

**AMENDMENT NO. 5**  
**RFP NO. 604027-16**  
**CONTRACT FOR PRESCRIPTION BENEFITS MANAGER SERVICES**  
**FOR CLARK COUNTY'S SELF-FUNDED PRESCRIPTION DRUG PLAN**

**THIS AMENDMENT** is made and entered into this \_\_\_ day of \_\_\_\_\_ 2023, by and between CLARK COUNTY, NEVADA ("COUNTY" or "Client"), and NAVITUS HEALTH SOLUTIONS, LLC (hereinafter referred to as "PROVIDER" or "Navitus").

**WITNESSETH:**

**WHEREAS**, the parties entered into an agreement under RFP Number 604027-16, entitled "Contract for Prescription Benefits Manager Services for Clark County's Self-Funded Prescription Drug Plan" dated August 19, 2016 (the "Contract"); and

**WHEREAS**, the parties desire to amend the CONTRACT

**NOW THEREFORE**, the parties agree to amend the CONTRACT as follows:

1. Insert the following section at the end of Page 1-2, Exhibit 1, Administrative Services Fee Schedule under the section labeled Additional Charges:

**"CAA RxDC Reporting** - PROVIDER will assist COUNTY with submission of data, as further described below, required under Section 204 of Division BB, Title II (Section 204) of the Consolidated Appropriations Act, 2021 (CAA) (hereinafter called the "CAA RxDC Report").

PROVIDER will submit the following files to CMS for a fee of \$5,000 per reference year, which is the calendar year immediately preceding the calendar year in which the CAA RxDC report is due:

- D3, D4, D5, D6, D7, D8,
- applicable P file (P1, P2, or P3), and
- narrative responses to the extent applicable to Navitus.

PROVIDER will not be responsible for submission of files D1 and D2. COUNTY understands that in order for PROVIDER to submit the foregoing files on COUNTY'S behalf, COUNTY must provide data requested by PROVIDER by the date requested by PROVIDER. PROVIDER will not be responsible for the submission of any remaining files. The files will be submitted by June 1 and annually thereafter.

COUNTY must provide requested data to PROVIDER on the CAA RxDC data file templates that made available to COUNTY. If COUNTY fails to submit the requested data to PROVIDER within the time requested, PROVIDER will not report any files to CMS on COUNTY'S behalf and COUNTY will be responsible for submission of files.

Any files sent by COUNTY to PROVIDER with incomplete data, deviations, or alterations to the requirements of the file, format, or data will result in delays or inability for PROVIDER to submit the files to CMS timely. PROVIDER will have no liability for the accuracy of the information provided by COUNTY, which PROVIDER submits to CMS. COUNTY will be liable for any fines, fees, or penalties incurred as a result of COUNTY'S failure to timely provide such information in the manner requested in the RxDC file template. PROVIDER will report data only for the time period in which PROVIDER is the COUNTY'S PBM. PROVIDER will not be responsible for reporting data during the time period that COUNTY receives services from a PBM other than PROVIDER.

PROVIDER has not made and does not make any express or implied representation or warranty, either oral or written, or otherwise, all of which are expressly disclaimed, and COUNTY acknowledges that it has not relied upon any representation made by PROVIDER, or any other person on PROVIDER'S behalf as it relates to reporting the RxDC files to CMS on COUNTY'S behalf. COUNTY arising out of or resulting from PROVIDERS submission of the RxDC files to CMS on COUNTY'S behalf. PROVIDER will not be responsible for any damages, loss, or other any damages that could arise from submission of RxDC files on COUNTY'S behalf.

Except as expressly amended herein, the terms and conditions of the CONTRACT shall remain in full force and effect.

**COUNTY:**  
COUNTY OF CLARK, NEVADA

By: \_\_\_\_\_  
JESSICA COLVIN  
Chief Financial Officer

**PROVIDER:**  
NAVITUS HEALTH SOLUTIONS,  
LLC

*Gayle Fisher*  
By: 17F7113C81A13D82B19AF82BA2C5FBD1 contractworks  
GAYLE FISHER  
VP, Strategic Accounts & Contract  
Analysis

05/01/2023

**APPROVED AS TO FORM:**  
STEVEN B. WOLFSON, District Attorney

By: *Jason Patchett for Elizabeth Vibert*  
[Jason Patchett for Elizabeth Vibert \(May 4, 2023 09:47 PDT\)](#)  
ELIZABETH VIBERT  
Deputy District Attorney