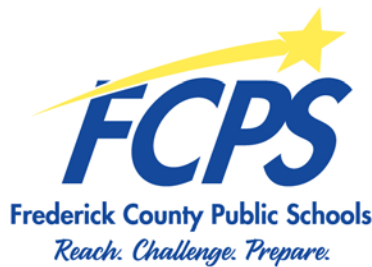


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Purchasing Agent
Shane Ryberg, Purchasing Agent

ADDENDUM

December 19, 2018

ADDENDUM # 2

RFP 19MISC4, Prescription Drug Benefits for Employees of FCPS

DUE DATE & TIME: FCPS Main Lobby, Tuesday, January 8, 2019, prior to and time stamped no later than 2:00 P.M.

This addendum is being issued to provide additions, corrections, clarifications and answers to certain questions raised referencing the original packages and any resultant contracts for the above RFP.

1. Please note: FCPS does not pay a commission to a broker or agent for the administration of its group life insurance. As a result, no commissions will be payable by any vendor selected during this RFP process.
2. This Addendum includes the following attachment(s):
 - a. Trion Group, a Marsh & McLennan Agency – Addendum No. 2 (4 pages)
 - b. Claim Data {2-year claim history} (2 pages)
 - c. BOE Policy No. 109 – Ethics (18 pages)
 - d. Pre-Proposal Attendance Roster (2 pages)
 - e. Technical Proposal Workbook Excel File - Revised 12/11/18
 - f. Cost Proposal Workbook Excel File - Revised 12/11/18

Thank you for your interest in bidding with Frederick County Public Schools and we apologize for any inconvenience this may have caused.

Sincerely,

Kim Miskell

Kim Miskell, CSBO,
Assistant Purchasing Manager

km/ab

pc: Penny Opalka, Senior Project Manager, Human Resources
Trion: Lisa Sagnella; Jennifer Geci; Jennifer Ritchie and Daniel Burton

Bid # 19MISC4 Carrier Questions and Answers

Frederick County Public School responses to questions raised in the RFP in red font below.

1. In Section II, 11.c.ii. (Page 17) the RFP lists the Financial Questionnaire as a form that should be submitted in the Technical Proposal. Please confirm that the Financial Questionnaire should only be included in the Cost Proposal, as should all other tabs in Section II of the RFP workbook.

Confirmed, the Financial Questionnaire is a part of the Cost Proposal (Section II) of the RFP. Answers to the Financial Questionnaire will be scored as a part of the Cost Proposal.

2. In the Formulary Disruption tabs in the RFP workbook, there is a column for both an Open and a Closed formulary. Please provide your definition for a Closed and an Open formulary. If we are only proposing a Closed formulary (based on the current FCPS plan design), please confirm that the Open column (Column M) can be left blank.

Open Formulary – No limitations or exclusions on drugs.

Closed Formulary – Limitations or exclusions for certain drugs, generally allows for a more competitive pricing arrangement.

3. In the Technical Proposal instructions, Deviations to RFP states; “Any deviations must be clearly specified in a separate section of your proposal titled “Deviations to Specifications”. The Binding Proposal Acknowledgement Form also requires deviations to be outlined. Should we submit a *Deviations to Specifications* section in the Technical Proposal in addition to the completed *Binding Proposal Acknowledgement Form*?

Carriers may submit one (1) section containing all Deviations to Specifications related to their proposal. This can encompass the Deviations to Specifications required in the Binding Proposal Acknowledgement Form.

4. The Account Structure Group Codes do not map to the Benefit Plan column in the census data, so we are unable to determine which members should be classified as Commercial and EGWP in our analyses. Can you please provide a census file with an indicator for Commercial and EGWP members?

Census Key provided in the table below.

PLAN DESCRIPTION	BENEFIT PLAN	DESCRIPTION	TYPE
Medical	POSMED	Actives/COBRA	Commercial
Medical	RET01	Non-Medicare Eligible Retirees & Dependents	Commercial
Medical	RET02	Medicare Eligible Retirees & Dependents	EGWP
Medical	RET03	Retiree Medicare Eligible / Dependent	Retiree = EGWP / Dependent =

		Non-Medicare Eligible	Commercial
Medical	RET04	Retiree Non-Medicare Eligible / Dependent Medicare Eligible	Retiree = Commercial / Dependent = EGWP

5. Claim data (at least a 2 year history if available)

Provided in Excel attachment: FCPS - Rx RFP Amendment - 2 Yrs Claims.xlsx

6. EGWP Clinical Management Programs – RFP Section: Section II - COST PROPOSAL, Tab: Clinical Manage Respons (2. Incumbent data on inforce clinical programs for the EGWP was not available at the time of the RFP release. Below is the amended list of instructions and inforce program list for the EGWP Clinical / Utilization Management Response.

Instructions: For all Medicare Eligible Retirees and Medicare Eligible Dependents enrolled in the Medicare Part D Employer Group Waiver Plan (EGWP)
 See current program descriptions below.
 Your proposal must assume the duplication of these programs as closely as possible. Please clearly outline any variations from current.
 Please fill in the information requested below in the yellow highlighted columns.
 Please provide backup calculations and assumptions for estimated ROI.

Inforce Programs

- POS Safety Edits
- Retrospective DUR
- Core Retrospective Safety Review
- Core Safety and Monitoring
- Enhanced Safety and Monitoring
- Medication Therapy Management Program
- High Risk Medication (Medicare Part D)
- Pharmacy Advisor Support
 - Gaps in Care
 - Adherence to Drug Therapy
 - ReadyFill at Mail (may opt-out)
- Drug Savings Review (Retrospective only)
- Diabetic Meter (may opt-out)

7. Regarding Section 19 (Hold Harmless) of Section III, is FCPS willing to have the Hold Harmless provision read:

It is understood that the awarded vendor(s) shall defend and hold harmless the Board of Education of Frederick County, and its representatives, from all suits, actions, or claims of any kind brought about as a result of any injuries or damages sustained by person(s) or property caused by vendor’s negligence or breach of contract during the performance of this contract.

