Introduction

Missouri Consolidated Health Care Plan (MCHCP) provides the health benefit program for most State of Missouri employees, retirees, and their dependents covering nearly 93,000 members (lives). An additional 1,000 non-state local government members are covered through their public entity employer.

This document constitutes a request for sealed proposals from qualified organizations to provide an audit of MCHCP’s contracted Pharmacy Benefit Manager (PBM), Express Scripts.

Contracting Intentions

- The option to contract will be at the sole discretion of MCHCP.
- Any contract awarded from this RFP will be effective upon signature by MCHCP.
- MCHCP reserves the right to reject any or all proposals, or to make a partial award, including limiting the scope of the audit.

Background Information

- MCHCP is governed by the provisions of Chapter 103 of the Revised Statutes of Missouri. Under the law, MCHCP is directed to procure health care benefits for most State employees. Rules and regulations governing the plan can be found by following this link http://www.sos.mo.gov/adrules/csr/current/22csr/22csr.asp.
- MCHCP contracts with Express Scripts, Inc. (ESI) as its pharmacy benefit manager for state and public entity members covering more than 93,000 lives. In 2019, MCHCP members had nearly 1.6 million scripts totaling nearly $198 million in payments.
- ESI has been the PBM for MCHCP since 2002. A new contract with ESI was effective January 1, 2017.
- MCHCP has two separate prescription drug benefits, depending on the health plan chosen by the subscriber. In general, PPO plan members pay fixed copayments for prescriptions obtained from a network pharmacy. Health Savings Account (HSA) Plan members pay a percentage of the allowed amount after meeting the deductible.
- MCHCP’s latest audit of ESI was performed by Claim Technologies Inc (CTI). Claims were audited for the time period of January 1, 2016 through December 31, 2016.

Assumptions and Considerations

Your proposal must be submitted using the DirectPath online submission tool no later than Wednesday, February 26, 2020, 4:00 p.m. Central Time 5:00 p.m. ET. Due to the limited timeframe for proposal analysis and program implementation, no individual deadline extensions will be granted.

The MCHCP Board of Trustees has final responsibility for all MCHCP contracts. Responses to the RFP and all proposals will remain confidential until awarded and contracts are executed by the MCHCP Board of Trustees or their respective designees or until all proposals are rejected.
Do not contact MCHCP directly regarding this RFP. Questions about the technical procedures for participating in this online RFP process should be addressed to DirectPath. Any questions concerning the content of the RFP should be submitted via the messaging tool of DirectPath.
Proposal Instructions

**NOTE: READ THESE INSTRUCTIONS COMPLETELY PRIOR TO RESPONDING TO THE RFP**

In order to be considered, you must respond to all required sections of this RFP. Bidders are strongly encouraged to read the entire RFP prior to the submission of a proposal. The bidder must comply with all stated requirements. Bidders are expected to provide complete and concise answers to all questions. Your responses to all questions must be based on your current proven capabilities. You should describe your future capabilities only as a supplement to your current capabilities.

If any information contained in the proposal is found to be falsified, the proposal will immediately be disqualified.

Proposals must be valid until July 1, 2020. If a contract is awarded, prices shall remain firm for the specified contract period.

A proposal may only be modified or withdrawn by signed, written notice which has been received by MCHCP prior to the official filing date and time specified.

**Clarification of Requirements**

It is assumed that bidders have read the entire RFP prior to the submission of a proposal and, unless otherwise noted by the bidder, a submission of a proposal and any applicable amendment(s) indicates that the bidder will meet all requirements stated herein.

The bidder is advised that the only official position of MCHCP is that position which is stated in writing and issued by MCHCP as a RFP and any amendments and/or clarifications thereto. No other means of communication, whether oral or written, shall be construed as a formal or official response or statement.

**Schedule of Events**

The timeline for the procurement is provided below.

<table>
<thead>
<tr>
<th>Activity</th>
<th>Timing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Online RFP Released</td>
<td>Friday, January 31, 2020</td>
</tr>
<tr>
<td></td>
<td>8 a.m. CT (9 a.m. ET)</td>
</tr>
<tr>
<td>Intent to Bid Document Due</td>
<td>Friday, February 7, 2020</td>
</tr>
<tr>
<td></td>
<td>4 p.m. CT (5 p.m. ET)</td>
</tr>
<tr>
<td>Question Submission Deadline</td>
<td>Friday, February 7, 2020</td>
</tr>
<tr>
<td></td>
<td>4 p.m. CT (5 p.m. ET)</td>
</tr>
<tr>
<td>Responses to Submitted Questions</td>
<td>Thursday, February 13, 2020</td>
</tr>
<tr>
<td></td>
<td>4 p.m. CT (5 p.m. ET)</td>
</tr>
<tr>
<td>Proposals Due</td>
<td>Wednesday, February 26, 2020</td>
</tr>
<tr>
<td></td>
<td>4 p.m. CT (5 p.m. ET)</td>
</tr>
<tr>
<td>Questions</td>
<td></td>
</tr>
<tr>
<td>--------------------</td>
<td>--------------------------------------</td>
</tr>
<tr>
<td>Final Vendor Selection</td>
<td>Late April, 2020</td>
</tr>
<tr>
<td>Contract Effective Date</td>
<td>Upon signature</td>
</tr>
</tbody>
</table>

