



MISSISSIPPI DIVISION OF
MEDICAID

Notice of Rescission of Solicitation Cancellation Notice

**Request for Proposal (RFP)/RFx Number and Title: 20210813 / 3120002271
Pharmacy Preferred Drug List (PDL), Supplemental Rebate (SR), Rate Setting and Programmatic Review and Assessment of Core Components**

Issue Date: 8/13/2021

Proposal Submission Date: 9/27/2021

Date Rescission Notice Issued: 3/18/2022

Dear Vendors,

On February 25, 2022, the Mississippi Division of Medicaid (DOM) issued a Solicitation Cancellation Notice for RFPs 20210813/3120002271, "Pharmacy Preferred Drug List (PDL), Supplemental Rebate (SR), Rate Setting and Programmatic Review and Assessment of Core Components," (hereinafter "Cancellation Notice"). Pursuant to this Notice, DOM hereby rescinds the February 25, 2022 Cancellation Notice.

In the February 25, 2022 Cancellation Notice, DOM stated that it was cancelling the solicitation for failure of the received proposals to meet the requirements of Miss. Code Ann. § 31-7-417(2) and Sections 3-203.01(f) and (g); 3-203.12; and 3-204.01.3 of the *Mississippi Public Procurement Review Board Office of Personal Services Contract Review Rules and Regulations*. In particular, DOM noted that the Office of Personal Services and Contract Review (OPSCR) stated it had discovered one instance where the intended awardee's name was listed in its Technical Proposal, thereby violating the above referenced statute and regulations. Based on this statement by OPSCR, DOM issued the February 25, 2022 Cancellation Notice, and stated its intention to re-solicit the RFP for these services.

Since issuing the February 25, 2022 Cancellation Notice, DOM has become aware of Section 5-203.01 of the *Mississippi Public Procurement Review Board Office of Personal Services Contract Review Rules and Regulations*. That regulation provides:

A solicitation may be in violation of the law due to the actions of state employees, bidders or offerors, contractors, or other persons. After consultation with the DFA Special Assistant Attorney General, the PPRB or an Agency Head may determine that a solicitation or contract award is in violation of the provisions of the *Mississippi Public Procurement Review Board Office of Personal Services Contract Review Rules and Regulations*. After consultation with the DFA Special Assistant Attorney General, the Ethics Commission may determine that a solicitation or contract award violates the Ethics in Public Contracting provisions of the *Mississippi Public Procurement Review Board Office of Personal Services Contract Review Rules and Regulations*. Any such determination shall be made in writing after an opportunity to be heard is given, and such determination is subject to appropriate appeal.

DOM notes that the reasons for cancelling the solicitation at issue as stated in the February 25, 2022 Cancellation Notice fall within the scope of Section 5-203.01, i.e., the solicitation was in violation of the law due to failure to comply with the de-identification requirements of Miss. Code Ann. § 31-7-417(2) and Sections 3-203.01(f) and (g); 3-203.12; and 3-204.01.3 of the *Mississippi Public Procurement Review Board Office of Personal Services Contract Review Rules and Regulations*. However, prior to issuing the February 25, 2022, Notice of Cancellation, DOM failed to take the actions required by Section 5-203.01, such as consultation with the DFA Special Assistant Attorney General, providing the offeror at issue an opportunity to be heard, and making its determination of the matter in writing.

Accordingly, DOM hereby rescinds the February 25, 2022 Cancellation Notice, for failure to comply with Section 5-203.01 of the *Mississippi Public Procurement Review Board Office of Personal Services Contract Review Rules and Regulations*. DOM also gives notice of its intention to undertake the steps required under Section 5-203.01 to determine if any cancellation of the Solicitation for RFPs 20210813/3120002271, "Pharmacy Preferred Drug List (PDL), Supplemental Rebate (SR), Rate Setting and Programmatic Review and Assessment of Core Components," may be warranted.

Sincerely,

A handwritten signature in black ink that reads "Kayla J. McKnight". The signature is written in a cursive, flowing style.

Kayla McKnight
Procurement Director

Kayla.mcknight@medicaid.ms.gov