Answer: Yes, FCPS is willing to have the Hold Harmless provision read as per your addition.

8. Regarding Section 41 (Ethics Policy) of Section III, please provide a copy of the Ethics Policy.

Answer: Attached is Board of Education Policy 109, Ethics. Additionally, this Policy can be found on our webpage at <https://apps.fcps.org/legal/doc.php?number=109>.

9. The RFP refers to a Signature Acknowledgement Form that needs to be completed, including acknowledgement of receipt of Addenda. There is a Binding Proposal Acknowledgement form in the workbook which requires deviations to be outlined. Is the Signature Acknowledgement Form a separate form from the Binding Proposal Acknowledgement form? If so, please provide the Signature Acknowledgement Form.

Answer: Both the Signature Acknowledgement Form and the Binding Proposal Acknowledgement Form need to be completed and included with your proposal submission.

Pre-Bid Meeting

10. Confirm Contract Effective Date

The Contract between prospective PBMs and FCPS will be effective on July 1, 2019. The commercial prescription plan runs on a July 1, 2019 plan year. The Medicare Retiree EGWP plan runs on a January 1, 2020 plan year.

11. Confirm Bid Submission Requirements

Carriers must submit the following in accordance with the bid schedule and instructions: 1 original (hard copy), 1 copy (hard copy), 1 complete electronic version, and 1 redacted electronic version of their proposal. Redacted electronic copies must exclude all proposal information that the bidding carrier deems proprietary under a Freedom of Information Act request.

12. Confirm an open and refill file will be provided to the awarded carrier if there is a carrier change. Confirm a prior authorization file will be provided to the awarded carrier if there is a carrier change.

Yes these files will be provided if there is a carrier change.

13. If the latest date for carriers to submit questions is December 27, 2018, how quickly will FCPS respond?

FCPS will post responses to any carrier questions submitted by the deadline by January 2, 2019.

14. ACA Maximums

FCPS is a grandfathered health plan under ACA. FCPS has not had any issues with employees reaching the ACA out of pocket maximum.

15. Does FCPS have a narrow network? Does member pay 100% of cost if they do not use CVS for Maintenance Choice?

FCPS does not have a narrow network with the exception of the Maintenance Choice program under which a member must use CVS Mail Order or CVS Retail pharmacy after the 2nd fill of a 90-day script. If the member does not use a CVS retail pharmacy or mail order for Maintenance Choice, there is a rejection or denial or the member would pay 100% of the cost.

16. Formulary and Medicare EGWP

FCPS uses CVS's recommended formulary with the exception of the Medicare Retiree EGWP that follows the recommended formulary for the Commercial group, but includes drugs required by Medicare mandates. Medicare D is primary for the EGWP, FCPS's Wrap covers drugs that Medicare excludes, but are covered under the Commercial plan.

17. Specialty Pharmacy

Employees have to go through specialty pharmacy at the retail network under CVS. Specialty is exclusive with no retail fills allowed.

18. Auto Refill

Auto refills are allowed.

19. Excel Workbook Response Format

Separate Technical and Cost Workbooks are attached with this addendum.

20. Financial Questionnaire

January 1, 2014 changed to July 1, 2019 in the Cost Workbook.

21. Binding Proposal Acknowledgement

This is separate from Signature page required by FCPS. Both must be completed.

22. Supporting Documents

Requested supporting documents may be provided at the end of each carrier's proposal.

23. Enrollment

Updated census including EGWP v. Commercial indicator in the attached Technical and Cost Workbooks.

24. How many pre-65 disabled retirees are enrolled in the EGWP?

Unknown

FREDERICK COUNTY PUBLIC SCHOOLS
Commercial Plan Experience

Month	Employees/		Paid Claims
	Retirees	Members	
1/1/2015	5,538	12,731	\$1,477,613
2/1/2015	5,546	12,744	\$1,216,307
3/1/2015	5,503	12,696	\$1,506,622
4/1/2015	5,503	12,703	\$1,319,203
5/1/2015	5,482	12,681	\$1,292,539
6/1/2015	5,490	12,710	\$1,455,643
7/1/2015	5,447	12,675	\$1,304,422
8/1/2015	5,392	12,576	\$1,308,262
9/1/2015	5,494	12,781	\$1,320,153
10/1/2015	5,496	12,777	\$1,303,679
11/1/2015	5,486	12,733	\$1,272,104
12/1/2015	5,489	12,748	\$1,347,991
1/1/2016	5,490	12,779	\$1,345,978
2/1/2016	5,502	12,822	\$1,352,875
3/1/2016	5,482	12,768	\$1,506,585
4/1/2016	5,469	12,745	\$1,431,697
5/1/2016	5,452	12,744	\$1,493,238
6/1/2016	5,716	13,013	\$1,458,009
7/1/2016	5,761	13,077	\$1,461,691
8/1/2016	5,609	12,835	\$1,574,154
9/1/2016	5,773	13,180	\$1,319,144
10/1/2016	5,760	13,148	\$1,467,522
11/1/2016	5,765	13,159	\$1,410,662
12/1/2016	5,750	13,110	\$1,405,212
1/1/2017	5,750	13,118	\$1,520,158
2/1/2017	5,765	13,175	\$1,460,174
3/1/2017	5,752	13,131	\$1,600,094
4/1/2017	5,457	12,863	\$1,492,257
5/1/2017	5,445	12,863	\$1,688,226
6/1/2017	5,444	12,852	\$1,601,659
7/1/2017	5,395	12,728	\$1,600,542
8/1/2017	5,380	12,685	\$1,628,593
9/1/2017	5,588	13,114	\$1,460,328
10/1/2017	5,604	13,171	\$1,700,730
11/1/2017	5,568	13,091	\$1,625,412
12/1/2017	5,550	13,072	\$1,646,172
1/1/2018	5,540	13,078	\$1,776,312
2/1/2018	5,539	13,074	\$1,692,708
3/1/2018	5,522	13,052	\$1,709,982
4/1/2018	5,513	13,046	\$1,639,015
5/1/2018	5,501	13,029	\$1,941,292
6/1/2018	5,486	13,026	\$1,698,209
7/1/2018	5,383	12,855	\$1,749,263
8/1/2018	5,370	12,823	\$1,934,917

