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Minnesota Attorney General Keith Ellison
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September 22, 2025

**SOLICITATION OF INTEREST AND REQUEST FOR QUALIFICATIONS FOR
OUTSIDE COUNSEL SERVICES RELATING TO:**

*REPRESENTING THE MINNESOTA MULTISTATE CONTRACTING
ALLIANCE FOR PHARMACY (“MMCAP”), A GROUP
PURCHASING ORGANIZATION FOR GOVERNMENT WITHIN THE
MINNESOTA DEPARTMENT OF ADMINISTRATION. MMCAP IS
SEEKING COMPREHENSIVE ANALYSIS AND LEGAL ADVICE
RELATED TO COMPLIANCE IN ITS PURCHASING OPERATIONS.*

SUBMITTALS DUE BY 4:00 P.M. (Central time) on October 22, 2025.

Please email submittals to **RFQ.response@ag.state.mn.us**

I. INTRODUCTION

This Request for Qualification (RFQ) has been prepared and released by the State of Minnesota Office of the Attorney General for the purpose of creating a list of qualified counsel to provide legal services to the Minnesota Multistate Contracting Alliance for Pharmacy (“MMCAP”) under the supervision of the Minnesota Attorney General’s Office (AGO).

Work for MMCAP will include a full review of MMCAP business practice and compliance with applicable law, including but not limited to, the Anti-Kickback Statute (Section 1128B(b) of the Social Security Act (the “Act”), 42 U.S.C. § 1320a-7b(b)) and related Safe Harbor Rule (42 CFR §1001.952). The work product will be formal written guidance to MMCAP. The work will also include answering questions for MMCAP as needed related to business structure, systems, and compliance. This project is advisory in nature and no litigation assistance is anticipated. The ideal candidate will have extensive experience advising healthcare businesses, especially group purchasing organizations and similar structures (“identified matters”).

The AGO seeks to review responses from law firms and qualify counsel for engagement. All services contemplated in this RFQ would be provided on an hourly fee basis.

The AGO has full-time lawyers who handle the majority of legal work for the State. Occasionally, the AGO seeks to engage attorneys with expertise in particular types of legal matters to supplement AGO resources and assist in representing the State and its agencies. In order to ensure that the State is getting the highest quality legal service at the most reasonable rates, and that all law firms who wish to perform this work are able to compete for it, the AGO is issuing this RFQ as an open solicitation.

The review of qualifications and the possible engagement resulting from this RFQ may not be exclusive and the AGO reserves the right to assign litigation of the identified matter work to more than one firm. In responding to this solicitation, it is understood by all proposers that the AGO reserves the right to select none, any, or all proposers whom the AGO deems to be in the State's best interest. The AGO is not required to submit this work to a competitive bidding process. Any possible engagement letter following this RFQ will depend on the proposals received in response to this RFQ.

The anticipated engagement will be for two years, or until all work is complete, whichever is sooner.

II. AGO CONTACT INFORMATION

This RFQ is being released by the AGO, which is also the sole point of contact during the review process. Any Special Attorney appointment[s] resulting from this RFQ will be administered by the AGO. The contract administrators are Assistant Attorney General Anne Kealing and Liz Kramer, Solicitor General. If additional information is necessary to interpret the requirements of this RFQ, please direct questions to RFQ.response@ag.state.mn.us.

III. CONDITIONS OF SUBMITTING RESPONSES

Proposers responding to this RFQ understand that the following conditions apply to any proposal:

- A. **RESPONSE PREPARATION.** The minimum qualifications stated in Section IV and the submission content stated in section V of this RFQ are mandatory. Failure by a respondent to respond to a specific requirement can be the basis for elimination from consideration during the comparative evaluation.
- B. **RESPONSE SUBMISSION/ DEADLINE.** Response(s) should be provided in Adobe (pdf) format and submitted by email to the address on the cover of this RFQ by no later than 4:00PM (Central Time) on October 22, 2025. No responses submitted after this deadline will be accepted.
- C. **INCURRING COSTS.** The AGO is not liable for any cost incurred by respondents in replying to this RFQ.
- D. **ORAL INTERVIEWS AND FURTHER INFORMATION.** While not planned at this time, the AGO reserves a right to schedule and conduct an oral interview with any or all the respondents to this RFQ. The AGO also reserves the right to request additional data or a presentation in support of any or all proposals at any time.
- E. **PROPRIETARY INFORMATION.** Any restrictions on the use of data contained within a response must be clearly stated in the response itself. Information deemed proprietary submitted in response to this RFQ will be handled in accordance with applicable State data practices law.
- F. **ACCEPTANCE OF TERMS.** The proposer has reviewed and understands the RFQ process and requirements as stated in this RFQ.
- G. **CONTROL BY ATTORNEY GENERAL.** The identified matter shall be overseen by the Attorney General. The Attorney General shall retain control of all aspects of the representation.
- H. **NO ENDORSEMENT.** Selection as outside counsel does not constitute an endorsement by the State of Minnesota or the AGO. A chosen firm may not promote or advertise its designation without permission of the AGO.
- I. **RESERVED RIGHTS.** The AGO reserves the right to reject any and all proposals received in response to this RFQ when determined to be in the State's best interest, and to waive minor noncompliance in a proposal. The AGO further reserves the right to make such investigations as deemed necessary as to the qualifications of any and all firms submitting proposals in response to this RFQ. If all proposals are rejected, the AGO reserves the right to re-solicit proposals. Nothing in this RFQ is intended to limit or constrain the discretion of the AGO in exercising any authority, duty, prerogative,

or power established or recognized by the Constitution, statutes, executive orders, regulations, case law, or other applicable law.

