



**State of Delaware
Department of Human Resources
Statewide Benefits Office**

STATE EMPLOYEE BENEFITS COMMITTEE

**DRAFT Request for Proposal for Professional Services
for the State of Delaware's
Pharmacy Benefit Management Services
DHR25006-PBM Sections I - IV**

RFP Release Date
Tuesday, July 15, 2025

Intent to Submit Proposal Deadline –
Friday, August 22, 2025 11:00 a.m. ET (Local Time)

Mandatory Pre-Bid Conference Call –
Monday, August 25, 2025, 11:00 a.m. ET

Proposals Due – Friday, September 12, 2025, by 1:00 PM ET

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I. Overview

The State of Delaware, Department of Human Resources (“DHR”), on behalf of the State Employee Benefits Committee (“SEBC”), seeks professional services to enter for the purpose of administering its Pharmacy Benefit Management Services. This request for proposals (“RFP”) is issued pursuant to 29 Del. C. §§ [6981 and 6982](#).

For complete information about the State of Delaware’s benefit programs, please go to <https://de.gov/statewidebenefits>.

The proposed schedule of events subject to the RFP is outlined below. However, these dates and milestones are not absolute and may change due to unplanned events during the bid proposal and award process:

¹ Please note that this RFP contains modifications to the Professional Services Agreement template at Section V, which the State expects to be incorporated into the resulting contract.

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Event	Target (Local ET Time)
RFP Released	Tuesday, July 15, 2025
Vendor Submissions Due	Friday, August 1, 2025, 11:00 a.m.
Intent to Submit Proposal Deadline	Friday, August 22, 2025, 11:00 a.m.
Mandatory Pre-Proposal Meeting (Conference Call)	Monday, August 25, 2025, 11:00 a.m.
Questions due to SBO from Confirmed Vendors	Wednesday, August 27, 2025, 9:00 a.m.
Responses to Questions to Confirmed Vendors	Wednesday, September 3, 2025
Deadline for Receipt of Proposal	Friday, September 12, 2025, 1:00 p.m.
Notification of Finalists – Invitation to Interview	Tuesday, October 7, 2025
Finalist Interviews	Friday, October 24, 2025
Recommendation of Finalist(s) to SEBC	Friday, December 12, 2025

Each proposal must be accompanied by a transmittal letter which briefly summarizes the proposing firm's interest in providing the required professional services. The transmittal letter must also clearly state and justify any exceptions to the requirements of the RFP which the applicant may have taken in presenting the proposal. (Applicant exceptions must also be recorded on Attachment 3).

Furthermore, the transmittal letter must attest to the fact, at a minimum, that the vendor shall not store or transfer non-public State of Delaware data outside of the United States. For technology related solicitations, vendors may refer to the Delaware Department of Technology and Information identified terms and conditions included in this solicitation.

The State of Delaware reserves the right to deny any and all exceptions taken to the RFP requirements.

MANDATORY PRE-PROPOSAL MEETING

A mandatory pre-proposal meeting has been scheduled for Monday, August 25, 2025, at 11:00 a.m. ET (local time) via Microsoft Teams. Meeting information will be distributed after receipt of the Intent to Submit Proposal information.

Proposals will not be accepted if the interested vendor does not participate in the mandatory pre-proposal meeting. Topics will include general information and administrative requirements for proposal preparation. The primary contact for the RFP should attend along with anyone who is primarily responsible for entering responses in ProposalTech as described in Section IV.B. Only one person acting as the representative from the interested vendor is required to attend, but anyone on the team is welcome to participate. A roll call will be taken to confirm attendance.

Meeting minutes may be taken. If new or additional information is provided, an addendum may be released to address information provided during the mandatory pre-proposal meeting. Questions regarding other topics will not be entertained and must be submitted as part of the Questions and Answers process as described in Section IV.B.

II. Scope of Services

A. Background and History

1. Overview of the SEBC

The SEBC was established by the State Employee Benefits Consolidation Act, 29 *Del. C.* ch. 96. The SEBC has control and management of all employee benefits. The SEBC selects all carriers or third-party administrators necessary to provide coverage to State employees and non-Medicare and Medicare retirees, enters into contracts for the purpose of general administration of employee benefits, determines if/whether contracts are to be fully insured or self-insured, and adopts rules and regulations for the general administration of the employee benefit coverage.

Membership of the SEBC is determined by 29 *Del. C.* § 9602. The Statewide Benefits Office (“SBO”) is a division within DHR. SBO functions as the administrative arm of the SEBC and, with the exception of pension and deferred compensation benefits, is responsible for the administration of all statewide benefit programs. These programs include, but are not limited to, health with wellness and disease management programs, prescription drug, dental, vision, disability, life, flexible spending account program, pre-tax commuter program, employee assistance program, third-party network of surgeons of excellence and supplemental critical illness and accident benefits. Visit <https://dhr.delaware.gov/benefits/> for information about the programs. Some programs are not offered to all benefits-eligible plan participants; specific details on the programs relevant to this RFP are described in the next section further below.

Benefit eligible plan participants include the State’s active employees (State agency, school district, charter school, Delaware State University, and Delaware Technical Community College employees) and their dependents; non-Medicare and Medicare retired employees and their dependents; employees of non-State groups (i.e., towns, fire companies,; these groups are also referred to as “participating groups” or “non-payroll groups” employees) and their dependents; and COBRA participants. By statute, employee unions cannot negotiate for benefits. Plan participants are primarily located within the State of Delaware, although a small number of participants reside in other states and countries.

2. Program Information

Today, the State has contracted with the Highmark Delaware and Aetna to administer the medical portion of the GHIP and with CVS Caremark to administer prescription drug services. The State will be marketing the medical plan (excluding pharmacy) during the spring of calendar year 2026. The State reserves the right to change its medical TPAs and/or PBM at any point during the term of its contract.