9/1/2018	5,601	13,197	\$1,808,920
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FREDERICK COUNTY PUBLIC SCHOOLS
EGWP Experience

Month	Retirees	Members	Paid Claims
1/1/2015	1,354	1,671	\$554,312
2/1/2015	1,366	1,687	\$507,617
3/1/2015	1,374	1,696	\$685,141
4/1/2015	1,379	1,705	\$608,990
5/1/2015	1,390	1,716	\$576,003
6/1/2015	1,396	1,721	\$670,277
7/1/2015	1,426	1,766	\$574,022
8/1/2015	1,436	1,782	\$597,826
9/1/2015	1,449	1,795	\$632,144
10/1/2015	1,452	1,805	\$652,449
11/1/2015	1,458	1,813	\$670,764
12/1/2015	1,463	1,822	\$698,374
1/1/2016	1,471	1,834	\$665,940
2/1/2016	1,482	1,848	\$534,381
3/1/2016	1,488	1,852	\$593,281
4/1/2016	1,501	1,865	\$590,636
5/1/2016	1,504	1,866	\$667,959
6/1/2016	1,509	1,870	\$708,166
7/1/2016	1,541	1,918	\$639,232
8/1/2016	1,548	1,930	\$709,573
9/1/2016	1,556	1,940	\$713,601
10/1/2016	1,564	1,950	\$698,254
11/1/2016	1,568	1,954	\$668,347
12/1/2016	1,571	1,957	\$645,811
1/1/2017	1,582	1,970	\$685,629
2/1/2017	1,596	1,984	\$682,686
3/1/2017	1,603	1,990	\$693,442
4/1/2017	1,613	2,003	\$685,073
5/1/2017	1,622	2,016	\$781,564
6/1/2017	1,623	2,020	\$780,067
7/1/2017	1,654	2,069	\$829,210
8/1/2017	1,667	2,082	\$851,551

9/1/2017	1,671	2,088	\$734,910
10/1/2017	1,679	2,096	\$835,263
11/1/2017	1,695	2,113	\$713,149
12/1/2017	1,699	2,118	\$676,439
1/1/2018	1,708	2,132	\$766,169
2/1/2018	1,721	2,147	\$730,646
3/1/2018	1,731	2,158	\$749,750
4/1/2018	1,732	2,156	\$851,791
5/1/2018	1,735	2,159	\$790,677
6/1/2018	1,739	2,165	\$729,332
7/1/2018	1,779	2,252	\$854,464
8/1/2018	1,787	2,261	\$904,152
9/1/2018	1,790	2,267	\$838,558

POLICY	BOARD OF EDUCATION OF FREDERICK COUNTY, MARYLAND
ETHICS	POLICY 109
<p>109.1 Applicability and Definitions</p> <p>109.2 Ethics Panel</p> <p>109.3 Conflicts of Interest</p> <p>109.4 Financial Disclosure – Members of the Board of Education and Candidates to be Members of the Board of Education</p> <p>109.5 Financial Disclosure – Employees</p> <p>109.6 Ethics Panel Review of Disclosure Statements</p> <p>109.7 Public Record</p> <p>109.8 Retention Requirements</p> <p>109.9 Lobbying</p> <p>109.10 Exemptions and Modifications</p> <p>109.11 Sanctions</p>	

ETHICS – STATEMENT OF PURPOSE AND POLICY

The Board of Education of Frederick County, Maryland (hereafter “Board” or “Board of Education”) recognizing that our system of representative government is dependent in part upon the people maintaining the highest trust in their public officials and employees, finds and declares that the people of Frederick County have a right to be assured that the impartiality and independent judgment of public officials and employees will be maintained.

It is evident that this confidence and trust is eroded when the conduct of public business is subject to improper influence and even the appearance of improper influence.

For the purpose of safeguarding against improper influence, the Board adopts this ethics policy to require school officials and employees to disclose their financial affairs and to set minimum standards for their conduct of school system business.

109.1 Applicability and Definitions

A. This policy applies to members of the Board of Education, candidates to be members of the Board of Education, school officials, and employees of Frederick County Public Schools (hereafter “FCPS” or “school system”).

B. Definitions

1. “Gift” means the transfer of any service or thing of economic value regardless of form without adequate and lawful consideration; it does not include a political campaign contribution regulated under the Election Law Article, Annotated Code of Maryland.

2. "Official" includes a member of the Board of Education (with the exception of the student member), an employee of the school system, and the Superintendent.

109.2 Ethics Panel

A. Administration

There shall be an Ethics Panel (hereafter "Panel") consisting of seven members. The president of the Board, assisted by the vice president or other Board member as designated, shall appoint Panel members with the concurrence of the majority of the Board. One alternate member shall be appointed by the Board to serve in the event that a voting member of the Panel cannot fulfill a three-year term.

