



**STATE OF WISCONSIN**  
**Department of Employee Trust Funds**  
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 SECRETARY

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Date: May 29, 2024  
 To: All Potential Proposers to RFP ETC0049  
 RE: Addendum No. 1 to Request for Proposals (RFP) ETC0049  
 Administrative Services for the State of Wisconsin Pharmacy Benefit Program  
 Vendor Q&A

This Addendum is available on ETF's web site at <https://etf.wi.gov/node/35431>

**Acknowledgement of receipt of this Addendum No. 1:**

**Proposers must acknowledge receipt of this Addendum No. 1 by providing the required information in the table below and including this Page 1 with their Proposal cover letter.**

Company Name:	
Authorized Person (Printed/Typed Name and Title):	
Date:	

**1. The following questions from Proposers and answers from the Department are hereby added to RFP ETC0049:**

Q #	RFP / Appendix # and Section #	RFP Page	Question/Rationale	Department Answer
Q1	Appendix 1, Section 150E Fraud and Abuse Sub-Section 3	Page 44	Please outline which lines of business, commercial or Medicare Part D EGWP, that the Department requires appeal administration and management for.	The Department requires appeal administration and management for both the commercial and EGWP line of business.

Q2	Appendix 1, Section 235 Grievances	Pages 57-60	Please outline which lines of business, commercial or Medicare Part D EGWP, that the Department requires grievance administration and management for.	The Department requires grievance administration and management for both the commercial and EGWP line of business.
Q3	Appendix 1, Section 150E Fraud and Abuse Sub-Section 3	Page 44	What was the 2023 total volume of appeals for commercial line of business?	The Department does not track which appeals are commercial appeals and which ones are EGWP. The Department had five pharmacy related appeals in 2023.
Q4	Appendix 1, Section 150E Fraud and Abuse Sub-Section 3	Page 44	What was the 2023 total volume of appeals for Medicare Part D EGWP line of business?	The Department does not track which appeals are commercial appeals and which ones are EGWP. The Department had five pharmacy related appeals in 2023.
Q5	Appendix 1, Section 150E Fraud and Abuse Sub-Section 3	Page 44	Is your appeals program governed by the state of Wisconsin?	The Department's appeals program is governed by State Statute and Administrative Code.
Q6	Appendix 1, Section 235 Grievances	Pages 57-60	What was the 2023 total volume of grievances for commercial line of business?	The Department does not track which grievances are commercial appeals and which ones are EGWP. Summary information about 2023 pharmacy grievances is available at <a href="https://etf.wi.gov/boards/groupinsurance/2024/05/23/qib10m/direct">https://etf.wi.gov/boards/groupinsurance/2024/05/23/qib10m/direct</a> .
Q7	Appendix 1, Section 235 Grievances	Pages 57-60	What was the 2023 total volume of grievances for Medicare Part D EGWP line of business?	The Department does not track which grievances are commercial appeals and which ones are EGWP. Summary information about 2023 pharmacy grievances is available at <a href="https://etf.wi.gov/boards/groupinsurance/2024/05/23/qib10m/direct">https://etf.wi.gov/boards/groupinsurance/2024/05/23/qib10m/direct</a> .
Q8	Appendix 1, Section 150E Fraud and Abuse Sub-Section 3	Page 44	What is the Department's ERISA status for commercial line of business?	As a governmental entity, the Department's pharmacy plan is not subject to ERISA.

	Abuse Sub-Section 3			
Q9	Appendix 1, Section 150E Fraud and Abuse Sub-Section 3	Page 44	What is the Department's ERISA status for Medicare Part D EGWP line of business?	As a governmental entity, the Department's pharmacy plan is not subject to ERISA.
Q10	Appendix 1, Section 235 Grievances	Pages 57-60	Is the Department's grievance program governed by the state of Wisconsin?	The Department's grievance program is governed by Statute and the Contract.
Q11	Appendix 1, Section 150E Fraud and Abuse Sub-Section 3	Page 44	Is the Department's appeals program governed by a Board?	The Department's appeals program is governed by State Statute and Administrative code. Here is a link to information from the Department's website about the role the Board plays in the appeals process <a href="https://etf.wi.gov/resource/administrative-appeal-process">https://etf.wi.gov/resource/administrative-appeal-process</a>
Q12	Appendix 1, Section 235 Grievances	Pages 57-60	Is the Department's grievance program governed by a Board?	Here is a link to information from ETF's website about the role the Board plays in the grievance process <a href="https://etf.wi.gov/benefits/benefits-dispute">https://etf.wi.gov/benefits/benefits-dispute</a>
Q13	Appendix 1, Section 255C Customer Service, paragraph 1	Page 64	The CONTRACTOR shall operate a dedicated customer service department for the PHARMACY BENEFIT PLAN between 7:30 a.m. and 6:00 p.m., CST/CDT Monday through Thursday and 7:30 a.m. to 5:00 p.m. CST/CDT on Friday at a minimum, except for legal holidays.  How does Benefit Plan define "dedicated"?	The PBM must have live people whose primary job is handling calls and emails from the Department's members.
Q14	General Formulary Question		Please provide your current formulary (formularies) for each line of business.	Current formularies are available at <a href="https://benefitplans.navitus.com/etf">https://benefitplans.navitus.com/etf</a>

Q15	General Formulary Question		<p>Please verify how many tiers are on the current Medicare Part D formulary and do you want to continue with that structure?</p> <p>Are you interested in a specialty tier?</p> <p>Are you interested in providing drugs (e.g., adherence Star metric drugs, insulin, vaccines, enhanced, etc.) on an optional tier?</p>	The Department is open to reading about all tiering options available in submitted proposals.
Q16	General Clinical Programs Question		Please provide detailed information on currently available clinical programs (for example, prior auth, quantity limits, step therapy) for each line of business.	The Department's current PBM provides clinical programs such as prior authorization, quantity limits, and step therapy for both the commercial and EGWP program. The current PBM also provides a clear bagging pilot program for some commercial members who have a certain health insurance and get their drugs from UW Specialty pharmacy.
Q17	General Question		Please provide a census file.	The Department will not provide a census file.
Q18	Call Center Statistics Question		Please provide monthly volume of calls handled by the call center for each line of business.	The Department does not track calls to its call center based on lines of business or by type of call.
Q19	Prior Authorizations on Statistics Question		Please provide the average number of prior authorizations per month (or annually) for each line of business.	Information regarding Prior Authorizations requested in 2023 for both lines of business can be found on ETF's website at <a href="https://etf.wi.gov/boards/groupinsurance/2024/05/23/gib10m/direct">https://etf.wi.gov/boards/groupinsurance/2024/05/23/gib10m/direct</a>
Q20	Paper Claims Statistics Question		Please provide the average number of DMRs (direct member reimbursement) per month (or annually) for each line of business.	The Department does not track the number of DMRs.
Q21	Pharmacy Network Question		Are there any in-house pharmacies? If so, please provide the NPI.	The Department does not have any in-house pharmacies.
Q22	MTM Question		How many of your Medicare Part D lives meet the CMS standard for MTM (medication therapy management)?	The Department's current PBM enrolls all EGWP members into MTM.

