

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY

RFP # 201307567

RFP TITLE: Maine Farms for the Future Program, Round 13: Phase 1 - Business Plan Development with potential Phase 2 Investment Support in 2015.

RFP COORDINATOR: Stephanie Gilbert, Farm Viability & Farmland Protection Specialist
Room 314, Deering Building, 90 Blossom Lane, 28 SHS, Augusta, ME 04333-0028
Tel: 207-287-7520 e-mail: Stephanie.gilbert@maine.gov Fax: 207-287-5576

From the time this RFP is issued until award notification is made, all contact with the State regarding this RFP must be made through the aforementioned RFP Coordinator. No other person / State employee is empowered to make binding statements regarding this RFP. Violation of this provision may lead to disqualification from the bidding process, at the State's discretion.

Deadline for Submitted Questions: Wednesday, September 18, 2013, 5:00 PM local time
Submit written questions via email, fax or regular mail to:

Stephanie Gilbert, Farm Viability & Farmland Protection Specialist
28 State House Station
Augusta, ME 04333-0028
e-mail: Stephanie.gilbert@maine.gov fax: 207-287-5576

Bidders' Conference: Thursday, September 26, 2013, 10:00 AM – 12:00 PM local time

Location of Bidders' Conference:

Room 319, Deering Building
90 Blossom Lane
Augusta, ME

Proposals Due: Monday, October 7th, 2013, not later than 2:00 PM local time

Submit Proposals to:

Division of Purchases
Burton M. Cross Building, 111 Sewall Street, 4th Floor
9 State House Station
Augusta ME 04333-0009

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Public Notice

State of Maine
Department of Agriculture, Conservation and Forestry
Public Notice for RFP # 201307567

Maine Farms for the Future Program, Round 13: Phase 1 - Business Plan Development
with potential Phase 2 Investment Support in 2015.

The State of Maine Department of Agriculture, Conservation and Forestry, Division of Agricultural Resource Development has a requirement for business plan development (Phase 1) and investment support (Phase 2) as authorized through the Maine Farms for the Future Program (Title 7, MRS Chapter 10-B). In accordance with State procurement practices, the Department is hereby announcing the publication of a Request for Proposals (RFP) # **201307567** for the purchase of the aforementioned services.

A copy of the RFP can be obtained by contacting the Department at the following email address: Kimbalie.Lawrence@maine.gov, or mailing address: Department of Agriculture, Conservation and Forestry, Maine Farms for the Future Program – Round 13, Room 314, 28 SHS, Augusta, ME, 04333-0028. The Department encourages all interested vendors to obtain a copy of the RFP and submit a competitive proposal.

The **deadline for submitting written questions** is Wednesday, September 18th, 2013, 5:00 p.m. local time. Interested bidders may submit questions by emailing: Stephanie.Gilbert@Maine.gov or by mailing to: Department of Agriculture, Conservation and Forestry, Maine Farms for the Future Program - Round 13, Room 314, 28 SHS, Augusta, ME, 04333-0028.

A **Bidders' Conference** will be held at the Department Offices on Thursday, September 26th, 2013, from 10:00AM to 12:00PM, in Room 319 of the Deering Building located at 90 Blossom Lane, Augusta, Maine.

Proposals must be submitted to the State of Maine Division of Purchases, located at the Burton M. Cross Office Building, 111 Sewall Street, 4th Floor, 9 State House Station, Augusta, Maine, 04333-0009. **Proposals must be submitted by 2:00 pm, local time, on Monday, October 7th, 2013**, when they will be opened at the Division of Purchases' aforementioned address. Proposals not received at the Division of Purchases' aforementioned address by the aforementioned deadline will not be considered for contract award.

**State of Maine - Department of Agriculture, Conservation and Forestry
Public Notice for RFP # 201307567**

**Maine Farms for the Future Program, Round 13: Phase 1 - Business Plan Development
with potential Phase 2 Investment Support in 2015.**

PART I INTRODUCTION

A. Purpose and Background

The Department of Agriculture, Conservation and Forestry (“Department”) is seeking proposals from eligible applicants (“Bidders”) who want to increase the long-term profitability and net worth of their farm business (“*vitality*”) as further explained and defined in this Request for Proposals (RFP) document and in law and the rules governing the Maine Farms for the Future Program (FFF). This RFP document provides instructions for submitting proposals and the procedure and criteria by which Bidders will be selected. This RFP document also outlines the contractual terms that will govern the relationship between the State of Maine (“State”) and the awarded Bidder(s).