The General Assembly of the State of Delaware has introduced numerous bills related to PBMs and prescription drugs over the last decade, many of which have been signed into law. Attachment 23 contains a listing of all relevant bills, including those which have been introduced during the 153th General Assembly (January 2025 – June 2026). Bidders must comply with all applicable

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State and Federal legislation and regulations enacted and effective on or before the effective date of a contract(s) awarded from this RFP. Further details on these bills can be located at <https://legis.delaware.gov/>.

	Current Membership
Commercial ¹	105,521
EGWP ²	29,200
Grand Total	134,721

B. Scope of Services

The SEBC desires to contract with an independent organization(s) specializing in providing commercial (non-Medicare) and Employer Group Waiver Plan (EGWP) Medicare Pharmacy Benefit Management Services for large municipalities and State governments or with similar experience in depth and scope of services in the private sector. The organization(s) must have prior experience directly related to the services requested in this RFP and must be able to clearly demonstrate their ability to meet the general evaluation requirements in Section III.

*****IMPORTANT***** The SEBC seeks a pharmacy benefit management partner to duplicate the prescription drug benefit plan designs in place as of July 1, 2025. The State of Delaware is not interested in contracting for any arrangement that would force the State to give up any decision-making control over the administrative or clinical management of its pharmacy benefits program. Today, the State has decision-making authority to determine which programs and services are provided to its population by the incumbent PBM. The State also has the ability to make exceptions to plan coverage determinations with the exception of the standard Medicare Part D EGWP benefit.

A general overview of the Scope of Services is as follows:

The organization must have prior experience directly related to the services requested in this RFP and must be able to demonstrate clearly its ability to:

- offer state of the art prescription drug benefit management services;
- provide clinically and financially appropriate management programs;

¹ Commercial (Non-Medicare lives)

² EGWP (Employer Group Waiver Plan) is a group Medicare Part D prescription drug plan offered to retirees.

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- provide transparency in contracting terms with drug manufacturers and pharmacy networks for both traditional and specialty drugs;
- provide competitive financial terms;
- provide excellent customer service to participants;
- provide excellent account management services to the State, including timely reporting;
- meet or exceed performance guarantees; and
- be responsive to requests of the SEBC.

The selected organization is required to provide the following Scope of Services, at a minimum³:

- a. Prescription claim adjudication.
- b. Participant enrollment maintenance including the capability to accept and process enrollment files from the medical benefit partners' (currently Highmark and Aetna) designated format.
- c. Comprehensive management of the Medicare Part D Employer Group Waiver Plan (EGWP) including the ability to maintain benefits for Medicare retirees who are awaiting their EGWP enrollment approval by the Centers for Medicare and Medicaid Services (CMS).
- d. Secure transmission of enrollment and claims data to the Delaware Health Information Network (DHIN) and the State of Delaware's data warehouse vendor as well as detailed rebate data to the data warehouse vendor.
- e. Patient and provider education.
- f. Network pharmacy management, including a 90 day retail network.
- g. Formulary management and rebate administration.
- h. Systematic prospective, concurrent, and retrospective drug utilization review.
- i. Clinical management programs including prior authorization and appeals processing.
- j. Fraud, waste, and abuse detection and prevention programs.
- k. Mail order and specialty pharmacy services.
- l. Dedicated, knowledgeable, and accessible member support services.
- m. Secure and multifunctional member website that allows convenient access to enrollment and plan information.

³ This is a general list of services. Details are set forth in the minimum qualifications and questionnaire sections.

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- n. Meaningful and timely management reporting.
- o. Integration with the State’s medical and wellness programs and providers for utilization/care/disease management, medical health savings account (HSA), as applicable.
- p. Dedicated, expert, and accessible account management staff.
- q. Support for all program related member communications including open enrollment, direct mailings, and other types of media.
- r. Superior program implementation support.
- s. Provide rebate reporting by individual drug and drug class can be shared on all drugs and drug classes
- t. Actively and proactively engage in cost savings conversations and programs to lower prescription pricing

For a more detailed Scope of Services, please refer to the Response to Scope of Services Questionnaire (“Questionnaire”) contained at Attachment 22.

III. Required Information

The following information shall be provided in each proposal in the order listed below. Failure to respond to any request for information within this proposal may result in rejection of the proposal at the sole discretion of the State.

A. MINIMUM REQUIREMENTS -

#	Minimum Requirement
1	Clarification as to whether or not you are bidding on commercial or EGWP or both.
2	Confirm ability to process prescription claims on July 1, 2026 for the non-Medicare population and on January 1, 2027 for the Medicare Part D EGWP population.
3	Confirm agreement to accept the data elements in the file feeds from Highmark and Aetna along with claims data to be sent to DHIN and the State’s data warehouse vendor – see Attachment 1 for all file layouts. Changes, either of a data type or addition of a data type, may not be accepted. Be sure to detail any potential expectations for changes.
4	The State of Delaware is not interested in contracting for any arrangement that would force the State to give up any decision-making control over the administrative or clinical management of their pharmacy benefits program. Today, the State has decision-making authority to determine which programs and services are provided to their population by the incumbent PBM; the State also has the ability to make exceptions to plan coverage determinations. Please confirm that your proposed PBM services will allow the State to retain this level of decision-making authority over the pharmacy benefits provided under the State Group Health Plan.