Q23	Medicare Part D Question		Does your Medicare Part D plan cover SNP (special needs plan) members or is it a dual coverage/demonstration plan?	The Department's current Medicare Part D plan covers all members that have health insurance through the Department. The Department does not provide any SNP. Here is a link to the medical insurance provided by the Department <a href="https://etf.wi.gov/benefits-by-employer/health-plans">https://etf.wi.gov/benefits-by-employer/health-plans</a>
Q24	EGWP Question		Does the client have a self-insured or fully-insured EGWP today? If fully-insured, what state(s) is the EGWP in?	The Department's EGWP plan is fully-insured. It is in all 50 states.
Q25	General Question		What are the clients current pain points?	The rising costs of drugs.
Q26	General Question		What are the client's current areas of satisfaction or dissatisfaction?	What the Department is looking for in a pharmacy vendor is laid out in the RFP.
Q27	Cash Card Question		Is the client interested in a discount cash card program for any of their lines of business?	The Department is open to hearing about anything you can offer to make drug prices lower for members and the Board.
Q28	Network Question		The claims data revealed that we could provide improved pricing by utilizing a pharmacy network without a major pharmacy chain with minimal member disruption for the commercial business. Is the client interested in receiving pricing for a broad and narrow network for the commercial line of business?	The Department is interested in receiving all the information you want to provide.
Q29	Contract Question		Will the State provide a standard contracting template or would the State prefer that the successful bidder provide one?	The Department intends to use its standard contracting template which is provided in Appendix 8 – Pro Forma Contract Cover Sheet.
Q30	Form D – Request for Proposal Signature Page AND 2024 PBM	Page 1 Page 17	Form D lists that proposals MUST be received by August 16, 2024 @ 2:00 PM CST. This is in conflict with the timetable presented on page 17 of the 2024 PBM RFP 04.04.2024 document which lists the proposal due date as August 1,	Proposals are due before 2:00 PM CDT on August 1, 2024.  Form D – Request for Proposal Signature Page has been corrected on ETF's website for this RFP (see link above).

	RFP 04.04.2024		2024, by 2:00 PM CDT. Can you advise which date is correct?	
Q31	Form E AND 2024 PBM RFP 04.04.2024 , Section 9.3	Page 1  Page 54	Please confirm that Form E section "Cooperative Purchasing Clause (see RFP Section X.X)" is referring to Section 9.3 COOPERATIVE PURCHASING CLAUSE of the 2024 PBM RFP 04.04.2024 document.	Confirmed.
Q32	2024 PBM RFP 4.4.2024, Section 1.3.2 Pharmacy Benefits, table 2, footnote 3	Page 6	Must fill at PBM's specialty pharmacy or University of Wisconsin Health Specialty Pharmacy.  Please provide the NPI/NCPCP numbers for UW Health in-house specialty pharmacy(ies)?	NCPDP 5135961 NPI 1750804514  NCPDP 5125201 NPI 1043302292
Q33	2024 PBM RFP 04.04.2024 Section 3.3 RFP Evaluation	Page 25-26	Regarding part a) possible request for audited financials:  As a privately held company, we only release our audited financial statements to a potential client's direct financial contact. Please provide the name and contact method for a financial contact for us to submit the documents, if requested.	Here is a link to the Board's current contract with PillarRx who would conduct compliance audits <a href="https://etf.wi.gov/node/36451">https://etf.wi.gov/node/36451</a>  The Department will provide contact information for the Wisconsin Legislative Audit Bureau at the time of the request.
Q34	2024 PBM RFP 4.4.2024, Section 7, Question 7.2.3	Page s 39- 40	Would the Department consider accepting a HITRUST Letter of Certification with Scope and HITRUST NIST Cybersecurity Framework Certification Report in place of a SOC 2, Type 2 report?	The Department has a strong preference for SOC 2, Type 2 reports but is open to considering alternative submissions.
Q35	Appendix 1, Section 135 Participant Materials and Marketing, 135A Informational	Page 30	<ul style="list-style-type: none"> <li>• Provides free aids and services to people with disabilities to communicate effectively with us, such as: <ul style="list-style-type: none"> <li>o Qualified sign language interpreters</li> </ul> </li> </ul> <p>Can sign language interpreters be provided via video chat?</p>	Yes, sign language interpreters can be provided via video chat.

	Marketing Materials			
Q36	Appendix 1, Section 135 Participant Materials and Marketing, 135C Required Member and Prescriber Outreach	Page 32-33	Will the Department allow “contractor” to follow CMS guidance with regards to formulary notification?	For the EGWP line of business the Contractor must follow CMS guidance with regards to formulary notifications.
Q37	Appendix 1, Section 140 Information Systems, Requirement 4c	Page 33	c) Requires users to change passwords at least every sixty (60) DAYS  Would the Department consider allowing users to change passwords at least every ninety (90) days?	The Department is open to discussing during negotiations.
Q38	Appendix 1, Section 140 Information Systems, Requirement 6	Page 34	The CONTRACTOR must deliver failed messages to PARTICIPANTS in another format), within ten (10) BUSINESS DAYS, (e.g., hard copy mail, phone call) if the email transmission is not successful.  Would the Department consider a different mutually agreeable format to deliver these messages?	Yes, the Department is open to considering another format as long as the format works for people without internet and cell phone access.
Q39	Appendix 1, Section 310B Deliverables to Participants	Page 79	ID Cards: The CONTRACTOR provides PARTICIPANTS with ID CARDS indicating, at a minimum, the EFFECTIVE DATE of coverage, the emergency room and office visit copayment amounts. and See Section 205B.  Upon enrollment and BENEFIT changes that impact the	The PBM is expected to issue an ID card for only PBM coverage. Medical Insurers issue their own ID cards to members.

			information printed on the ID CARDS  Does the Department produce their own ID cards or is the PBM required to produce the combined medical/PBM ID cards?	
Q40	Appendix 1, Section 130 Administrative Fee and Financial Administration, 130A Financial Provisions	Page 24-25	Is the Department open to weekly invoicing?	The Department is open to discussing during negotiations.
Q41	N/A	N/A	Please provide the NABPs for University of Wisconsin Specialty Pharmacies (in-house pharmacy).	NCPDP 5135961 NPI 1750804514  NCPDP 5125201 NPI 1043302292
Q42	N/A	N/A	Are University of Wisconsin Specialty Pharmacy claims required to be included in discount and dispensing fee guarantees?	Yes, UW Specialty should be included in discount and dispensing fee guarantees.
Q43	N/A	N/A	Confirm if bidder will be billing/collecting rebates on behalf of in-house pharmacy.	The Department does not have an in-house pharmacy.
Q44	Section 8, Cost Proposal Workbook	N/A	Confirm if bidder can submit 2 EGWP formulary options within the cost workbook by adding a row to the rebate tables.	The Department requests that bidders submit a single commercial formulary and a single EGWP formulary that best balances cost savings with minimal member disruption.
Q45	Appendix 1	11	Please clarify inclusion of a definition of "Participating Prescribers" as the term is not used in agreement and is not a typical concept.	Participating prescribers are prescribers that under law and the pharmacy benefit plan can write prescriptions for members.
Q46	General Question	N/A	Are there any benefit, formulary, or utilization management changes that have been or will be implemented that are not reflected in the data set, i.e.,	No change from what is in the RFP.



			any changes implemented for 1/1/24 or changes planned for 1/1/25?	
Q47	General Question	N/A	Please provide guidance on the order of precedence for the RFP files when conflicts exist between the documents, e.g., PBM 2024 RFP vs. Appendix 1 vs. Appendix 2 vs. Appendix 9.	Appendix 8 – Pro Forma Contract sets forth a general order of precedence scheme. The Department may choose to review/negotiate the order during Contract negotiations.
Q48	Wisconsin PBM RFP Cost Workbook 2024 / Question 1.1	2	Question 1.1 indicates that retail specialty is required as a distinct pricing guarantee; however, the RFP does not include pricing tables for retail specialty. <ul style="list-style-type: none"> <li>Please clarify the Department's intent. Are they to be included with non-specialty retail guarantees?</li> </ul>	Yes.
Q49	Wisconsin PBM RFP Cost Workbook 2024 / Questions 1.10 and 1.11	3	Questions 1.10 and 1.11 ask for confirmation that Retail 30 pricing and rebates apply to 1 - 83 days' supply and Retail 90 pricing and rebates apply to greater than 83 days' supply. <ul style="list-style-type: none"> <li>Please confirm the EGWP days' supply breakouts should be 1-34 days' for Retail 30 and 35+ days' for Retail 90 (for both discounts and rebates) to align with CMS standards.</li> </ul>	Confirmed.
Q50	Wisconsin PBM RFP Cost Workbook 2024 / Questions / 4 Prescription Drug Pricing	15-17	The EGWP cost tables in Section 4 request AWP discounts for Retail 30 based on 1 – 83 Days' Supply and for Retail 90 based on 84+ Days' Supply. <ul style="list-style-type: none"> <li>Please confirm the EGWP days' supply breakouts should be 1-34 days' for Retail 30 and 35+ days' for Retail 90 to align with CMS standards.</li> </ul>	Confirmed.
Q51	Wisconsin PBM RFP Cost Workbook 2024 /	15-17	The EGWP pricing tables indicate "Exclusive Specialty" <ul style="list-style-type: none"> <li>Please confirm EGWP pricing should follow CMS'</li> </ul>	Confirmed.

