

# **ADMINISTRACIÓN DE SEGUROS DE SALUD DE PUERTO RICO (ASES)**

## **PUERTO RICO HEALTH INSURANCE ADMINISTRATION (PRHIA)**



### **PHARMACY BENEFIT MANAGER (PBM) AND REBATE AGGREGATOR (RA) SERVICES**

**GOVERNMENT HEALTH PLAN**

**REQUEST FOR PROPOSALS**

**RFP # PHARMACY 2022**

**ISSUE DATE: MARCH 31, 2021**

**PROPOSAL DUE DATE: JUNE 2, 2021 3:00 PM (AST)**

**AMENDMENT #1 ISSUE DATE: APRIL 5, 2021**

**AMENDMENT #2 ISSUE DATE: APRIL 13, 2021**

**AMENDMENT #3 ISSUE DATE: MAY 10, 2021**

## 1. Amendments to the RFP

This document constitutes an amendment to the request for competitive proposals (RFP) titled Pharmacy Benefit Manager (PBM) and Rebate Aggregator (RA) Services for the Government Health Plan (RFP #Pharmacy 2022), issued by the Puerto Rico Health Insurance Administration (Administración de Seguros de Salud - ASES) (referred to herein as “Amendment #3”). Amendment #3 is being issued on May 10, 2021 and amends the RFP to modify all sections and Appendices affected by the new schedule of events notified on April 28, 2021 and clarify certain RFP requirements as indicated in the Questions and Answers. Changes are included in track changes. Accordingly, deletions to the initial RFP language are noted in red and strikethrough and additions are noted in red and underline.

Amendment #3 will be available in the secure website by May 10, 2021. Also, the Procurement Contact will send Amendment #3 via e-mail to all Potential Offerors appearing in the procurement distribution list pursuant to Section 3.3.2 of this RFP.

## 2. Amendment to Section 1.1.

*Section 1.1 is amended to reflect changes in dates caused by the adoption of the new schedule of events.*

### 1.1 Introduction

#### Purpose

This document constitutes a request for proposals for the provision of Pharmacy Benefit Management (PBM) and Rebate Aggregator (RA) services for the Government Health Plan (GHP), also known as Vital, (“hereinafter referred to as “GHP”) pursuant to Title XIX of the Federal Social Security Act, codified as 42 USC 1396 et seq, (the "Social Security Act"), and Act No. 72 of September 7, 1993, as amended, of the Laws of the Commonwealth ("Act No. 72"). GHP serves a mixed population including not only the Medicaid and CHIP populations, but also other eligible individuals as established in Act 72.

ASES reserves the right, at its sole discretion to award a contract for a term beginning on ~~February 1~~July 1, 2022 and ending ~~January-June 31~~30, 2025 with two (2) optional one (1) year Contract Term extensions, subject to availability of funds. After the second year of the initial Contract Term, ASES shall evaluate the contractor’s performance and the GHP to determine the necessity and desirability to exercise the optional contract extensions. The Offeror should provide their best cost estimate for optional years. The Offeror should be aware that optional years may be subject to renegotiation based on prevailing market prices and evaluation of Contractor’s performance

The Implementation Date for the provision of the PBM and RA Services is expected to be ~~February~~July 1, 2022. Puerto Rico intends to join the Medicaid Drug Rebate Program (MDRP) as of the Implementation Date. In addition to providing MDRP Services, the Offeror must be able to provide non-MDRP (Other Enrollee) Rebate Services for the State Population. Notwithstanding the above, the awarded Contractor needs to have operational capacity to provide MDRP Services and Other Enrollee Rebate Services upon the Implementation Date as determined by ASES.

**Offerors are invited to bid for either the PBM Services business (PBM Services Only); the RA Services business (RA Services Only); or a Combined Services contract that includes both sets of services.** If the Offeror chooses to bid for both services, it must then present costs for each type of service and costs for the combined services. Nonetheless, ASES retains the sole discretion to determine which

service(s) will be awarded to which Offeror. Accordingly, regardless whether the Offeror chooses to bid for both set of services, ASES may opt to award only one of the services to said Offeror and the other service to another Offeror.

ASES's preference is for the best Combined Services contract but will consider separate RA and PBM Services contracts if it is in the best interest for Puerto Rico based on quality and value. The intent is to award a Contract or Contracts to the most responsive and responsible entity or entities that demonstrate the ability to meet the requirements of this RFP at the most competitive prices.

The Offeror must agree and quote implementation and ongoing costs based on the Total Ownership Cost Method. The Total Ownership Cost Method includes not only the direct costs of the specific deliverables required for the provision of the Contracted Services but also all indirect costs that would be logically attributed to the provision of such Services. It is an all-inclusive rate.