- J. FEES. Attorney fees and costs for the identified matter will be paid by MMCAP directly. Proposals should include information concerning the hourly rates for all attorneys and staff positions, fees, and costs of the proposer. Invoices must be submitted for review and approval on at least a monthly basis. Additional requirements and terms of payment will be negotiated prior to appointment of any proposer.
- K. COSTS. Allowable costs will be determined by a retainer fee agreement and/or special attorney appointment. Firms are expected to take measures to control and reduce costs.

IV. RFQ PROCESS AND REQUIRED QUALIFICATIONS

- A. MINIMUM QUALIFICATIONS. At a minimum, firms submitting a proposal in response to this RFQ should have substantial experience in representing clients in legal and regulatory compliance in the field of healthcare regulation, specifically group purchasing organizations. Firms should have no current or anticipated conflict of interests with representation of MMCAP specifically or the State generally.
- B. EVALUATION CRITERIA. Responses to this RFQ meeting the minimum qualifications will be evaluated based on the following criteria:
 - General Quality of Response
 - Qualifications of Firm Attorneys
 - Experience of Firm within Specific Area of Identified Matter
 - Experience of Firm in Public Enforcement Litigation
 - Fee proposal
 - Cost proposal
 - Demonstrated subject matter expertise in the field of legal and regulatory compliance in the field of healthcare regulation, and specifically around group purchasing organizations.
 - Minimum of Ethical and Business Conflicts

The AGO reserves the right to consider other factors if it deems the information relevant to the evaluation and selection process.

- C. LEGISLATIVE ADVISORY COMMISSION APPROVAL MAY BE NEEDED. Proposers should be aware that Minn. Stat § 8.065 requires notice to the Legislative Advisory Commission of certain outside counsel hires, and the Commission has a right to make a recommendation on the hire.

V. SUBMITTAL CONTENT. Responses must address all the questions and requests in this section. Please also include a cover letter with an executive summary of the proposal.

- A. CONTACT NAME. Name, phone number and email address of individual or individuals responsible for this RFQ response who may be contacted in the event of

questions or notification. The proposer also should identify the individual who would be designated as the contact person with the AGO for billings and special attorney appointment[s] administration in the case of retention.

B. GENERAL FIRM QUALIFICATIONS. Provide or identify the following information about the firm:

1. The year the firm was established.
2. The address of each office maintained by the firm.
3. The size and composition of staff, including the number of partners, associates, law clerks and legal assistants.
4. The firm's presence or work experience in Minnesota, if any.
5. The firm's experience in providing legal advice to healthcare businesses, especially group purchasing organizations and similar structures, related to business structure, systems, and compliance.
6. The firm's hiring, training, and advancing of traditionally underrepresented attorneys within their firm (including women and lawyers of color), especially in the area of the identified matter. State whether any attorneys identified in section V(C) below are from a traditionally underrepresented group, and what their anticipated role will be in representing the State in the identified matter (second chair, lead attorney, billing attorney, originating attorney, etc.).
7. The firm's approach, human resources, and technical resources to handle document intensive matters, including handling electronically-stored information. Indicate whether the firm uses a vendor for any aspect of these approaches, and if so when, for what, and to what extent. Indicate any anticipated file costs related to electronically-stored information.
8. Any agency or department of the State of Minnesota represented by the firm during the last five years. For each matter, provide the name of the State agency or department, a description of the matter, the dates of the engagement and the name and contact information of the State employee responsible for overseeing the work of the firm on that matter.
9. The firm's professional liability insurance coverage. Specify the type of malpractice or errors and omissions insurance that the firm carries and the limits of coverage.

C. QUALIFICATIONS AND EXPERIENCE OF PARTICULAR ATTORNEYS. The proposal should identify the specific attorneys likely to be assigned to perform the requested legal services. For each of these attorneys, provide or identify the following:

1. A professional resume.
 2. Their experience handling matters in the area of the identified matter and other indications of expertise (writing articles, giving presentations, etc).
 3. The percentage of each attorney's practice dedicated to cases similar to the identified matter.
 4. The office at which the attorney primarily works, if the firm has more than one office location.
 5. Descriptions of representative matters.
 6. Hourly rate or example(s) of any other rates that you would like the AGO to consider (flat fee, capped/collared arrangements), and metrics for diligence of timely and accurate time entry.
- D. NON-ATTORNEY STAFF. Identify any key non-attorney employees or people associated with the firm that the firm likely would use in conducting litigation in the identified matter. For each such person, describe their experience in such cases and other indications of their expertise in this area.
- G. ACTUAL OR POTENTIAL CONFLICTS OF INTEREST. State whether any attorneys within the firm represent any clients or interests adverse to any entity of the State, including lawsuits, administrative proceedings, other legal actions, or lobbying activities. Without violating your duty of confidentiality, the proposal should describe the nature of any such representation. The proposal also must indicate whether any other activities of the firm potentially pose a conflict of interest, or the appearance of a conflict of interest, in representation of the State in the identified matters. The firm should immediately advise the AGO in writing of any real or possible conflicts that arise after the submission of the proposal.