	Tables 4.4, 4.5, 4.6		requirement for Open specialty for EGWP plans	
Q52	Wisconsin PBM RFP Cost Workbook 2024 / Question 2.6.o.	9	<p>Question 2.6.o. asks if HIV products are included with the specialty or the non-specialty guarantees.</p> <ul style="list-style-type: none"> <li>Please clarify if the Department considers HIV products to be specialty or non-specialty medications.</li> </ul>	The Department does not consider all HIV products to be specialty medications.
Q53	Wisconsin PBM RFP Cost Workbook 2024 / Question 5.3	18	<p>Question 5.3 asks bidder to confirm the that only a specialty pharmacy arrangement consistent to what is currently in place will be accepted and the PBM may be disqualified if it proposes a different specialty pharmacy program arrangement.</p> <ul style="list-style-type: none"> <li>Does the Department currently contract its own rates for the pharmacies affiliated with the University of Wisconsin or does the Department accept the current PBM vendor's contracted rates?</li> <li>Are any changes to the type of arrangement currently in place anticipated or requested for 2026 bid procurement?</li> <li>Please provide the NABP numbers for the in-house pharmacies.</li> </ul>	<p>The Department accepts the current PBM vendor's contracted rates with UW Specialty Pharmacy.</p> <p>The Department anticipates no changes for the 2026 bid procurement.</p> <p>The NCPDP and NPI numbers for UW Specialty Pharmacy are:</p> <p>NCPDP 5135961 NPI 1750804514</p> <p>NCPDP 5125201 NPI 1043302292</p>
Q54	RFP ETC0049 / WI PBM RFP / Section 1.3.4 and 7.1.14	7	<p>Section 1.3.4 states that the Contractor awarded a Contract under this RFP will be required to submit data to and receive data from the Department and the Department's IAS Contractor at no additional cost to the Department. In Section 7.1.14, the RFP states the Department is in the process of implementing Benefitfocus' Benefitplace eligibility and enrollment software.</p> <ul style="list-style-type: none"> <li>Is Benefitfocus the IAS Contractor or an additional vendor?</li> </ul>	<p>Yes, Benefitfocus.com, Inc. is the Department's IAS contractor.</p> <p>Data exchanged between the PBM vendor and the IAS vendor will be discussed during contract negotiations.</p>

			<ul style="list-style-type: none"> <li>Please clarify what data will be provided to PBM from the AIS vendor and what data PBM will be required to provide to the AIS vendor.</li> </ul>	
Q55	RFP ETC0049 / WI PBM RFP / Section 1.13. Retention of Rights	18	<p>Section 1.13 states “All Proposals become the property of the Department upon receipt. All rights, title and interest in all materials and ideas prepared by the Proposer for the Proposal, and provided to the Department, shall be the exclusive property of the Department and may be used by the State at its discretion.”</p> <ul style="list-style-type: none"> <li>Please confirm this clause applies only to materials developed solely for use by the Department.</li> </ul>	This clause applies to any materials vendor submits to the Department as their proposal.
Q56	RFP ETC0049 / WI PBM RFP / Sections 2.7.2, 2.7.3	22	<p>RFP instructions note bidders must upload unredacted and redacted proposals to Pharmacy Benefit Manager RFP Vendor Upload Site   Powered by Box.</p> <ul style="list-style-type: none"> <li>Are bidders required to establish and pay for Box accounts to participate in the RFP?</li> <li>Please advise if alternative delivery methods are able to be supported as bidder’s corporate security policies prevent employees from uploading documents to online file storage websites.</li> </ul>	<p>There is no cost to vendors to use the Department’s BOX upload site.</p> <p>Vendors will need to create an account to upload documents.</p> <p>Please see RFP Sections 2.7.2 and 2.7.3 for instructions on using the Department’s Box. Please test your access to Box now and upload a test document.</p> <p>RFP Sect. 2.7.3. (g) If you experience problems uploading files to BOX, please consult with your IT department first; consider “whitelisting” BOX or turning off your VPN to allow uploads. If you continue to experience issues, send an email to <a href="mailto:ETFSMBProcurement@etf.wi.gov">ETFSMBProcurement@etf.wi.gov</a>.</p> <p>We prefer not to use alternative delivery methods as Box is also a tool we use during contract administration.</p>
Q57	RFP ETC0049 / WI PBM RFP / Section 2.7.4	23	<p>Within Section 2.7.4.b. the RFP states “If you cannot agree to a term or condition as written in this RFP or its attachments, you must make a specific requested revision to the language of the provision by striking out words or inserting language to the text of the provision.”</p>	<p>Yes, the Department’s expectation is that vendors clearly identify if they cannot accomplish any mandatory requirement in Appendix 1 - program agreement.</p> <p>No, vendors do not need to edit the questionnaires but should answer them.</p>

			<ul style="list-style-type: none"> <li>• Is the Department's expectation that bidders must agree to all terms in Appendix 1 unless clearly called out as a modification?</li> <li>• Does the Department require bidder to include deviations to items in the General Questionnaire and Technical Questionnaire with its Assumptions and Exceptions section?</li> </ul>	
Q58	RFP ETC0049 / WI PBM RFP / Section 3.4.c.	27	<p>Section 3.4.c. states that by submitting a Proposal in response to this RFP, the Proposer grants rights to the Department to contact or arrange a site visit with any or all of the Proposer's clients, associates Subcontractors, and/or references.</p> <ul style="list-style-type: none"> <li>• Full client rosters are confidential; therefore, bidder cannot confirm any or all clients will agree to host a site visit by the Department.</li> <li>• Please confirm requested site visits will be reasonable in request and limited to clients, associates, and subcontractors listed and/or named within the proposal.</li> </ul>	<p>Site visits will be reasonable in request.</p> <p>The Department reserves the right to contact any current or former client of any proposer for a reference.</p>
Q59	RFP ETC0049 / WI PBM RFP / Section 8 Cost Proposal	51	<p>The RFP states that Proposers must submit two separate quotes for each of the commercial and EGWP programs. The first quote must be based on the Department's current formulary, and the second quote must be based on the Proposer's proposed formulary.</p> <ul style="list-style-type: none"> <li>• Please clarify why the Department is requesting all bidders propose pricing based on the current PBM's formularies. Each PBM's unique formulary plays a significant role in the amount of value that PBM is able to deliver for the</li> </ul>	<p>The Department seeks to assess the relative value between the current and proposed formularies and therefore seeks quotes based on both current and proposed formularies. Proposers may rely on the formulary indicators in the claims data to determined current formulary status. The Department will utilize only the Proposer's proposed formulary for the purpose of the cost proposal evaluation.</p>