Need for Services:

Since enacted by the Maine Legislature in 1999, the Maine Farms for the Future Program (Title 7, MRS, Ch. 10-B) has improved the vitality of 223 Maine farms, leveraged at least \$4.5 private investment dollars for every \$1 program dollar, and protected nearly 30,000 acres of farmland for up to seven years.

The Department’s - Maine Farms for the Future Program seeks farm business owners who have “*idea(s) for making change(s)*” to their farm’s operational, production and financial management practices to increase farm *vitality*, and who need assistance in researching, planning and implementing those changes.

Each successful applicant shall become a “*Provider*” in a contract with the Department and agree to the following Phase 1 requirements, to:

1. Attend meetings at the Department’s offices in Augusta;
2. Schedule regular meetings with a certified Business Planning Counselor;
3. Conduct research, attend training events, attend conferences, and when necessary, hire and consult with industry professionals and experts to explore their “*idea(s) for change(s)*”; and
4. Write a Business Plan based upon the “*idea(s) for change(s)*” as described in the Phase 1 Application (Appendix A – Part 1) and further described in the contract with the Department.

Following each *Provider*’s completion of the Phase 1 requirements, on April 10, 2015, each *Provider* will also have the opportunity to compete for Phase 2 Investment Support as further described in this RFP, the Law, the Rules, and the Round 13 - Phase 2 Application which will be distributed by the Department in January 2015 and the Phase 2 Selection Criteria Guidance & Scoring System (Appendix C).

B. General Provisions

1. Issuance of this RFP does not commit the Department to issue an award or to pay expenses incurred by a Bidder in the preparation of a response to this RFP. This includes attendance at personal interviews or other meetings and software or system demonstrations, where applicable.
2. All proposals should adhere to the instructions and format requirements outlined in this RFP and all written supplements and amendments (such as the Summary of Questions and Answers), issued by the Department. Proposals are to follow the format and respond to all questions and instructions specified below in the “Proposal Submission Requirements and Evaluation” section of this RFP.
3. Bidders shall take careful note that in evaluating a proposal submitted in response to this RFP, the Department will consider materials provided in the proposal, information obtained through interviews/presentations (if any), and internal Departmental information of previous contract history with the Bidder (if any). The Department also reserves the right to consider other reliable references and publicly available information available in evaluating a Bidder’s experience and capabilities. The proposal shall be signed by a person authorized to legally bind the Bidder and shall contain a statement that the proposal and the pricing contained therein will remain valid and binding for a period of 180 days from the date and time of the bid opening.
4. The RFP and the selected Bidder’s proposal, including all appendices or attachments, will be incorporated in the final contract.
5. Following announcement of an award decision, all submissions in response to this RFP will be considered public records available for public inspection pursuant to the State of Maine Freedom of Access Act (FOAA) (1 M.R.S. §§ 401 *et seq.*). If a Bidder submits materials that it claims are confidential because they are not “public records” pursuant to FOAA, the Bidder must (1) conspicuously and precisely designate those particular portions of its materials as “confidential” and (2) provide the specific statutory or other legal basis that exempts the designated materials from FOAA’s definition of “public record.” (See 1 M.R.S. § 402; <http://www.maine.gov/foaa/law/exceptions.htm>.) A Bidder’s confidential designation does not ensure nondisclosure of the material; the State shall determine whether submitted materials are “public records.”
6. The Department, at its sole discretion, reserves the right to recognize and waive minor informalities and irregularities found in proposals received in response to this RFP.
7. The State of Maine Division of Purchases reserves the right to authorize other Departments to use the contract(s) resulting from this RFP, if it is deemed to be beneficial for the State to do so.
8. All applicable laws, whether or not herein contained, shall be included by this reference. It shall be Proposer’s/Vendor’s responsibility to determine the applicability and requirements of any such laws and to abide by them.