ASES is seeking Offerors that:

1. Demonstrate a clear understanding of ASES's needs, the services sought and the Offeror's responsibilities.
2. Demonstrate that the Offeror understands its role as partner and advisor to ASES.
3. Demonstrate the Offeror's capability to perform all services and meet all Contract requirements.
4. Demonstrate how the Offeror will contribute to the achievement and advancement of ASES's goals and objectives.
5. Demonstrate operational capacity to support a ~~July~~February 1, 2022 Implementation Date.
6. Demonstrate financial solvency and stability to perform the services of this RFP.

A general description of the required functions of the PBM and RA Services are as follows:

**PBM Services:**

Developing, implementing and offering to ASES and the MCOs a comprehensive Pharmacy Benefit Management program including but not limited to the following programs and services:

- Managing and credentialing the Pharmacy Network that covers the whole jurisdiction of Puerto Rico and performing Pharmacy Audits;
- Maintaining a Pharmacy Call Center for the Pharmacy Network;
- Adjudicating and accurately processing Pharmacy Claims and payment including handling Coordination of Benefits ("COB") with other health insurance plans, including Medicare;
- Developing, maintaining and updating the Maximum Allowable Cost ("MAC") list for Pharmacy reimbursement for Generic Drugs and multi-source Brand Drugs and providing an electronic platform to Pharmacies desiring to appeal MAC pricing, and if requested by ASES, coordinating with Puerto Rico's Department of Consumer Affairs ("DACO") to provide drug price information for DACO's drug price control list, as amended from time to time;

- Providing a comprehensive Drug Utilization Review (“DUR”) program, including capabilities to identify potential opioid abuse and suspect prescribing and dispensing patterns, and to track drug utilization for specific prescription drugs identified by ASES for special monitoring;
- Supporting ASES and the contracted MCOs with the High Cost High Need (HCHN) Program and other care management programs;
- Developing and implementing a compliance plan and Fraud, Waste and Abuse detection initiatives;
- Assisting in the support and operation of formulary management through the Pharmacy & Therapeutics Committee and Pharmacy Financial Committee;
- Managing the Academic Detailing program;
- Updating and maintaining standard operating procedure manual(s) for PBM services;
- Maintaining an Information System, Information management processes and technical support to meet the GHP requirements;
- Providing robust reporting and online reporting tool as described in the Contract;
- Retaining and storing data as required under the Contract;
- Developing strategies to promote an active participation of the MCOs in the development of Enrollee and prescribing Provider educational activities.

**RA Services:**

- Providing comprehensive management of the RA Services for all GHP populations, which includes:
  - Other Enrollee Rebate Services for populations not eligible for MDRP rebates, and
  - MDRP Rebate Services for Medicaid and CHIP Eligibles’ covered outpatient drugs in accordance with Section 1927(b)(1) of the Social Security Act and the terms of the Medicaid National Drug Rebate Agreement (NDRA).

The RA Services shall include but are not limited to:

- Producing drug rebate invoices for pharmaceutical manufacturers according to federal schedule requirements for the MDRP and ASES’s schedule requirements for Other Enrollee (non-MDRP) rebates;
- Processing and submitting to the Medicaid Program the CMS drug utilization and information necessary for CMS-64 reporting;
- Providing Rebate program reports for retail Pharmacy drugs and PADs to ASES and its designees on a quarterly basis;
- Reconciling and resolving drug rebate disputes with pharmaceutical manufacturers;
- Ensuring quality control to validate accuracy of drug Rebate Data;

- Maintaining administrative, physical and technical safeguards to ensure security and confidentiality of all drug Rebate Information according to Puerto Rico and federal laws and industry standards;
- Updating and maintaining standard operating procedure manual(s) for Rebate program administration;
- Maintaining a Data repository system that interfaces with multiple Data sources;
- Maintaining a reporting database that can be accessed in real time by ASES to review and analyze rebate information and produce ad hoc reporting;
- Creating and maintaining a secure web portal for Data sharing with pharmaceutical manufacturers;
- Coordinating and assisting in the support and operation of ASES's Pharmacy Financial Committee.

### 3. Amendment to Section 1.6

*Section 1.6 is amended to reflect changes in dates caused by the adoption of the new schedule of events and clarify when the contract is effective and when direct services start.*

#### 1.6 Scope of Procurement

The scope of this procurement includes the implementation and operation of the PBM and RA Services, as outlined throughout this RFP and in the Contract.