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#	Minimum Requirement
5	Confirm that the State shall maintain the ability to carve-out specialty dispensing and management to an outside best practice carrier of their choice should the State decide to take an alternative specialty approach
6	Confirm your organization will provide a pricing offer that will be separate for Commercial and EGWP populations (i.e., the Commercial offer will not assume the EGWP population is implemented, and vice versa)
7	Confirm your organization has reviewed the applicable legislation requirements in Attachment 23. Confirm your organization will comply with all applicable current state and federal pharmacy laws and regulations effective on or before the effective date of the contract(s) to be awarded from this RFP. As part of your response, provide a concise explanation of the impact pending legislation may have, if passed, on your ability to meet the minimum requirements.
8	Confirm your organization will comply with all state and federal Pharmacy legislation including all CMS-mandated requirements for EGWP.
9	<u>Third Party Agreements:</u> For the purposes of data sharing, including eligibility and claims information, confirm that you will agree to enter Third Party Agreements with Highmark, Aetna, DHIN and Merative (data warehouse services).
10	Confirm your organization is a licensed Pharmacy Benefits Manager (PBM), with a minimum of 3 consecutive years of experience providing the Scope of Services requested in this Request for Proposal (RFP) (e.g., commercial and EGWP). Additionally, PBM complies with all provisions of Delaware law regarding licensing of PBM (HB 194).
11	Confirm if bidding on the Commercial contract, that your organization has at least 200,000 members across your full book of business for which you are providing similar Commercial PBM member services as outlined in this RFP.
12	Confirm if bidding on the EGWP contract, that your organization has at least 60,000 members across your full book of business for which you are providing similar EGWP PBM member services as outlined in this RFP.
13	Confirm your organization has experience managing pharmacy benefit services for at least 3 large and complex clients similar to the State. This cannot include health plans. Please provide additional detail of the large and complex clients you currently service, including experience managing pharmacy benefits for clients in the public sector.
14	Confirm your organization will assign an Account Executive and Account Manager if awarded the State business, each with a minimum of 5 years' experience in the healthcare industry, either working for a health insurer or PBM, and having worked with clients of similar size and complexity. In addition, confirm that the proposed account executive and account manager will have worked for your organization a minimum of 3 years in their current role.

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#	Minimum Requirement
15	<p>Confirm your organization will agree to pass through 100% of all rebates received from pharmaceutical manufacturers as a result of the State utilization, including manufacturer administration fees. “Rebate” means a discount or other price concession, or a payment that is:</p> <p>(i) based on utilization of a prescription drug; and</p> <p>(ii) that is paid by a manufacturer or third party, directly or indirectly, to a pharmacy benefits manager, pharmacy services administrative organization, or pharmacy on or after a claim has been processed and paid.</p> <p>“Rebate” “Rebate” means a discount or other price concession, or a payment that is: (i) based on utilization of a prescription drug; and (ii) that is paid by a manufacturer or third party, directly or indirectly, to a pharmacy benefits manager, pharmacy services administrative organization, or pharmacy on or after a claim has been processed and paid. “Rebate” includes without limitation incentives, disbursements, and reasonable estimates of a volume-based discount.</p>
16	<p>Confirm that your organization will provide an acquisition cost/cost plus pricing proposal to the State. An acquisition cost pricing proposal should include those medications dispensed at Mail Order and Specialty and the full pass-through of all pricing components, with minimum guarantees.</p>
17	<p>Confirm that your organization will provide a transparent cost pricing proposal to the State. A transparent pricing proposal should include the full pass-through of all retail and should also include rebate components from all channels including retail, mail order, and specialty, with minimum guarantees</p>
18	<p>Confirm your organization will allow the State the right to audit all aspects of the State’s pharmacy program managed by you with an auditor of the State’s choosing including, but not limited to, financial terms, claims payments, the specialty program, service agreements, administration, guarantees, ability to view pharmaceutical contracts and all transparent and pass-through components including rebates as defined above in 15 and acquisition cost pricing, as applicable.</p>
19	<p>Confirm your organization owns its rebate contracts directly with pharmaceutical manufacturer companies and does not use a rebate aggregator OR if an aggregator is utilized, rebate contracts will be fully auditable with up to 20 pharmaceutical manufacturers.</p>
20	<p>Confirm your organization will provide reporting on the acquisition cost of all claims dispensed under the plan, even if the State does not implement an acquisition cost arrangement.</p>
21	<p>Rebate guarantee modifications of the contract will not be allowed unless the State changes to the formulary result in a 10% or greater loss in total rebates. Any changes to the rebate guarantee, based on the State’s changes to the formulary, will be based on the actual reductions in rebate revenues related to that decision and will be fully supported by documentation made available to the State and its consultant by the PBM on a prospective basis only. Please confirm your understanding of this requirement.</p>
22	<p>Confirm your organization’s understanding that the State may audit all components of the plan at any time after the effective date of the contract including up to 3 years following the termination of the prescription benefit agreement at no cost to the State. The review of all aspects of the pharmacy program may include, but will not be limited to: paid claims, the claim processing system, rebate agreements, performance guarantees, retail network, acquisition pricing, Medicare Part D</p>

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#	Minimum Requirement
	reconciliations, transparency, pricing benchmarks (e.g., AWP source), onsite assessments and customer service call monitoring.
23	Confirm your organization will provide NDC-9 rebate reporting in accordance with the definition of rebates as defined above in 15.
24	Confirm that your organization has experience in providing Pharmacy Benefit Management Services for large municipalities and State governments or has similar experience in depth and scope of services in the private sector.
25	Confirm your organization shall provide Delaware license(s) and/or certification(s) necessary to perform services as identified in the scope of work. Prior to the execution of an award document, the successful vendor shall either furnish the State with proof of State of Delaware Business Licensure or initiate the process of application where required.
26	Confirm your organization shall provide responses to the Request for Proposal (RFP) scope of work and clearly identify capabilities as presented in the General Evaluation Requirements below.
27	Confirm your organization shall complete all appropriate attachments and forms as identified within the RFP.
28	Proof of insurance and amount of insurance shall be furnished to the Agency prior to the start of the contract period and shall be no less than as identified in the bid solicitation, Section V, Item G, subsection 7 (insurance).