C. Eligibility to Submit Bids

PHASE 1 – Eligibility Requirements

Private for-profit companies, owned by individuals, partners or corporations, that grow or produce agricultural products for commercial sale, and have all State of Maine certification or licensure required for the particular type of agricultural operation (Nutrient Management Plan, Licensed Commercial Kitchen, Milk License, etc) that:

- a. Own and operate a Farm Business that has been producing agricultural products commercially in the State of Maine for at least two (2) years (24 months) at the time of application. The applicant must own their farmland or be a partner or shareholder in a legal entity that owns the farmland.
 - i. If the applicant does not own farmland, and instead operates leased farmland, then the applicant must have at least a 10-year lease agreement with the farmland owner, and the

farmland landowner must co-sign the Phase 1 Application (Appendix A). Then, if awarded Phase 1 funds, both the farmland owner and the farmland operator would be the grant recipients (*Providers*) and both would sign the Department's Phase 1 grant contract.

- ii. If having recently purchased their farmland, the applicant must have had at least two years of experience operating a Farm Business elsewhere in Maine.
- b. Meet the Criteria for Selection established in statute (*Title 7, MRS Chapter 10-2B*), and the *Rules Governing the Maine Farms for the Future Program (Chapter 36)* and further described in Appendix C – *Phase 1 Selection Criteria Guidance and Scoring System*.
- c. Submit documentation of gross and net farm income, expenses, net worth and farm debt, including copies of IRS Schedule F tax forms for 2011 and 2012.

PHASE 2 – Eligibility Requirements

Only those Bidders who are awarded Phase 1 grants, and who enter into Phase 1 contracts as *Providers* to the Department, are eligible to apply for Phase 2. Only those *Providers* who complete all requirements of Phase 1, and submit a Phase 2 Application (to be disseminated by the Department in January 2015) and a complete written Business Plan are eligible to apply on April 10, 2015.

D. Contract Term

The Department is seeking a cost-efficient proposal to provide services, as defined in this RFP, for the anticipated contract period defined in the table below. Please note that the dates below are estimated and may be adjusted as necessary in order to comply with all procedural requirements associated with this RFP and the contracting process. The actual contract start date will be established by a completed and approved contract.

The term of the anticipated contract, resulting from this RFP, is defined as follows:

Period	Start Date	End Date
Initial Period of Performance	11/25/2013	04/10/2015

E. Number of Awards

The Department anticipates making no more than nine (9) Phase 1 award(s) in October 2013, and no less than seven (7) Phase 2 awards in April 2015, as a result of this RFP process. As required in statute (*Title 7, MRS Chapter 10-B*), and in the Rules for the Maine Farms for the Future Program (*Chapter 36*), a five-member Review Panel, shall award Phase 1 and Phase 2 grants in accordance with the Selection Criteria Guidance and Scoring System developed for each Phase (Appendix C). Whenever possible, the FFF Review Panel shall award grants to Bidders who represent a diversity of agricultural crops, commodities and geographic location in the State of Maine.

PART II SCOPE OF SERVICES

Each successful applicant shall become a “*Provider*” in a contract with the Department and agree to the following Phase 1 requirements, to:

1. Attend meetings at the Department’s offices in Augusta;
2. Schedule regular meetings with a certified Business Planning Counselor;
3. Conduct research, attend training events, attend conferences, and when necessary, hire and consult with industry professionals and experts to explore their “*idea(s) for change(s)*”; and
4. Write a Business Plan based upon the “*idea(s) for change(s)*” as described in the Phase 1 Application (Appendix A – Part 1) and further described in the contract with the Department.

And agreeing to:

- Work with the Department's Maine Farms for the Future – RFP Coordinator and Program Agreement Administrator (PAA), Stephanie Gilbert, to identify all Department staff who may need visit the farm to ensure that licensing, certification and best management practices are current.
- Submit regular Progress Reports, Invoices and/or Requests for Advance to the Program Agreement Administrator, utilizing specific program’s forms to itemize and attach all invoices, receipts and/or purchase orders that listed on the reporting forms.
- Attend business planning course conducted by the Department or a qualified trainer, consult with a certified professional business counselor from the Small Business Development Centers or elsewhere, research and write a business plan in accordance with the Maine Farms for the Future 2013-2015 Business Planning Guide.
- Contract with Service Providers listed with the Maine Farms for the Future Program (FFF) and when necessary, other outside consultants or specialists to obtain advice, estimates, drawings, draft plans and research, technical and professional assistance with bookkeeping, recordkeeping, financial management and decision making, general planning skills, market assessment, marketing, production management efficiencies, new product development other such topics related to the *Idea for Change*, provided that such services have been discussed with the Program Agreement Administrator
- If necessary, purchase of financial software and training on the use of the financial management software.
- Should any other expense, not described above, and explicitly related to the process of researching and writing a business plan for the *Idea for Change* become necessary, the Provider shall notify the Program Agreement Administrator in writing and shall obtain prior written approval from the Program Agreement Administrator before incurring the expense.
- Prior to application for the Phase 2 - Maine Farms for the Future Investment Support grant, the Provider shall schedule an on-farm appointment with the Program Agreement Administrator to review the key elements of the Phase 2 project and draft business plan. This site visit must occur sometime between September 15, 2014 and February 15, 2015.
- If the Provider fails to fulfill these contractual obligations, the Department and Provider shall negotiate a termination of the contract, and the Provider may be required to return funds to the Department.
- Following each *Provider’s* completion of the Phase 1 requirements, on April 10, 2015, each *Provider* will also have the opportunity to compete for Phase 2 Investment Support as further described in this RFP, the Law, the Rules, and the Round 13 - Phase 2 Application which will be distributed by the Department in January 2015 and the Phase 2 Selection Criteria Guidance & Scoring System (Appendix C).