			<p>Department. Any bidder required to base their pricing on the current PBM's formulary would be at a tremendous disadvantage and it would not be in the best interest of the Department or the members of the plan.</p> <ul style="list-style-type: none"> <li>• Bidder requests the Department allow bidders to submit proposals based only on the formulary that allows them to deliver the most value to the Department and members of the plan.</li> </ul> <p>If the Department maintains the requirement to bid with current PBM formularies:</p> <ul style="list-style-type: none"> <li>• Please confirm the Department will provide NDC-level formulary files in excel format for each formulary (Commercial and EGWP). Bidder requests the files include: NDC, tier, and tier definitions (Tier 1 = Generic, Tier 2 = Preferred Brand, etc.). Utilization Management (UM) flags and UM criteria data are also needed for evaluation by our P&amp;T Committee.</li> <li>• Please confirm if the current formularies are standard formularies of the incumbent PBM, modified versions of the incumbent PBM's standard formularies, or fully custom formularies.</li> <li>• Please confirm if the formulary management currently relies on reviews by the incumbent PBM's P&amp;T Committee or utilizes the services of a third party.</li> </ul>	
Q60	RFP ETC0049 / WI PBM RFP / Appendix 1 PBM	14	Clause 4 in 115 General Requirements states that PBM must share data, claims information and other operational information as necessary for the smooth	Confidentiality will be addressed in the Contract including in Appendix 9-DTCs. Additional confidentiality agreements may be executed as needed.

	Agreement / 115 General Requirements / 1		<p>functioning of the program, for example to the health plans participating in the health insurance program, the BOARD's consulting actuary, DEPARTMENT'S data warehouse, the wellness and disease management vendor, and the DEPARTMENT's insurance administration vendor using the most recent file and data specifications provided by the DEPARTMENT.</p> <ul style="list-style-type: none"> <li>Please confirm all vendors supporting the Department's PBM program will execute confidentiality and/or non-disclosure agreements with the PBM to allow for us to share member data.</li> </ul>	
Q61	RFP ETC0049 / WI PBM RFP / Appendix 1 PBM Agreement / 115 General Requirements / 4	14	<p>Clause 4 in 115 General Requirements states that PBM must provide, in a format acceptable to the DEPARTMENT, at no cost and in a timely manner, all data and written or recorded material pertaining to this AGREEMENT.</p> <ul style="list-style-type: none"> <li>Please clarify the specific data and written or recorded material this applies to along with what is considered an acceptable format.</li> </ul>	The specific data and acceptable format will be discussed during contract negotiations.
Q62	RFP ETC0049 / WI PBM RFP / Appendix 1 PBM Agreement / 115 General Requirements / 9. Grievances  RFP ETC0049 / WI PBM	14-15  57-60	<p>Within Section 115 General Requirements, Section 9.a.,b.,c. detail the terms requiring PBM to have a mechanism, as approved by the DEPARTMENT, for handling complaints and grievances made by PARTICIPANTS. Section 235 Grievances also details the current grievance process under current agreement.</p> <ul style="list-style-type: none"> <li>Please confirm if these sections are specific to commercial plan only or also apply to the EGWP plan as "grievance" is a</li> </ul>	<p>This section applies to Commercial and EGWP members.</p> <p>The PBM would field grievances by members based on contract language, including compliance with applicable federal and state statute, administrative rule, and regulation.</p>

	RFP / Appendix 1 PBM Agreement / 235 Grievances		<p>Medicare term and does not include appeals.</p> <ul style="list-style-type: none"> <li>Please confirm the Department intends for PBM to support EGWP member grievances based on CMS rules.</li> </ul>	
Q63	RFP ETC0049 / WI PBM RFP / Appendix 1 PBM Agreement / 115 General Requirements / 14a, 14b, 14c, 14d	15	<p>Please confirm the provision of notification of significant events requested in Part 14a-d of Section 115 must also comply with and shall not supersede Securities and Exchange Commission (SEC) rules and regulations for bidders that are owned by a publicly held corporation.</p>	<p>Review in concert with Appendix 9 - DTCs section 2.0 which requires compliance with federal and state statute, administrative rule, and regulation.</p>
Q64	RFP ETC0049 / WI PBM RFP / Appendix 1 PBM Agreement / 130 Administrative Fee and Financial Administration / 130A Financial Provisions / 1. Claims Invoicing	24	<p>Clause 1.b. in Section 140 states "Billing and payment cycles for pharmacy claims and administrative fees will occur twice monthly. Billing and payment cycles for claims submitted directly by PARTICIPANTS will occur monthly."</p> <ul style="list-style-type: none"> <li>Please confirm if the Department can accept direct member claims twice monthly, on the same schedule as all other claims?</li> <li>Please confirm if the Department can accept Invoices sooner than 2 days after the billing cycle?</li> </ul>	<p>The Department does not confirm this assumption. The Department can discuss during contract negotiations.</p>
Q65	RFP ETC0049 / WI PBM RFP / Appendix 1 PBM Agreement / 130 Administrative Fee and Financial Administration / 130A	27	<p>Clause 3.a within Section 130 states "The DEPARTMENT shall deposit funds into the <u>bank account designated by the DEPARTMENT</u> within four (4) business days following the DEPARTMENT'S receipt of the request for payment by the CONTRACTOR or three (3) days for EGWP services as set forth above. This bank account shall be used to disburse funds and make claim payments</p>	<p>The Department will clarify during contract negotiations.</p>

	Financial Provisions / 3. Banking		made on behalf of the DEPARTMENT.” <ul style="list-style-type: none"> <li>Please clarify the banking process regarding the bank account designated by the Department. Will the Department deposit funds into the PBM's bank account?</li> </ul>	
Q66	RFP ETC0049 / WI PBM RFP / Appendix 1 PBM Agreement / 130B Prohibited Fees / c) Mailing & Postage	27	Section 130B.c. notes that the CONTRACTOR will pay for all mailing, postage and handling costs for the distribution of materials as required by 135 Participant Materials and Marketing, Section 135 Participant Materials and Marketing, or by other express provisions of this CONTRACT. <ul style="list-style-type: none"> <li>Please provide the estimated postage costs and/or number of mailed communication materials that will be distributed annually for bidder to assess the internal costs to support this requests.</li> </ul>	The PBM would need to mail new and lost ID cards to members and CMS required materials to all EGWP members once a year.  The postage cost is for the proposer to estimate based on your book of business and the Department's enrollment numbers as laid out in the RFP.
Q67	RFP ETC0049 / WI PBM RFP / Appendix 1 PBM Agreement / 130C Recovery of Overpayments	28-29	Within Section 130C the RFP states “The CONTRACTOR and the DEPARTMENT shall agree upon reasonable procedures to be used by the CONTRACTOR to recover or collect overpayments and underpayments.” <ul style="list-style-type: none"> <li>Please confirm the Department will not hold the contractor liable for member or pharmacy recovery amounts when errors are determined to be due to a Department or Department vendor issue (e.g., errors, failure to provide timely eligibility transmission for termination of a member under the plan, etc.).</li> </ul>	The Department does not confirm this assumption. It may be discussed during contract negotiations.
Q68	RFP ETC0049 / WI PBM RFP / Appendix 1 PBM	28-29	Within Section 130C.a. the RFP states “If it is determined that any payment has been made under the PHARMACY BENEFIT PLAN and this AGREEMENT to an ineligible	The PBM maintains the overpayment requests for members. The Department does not send requests to the PBM for collections.