**Questions**

During this bidding opportunity, MCHCP will be using the online messaging module of the DirectPath application for all official answers to questions from bidders, amendments to the RFP, exchange of information and notification of awards. It is the bidder’s responsibility to notify MCHCP of any change in contact information of the bidder. During the bidding process you will be notified via the messaging module of the posting of any new bid-related information.

Any and all questions regarding specifications, requirements, competitive procurement process, etc., must be in writing and submitted through the online messaging module of the DirectPath application by **Friday, February 7, 2020, 4 p.m. CT (5 p.m. ET)**. Questions received after February 7 will be answered and posted through the messaging module as time permits, but there is no guarantee of a response to these questions. For step-by-step instructions, please refer to the **Downloads** section of the DirectPath application, and click on **User Guides**.

Questions deemed universally applicable will be answered in writing and shared with all vendors who have indicated they are quoting. The team will provide a summary of all questions and answers by **Thursday, February 13, 2020**.

Bidders or their representatives may not contact other MCHCP employees or any member of the MCHCP Board of Trustees regarding this bidding opportunity or the contents of this RFP. If any such contact is discovered to have occurred, it may result in the immediate disqualification of the bidder from further consideration.

**Proposal Deadline**

All proposals must be submitted no later than 4:00 p.m. CT (5:00 p.m. ET), February 26, 2020. Submissions received after that time will not be accepted.

**Disclaimers**

MCHCP will not be liable under any circumstances for any expenses incurred by any bidder in connection with the selection process.

The description of coverage and plan design contained in this RFP is solely intended to allow for the preparation and submission of proposals by respondents and does not constitute a promise or guarantee of benefits to any individual.

**Confidentiality and Proprietary Materials**

Pursuant to Section 610.021 RSMo, proposals and related documents shall not be available for public review until a contract has been awarded or all proposals are rejected. MCHCP maintains copies of all proposals and related documents.

MCHCP is a governmental body under Missouri Sunshine Law (Chapter 610 RSMo). Section 610.011 requires that all provisions be “liberally construed and their exceptions strictly construed
to promote” the public policy that records are open unless otherwise provided by law. Regardless of any claim by a bidder as to material being proprietary and not subject to copying or distribution, or how a bidder characterizes any information provided in its proposal, all material submitted by the bidder in conjunction with the RFP is subject to release after the award of a contract in relation to a request for public records under the Missouri Sunshine Law (see Chapter 610 of the Missouri Revised Statutes). Only information expressly permitted by the provisions of Missouri’s Sunshine Law to be closed – strictly construed – will be redacted by MCHCP from any public request submitted to MCHCP after an award is made. Bidders should presume information provided to MCHCP in a proposal will be public following the award of the bid and made available upon request in accordance with the provisions of state law.

**Evaluation Process**

Any apparent clerical error may be corrected by the bidder before contract award. Upon discovering an apparent clerical error, MCHCP shall contact the bidder and request written clarification of the intended proposal. The correction shall be made in the notice of award. Examples of apparent clerical errors are: 1) misplacement of a decimal point; and 2) obvious mistake in designation of unit.

Any pricing information submitted by a bidder must be disclosed on the pricing pages as designated in this RFP. Any pricing information which appears elsewhere in the bidder’s proposal shall not be considered by MCHCP.

Awards shall only be made to the bidder(s) whose proposal(s) complies with all mandatory specifications and requirements of the RFP. MCHCP reserves the right to evaluate all offers and based upon that evaluation to limit the number of contract awards or reject all offers.

MCHCP reserves the right to request written clarification of any portion of the bidder’s response in order to verify the intent of the bidder. The bidder is cautioned, however, that its response shall be subject to acceptance or rejection without further clarification.

MCHCP reserves the right to consider historic information and fact, whether gained from the bidder’s proposal, question and answer conferences, references, or any other source, in the evaluation process. The bidder is cautioned that it is the bidder’s sole responsibility to submit information related to the evaluation categories and that MCHCP is under no obligation to solicit such information if it is not included with the bidder’s proposal. Failure of the bidder to submit such information may cause an adverse impact on the evaluation of the bidder’s proposal.