B. GENERAL EVALUATION REQUIREMENTS

1. Financial Terms
2. Compliance With State Legislation
3. Audit Rights, Transparency and Flexibility
4. Experience and Qualifications
5. Administrative Services
6. Ability and Capacity to Provide Requested Services
7. Network and Formulary
8. Responsiveness

IV. Professional Services RFP Administrative Information

A. RFP Issuance

1. Public Notice

Public notice has been provided in accordance with 29 *Del. C.* [§ 6981](#).

2. Obtaining Copies of the RFP

This RFP is available in electronic form through the State of Delaware Procurement website at <https://bids.delaware.gov/>. Paper copies of this RFP will not be available.

3. Assistance to Vendors with a Disability

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Vendors with a disability may receive accommodation regarding the means of communicating this RFP or participating in the procurement process. For more information, contact the Designated Contact(s) no later than ten days prior to the deadline for receipt of proposals.

4. RFP Designated Contacts

All requests, questions, or other communications about this RFP shall be made in writing as set forth more fully herein. Address all communications to the person listed below or through ProposalTech via the Messaging function; communications made to other State of Delaware personnel – including members of the SEBC and the Proposal Review Committee – or attempting to ask questions by phone or in person will not be allowed or recognized as valid and may disqualify the vendor. Vendors should rely only on written statements issued by the RFP Designated Contact(s).

PAMELA BARR
State of Delaware
Department of Human Resources, SBO
841 Silver Lake Blvd, Suite 100
Dover, DE 19904
pamela.barr@delaware.gov

To ensure that written requests are received and answered in a timely manner, electronic mail (e-mail) correspondence is acceptable, but other forms of delivery, such as postal and courier services can also be used.

5. Consultants and Legal Counsel

The State may retain consultants or legal counsel to assist in the review and evaluation of this RFP and the vendors' responses. Except as specifically set forth in this RFP, vendors shall not contact the State's consultant(s) on any matter related to the RFP. Vendors shall not contact the State's legal counsel on any matter related to the RFP.

6. Contact with State Employees

Direct contact with State of Delaware employees or personnel – including members of the SEBC and the Proposal Review Committee – other than the State of Delaware Designated Contact(s) regarding this RFP is expressly prohibited without prior consent. Vendors directly contacting such individuals risk elimination of their proposal from further consideration. Exceptions exist only for organizations currently doing business in the State who require contact in the normal course of doing that business.

7. Organizations Ineligible to Respond

Any individual, business, organization, corporation, consortium, partnership, joint venture, or any other entity including subcontractors currently debarred or suspended is ineligible to respond to the RFP. Any entity ineligible to conduct business in the State of Delaware for any reason is ineligible to respond to the RFP.

8. Exclusions

The State of Delaware reserves the right to refuse to consider any proposal from a vendor who:

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- a. Has been convicted for commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of the contract or subcontract;
- b. Has been convicted under State or federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or other offense indicating a lack of business integrity or business honesty that currently and seriously affects responsibility as a State vendor;
- c. Has been convicted or has had a civil judgment entered for a violation under State or federal antitrust statutes;
- d. Has violated contract provisions such as;
 - 1) Known failure without good cause to perform in accordance with the specifications or within the time limit provided in the contract; or
 - 2) Failure to perform or unsatisfactory performance in accordance with terms of one or more contracts;
- e. Has violated ethical standards set out in law or regulation; and
- f. Any other cause listed in regulations of the State of Delaware determined to be serious and compelling as to affect responsibility as a State contractor, including suspension or debarment by another governmental entity for a cause listed in the regulations.

B. RFP Submissions

1. Acknowledgement of Understanding of Terms

By submitting a proposal, each vendor shall be deemed to acknowledge that it has carefully read all sections of this RFP, including all forms, schedules and exhibits hereto, and has fully informed itself as to all existing conditions and limitations.

2. Proposals

To be considered, all proposals must be submitted in writing and respond to the items outlined in this RFP. The State of Delaware reserves the right to reject any non-responsive or non-conforming proposals. Each proposal must be submitted electronically using the Proposal Technologies Network, Inc. (ProposalTech) application, no later than 1:00 p.m. ET on Friday September 12, 2025. Any proposal received after this date and time shall not be considered. The contents of any proposal shall not be disclosed as to be made available to competing entities during the negotiation process. Upon receipt of vendor proposals, each vendor shall be presumed to be thoroughly familiar with all specifications and requirements of this RFP. The failure or omission to examine any form, instrument, or document shall in no way relieve vendors from any obligation in respect to this RFP.

a. General Directions for Electronic Submission

The RFP process is being conducted electronically using the ProposalTech application. The official proposal submission process is via ProposalTech.

For any organization that may be unfamiliar with this Web-based tool, ProposalTech representatives will schedule training sessions at your convenience. In advance of the accessing the electronic Questionnaire (Attachment 22) on the ProposalTech website, you may view an online training demo of the system and its functionality. This demo takes approximately five minutes and will improve your understanding of the system's

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functionality. Click on the link below to view the flash demo:
http://www.proposaltech.com/help/docs/response_training_798x599.htm.

If you have any questions regarding the registration process or have technical questions specific to ProposalTech, contact ProposalTech Support at (877) 211-8316 x84.

b. Accessing the electronic Questionnaire

In order to register for the Questionnaire (Attachment 22), go to
<http://www.proposaltech.com/home/app.php/register>.

Enter your email address into the field provided. No registration code is necessary. Click “Begin Registration.” If you already have an account with ProposalTech, it will be listed on the registration page. If you do not, you will be asked to provide company information. Once your account has been confirmed, check the appropriate box for the “SOD PBMRF” and click the “Register” button. An invitation will be emailed to you within fifteen minutes. If you have any questions regarding the registration process, contact ProposalTech Support at (877) 211-8316 x84.