Following this procurement, ASES's intent is to contract with the selected Offeror(s) pursuant to the evaluation procedures outlined below and the rules and regulations that govern ASES. ASES reserves the right to award the Contract for a term beginning on ~~February~~July 1, 2022 and ending ~~January~~June 31, 2025, with two (2) optional one (1) year term extensions, expected beginning on ~~February~~July 1, 2025 and ending ~~January~~June 31, 2027. The contract years will be as follows:

- **Contract Year 1:** ~~February~~July 1, 2022– ~~January~~June 31, 2023\*
- **Contract Year 2:** ~~February~~July 1, 2023– ~~January~~June 31, 2024
- **Contract Year 3:** ~~February~~July 1, 2024– ~~January~~June 31, 2025
- **Optional Contract Year 4:** ~~February~~July 1, 2025– ~~January~~June 31, 2026
- **Optional Contract Year 5:** ~~February~~July 1, 2026– ~~January~~June 31, 2027

\*The effective date of the contract/date of signature is expected to be no later than October 1, 2021. Direct services and payment begin on the Implementation Date of the Contract (Go-Live), contingent upon certification of readiness.

The Offeror will be responsible for the provision of all Covered Services described in the Contract beginning ~~February~~July 1, 2022, to the extent the Offeror has demonstrated readiness.

The Implementation Date for the provision of the PBM and RA Services is expected to be no later than ~~February~~July 1, 2022. Puerto Rico intends to join the Medicaid Drug Rebate Program (MDRP) by the

Implementation Date. Therefore, the awarded Contractor needs to have operational capacity to provide MDRP Services and Other Enrollee Rebate Services upon the Implementation Date as determined by ASES.

Following execution of the Contract, the successful Offeror shall work with ASES through an implementation review period to demonstrate its readiness to carry out the provisions outlined in the Contract, including all Appendices. The “implementation readiness review” will commence shortly after the Contract is signed. The scope of the review will be determined by ASES. Certification to Go Live is contingent upon the Contractor’s ability to meet the implementation review requirements and any additional applicable requirement stated in this RFP and ensuing Contract. See Sections 3.3.12 and 3.4.2 of this RFP.

#### **4. Amendment to Section 2.1**

*Section 2.1 is amended to reflect changes in dates caused by the adoption of the new schedule of events.*

#### **2.1 Minimum General Requirements**

2.1.1 ASES seeks to partner with a Contractor that has demonstrated experience in providing high quality services, meets all requirements of this RFP, is financially stable and can comply with the expected Implementation Date of ~~February–July~~ July 1, 2022. As such, the following are the minimum requirements for the Contractor:

2.1.1.1 Have the operational capacity to support an expected ~~February–July~~ July 1, 2022 Implementation Date for PBM and RA Services. At the Implementation Date, the Offeror must have operational capacity to provide both MDRP Services and Other Enrollee Rebate Services.

2.1.1.2 Be financially solvent to provide services for short-term period (thirty to ninety (30–90) Calendar Days) in the event of delayed reimbursement.

2.1.1.3 Meet all the specific requirements as outlined in the Contract in Appendix K of this RFP. Specifically, the core statement of work for PBM and RA Services are described in Articles 6 through Article 22 of the Contract.

As noted in the Contract, all Administrative Functions of the Contractor must be located within the United States. However, effective ~~February–July~~ July 1, 2022, the following Administrative Functions must be located in Puerto Rico:

2.1.1.3.1 Key Administrative Functions, including but not limited to Contractor personnel responsible for the coordination or participation in the P&T Committee, the Pharmacy Financial Committee, or any other committee required under this Contract;

2.1.1.3.2 Marketing;

2.1.1.3.3 Management of Contractor’s compliance plan and fraud, waste and abuse monitoring activities;

- 2.1.1.3.4 Pharmacy Call Center adequately staffed to promptly respond to inquiries from Network Pharmacies about systems, Claims, and administrative Pharmacy edits, and any other inquiries related to the Pharmacy Benefit program for GHP and Other Enrollee populations. In addition, the Pharmacy Call Center staff must be fluent in English and Spanish to allow for Culturally Competent communication; and
- 2.1.1.3.5 Decision-making authority related to the Pharmacy Network, such as claim dispute resolution, credentialing activities, pharmacy contracting, administrative (but not clinical) reviews of prior authorization requests, approvals to dispense early prescription refills or replacement fills.