After determining that a proposal satisfies the mandatory requirements stated in the RFP, the comparative assessment of the relative benefits and deficiencies of the proposal in relationship to the published evaluation criteria shall be made by using subjective judgment. The award(s) of a contract resulting from this RFP shall be based on the lowest and best proposal(s) received in accordance with the following evaluation criteria:
Evaluation Criteria

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Financial Proposal</td>
<td>500</td>
</tr>
<tr>
<td>Vendor Profile</td>
<td>100</td>
</tr>
<tr>
<td>PBM Audit</td>
<td>300</td>
</tr>
<tr>
<td>Key Personnel</td>
<td>50</td>
</tr>
<tr>
<td>Reporting</td>
<td>50</td>
</tr>
<tr>
<td></td>
<td>1,000</td>
</tr>
</tbody>
</table>

Bonus Points – MBE/WBE Participation Commitment 10 points

MCHCP will limit the number of finalists to the bidders receiving 80 percent (400 points) of the possible 500 non-financial points available or the top two bidders if less than two bidders receive 80 percent of the possible 500 non-financial points.

The bidder’s proposed participation of MBE/WBE firms in meeting the targets of the RFP will be considered in the evaluation process. A maximum of MBE/WBE participation points of 10 points will be awarded based on the participation amount proposed by the bidder. Awarded MBE/WBE participation points will be added to the non-financial points earned by the bidder and will be included to determine if a bidder meets the 80 percent threshold to obtain finalist status.

Minority Business Enterprise (MBE)/Women Business Enterprise (WBE) Participation

The bidder should secure participation of certified MBEs and WBEs in provider products/services required in this RFP. The targets of participation recommended by the State of Missouri are 10% MBE and 5% WBE of the total dollar value of the contract.

a) These targets can be met by a qualified MBE/WBE vendor themselves and/or through the use of qualified subcontractors, suppliers, joint ventures, or other arrangements that afford meaningful opportunities for MBE/WBE participation.

b) The services performed or the products provided by MBE/WBEs must provide a commercially useful function related to the delivery of the contractually-required service/product in a manner that will constitute an added value to the contract and shall be performed/provided exclusive to the performance of the contract. Therefore, if the services performed or the products provided by MBE/WBEs is utilized, to any extent, in the bidder’s obligations outside of the contract, it shall not be considered a valid added value to the contract and shall not qualify as participation in accordance with this clause.

c) In order to be considered as meeting these targets, the MBE/WBEs must be “qualified” by the proposal opening date (date the proposal is due). See below for a definition of a qualified MBE/WBE.

d) If the bidder is proposing MBE/WBE participation, in order to receive evaluation consideration for MBE/WBE participation, the bidder must provide the following information with the proposal.

   a. Participation Commitment - If the bidder is proposing MBE/WBE participation, the vendor must complete Section 6 of the Pharmacy Claim Audit RFP Questionnaire (MBE-WBE Participation Commitment), by listing each proposed MBE and WBE,
the committed percentage of participation for each MBE and WBE, and the commercially useful products/services to be provided by the listed MBE and WBE. If the vendor submitting the proposal is a qualified MBE and/or WBE, the vendor must include the vendor in the appropriate table on the Participation Commitment Form.

b. Documentation of Intent to Participate – The bidder must either provide a properly completed Exhibit A-5, Documentation of Intent to Participate Form, signed and dated no earlier than the RFP issuance date by each MBE and WBE proposed or must provide a letter of intent signed and dated no earlier than the RFP issuance date by each MBE and WBE proposed which: (1) must describe the products/services the MBE/WBE will provide and (2) should include 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). If the bidder submitting the proposal is a qualified MBE and/or WBE, the bidder is not required to complete Exhibit A-5, Documentation of Intent to Participate Form or provide a recently dated letter of intent.

e) Commitment – If the bidder’s proposal is awarded, the percentage level of MBE/WBE participation committed to by the bidder on Exhibit A-5, Participation Commitment, shall be interpreted as a contractual requirement.

Definition -- Qualified MBE/WBE:

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 proposal opening date.

MBE or WBE means a business that is a sole proprietorship, partnership, joint venture, or corporation in which at least fifty-one percent (51%) of the ownership interest is held by minorities or women and the management and daily business operations of which are controlled by one or more minorities or women who own it.

Minority is defined as belonging to one of the following racial minority groups: African Americans, Native Americans, Hispanic Americans, Asian Americans, American Indians, Eskimos, Aleuts, and other groups that may be recognized by the Office of Advocacy, United States Small Business Administration, Washington D.C.