The primary contact should access the website to initiate review and acceptance of the Questionnaire as noted above. Primary contacts will be responsible for establishing permission to access the Questionnaire for other individuals within their organizations. Multiple users from your organization may access the Questionnaire simultaneously.

Detailed instructions for the completion and submission of your Questionnaire responses will be found in the RFP. ProposalTech will be available to assist you with technical aspects of utilizing the system.

If you would like to schedule a ProposalTech training session please contact ProposalTech at (877) 211-8316, choose option 4, or send an email to support@proposaltech.com.

c. Attachments and Appendices

Some of the attachments and appendices require a Non-Disclosure Agreement (“NDA”). The NDA has been provided as Attachment 9 and must be signed and returned after your organization submits your Intent to Submit Proposal (see Section VI.D for instructions on submitting your Intent to Submit Proposal). After indicating the data destruction term and signing the NDA, scan all the pages of the NDA and send a PDF of the executed NDA via email to Pamela Barr (pamela.barr@delaware.gov).

d. Directions for the Redacted Electronic Copy, if applicable

- i. Electronic submissions must include a separate copy of the proposal containing redactions of information designated as confidential business information as defined herein– together with a letter from legal counsel – pursuant to and as set forth more fully in Section IV.B.2, if applicable. The State is not responsible for incorrect redactions or reviewing your submission to determine whether or not the information

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asserted as confidential business information is redacted. Mistakes in redactions are the sole responsibility of the interested vendor.

- ii. **PDF** – A *complete* electronic copy of your entire redacted RFP response is needed in a PDF format; please do not submit only the pages that contain redactions. ProposalTech has functionality that allows you to download a PDF copy of your entire proposal so you can redact any information you assert to be confidential business information. If you have any questions regarding how to download a copy of your entire proposal, please contact ProposalTech Support at (877) 211-8316 x84. You must include all the documents as directed above in the *General Directions for Electronic Submission* above. For large sections or appendices, please include a sheet that identifies the material and the basis for the redaction, not pages of black redactions.

e. Follow-Up Responses and Finalist Presentations

- i. The same format requirements apply to follow-up responses and presentation materials. **If information in any of the follow-ups and presentation matches the type that was requested for a confidential business information determination, you must upload an updated redacted electronic version of the document(s), together with a letter from your legal counsel containing the information required in Section IV.B.2.**
- ii. Finalist Presentation – You will be asked for a non-redacted electronic copy that includes PDFs of any supplemental materials or handouts.
- iii. If there is a new type of information that was not included in your original proposal and you assert to be confidential business information, you must submit a new redacted copy – together with a new letter from your legal counsel – consistent with the requirements contained herein and in Section IV.B.2.

3. Proposal Modifications

Any changes, amendments or modifications to a proposal must be made in writing, submitted in the same manner as the original response and conspicuously labeled as a change, amendment, or modification to a previously submitted proposal. Changes, amendments, or modifications to proposals shall not be accepted or considered after the hour and date specified as the deadline for submission of proposals.

4. Proposal Costs and Expenses

The State will not pay any costs incurred by any vendor associated with any aspect of responding to this solicitation, including proposal preparation, printing or delivery, attendance at vendor's conference, system demonstrations or negotiation process.

5. Proposal Expiration Date

Prices quoted in the proposal shall remain fixed and binding on the vendor at least through 6/30/26 for Commercial Plan and 12/31/26 for the EGWP plan. The State reserves the right to ask for an extension of time if needed.

6. Late Proposals

Proposals received after the specified date and time will not be accepted or considered. Evaluation of the proposals is expected to begin shortly after the proposal due date. To document compliance with the deadline, the proposal will be date and time stamped electronically in ProposalTech.

7. Proposal Opening

The State of Delaware will receive proposals until the date and time shown in this RFP. There will be no public opening of proposals, but a public log will be kept of the names of all vendor organizations that submitted proposals. The contents of any proposal shall not be disclosed in accordance with Executive Order #31 and Delaware Code.

8. Non-Conforming Proposals

Non-conforming proposals will not be considered. Non-conforming proposals are defined as those that do not meet the requirements of this RFP. The determination of whether an RFP requirement is substantive, or a mere formality shall reside solely with the State.

9. Concise Proposals

The State discourages overly lengthy and costly proposals. It is the desire that proposals be prepared in a straightforward and concise manner. Unnecessarily elaborate brochures or other promotional materials beyond those sufficient to present a complete and effective proposal are not desired. The State's interest is in the quality and responsiveness of the proposal.

10. Realistic Proposals

It is the expectation of the State that vendors can fully satisfy the obligations of the proposal in the manner and timeframe defined within the proposal. Proposals must be realistic and must represent the best estimate of time, materials and other costs including the impact of inflation and any economic or other factors that are reasonably predictable.

The State shall bear no responsibility or increase obligation for a vendor's failure to accurately estimate the costs or resources required to meet the obligations defined in the proposal.

11. Confidentiality of Documents

The State of Delaware and its constituent agencies are required to comply with the State of Delaware Freedom of Information Act⁴, 29 *Del. C.* § 10001, et seq. ("FOIA"). FOIA requires that the State of Delaware's records are public records (unless otherwise declared by FOIA or other law to be exempt from disclosure) and are subject to inspection and copying by any person upon a written request. All proposals are subject to FOIA's public disclosure obligations.

The State of Delaware wishes to create a business-friendly environment and procurement process. As such, the State of Delaware respects the vendor community's desire to protect its intellectual property, trade secrets, and confidential business information (collectively referred to herein as "confidential business information"). Proposals must contain sufficient

⁴ Additional information on the State of Delaware Freedom of Information Act is available at [Delaware Code Online](#).