1. Each member shall serve for a term of three years.
2. Each member shall be limited to serve two consecutive terms.
3. Upon the expiration of a Panel member's term, the Board will provide notification, when appropriate, through the local media, the FCPS television channel, or the FCPS Web site to solicit application for the membership vacancy.
4. Panel members serving in expiring terms who are eligible for reappointment will be considered for appointment, if they so indicate.
5. The Panel may be assisted in carrying out its responsibilities by the Board's attorney. In cases where the Board concludes that assistance by the Board's attorney may create a conflict of interest or the appearance of a conflict of interest and in cases where the Board's attorney disqualifies himself or herself because of a possible conflict of interest, the Panel may request permission from the Board to retain a different attorney to provide legal advice to the Panel (with the Board assuming responsibility for the costs).
6. The chief of staff and legal counsel shall serve as staff assistant to the Panel.

B. Voting

Four members of the Panel shall constitute a quorum. Motions may be adopted with the concurrence of an absolute majority (four votes) of the Panel.

C. Responsibilities

The Panel shall have the following responsibilities:

1. Elect a chairperson annually from its members.
2. Devise, receive, and maintain all forms generated by these regulations.
3. Provide advisory opinions to persons subject to the regulations as to the applicability of these provisions to them within 60 days of the written request. The form is identified as *Exhibit 1* and available to the public at the FCPS Web site.

NOTE: Advisory opinions may be made available in response to request for public records, provided identities of subjects are deleted.

4. Provide information to the general public regarding the purposes and application of these regulations.
5. Hear, process, and make findings regarding a complaint filed, in writing and under oath, by any person alleging a violation of these regulations by the Superintendent, a Board member, or a lobbyist; and to report its findings and recommendations for action to the Board, which, if it concurs with the Panel, shall take enforcement action in accordance with this policy. A complaint and/or alleged violation against any other official or employee of the school system shall be processed, heard and determined by the Superintendent with due process rights afforded under the Education Article of the Annotated Code of Maryland. The Panel (and, when applicable, the Superintendent) may dismiss a complaint if, after receiving an investigative report, it is deemed there are insufficient facts upon which to base a determination of a violation. Complaint and investigation procedures are outlined on a complaint form and identified as *Exhibit 2* and available to the public at the FCPS Web site.
6. The Panel shall certify to the State Ethics Commission on or before October 1 of each year that the Board is in compliance with the requirements of the General Provisions Article, Title 5, Subtitle 8, Annotated Code of Maryland.
7. The Panel shall determine if changes to this policy are required to be in compliance with the requirements of the General Provisions Article, Title 5, Subtitle 8, Annotated Code of Maryland, and shall forward any recommended changes and amendments to the Board for action.

109.3 Conflicts of Interest

- A. In this section, “qualified relative” means a spouse, parent, child, or sibling.
- B. Participation

Except as permitted by Board of Education policy or regulation, or in the exercise of an administrative or ministerial duty that does not affect the disposition or decision in the matter, an official may not participate in:

1. Any matter in which, to the knowledge of the official, the official or a qualified relative of the official has an interest; or
2. Any matter in which any of the following is a party:
 - a. A business entity in which the official has a direct financial interest of which the official may reasonably be expected to know;
 - b. A business entity for which the official or a qualified relative of the official is an officer, director, trustee, partner, or employee;
 - c. A business entity with which the official or, to the knowledge of the official, a qualified relative of the official is negotiating or has any arrangement concerning prospective employment;

- d. A business entity that is a party to an existing contract with the school official or which, to the knowledge of the official, a qualified relative of the official, if the contract reasonably could be expected to result in a conflict between the private interests of the official and the school system or the Board of Education duties of the official;
- e. An entity, doing business with the Board of Education or school system, in which a direct financial interest is owned by another entity in which the official has a direct financial interest, if the official may be reasonably expected to know of both direct financial interests; or
- f. A business entity that: (1) the official knows is a creditor or obligee of the official or a qualified relative of the official with respect to a thing of economic value; and (2) as a creditor or obligee, is in a position to directly and substantially affect the interest of the official or qualified relative of the official.

An official who is disqualified from participating under paragraph B.1 or B.2 of this section shall disclose the nature and circumstances of the conflict and may participate or act if:

- The disqualification leaves a body with less than a quorum capable of acting;
- The disqualified official is required by law to act; or
- The disqualified official is the only person authorized to act.

C. Employment and Financial Interests

Except as permitted by regulation of the Board of Education when the interest is disclosed or when the employment does not create a conflict of interest or appearance of conflict, an official may not:

- 1. Be employed by or have a financial interest in an entity that is:
 - a. Subject to the authority of the school system or Board of Education; or
 - b. Negotiating or has entered a contract with the school system or Board of Education; or
- 2. Hold any other employment relationship that would impair the impartiality or independence of judgment of the official.

This prohibition does not apply to:

- 1. An official whose duties are ministerial, if the private employment or financial interest does not create a conflict of interest or the appearance of a conflict of interest, as permitted in accordance with regulations adopted by the Board of Education; or
- 2. Subject to other provisions of policy, regulation and law, a member of the Board of Education in regard to a financial interest or employment held at the time of the oath of office, if the financial interest or employment was disclosed on the financial disclosure statement filed with the certificate of candidacy to be a candidate to be a member of the Board.

D. Post-Employment

1. A former official may not assist or represent any party other than the Board of Education or school system for compensation in a case, contract, or other specific matter involving the Board of Education or the school system if that matter is one in which the former official significantly participated as an official.
2. Members of the Board of Education may not be employed by FCPS for at least one year following the member's departure from the Board by resignation or the end of the member's term of office.

E. Contingent Compensation

Except in a judicial or quasi-judicial proceeding, an official may not assist or represent a party for contingent compensation in any matter before or involving the Board of Education or the school system.

F. Prestige of Office

1. An official may not intentionally use the prestige of office or public position for the private gain of that official or the private gain of another.
2. This section does not prohibit the performance of usual and customary constituent services by a member of the Board of Education without additional compensation.