A listing of several resources that are available to assist bidders in their efforts to identify and secure the participation of qualified MBEs and WBEs is available at the website shown below or by contacting the Office of Equal Opportunity (OEO) at:

Office of Administration, Office of Equal Opportunity (OEO)
Harry S Truman Bldg., Room 630, P.O. Box 809, Jefferson City, MO 65102-0809
Phone: (877) 259-2963 or (573) 751-8130
Fax: (573) 522-8078
Web site: http://oeo.mo.gov
Pricing
The bidder must provide a firm, fixed pricing arrangement for the services requested in this RFP. It is expected that the total charge will be broken down to reflect specific costs associated with each aspect of the audit, as outlined in Exhibit B - Scope of Work.

Finalist Interview
After an initial screening process, a technical question and answer conference or interview may be conducted, if deemed necessary by MCHCP, to clarify or verify the bidder’s proposal and to develop a comprehensive assessment of the proposal. MCHCP also reserves the right to interview the proposed audit team.

Negotiation and Contract Award
The bidder is advised that under the provisions of this RFP, MCHCP reserves the right to conduct negotiations of the proposals received or to award a contract without negotiations. If such negotiations are conducted, the following conditions shall apply:

- Negotiations may be conducted in person, in writing, or by telephone.
- Negotiations will only be conducted with bidders who provide potentially acceptable proposals. MCHCP reserves the right to limit negotiations to those bidders that received the highest rankings during the initial evaluation phase. All bidders involved in the negotiation process will be invited to submit a best and final offer.
- Terms, conditions, prices, methodology, or other features of the bidder’s proposal may be subject to negotiation and subsequent revision. As part of the negotiations, the bidder may be required to submit supporting financial, pricing, and other data in order to allow a detailed evaluation of the feasibility, reasonableness, and acceptability of the proposal.
- The mandatory requirements of the RFP shall not be negotiable and shall remain unchanged unless MCHCP determines that a change in such requirements is in the best interest of MCHCP.
- Bidder understands that the terms of any negotiation are confidential until an award is made or all proposals are rejected.

Any award of a contract resulting from this RFP will be made only by written authorization from MCHCP.

Using DirectPath
The 2020 MCHCP Pharmacy Claim Audit RFP contains 2 broad categories of items that you will need to work on via the DirectPath application:

1) Items Requiring a Response:
   a. Pricing Form (e.g., Pharmacy Claim Audit Pricing) is an online input form to collect your pricing proposal as requested by MCHCP.
   b. Questionnaires (e.g., Pharmacy Claim Audit Questionnaire) are also online forms to collect your responses to questions about your capabilities.
MCHCP Pharmacy Claim Audit RFP – Introduction and Instructions

c) Response Documents (e.g., Exhibit A-1 Intent to Bid) are attachment files (e.g., MS Word or Excel) that are posted to the DirectPath website. They should be downloaded, completed and/or signed by your organization, and then posted/uploaded back to the DirectPath application. When you upload your response, from the drop-down menu, identify each uploaded document as a Response document and associate it to the appropriate document by name. For step-by-step instructions, please refer to the “How to Download and Attach Files” User Guide located in the “Downloads” section on the application homepage.

2) Reference Files from MCHCP:
   a) Documents (e.g., Exhibit B – Scope of Work) that you should download and read completely before submitting your RFP response.

All these components can be found in the DirectPath Application under the 2020 MCHCP Pharmacy Claim Audit RFP on the Event Details page of the application.

Note that as you use the DirectPath application to respond to this RFP, User Guides are accessible throughout the application by simply clicking on the help icon or from the “Downloads” area of the DirectPath application homepage. For help with data entry and navigation throughout the application, you can contact the DirectPath staff:

- Phone: 800-979-9351
- E-mail: support@directpathhealth.com

Responding to Questionnaires

We have posted two forms for your response:

- Pharmacy Claim Audit Questionnaire
- Mandatory Contract Provisions Questionnaire

The questionnaires need to be completed and submitted to DirectPath by Wednesday, February 26, 2020, 4:00 p.m. CT (5:00 p.m. ET).

The questionnaires are located within the Items Requiring a Response tab. This tab contains all the items you and your team are required to access and respond to. For step-by-step instructions, please refer to the How to Submit a Questionnaire User Guide located in the Downloads section of the DirectPath application homepage. You have the option to “respond online” or through the use of two different off-line (or desktop) tools.

