

Notice of Request for Proposal

Pharmacy Benefit Management Services RFP #2022-002-01



**MONTGOMERY COUNTY HOSPITAL DISTRICT
HEALTH CARE ASSISTANCE PROGRAM
1400 S LOOP 336 W
CONROE, TEXAS 77304**

**SEALED RFP FORMS AND PRICING RESPONSES
DUE BY 3:00 PM CST
OCTOBER 5th, 2022**

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I. PUBLIC NOTICE

RFP 2022-002-01 PHARMACY BENEFIT MANAGEMENT SERVICES

Montgomery County Hospital District (the “**District**”) is requesting proposals for Pharmacy Benefit Management Services for the Health Care Assistance Program (herein after sometimes referred to as **HCAP**).

Sealed Proposals will be accepted until 3:00 p.m. CST on Wednesday, October 5th, 2022 at the Montgomery County Hospital District, 1400 South Loop 336 West, Conroe, Texas 77304. Proposal envelopes shall be sealed and designate on the front lower, left hand corner the following:

RFP #2022-002-01: Pharmacy Benefit Management Services

Attn: MCHD Health Care Assistance Program

“Do Not Open in Mail Room;

Proposal Enclosed”

Note: Proposals received after the specified due date and time will not be considered by the District. Proposals deemed incomplete as to substance or content may likewise not be eligible for consideration. Late proposals will be retained by the District; however, they will not be opened nor considered in the evaluation of the proposals. Proposals may be withdrawn at any time prior to the official opening. Proposals may not be altered, amended or withdrawn after the official opening without the approval of the District.

The sealed Proposal submission shall include the following:

1. Five originals of the Proposal;
2. One complete copy of the Proposal response as a PDF file on a flash drive

Proposals will not be accepted or considered if delivered via email. Facsimile transmitted proposals are not authorized and will not be accepted or reviewed.

Any questions concerning this RFP should be directed in writing no later than Wednesday, September 7th at 3:00 p.m. to: PharmacyBenefitManagerRFP@mchd-tx.org. All questions and answers will be posted to the Current Proposal and Bid Opportunities Section of the MCHD-TX.ORG website by Wednesday, September 12th, 2022 at 5:00 p.m.

The District reserves the right to cancel this solicitation and reject any and all proposals.

II. KEY INFORMATION TO PROPOSERS

As required by Chapter 2271, Texas Government Code, as amended, the Proposer hereby verifies that the company, including any wholly owned subsidiary, majority-owned subsidiary, parent company or affiliate of the same, does not boycott Israel and will not boycott Israel through the term of this Agreement. As used in the foregoing verification, the term "boycott Israel" has the meaning assigned to such term in Section 808.001, Texas Government Code, as amended.

As required by 2274.002, Texas Government Code (as added by Senate Bill 13, 87th Texas Legislature, Regular Session), as amended, the Proposer must verify that your company, including any wholly owned subsidiary, majority-owned subsidiary, parent company or affiliate of the same, does not boycott energy companies, and will not boycott energy companies during the term of this Agreement. As used in the foregoing verification, "boycott energy companies" shall have the meaning assigned to the term "boycott energy company" in Section 809.001, Texas Government Code, as amended.

Pursuant to Chapter 2252, Texas Government Code, the Proposer must represent and certify that, at the time of execution of an agreement with the District, neither the company nor any wholly owned subsidiary, majority-owned subsidiary, parent company or affiliate of the same, is a company listed by the Texas Comptroller of Public Accounts under Sections 2270.0201 or 2252.153 of the Texas Government Code.

Proposer and the person(s) executing below on Proposer's behalf further affirm that they will adhere to such laws and instruct and require all agents, employees and sub-contractors to do the same. Proposal is further aware that any violations of these rules subjects this agreement to revocation, its removal from bid lists, prohibiting future consideration in response to bid solicitations, revocation of permits and prosecution.