## 5. Amendment to Section 3.2

*Section 3.2 is amended to reflect changes in dates caused by the adoption of the new schedule of events.*

### 3.2 Schedule

The delivery schedule set forth in Table 3 herein represents ASES’s best estimate of the schedule that will be followed. Unless stated otherwise, items will be due at 6:00 pm (Atlantic Standard Time/AST) on the dates specified below. If a component of this schedule—such as Submission of Proposals—is delayed, the rest of the schedule will likely be shifted by the same number of days. ASES will make every effort to adhere to the following schedule:

**Table 3: RFP Schedule**

Action	Responsible Party	Date
1. Notice of RFP	ASES	March 31, 2021
2. Acquisition of RFP Document Package	Potential Offeror	April 1, 2021 through April 13, 2021(6:00 PM AST).
3. Deadline to submit Acknowledgement of Receipt of RFP Form and Notice of Intent	Potential Offeror	April 14, 2021 (due at 3:00 PM AST)
4. Pre-Proposal Conference	ASES	April 15, 2021 at 11:00 AM AST
5. Deadline to submit written questions	Offeror	April <del>19</del> <sup>26</sup> , 2021 (due at 10:00 PM AST)
6. Publishing of responses to written questions	ASES	<del>April-May</del> <sup>26</sup> <sub>3</sub> , 2021
7. Submission of Proposal Bond	Offeror	<del>May 5</del> <sup>June 2</sup> , 2021 (due at <del>41:00</del> <sup>41:00</sup> PM AST at ASES’s Finance Office)
8. Submission of References	Referring Party	<del>May 5</del> <sup>June 2</sup> , 2021 (due at <del>63:00</del> <sup>63:00</sup> PM AST)

Action	Responsible Party	Date
9. Submission of Proposals	Offeror	<del>May 5</del> June 2, 2021 (due at 6:00 PM AST)
10. Notice of Intent to Award Contract	ASES	Approximately 40-60 days after submission of the proposals
11. Reconsideration/Request for Administrative Review	Offeror	See Article 3.19 of Act 38 of 2017, as amended
12. Contract Execution	ASES and awarded Contractor(s)	<del>Mid August</del> No later than October 1, 2021
13. Implementation Review	ASES and awarded Contractor(s)	See Section 3.3.12
14. Implementation Date	ASES and awarded Contractor(s)	<del>February-July</del> 1, 2022

**NOTE:** Dates are subject to change based on number of Proposals to evaluate and any unforeseen situation or force majeure. ASES reserves the right to request additional/clarification from Offeror(s) at any time during the process.

## 6. Amendment to Sections 3.3.4 through 3.3.7

Sections 3.3.4, 3.3.5, 3.3.6 & 3.3.7 are amended to reflect changes in dates caused by the adoption of the new schedule of events.

### 3.3.4 Deadline to submit written questions regarding RFP

Offerors that fail to report a known or suspected problem with the RFP and/or its accompanying materials or fail to seek clarification and/or correction of the RFP and/or its accompanying materials shall submit a Proposal at their own risk. In addition, if awarded the Contract, the Contractor shall not be entitled to additional compensation for any additional work caused by such problem, including any ambiguity, conflict, discrepancy, omission, or error.

Potential Offerors may submit a maximum of twenty-five (25) written questions as to the intent or clarity of this RFP and its appendices. Questions made during the Preproposal Conference will not count towards the 25 this limit. The Offeror shall submit all questions in writing by email to the Procurement Contact using the Questions and Answers Template in Appendix I of this RFP. Offerors shall submit all questions in writing by **a non-encrypted email** to the Procurement Contact. ASES will not accept questions and issues submitted by means other than email, except during the Preproposal Conference. The email message must contain the following as the subject line:

*Question/Clarifications: (Offeror's Name)*

Questions must be received by deadline **10:00 PM (AST) on April 19~~26~~, 2021.**

Questions shall be clearly labeled and shall cite the Section(s) in this RFP or other document that forms the basis of the question. No compound or multi-part questions are allowed. If submitted, each



part of the compound or multi-part question will count as one (1) of the twenty-five (25) questions allowed. ASES will not answer more than twenty-five (25) questions per Offeror.

Notwithstanding the initial question submission deadline and quantity restriction, ASES will accept questions or inquiries about the reporting of RFP errors or irregularities if such inquiries are received at least 10 business days prior to the Proposal Submission Date.

### **3.3.5 Publishing Responses to Written Questions/RFP Amendments**

Written responses to written questions and any RFP amendments will be distributed to all potential Offerors appearing on the procurement distribution list.

ASES shall make every effort to provide answers as close to the deadline (~~April~~May 26, 2021) as possible. ASES reserves the right to determine, at its sole discretion, appropriate and adequate responses to written comments, questions, and requests for clarification. To the extent practical, inquiries shall remain as submitted. However, ASES may consolidate and/or paraphrase similar or related inquiries.