Completing Response Documents

The following exhibits must be completed, signed and uploaded to DirectPath:

- Exhibit A-1 - Intent to Bid (due 4 p.m. CT, February 7, 2020)
- Exhibit A-2 – Proposed Bidder Modifications (due 4:00 p.m. CT, February 26, 2020)
- Exhibit A-3 – Confirmation Document (due 4:00 p.m. CT, February 26, 2020)
- Exhibit A-4 – Contractor Certification (due 4:00 p.m. CT, February 26, 2020)
Exhibit A-5 – MBE-WBE Intent to Participate Document (due 4:00 p.m. CT, February 26, 2020)

The follow exhibits must be reviewed and the bidder provide any suggested red-lined changes to the documents using Microsoft Word Track Changes functionality. Changes proposed may or may not be accepted by MCHCP.

Exhibit A-6 – Sample MCHCP Contract (due 4:00 p.m. CT, February 26, 2020)
Exhibit A-7 – MCHCP Business Associate Agreement (due 4:00 p.m. CT, February 26, 2020)

Completing Pricing Worksheet
The financial worksheet may be accessed in Items Requiring a Response. The Pricing or Bid contains a worksheet to collect fee quotations based on the services requested in this RFP. For step-by-step instructions, please refer to the How to Submit a Bid User Guide located in the Downloads section of the DirectPath Application homepage.

The final bid deadline is Wednesday, February 26, 2020, 4:00 p.m. CT (5:00 p.m. ET). Further detail on how to submit your bids is outlined in the Submitting Bids section of these Instructions.

Notes Regarding Pricing
Quotes should assume:

- Contract effective upon signature
- Proposed prices shall be firm and are subject to negotiation prior to the award of a contract by MCHCP. Refer to this Instructions document for detailed pricing worksheet instructions.

Submitting Bids
The pricing function allows you to work on a bid submission in draft form. You can enter your rates and Save without submitting your proposal to DirectPath. Save frequently to avoid losing work. When you have finished entering your rates, Save and then Calculate. If you have missed any required fields, you will be notified with an error message. If there are no errors, you can Submit your proposal through DirectPath.

Once you have submitted your bid, you can make adjustments at any time up until the bids are due. Simply select the pricing/bid and choose Edit to make changes. Follow the steps above to save, calculate, and re-submit.

Refer to the following list of instructions before attempting to input/submit a bid:

- Enter your rates well in advance of the required bid date. Please do NOT wait until the last minute to work on the pricing model worksheet because your bid must comply with the automated rules and data validation checks that have been implemented by MCHCP.
- Partial data entries can be saved; however, the validation rules (error checking) will not be run against your data until you complete the worksheet and either Calculate or Submit your data.
• To check that your data have been entered accurately, you should press the *Calculate* button at the top of the page. If your input complies with the validation rules, all of the rates will be calculated and totaled. Otherwise, the calculation and validation rules will not properly execute even if you press the *Calculate* button.

• You will be able to view your final rate submission prior to submitting to DirectPath.

• If your data are accurate and complete, click on the *Submit Bid* icon to submit your bid to DirectPath.

• Data that are submitted incorrectly will receive error messages when calculated or submitted.

• All data fields that are marked as a number or currency must be filled with a numerical value or 0. Blanks and text such as “n/a” are not permitted. If you attempt to *Submit* or *Calculate* your data with incomplete fields, you will receive an error message.

• Be sure to save your data often. Periodic saves will prevent you from losing data in the event the application times-out. For security purposes the system will automatically log you out after a specified time if there is no activity.

**RFP Checklist**

Prior to the February 26 close date, please be sure you have completed and/or reviewed each of the documents listed below.

<table>
<thead>
<tr>
<th>Type</th>
<th>Document Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Questionnaire</td>
<td>Pharmacy Claim Audit Questionnaire</td>
</tr>
<tr>
<td>Questionnaire</td>
<td>Mandatory Contract Provisions Questionnaire</td>
</tr>
<tr>
<td>Pricing/Bid</td>
<td>Pharmacy Claim Audit Pricing</td>
</tr>
<tr>
<td>Response</td>
<td>Exhibit A-1 Intent to Bid.docx <strong>DUE: February 7, 2020</strong></td>
</tr>
<tr>
<td>Response</td>
<td>Exhibit A-2 Proposed Bidder Modifications.docx</td>
</tr>
<tr>
<td>Response</td>
<td>Exhibit A-3 Confirmation Document.docx</td>
</tr>
<tr>
<td>Response</td>
<td>Exhibit A-4 Contractor Certification.docx</td>
</tr>
<tr>
<td>Response</td>
<td>Exhibit A-5 MBE-WBE Intent to Participate Document.docx</td>
</tr>
<tr>
<td>Response</td>
<td>Exhibit A-6 Sample Contract.docx</td>
</tr>
<tr>
<td>Response</td>
<td>Exhibit A-7 Business Associate Agreement.docx</td>
</tr>
<tr>
<td>Reference</td>
<td>Introduction and Instructions – Pharmacy Claim Audit RFP.pdf</td>
</tr>
<tr>
<td>Reference</td>
<td>Exhibit B – Scope of Work.docx</td>
</tr>
<tr>
<td>Reference</td>
<td>Exhibit C – General Provisions.docx</td>
</tr>
</tbody>
</table>
Contact Information

Content and technical questions may arise. All questions regarding this document and the selection process must be submitted through the online messaging module of the DirectPath application by **February 7, 2020, 4 p.m. CT (5 p.m. ET)**.

