



The Award Is Recorded. The File Leaves a Further Question.

What happens when government records point toward the same agreement, and still leave a consequential question unanswered?

BR II began with a Kentucky Medicaid procurement. The pages carried a solicitation number, a master-agreement number, dates, and names connected to the work. Those details mattered. They let the records point toward one another. A match, by itself, is not an award. Treating a match as that award would be a mistake.

HOW A READER FOLLOWS A PROCUREMENT

A solicitation invites offers. A determination can record who was awarded. An agreement can carry that award's number. A signature mark is a representation printed on the page. Another solicitation number is a separate documentary question. In this investigation the determination records an award to Aetna under MA 758 2000000680, and the procurement page lists that master agreement among awards effective January 1, 2021. That recorded award stays. Signature-style marks on the determination, and the agreement's reference to RFP 758 1900000093, are not the award. They remain questions the pages have not settled.

Three records, and then the award

The first document was only two pages long. The second was a solicitation file containing two different dates. The third was a 644-page master agreement. Together they appeared to trace a procurement from solicitation to contract. An important distinction emerged as BRII compared them. Shared numbers can identify a relationship without being the award. To see what the Commonwealth recorded, BRII followed the documents in the order the evidence supported.

THE QUESTION

The Commonwealth recorded the award. What can the public documents independently establish about the signature-style marks, and why does the agreement reference another solicitation?

What the short document decided to say

BRII followed the two-page determination first, because it was the record that spoke of an award. It is a Determination and Finding for solicitation RFP 758 2000000202, dated May 27, 2020. It says the solicitation was published January 10, 2020 and closed February 7, 2020. The first page names several respondents and records five awards. Among those awards, it records an award to Aetna Better Health of Kentucky Insurance Company, doing business as Aetna Better Health of Kentucky Inc., under MA 758 2000000680. BRII followed that award. The page is not a determination about Aetna alone. Both pages display a signature-style mark over a line, with a procurement title printed beneath. The mark does not, by itself, authenticate a signer.

The second page is a separate determination. It does not name another award. It determines that competitive sealed bidding is not practicable for this procurement,

and that the contracts under this solicitation are to be awarded by competitive negotiation. It cites the same solicitation and carries the same kind of signature-style mark and the same printed title. Why this matters is the distinction the pages now require. The first page records an award decision. The public copy displays signature-style marks. Their appearance does not independently authenticate a signer or establish the marks' legal effect. That limit does not unsettle the recorded award.

Source: Determination and Finding for RFP 758 2000000202, pages 1 and 2.

Two dates, and they were not the same event

BRII then followed the solicitation file. Its cover is Addendum 2, issued January 27, 2020. Deeper in the same file, the request says it was released on January 10, 2020. The determination repeats that January 10 date. BRII refused to fold the two dates into one, and refused to treat January 27 as a contradiction of the release. At this point a reader can see an invitation, then a modification of that invitation, then a determination dated months later. The documents establish a chronology. The award is not that chronology. It is the determination's own sentence.

Source: Solicitation file, page 1 (Addendum 2, issued 1/27/20) and page 6 (release date January 10, 2020). Determination, page 1.

The agreement arrives with the same numbers

BRII turned to the master agreement. The first page prints MA 758 2000000680, effective January 1, 2021, expiring December 31, 2024. The issuer contact is a procurement contact named on the page. The cited-authority line reads Competitive Negotiation-Goods and Services. The vendor block names Aetna Better Health of Kentucky as assignee for a Coventry entity, and names a vendor contact. On an early page, under negotiated terms, the agreement says it excludes exceptions and deviations to RFP 758 2000000202.

So far, BRII had followed one solicitation number across the determination, the solicitation, and that sentence of the agreement.

Source: Agreement MA 758 2000000680, page 1. Commonwealth managed-care procurement page, heading “New MCO Contracts Awarded - Effective January 1, 2021.”

The same master-agreement number sat on the determination as an award identifier and on the agreement as its own number. The Commonwealth’s managed-care procurement page places MA 758 2000000680 under the heading “New MCO Contracts Awarded - Effective January 1, 2021,” with the name Aetna Better Health of Kentucky Insurance Co. of Kentucky, Inc. Put simply, the determination records the award, and the procurement page lists that contract among the awards effective that date. What this means is a recorded award. It does not, by itself, establish the signature-style marks, and it does not explain every other number in the agreement.

Then another number appeared

By this point BRII had followed RFP 758 2000000202 through the records it held. The relationship was visible. Inside the agreement, another identifier appeared.

THE QUESTION THE PAGE RAISES

Why does the same agreement also reference RFP 758 1900000093?

The same early page that cites RFP 758 2000000202 says that unmodified later sections are incorporated pursuant to RFP 758 1900000093. BRII noticed a second solicitation number where one trail had seemed sufficient. The agreement contains the reference to RFP 758 1900000093. What remains unresolved is why that solicitation number appears and what relationship, if any, it establishes beyond the reference itself. The examined pages do not establish that the two solicitations conflict.