ASES's official responses and other official communications pursuant to this RFP shall constitute an amendment or supplement of this RFP.

ASES reserves the right to amend this RFP (including all appendices) any time before the closing date for submitting proposals (~~May-June 5~~, 2021), excluding changes to the schedule of events. Amendments shall be sent to all Offerors appearing on the procurement distribution list pursuant to Section 3.3.2 of this RFP.

### **3.3.6 Deadline to submit reference letters**

The Offeror must submit with the Proposal a list that include (3) specific client references, with at least one for a state Medicaid program or other large similar government or large private industry project within the last five (5) years. Each reference noted on the list must include the contact name and phone number, a brief description of the services provided, and the period of service. Offerors may NOT request References from ASES. See Section 6.2.6 of this RFP.

Offerors must ensure that all reference letters from the clients listed in the list mentioned above are delivered by email directly by the client to the Procurement Contact by ~~63:00~~ PM (AST) May 5June 2, 2021. See Section 6.2.6 of this RFP. Offerors must ensure references are completed using the reference form in Appendix H of this RFP. Offerors may contact the Procurement Contact prior to the deadline to confirm references have been received.

Offerors are responsible for:

- Making a duplicate (hard copy or electronic document) of the appropriate form, as it appears in Appendix H of this RFP, and adding the following customized information to the form:
- Offeror's name;
- Reference organization's name; and
- Reference contact's name, title, telephone number, and email address.

- Sending the form to each reference contact;
- Giving the contact a deadline that allows for ASES to receive the reference form on or before ~~63:00~~ PM (AST) ~~May 5~~June 2, 2021.

Reference forms must be emailed by the referring party directly to pharmacyrfp2022@asespr.org with the subject “Reference for [Name of Offeror] for RFP Pharmacy2022.” **Reference forms submitted by the Offeror directly to ASES will not be accepted. References received after the deadline will not be accepted.**

### **3.3.7 Submission of Proposal Bond and Proposal**

3.3.7.1 The Offeror must deliver in-person, an original Proposal Bond, in the terms specified in Section 3.4.8 of this RFP, to the ASES Administrative and Finance Office, no later than **41:00 pm AST, ~~May 5~~June 2, 2021**. **FAILURE TO PROVIDE A PROPOSAL BOND IN THE TERMS SPECIFIED IN THIS RFP WILL CAUSE THE PROPOSAL TO BE DEEMED INCOMPLETE AND THE OFFEROR WILL BE DISQUALIFIED.**

3.3.7.2 **Proposals are due at ~~63:00~~ pm (AST), ~~May-June 52~~, 2021.** Offerors are required to submit only one (1) Proposal in response to this RFP. The entire Proposal must be uploaded onto the secure site with the unique password and username given to the Offeror. The Offeror must place the Proposal in the appropriate folders with the Offeror’s name on the secure site. **A LATE PROPOSAL SHALL NOT BE ACCEPTED AND SHALL CAUSE THE PROPOSAL TO BE DISQUALIFIED.**

3.3.7.2.1 The Offeror shall not distribute the Proposal to any entity not specified in this RFP, nor shall the Offeror share its Proposal with other potential Offerors.

3.3.7.2.2 The contents of any Proposal shall be maintained in strict confidentiality by ASES and shall not be disclosed to competing Offerors or the general public during the procurement process and only may be disclosed after the Contract is awarded.

## **7. Amendment to Section 3.3.13**

*Section 3.3.13 is amended to reflect changes in dates caused by the adoption of the new schedule of events.*

### **3.3.13 Implementation Date**

The Implementation Date is the date on which the Offeror would initiate the PBM and RA services. As of the date of this RFP, the Implementation Date is expected to be ~~February~~July 1, 2022.

Puerto Rico intends to join the Medicaid Drug Rebate Program (MDRP) by the Implementation Date. The Awarded Contractor needs to have operational capacity to provide MDRP Services and Other Enrollee Rebate Services upon the Implementation Date as determined by ASES.

## 8. Amendment to Section 3.4.4.4

*Section 3.4.4.4 is amended to clarify the requirement regarding submission of subcontracts*

3.4.4.4 The Offeror(s) awarded a Contract must submit Subcontract(s) to ASES for review. If the subcontract is exclusive for the provision of services under this RFP, the contract must be submitted in its entirety to ASES. If the subcontract is not exclusive for the provision of services under this RFP, the Contractor must so certify and then provide true and exact copy of all applicable clauses, terms and conditions related to the provision of services under this RFP.

