

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

**SUPPLEMENT NO. 2 TO CONTRACTUAL AGREEMENT FOR
THIRD-PARTY ADMINISTRATIVE SERVICES FOR HEALTHSELECT OF TEXAS**

THIS SUPPLEMENT NO. 2 ("Supplement"), effective September 1, 2017, is entered into by and between the Employees Retirement System of Texas ("ERS") and Blue Cross and Blue Shield of Texas, an Operating Division of Health Care Service Corporation, a Mutual Legal Reserve Company ("TPA").

RECITALS

WHEREAS, ERS and TPA entered into a Contractual Agreement ("Contract") for Third-Party Administrative Services for the HealthSelect of Texas ("HealthSelect") Plan, dated effective December 12, 2016; and

WHEREAS, HealthSelect is a self-funded health plan administered by ERS as part of the Texas Employees Group Benefits Program ("GBP") as established by Chapter 1551 of the Texas Insurance Code and its predecessor statutes; and

WHEREAS, in connection with the Contract, TPA will make available to ERS, its members, retirees, dependents, participants, alternate payees and beneficiaries (each, and "ERS User") a wellness website ("Website") and mobile application ("Mobile App") hosted by OnLife Health, and related wellness services in connection with the HealthSelect wellness program; and

WHEREAS, embedded within the Website and Mobile App are OnLife Health's click through Terms of Use and a Privacy Policy that apply to all individuals and entities that seek to access the Website or Mobile App. OnLife Health cannot custom alter those terms for ERS Users; and

WHEREAS, in accordance with Section 2.8 of the Contract, the Contract may be altered, extended, modified or amended by mutual written agreement of ERS and TPA.

NOW THEREFORE, in consideration of the above premises, ERS and TPA hereby now desire to supplement the Contract as follows:

1. ERS and TPA, by their authorized signatures below, agree that Texas law and not the jurisdiction stated in OnLife Health's Terms of Use or Privacy Policy will apply to use of the Website or Mobile App by ERS Users, HealthSelect participants, the GBP, ERS' past, present and future officers, directors, trustees and employees, and the state of Texas and its past, present and future officers and employees.
2. TPA agrees to execute an amendment to the Statement of Work between HCSC and OnLife Health whereby OnLife Health will agree not to use any information provided by ERS participants to OnLife Health through the Website or Mobile App, or information posted to public, semi-public or private message boards or other forums within the Website or Mobile App, individually or in aggregate, for any purpose not expressly authorized by ERS under the Contract.