G. Gifts

1. An official may not solicit any gift.
2. An official may not directly solicit or facilitate the solicitation of a gift, on behalf of another person, from an individual lobbyist.
3. An official may not knowingly accept a gift, directly or indirectly, from a person that the official knows or has reason to know:
 - a. Is doing business with or seeking to do business with the school system or Board unit with which the official is affiliated;
 - b. Is subject to the authority of the school system or Board of Education;
 - c. Is a regulated lobbyist with respect to matters within the jurisdiction of the official; or
 - d. Has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of the school system duties of the official.
4. Notwithstanding paragraph G.3 of this section, an official may accept:
 - a. Meals and beverages consumed in the presence of the donor or sponsoring entity;
 - b. Ceremonial gifts or awards that have insignificant monetary value;
 - c. Unsolicited gifts of nominal value that do not exceed \$20 in cost or trivial items of informational value;

- d. Reasonable expenses for food, travel, lodging, and scheduled entertainment of the official at a meeting which is given in return for the participation of the official in a panel or speaking engagement at the meeting;
- e. Gifts of tickets or free admission extended to members of the Board of Education to attend a charitable, cultural, or political event, if the purpose of the gift or admission is a courtesy or ceremony extended to the Board of Education;
- f. A specific gift or class of gifts which the Panel exempts from the operation of this subsection upon a finding, in writing, that acceptance of the gift or class of gifts would not be detrimental to the impartial conduct of the business of the school system or Board of Education and that the gift is purely personal and private in nature;
- g. Gifts from a person related by blood or marriage, or any other individual who is a member of the household of the official; or
- h. An honorarium for speaking to or participating in a meeting, provided that the offering of the honorarium is in no way related to the school system or Board position of the official.

5. The exceptions contained in paragraph G.4 above do not apply to a gift:

- a. That would tend to impair the impartiality and independence of judgment of the official receiving the gift;
- b. Of significant value that would give the appearance of impairing the impartiality and independent judgment of the official; or
- c. Of significant value that the recipient official believes or has reason to believe is designed to impair the impartiality and independent judgment of the official.

H. Disclosure of Confidential Information

Other than in the discharge of his/her official duties, an official may not disclose or use confidential information that the official acquired by reason of the official's public position and that is not available to the public for the economic benefit of the official or the economic benefit of another person.

I. Procurement

- 1. An individual or person that employs an individual who assists a school system or Board of Education in the drafting of specifications, an invitation for bids, or a request for proposals for a procurement, may not submit a bid or proposal for that procurement, or assist or represent another person, directly or indirectly, who is submitting a bid or proposal for the procurement.
- 2. The Panel may establish exemptions from the requirements of this section for providing descriptive literature, sole source procurements, and written comments solicited by the procuring unit of the school system.

109.4 Financial Disclosure – Members of the Board of Education and Candidates to be Members of the Board of Education

- A. This section applies to all members of the Board of Education and candidates to be members of the Board of Education.
- B. Except as provided in paragraph D.1 of this section, a member of the Board or candidate to be a member of the Board shall file the financial disclosure statement required as follows:
 - 1. On a form provided by the Panel, inclusive of information as outlined in paragraph E below;
 - 2. Under oath or affirmation; and
 - 3. With the Panel or the office designated by the Panel.
- C. Deadlines for Filing Statements
 - 1. An incumbent Board member shall file a financial disclosure statement annually no later than April 30 of each year for the preceding calendar year.
 - 2. A Board member who is appointed to fill a vacancy in an office for which a financial disclosure statement is required and who has not already filed a financial disclosure statement shall file a statement for the preceding calendar year within 30 days after appointment.
 - 3. An individual who, other than by reason of death, leaves an office for which a statement is required shall file a statement within 60 days after leaving the office. The statement shall cover:
 - a. The calendar year immediately preceding the year in which the individual left office, unless a statement covering that year has already been filed by the individual; and
 - b. The portion of the current calendar year during which the individual held the office.
- D. Candidates to be Members of the Board of Education
 - 1. Except for an official who has filed a financial disclosure statement under another provision of this section for the reporting period, a candidate to be a member of the Board of Education shall file a financial disclosure statement each year beginning with the year in which the certificate of candidacy is filed through the year of the election.
 - 2. A candidate to be a member of the Board of Education shall file a statement required under this section:
 - a. In the year the certificate of candidacy is filed, no later than the filing of the certificate of candidacy;

- b. In the year of the election, on or before the earlier of April 30 or the last day for the withdrawal of candidacy; and
 - c. In all other years for which a statement is required, on or before April 30.
- 3. A candidate to be a member of the Board of Education:
 - a. May file the statement required under paragraph D.2.a of this section with the Frederick County Board of Elections (“Board of Elections”) with the certificate of candidacy or with the Panel prior to filing the certificate of candidacy; and
 - b. Shall file the statements required under paragraphs D.2.a and D.2.b of this section with the Ethics Panel or the office designated by the Panel.
- 4. If a candidate fails to file a statement required by this section after written notice is provided by the Board of Elections at least 20 days before the last day for the withdrawal of candidacy, the candidate is deemed to have withdrawn the candidacy.
- 5. The Board of Elections may not accept any certificate of candidacy unless a statement required under this section has been filed in proper form.
- 6. Within 30 days of the receipt of a statement required under this section, the Board of Elections shall forward the statement to the Panel at the FCPS Legal Services office.

E. Contents of Statement

1. Interests in Real Property

A statement filed under this section shall include a schedule of all interests in real property wherever located. For each interest in real property, the schedule shall include:

- a. The nature of the property and the location by street address, mailing address, or legal description of the property;
- b. The nature and extent of the interest held, including any conditions and encumbrances on the interest;
- c. The date when, the manner in which, and the identity of the person from whom the interest was acquired;
- d. The nature and amount of consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired;
- e. If any interest was transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and the identity of the person to whom the interest was transferred; and
- f. The identity of any other person with an interest in the property.