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information to be evaluated. If a vendor feels that they cannot submit their proposal without including confidential business information, they must adhere to the following procedure, or their proposal may be deemed unresponsive, may not be recommended for selection, and any applicable protection for the vendor's confidential business information may be lost.

In order to allow the State to assess its ability to protect a vendor's confidential business information, vendors will be permitted to identify appropriate portions of their proposal as confidential business information.

Vendor(s) may submit portions of a proposal considered to be confidential business information in a separate pdf containing "Confidential Business Information" in the document title and include the specific RFP number. The submission must include a letter from the vendor's legal counsel describing the information designated as confidential business information representing in good faith that the information is not "public record" as defined by 29 Del. C. § 10002, and briefly stating the reasons that each document or portion thereof meets the said definitions.

If a vendor is providing any information that the vendor designates as confidential business information for the purpose of exclusion from the public record under 29 Del. C. § 10002, Delaware Freedom of Information Act, the vendor must follow the directions for submission outlined herein and within Section IV.B.2. A vendor's allegation as to its confidential business information shall not be binding on the State. The State shall independently determine the validity of any vendor designation as set forth in this section. Any vendor submitting a proposal or using the procedures discussed herein expressly accepts the State's absolute right and duty to independently assess the legal and factual validity of any information designated as confidential business information. Accordingly, vendor(s) assume the risk that confidential business information included in a proposal may enter the public domain.

12. Multi-Vendor Solutions (Joint Ventures)

Multi-vendor solutions (joint ventures) will be allowed only if one of the venture partners is designated as the "**prime contractor**". The "**prime contractor**" must be the joint venture's contact point for the State of Delaware and be responsible for the joint venture's performance under the resulting contract, including all project management, legal and financial responsibility for the implementation of all vendor systems. If a joint venture is proposed, a copy of the joint venture agreement clearly describing the responsibilities of the partners must be submitted with the proposal. Services specified in the proposal shall not be subcontracted without prior written approval by the State, and approval of a request to subcontract shall not in any way relieve the vendor of responsibility for the professional and technical accuracy and adequacy of the work. Further, vendor shall be and remain liable for all damages to the State caused by negligent performance or non-performance of work by its subcontractor or its sub-subcontractor.

Multi-vendor proposals must be a consolidated response with all cost included in the cost summary. Where necessary, RFP response pages are to be duplicated for each vendor.

a. Primary Vendor

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The State expects to negotiate and contract with only one “prime vendor”. The State of Delaware will not accept any proposals that reflect an equal teaming arrangement or from vendors who are co-bidding on this RFP. The prime vendor will be responsible for the management of all subcontractors.

Any contract that may result from this RFP shall specify that the prime vendor is solely responsible for fulfillment of any contract with the State as a result of this procurement. The State will make contract payments only to the awarded vendor. Payments to any-subcontractors are the sole responsibility of the prime vendor (awarded vendor).

Nothing in this section shall prohibit the State from the full exercise of its options under Section IV.B.17 regarding multiple source contracting.

b. Sub-Contracting

The vendor selected shall be solely responsible for contractual performance and management of all subcontract relationships. The resulting contract may allow subcontracting assignments; however, vendors assume all responsibility for work quality, delivery, installation, maintenance, and any supporting services required by a subcontractor.

Use of subcontractors must be clearly explained in the proposal, and major subcontractors must be identified by name. **The prime vendor shall be wholly responsible for the entire contract performance whether or not subcontractors are used.** Any sub-contractors must be approved by the State.

c. Multiple Proposals

A primary vendor may not participate in more than one proposal in any form. Sub-contracting vendors may participate in multiple joint venture proposals.

13. Sub-Contracting

The vendor selected shall be solely responsible for contractual performance and management of all subcontract relationships. The resulting contract may allow subcontracting assignments; however, vendors assume all responsibility for work quality, delivery, installation, maintenance, and any supporting services required by a subcontractor.

Use of subcontractors must be clearly explained in the proposal, and subcontractors must be identified by name. Any sub-contractors must be approved by the State.

14. Discrepancies and Omissions

Each vendor is fully responsible for the completeness and accuracy of its proposal, and for examining this RFP and all addenda. Failure to do so will be at the sole risk of the vendor.

Should a vendor find discrepancies, omissions, unclear or ambiguous intent or meaning, or should any questions arise concerning this RFP, the vendor shall notify the State of such findings in writing at least ten (10) calendar days before the proposal opening by submitting the RFP Discrepancies, Revisions, and Omissions Tracking Chart, Attachment 10 via the

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messaging function in ProposalTech. This will allow issuance of any necessary addenda. It will also help prevent the opening of a defective proposal and exposure of vendor's proposal upon which award could not be made. All unresolved issues should be addressed in the proposal.

Protests based on any omission or error, or on the content of the solicitation, will be disallowed if these faults have not been brought to the attention of the State, in writing, at least ten (10) calendar days prior to the time set for opening of the proposals as set forth herein.

a. RFP Question and Answer Process

The State will allow written requests for clarification of the RFP. All questions shall be received no later than **Wednesday, August 27, 2025 at 9:00 am** through the messaging feature in Proposal Tech. All questions will be consolidated into a single set of responses and posted in ProposalTech and on the State's website at bids.delaware.gov by **Wednesday, September 3, 2025**. Vendor names will be removed from questions in the responses released. Questions should be submitted in the following format. Deviations from this format will not be accepted.

- Section number
- Paragraph number
- Page number
- Text of passage being questioned

15. State's Right to Reject Proposals

The State reserves the right to accept or reject any or all proposals or any part of any proposal, to waive defects, technicalities or any specifications (whether they be in the State of Delaware's specifications or vendor's response), to sit and act as sole judge of the merit and qualifications of each product offered, or to solicit new proposals on the same project or on a modified project which may include portions of the originally proposed project as the State may deem necessary in the best interest of the State of Delaware.

