

Request for Tender (RFT)
TAC Medico-Legal Panel
 Reference number: PROCF23-68

Clarification Question and Answers
Release #2
 New Questions 11 - 31

Issued 16 December 2024

QUESTION AND ANSWER RESPONSES

The following responses to questions asked about the RFT are provided for the information of all interested parties. These questions were received during the RFT response period.

No:	Ref	Question	Response
Question 1	Part D.1 Schedule – Capability (Examiners)	The schedule requests “A sample of de-identified medical examiner reports (up to 6 reports)” Are you looking for up to 6 reports for each medical examiner available under our tender submission?	The TAC does not require a sample from all medical examiners available in the tender submission. A total sample of at least 6 medical examiner reports (all de-identified) is required, with a strong preference for samples from Orthopaedics, Neurosurgery, Psychiatry, Neurology, Plastics and Neuropsychiatry.
Question 2	General	Can you confirm if this specifically relates to TAC IME’s and not JME’s?	This tender is only for TAC’s Independent Medical Examiners (IMEs) and Independent Impairment Assessors (IIAs). Joint Medical Examiners (JMEs) should not be impacted by this procurement process.
Question 3	General	Will there be any change to fees or bookings for IMEs in 2025?	Any changes to the TAC’s fee schedule will come into effect on 1 July 2025. Until then, the fees and booking processes will remain unchanged. Any changes resulting from the TAC’s fee scan will be finalised as a separate activity to this procurement process.
Question 4	General	Will UHG’s medEbridge platform still be used?	This is a competitive tender process and at this stage the TAC is unable to confirm who has been appointed to the panel and subsequently what platform(s) will be utilised. It is anticipated that the TAC will be in a position to provide an update at the completion of the process in April 2025.
Question 5	General	Can the TAC provide a list of current examiners?	No, the TAC will not be releasing the names of current examiners as part of this tender process.

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Question 6	General	<p>We have received an email from an intermediary inviting us to join their tender response. Who should I join? Can I join multiple intermediaries?</p>	<p>This is an individual decision. The TAC places no restrictions on the number of intermediaries an examiner is signed up to. It is anticipated that the TAC will be in a position to provide an update at the completion of the process in April 2025 to allow examiners to review their options and make a decision that best suits them and their business.</p>
Question 7	General	<p>Are you able to provide any information on how the outcome of the Tender may change an examiner's registration, referrals and communication with the TAC?</p>	<p>The way the TAC engages and communicates with examiners will change. The changes will depend on the processes of the successful Medico-Legal intermediaries. The TAC will be in a position to update examiners around April 2025.</p>
Question 8	Part D.2 Response Schedules (Pricing)	<p>How much of an examiner's fees will be taken by an intermediary?</p>	<p>This will be an arrangement between individual medical examiners and the Medico-Legal intermediary supplier.</p>
Question 9	Part B.1 Specification	<p>(a) Will the intermediary handle appointment scheduling, report typing and billing on behalf of the IMEs? (b) If so, what options are available for IMEs who wish to opt out and prefer to manage these tasks independently? (c) Moreover, how does this impact IMEs' existing office staff?</p>	<p>(a) The Medico-Legal intermediaries will manage the appointments and invoicing for examiners. However, specific responsibilities for delivery of services under the panel will be subject to the arrangement between the examiners and successful Tenderer(s). (b) As above, responsibilities for delivery of services will be provided under the panel. (c) We anticipate that all relevant information about the future panel and the transition plan to the new service will be made in April 2025. In the meantime, we encourage all our current medical examiners to review their options and make a decision that best suits them and their business.</p>
Question 10	General	<p>Will the TAC be vetting intermediaries? Will there be protection for examiners? (e.g. eReports liquidation and loss of fees for work completed)</p>	<p>Tenderers (Intermediaries) will be assessed against the evaluation criteria outlined in the tender (refer to Part A.1) Protection for examiners throughout the course of the new panel will be subject to the arrangement between individual examiners and the Medico-Legal intermediary provider.</p>