Company Name & Address

Company's Authorized Agent

Signature

Telephone No. (_____) _____

Printed Name and Title

Email Address: _____

Date _____

III. ADMINISTRATIVE AND GENERAL INFORMATION

A. Purpose

The purpose of this Request for Proposal (**RFP**) is to solicit proposals from qualified Proposers/entities to provide pharmacy benefits management services for the HCAP program. HCAP is seeking a Pharmacy Benefit Manager (**PBM**) that shares philosophy and will work collaboratively to continuously improve our client's customer service experience which includes health status and access to cost-effective solutions related to program pharmacy benefits. Proposer must address all of the services and requirements described in this RFP.

The District intends to make a single contract award to the most responsive and responsible entity with the highest score. Cost is a critical factor in the selection of the proposer, but the selected entity will be the proposer achieving the highest total score in this RFP. The selected entity must have the capability to meet the current needs of HCAP as well as future needs as they are identified through program growth.

B. Background

The District is a political subdivision of the State of Texas. The District was established through special legislation in 1977 to provide healthcare to the indigent residents of Montgomery County. In addition to its legislation charge to provide indigent care through HCAP, the District operates the county's 911 ambulance service, manages the county's Public Health District and offers a variety of community and professional education programs.

HCAP provides medical coverage to eligible residents of Montgomery County who meet delineated program criteria. Beneficiaries of HCAP are allotted \$60,000 per FY to cover medical expenses related to covered services. Furthermore, client program benefits includes 3 prescriptions per month at \$0 copay.

C. Description of Services

Included in this RFP are innovative features that support HCAP program structure and therefore serve as requirements for this proposal. Proposers must carefully read and understand all sections and provisions of the RFP. The following services are key components:

- Provider/pharmacy network management
- Eligibility determination
- Formulary management
- Claims adjudication
- Decision support and management reporting system
- Review and approve prior authorizations
- Fraud, waste and abuse
- Quality assurance
- Dedicated account management/technical/customer support
- Pharmacy auditing services
- Reporting services

D. Description of Benefit

HCAP maintains a robust pharmacy benefit that provides coverage for all medically necessary medications. The formulary is customized to meet the needs of our clients and is collaboratively maintained by HCAP pharmacy team and PBM. Customized edits include prior authorization, step therapy, age restriction and quantity restrictions. The formulary is a generic first formulary that focuses on lowest net cost.

E. Term of Contract

The term of any contract resulting from this RFP is expected to be 24 months from contract execution, with the option to renew for an additional one (1) year option with process remaining constant. At the end of each year, a review of pricing and a determination of continuation of services will be made.

The Contract will not be valid or be in effect until it is signed by both parties and approved by the District's executive team and legal counsel. The Contractor is hereby advised not to commence performance until all approvals have been obtained. If services are initiated prior to obtaining all approvals, such services may be considered to volunteer with no cost implications to the program.

The District Board of Directors expects to engage a PBM for three years. However, the Board of Directors expressly reserves the right to reject all bids and to review the relationship on an annual basis and to formally approve each year's extension. The District reserves the right to cancel any contract resulting from this Request for Proposal at any time, for any reason (or for no reason) with a thirty (30) day written notice to the PBM.

The PBM may cancel any resulting contract, at any time for any reason, or for no reason with a sixty (60) day written notice. Any notice required or permitted to be delivered to the PBM shall be deemed to be delivered when mailed by registered or certified mail, return receipt requested, postage prepaid, and addressed to the bidder's address appearing on the face of the Request for Proposal (or as subsequently revised or changed). Any compensation due the PBM will be limited to items received and/or services performed and accepted by the District. The Board of Directors anticipates this experience will result in a long and satisfactory relationship; however, it reserves the right to terminate the relationship at any time.

F. Schedule of Events

Event	Date	Time
RFP advertised in newspaper	August 24 & 31, 2022	N/A
Questions due from respondents	September 7, 2022	3:00 p.m. CST
Answers to questions posted	September 12, 2022	N/A
Proposals due	October 5, 2022	3:00 p.m. CST
Product demonstration (s)	October 10, 2022	TBD
Proposers selected and notified	October 14, 2022	N/A
Best and final offers due	October 19, 2022	3:00 p.m. CST

IV. PROPOSAL CONTENT

The proposal should directly follow these content requirements.

