

ATTACHMENT Q - SUPPLIER RESPONSIBILITY QUESTIONNAIRE

Supplier Name: Optum Rx

Supplier responses must be submitted via Team Georgia Marketplace by the Proposal Due/Close Date and Time as published on the GPR.

All sections require completion. Information provided on the Supplier Responsibility Questionnaire will be used as an assessment to determine/verify whether a Supplier has:

- Appropriate financial, organizational, and operational capacity and controls;
- Appropriate legal authority to do business in the State;
- Satisfactory record of integrity; and
- Acceptable performance record on past contracts.

Section I – Supplier's Legal Business Entity Information

1.

Supplier's Full Legal Business Name: OptumRx, Inc.

Federal Employer Identification Number (FEIN): 33-0441200

Website: www.optumrx.com

Address of Principal Place of Business:

11000 Optum Circle

Eden Prairie, MN 55344

Primary Contact regarding this eRFP: Jeff Gottlieb

Primary Contact Telephone Number: 443-739-4028

Primary Contact email address: jeff.gottlieb@optum.com

If applicable, list any other Doing Business As (DBA), trade name, other identities and/or other FEINs used in the last 5 years:

Not Applicable.

Is the Supplier publicly traded? If yes, provide CIK Code or Ticker symbol.

Yes. UnitedHealth Group Incorporated (symbol UNH) is a publicly traded organization.

Does the Supplier have a DUNS number? If yes, please provide.

86-866-7106

2.	Indicate jurisdiction (country and state) where the Supplier's Legal Business entity was formed or incorporated. Please provide proof of legal entity and authorization to do business in the State of Georgia. ▪ Corporation ▪ Limited Liability Company (LLC or PLLC) ▪ Partnership (including LLP, LP or General) ▪ Sole Proprietor ▪ Other (if Other, explain) Response: Optum Rx was incorporated in the United States in the state of California. OptumRx, Inc. is authorized to do business in all 50 states plus U.S. territories. Optum Rx holds and maintains a variety of licenses, permits and qualifications to provide PBM and pharmacy services across all lines of business, as required by applicable law. Should any additional licenses or permits be required to perform the contracted services for the State, we agree to obtain such licenses or permits. OptumRx, Inc. was issued Georgia PBM license #PBM00001 on 3/15/2011. Our Georgia TPA license #TPA00303 was issued 10/12/2016. All licenses have active renewal status.
Section II – Integrity	
3.	Is the Supplier (or any affiliate or subsidiary) currently, or within the past five (5) years been, suspended or debarred from any government contracting process or been disqualified on any government procurement, permit, license? Response: No Note: If Supplier answered YES, please provide an explanation.
4.	Is the Supplier (or any affiliate or subsidiary) currently, or within the past five (5) years been, subject to a denial or revocation of a government prequalification? Response: No Note: If Supplier answered YES, please provide an explanation.
5.	Is the Supplier (or any affiliate or subsidiary) currently, or within the past five (5) years been, denied a contract award or had a bid rejected based upon a non-responsibility (lack of financial, organizational, and operational capacity and controls) finding by a government entity? Response: NO Note: If Supplier answered YES, please provide an explanation. "No" as to Optum Rx. Due to number of and scope of affiliates and subsidiaries, we cannot give definitive answer as to all affiliates and subsidiaries, but we are not aware of any "non-responsibility" findings related to Optum Rx that are related to services under this proposal.

6.	Is the Supplier (or any affiliate or subsidiary) currently, or within the past five (5) years been, subject to an administrative proceeding or civil action seeking specific performance or restitution in connection with any government contract? Response: NO Note: If Supplier answered YES, please provide an explanation. “No” as to Optum Rx. Due to number of and scope of our affiliates and subsidiaries, we cannot give definitive answer as to all affiliates and subsidiaries, but we are not aware of any administrative proceeding or civil action seeking specific performance or restitution in connection with a government contract.
7.	Has the Supplier (or any affiliate or subsidiary) entered into a formal monitoring agreement as a condition of a contract award from a government entity within the past five (5) years? Response: NO Note: If Supplier answered YES, please provide an explanation. “No” as to Optum Rx. Due to number of and scope of our affiliates and subsidiaries, we cannot give definitive answer as to all affiliates and subsidiaries.
Section III – LEGAL PROCEEDINGS	
8.	Is the Supplier (or any affiliate or subsidiary) currently, or within the past five (5) years been, involved as a plaintiff or defendant in a lawsuit with a state or any state agency? Response: YES Note: If Supplier answered YES, please provide an explanation. The number of government agreements/contracts in which Supplier and Supplier’s affiliates and subsidiaries are a party is extensive. As such, in the last 5 years disputes resulting in legal action is manifold.
9.	Is the Supplier (or any affiliate or subsidiary) currently, or within the past five (5) years been, the subject of an investigation, whether open or closed, by any government entity for a civil or criminal violation? Response: YES Note: If Supplier answered YES, please provide an explanation. The scope of Supplier’s and Supplier’s affiliates’ and subsidiaries’ business activities are extensive. As such, in the last 5 years there have been numerous closed and active investigations by government entitles. There are no past or pending regulatory actions brought against Optum Rx that would affect our ability to provided the Services outlined in this RFP. Optum Rx operates in a highly regulated industry and our company is subject to regulation by a multitude of federal and state regulatory agencies including routine reviews and inquiries by governmental agencies relating to matters arising in the normal course of business. From time to time, in the performance of pharmacy benefit management services and/or pharmacy services, minor citations, fines, or penalties may be incurred. Based on current information, including consultation with Optum Rx attorneys, any liability that may ultimately arise from these routine reviews does not materially affect Optum Rx’s consolidated

