to public and private health insurers

The budget should not include costs for insurance reimbursable services, including lab sample collection fees and lab test costs. In accordance with [45 CFR §75.430](#), staff compensation must be considered reasonable and comparable to similarly appointed positions in the labor market, and not more than \$197,300 annual salary per federal grant requirements.

Applicant can provide budget justification within two (2) total pages for this section.

Overhead or administrative rates of up to ten (10) percent will be considered. Organizational infrastructure costs should be included in the maximum indirect rate of 10%, and may include but are not limited to utilities, building maintenance, and accounting. Budget proposals will be

considered “fixed price” proposals, and thus no payment will be made beyond the total Budget amount proposed.

Eligible expenditures:

- Computers
- Equipment
- Furniture
- Lab test kits
- Lease costs
- PPE supplies
- Publicity for testing services
- Refrigerators for specimens
- Security
- Staff and benefits
- Training
- Waste disposal
- Leasing of Vehicles

Ineligible expenditures:

- Air travel
- Building acquisition
- Entertainment
- Firearms
- Food and beverages
- Honoraria or gifts
- Hotel or lodging
- Legal fees
- Lab sample collection fees
- Lab test costs
- Loans
- Lobbying or advocacy
- Medical care
- Promotional items
- Research expenditures
- Purchase of Vehicles
- Fundraising Costs

D. Attachments

- *Required:* Resume(s) for Medical Personnel
- *Required:* Signed MOU Regarding Testing Criteria (template provided, page 13)
- *Optional:* Letter(s) of Reference or Support

## SELECTION PROCESS

### Selection committee

PDPH and PMHCC will convene a diverse selection committee to make award decisions on a rolling basis. If PDPH chooses to award a contract, that contract will be awarded to the Applicant whose proposal the City determines, in its sole discretion, is the most advantageous to the City and in the City's best interest. PDPH may, at its sole discretion, award a contract resulting from this RFP to a person or entity other than the responsible Applicant submitting the lowest price.

### Eligibility criteria

- Eligible applicants may be nonprofit or for profit.
- Must demonstrate the ability to provide services sought through this RFP
- Must demonstrate the ability to bill private and public insurance for testing
- Must have the capacity to obtain laboratory testing supplies
- Must have experience complying with patient confidentiality and HIPAA requirements
- Must have the capacity to obtain PPE
- Must have a medical doctor, nurse practitioner, physician assistant, and/or pharmacist that can order tests
- Must have identified a person or position responsible for generating invoices for services

### Selection criteria

PDPH will base its selection on criteria that include, but are not limited to:

- **ABILITY:** Ability to realistically meet all RFP requirements, requiring minimal PDPH oversight
- **BILLING:** Commitment and systems proposed to bill for testing services
- **COMMUNITY CONNECTIONS:** History of trusted relationships with targeted population
- **COST:** Proposed budget per test
- **POPULATION(S) SERVED:** Plan to reach populations that are high priority and unlikely to access existing systems of care
- **READINESS TO PROCEED QUICKLY**
- **SAFETY:** Proposal addresses experience with privacy and safety requirements
- **SITE:** Proposed site selection considers accessibility, safety and populations served
- **VOLUME:** Number of tests projected to be collected per week

**Rights and options afforded to PDPH, PMHCC, and the City**

PDPH and PMHCC reserve and may, in their sole discretion, exercise any one or more of the following rights and options with respect to proposal selection:

