

MISSOURI ATTORNEY GENERAL’S OFFICE
REQUEST FOR PROPOSALS (RFP)
OUTSIDE LEGAL COUNSEL FOR PHARMACY BENEFIT MANAGER
LITIGATION

I. INTRODUCTION

Pursuant to Section 34.378, RSMo, the Missouri Attorney General’s Office (“AGO”) seeks proposals from qualified law firms or attorneys (“Respondents”) to provide legal representation in investigating and, if warranted, litigating potential claims on behalf of the State of Missouri against pharmacy benefit managers (“PBMs”) and related entities.

This representation may include involvement in ongoing multi-district litigation, as well as the development of standalone claims arising under Missouri law. Respondents must have experience in complex civil litigation involving PBMs, and must be able to operate under the direction of the AGO.

II. SCOPE OF SERVICES

The scope of services include, but are not limited to:

- Conduct factual and legal investigations into PBM practices that may include hidden profit spreads, improper rebate retention, spread pricing schemes, mail-order “black box” arrangements, restrictive audit terms, and artificially inflated consumer prices, excluding investigations into non-profit health care providers;
- Analyze data and advise the AGO on the viability of legal claims;
- Draft pleadings, motions, and other legal documents;
- Manage discovery, including document review and depositions;
- Engage expert witnesses and litigation support as needed;
- Represent the State in all proceedings including trial and appeals;
- Participate in settlement negotiations, subject to AGO approval;
- Assist with enforcement of judgments or settlements;
- Submit regular reports to the AGO on case progress, strategy, and costs; and
- Meet all other requirements of retained private attorneys as provided in Section 34.378, RSMo.

Note: Under Section 34.378, RSMo, the final approval of any contingency fee arrangement or settlement exceeding \$100,000 must be provided by the AGO in writing. Any final contract must be published on the AGO’s website for transparency.

III. COMPENSATION

The AGO anticipates a contingency fee structure, but reserves the right to negotiate hourly rates or hybrid arrangements. In accordance with Section 34.378.7, RSMo, contingency fee contracts shall be reasonable and subject to a sliding scale as follows:

- 15% of the first \$10 million recovered
- 10% of the next \$5 million recovered
- 5% of the next \$5 million recovered
- 2% of any recovery exceeding \$20 million

In no event shall the aggregate contingency fee exceed \$10 million, exclusive of reasonable costs and expenses.

IV. SELECTION CRITERIA

Firms and lawyers considered for selection to provide the services described herein must have:

- Demonstrated experience in complex civil litigation
- Demonstrated experience in complex PBM-related matters including successful representation of at least five (5) other state Attorney General Offices over the course of the last ten (10) years
- Capability to review large data sets and assess legal exposure
- Adequate staffing and financial resources to sustain protracted litigation
- Willingness to operate under AGO direction
- Compliance with all provisions of Section 34.378, RSMo
- No actual or potential conflicts of interest
- No pending ethics violations or malpractice claims (or satisfactory explanation thereof)

V. PROPOSAL FORMAT

Firm Overview: Description of the firm, principal attorneys, support staff, attorney biographies and bar admissions, including pro hac vice eligibility

Relevant Experience: Examples of prior government representation and PBM litigation including case outcomes, references, and budget performance

Legal and Ethical Standing: Disclosure of malpractice claims, ethics complaints, or sanctions in past five (5) years along with a statement affirming good standing of attorneys

Proposed Fee Structure: Contingency fee proposal in compliance with Section 34.378, RSMo.

Conflict Disclosure: Statement regarding any real or potential conflicts of interest

References: Minimum of three (3) references from prior or current government clients

VI. RFP CALENDAR

Event Schedule:

- RFP Issued – November 10, 2025
- Deadline for Written Questions – November 17, 2025
- Responses to Questions Posted – November 24, 2025
- Proposal Submission Deadline – December 8, 2025
- Interviews (if needed) – December 12, 2025
- Award Notification – December 17, 2025

VII. SUBMISSION INSTRUCTIONS

Proposals must be submitted electronically in PDF format to RFPSubmission@AGO.MO.GOV no later than 11:59 PM on Monday, December 8, 2025.

Subject line should read: “PBM Litigation RFP Response – [Firm Name]”

Late or incomplete submissions will not be considered.

VIII. RESERVATION OF RIGHTS

The AGO reserves the right to:

- Accept or reject any and all proposals
- Waive irregularities in any proposal
- Cancel or modify this RFP at any time
- Negotiate with one or more Respondents before final selection