A. Cover Letter

This section should contain: The name and address of the proposing PBM and the names and telephone numbers of the individuals authorized to answer technical, price, and/or contract questions. The cover letter must also be signed by an officer authorized to bind the company. Describe, in this letter, the technical experience level and certifications earned by the staff that will be providing the District's PBM service.

B. Table of Contents

The proposal should be organized in the order contained in Section V.

C. Summary

Include a summary which gives a brief, concise overview of your proposal.

D. PBM Background, Principal Officers, and Prior Experience

This section should:

- State the full name and address of the Proposer's organization.
- Identify the parent company if the Proposer is a subsidiary. Specify the branch office or other subordinate element which will perform, or assist in performing this work.
- Indicate whether the Proposer operates as a corporation, partnership, or individual. Include the state in which the Proposer is incorporated and/or licensed to operate, the date of the incorporation or licensing.
- Provide a listing of the principal officers of the company to include name, title, and length of experience with the Proposer organization.
- Provide prior year financial statements, if available. If applicable, provide the same information for an entity which will participate in this project through a joint venture or subcontract arrangement.
- Describe the proposed organizations and the position that the project [personnel will occupy within the organization. It should identify project personnel by name and provide a detailed resume outlining his/her relevant experience on other similar

projects. The Proposer must supply resumes for all staff to be assigned to the project. The District reserves the right to terminate the contract with the successful Proposer due to the removal of any key project staff which the District believes would negatively impact the successful completion of the project.

E. Specifications

This section shall be used by the Proposer to demonstrate its ability to meet each of the specifications listed in Section VI below. Any deviation from the specifications listed should be clearly noted. In addition, this section may be used to demonstrate additional services, programs, capabilities or benefits that the Proposer offers.

F. Client References

This section shall be used by the Proposer to list a minimum of three (3) references to which related services have been provided for a minimum of three years and are currently operational. The Proposer should include the following minimum information for each reference:

- Entity Name
- Contact Individual
- Relationship Description
- Scope of Affiliation
- Tenure of Affiliation

REFERENCES PROVIDED SHALL BE OTHER COUNTY GOVERNMENT ENTITIES SPECIFIC TO INDIGENT HEALTH PROGRAMS IF POSSIBLE.

The District may, at its option, contact clients for references.

G. Concluding Remarks

This section shall contain any Proposer elaboration regarding any other items of information which the Proposer feels important to a clear understanding of the proposed services and/or the Proposer's capabilities.

V. SPECIFICATIONS AND SCOPE OF SERVICES

Please address items A-I in the order provided

A. GENERAL

The following specifications are to describe the pharmacy benefits management services for indigent health care needed for HCAP services.

Proposals must provide a 48-month guarantee with a contract period starting on the date of award, with the option to renew for an additional one (1) year option with process remaining constant. At the end of each year, a review of pricing and a determination of continuation of services will be made.

Proposals should respond clearly and concisely in writing to all the inquiries contained in the proposal questionnaire. If a response requires reference to an exhibit, it should be specific as to location and paragraph. Proposers electing not to answer certain questions should explain their reasons for not responding.

B. SCOPE

The scope of services for this PBM contract shall include the complete management of operations for prescription services for the HCAP program. The pharmacy network provided by the PBM must contain sufficient number of pharmacies to provide to all participants adequate access within Montgomery County, as determined cooperatively by the PBM and the HCAP proposal evaluation team.

C. ORGANIZATION AND CONTRACTING

1. Provide a brief description of your organization. Include:
 - a. Full name and address of the Proposers' organization.
 - b. The length of time you have been in the Pharmacy Benefits Management (PBM) business.
 - c. Copy of your latest financial record i.e. Balance Sheet, Profit and Loss statement.
2. Describe any current or pending claims, suit settlements or arbitration against your company during the past five (5) years. Provide a brief summary of the circumstances and ultimate resolutions.
3. Will you receive income or compensation from any source other than your administrative fee? If so please identify all sources and method of remuneration.
4. Have you ever been cited for violations by the Drug Enforcement Administration (DEA)?

