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| VA FSS Logo |
| Public Law 102-585 2024 Pricing Update |
| 65IB Drugs, Pharmaceuticals, and Hematology Related Products |
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| **Request for Modification Form***Updated October 2023****NOTE: Year 2024 is the first year of a Federal Supply Schedule (FSS) multiyear contract for statutory purposes.*** |

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| This Request for Modification package can ***only*** be used to modify contracts awarded under SIN 42-2A Single Source Drug, Innovator Multiple Source Drug, and Any Biological Product Identified Under Section 600.3 of Title 21, CFR of the *65IB Drugs, Pharmaceuticals, and Hematology Related Products* Schedule program. All fields are required. This form is available online: <https://www.va.gov/opal/nac/fss/publicLaw.asp> . |

# PL 102-585 2024 Pricing Update Submission Instructions

1. The Public Law 102-585 2024 Pricing Update request for modification package zip file includes the required RFM, a sample spreadsheet, completion instructions, and the 2024 Pharmaceutical Pricing Agreement – Addendum A. *Only the prescribed PL forms will be accepted.*



1. All Public Law 102-585 Update 2024 request for modifications must be emailed to AMMHIN.PL102585@va.gov and copied to your Public Law contract specialist. *Do not send requests directly to your permanent contract specialist*.

To ensure receipt of your firm’s Public Law 102-585 Update 2024 request for modification, the Subject Line must read:

RFM-ContractNumber-PL2024

1. Email your assign contract specialist with any Public Law related questions or issues.

Modification requests submitted with missing or inaccurate information; or changes to the spreadsheet submitted after **November 21, 2023** may have an adjusted effective date of January 15, 2024 or later. As a result, your firm may be subject to the penalties outlined in PL 102-585.

Bookmark the Public Law 102-585 website to keep up-to-date with the latest information on the 2024 pricing update season. <https://www.va.gov/opal/nac/fss/publicLaw.asp>

# Applicable Clauses

This list is not all inclusive. The full text of the solicitation is available online

|  |  |  |
| --- | --- | --- |
| 552.216-70 | Economic Price Adjustment – FSS Multiple Award Schedule Contracts | Sep 1999(Alt I – Sept 1999) (Deviation I – Apr 2007) |
| 552.238-81 | Price Reductions | May 2019 |
| 52.212-4 | Contract Terms and Conditions – Commercial Products and Commercial Services | Dec 2022 |

# Did You Remember To…

* Complete and submit the 2024 Public Law Price Proposal Spreadsheet
* Complete, sign, and submit the 2024 Pharmaceutical Price Agreement – Addendum A
* **Submit previous and current commercial pricelists (if your firm maintains dual pricelists and is proposing 2024 price increases).**
* Submit a copy of the applicable catalog, price list, contractor bulletin, letter or customer agreement which details the effective date, duration, terms and conditions of the price reduction.

# Temporary Price Reduction (TPR) & Product Deletion Requests

If your firm wishes to offer new voluntary, temporary price reduction(s)[[1]](#footnote-1) for certain product items that are to be limited to select eligible users and/or delete products from your contract with an effective date of January 1, 2024, you must:

1. Complete and submit a separate price decrease and/or product deletion modification request form and price proposal spreadsheet; and
2. State your intent to offer a new temporary price reduction and/or product deletion in the PL 102-585 submission email

We will not accept requests for new voluntary, temporary price reductions or product deletions submitted using the Public Law 102-585 2024 Pricing Update RFM package. Access the applicable 65IB RFM forms online: <https://www.va.gov/opal/nac/fss/modForms.asp> .

# Abbreviated Timeline

This is an abbreviated timeline.  See the PBM DML, and OGC & FSS Guidance for full instructions and due dates.

10/17…Receive Excel workbook with covered drug NDCs from [PBM](https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.pbm.va.gov%2F&data=05%7C01%7C%7Ce765428bdf2c42b621bc08daa162177f%7Ce95f1b23abaf45ee821db7ab251ab3bf%7C0%7C0%7C637999739909294145%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=KSQIH64v%2F7jJ%2BhmXUa9LmHghqQQasobUKrcoOk6mhPU%3D&reserved=0) (if you have not received your workbook, please request from NonFamp@va.gov (include FSS contract number subject line)

10/19…PBM will begin calculation changes in non-FAMP pricing, additional discounts, and 2024 FCP. You will have *two business days* to dispute or resubmit calculations to PBM, OGC, and OIG of final 2024 FCP calculations.

10/29…Report modifications in the methodologies used to calculate NFAMP to PBM, OGC, and OIG

10/29…Report any disputes of the old NFAMP entries.

11/15…Deadline for submitting annual NFAMP reports with FY2023, and calendar Q3 2023 calculation results to PBM as early as possible prior to deadline.