No:	Ref	Question	Response
Question 11	Privacy	<p>Regarding the location of data: can you please expand on the definition of access in Australia? Is this just the way the data is managed/located?</p>	<p>If data is being stored and/or accessed outside of Australia, the applicable country needs to have similar or higher levels of privacy protections as to the law in Australia. Data security also applies to access. Access covers any type of access to TAC data that is stored or processed on your systems, including IT support provided from overseas and sub-processing by contractors. It is highly desirable that all of the TAC's data and relevant services are stored, accessed and provided only within Australia. The TAC will only consider access and storage outside of Australia in locations with similar legal privacy protections as Australia, such as the EU and Canada. The USA does not have similar legal privacy protections.</p>
Question 12	General	<p>If we are looking to become an IME but not necessarily an intermediary service, what would your advice be? Are we right to assume this isn't the appropriate tender for us to apply for?</p>	<p>The TAC is seeking a panel of Medico-Legal intermediary suppliers, as defined in Part B.1, clause 4.1. It is anticipated that the TAC will be in a position to provide an update on the future of the services at the completion of the process in April 2025.</p>
Question 13	General	<p>Does this tender reflect a significant change in how IMEs operate with the TAC, or have Medico-Legal intermediaries always been part of the process? Will the TAC still accept direct applications for its panel of medical examiners and assessors, or will this process now be managed exclusively through intermediaries? Is it necessary for me to partner with a Medico-Legal intermediary to be considered for IME opportunities going forward?</p>	<p>The TAC's current model is engagement with individual medical examiners, although we do utilise Medico-Legal intermediary suppliers in the current model, the future model will be a significant change. From 1 July 2025 the TAC's Medical Examination services will be managed via the Panel of Medico-Legal intermediaries (successful tenderers of this procurement process.) Please refer to the response to Question #12 (above.)</p>
Question 14	General	<p>Is there any indication of how many providers may be awarded the tender? If multiple providers are selected, how will the workload be distributed?</p>	<p>There is no predetermined number of preferred tenderers to be recommended to the panel. Preferred tenderers will be recommended to the panel based on the TAC's assessment of their submissions against the published evaluation criteria.</p>

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Question 15	Part B.1 Specifications	In addition to the details shared around potential caseloads, does the TAC have further information on documentation load expectations, the split of request types (e.g. supplementary, urgent reports), or monthly distribution of requests?	<p>The page number for each request varies depending on the case complexity, but anywhere up to 500 pages can be expected for most cases.</p> <p>The below breakdown by request type is based on the 2023-24 financial year:</p> <p>IMEs – 2,053 IME (Impairment) – 583 Desktop review – 206 Supplementary Report – 343 Addendums – please note, these are ad-hoc</p>
Question 16	Part B.5 – Annex D Key Performance Indicators	For urgent requests, are these clearly marked as such upon receipt, and do you have any indication of the percentage of these request that we can expect?	An urgent request will be clearly communicated by the TAC, however we are looking for Tenderers to tell us how they will manage the TAC's urgent requests in their organisation. For example is there a contact point, a check box on the Booking Platform, etc.
Question 17	Part D.2 (Pricing)	Will the TAC consider paying higher (private) rates as part of this tender process, or are the published IME report fees (IME101) the benchmark?	<p>The TAC is currently undertaking a Medico-Legal fee market scan as a separate activity.</p> <p>This RFT is asking Tenderers to put forward their most competitive rates in Part D.2, which reflects their ability to meet the service requirements outlined in Part B.1 Specifications.</p>
Question 18	Part B.5 – Annex D Key Performance Indicators	Regarding the KPIs, it appears contradictory that all individuals must have availability within 28 days (minimum requirement), yet 90% of slots must remain available. How will this be addressed if a provider's schedule is fully booked?	<p>The KPI is 90% of examiners on the 'TAC List' are showing availability in real time on the Supplier's Booking Platform, rather than having to call to seek availability of 'TAC List' examiners.</p> <p>To confirm, this KPI requests that 90% of 'TAC List' examiners have available appointments showing on the Supplier's Booking Platform within 28 days, not that they need to have 90% availability of open appointments.</p>
Question 19	Part B.4 – Annex C Reporting Schedule	Some of the metrics may be impacted by holiday seasons. Will the TAC take a balanced approach when evaluating results during these periods?	<p>The TAC understands that Suppliers (and examiners) will take leave during holiday seasons and this will be considered.</p> <p>It is expected that the Supplier's Representative will work closely with the TAC's Contract Manager and communicate these leave periods in advance and provide a risk mitigation plan to ensure minimal disruption to TAC's medical examination services.</p>