	Agreement / 130C Recovery of Overpayments		<p>person, or if it is determined that more or less than the correct amount has been paid by the CONTRACTOR, the CONTRACTOR shall make a diligent attempt to recover the payment, or shall adjust the underpayment. The CONTRACTOR shall not be required to initiate court proceedings to obtain any such recovery.</p> <ul style="list-style-type: none"> <li>• What is the approximate volume of “ineligible participants” the Department expects in a given year based on past experience?</li> <li>• How frequently does the Department send requests to the PBM to initiate collections?</li> </ul>	The PBM sends this information out monthly to members and there are less than 50 members a year who receive these letters.
Q69	RFP ETC0049 / WI PBM RFP / Appendix 1 PBM Agreement / 135 Participant Materials and Marketing and 315B Account Management	29-31	<p>Within Section 135, the RFP states 1) All materials and communications shall be pre-approved by the DEPARTMENT prior to distribution to PARTICIPANTS, potential PARTICIPANTS, and EMPLOYERS of the PHARMACY BENEFIT PLAN. This includes written and electronic communication, such as marketing, informational letters, explanation of BENEFITS, summary plan descriptions, claim denials and appeals, and summary of BENEFITS and coverage.</p> <ul style="list-style-type: none"> <li>• Please confirm the requirement and performance guarantee in 315B exclude urgent communications relating to drug recalls and patient safety and standard operational materials such as Patient Product Information (PPI) leaflets required by manufacturers to be included with certain mail-order prescriptions.</li> </ul>	Confirmed.

			<ul style="list-style-type: none"> <li>Please also confirm standard operational communications mandated by CMS can be reviewed with the Department but may not be customizable and are exempt from customization.</li> </ul>	
Q70	RFP ETC0049 / WI PBM RFP / Appendix 1 PBM Agreement / 145D Data Integration and Use	37	<p>Within Section 145D Data Integration and Use, the RFP states "The CONTRACTOR shall provide and receive all reasonable requests for data and other information as needed in a file format as identified by the DEPARTMENT."</p> <ul style="list-style-type: none"> <li>Please provide a definition for "data" as it relates to data to be provided to the Department.</li> </ul>	Any information about services provided under the Contract including the Departments members.
Q71	RFP ETC0049 / WI PBM RFP / Appendix 1 PBM Agreement / 210A Pharmacy & Therapeutics Committee and Population Health Management / 8. Pharmacy Auditing Program	51	<p>Within Section 210A, Clause 8 states "Each PARTICIPATING PHARMACY in the CONTRACTOR's network shall be subject to audit. The BOARD may require use of an independent auditor rather than the CONTRACTOR. Auditing will be conducted in four phases starting at a high-level system audit and progressing through further drill-down and analysis to on-site audits if necessary. Desk-top audits will be conducted on a daily/weekly/monthly basis, depending on the type of audit report. On-site audits will be conducted as needed. Settlements that are the result of reversing or adjusting claims found to be processed in error will be passed back through to the BOARD for inclusion in the funds for the PHARMACY BENEFIT PLAN AND HEALTH BENEFIT PROGRAM."</p> <ul style="list-style-type: none"> <li>Please provide detail on the "four phases that drill down to on-site audit" referenced in the clause above.</li> </ul>	<p>These will be audits conducted by the Wisconsin Legislative Audit Bureau and the Department's third-party auditor.</p> <p>Please see the contract between the third-party auditor and the Department for more information <a href="https://etf.wi.gov/node/36451">https://etf.wi.gov/node/36451</a>.</p> <p>To see audits conducted of the current PBM see November Board Agendas found at <a href="https://etf.wi.gov/about-etf/governing-boards/group-insurance-board/group-insurance-board-meeting-agendas-and-materials">https://etf.wi.gov/about-etf/governing-boards/group-insurance-board/group-insurance-board-meeting-agendas-and-materials</a>.</p>

			<ul style="list-style-type: none"> <li>Please clarify what type of audit report will require PBM to conduct a daily/weekly/monthly desk audit.</li> </ul>	
Q72	RFP ETC0049 / WI PBM RFP / Appendix 1 PBM Agreement / 150H Contract Termination	53	<p>Within Section 150H Contract Termination, Clause 3 states the RFP states “During the entire run-out period, all performance standards and penalties remain in force.”</p> <ul style="list-style-type: none"> <li>Please confirm if the Department agrees that for performance standards and penalties to remain in force during the run-out period, there will need to be a minimum claims volume, agreed to prior to termination, to ensure a fair measurement of performance.</li> </ul>	Confirmed.
Q73	RFP ETC0049 / WI PBM RFP / Appendix 1 PBM Agreement / 205B Identification (ID) Cards	47-48	<p>Within Section 205B, the RFP states “The CONTRACTOR shall issue the ID CARDS, along with a welcome packet for newly enrolled PARTICIPANTS, within the timeframes described below”</p> <ul style="list-style-type: none"> <li>Please confirm “generation date of the enrollment file” means the date eligibility data is successfully processed by PBM.</li> <li>Please confirm the timing to issue ID cards and welcome materials for participants within 5 business days following enrollment file is specific to the Commercial plan. ID cards for EGWP members are sent based upon confirmation from CMS that a member is eligible for enrollment in the plan, not on the date the enrollment file is processed (CMS allows for 10 days).</li> <li>Bidder request removal of 205.b.2., which references the issuing of ID cards by specific dates following IT’S</li> </ul>	The Department does not confirm this assumption.

			YOUR CHOICE OPEN ENROLLMENT periods. As stated above, bidder distributes all ID cards based on eligibility transmission from the client or CMS and not based on member opting into benefits offered by the Department.	
Q74	RFP ETC0049 / WI PBM RFP / Appendix 1 PBM Agreement / 205B Identification (ID) Cards	47	<p>Within Section 205B Identification (ID) Cards, the RFP states: The CONTRACTOR must provide replacement cards upon request at no cost to the PARTICIPANT, including an expedited process to get a replacement card.</p> <ul style="list-style-type: none"> <li>Please provide an estimate for the number of replacement ID cards the Department anticipates will be requested annually for commercial and EGWP plan members.</li> </ul>	The Department does not have estimates for these numbers.
Q75	RFP ETC0049 / WI PBM RFP / Appendix 1 PBM Agreement / 210A Pharmacy & Therapeutics Committee / P&T Committee	49	<p>The P&amp;T Committee clause states "The CONTRACTOR will create an independent P&amp;T Committee to evaluate the safety, efficacy, and uniqueness of a PRODUCT to determine whether that PRODUCT should be included on the formulary. The DEPARTMENT will appoint at least one member who will serve on the P&amp;T Committee."</p> <ul style="list-style-type: none"> <li>Has the Department appointed staff members to the incumbent PBM's P&amp;T committee?</li> <li>If so, please clarify if that P&amp;T Committee is established solely for the development/management of the Department's formulary.</li> <li>Is the Department requiring the ability to appoint members of the PBM's P&amp;T committee as part of this RFP?</li> </ul>	<p>In the past the Department has had a staff member on the PBM's P&amp;T committee.</p> <p>The P&amp;T committee is not solely for the development/management of the Department's formulary.</p> <p>The Department is not requiring the ability to appoint members to the PBM's P&amp;T committee.</p>
Q76	RFP ETC0049 /	50	The Mail Order Services clause states "The CONTRACTOR	Serve You Rx works with the current PBM.