2. Interests in Corporations and Partnerships

A statement filed under this section shall include a schedule of all interests in any corporation, partnership, limited liability partnership, or limited liability corporation, regardless of whether the corporation or partnership does business with the school system or Board of Education.

For each interest reported under this paragraph G.2, the schedule shall include:

- a. The name and address of the principal office of the corporation, partnership, limited liability partnership, or limited liability corporation;
- b. The nature and amount of the interest held, including any conditions and encumbrances on the interest;
- c. With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and, if known, the identity of the person to whom the interest was transferred; and
- d. With respect to any interest acquired during the reporting period: (1) the date when, the manner in which, and the identity of the person from whom the interest was acquired; and (2) the nature and the amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired.

An individual may satisfy the requirement to report the amount of the interest held under item 'b' of this paragraph G.2 reporting, instead of a dollar amount:

- e. For an equity interest in a corporation, the number of shares held and, unless the corporation's stock is publicly traded, the percentage of equity interest held; or
- f. For an equity interest in a partnership, the percentage of equity interest held.

3. Interests in Business Entities Doing Business with the School System or Board of Education

A statement filed under this section shall include a schedule of all interests in any business entity that does business with the school system or Board of Education, other than interests reported under paragraph G.2 of this section.

For each interest reported under this paragraph, the schedule shall include:

- a. The name and address of the principal office of the business entity.
- b. The nature and amount of the interest held, including any conditions to and encumbrances on the interest;
- c. With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received in exchange for the interest and, if known, the identity of the person to whom the interest was transferred; and
- d. With respect to any interest acquired during the reporting period: (1) the date when, the manner in which, and the identity of the person from whom

the interest was acquired; and (2) the nature and the amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired.

4. Gifts

A statement filed under this section shall include a schedule of each gift in excess of \$20 in value, or a series of gifts totaling \$100 or more, received during the reporting period from or on behalf of, directly or indirectly, any one person who does business with the school system or Board of Education.

For each gift reported, the schedule shall include:

- a. A description of the nature and value of the gift; and
- b. The identity of the person from whom, or on behalf of whom, directly or indirectly, the gift was received.

5. Employment with, or Interests in, Entities Doing Business with the School System or Board of Education

A statement filed under this section shall include a schedule of all offices, directorships, and salaried employment by the individual or member of the immediate family of the individual held at any time during the reporting period with entities doing business with the school system or Board of Education.

For each position reported under this paragraph, the schedule shall include:

- a. The name and address of the principal office of the business entity;
- b. The title and nature of the office, directorship, or salaried employment held and the date it commenced; and
- c. The name of each school system or Board unit which the entity is involved.

6. Indebtedness to Entities Doing Business with the School System or Board of Education

A statement filed under this section shall include a schedule of all liabilities, excluding retail credit accounts, to persons doing business with the school system or Board of Education owed at any time during the reporting period:

- a. By the individual; or
- b. By a member of the immediate family of the individual if the individual was involved in the transaction by giving rise to the liability.

For each liability reported under this paragraph, the schedule shall include:

- a. The identity of the person to whom the liability was owed and the date the liability was incurred;
- b. The amount of the liability owed as of the end of the reporting period;
- c. The terms of payment of the liability and the extent to which the principal amount of the liability was increased or reduced during the year; and
- d. The security given, if any, for the liability.

7. Employment with the School System or Board of Education

A statement filed under this section shall include immediate family members of the individual employed by the school system or Board of Education in any capacity at any time during the reporting period.

8. Sources of Earned Income

A statement filed under this section shall include a schedule of the name and address of each place of employment and of each business entity of which the individual or a member of the individual's immediate family was a sole or partial owner and from which the individual or member of the individual's immediate family received earned income at any time during the reporting period.

A minor child's employment or business ownership need not be disclosed if the school system or Board of Education does not regulate, exercise authority over, or contract with the place of employment or business entity of the minor child.

9. Interests

The following interests are considered to be the interests of the individual making the statement:

- a. An interest held by a member of the individual's immediate family, if the interest was, at the time during the reporting period, directly or indirectly controlled by the individual;
- b. An interest held by a business entity in which the individual held a 30% or greater interest at any time during the reporting period.
- c. An interest held by a trust or an estate in which, at any time during the reporting period: (1) the individual held a reversionary interest or was a beneficiary; or (2) if a revocable trust, the individual was a settlor.

10. Additional Interests

A statement filed under this section may also include a schedule of additional interests or information that the individual making the statement wishes to disclose.

109.5 Financial Disclosure - Employees

A. This section applies to the following employees:

1. Superintendent
2. Administrative, management and technical (AMT) group, with the exception of executive assistants, paralegals and senior executive secretaries
3. Principals
4. Assistant principals
5. Curriculum specialists
6. Buyer specialists
7. School psychologists
8. Supervisors

- B. A statement filed under this section shall be filed annually with the Ethics Panel under oath or affirmation.
- C. On or before April 30 of each year, a statement disclosing gifts exceeding \$20, or a series of gifts totaling \$100 or more, received during the preceding calendar year from any person that contracts with or is under the authority of the Board of Education or the school system, including the name of the donor of the gift and the approximate retail value at the time of receipt.
- D. An employee shall disclose employment and interest that raise conflicts of interest, or political conflicts of interest, in connection with a specific proposed action by the employee sufficiently in advance of the action to provide adequate disclosure to the public.

109.6 Ethics Panel Review of Disclosure Statements

The Ethics Panel shall review the financial disclosure statements submitted under this section for compliance with the provisions of this policy and shall notify an individual submitting the statement of any omissions or deficiencies. The Panel shall make recommendations to the Superintendent or, where applicable, to the Board to take appropriate enforcement action to ensure compliance.