- to reject any proposal if the City, in its sole discretion, determines the proposal is incomplete, deviates from or is not responsive to the requirements of this RFP;
- to reject any proposal if, in the City's sole judgment, the Applicant has been delinquent or unfaithful in the performance of any contract with the City or with others; is financially or technically incapable; or is otherwise not a responsible Applicant;
- to waive any defect or deficiency in any proposal, if, in the City's sole judgment, the defect or deficiency is not material to the proposal;
- to require, permit or reject, in the City's sole discretion, amendments (including, without limitation, information omitted), modifications, clarifying information, and/or corrections to their proposals by some or all of the Applicants at any time following proposal submission and before the execution of a final contract;
- to enter into simultaneous, competitive negotiations with multiple Applicants or to negotiate with individual Applicants, either together or in sequence, and to permit or require, as a result of negotiations, the expansion or reduction of the scope of services or changes in any other terms of the submitted proposals, without informing other Applicants of the changes or affording them the opportunity to revise their proposals in light thereof, unless the City, in its sole discretion, determines that doing so is in the City's best interest;
- to discontinue negotiations with any Applicant at any time prior to the execution of a final contract, whether or not a notice of intent to contract has been issued to the Applicant, and to enter into negotiations with any other Applicant, if the City, in its sole discretion, determines it is in the best interest of the City to do so;
- to rescind, at any time prior to the execution of a final contract, any notice of intent to contract issued to an Applicant, and to issue or not issue a notice of intent to contract to the same or a different Applicant and enter into negotiations with that Applicant, if the City, in its sole discretion, determines it is in the best interest of the City to do so;
- to elect not to enter into any contract with any Applicant, if the City determines that it is in the City's best interest to do so;
- to require any one or more Applicants to make one or more presentations to the City as determined by the City, at the Applicant's sole cost and expense, addressing the Applicant's proposal and its ability to achieve the objectives of this notice of contract opportunity;
- to conduct on-site investigations of the facilities of any one or more Applicants (or the facilities where the Applicant performs its services);
- to inspect and otherwise investigate projects performed by the Applicant, whether or not referenced in the proposal, with or without consent of or notice to the Applicant;
- to conduct such investigations with respect to the financial, technical, and other qualifications of each Applicant as the City, in its sole discretion, deems necessary or appropriate; and,
- to do any of the foregoing without notice to Applicants or others, except such notice as the City, in its sole discretion, elects to post online.

## OTHER REQUIREMENTS

### General disclaimer

This RFP does not commit PDPH or PMHCC to award a contract. This RFP and the process it describes are proprietary and are for the sole and exclusive benefit of PDPH. No other party, including any Applicant, is intended to be granted any rights hereunder. Any response, including written documents and verbal communication, by any Applicant to this RFP, shall become the property of PMHCC and may be subject to public disclosure by the City, or any authorized agent of the City. The City is not liable for any costs incurred by Applicants in preparing and submitting a proposal in response to this RFP or for any costs and expenses incurred in meeting with or making oral presentations to the City if so requested.

### Performance standards

PDPH reserves the right to reject any item of work that does not meet its minimum standards of performance and quality, or that does not conform to the services described in this RFP. Neither PDPH, the City, nor PMHCC shall be obligated to pay for rejected work.

### Expectations of awarded Provider Organizations

It is the expectation of PDPH and PMHCC that Provider Organizations can meet the following criteria:

- Provider Organization has all required licenses and permits and is current with respect to the payment of City taxes and or other indebtedness owed to the City, including, but not limited to, taxes collected by the City on behalf of the School District of Philadelphia, and is not in violation of other regulatory provisions contained in the Philadelphia Code.
- Provider Organizations will exercise its “Best and Good Faith Efforts” to assure participation by Minority Business Enterprises (“MBE”), Woman Business Enterprises (“WBE”) and Disabled Business Enterprises (“DSBE”) (collectively, “M/W/DSBE”) as those terms are defined in City of Philadelphia Executive Order 03-12.
- Provider Organizations will adhere to the [City of Philadelphia’s Fair Practices Ordinance](#), as defined in Chapter 9-1100 of the Philadelphia Code. The Fair Practices Ordinance prohibits discrimination in the delivery of City services on the basis of ancestry, breastfeeding, color, disability, domestic or sexual violence, ethnicity, gender identity, familial status, marital status, national origin, race, religion, retaliation, sex, and sexual orientation.
- Provider Organization can attest it has no civil, criminal, or bankruptcy litigation; debarment or suspension proceedings; criminal convictions or indictments; or any order or agreement issued by a court or local, state, or federal agency that would impact its ability to safely and credibly meet Program requirements.
- Provider Organization is fiscally solvent and has the financial capability to perform the work sought by this RFP.

- Provider Organization is in compliance with the [City of Philadelphia's 21st Century Minimum Wage and Benefits Ordinance](#), as defined in Chapter 17-1300 of the Philadelphia Code.
- Provider Organization understands that the work to be provided under any contract entered into pursuant to this RFP may be subject to the federal Health Insurance Portability and Accountability Act (HIPAA), as amended, and/or other state or federal laws or regulations governing the privacy and security of health information. Applicant must understand and comply with the "Terms and Conditions Relating to Protected Health Information" which are posted on the City's website at <https://secure.phila.gov/eContract/> under the "About" link.