D. NETWORK ADMINISTRATION

1. How long has your retail network been in existence? How many total Montgomery County pharmacies are currently in your network?
2. Would you be willing to expand or restrict your network at the Client's request?

E. CUSTOMER AND CLIENT SERVICE

1. Where is your Customer Service unit located? What are the hours of operation?
2. Is an automated telephone service provided or are calls answered by a Customer Service Representative directly?
3. Please provide the following information regarding the account representative that would be assigned to this account:
 - a. Name
 - b. Title
 - c. Years of experience in the prescription drug business
 - d. Length of service with your company
 - e. Responsibilities
 - f. Email address
 - g. Telephone number/cell number
4. Would this person be our primary contact for all ongoing service needs?
5. Would this person be available for on-site meetings if needed?
6. Describe your detailed plan for program implementation if awarded this contract. The plan should describe each key step and the person responsible along with start and stop dates.
7. Describe your standard internal audit procedures (Who performs, frequency, etc.) and results.
8. Does your program allow for a fully customized plan that includes individualized formularies that can be modified at any time, by the District? If so, please elaborate.
9. Explain what type of staff training on PBM software will be provided to HCAP at no cost.

F. FINANCIAL/PRICING (Must answer all questions)

1. Describe the prescription pricing structure including: Average Wholesale Cost (AWP), (Maximum Allowable Cost) MAC and dispensing fee.
 - a. Describe the pricing structure for network providers, delineating for brand and generic

- products separately.
- b. What is your source for AWP and how often is it updated?
 - c. What quantity basis is AWP calculated from?
 - d. Access to free medications?
2. What is the maximum allowable cost (MAC), expressed as a percentage of all available generics?
 - a. Average MAC discount off AWP (generic drugs)?
 - b. Define the criteria used for product inclusion and removal from your MAC list.
 3. Explain how the usual and customary (U&C) price is monitored.
 4. Explain the actual procedure/mechanics that will be implemented to the program.
 5. Explain payment procedures/methods to participating pharmacies.
 6. Is there a price differential between the amount billed to HCAP and the amount paid to the pharmacy for generic drugs?
 7. Is there a price differential between the amount billed to HCAP and the amount paid to the pharmacy for brand drugs?
 8. What percentage of all available funds received through drug rebates will be passed through to HCAP?
 9. What is the process necessary for HCAP to receive these rebates?
 10. Explain PBMs capacity to provide an audit trail on 100% of all funds received from pharmaceutical companies on request.
 11. If selected as a finalist, will PBM share with client the MAC list which includes a listing of drug specific discounts that will be implemented?

G. PROGRAM REQUIREMENTS

1. Formulary management.
2. Access to software giving us information on free medications, with a tracking module.
3. Ability to view transaction regardless of where it is filled.
4. Patient history/transactions.
5. Online eligibility control.
6. Systems to prevent abuse.
7. Access to MAC pricing on generics.

8. Staff training on provided software. (Detail computer hardware requirements.)
9. Are your discounts applied to indigent customer paid prescriptions?

H. INFORMATION MANAGEMENT AND REPORTING

1. PBM system must have the capability to produce ad hoc reporting upon request.
2. Typically, how long after the request can the client expect the report?
3. In addition to ad hoc reporting, the system must have the capability to produce the following types of reports:
 - a. Analysis of provider and member utilization of different pharmacies to discover opportunities to maximize pharmacy selection and network utilization.
 - b. Top clients/utilizers
 - c. Utilization trends per member per month
 - d. Top prescribers
 - e. Most frequently prescribed drugs
 - f. Drug name and strength
 - g. Number of prescriptions per month/year
 - h. Quantity dispensed
 - i. New vs. refill script ratio
4. Include sample reports per the list above in addition to standard reports.
5. Are reports in PDF format that can be exported to excel?
6. Software must have capability for reports to reset every year to separate FY data.