	WI PBM RFP / Appendix 1 PBM Agreement / 210A Pharmacy & Therapeutics Committee / 1. Access to Mail Order Services		<p>shall establish a fair and competitive process to identify, evaluate, and contract with a single vendor of mail order pharmacy services while this CONTRACT is in effect. The process and choice of vendor are subject to approval by the DEPARTMENT, on behalf of the BOARD.”</p> <ul style="list-style-type: none"> <li>• Please explain if the current mail service provider, ServeyouRx, is affiliated with the current PBM or if it is an independent vendor.</li> <li>• Please confirm that this RFP is requesting an integrated retail, mail order, and specialty pharmacy benefit and that the PBM is not expected to carve out mail order to a separate vendor.</li> </ul>	This RFP is not requiring an integrated retail, mail order, and specialty pharmacy benefit. The PBM may carve out mail order to a separate vendor.
Q77	RFP ETC0049 / WI PBM RFP / Appendix 1 PBM Agreement / 210A Pharmacy & Therapeutics Committee / 2. Specialty Drug Management Program	50	<p>The Specialty Drug Management Program clause states “The CONTRACTOR shall make available to the BOARD a SPECIALTY DRUG management program through the vendor or vendors chosen by the CONTRACTOR and in agreement with the BOARD to provide that service. After initial implementation, the BOARD agrees that it will provide incentives based on benefit design for PARTICIPANTS to use the SPECIALTY DRUG management program as the preferred channel for obtaining SPECIALTY DRUGS.”</p> <ul style="list-style-type: none"> <li>• Please advise what incentives the Department currently has in place to encourage the use of the contractor’s specialty drug management program.</li> </ul>	Members are required to participate in Contractor’s specialty drug management program when appropriate or the drug will not be covered.
Q78	RFP ETC0049 / WI PBM RFP / Appendix 1 PBM	51	The Pill-Splitting Program clause states “The CONTRACTOR will develop and implement a voluntary half-tablet program designed to encourage the use of half-tablet	In 2023, 280 members participated in the pill splitting program.

	<p>Agreement / 210A Pharmacy &amp; Therapeutics Committee / 6. Pill-Splitting Program</p>		<p>medications by reducing the COPAYMENT or COINSURANCE for certain PRODUCTS in accord with the provisions of the PHARMACY BENEFIT PLAN. The program will only be available for PRODUCTS that: (i) are COVERED DRUGS on the formulary; (ii) are recognized as an appropriate PRODUCT to split by the CONTRACTOR's P&amp;T Committee; (iii) the various strengths of the PRODUCT are comparably priced; and (iv) the PRODUCT has once-daily dosing. If the Half-Tablet Program is adopted by the BOARD, CONTRACTOR will provide pill splitting devices to PARTICIPANTS. These pill splitting devices may contain the CONTRACTOR logo or may be customized to carry the DEPARTMENT's logo."</p> <ul style="list-style-type: none"> <li>• Please provide the anticipated volume of claims subject to the pill-splitting program annually and the number of members that receive pill splitting devices from the current PBM annually.</li> </ul>	
Q79	<p>RFP ETC0049 / WI PBM RFP / Appendix 1 PBM Agreement / 215C Medicare Part D/EGWP Coverage</p>	53	<p>Within Section 215C, the RFP states "In cases where CMS requirements and the non-Medicare Part D/EGWP requirements of this contract differ, the more rigorous standard shall supersede."</p> <ul style="list-style-type: none"> <li>• Please clarify the intent of this statement. Bidder is required to follow EGWP rules as defined by Center for Medicare and Medicaid Services (CMS) requirements relating to grievances, ID cards, enrollment, and other regulated market guidelines that cannot supersede conflicting state requirements over CMS regulations.</li> </ul>	<p>The Contract will require the PBM to comply with all contractual provisions including Appendix 9 - DTCs section 2.0 which requires compliance with federal and state statute, administrative rule, and regulation.</p>

Q80	RFP ETC0049 / WI PBM RFP / Appendix 1 PBM Agreement / 255C Customer Service	64	Section 255C requests that the contractor operate a dedicated customer service department for the pharmacy benefit plan. <ul style="list-style-type: none"> <li>Please provide historical call volume and average handle time for the Department's commercial and EGWP plans.</li> </ul>	In 2023, the current PBM handled approximately 2,000 calls a month from members.  The time the PBM must handle these calls is laid out in Appendix 2 - <a href="#">Pharmacy Benefit Program Performance Guarantee Workbook</a> .
Q81	RFP ETC0049 / WI PBM RFP / Appendix 1 PBM Agreement / 255C Customer Service	65	Within Section 255C, the RFP states "At the DEPARTMENT'S request, the CONTRACTOR must provide the policies and procedures related to the operation of the customer service department. The DEPARTMENT reserves the right to require changes to the policies and procedures that directly impact PARTICIPANTS." <ul style="list-style-type: none"> <li>Please confirm the Department will sign an NDA prior to the contractor providing their policies and procedures.</li> </ul>	Confidential information will be addressed in the Contract including in Appendix 9-DTCs.
Q82	RFP ETC0049 / WI PBM RFP / Appendix 1 PBM Agreement / 255D Contractor Web Content and Web- Portal	68	Clause 4 within Section 255D states "Downtime for unscheduled maintenance is not to exceed six (6) incidents in a calendar year unless agreed to by the parties." <ul style="list-style-type: none"> <li>Please confirm that unscheduled downtime due to force majeure is excluded from this clause.</li> </ul>	Force majeure will apply under the Contract in accordance with Appendix 9 - DTCs section 45.0.
Q83	RFP ETC0049 / WI PBM RFP / Appendix 1 PBM Agreement / 255H Record Retention	70	Within 255H Record Retention, the clause states "The CONTRACTOR further agrees that the substance of this clause shall be inserted in any subcontract that the CONTRACTOR enters into with any subcontractor to carry out any of the CONTRACTOR'S obligations under this AGREEMENT."	The Department does not confirm this assumption. Any subcontractor that touches any member information or anything that effects members will have to adhere to this clause.

			<ul style="list-style-type: none"> <li>Please confirm that the Department will modify the requirement to apply to Department-exclusive subcontractors only.</li> </ul>	
Q84	RFP ETC0049 / WI PBM RFP / Appendix 1 PBM Agreement / 315 Performance Standards and Penalties	80	<p>Within Appendix 1, Section 315A includes Implementation performance standards under the existing PBM agreement.</p> <ul style="list-style-type: none"> <li>Is the Department requesting the Contractor to confirm agreement to offer the implementation standards listed herein?</li> </ul>	Yes.
Q85	RFP ETC0049 / WI PBM RFP / Appendix 1 PBM Agreement / 315C Claims Processing / 6 Claims Processing System Availability:	83	<p>The Claims Processing System Availability performance standard requests 99% availability, including downtime for system maintenance.</p> <ul style="list-style-type: none"> <li>Please confirm that unscheduled downtime due to force majeure is excluded from this clause.</li> </ul>	Force majeure will apply under the Contract in accordance with Appendix 9 - DTCs section 45.0.
Q86	RFP ETC0049 / WI PBM RFP / Appendix 1 PBM Agreement / 315C Claims Processing / Performance Standards 3	84	<p>Performance Standard 3 requests Accumulator File: At least ninety-five percent (95%) accuracy in health plan file processing, accumulation, and file return to health plans within twenty-four (24) hours.</p> <ul style="list-style-type: none"> <li>Please confirm the accuracy level is dependent upon correct eligibility and benefit setup provided to PBM by the Department.</li> </ul>	Confirmed.
Q87	Appendix 1 PBM Agreement / 315D Customer Service / 6.	85	Please confirm the Key Stakeholder Satisfaction performance guarantee is referring to the Contractor Services satisfaction performance guarantee in	Confirmed.