### **Use of subcontractors**

Applicant must state the intention to use subcontractors to perform any portion of the work sought by this RFP. For each such subcontractor, provide the name and address of the subcontractor, a description of the work Applicant intends the named subcontractor to provide, and whether the subcontractor can assist with fulfilling goals for inclusion of minority, woman, or disabled-owned businesses or disadvantaged businesses.

### **Revisions to this RFP**

PDPH and/or PMHCC reserves the right to change, modify or revise the RFP at any time. Any revision to this RFP will be posted online. It is the Applicant's responsibility to check the website frequently to determine whether additional information has been released or requested.

### **City Employee Conflict Provision**

City of Philadelphia employees and officials are prohibited from submitting a proposal in response to this RFP. No proposal will be considered in which a City employee or official has a direct or indirect interest.

### **Proposals are binding**

By submitting its proposal, each Applicant agrees that it will be bound by the terms of its proposal for a minimum of 180 calendar days from the application deadline for this RFP. An Applicant's refusal to enter into a contract which reflects the terms and conditions of this RFP or the Applicant's proposal may, in the City's sole discretion, result in rejection of Applicant's proposal.

## MEMORANDUM OF UNDERSTANDING (MOU) REGARDING TESTING CRITERIA

Provider Organization agrees to adhere to testing criteria directed by the Philadelphia Department of Public Health (PDPH). Criteria may be broadened in future if testing becomes more available and if authorized *in writing* by PDPH. Provider Organization agrees to the following testing criteria:

- Offer COVID-19 testing to **asymptomatic** individuals with suspected or known exposure to a COVID-19 case. PDPH recommends exposed, asymptomatic persons wait to be tested until at least 7 days after exposure due to the average incubation period for COVID-19.
- Offer COVID-19 testing to persons of any age who present with **new-onset**:
  - Cough and/or Shortness of breathOR
  - **Two** of the following symptoms: fever, chills, muscle pain, sore throat, headache, new loss of taste or smell
- Prioritize testing of **symptomatic** persons who are:
  - At increased risk for severe disease because of advanced age (>60 years), and/or presence of preexisting chronic medical conditions<sup>2</sup>
  - Residents and staff in congregate settings (i.e. nursing homes, behavioral health facilities, shelters, group homes, and prisons)
  - Healthcare workers
  - Public safety workers (Police, Fire, EMS)
  - Other essential workers (mass transit workers, grocery store / pharmacy staff, etc.)
  - Close contacts of known cases or persons associated with a known cluster of cases
- High-priority individuals referred for testing by PDPH or affiliated organizations

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Provider Organization

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Authorized Signer's Name

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Authorized Signer's Title

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Signature

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Date

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<sup>2</sup> Chronic lung disease, moderate to severe asthma, serious heart conditions, conditions can cause a person to be immunocompromised, including cancer treatment, smoking, bone marrow or organ transplantation, immune deficiencies, poorly controlled HIV or AIDS, and prolonged use of corticosteroids and other immune weakening medications, diabetes, chronic kidney disease, or chronic liver disease.

## ACRONYMS AND DEFINITIONS

|          |  |
|----------|--|
| Case     | A person with a confirmed disease diagnosis  |
| CDC      | Centers for Disease Control and Prevention   |
| City     | City of Philadelphia   |
| CLIA     | Clinical Laboratory Improvement Amendments, a required certification for labs  |
| Contact  | A person who has come into contact with a person with a confirmed disease diagnoses;<br>Can be categorized as low-, medium- or high-risk contact |
| COVID-19 | Novel coronavirus disease 2019   |
| FDA      | Food and Drug Administration   |
| HIPAA    | Health Insurance Portability and Accountability Act  |
| MOU      | Memorandum of Understanding  |
| PCR      | Polymerase chain reaction, a lab testing methodology   |
| PDPH     | Philadelphia Department of Public Health   |
| PPE      | Personal protective equipment  |
| Program  | COVID-19 Community Testing Program   |
| RFP      | Request for Proposals  |

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## KEY CONTACTS

All questions concerning this RFP must be submitted in writing via email to the Division of COVID Containment's Testing Program at [COVIDTesting@phila.gov](mailto:COVIDTesting@phila.gov).

PDPH and PMHCC will respond to questions it considers appropriate to the RFP, but reserves the right, in its discretion, not to respond to any question. Responses will be posted on the Program's application website. PDPH and PMHCC reserve the right, in their discretion, to revise responses to questions after posting, by posting the modified response. No oral response to any Applicant question by any City, PDPH, or PMHCC employee or agent shall be binding or in any way considered to be a commitment by the City.