109.7 Public Record

- A. The Office of Legal Services shall maintain all financial disclosure statements filed under this section.
- B. The Office of Legal Services shall make financial disclosure statements available during normal office hours, for examination and copying by the public subject to reasonable fees and administrative procedures established by school system regulation.
- C. If an individual examines or copies a financial disclosure statement, the Office of Legal Services staff member shall record:
 - 1. The name and home address of the individual reviewing or copying the statement; and
 - 2. The name of the person whose financial disclosure statement was examined or copied.
- D. Upon request by the individual whose financial disclosure statement was examined or copied, the Office of Legal Services staff member shall provide the individual with a copy of the name and home address of the person who reviewed the individual's financial disclosure statement.

109.8 Retention Requirements

The Office of Legal Services shall retain financial disclosure statements for four years from the date of receipt.

109.9 Lobbying

- A. A person shall file a lobbying registration statement with the Panel or office designated by the Panel if the person:
 - 1. Personally appears before any school official or employee with the intent to influence that person in performance of the official duties of the official or employee; and
 - 2. In connection with the intent to influence, expends or reasonably expects to expend in a given calendar year in excess of \$100 on food, entertainment, or other gifts for officials and employees of the Board of Education or school system.
- B. A person shall file a registration statement required under this section on or before the later of January 15 of the calendar year or within five days after first performing an act that requires registration in the calendar year.
- C. The registration statement shall identify:
 - 1. The registrant;
 - 2. Any other person on whose behalf the registrant acts; and
 - 3. The subject matter on which the registrant proposes to make appearances specified in paragraph 'A' of this section.
- D. The registration statement shall cover a defined registration period not to exceed one calendar year.
- E. Within 30 days after the end of a calendar year during which a person was registered under this section, the person shall file a report with the Panel or office designated by the Panel disclosing:
 - 1. The value, date, and nature of any food, entertainment, or other gift provided to a school official or employee; and
 - 2. If a gift or series of gifts to a single official or employee exceeds \$100 in value, the identity of the official or employee.
- F. The Ethics Panel, or office designated by the Panel, shall maintain the registrations and reports filed under this section as public records available for public inspection and copying.

109.10 Exemptions and Modifications

The Board of Education may grant exceptions and modifications to the provisions of this policy to employees when the Board determines that application of those provisions is not required to preserve the purposes of this policy and would: (1) constitute an unreasonable invasion of privacy; and (2) significantly reduce the availability of qualified persons for public service.

109.11 Sanctions

Violation of any school official or employee of the provisions of this policy shall constitute grounds for discipline or personnel action, or removal from office where provided by the law, consistent with procedures set forth in the Education Article of the Annotated Code of Maryland. Persons or organizations found in violation of the lobbying provisions of these regulations shall be publicly identified and shall be subject to such penalties as may be provided by law.

The Panel may assess a late fee of \$2 per day, up to a maximum of \$25, for failure to timely file a financial disclosure statement.

Legal Reference	COMAR 19A.05.00, COMAR 19A.05.01 and COMAR 19A.05.02		
	<i>Annotated Code of Maryland</i> , General Provisions Article, §§ 5-101 through 5-1001		
Source Document			
Policy History	Reviewed 2017	Adopted 6/23/10	Revised 1/14/15

Board of Education of Frederick County
191 South East Street
Frederick, Maryland 21701

ETHICS PANEL

APPLICATION TO REQUEST AN ADVISORY OPINION

I. **Statement of Facts:** What is the reason you are seeking an advisory opinion from the Ethics Panel?

II. Cite the section of Board Policy 109 you believe may be relevant to your request.

I hereby declare and affirm under the penalties of perjury that the contents of this document and any attachment(s) are true and correct to the best of my knowledge, information, and belief.

REQUESTOR:

_____ (Type/Print) _____ (Signature)

Address: _____

Phone/Email: _____ Date submitted: _____

SUBMIT TO THE ATTENTION OF:
Jamie R. Cannon, Chief of Staff and Legal Counsel
191 South East Street, Frederick, MD 21701

CONFIDENTIAL

BOARD OF EDUCATION OF FREDERICK COUNTY
191 South East Street
Frederick, Maryland 21701

Attention: Ethics Panel

COMPLAINT

To the Ethics Panel of the Board of Education of Frederick County:

Date Filed _____

Name of Complainant: _____

Address of Complainant: _____

Complainant charges: _____

Complainant alleges a violation of Section _____ of the Ethics Policy and supports the above charges with the attached statement, which has been signed and dated by the Complainant.

I hereby declare and affirm under the penalties of perjury that the contents of this document and any attachment(s) are true and correct to the best of my knowledge, information, and belief.

Signature of Complainant

RULES OF PROCEDURE FOR HEARINGS BEFORE THE ETHICS PANEL

I. Purpose

These rules of procedure govern formal hearings before the Ethics Panel in cases of complaint filed under the Ethics Policy.

II. Applicability

These rules govern hearings of complaints within the responsibility of the Ethics Panel.

III. Definitions

- A. "Complaint" means written documentation from any person or persons of alleged violation or violations of any section or sections of the ethics Policy of the Board of Education of Frederick County on the part of anyone covered by the policy.
- B. "Counsel" means one who is admitted to practice before the Maryland Court of Appeals.
- C. "Presiding Officer" means the chairperson of the Ethics Panel or other designated Panel member who may preside in the absence of the chairperson.
- D. "Written notice" under these procedures shall be completed upon actual delivery or upon deposit of said notice in the United States mail, stamped, and addressed to the Ethics Panel of the Board of Education of Frederick County, 191 South East Street, Frederick, MD 21701.