16. State's Right to Cancel Solicitation

The State reserves the right to cancel this solicitation at any time during the procurement process, for any reason or for no reason. The State makes no commitments expressed or implied, that this process will result in a business transaction with any vendor.

This RFP does not constitute an offer by the State. A vendor's participation in this process may result in the State selecting the organization to engage in further discussions and negotiations toward execution of a contract. The commencement of such negotiations does not, however, signify a commitment by the State to execute a contract nor to continue negotiations. The State may terminate negotiations at any time and for any reason, or for no reason.

17. State's Right to Award Multiple Source Contracting

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Pursuant to 29 *Del. C. § 6986*, the State may award a contract for a particular professional service to two or more vendors if the State makes a determination that such an award is in the best interest of the State of Delaware.

18. Potential Contract Overlap

Vendors shall be advised that the State, at its sole discretion, shall retain the right to solicit for goods and/or services as required by its agencies and as it serves the best interest of the State of Delaware. As needs are identified, there may exist instances where contract deliverables, and/or goods or services to be solicited and subsequently awarded, overlap previous awards. The State of Delaware reserves the right to reject any or all proposals in whole or in part, to make partial awards, to award to multiple vendors during the same period, to award by types, on a zone-by-zone basis or on an item-by-item or lump sum basis item by item, or lump sum total, whichever may be most advantageous to the State of Delaware.

19. Supplemental Solicitation

The State reserves the right to advertise a supplemental solicitation during the term of the Agreement if deemed in the best interest of the State of Delaware.

20. Notification of Withdrawal of Proposal

A vendor may modify or withdraw its proposal by written request, provided that both proposal and request is received by the State prior to the proposal due date in order to be considered further.

Proposals become the property of the State of Delaware at the proposal submission deadline. All proposals received are considered firm offers at that time.

21. Revisions to the RFP

If it becomes necessary to revise any part of the RFP, an addendum will be posted on the State of Delaware's website at bids.delaware.gov. The State of Delaware is not bound by any statement related to this RFP made by any State of Delaware employee, contractor or its agents.

22. Exceptions to the RFP

Any exceptions to the RFP, or the terms and conditions, must be recorded on Attachment 3. Acceptance of exceptions is within the sole discretion of the State.

23. Business References

Provide at least six (6) business references consisting of three (3) current and three (3) previous customers of similar scope and value using Attachment 5. Include business name, mailing address, contact name and phone number, number of years doing business with, and type of work performed. Personal references cannot be considered.

24. Award of Contract

The final award of a contract is subject to approval by the SEBC. The SEBC has the sole right to select the successful vendor(s) for award, to award a contract to other than the lowest priced proposal, to award multiple contracts, or not to award a contract, as a result of this RFP.

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Notice in writing to a vendor of the acceptance of its proposal by the State and the subsequent full execution of a written contract with DHR will constitute a contract, and no vendor will acquire any legal or equitable rights or privileges until the occurrence of both such events.

a. RFP Award Notifications

After reviews of the evaluation committee report and its recommendation, and once the contract terms and conditions have been finalized, the SEBC may award the contract.

The contract shall be awarded to the vendor whose proposal is most advantageous to the State, taking into consideration the evaluation factors set forth in the RFP.

It should be explicitly noted that the SEBC is not obligated to award the contract to the vendor who submits the lowest bid or the vendor who receives the highest total point score, rather the contract will be awarded to the vendor whose proposal is the most advantageous to the State of Delaware. The award is subject to the appropriate SEBC approvals.

After a final selection is made, the winning vendor will be invited to negotiate a contract with DHR on behalf of the SEBC; remaining vendors will be notified in writing of their selection status.

25. Cooperatives

Vendors who have been awarded similar contracts through a competitive bidding process with a cooperative are welcome to submit the cooperative pricing for this solicitation. **State of Delaware terms will take precedence.**

26. Non-Collusion Statement

Vendors will be required to submit a Non-Collusion Statement (Attachment 2) and include it in the proposal package via ProposalTech.

C. RFP Evaluation Process

- The State shall make an initial determination regarding which vendors meet the minimum requirements pursuant to selection criteria of the RFP and procedures established in 29 *Del. C.* §§ [6981](#) and [6982](#). Professional services for this solicitation are considered under 29 *Del. C.* § 6982(b). The State may negotiate with one or more vendors during the same period and may, at its discretion, terminate negotiations with any or all vendors.
- The State of Delaware reserves full discretion to determine the competence and responsibility, professionally and/or financially, of vendors. Vendors are to provide in a timely manner any and all information that the State of Delaware may deem necessary to make a decision.

1. Proposal Review Committee

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The Proposal Review Committee (“PRC”) may be comprised of individuals and agency representatives as follows⁵:

- Lieutenant Governor’s Office
- State Insurance Commissioner’s Office
- Chief Justice of the Supreme Court
- State Treasurer’s Office
- Office of Management and Budget
- Department of Human Resources
- Department of Health and Social Services
- Two residents of the State who are eligible pensioners under 29 *Del. C.* § 5201
- Two members, from among the following persons:
 - President of the Delaware State Education Association
 - Executive Director of the American Federation of State, County and Municipal Employees
 - President of the Correctional Officers Association of Delaware
 - President of the Delaware State Trooper Association
- Controller General’s Office

The PRC will evaluate proposals that meet the minimum requirements on a variety of quantitative criteria. Neither the lowest price nor highest scoring proposal will necessarily be selected.

The PRC shall make a recommendation regarding the award to the SEBC, which shall have final authority, subject to the provisions of this RFP and 29 *Del. C.* § 6982(b), to award a contract to the successful vendor in the best interests of the State of Delaware.

2. Proposal Selection Criteria

The PRC shall assign up to the maximum number of points for each Evaluation Item to each of the proposing vendor’s proposals. All assignments of points shall be at the sole discretion of the PRC.