	Key Stakeholder Satisfaction		315B(1) and is not requesting two separate performance guarantees for the same performance standard.	
Q88	Appendix 1 PBM Agreement / vii. 400 Uniform Pharmacy Benefits	Page 89-122	<p>Section 400 states “The contractor shall not alter the language, benefits or exclusions and limitations, herein.”</p> <ul style="list-style-type: none"> <li>• Please confirm the Section VII. 400 UNIFORM PHARMACY BENEFITS within Appendix 1 is intended to be informational and describing the current pharmacy benefits for members.</li> <li>• Please confirm that this section does not require redline edits with bidder’s assumptions exceptions.</li> </ul>	<p>The Uniform Pharmacy Benefits can be altered when the change is agreed to by the Department and the PBM.</p> <p>Redline edits to the RFP and all appendices, including Appendix 1 - Uniform Pharmacy Benefits are required with bidder’s assumptions and expectations.</p>
Q89	RFP ETC0049 / WI PBM RFP / Appendix 2	All	<p>Is the Department requesting that bidders review and agree to (or redline to strike out items of concern) the deliverables and performance standards listed in Appendix 1 or those in Appendix 2?</p> <p>It is unclear if the Department is requesting bidders to agree to deliverables and performance standards in Appendix 1 or Appendix 2, as Appendix 2 includes references to Program Agreement terms in Appendix 1.</p>	<p>Yes, the Department is requesting proposers review and agree to deliverables and performance standards in Appendix 1 and Appendix 2. If the proposer cannot agree, then that should be noted in answers to questions when asked about the deliverables and performance standards in Appendix 1 and Appendix 2 in the RFP.</p>
Q90	RFP ETC0049 / WI PBM RFP / Appendix 2	All	<p>Please provide details on the requested timeline for payment of performance guarantee penalties. Bidder requests confirmation that performance standards will be reported quarterly with monthly values, and penalties will only be incurred only if the target is missed in the aggregate for the quarterly timeframe (subject to maximum percentage amounts).</p>	<p>A vendor has 30 days from receiving the letter from the Department regarding any penalties to pay the penalty.</p> <p>Confirmed that performance standards will be reported quarterly with monthly values and penalties will only be incurred if the target is missed quarterly timeframe.</p>

Q91	RFP ETC0049 / WI PBM RFP / Appendix 2 Pharmacy PGs / Tab 3B. Quarterly Performance /	N/A	Please confirm the Mail Order Dispensing Accuracy and Mail Order Shipping Performance Guarantees requested in Questions 7, 8a, and 8b in Tab 3B. Quarterly Performance (Qtr) are specific to home delivery pharmacy claims only (not specialty pharmacy claims, which are dispensed specifically based on timing established by member and/or prescriber need by date).	Confirmed.
Q92	RFP ETC0049 / WI PBM RFP/Appendix 2 – Pharmacy Performance Guarantees	Tab 2A	<p>Within Appendix 2, section 2A. Key Dates and Deliverables includes several references to “Exhibit A”.</p> <ul style="list-style-type: none"> <li>Please clarify or provide Exhibit A as there is currently no such Exhibit included with RFP files.</li> </ul>	Please disregard “Exhibit A” in this context as it refers to an exhibit to the current PBM contract.
Q93	RFP ETC0049 / WI PBM RFP / Appendix 3 - 2024 Functional Specification Drug Final	N/A	<p>Appendix 3 - 2024 Functional Specification Drug Final does not appear to be referenced in the PBM RFP documents other than to confirm bidder has read the file in the Proposal Checklist.</p> <ul style="list-style-type: none"> <li>Please clarify what is being requested with this file relating to specific questions or contract terms.</li> </ul>	Appendix 3 contains the information that will be required in the Contract for the PBM to provide to the Department for the Department’s Data Warehouse.
Q94	RFP ETC0049 / WI PBM RFP / Appendix 9 Department Terms & Conditions / 3.0 Legal Relations	1	<p>Section 3.0, paragraph 3 requires that “[t]he Contractor accepts full liability and agrees to hold harmless the State, the Department’s governing boards, the Department, its employees, agents and contractors for any act or omission of the Contractor, or any of its employees, in connection with the Contract.”</p> <p>As a PBM, bidder must contractually abide by and follow the Department’s plan design and coverage directions, and consequently bidder will be required to deny some drug benefit claims or make other</p>	The Department does not confirm this assumption.

			<p>Department-directed decisions, which are simply “acts” that may result in claims litigation.</p> <ul style="list-style-type: none"> <li>Please confirm that bidder would only be expected to defend a lawsuit if bidder improperly denies a claim or otherwise fails to perform the services in accordance with the contract and the Department’s plan design direction (i.e., bidder performs the services negligently or in breach of the contract).</li> </ul>	
Q95	RFP ETC0049 / WI PBM RFP / Appendix 9 Department Terms & Conditions / 4.0 Contractor	2	<p>Within Section 4.0, paragraph 2 states “None of the Services to be provided by the Contractor shall be subcontracted or delegated to any other organization, subdivision, association, individual, corporation, partnership or group of individuals, or other such entity without prior written notification to, and acknowledgement of, the Department. If the Department has concerns regarding the subcontractors a meeting will be scheduled to discuss a resolution.”</p> <ul style="list-style-type: none"> <li>Please confirm that the Department will agree to modify the requirement to allow the Department to approve any Department-exclusive subcontractors; and exclude from this requirement the ability to approve current subcontractors that serve multiple clients across bidder’s client base.</li> </ul>	The Department does not confirm this assumption.
Q96	RFP ETC0049 / WI PBM RFP / Appendix 9 Department Terms & Conditions / 13.0.	4	<p>Sections 13 (Appendix 9) and Section 9.2.2 (PBM RFP) reference payment within 30 days of invoice which conflicts with section 130A (Appendix 1).</p> <ul style="list-style-type: none"> <li>Please clarify the timing for payment from the Department to the PBM for claims and administration</li> </ul>	The provisions in Sections 13 (Appendix 9) and Section 9.2.2 (PBM RFP) are accurate for most vendors. The provision in 130A is how the invoices are paid with the current vendor. The Department is open to discussing timing during negotiations.

	Payment Terms and Invoicing		fee invoices for the Commercial and EGWP lines of business follow the timing in 130A Financial Provisions.	
Q97	RFP ETC0049 / WI PBM RFP / Appendix 9 Department Terms & Conditions / 22.0 Additional Insurance Responsibility	6-7	<p>The Additional Insurance Responsibility terms in Section 22.0 request the PBM to “maintain insurance coverages in an amount acceptable to the Department” and state that “the Department reserves the right to require higher or lower limits where warranted.”</p> <ul style="list-style-type: none"> <li>• Please confirm that the minimum coverage amounts requested are acceptable to the Department.</li> <li>• Please confirm that any Department-requested coverage modifications will be mutually agreed to by the PBM and the Department.</li> </ul>	Confirmed.
Q98	RFP ETC0049 / WI PBM RFP / Appendix 9 Department Terms & Conditions / 24.0 Confidential Information, Privacy and HIPAA BUSINESS ASSOCIATE AGREEMENT	7-10	<p>Within Section 24, clauses d.6., g., m., and r. reference requirements to report on “suspected” breaches.</p> <ul style="list-style-type: none"> <li>• Will the Department consider modifications to the clauses within Section 24 to require reporting of breaches and/or releases of confidential information to be limited to confirmed breaches. Bidder confirms ability to report on potential incident(s) if such breach or release is substantiated.</li> </ul>	The Department does not confirm this assumption. Please see RFP section 2.7.4.
Q99	RFP ETC0049 / WI PBM RFP / Appendix 9 Department Terms & Conditions	18	<p>Section 41.0 states: “No right or duty in whole or in part of the Contractor under the Contract may be assigned or delegated without the prior written consent of the Department.”</p> <p>Bidder agrees that it will not assign the contract, but it does</p>	The Department does not confirm this assumption.