IV. Investigation Process

- A. The Ethics Panel, its counsel, or any other person designated by the Panel, shall be responsible for conducting investigations and preliminary inquiries and for presenting evidence to the Panel in connection with complaints being processed in accordance with these regulations.
- B. Each hearing before the Panel shall be held before not less than a quorum of the Panel.
- C. The presiding officer shall have charge of the hearing with full authority to permit or to limit the examination of witnesses, rule of the admissibility of evidence, with conferral of counsel, and adjourn or recess the hearing from time to time. The presiding officer shall cause an oath to be administered to all witnesses testifying in the proceedings to be administered by a notary public or other officer of the court.
- D. Parties may be represented in any hearing by legal counsel. Counsel may submit evidence, examine and cross-examine witnesses and make objections, exceptions, and motions.
- E. Strict adherence to judicial rules of evidence shall not be applicable to evidentiary hearings conducted by the Panel. In each case, the test of admissibility shall be whether or not the evidence is reasonably relevant to a material issue and whether it has substantial probative value with respect to such material issue. The presiding officer may limit or refuse to admit cumulative or repetitive evidence and may curtail redundant questioning.
- F. Panel encourages parties to submit information on the issues of fact and law. Such information shall be submitted no later than seven (7) calendar days prior to the date of the hearing.
- G. The presiding officer may limit, in advance, the time allowed for testimony by each party. Testimony by each party before the Panel shall not exceed 30 minutes unless the presiding officer shall allow additional time for good cause shown.
- H. The Panel shall notify and request the Board attorney to be present when testimony is heard by the Panel.

I. The Panel shall ensure a record is made of the proceedings either by tape recording or the taking of minutes.

V. Due Process

Due process procedures will be followed in the hearing. These procedures will be:

- A. Opening statement by the presiding officer to explain reason for hearing.
- B. The complaint will be read into the record.
- C. Testimony of all parties and witnesses will be sworn or affirmed. All witnesses will be excused from the hearing except while testifying.
- D. The parties will be given an opportunity to present evidence and testimony on their behalf and to call witnesses.
- E. The parties and their legal counsel will be afforded an opportunity to examine and to cross-examine all witnesses and parties.
- F. The Panel members may ask questions at any time during the proceedings.
- G. Each party may make a closing statement. The complainant will make the first closing statement, and the respondent will make the final closing statement.
- H. After adjournment, the panel will privately deliberate and decide the case, and may seek advice of counsel.

VI. Findings

- A. After consideration of all the evidence, the Panel shall prepare a written report setting forth findings of facts and conclusions with respect to each of the alleged violations.
- B. If the Panel concludes that the respondent has not violated any provisions of the Ethics Policy, it shall enter an order dismissing the complaint and shall advise the complainant, respondent, and the Board of Education. Such order is considered confidential and may not be disclosed. Confidentiality may be waived by the respondent.
- C. If the Panel concludes that the respondent has violated any of the provisions of the Ethics Policy, it shall forward its recommendations to the Board of Education with written notice to the complainant and respondent. Such report shall be deemed a public record within thirty (30) days of its issuance.

VII. Confidentiality

- A. Except as otherwise noted in Section VI., the proceedings, meetings, and activities of the Ethics Panel shall be conducted in a confidential manner.
- B. The identity of the complainant shall be disclosed to the respondent in order to afford respondent the opportunity to appropriately respond to the charges.
- C. Information may be disclosed as determined by the Panel as necessary to conduct a preliminary inquiry, investigation, or hearing.

Frederick County Public Schools
Purchasing Department
PRE-BID MEETING ATTENDANCE ROSTER

RFP 19MISC4, PRESCRIPTION DRUG BENEFITS FOR EMPLOYEES OF FCPS

MEETING DATE/TIME: 9:00 A.M., LOCAL TIME, ON DECEMBER 11, 2018 {CONF. RM 2B}

NAME (PLEASE PRINT)	FIRM REPRESENTED (PLEASE PRINT)	PHONE NUMBER	FAX NUMBER	E-MAIL ADDRESS
Kim Miskell	Co. Name: Address: FCPS			
Ricardo Marrero	Co. Name: Address: CVS Caremark	865-209-6866		Ricardo.Marrero@ CVSHealth.com
Michael Hayden	Co. Name: Address: Amwins Group Benefits	401-734-4125		MICHAEL.HAYDEN@ AMWINS.COM
Gerry B	Co. Name: Address: Keenan			
Jeff Hall	Co. Name: Address: SR V.P. Keenan			
Geoff Pittas	Co. Name: Address: Express Scripts			
Jim Blake	Co. Name: Address: Blake			
^{Res Ch...} Amanda Rackerbach	Co. Name: Address: Optimum Rx			
Oraig	Co. Name: Address: Med Impact			
Andrea Dixon	Co. Name: Address: med Impact			
Stephen Hohmer	Co. Name: Address:			

**Frederick County Public Schools
Purchasing Department
PRE-BID MEETING ATTENDANCE ROSTER
MEETING DATE/TIME: 9:00 A.M., LOCAL TIME, ON DECEMBER 11, 2018 {CONF. RM. 2B}**

NAME (PLEASE PRINT)	FIRM REPRESENTED (PLEASE PRINT)	PHONE #	E-MAIL ADDRESS
Jim A. Blake – Senior Executive Vice President	Blake Insurance Agency	(248) 238-5776	blakeinsuranceagency@blakegrouppllc.com
Jennifer Geci, GBDS, CSFS	Trion Group, a Marsh & McLennan Agency, LLC	(410) 236-2171	jennifer-geci@trion-mma.com
Amanda Reichenbach, Area Vice President of Sales, Direct Key Account Employer Market	OptumRx	(860) 885-9099	amanda.reichenbach@optum.com
George Pittas, Vice President of Sales-Commercial East	Express Scripts	(609) 273-3063	george_pittas@express-scripts.com
Craig Stoughton	MedImpact Healthcare Systems, Inc.	(858) 790-7169	Craig.Stoughton@medimpact.com
Crystal Johnston			crystal.johnston@medimpact.com