## 9. Amendment to Section 3.4.8

*Section 3.4.8 is amended to reflect changes in dates caused by the adoption of the new schedule of events and to include the location of the office where the Proposal Bond must be delivered in person.*

### 3.4.8 Proposal Bond

A Proposal Bond in the amount of ten percent (10%) of the total bid for the first-year term is **REQUIRED. If the Offeror is presenting a Proposal for combined services, the amount of the Proposal Bond must be computed on the basis of the total bid for the combined services for the first contract year.** The Proposal Bond must be accompanied with a pledge that the Offeror will enter into a contract with ASES on the terms stated in the Proposal Bond, if awarded the RFP.

The Proposal Bond shall be either in a Certified Check or Original Proposal Bond issued by a surety company duly authorized to do business in Puerto Rico, duly certified by the Insurance Commissioner of Puerto Rico, and accepted by ASES. The Proposal must be accompanied with the corresponding evidence that the surety company is a qualified institution as herein stated. The Proposal Bond or check will be payable to ASES. **A copy must be included with the Proposal and the original must be delivered in person ~~to ASES' Finance Office~~ no later than 4:00 pm AST ~~May 5~~ June 2, 2021 to ASES' Finance Office, located at Urb. Caribe Sector El Cinco, #1549 Calle Alda, San Juan, PR.** The name of the company to whom the bond is issued must be the same as in the Proposal. **No Letter of Credit and Annual Proposal Bond will be accepted.**

If the Proposal Bond is submitted in a certified check, ASES will not pay interest at any rate for the period from when the check is submitted to ASES to the time of its return to the Offeror.

**FAILURE TO COMPLY WITH THE TIMELY SUBMISSION OF A PROPOSAL BOND, ISSUED BY A QUALIFIED INSTITUTION AS STATED IN THIS SECTION, IN THE NAME OF ASES, TO COVER THIS PROCUREMENT PROCESS AND IN THE AMOUNT SPECIFIED HEREIN, WILL DISQUALIFY THE OFFEROR.**

If the Offeror(s) chosen to receive a Contract withdraws its Proposal after ASES issues notice of intent to award, does not honor the terms offered in its Proposal, does not sign the Contract within a reasonable period before the implementation review, or fails to comply with an approved Divestiture Action Plan or Conflict Avoidance Plan at the time of signature of the Contract, the Proposal Bond shall be forfeited by the Offeror(s) in favor of and kept by ASES.

The Proposal Bond will be returned to the unsuccessful bidders after one hundred and fifty (150) Calendar Days of the submission of the Proposal, unless the Proposal Bond term herein established

is otherwise extended per ASES request due to an extension of the schedule of events of this procurement.

## **10. Amendment to Section 4.4**

*Section 4.4 is amended to clarify the use of hyperlinks in the Table of Contents.*

### **4.4 Mandatory Requirements Section of the Proposal**

The Offeror's response to the Mandatory Requirements listed in Section 6 of this RFP must be uploaded to the secure site as a separate document. The documents and appendices pertaining to each subsection of Section 6 must be uploaded to the corresponding folder created and identified accordingly. The name of the file to be uploaded to each folder must contain either an abbreviated name or initial letters of the Offeror and the specific section or appendix. (e.g., if the Offeror's name is Unity Care System, Inc. and the file is Appendix B the file should be named Unity App B or UCS App B).

The table of contents for Section 6 must contain a list of all sections and subsections of the Mandatory Requirements and the corresponding page numbers.

For example:

Section 6.3      Pages 55–85

Section 6.3 (1)   Pages 57–60

Section 6.3 (2)   Pages 60–85

The Table of Contents shall be linked to appropriate sections in the technical requirements document. Preferably, the Table of Contents shall-should contain hyperlinks to ~~allow-afacilitate the~~ reviewer to navigate through this RFP using the Table of Contents. There are no page limits on the Mandatory Requirements documents.

## **11. Amendment to Section 4.5**

*Section 4.5 is amended to clarify the use of appendices and the page limitations and the use of hyperlinks in the Table of Contents.*

### **4.5 Technical Proposal**

The Offeror's response to the Technical Proposal listed in Section 7 of this RFP must be uploaded to the corresponding folders created and identified accordingly. The table of contents for Section 7 must contain a list of all sections and subsections of the technical requirements and the corresponding page numbers.

For example:

Section 7.2      Pages 75–85

The Table of Contents shall be linked to appropriate sections in the technical requirements document. Preferably, the Table of Contents shall ~~should~~ contain hyperlinks to ~~allow~~ facilitate the reviewer to navigate through this RFP using the Table of Contents.