I. TECHNOLOGY REQUIREMENTS

1. The product must be a cloud-based solution with servers hosted and managed by Proposer.
2. The cloud-based solution must be secured by SSL confirmation.
3. Any HTML 5 compatible web browser must be able to access to cloud-based solution.
4. Authentication to the cloud-based solution must use multi-factor authentication.
5. Proposed solution should be HIPAA complaint.
6. Any inactivity in the online session should auto log off the user in 15 minutes of no activity.
7. The proposer's data storage practices should be audited by an independent third party. The

Proposer will include information in its proposal regarding its approach to data storage, including its use of third party data centers; its back up schedule and routine; any exercises performed to validate its backup and recovery system; and detailed information regarding its data security policies and practices including physical security of data storage sites.

8. The proposer must retain records in compliance with State of Texas and Federal record-keeping standards including compliance with data retention periods.
9. Upon termination of agreement, proposer must provide all records for past 3 years.
10. The proposer must securely destroy data after the required retention period has expired.
11. The product should maintain maximum uptime with minimal interruptions for updates or maintenance. The proposer will include evidence of its uptime for the previous 12 months. Scheduled downtime will be communicated well in advance. The proposer will be responsible for maintenance of the cloud servers, data backup / redundancy, and data recovery.
12. The software must allow a District employee the ability to add or remove users, change user account data/security level, and reset passwords without contacting the proposer's support.
13. **All** actions by administrators including account creation, changes to security level, and changes to user permission must be tracked and logged for audit purposes.
14. The product must include robust application security to include data encryption meeting or exceeding all applicable Federal and State of Texas standards.
15. All data stored locally on end-user devices must be encrypted.
16. The product must be able to limit access to the system based on IP Address. Software should allow for a range of IP addresses, as well as, static IP whitelisting.
17. The product must meet or exceed the requirements of State of Texas and Federal privacy laws, including the Health Insurance Portability and Accountability Act of 1996 (HIPAA).
18. Web access portals must automatically log out after 15 minutes of inactivity (HIPAA Requirement).
19. The product should automatically and individually notify end-users if they have an

incomplete record open for more than 24 hours.

20. Passwords in the system should have mandatory expiration every 90 days.

J. DRUG UTILIZATION/DATA MANAGEMENT

1. What types of utilization review programs do you have?
2. Explain how your program screens on a prospective basis for the following:
 - a. Drug interaction
 - b. Therapeutic duplicates
 - c. Early refills
 - d. Duplicate claims
 - e. Over-utilization
 - f. Account restriction management.
 - g. limit coverage to 3 Rx per month up to 30 day supply
 - h. (Include approval work flow)

K. BILLING

1. Describe your billing system software and reporting capabilities.
2. Does your program provide instant, real-time claims data and reports, accessible to the District at any time from HTML 5 compliant web browser?
3. Does your program provide the ability to monitor prior authorization data in real-time?
4. Is your prescription drug plan program transparent and pass-through?

L. TRANSITION PLAN

The PBM will provide the following transition services. These services include but are not limited to the following:

1. PBM scheduling an onsite meeting to discuss transition/implementation.
2. A work plan, including strategies and timelines to successfully scale up and transition clients on the contract start date without interrupting services to clients.
3. Work plan must consider transition to a new data system, accessible to HCAP via a web portal and with customization for HCAP's requirements as necessary to electronically

receive and provide eligibility information that matches the data and usage requirements of HCAP.

4. The PBM will assist HCAP in establishing or re-aligning the drug formulary in order to foster safe, appropriate, and effective drug therapy based on the existing formulary and trending reports.
5. The PBM will provide an implementation plan as part of the RFP.
6. MCHD is requesting a proposed go live date on December 19th, 2022 after contract execution and after potential board approval on October 25th, 2022.