For technical questions related to the use of DirectPath, please contact the DirectPath customer support team at support@directpathhealth.com, or call the Customer Support Line at 1-800-979-9351.
EXHIBIT B
SCOPE OF WORK

B1. GENERAL REQUIREMENTS

B1.1 At the request of the MCHCP Board of Trustees, the claims auditor shall perform a comprehensive and objective review of the pharmaceutical claims to determine if the claims were adjudicated accurately and rebates were properly applied in accordance with the contract and plan design. The scope includes claims paid on behalf of MCHCP state members for calendar year 2019 for pharmaceutical claims processed by the Plan’s pharmacy benefits manager (PBM), Express Scripts, Inc. (ESI). The claims auditor shall have professional malpractice insurance of at least two million dollars ($2,000,000).

B2. CATEGORIES FOR REVIEW

B2.1 The audit scope incorporates categories of review, as outlined below. The following list is not intended to be exclusive. The proposer is encouraged to suggest additional criteria to enhance the appropriateness of the review. Descriptions of each item are further described in Sections B3 and B4.

B2.1.1 Claims Pricing (Discount) Accuracy Review, which requires analyzing 100 percent of the claims incurred in the time period of the audit to confirm pricing accuracy.

B2.1.2 Benefit Design Accuracy Review, which requires analyzing claims for each time period to validate application of plan benefits.

B2.1.3 Rebate Review, which requires identification of the top five (5) manufacturers and comparing the rebates credited to MCHCP under each manufacturer’s contract with ESI for the two calendar quarters during the twelve-month period immediately preceding the audit. The contractor will also confirm that the manufacturer administrative fees were passed one hundred percent to MCHCP.

B3. CLAIMS PRICING (DISCOUNT) ACCURACY REVIEW

B3.1 The contractor must request paid claims data from ESI covering the time period of the audit, and aggregate the discounts achieved for both brand name drugs and generic drugs.

B3.2 The contractor must investigate whether the proper adjudication logic, as outlined in MCHCP’s contract with ESI, was selected for all claims.
B3.3 The aggregated discounts will then be compared to the contract guarantees to determine the degree to which ESI met, exceeded, or fell short of the threshold. To the extent a shortfall is identified, the contractor will identify the amount of the shortage and work directly with ESI to true-up any refund to MCHCP for 2019 claims, and provide year-to-date results for 2020. The contractor shall also review for proper categorization of drugs used to determine discounts; i.e. test for characterization shifting from generic to brand which may have inflated discounts. The contractor shall analyze and test the dispensing fees against contractual guaranteed amounts.

B4. DELIVERABLES AND REPORTING - Contractor shall provide the following:

B4.1 The contractor shall keep MCHCP apprised of audit progress throughout the process.

B4.2 The bidder shall provide a draft project plan in response to Question 5.3, outlining the projected time to complete the audit. In consultation with MCHCP, a final project plan must be completed within fifteen (15) days of contract award.

B4.3 The contractor shall provide a comprehensive, detailed written report to include the methodology used, the claims and performance review findings, and recommendations. This will be provided to MCHCP staff prior to submission to the audited entity to ensure compliance with the scope of the audit.

B4.4 The contractor shall provide MCHCP the final draft report, and then separately in person to the MCHCP Board of Trustees in Jefferson City, MO. MCHCP will not reimburse separately for travel expenses. Upon approval by the Board of Trustees, the contractor shall issue the final report.
C1. TERMINOLOGY AND DEFINITIONS

Whenever the following words and expressions appear in this Request for Proposal (RFP) document or any amendment thereto, the definition or meaning described below shall apply.

C1.1 Amendment means a written, official modification to an RFP or to a contract.

C1.2 Bidder means a person or organization who submitted an offer in response to this RFP.

C1.3 Breach shall mean the acquisition, access, use or disclosure of PHI in a manner not permitted by the Privacy Rule that compromises the security or privacy of the PHI as defined, and subject to the exceptions set forth, in 45 C.F.R. 164.402.