The Offeror is limited to the following technical proposal page limits, excluding appendices, which will not count towards this limit\* for the following types of offers:

- 1) Combined Services Offer: One hundred (100) pages
- 2) PBM Services Only Offer: Seventy (70) pages
- 3) RA Services Only Offer: Thirty (30) pages

\*NOTE: Exhibits may be included as Appendices. Nonetheless, such exhibits must be limited to graphs, images, diagrams, applicable sections of policies, forms or other similar representations and documents. The exhibits should be used sparingly and only when they are necessary to clearly respond to a question. The exhibits are not a substitute for comprehensive narrative responses nor a subterfuge to circumvent the page limits. See Section 4.7 of the RFP (A policy, brochure, manual, or reference to a policy, brochure, manual or website does not constitute an adequate response and will not be considered).

The response to the first question in Section 7 of this RFP shall be labeled as Page 1 with each subsequent page numbered thereafter. The pages in the electronic file technical proposal must be numbered sequentially and include the section type (e.g., Staffing – pg. \_\_\_\_).

Numbering of pages should continue in sequence through each separate section (e.g., if the answers to the questions in Section 7.2 of this RFP begin on page 10 it should be labeled as “Staffing” – pg. 10).

## 12. Amendment to Section 6.3

*Section 6.3 is amended to clarify the submission requirement.*

### **6.3 Key Personnel**

The Offeror must demonstrate that staff proposed as Key Personnel as described in Article 20 of the Contract in Appendix K have the proper credentials and experience to perform all duties and responsibilities of that role. For the planned Account Manager, Implementation Manager, Clinical Pharmacist, Information Systems Coordinator and Pharmacy Call Center Manager that will be in charge of the implementation phase of the Contract ~~each Key Personnel~~, include the following:

- Name;
- Role; and
- Resume.

If it is expected that these individuals will not hold the same position for the Implementation Date/Go Live, please indicate so and explain.

**NOTE:** The information to be provided under this section must be for specific individuals, not generic for title/role.

### 13. Amendment to Section 6.4

*Section 6.4 is amended to reflect changes in dates caused by the adoption of the new schedule of events.*

#### 6.4 Proposal Bond

Include with the Proposal a copy of the Proposal Bond in the amount of ten percent (10%) of the total bid for the first contract year, **delivered in person to ASES' Finance Office no later than 4:00 PM AST ~~May 5~~ June 2, 2021. If the Offeror is presenting a Proposal for combined services, the amount of the Proposal Bond must be computed on the total bid for the combined services for the first contract year.**

**Also include with the Proposal evidence that the issuing bond entity is a qualified institution.** For further details, requirements and instructions regarding the Proposal Bond, refer to Section 3.4.8 of this RFP.

**FAILURE TO COMPLY WITH THE TIMELY SUBMISSION OF A PROPOSAL BOND, ISSUED BY A QUALIFIED INSTITUTION AS STATED IN SECTION 3.4.8 OF THIS RFP, IN THE NAME OF ASES, TO COVER THIS PROCUREMENT PROCESS AND IN THE AMOUNT SPECIFIED HEREIN, WILL DISQUALIFY THE OFFEROR.**

### 14. Amendment to Section 6.9

*Section 6.9 is amended to clarify the submission requirement.*

#### 6.9 Insurance Policies

Provide a copy, or in its defect, a Certificate of Insurance that includes sufficient information to demonstrate compliance with contract requirements, of any and all liability insurance policies including at a minimum, commercial general liability policy, Electronic Data Processes Error and Omissions, Miscellaneous Error & Omissions Insurance, excess liability, workers' compensation policy, unemployment insurance policy, Professional Responsibility Insurance and Cyber Security Liability Insurance. If the Offeror presently does not possess the insurance policies mentioned in Article 23 of the Contract or with the limits mentioned in said Article, please explain the reason and submit a Certification to the effect that, if awarded a contract, will fully comply with these requirements.

### 15. Amendment to Section 6.12.7

*Section 6.12.7 is amended to clarify the submission requirement.*

6.12.7 Copy of insurance policies, mentioned in Section 6.9 of this RFP that apply to services to be provided. In its defect, provide a Certificate of Insurance that includes sufficient information to demonstrate compliance with contract requirements. If the Subcontractor presently does not possess the insurance policies mentioned in Article 23 of the Contract or with the limits mentioned in said

Article, please explain the reason and submit a Certification to the effect that, if awarded a contract, will fully comply with these requirements.