VI. MEDICATION EVALUATION

The list below represents the top 25 most prescribed medications. Please price this list based on AWP less (percent), dispensing fee, other associated fees and show total price. This list will be used for evaluation purposes.

Rank	GPI	Drug Description
1	27250050000350	METFORMIN TAB 1000MG
2	39400010100330	ATORVASTATIN TAB 40MG
3	36100030000305	LISINOPRIL TAB 5MG
4	49270070100620	PANTOPRAZOLE TAB 40MG
5	27250050000320	METFORMIN TAB 500MG
6	36100030000310	LISINOPRIL TAB 10MG
7	85158020100320	CLOPIDOGREL TAB 75MG
8	72600030000130	GABAPENTIN CAP 300MG
9	65991702100305	HYDROCO/APAP TAB 10-325MG
10	36150040200340	LOSARTAN POT TAB 100MG
11	49270060006530	OMEPRAZOLE CAP 40MG
12	34000003100340	AMLODIPINE TAB 10MG
13	37600040000305	HYDROCHLOROT TAB 25MG
14	36100030000315	LISINOPRIL TAB 20MG
15	34000003100330	AMLODIPINE TAB 5MG
16	39400010100320	ATORVASTATIN TAB 20MG
17	37200030000310	FUROSEMIDE TAB 40MG
18	65100095100320	TRAMADOL HCL TAB 50MG
19	33200030057520	METOPROL SUC TAB 50MG ER
20	36150040200330	LOSARTAN POT TAB 50MG
21	66100052000330	MELOXICAM TAB 15MG
22	39400010100350	ATORVASTATIN TAB 80MG
23	27250050007520	METFORMIN TAB 500MG ER
24	37200030000305	FUROSEMIDE TAB 20MG
25	75100090100320	TIZANIDINE TAB 4MG

VI. EVALUATION CRITERIA:

The successful Proposer will be selected on a rational basis. Evaluation factors outlined below shall be applied to all eligible, responsive Proposers in comparing proposals and selecting the successful Proposer. Award of a contract may be made without discussion with Proposers after responses are received. Proposals should, therefore, be submitted on the most favorable terms. The District reserves the right to terminate the contract if the successful Proposer has not performed within the date specified by the Proposer's response.

Proposal Evaluation Factors:

- | | |
|--|-----------|
| a. Meet required specifications as documented in Section III | 20 points |
| b. Workflow/procedure for interface of enrollment & eligibility data | 10 points |
| c. Demonstrated Proposer's experience and references | 10 points |
| d. Reporting capability | 20 points |
| e. Negotiated Price (Price of generic and brand name drugs) | 40 points |

VII. CONDITIONS FOR SUBMISSIONS OF PROPOSALS

All proposals in response to this request must meet the following conditions to be considered:

1. Proposals must include a cover letter clearly stating the name of the PBM with the name, address, and telephone number of the interested PBM representative.
2. Proposals must address each of the specifications as stated in this RFP
3. The District reserves the right to reject all proposals, and to negotiate portions thereof. Proposals that address only part of the requirements contained in this Request for Proposal will not be considered.
4. The District reserves the right to select any proposal, considering the quoted estimated fee and other factors.
5. The interested PBM shall furnish such additional information that the District may reasonably require.
6. The proposal must describe the proposed PBM system in detail, and clearly state all modules that are part of the proposal. The narrative must include the proposer's approach to system implementation, including configuration, hosting, and testing of the selected software and the strategy to have the system set up and ready to be used by the District

within 60 calendar days of purchase. Proposer must also include a detailed timeline from date of signed contract to complete implementation.