C1.4 Contract means a legal and binding agreement between two or more competent parties, in consideration for the procurement of services as described in this RFP.

C1.5 Contractor means a person or organization who is a successful bidder as a result of an RFP and/or who enters into a contract or any subcontract of a successful bidder.

C1.6 Employee means a benefit-eligible person employed by the state and present and future retirees from state employment who meet the plan eligibility requirements.

C1.7 May means that a certain feature, component, or action is permissible, but not required.

C1.8 Member means any person covered as either a subscriber or a dependent in accordance with the terms and conditions of the plan.

C1.9 Must means that a certain feature, component, or action is a mandatory condition. Failure to provide or comply may result in a proposal being considered non-responsive.

C1.10 Off-shore means outside of the United States.

C1.11 Participant has the same meaning as the word member.

C1.12 PHI shall mean Protected Health Information, as defined in 45 C.F.R. 160.103, as amended.

C1.13 Pricing Pages apply to the form(s) on which the bidder must state the price(s) applicable for the services required in the RFP. The pricing pages must be completed and uploaded by the bidder prior to the specified proposal filing date and time.
C1.14 **Privacy Regulations** shall mean the federal privacy regulations issued pursuant to the Health Insurance Portability and Accountability Act of 1996, as amended from time to time, codified at 45 C.F.R. Parts 160 and 164 (Subparts A & E).

C1.15 **Proposal Filing Date and Time** and similar expressions mean the exact deadline required by the RFP for the receipt of proposals by Direct Path system.

C1.16 **Provider** means a physician, hospital, medical agency, specialist or other duly licensed health care facility or practitioner certified or otherwise authorized to furnish health care services pursuant to the law of the jurisdiction in which care or treatment is received. A doctor/physician as defined in 22 CSR 10-2010(22). Other providers include but are not limited to:

C1.16.1 Audiologist (AUD or PhD);
C1.16.2 Certified Addiction Counselor for Substance Abuse (CAC);
C1.16.3 Certified Nurse Midwife (CNM) – when acting within the scope of his/her license in the state in which s/he practices and performing a service which would be payable under this plan when performed by a physician;
C1.16.4 Certified Social Worker or Masters in Social Work (MSW)
C1.16.5 Chiropractor;
C1.16.6 Licensed Clinical Social Worker
C1.16.7 Licensed Professional Counselor (LPC);
C1.16.8 Licensed Psychologist (LP);
C1.16.9 Nurse Practitioner (NP);
C1.16.10 Physician Assistant (PA);
C1.16.11 Occupational Therapist;
C1.16.12 Physical Therapist;
C1.16.13 Speech Therapist;
C1.16.14 Registered Nurse Anesthetist (CRNA);
C1.16.15 Registered Nurse Practitioner (ARNP); or
C1.16.16 Therapist with a PhD or Master’s Degree in Psychology or Counseling.

C1.17 **Request for Proposal (RFP)** means the solicitation document issued by MCHCP to potential bidders for the purchase of services as described in the document. The definition includes these Terms and Conditions as well as all Pricing Pages, Exhibits, Attachments, and Amendments thereto.

C1.18 **Respondent** means any party responding in any way to this RFP.

C1.19 **Retiree** means a former employee who, at the time of termination of employment, met the eligibility requirements as outlined in subsection 22 CSR 10-2.020(2)(B) and is currently receiving a monthly retirement benefit from a retirement system listed in such rule.
C1.20 **RSMo (Revised Statutes of Missouri)** refers to the body of laws enacted by the Legislature, which govern the operations of all agencies of the State of Missouri. Chapter 103 of the statutes is the primary chapter governing the operations of MCHCP.

C1.21 **Shall** has the same meaning as the word must.

C1.22 **Should** means that certain feature, component and/or action is desirable but not mandatory.

C1.23 **Subscriber** means the person who elects coverage under the plan.

**C2. GENERAL BIDDING PROVISIONS**

C2.1 It shall be the bidder’s responsibility to ask questions, request changes or clarification, or otherwise advise MCHCP if any language, specifications or requirements of an RFP appear to be ambiguous, contradictory, and/or arbitrary, or appear to inadvertently restrict or limit the requirements stated in the RFP to a single source. Any and all communication from bidders regarding specifications, requirements, competitive procurement process, etc., must be directed to MCHCP via the messaging tool on the Direct Path web site, as indicated on the last page of the *Introduction and Instructions* document of the RFP. Such communication must be received no later than Friday, February 7, 2020, 4 p.m. CT (5 p.m. ET).