## 16. Amendment to Appendices H & I

*Appendices H & I are amended to reflect changes in dates caused by the adoption of the new schedule of events. Hence, references to corresponding submission deadlines will be understood to have been automatically amended as follows:*

Appendix H - References:

1. The business reference, in turn, is requested to submit the Reference Form directly by email to the Procurement Contact of this RFP no later than **6:00 PM (AST) on ~~May~~ June 2, 2021** for inclusion in the evaluation process. **References received after this deadline will not be accepted.**
2. The deadline for the submission of the Reference Form is **6:00 PM (Atlantic Standard Time) on ~~May~~ June 2, 2021**, and **must not** be returned to the company requesting the reference. For questions or concerns regarding this form, please contact the Procurement Contact listed above. When contacting us, please be sure to include the RFP number listed at the top of this page.

Appendix I – Questions and Answers Template

1. All questions must be submitted by email to the Procurement Contact **on or before 10:00 PM (Atlantic Time) on April ~~19~~26, 2021**. ASES reserves the right to disregard any questions that have not been submitted during the proper Q&A period as per Section 3.3.4 of the RFP.

## 17. Amendment to Appendix J – Cost Proposal Template

*Appendix J is amended to update the Estimated Final Paid Claims. A copy of the amended template is attached to this Amendment.*

# Cost Proposal Template

RFP # Pharmacy 2022

Amended Appendix J is the Cost Proposal Template. It is not imbedded in this document but is included as a separate Excel document entitled Amended Appendix J– Cost Proposal Template. **Offeror's must use the Amended Template. See, Section 8.3**

## 18. Amendment to Appendix K – Model Contract

*Appendix K is amended to clarify the Pharmacy Network Criteria in Section 7.2.4, modify the operating hours of the Pharmacy Call Center in Section 7.11.2, clarify language in Section 20.3.3 regarding key personnel, correct clerical errors in Section 23.3.8 and Attachment 7 of the Contract. All other clauses remain unaltered.*

- A. **7.2.4** The Contractor shall cause the participation in the Pharmacy Network of:

**7.2.4.1** All Pharmacies located in or within FQHC, PHS300 or 340B eligible entities, in Centers of Diagnostic Treatment (“CDT”), and in the public hospitals owned by the Puerto Rico Government;

**7.2.4.2** – All local and independent pharmacies to ensure access and to maintain and leverage existing Enrollee- pharmacy relationships; and

**7.2.4.3** Any other Pharmacies or group of pharmacies that ASES deems necessary to include in the network.

- B. **7.11.2** The Pharmacy Call Center shall be fully staffed, at a minimum, seven (7) days per week, from 8:00 a.m. to 9:00 p.m. Monday thru Friday and 9:00 a.m. to 5:00 p.m. Saturday, Sunday and Holidays, Atlantic Time. ~~between the hours of 7:00 am and 7:00 pm (Atlantic Time). Monday through Friday, excluding Puerto Rico holidays.~~ The Contractor shall have an automated system available between the hours of ~~79:00 pm and 78:00 am~~ (Atlantic Time) Monday through Friday and 5:00 pm through 9:00 am ~~during all hours~~ on weekends and holidays. This automated system must provide callers with operating instructions on what to do in case of an emergency and shall include, at a minimum, a voice mailbox for callers to leave messages.

The Contractor shall ensure that the voice mailbox has the required capacity to receive all messages. A Contractor’s representative shall reply to one hundred percent (100%) of messages by the next Business Day within the next twenty-four (24) hours after being received. The designated staff shall include one (1) bilingual customer service unit (Spanish and English-speaking staff). Assigned personnel in this customer services unit must be fluent in Spanish.

- C. **20.3.3** Within ten (10) Calendar Days of the request, ASES will notify the Contractor if the recommended substitute is acceptable. If ASES does not accept the recommended permanent substitute, the Contractor will have ten (10) Calendar Days to make another recommendation. At no time, however, may a key personnel role be vacant. It is the responsibility of the Contractor to keep the role filled until ASES approves a permanent substitution. For this purpose, the Contractor may use temporary qualified personnel to fill the key personnel position until a key personnel candidate is selected by Contractor and accepted by ASES.

- D. **23.3.8** The Contractor shall have Electronic Data Processes Error and Omissions Insurance with limits of at least five million dollars (\$5,000,000) and a Miscellaneous Error & Omissions Insurance covering the Pharmacy Call Center and in person/on site choice counseling operation with limits of at least five million dollars (\$5,000,000);

#### Attachments to the Amendment:

1. Amended Appendix J
2. Amended Attachment 7 to Appendix K