7. The District will not be liable for any cost incurred in the preparation of the proposal. The District may ask interested PBMs to send a representative for an oral interview prior to Board of Director approval of a proposal. The District will not be liable for the costs incurred by the interested PBM in connection with such interview.
8. The District and interested PBMs may enter into discussions and revisions of proposals, as necessary. Discussions/negotiations may be conducted with interested PBMs deemed to be within the final competitive range; however, the District reserves the right to award a contract without discussions/negotiations. The best and final proposal may be requested and required as early as 24 hours after completion of negotiations/discussions.
9. Proposals must be signed by an individual authorized to contractually bind their PBM when submitting the proposal. Failure to sign the proposal will be considered an omission in the proposal, and the proposal will be rejected as non-responsive.
10. By submitting a proposal, the interested PBM affirms that its company, corporation, firm, partnership or individual has not prepared this proposal in collusion with any other bidder and that the contents of this proposal as to prices, terms, or conditions have not been communicated by the undersigned or by any employee or agent to any other person or firm engaged in this type of business prior to the official opening of this proposal.
11. Upon notification of potential selections for award, the person or entity submitting this proposal must give notice to the District if the person or an owner or operator of the business entity has been convicted of a felony. The notice must include a general description of the conduct resulting in this conviction of a felony (this requirement does not apply to a publicly held corporation).
12. In the event that any one or more of the provisions contained in this RFP shall be held by a court of competent jurisdiction to be invalid, illegal or unenforceable, such provisions shall not affect any other provision hereof, and this RFP shall be construed as if the invalid, illegal or unenforceable provision(s) had never been contained herein.
13. A Proposer must meet the following requirements:
 - a. Have adequate financial resources, or the ability to obtain such resources as required.
 - b. Be able to comply with a required or proposed delivery schedule.
 - c. Have a satisfactory record of performance
 - d. Have a satisfactory record of integrity and ethics.
 - e. Be otherwise qualified and eligible to receive an award.
7. TAXES: The District is a political subdivision of the State of Texas and is exempt from payment of Federal Excise and Transportation Tax as well as the Texas Limited Sales,

Excise and Use Tax. Proposals submitted should not contain assessments of any of these taxes.

Pursuant to Section 2252 of the Texas Local Government Code, as of January 1, 2016, most business entities entering into a contract with a local government that requires approval of the governing body must submit a Disclosure of Interested Parties (Form 1295) to the local government prior to execution of the contract. The Texas Ethics Commission (TEC) has created a website application for business entities to submit the required information and requires that the form be filed electronically. The unique certificate number from electronic submission must be included in the proposer's response. Failure to do so may cause Bids to be rejected. Form 1295 is available at the TEC's website: <https://www.ethics.state.tx.us/filinginfo/1295/>

8. OPEN RECORDS: The District considers all information, documentation, and other materials requested to be submitted in response to this solicitation to be of a non-confidential and/or non-proprietary nature, therefore shall be subject to public disclosure, unless such information is clearly marked "Confidential", and is included in a separate envelope marked "Confidential" along with the vendor's proposal as set forth in this document. Proposers are hereby notified that the District adheres to all statutes, court decisions, and the opinions of the Texas Attorney General regarding the disclosure of public information. The District does not guarantee that such information shall remain confidential, as such information may be subject to public disclosure under the Texas Public Information Act. In the event the District receives a request under the Texas Public Information Act for the portion of the vendor's proposal that is marked 'Confidential', it will notify the vendor of such request and will not disclose such information pending a ruling from the Texas Attorney General on its authority to withhold the specified information. In such instances, the vendor shall be responsible for submitting written argument and proof to the Texas Attorney General that such information should be withheld from public disclosure.

VIII. RESPONSE REQUIREMENTS

(See attached spreadsheet)

Although deviations to the RFP and Contractual Agreement are strongly discouraged, the PBM will enumerate and provide a detailed description of any deviations to provisions contained in the RFP as provided below. District/HCAP shall interpret any lack of deviation as the PBM's full agreement to the provisions of the RFP requirements unless specifically noted. Deviations will not become a part of the final Contract unless expressly agreed to by the District in writing and accepted by the District's Board. In all cases, the RFP and Contractual Agreement terms shall control. In the event of any conflict between the two, the terms of the Contractual Agreement shall prevail. **SUBMISSION OF THE ATTACHED SPREADSHEET IS A REQUIRED PART OF RFP SUBMISSION.**