Source: Agreement, page 3, Negotiated Terms.

The second number does not erase the association already found. The reference is on the page. Why that number appears, and what relationship it establishes beyond the reference itself, this investigation has not explained.

WHAT THE CITED-AUTHORITY LINE IS

Competitive Negotiation is a category printed on the agreement. It is not the two-page determination. The vendor line identifies the vendor record on that page. It does not establish every corporate relationship the words can suggest.

A search, and the limit of a search

BRII searched the agreement's text layer, all 644 pages, for two strings: "determination and finding" and "May 27, 2020." Neither returned. A separate search of that same text layer for the phrase "certificate of completion" returned no page. Those tests establish only that the extracted text did not contain those strings. A DocuSign envelope identifier is printed on the copy. An envelope identifier is not the May 27 determination, and it is not a signature by the buyer named there.

WHAT THAT SEARCH DOES NOT SETTLE

An unsuccessful search for those strings does not establish that authorization is absent from the file. It does not establish that a certificate of completion is absent as an image. It does not establish that authorization never occurred. A text-layer search is not a reading of every clause. The remaining clauses were not given a substantive reading.

The dates still sit in an order the pages allow: release on January 10, 2020; Addendum 2 on January 27, 2020; determination on May 27, 2020; agreement

effective January 1, 2021. That chronology alone does not establish the award. The determination's award sentence does.

What the award does not finish

The numbers matched, and then the determination did more than match them. It recorded five awards, including Aetna under MA 758 2000000680. The procurement page lists that master agreement among new contracts awarded effective January 1, 2021. The recorded award is established. The question that remains is narrower. Signature-style marks are visible on both pages of the determination. Their authenticity and legal effect are not established. The agreement contains the reference to RFP 758 1900000093. What remains unresolved is why that number appears and what relationship, if any, it establishes beyond the reference itself. The agreement was not read clause by clause.

In practical terms, a reader can use the same sequence on another procurement. Find the solicitation. Find the determination that records the award. Find the agreement that carries the awarded number. Then keep signature representations, and any unexpected second number, as their own questions. A recorded award is not undone because a signature's authenticity, or a second solicitation number, remains unresolved.

A recorded award can name the contract. It does not, by itself, establish what a signature mark proves, or what another solicitation number is doing there.

Documentary evidence

The pages cited above were read in the copies BRII held.

Determination and Finding for RFP 758 2000000202. Two pages. Page 1 records five awards under that solicitation, including Aetna under MA 758 2000000680. Page 2 is a separate determination of award method. It does not name an additional

agreement. Both pages display signature-style marks above a printed procurement title. Public copy, matched to the file examined:

<https://finance.ky.gov/eProcurement/MCODocuments/Determination%20and%20Finding%20for%20RFP%20758%202000000202.pdf>

Solicitation file for RFP 758 2000000202. Page 1 is Addendum 2, issued 1/27/20. Page 6 states the release date of January 10, 2020. Public copy, matched to the file examined:

https://finance.ky.gov/eProcurement/MCODocuments/Final_RFP_758_2000000202_2_SO_FORM.PDF

Agreement MA 758 2000000680. Page 1 carries the agreement number, the effective and expiration dates, the issuer contact, the cited-authority line, and the vendor block. Page 3, under Negotiated Terms, cites RFP 758 2000000202 and RFP 758 1900000093. The text layer of all 644 pages was searched for “determination and finding,” “May 27, 2020,” and “certificate of completion.” None of those strings returned. A DocuSign envelope identifier is printed on the agreement. It is not the mark on the determination, and it is not a certificate-of-completion page. Public copy, matched to the file examined:

[https://finance.ky.gov/eProcurement/MCODocuments/Aetna%20Better%20Health%20of%20Kentucky%20Insurance%20Co.%20of%20Kentucky,%20Inc.%20\(MA%20758%202000000680\).pdf](https://finance.ky.gov/eProcurement/MCODocuments/Aetna%20Better%20Health%20of%20Kentucky%20Insurance%20Co.%20of%20Kentucky,%20Inc.%20(MA%20758%202000000680).pdf)

The Commonwealth’s managed-care page lists MA 758 2000000680 under “New MCO Contracts Awarded - Effective January 1, 2021.” The page’s full list is not a restatement of the determination’s five awards. This investigation used the heading and that master-agreement number.

<https://finance.ky.gov/eProcurement/Pages/managed-care-organization.aspx>

These copies are public-agency downloads. A fingerprint identifies a file. It does not certify the agency’s sealed original. The recorded award is the determination’s sentence and the procurement page’s listing. The signature-style marks’

authenticity and legal effect are not established. The agreement contains the second solicitation number. Why it appears, and what relationship it establishes beyond that reference, is not established. The text-layer searches do not establish that a certificate is absent as an image. The agreement was not read clause by clause.

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