



Department of Public Safety and Correctional Services

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Amendment #5 to Request for Proposals (RFP) Project No. DPSCS Q0010022 INMATE PHARMACY SERVICES February 7, 2011

This Amendment is being issued to amend and clarify certain information contained in the above named RFP. All information contained herein is binding on all Offerors who respond to this RFP. Specific parts of the RFP have been amended. The following changes/additions are listed below; new language has been double underlined and marked in bold (ex. **new language**) and language deleted has been marked with a strikeout (ex. ~~language deleted~~).

1. Amend RFP Key Information Summary Sheet as follows:

Closing Date and Time: Friday, February ~~14~~ 25, 2011 at 2:00 PM (Local Time)

2. Amend RFP §1.2 as follows:

1.2.13 “~~Emergent~~**Emergency/Stat**” means required immediately (typically within ~~2~~ 4 hours time); the sudden onset of acute signs or symptoms of sufficient severity that threaten or could permanently damage health, or result in a serious medical complication if treatment is delayed, up to and including death, and should be addressed as soon as possible.

3. Amend RFP §1.4 as follows:

The contract performance period shall be for a period of about ~~three~~ **five** years, and commences on or about the date the Department executes the contract and terminates at the end of the fiscal year (June 30) after ~~3~~ **five** years of performance have been completed. ~~At its option, the State may extend the Contract for two additional one year renewal periods.~~

As an example, if the Contract begins on June 1, 2011, the Contract would terminate on June 30, 2016, the end of the fiscal year after five years of performance have been completed. In this example, the total Contract term would be a period of 5 years and one month.

4. Amend RFP §1.10 as follows:

1.10 Proposals Due (Closing) Date

An unbound original and eight (8) bound copies of each proposal (technical and financial) must be received by the Procurement Officer, at the address listed in Section 1.5, no later than **2:00 PM (local time) on Friday, February 11 ~~25~~, 2011** in order to be considered. An electronic version on CD of the Technical Proposal in MS Word format must be enclosed with the original Technical Proposal. An electronic version on CD of the Financial Proposal in MS Excel format must be enclosed with the original Financial Proposal. Ensure that the CDs are labeled with the date, RFP title, RFP number, and Offeror name and packaged with the original copy of the appropriate proposal (technical or financial).

Requests for extension of the closing date or time shall not be granted. Offerors mailing proposals should allow sufficient mail delivery time to ensure timely receipt by the Procurement Officer. Except as provided in COMAR 21.05.02.10, proposals received by the Procurement Officer after the due date, February ~~11~~ 25, 2011 **at 2:00 PM** (local time) shall not be considered. Proposals may not be submitted by e-mail or facsimile. Proposals will not be opened publicly.

5. Amend RFP §3.16.1 as follows:

The Contractor bears ultimate responsibility for the delivery of pharmacy services to the inmate population in all DPSCS facilities by delivering medications ~~daily~~ to each institution in the Department, as required under RFP §3.16 and §3.17. Note, delivery will not be accepted as being completed unless and until the required medications, etc. are specifically delivered to the appropriate location within the institution as identified in Attachment X.

6. Amend RFP §3.16.3 as follows:

All medications ordered from and communicated to the Contractor shall be dispensed and delivered to the appropriate location within the institution, as identified in Attachment X, ~~before 4:00 P.M local time, the SAME DAY~~ within 24 hours from the time the order is placed, unless an emergency “stat” need has been designated. See Attachment X, Pharmacy Delivery Locations. However, for the Division of Pre-trial Detention and Services (DPDS), which includes the Baltimore City local jail for non-sentenced detainees, Baltimore Central Booking and Intake Center (BCBIC), Women’s Detention Center (WDC), Men’s Detention Center (MDC), and Jail Industries (JI), all medication ordered from and communicated to the Contractor shall be dispensed and delivered within 12 hours from the time the order is placed.

7. Amend RFP §3.18.4.1 as follows:

The pharmacist shall return a non-approved prescription to the prescribing physician with a replacement alternative for non-emergent requests within ~~48~~ 24 hours; emergent/urgent requests must be responded within 8 hours of receipt.

8. Amend RFP §3.33.1.3 as follows:

Each month the Contractor shall provide with its invoice to the Department an electronic copy of the manufacturer's or wholesaler's invoice in accordance with RFP section 1.2.1, for all drugs and supplies provided under the Contract for the preceding month (the month for which the invoice is submitted). With the provision of electronic copies of the invoices for all items provided under the Contract, the Contractor shall include an affidavit stating that these invoices represent its Acquisition Cost for each item, as defined in RFP section 1.2.1. In addition, copies of any invoices for equipment purchased by the Contractor that the Department is to reimburse the Contractor for are to be provided for equipment that was purchased in the previous month (see RFP Section 3.15.2).