**11/21…Submit PPA Addendum, RFM, and related documentation to FSS**

# Contractor Information

Complete all fields.

|  |  |
| --- | --- |
| Company Name |       |
| Contract No. |       |
| Point of Contact |       |
| Phone |       |
| Email |       |
| Date Submitted to FSS |       |

# Price Reductions

Indicate the type of price reduction requested. Select all that apply.

|  |  |  |
| --- | --- | --- |
| My firm has elected to maintain a **single** annual FSS pricelist for line items falling under SIN 42-2A | [ ]  | Decrease to FSS price |
| My firm has elected to maintain a **dual** annual FSS pricelist for line items falling under SIN 42-2A | [ ]  | Decrease to BIG4 price (which include VA, DoD, PHS including IHS, Coast Guard and State Veteran Homes who have sharing agreements with the VA under options 2, 3, or 4) |
| My firm has elected to maintain a **dual** annual FSS pricelist for line items falling under SIN 42-2A | [ ]  | Decrease to OGA price (All Other Government Agencies) |

##### The requested price reduction is made for the following reason(s)[[2]](#footnote-2)

Select all that apply

|  |  |
| --- | --- |
| [ ]  | In accordance with Public Law 102-585 for “covered drugs” only. |
| [ ]  | 1. Revised commercial catalog, price list, or other document upon which the contract award was predicated, to reduce prices.
 |
| [ ]  | 1. Granted more favorable discounts or terms and conditions than those contained in the commercial catalog, price list, or other documents upon which the contract award was predicated. Granted special discounts to the tracking customer that was the basis of award, and the change may have disturbed the ratio.
 |

# Price Increase (EPA)

##### Indicate the type of increase requested

Select all that apply.

[ ]  Increase to FSS/BIG4 pricing as permitted by Public Law 102-585

[ ]  Increase to dual pricing as prescribed by 552.216-70 Economic Price Adjustment

If your request is to increase dual (OGA) pricing, it must comply with paragraphs (b) & (c) of 552.216-70, Economic Price Adjustment – FSS Multiple Award Schedule Contracts. Include all of the material required by paragraph (c) of the clause with your request. Read the full text of the clause in the solicitation under which your contract was awarded.

##### Provide justification for requesting a price increase

To supplement the information provided, your assigned Public Law contract specialist may request additional justification and documentation to determine fair and reasonable pricing before awarding any and/or all price increase requests. Use additional sheets as necessary.

##### If requesting a price increase include the following with your submission

1. 2024 Public Law Price Proposal Spreadsheet. *Only the prescribed spreadsheet will be accepted for 2024 Public Law updates.*

[ ]  I verify that my firm’s commercial pricelist has increased from 2019 (if applicable) to present.

1. A dated copy of your firm’s current and previous commercial pricelists (WAC Pricing).

**If products have been added to your firm’s FSS contract, please have the previous pricelist(s) be inclusive of all products subject to the 2024 PL Pricing Update.**

If one is not available, provide a dated electronic copy of your firm’s WAC pricing and include a certification that the pricing provided for the previous and current year’s pricing is current, accurate, and complete. All electronic certified pricelists must be signed by an authorized signatory.

##### Complete the following certification

I,       certify that no adverse change has occurred in the ratio between the awarded FSS price and the tracking customer price since the award of the item.

# Verification

I,      , understand that the Public Law calculated Federal Ceiling Price is the maximum price for an NDC and that the Price Reduction Clause may cause the actual FSS selling price to the Government to fall below the FCP. I have reviewed (a) my commercial pricing and the price/discount relationship applicable to my awarded tracking customer, and (b) the Price Reduction Clause with regard to the maintenance of the established price/discount relationship, and (c) I certify that the attached updated prices do not adversely disturb the price/discount relationship established for this FSS contract.

[ ]  I verify that all of the information supplied in this request is current, accurate, and complete.

[ ]  I verify that the signatory of this document is an authorized signatory for the company.

*Disclaimer:* Except as provided herein, all terms and conditions of the subject VA Federal Supply Schedule contract, remain unchanged and in full force and effect.

# RFM Certification & Authorized[[3]](#footnote-3) Signature

Printed name and title of **authorized** representative

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**\***Signature of **authorized** representative Date

*(See below for signature requirements)*

*Offeror/Contractor and the VA agree to be bound by digital signatures with the same force and effect as wet signatures.  A digital signature—a type of electronic signature—is a mathematical algorithm routinely used to validate the authenticity and integrity of a document. Digital signatures create a virtual fingerprint that is unique to a person or entity and are used to identify users and protect information in digital documents. Digital signatures are significantly more secure than other forms of electronic signatures.*

*VA FSS will only accept digital signatures and will not accept other types of electronic signatures described herein. While digital signatures are a form of electronic signature, not all electronic signatures are digital signatures. Electronic signatures—also called e-signatures—are any sound, symbol, or process that shows the intent to sign something. This could be an image (e.g. JPEG, PNG, etc.) of your hand-written signature, a stamp, or a recorded verbal confirmation. An electronic signature could even be your typed name on the signature line of a document.*

*Digital signatures will be deemed original signatures.* ***PLEASE NOTE, a scanned copy of a document with your wet signature, although not considered a digital signature, remains acceptable****.  Offeror agrees to store and maintain as auditable records all digitally signed electronic documents for no less than 3 years after final payment.*

1. The terms *Temporary* and *Permanent* as used in this form do not refer to the FCP lifecycles provisional, temporary, or permanent. [↑](#footnote-ref-1)
2. See 552.238-81 Price Reduction Clause [↑](#footnote-ref-2)
3. An authorized signatory is an individual listed in Block 6 or 7 of the Signatory Authority Form. No unauthorized signatures will be accepted. [↑](#footnote-ref-3)