	financial position, operational status, cash flow, or business prospects. To the extent any such regulatory action is deemed to have a material effect, it would be disclosed in our financial statements available on the UnitedHealth Group website: unitedhealthgroup.com. Optum Rx takes any penalties received very seriously, fully remediates such matters, and is dedicated to continuous quality improvement.
10.	Is the Supplier (or any affiliate or subsidiary) currently, or within the past five (5) years been, the subject of an indictment, grant of immunity, judgment or conviction (including entering into a plea bargain) for conduct constituting a crime? Response: NO Note: If Supplier answered YES, please provide an explanation. “No” as to Optum Rx, but due to number of and scope of affiliates and subsidiaries, we cannot give definitive answer as to whether the same answer applies to all of Supplier’s affiliates and subsidiaries. We are not aware of any such criminal action that pertains to the Services that are the subject of this RFP. There are no past or pending regulatory actions brought against Optum Rx that would affect our ability to provided the Services outlined in this RFP. Optum Rx operates in a highly regulated industry and our company is subject to regulation by a multitude of federal and state regulatory agencies including routine reviews and inquiries by governmental agencies relating to matters arising in the normal course of business. From time to time, in the performance of pharmacy benefit management services and/or pharmacy services, minor citations, fines, or penalties may be incurred. Based on current information, including consultation with Optum Rx attorneys, any liability that may ultimately arise from these routine reviews does not materially affect Optum Rx’s consolidated financial position, operational status, cash flow, or business prospects. To the extent any such regulatory action is deemed to have a material effect, it would be disclosed in our financial statements available on the UnitedHealth Group website: unitedhealthgroup.com. Optum Rx takes any penalties received very seriously, fully remediates such matters, and is dedicated to continuous quality improvement.
11.	Within the last seven (7) years, has the Supplier, or any affiliate or subsidiary, filed for bankruptcy protection in any state? Response: NO Note: If Supplier answered YES, please provide an explanation.
12.	As the provider of services, do you have any material (relevant and significant) pending litigation that may adversely affect your ability to meet any contract requirement pursuant to this eRFP or is likely to have a material adverse effect on your financial condition. Response: NO Note: If Supplier answered YES, please list each separately and explain the relevant details.
13.	In the past five (5) years, has the Supplier had a HIPAA data breach impacting 500 or more individuals that the Supplier had to report to the federal Department of Health and Human Services Office of Civil Rights? Response: The response below is for OptumRx, Inc.: YES Note: If Supplier answered YES, please provide an explanation.

	Optum complies with the US Department of Health & Human Services (HHS) breach regulations. This includes posting breaches involving more than 500 individuals to the HHS Breach Website and an annual filing of small breaches with HHS Office for Civil Rights. We agree to report breaches to required regulatory agencies and notify impacted individuals in accordance with applicable federal and state laws, including ARRA/HITECH and state data breach notification laws. UnitedHealthcare agrees to provide all legally required notifications on behalf of the group, in accordance with 45 C.F.R. 164 (Subpart D) and we agree to pay for the reasonable and actual costs associated with those notifications. On November 17, 2021, a third-party vendor that performs physician reviews for certain prescription prior authorization/appeals requests was the target of a cyber security incident involving a cyber-attack executed by external threat actors. The incident involved unauthorized acquisition of invoices and medical records. A total of 7,121 of our members were impacted by the incident. In 2022, a subcontractor of Optum Rx, NorthStar HealthCare Consulting, LLC, reported a breach to HHS Office for Civil Rights. NorthStar reported that 18,354 individuals were impacted by the breach. Additionally, as regards the recent criminal cyberattack on Change Healthcare systems, information is available at changehealthcare.com/cybersecurity.
Section IV – Financial and Organizational Capacity	
14.	Within the past five (5) years, has the Supplier (or any affiliate or subsidiary) received any formal unsatisfactory performance assessment(s) from any government entity on any contract? Response: NO Note: If Supplier answered YES, please provide an explanation.
15.	Within the past five (5) years, has the Supplier (or any affiliate or subsidiary) terminated agreements/contracts in the past five years? Response: YES Note: If Supplier answered YES, please provide an explanation. The number of agreements/contracts of which Supplier and Supplier's affiliates and subsidiaries are a party to is extensive. As such, in the last 5 years agreements/contracts have terminated for a variety of reasons.
16.	Within the past five (5) years, has the Supplier (or any affiliate or subsidiary) had any liens or judgments over \$25,000 been filed against the Supplier? Response: YES Note: If Supplier answered YES, please provide an explanation. Optum Rx, its affiliates and subsidiaries are part of a large multi-national company and judgments/liens are not uncommon. However, we are not aware of any material judgments/liens that would impact our ability to perform the Services under the Contract.

17.	Within the past five (5) years, has the Supplier (or any affiliate or subsidiary) had any liquidated damages assessed over \$25,000? Response: YES Note: If Supplier answered YES, please provide an explanation. To the extent that “Liquidated Damage” means a contract provision between Optum and a client of Optum whereby a negotiated penalty is tied to an Optum performance guarantee or quality standard, such contract provisions and assessment of Liquidated Damages are confidential. To the extent that “Liquidated Damage” means a type of damage awarded in a judicial proceeding, please see response to Question #16.
18.	The Supplier must provide sufficient company financial information to assess whether sufficient financial resources exist to successfully perform under any resultant contract. In fulfillment of this requirement, provide a report from an independent rating service (ex. Dunn & Bradstreet Supplier Qualifier Report (SQR) or similar standard business report) detailing company specific financial and operational capability, or company financial information in the form of (to include but not limited to): P/L Statements, Balance Statements, and other corporate financial reports covering the last three (3) years that will facilitate the evaluation of financial viability. The Supplier must upload Financial Information with its response. Please refer to the General Exhibits Section, Attachment Q - Question 18 Financial Information.pdf of our proposal response.