Included in the portion of the monthly invoice submitted by the Contractor to the Department for the pharmaceuticals purchased by and distributed to the Department, the Contractor shall apply the discount it has proposed in its Price Form (Attachment F) for the particular Contract Year to the actual acquisition cost the Contractor paid for each brand or generic pharmaceutical provided to the Department. These detailed calculations shall be shown on the monthly invoice. The rationale for requiring these discounts is to allow the Contractor to pass through the savings it receives from manufacturer/supplier rebates for the pharmaceuticals the Contractor purchases. These brand and generic discount percentages to be applied to the monthly invoices may change per year, based on the Contractor's Price Proposal. The final amount paid to the Contractor by the Department for pharmaceuticals delivered shall reflect the Contractor's proposed brand and generic discounts for the particular Contract Year the invoiced period falls within.

9. Amend RFP §4.4, Tab D as follows:

2. An Offeror shall demonstrate an ability to serve the full population throughout the State to whom DPSCS has an obligation to provide pharmacy services. An Offeror shall set forth a delivery of services plan to demonstrate its ability to sufficiently recruit and retain staff, or otherwise deliver services across the state at a level necessary to meet the obligations under this RFP. An Offeror is to provide specific details of its proposed means of delivery for pharmaceuticals, etc. to specific identified locations within the DPSCS institutions, including any statements from or agreements with proposed subcontractors to provide delivery services.

17. The Offeror shall describe its capability to provide electronic copies of manufacturers' or wholesalers' invoices in accordance with RFP Section 1.2.1 and Section 3.33.1.3 for all drugs and supplies provided under the

Contract. The Offeror shall describe its electronic formatting capabilities and method of delivery of these electronic copies to the Department.

10. Amend RFP §4.5.7 as follows:

In order to assess capacity to acquire at a rate most beneficial to the State, Offerors are directed to submit the acquisition cost (as defined in RFP Section 1.2.1) in effect on ~~October 31, 2010~~ January 31, 2011 that would be reflected on an invoice to the Agency per dose for each medication identified on Attachment F at the quantities specified. To evidence the accuracy of the prices entered on the price form, the offeror shall provide copies of actual invoices showing that the prices entered on the Price Form are the prices charged by the supplier to the offeror as of ~~October 31, 2010~~ January 31, 2011.

In the event an offeror did not purchase a particular drug or medical supply included on the price form on ~~October 31, 2010~~ January 31, 2011, the price submitted must be the most recent price that the Offeror would have paid prior to ~~October 31, 2010~~ January 31, 2011, based upon an established catalog, or published price list from the supplier of the item (wholesaler or manufacturer). The Offeror must include a copy of such a catalog or published price list for any drugs or medical supplies priced accordingly.

11. Amend RFP Attachment F – Instructions for Completing Price Form as follows:

Lines 196-199 – Annual Services Costs – divided into three categories: Delivery, Staffing, and Overhead and Profit; separate fields for each year.

Delivery shall be priced as the annual cost for the once-a-day delivery of pharmaceuticals, etc. to the correctional facilities as identified in the RFP, including urgent and emergent/emergency/stat deliveries.

12. Amend RFP Attachment F – Instructions for Completing Price Form as follows:

Column D – Acquisition Cost* (as of ~~October 31, 2010~~ January 31, 2011) - Offeror are to enter their actual Acquisition Cost* for each drug specified, at the quantity and unit of measurement provided in the Price Form, as of ~~October 31, 2010~~ January 31, 2011. To evidence the accuracy of the prices entered on the Price Form, the Offeror shall provide copies of actual invoices in its Financial Proposal showing that the prices entered on the Price Form are the prices charged to the Offeror by the Offeror's supplier on ~~October 31, 2010~~ January 31, 2011. In the event the Offeror did not purchase a particular drug or medical supply included on the price form on ~~October 31, 2010~~ January 31, 2011, the price submitted must be the most recent price that the Offeror would have paid prior to ~~October 31, 2010~~ January 31, 2011, based upon an established catalog, or published price list from the supplier of the item (wholesaler or manufacturer). The Offeror must include a copy of such a catalog or published price list for any drugs or medical supplies priced accordingly.

* As defined in Section 1.2.1, except as modified below in this Column D explanation.

13. Amend RFP Attachment F – Price Form as follows (revised Attachment F attached):

Drug Name: (B)rand or (G)eneric	Annual Quantity	Unit of Measure for pricing... assume "per" (per tab,per cap, etc.)	Acquisition Cost (August 2010 <u>January 31, 2011</u>)	Estimated 12 Month Acquisition Cost
PREZISTA 300MG TAB (B)	5,108	TAB	-	-
CHLORPHENIRAMINE SA 8MG CAP (G)	59,723	CAP	-	-

All instances of “Option Year 1” have been replaced with “Contract Year 4.”

All instances of “Option Year 2” have been replaced with “Contract Year 5.”

The fields in Column “D” - Acquisition Cost (January 31, 2011) have been formatted to accept three decimal places for items less than \$0.01.

14. Amend RFP Attachment V – Pharmacy Liquidated Damages Table as follows (revised Attachment V attached):

3.16	Contractor provides delivery of Medications to Facility	100%	\$500 each occurrence of medication shipment not delivered in accordance with the schedule	An occurrence is when the Pharmacy Provider does not deliver an entire shipment to a specific site on a specific date as referenced in RFP section 3.16.
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15. Add “Attachment Z – DPSCS Formulary Revised 2010” to the RFP (Attachment Z attached).

Issued and authorized by

Gabriel Gnall
Procurement Officer