	/ 41.0 Assignment		use subsidiaries, affiliates, and subcontractors in performing some aspects of PBM services for its clients. Some of these subcontractors provide services on a book-of-business basis, and thus bidder is not able to give individual clients approval rights. Please confirm whether the Department would consent to a general delegation of certain aspects of the services so long as bidder discloses any subcontracted entities providing services.	
Q100	RFP ETC0049 / WI PBM RFP / Appendix 9 Department Terms & Conditions / 42.0. Work Center	18	<p>Section 42.0 states: The Contractor shall agree to implement processes that allow the Department to satisfy its obligation to purchase goods and services produced by work centers certified under the State Use Law, s. 16.752, Wis. Stat. This shall result in requiring the successful Contractor to include products provided by work centers in its catalog for State agencies and campuses or to block the sale of comparable items to State agencies and campuses. A work center must be certified under s. 16.752, Wis. Stats., and must ensure that when engaged in the production of materials, supplies or equipment or the performance of contractual services, not less than seventy-five percent (75%) of the total hours of direct labor are performed by severely handicapped individuals.</p> <ul style="list-style-type: none"> <li>• Please clarify if this requirement is applicable to the provision of Pharmacy Benefit services; if so, is current PBM meeting this requirement?</li> <li>• If incumbent PBM is meeting this requirement, please provide additional guidance on the goods and services being purchased under the agreement and</li> </ul>	All current and future Department vendors must adhere to this provision including the PBM when applicable. The Department is open to discussing during negotiations.

			the amount budgeted to such vendors.	
Q101	RFP ETC0049 / WI PBM RFP / Form B – Mandatory Requirements & Qualifications / Requirement 4.1	1	<p>Requirement 4.1 states “If awarded a Contract, the Services provided by the Proposer to the Department under the Contract will be performed within the United States.”</p> <ul style="list-style-type: none"> <li>Please confirm if any non-member facing aspects of servicing the department are allowed to be performed offshore.</li> </ul>	The Department does not confirm this assumption. The Department is open to discussing during negotiations. However, statutory and Department requirements limit off-shore services.
Q102	RFP ETC0049 / WI PBM RFP / Form B – Mandatory Requirements & Qualifications / Requirement 4.3	1	<p>Requirement 4.3 states “Proposer agrees that all work products developed by Proposer for the Department (e.g. all written reports, drafts, presentations and meeting materials, etc., required under the Contract) will become the property of the Department.”</p> <ul style="list-style-type: none"> <li>Please confirm the “work products” in this clause do not apply to bidder’s custom intellectual property.</li> </ul>	The Department needs more information about what the custom intellectual property is in order to answer this question.
Q103	RFP ETC0049 / WI PBM RFP / Form B – Mandatory Requirements & Qualifications / Requirement 4.6	1	<p>Requirement 4.6 states bidder must confirm “During the past five (5) years, the Proposer has not been in bankruptcy or receivership or been involved with any litigation alleging breach of contract, fraud, breach of fiduciary duty or other willful or negligent misconduct. (If the Proposer provides a response of “Disagree,” Proposer must provide details of any pertinent judgment, criminal conviction, investigation or litigation pending against the Proposer.)”</p> <ul style="list-style-type: none"> <li>All large organizations are occasionally party to legal or administrative proceedings arising out of the ordinary course of business. Please confirm bidder is able to provide an explanation on litigation activity without resulting in</li> </ul>	Confirmed.

			PBM's disqualification from bidding.	
Q104	RFP ETC0049 / WI PBM RFP / Form B – Mandatory Requirements & Qualifications / Requirement 4.10		<p>Requirement 4.10. states that the Department's third-party auditors and members of the Wisconsin Legislative Audit Bureau will have full access to all contracts between the PBM and drug manufacturers, pharmacies, and third-party entities that affect Department members and all member claims.</p> <ul style="list-style-type: none"> <li>• Please confirm that "drug manufacturer" contracts are specific to rebate contracts.</li> <li>• Please clarify which "third-party entities" relating to the PBM are intended to be incorporated into this requirement relating to members and member claims.</li> <li>• Due to the proprietary and confidential nature of bidder's contracts, we request that copying of contract documents to be restricted.</li> <li>• Please confirm this clause is specific to audits conducted under the Department's PBM program member utilization only, and that PBM has ability to redact portions of its contracts that reference other clients.</li> <li>• Bidder requests confirmation that "full access" to applicable contracts will be facilitated through virtual audits or audits at a mutually agreeable venue as several clauses within the RFP request ability to copy records.</li> </ul>	<p>The Department does not confirm this assumption. See Appendix 9 - DTCs Sections 6.0 and 39.0.</p> <p>The intended audit scope is to apply this to services under the Contract.</p> <p>Here is a link to the Board's current contract with PillarRx who would conduct compliance audits  <a href="https://etf.wi.gov/node/36451">https://etf.wi.gov/node/36451</a></p> <p>The Wisconsin Legislative Audit Bureau (LAB) would also conduct audits of any vendor. Information about the LAB can be found at  <a href="https://legis.wisconsin.gov/lab">https://legis.wisconsin.gov/lab</a></p>
Q105	RFP ETC0049 / WI PBM RFP / Form B – Mandatory	2	Requirement 4.12 requires PBM to establish a "public-facing" website to allow members to see their formulary, compare drug costs at individual pharmacies, and	Public facing website will need to be updated and functional year-around, not just during open enrollment.

	Requirements & Qualifications / Requirement 4.12		<p>have the ability to search for the nearest pharmacy based on zip code/city and state.</p> <ul style="list-style-type: none"> <li>Please confirm the “public-facing” website is intended to be available to potential members to support open enrollment.</li> </ul>	
Q106	RFP ETC0049 / WI PBM RFP / Appendix 1 – Section 255D		<p>Section 255D.1 states “The CONTRACTOR must host and maintain customized web pages and a web-portal dedicated to PARTICIPANTS of the PHARMACY BENEFIT PLAN.”</p> <ul style="list-style-type: none"> <li>Please clarify, and provide examples if possible, of specific web portal customizations that would be required by the Department.</li> </ul>	<p>Here is a link to the current webpage/web portal that is for public viewing <a href="https://benefitplans.navitus.com/etf">https://benefitplans.navitus.com/etf</a>.</p> <p>It should be noted that the current PBM has a web portal for members on their website, however a member must log into the website to view the pages.</p>
Q107	RFP ETC0049 / WI PBM RFP / Form B – Mandatory Requirements & Qualifications / Requirement 4.8	2	<p>Requirement 4.8. requests Proposer to confirm it is able to meet the requirements listed in the RFP and will meet such requirements should the Proposer receive a Contract award.</p> <ul style="list-style-type: none"> <li>Please confirm that bidders can agree to 4.8, subject to providing potential assumptions and exceptions as permitted by Section 2.7.4 Instructions for Submitting Assumptions and Exceptions, which allows bidder to provide requested revisions to the language of the provisions.</li> </ul>	Confirmed.
Q108	RFP ETC0049 / WI PBM RFP / Form B – Mandatory Requirements & Qualifications / Requirement 4.15	2	<p>Requirement 4.15 requires offeror to provide SOC 1 and SOC 2/Type 2 audit reports with their proposal response..</p> <ul style="list-style-type: none"> <li>Due to the these reports being highly confidential, please confirm the Department will work with bidder to execute an NDA to allow us to share these reports at RFP stage.</li> </ul>	Confirmed.
Q109	RFP ETC0049 /	1	Form G states “Proposer’s cost/prices always become	Confirmed. Designate confidential information in Form G and send a



	<p>WI PBM RFP / Form G - Designation of Confidential &amp; Proprietary Info</p>		<p>public information and therefore cannot be kept confidential.”</p> <ul style="list-style-type: none"> <li>• Bidder understands that the Department’s total contract cost information would not be considered confidential. However, in the PBM industry certain facets of a pricing offer, such as customized pricing and financial guarantees, are considered confidential and proprietary information and protectable trade secrets in accordance with § 134.90(1)(c), Wis. Stats. Please confirm bidders can designate this specific information “confidential,” while the total cost to the Department.</li> </ul>	<p>redacted version of the cost proposal in the Redacted file.</p>
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