Every attempt shall be made to ensure that the bidder receives an adequate and prompt response. However, in order to maintain a fair and equitable procurement process, all bidders will be advised, via the issuance of an amendment or other official notification to the RFP, of any relevant or pertinent information related to the procurement. Therefore, bidders are advised that unless specified elsewhere in the RFP, any questions received by MCHCP after the date noted above might not be answered.

It is the responsibility of the bidder to identify and explain any part of their response that does not conform to the requested services described in this document. Without documentation provided by the bidder, it is assumed by MCHCP that the bidder can provide all services as described in this document.

C2.2 Bidders are cautioned that the only official position of MCHCP is that position which is stated in writing and issued by MCHCP in the RFP or an amendment thereto. No other means of communication, whether oral or written, shall be construed as a formal or official response or statement.

C2.3 MCHCP monitors all procurement activities to detect any possibility of deliberate restraint of competition, collusion among bidders, price-fixing by bidders, or any other
anticompetitive conduct by bidders, which appears to violate state and federal antitrust laws. Any suspected violation shall be referred to the Missouri Attorney General’s Office for appropriate action.

C2.4 No contract shall be considered to have been entered into by MCHCP until the contract has been awarded by the MCHCP Board of Trustees and all material terms have been finalized. The contract is expected to be finalized and signed by a duly authorized representative of Contractor in less than fifteen (15) days from MCHCP’s initial contact to negotiate a contract. An award will not be made until all contract terms have been accepted.

C3. PREPARATION OF PROPOSALS

C3.1 Bidders must examine the entire RFP carefully. Failure to do so shall be at the bidder’s risk.

C3.2 Unless otherwise specifically stated in the RFP, all specifications and requirements constitute minimum requirements. All proposals must meet or exceed the stated specifications and requirements.

C3.3 Unless otherwise specifically stated in the RFP, any manufacturer’s names, trade names, brand names, and/or information listed in a specification and/or requirement are for informational purposes only and are not intended to limit competition. Proposals that do not comply with the requirements and specifications are subject to rejection without clarification.

C4. DISCLOSURE OF MATERIAL EVENTS

C4.1 The bidder agrees that from the date of the bidder’s response to this RFP through the date for which a contract is awarded, the bidder shall immediately disclose to MCHCP:

C4.1.1 Any material adverse change to the financial status or condition of the bidder;

C4.1.2 Any merger, sale or other material change of ownership of the bidder;

C4.1.3 Any conflict of interest or potential conflict of interest between the bidder’s engagement with MCHCP and the work, services or products that the bidder is providing or proposes to provide to any current or prospective customer; and

C4.1.4 (1) Any material investigation of the bidder by a federal or state agency or self-regulatory organization; (2) Any material complaint against the bidder filed with a federal or state agency or self-regulatory organization; (3) Any material proceeding naming the bidder before any federal or state agency or self-regulatory organization; (4) Any material criminal or civil action in state or
federal court naming the bidder as a defendant; (5) Any material fine, penalty, censure or other disciplinary action taken against the bidder by any federal or state agency or self-regulatory organization; (6) Any material judgment or award of damages imposed on or against the bidder as a result of any material criminal or civil action in which the bidder was a party; or (7) Any other matter material to the services rendered by the bidder pursuant to this RFP.

C4.1.4.1 For the purposes of this paragraph, “material” means of a nature, or of sufficient monetary value, or concerning a subject which a reasonable party in the position of and comparable to MCHCP would consider relevant and important in assessing the relationship and services contemplated by this RFP. It is further understood that in fulfilling its ongoing responsibilities under this paragraph, the bidder is obligated to make its best faith efforts to disclose only those relevant matters which come to the attention of or should have been known by the bidder’s personnel involved in the engagement covered by this RFP and/or which come to the attention of or should have been known by any individual or office of the bidder designated by the bidder to monitor and report such matters.

C4.2 Upon learning of any such actions, MCHCP reserves the right, at its sole discretion, to either reject the proposal or continue evaluating the proposal.

C5. COMPLIANCE WITH APPLICABLE FEDERAL LAWS

C5.1 In connection with the furnishing of equipment, supplies, and/or services under the contract, the contractor and all subcontractors shall comply with all applicable requirements and provisions of the Health Insurance Portability and Accountability Act (HIPAA) and The Patient Protection and Affordable Care Act (PPACA), as amended.

C5.2 Any bidder offering to provide services must sign a Business Associate Agreement (BAA) (see Exhibit A-7) due to the provisions of HIPAA. Any requested changes shall be noted and returned with the RFP. The changes are accepted only upon MCHCP signing a revised BAA after contract award.

C5.3 Upon awarding of the contract by the Board, the BAA shall be signed by both parties within five (5) working days of the request to sign, or the award of the contract may be rescinded.