The proposals shall contain the essential information on which the award decision shall be made. The information required to be submitted in response to this RFP has been determined by the State to be essential for use by the PRC in the proposal evaluation and award process. Therefore, all instructions contained in this RFP shall be met in order to qualify as a responsive and responsible vendor and participate in the PRC’s consideration for award. Proposals which do not meet or comply with the instructions of this RFP may be considered non-conforming and deemed non-responsive and subject to disqualification at the sole discretion of the State.

⁵ Delaware Code reference for committee members <https://delcode.delaware.gov/title29/c096/index.html>

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The PRC reserves the right to:

- Select for contract or for negotiations a proposal other than that with lowest costs.
- Reject any and all proposals or portions of proposals received in response to this RFP or to make no award or issue a new RFP. The State makes no commitments, expressed or implied, that this process will result in a business transaction with any vendor.
- Waive or modify any information, irregularity, or inconsistency in proposals received.
- Request modification of proposals from any or all vendors during the contract review and negotiation.
- Negotiate any aspect of the proposal with any vendor and negotiate with more than one vendor at the same time. This includes discussions and negotiations regarding price, performance guarantees, and other matters may be conducted with vendors who submit proposals determined to be reasonably acceptable of being selected for award, but proposals may be accepted without such discussions. The PRC reserves the right to further clarify and/or negotiate with the vendors following completion of the evaluation of proposals but prior to contract execution, if deemed necessary by the State of Delaware. ***If any portion of a proposal does not receive a clarifying question or any other response from the State of Delaware, the non-response does not infer acceptance of that portion of the proposal by the State of Delaware.*** The State also reserves the right to move to other vendors if negotiations do not lead to a final contract with the initially selected vendor. The PRC reserves the right to negotiate or recommend negotiations with the proposing firm(s) on any matter submitted.
- Consider historical information regarding the vendor, whether gained from the vendor's proposal, question and answer conferences, references, or any other source during the evaluation process.

Criteria Weight

All proposals shall be evaluated using the same criteria and scoring process. The following criteria shall be used by the PRC to evaluate proposals:

Because a vendor may submit a proposal for either Commercial, EGWP or both programs, each program's proposals will be evaluated by the PRC and scored separately.

Topic	Points	Description/Examples
Responsiveness	5	<ul style="list-style-type: none">• Compliance with the submission requirements of the bid including format, clarity, conformity, realistic responses, and completeness, as well as responsiveness to requests during the evaluation process.
Financial Terms/ Cost	40	<ul style="list-style-type: none">• Competitive discounts, rebate guarantees, and administrative fees. Cost considerations will include both commercial and EGWP competitive pricing.• Offer comparable performance guarantees and fees at risk for vendor's performance in administering the program.

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Topic	Points	Description/Examples
Network and Formulary	15	<ul style="list-style-type: none"> Convenient retail pharmacy network, including a 90-day supply retail network, and formulary that balances comprehensive coverage and cost management.
Administrative Services	5	<ul style="list-style-type: none"> Accomplished and experienced account management personnel with the ability to be responsive and solve problems for the Statewide Benefits Office staff. Qualifications and experience of the organization's personnel to provide excellent customer service to the participants.
Audit Rights, Transparency and Flexibility	15	<ul style="list-style-type: none"> Ability to be compliant with requested audit rights and transparency terms as stated in the Minimum Bid Requirements. . Flexibility to implement desired plan components - formulary, network, plan design, utilization management and clinical programs.
Ability and Capacity to Provide Requested Services	20	<ul style="list-style-type: none"> Prior experience in providing Scope of Services, managing clients of similar size and complexity to the State, ability to duplicate existing plan designs and match existing clinical programs Ability to duplicate existing plan designs and match existing clinical programs. Proven ability to implement the program with minimal disruption to participants. Outstanding references that demonstrate an ability to meet the State's needs

Vendors are encouraged to review the evaluation criteria and to provide a response that addresses each of the scored items. Evaluators will not be able to make assumptions about a vendor's capabilities so the responding vendor should be detailed in their proposal responses.

3. Proposal Clarification

The PRC may contact any vendor in order to clarify uncertainties or eliminate confusion concerning the contents of a proposal. Proposals may not be modified as a result of any such clarification request.

4. References

The State may contact any customer of the vendor, whether or not included in the vendor's reference list, and use such information in the evaluation process. Additionally, the State of Delaware may choose to visit existing installations of comparable systems, which may or may not include vendor personnel. If the vendor is involved in such site visits, the State of Delaware will pay travel costs only for State of Delaware personnel for these visits.

5. Oral Presentations/Interviews

After an initial determination that vendor(s) are qualified to perform the required services, selected vendors may be invited to make oral presentations/ interview with the PRC. This may be done in person in Dover, Delaware or virtually at the discretion of the SEBC and PRC.

The selected vendors will have their oral presentations/interviews scored or ranked based on their ability to successfully meet the needs of the contract requirements, successfully demonstrate their product and/or service, and respond to questions about the solution capabilities.

The vendor representative(s) attending the oral presentation/interview shall be technically qualified to respond to questions related to the proposed system and its components. All of the vendor's costs associated with participation in oral presentations/interviews and system demonstrations conducted for the State of Delaware are the vendor's responsibility.

A summary of each vendor finalist's proposal will be provided to the PRC in advance of the finalist oral presentations/interviews. Each vendor's oral presentation must be submitted before the finalist meeting to ensure adequate time for review and distribution.

The primary contact and/or lead personnel assigned to the pharmacy benefits management services implementation and/or account management teams will attend the vendor interviews, if you are invited to participate. If selected as a finalist, during the finalists' presentation you will be required to provide a demonstration of the on-line tools, portal and resources, as well as any "super user" online self-service tools available to the SBO for account management