No:	Ref	Question	Response
Question 20	Part B.1 Specifications	Does the TAC have a standard complaints registration process that we can adapt or align with our existing procedures?	<p>Please refer to Clause 9 – Complaint Management Process, in Part B.1 Specification for the</p> <p>The content required in the Supplier’s complaint register is captured in Part B, Annex C - Reporting Schedule.</p> <p>The TAC is looking for the Supplier to demonstrate how they will effectively manage complaints, including capturing, storing and actioning and work with examiners to avoid complaints of a repetitive nature. Please note that the TAC has a formal complaints process for feedback provided from a TAC client, which the TAC expects alignment with. Details of this can be found on the TAC website.</p>
Question 21	Part B.3 – Annex B Medical Examiner Criteria	Since the TAC has final approval over the doctors on the list, what additional criteria, beyond AMA membership and relevant accreditations, will be considered? Could you provide details on these criteria?	<p>In addition to the Minimum Medical Examiner Requirements listed in Annex B of the Specification, the TAC would expect Examiners:</p> <ul style="list-style-type: none"> • with experience in Medico-Legal work • with the ability to produce quality reports which provide clear and logical reasoning when providing opinions and including, all requirements outlined in the “Expert Witness Code of Conduct”. <p>Examiners with Impairment Accreditation from the Victorian Ministerially approved training course are also required.</p>
Question 22	Privacy	What is the TAC's proposed approach if a client attends an appointment but refuses to sign the disclosure of information request? Would this be treated as a cancellation, or would the consultation proceed without information being relayed back to the TAC due to lack of consent?	<p>A Panel Supplier will not need to seek their own patient/client consent, as the TAC’s Authority to Release Information form covers the TAC’s collection of client health information and disclosure to contracted third parties.</p> <p>The Supplier should still supply TAC clients with a collection notice (HPP 1.4), which could be done verbally, by the Medical Examiner, at the beginning of the examination. This could also be done via email, a fact sheet, or poster on the wall.</p> <p>In addition to this, Section s.71(1) of the Transport Accident Act 1986, states that the TAC may require clients to undergo a Medical Examination so that it can fulfil its duties and obligations.</p> <p>If the Supplier has specific requirements and consents throughout the delivery of these services, this needs to be clearly disclosed in the Tender response.</p>

No:	Ref	Question	Response
Question 23	Part B.1 Specifications	<p>The tender indicates a requirement for the supplier to provide interpreter and AUSLAN services.</p> <p>Are there specific guidelines the TAC can share regarding standards and/or cost structures for these services?</p> <p>The TAC also indicates it may book interpreters, is the supplier provision an option and not a MUST as part of the service?</p>	<p>The Tenderer should be able to book interpreter and AUSLAN services as part of the Medical Examination Services, to ensure the process is as streamlined as possible. The TAC may consider alternative suggestions by Tenderers.</p> <p>The TAC has an Interpreting services Policy and an Interpreting Services Fee Schedule which can be found on the TAC website.</p>
Question 24	Part B.1 Specifications	Does the TAC have a proposed cost structure for Court and Tribunal attendance?	In these instances, the TAC follows the court scale of costs for expert witnesses.
Question 25	Tender Briefing Session	Is there a recording of the Tender Briefing session that can be shared with us?	There is no recording of the session, however the slide pack has been published and any questions which were asked during the session have been published on this Q&A document.
Question 26	Part A.1 Tender Details	The scope suggests multiple providers will be appointed to the panel. Could you please clarify how many providers will be appointed?	Please see response to Question 14.
Question 27	Part B.6 - Annex E	<p>The proposed referral volume per annum is stated as 2,500 assessments. Could you confirm if this is correct?</p> <p>Additionally, could you provide a breakdown of the volume between PI and IME assessments, the proportion conducted outside Victoria, and the number performed in regional and rural communities?</p>	<p>The TAC's appointment volume varies from year to year, based on case load but it can be anywhere between 2,500 and 5,500 IMEs per annum.</p> <p>This is why the scalability of the Panel will be very important, please refer to 13.7 in Part B.1 Specifications.</p> <p>The TAC currently has limited inter-state and regional/rural (Victoria) examiner and appointment availability (approximately 5% of all examinations) and would like to increase access for our clients. As such, we are seeking tenderers to advise of their access to examiners who offer appointments in regional/rural Victoria and inter-state.</p>
Question 28	Part B (Annex G) NFR-SEC-001	This requirement specifies that platform users must be authenticated via a secure IAM solution and references Federated SSO as a solution. Is Federated SSO the only acceptable solution, or are alternative solutions such as Multi-Factor Authentication also considered acceptable?	<p>The TAC has a mandatory requirement for new systems that our employees use to have SSO.</p> <p>The TAC also has a preference for Multi-Factor Authentication, however this is not mandatory.</p>

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Question 29	Part D.2 (Pricing)	Many specialists have expressed reluctance to work on the TAC panel due to the inclusion of 500 pages of reading. Would TAC consider reducing the minimum to 250 pages and applying an additional reading fee for materials exceeding this threshold (250–500 pages)?	Please see response to Question 17.
Question 30	Part D.2 (Pricing)	Does the desktop review include up to 250 pages or 500 pages of reading?	A standard desktop review includes up to 500 pages of reading but where possible, TAC will always keep the documentation to a minimum.
Question 31	Part D.2 (Pricing)	Is there a maximum page count included in the supplementary report fee?	Currently there is no maximum page count for a Supplementary Report, however we would expect the page count to be minimal for these referral types. Please also refer to responses to Questions 15 and 17.
Question 32	General	What does the TAC’s future Medico-Legal intermediary model mean for services; and direct relationships, independence and transparency through Medico-Legal intermediary providers?	Once the tender process is complete, the TAC will share its outcome and further information on the changes and the next steps for our current Panel of examiners. We expect to provide this update by April 2025.