



Missouri Consolidated Health Care Plan
832 Weathered Rock Court
PO Box 104355
Jefferson City, MO 65110
Phone: 800-701-8881
www.mchcp.org

Judith Muck, *Executive Director*

**The Missouri Consolidated Health Care Plan
Request for Proposal (RFP) for Outside Counsel**

Date: April 8, 2021
To: Interested Law Firms
From: Judith Muck, Executive Director
Re: Outside Counsel

- I. The Missouri Consolidated Health Care Plan (MCHCP) is requesting proposals from qualified law firms to advise and/or represent MCHCP on an as needed, if needed, basis regarding specific decisions of the MCHCP Board of Trustees or its Executive Director in various areas of the law as described below.

The term of this general engagement will be one year from the date of an award under this proposal, with four additional one-year renewal options available at the sole option of MCHCP. Bidders are required to provide guaranteed pricing for the first year, with not-to-exceed pricing for the succeeding years. Pricing proposals may be based upon hourly rates of specifically identified attorneys in various practice areas or blended rates by practice area.

This is a non-exclusive proposal request, and MCHCP reserves the right to select one or more firms, to reject all proposals, or to contract for services with another firm at a later date.

- II. Scope of Work**

MCHCP is seeking proposals from firms capable of providing specialized (and possibly coordinated) legal advice and litigation support in all the following practice areas of law:

1. Labor and employment law, including but not limited to employment policies, procedures, advice and training, independent contractor issues; FLSA, FMLA, ADA, ADAAA, and employment litigation defense;

2. Employee benefits, including but not limited to health care law and benefits; compliance with applicable state and federal laws and regulations, such as PPACA, HIPAA, GINA, ADA, ADAAA, and ERISA to the extent it covers non-federal government health plans such as MCHCP, and litigation defense of MCHCP decisions, if necessary;
3. Tax issues relating to employee benefit plans and health care reform;
4. RFP, contract, and business associate negotiations, dispute resolution, and litigation defense in connection with MCHCP's key vendors, third party administrators, and pharmacy benefit managers; and
5. Board governance and fiduciary advice relating to a public governmental body and covered entity self-insured health plan.

III. Performance Expectations

The successful firm(s) must demonstrate an appreciation for and experience working within the budgetary constraints on MCHCP as the State of Missouri's self-insured employer sponsored health plan by providing expert legal assistance with an eye toward discouraging unnecessary or protracted litigation and continually encouraging efficient and prompt resolution of matters, providing written or verbal advice or legal opinions to the Executive Director and the Board of Trustees as requested.

IV. Proposal Content

MCHCP requests the following information:

1. A description of your firm's experience in the areas specified in Section II.
2. Brief biographical sketches of the individual(s) who would be responsible for managing the MCHCP relationship overall as well as the primary responsible attorney in each of the specific practice areas described in Section II and the base location of each individual.
3. A fee proposal for each of the requested practice areas described in Section II of this RFP. In this regard, we invite creative suggestions and options that can be utilized by MCHCP depending upon the urgency, complexity, and likelihood of litigation for any particular matter, while also encourage the performance expectations described in Section III.
4. A template project engagement letter that your firm proposes to use for the individual projects MCHCP may assign.
5. A description of your firm's proposed reporting process to staff and the Board of Trustees for supervision during particular engagements.
6. Identification of your firm's malpractice insurance coverage limits.

7. Identification if your firm is a registered Minority or Women's Enterprise (MBE/WBE) and provide evidence that the MBE/WBE is qualified, as defined herein (i.e., the MBE/WBE Certification Number or a copy of MBE/WBE certificate issued by the Missouri OEO). In order to be considered a qualified MBE or WBE for purposes of this RFP, the MBE/WBE must be certified by the State of Missouri, Office of Administration, Office of Equal Opportunity (OEO) by the date of submission of the proposal.
8. Confirmation whether or not there is any record of disciplinary action or court sanctions issued against your firm or the key individuals identified in response to item 2 of Section IV. If so, please provide a copy of such records.

To be considered, the proposal must be received no later than 2:00 PM CT, April 26, 2021. The proposals should be emailed to LegalRFP@mchcp.org. The file size must not exceed 5 MB. MCHCP will send an email in acknowledgement that the proposal was received.

Questions about this request for proposal should be directed by email to LegalRFP@mchcp.org. To assure timely distribution of information to all bidders, questions must be submitted no later than April 15, 2021. Responses to questions from potential bidders will be posted to the MCHCP website at the same location as the RFP posting. In addition, any periodic updates regarding the RFP process will be posted at the same location.

MCHCP reserves the right, where it may serve the plan's best interests, to request additional information or clarification from law firms that submit proposals or to allow corrections of errors or omissions. MCHCP also reserves the right to reject any or all proposals submitted.

Please note that MCHCP will not be responsible for fees or costs incurred by any firm regarding this RFP. MCHCP also will not be responsible for fees or costs prior to acceptance of a proposal pursuant to execution of a written retention agreement. If you submit a proposal, you may be contacted regarding a presentation(s) required under this RFP by firm personnel who would be responsible for the relationship. The presentation(s) would be required to be made in person at MCHCP.

Any contact with MCHCP personnel or a board member regarding the request for proposal other than the contact listed herein (with the exception of a MCHCP-initiated interview or presentation required under this proposal) shall be grounds for elimination of the individual or firm from the selection process.

V. MCHCP Background

MCHCP was statutorily established and created under the provisions of Chapter 103 RSMo as a body corporate for the purpose of offering and providing health care coverage for: most State of Missouri officers, employees, retirees, and their dependents; the surviving spouses and children of deceased member officers, employees and retirees of the Plan; and certain participating member agencies of the State. MCHCP currently covers over 89,000 state members and approximately 1,100 non-state local government members through their public entity employer.

MCHCP operates under the direction and control of a 13 member Board of Trustees. The board is responsible for overseeing the administration of MCHCP. The day-to-day management of MCHCP is delegated to the executive director who is appointed by the board.

MCHCP is a covered entity under HIPAA and, as such, any firm engaged in representation of MCHCP will be deemed a business associate as that term is defined in the HIPAA Rules and must enter into a business associate agreement with MCHCP, the form of which will be provided to and negotiated with the successful bidder prior to finalization of any engagement.

For more information on MCHCP, you may view our information regarding the plan and MCHCP board members and management at: www.MCHCP.org.

VI. Final Selection

Selected firms may be invited to meet with the MCHCP executive team. Following any finalist interviews, the MCHCP Board of Trustees may select a firm or firms to provide all or part of the requested services.

Following notification of the firm(s) selected, it is expected that a contract or contracts will be executed between MCHCP and the firm(s) as soon as possible. The selection process shall not be considered complete until final execution of a contract.

We look forward to working with you throughout this process.

Missouri Consolidated Health Care Plan
Responses to Vendor Questions
Outside Counsel RFP
April 16, 2021

These responses are provided by MCHCP to questions received from potential bidders for the Outside Counsel RFP.

General	Response
1 Would it be possible to obtain a copy of the engagement letter from your current counsel regarding legal services involving the Missouri Consolidated Health Care Plan?	Yes, this information will be emailed upon written request to LegalRFP@mchcp.org .