PART III KEY RFP EVENTS

A. Timeline of Key RFP Events

Event Name	Event Date and Time
Bidders' Conference – Call 287-3491 ahead to obtain instructions and clearance for security entrance.	09/26/2013, 10:00 AM–12:00 PM
Due Date for Receipt of Written Questions	09//18/2013 at 5:00pm, local time
Due Date for Receipt of Proposals	10/07/2013 at 2:00pm, local time
Estimated Contract Start Date (subject to change)	11/25/2013

B. Bidders Conference

The Department will sponsor a Bidders' Conference concerning this RFP. **The Bidders' Conference will be held on Thursday, September 26, 2013, 10:00 AM – 12:00 PM, in Room 319 of the Deering Building, located at 90 Blossom Lane, Augusta, ME.**

Please note that potential Bidders must call 287-3491 at least 1 hour ahead of conference start time to be added to the conference attendee security list. On 09/26, potential Bidders must enter the building on the ground floor level at the north end of the building. After entering the first (outer) door, follow the instructions posted on the wall to complete security clearance and enter the second (inner) door. Directional signs to the 3rd floor and Room 319 will be posted inside the Deering Building. The purpose of the Bidders' Conference is to answer and/or field questions, clarify for potential Bidders any aspect of the RFP requirements that may be necessary and provide supplemental information to assist potential Bidders in submitting responses to the RFP. Although attendance at the Bidders' Conference is not mandatory, it is *strongly encouraged* that interested Bidders attend.

C. Questions

1. General Instructions

- a. It is the responsibility of each Bidder to examine the entire RFP and to seek clarification in writing if the Bidder does not understand any information or instructions.
- b. Questions regarding the RFP must be submitted in writing and received by the RFP Coordinator listed on the cover page of this RFP document as soon as possible but no later than September 18, 2013, as specified in the timeline of events above.
- c. Questions may be submitted by e-mail, fax or regular mail. If faxed, please be sure to include a cover sheet addressed to the RFP Coordinator listed on the cover of this RFP, and indicate the number of pages sent. The Department assumes no liability for assuring accurate/complete fax or e-mail transmission and receipt.
- d. Include a heading with the RFP Number and Title. Be sure to refer to the page number and paragraph within this RFP relevant to the question presented for clarification, if applicable.

2. Summary of Questions and Answers

Responses to all substantive and relevant questions submitted by September 18, 2013, will be compiled in writing and distributed to all registered, interested persons by e-mail no later than seven (7) calendar days prior to the proposal due date. Only those answers issued in writing by the RFP Coordinator will be considered binding. The Department reserves the right to answer or not answer any question received.

D. Submitting the Proposal

1. **Proposals due:** Proposals must be received no later than 2:00 p.m. local time, on Monday, October 10th, 2013, as listed above, at which point they will be opened. Proposals received after the 2:00 p.m. deadline will be rejected without exception.

2. Mailing/Delivery Instructions

PLEASE NOTE: The proposals are not to be submitted to the RFP Coordinator at the requesting Department. The official delivery site is the State of Maine Division of Purchases (address shown below).

- a. Only proposals received at the official delivery site prior to the stated deadline will be considered. Bidders submitting proposals are responsible for allowing adequate time for delivery. Proposals received after the 2:00 p.m. deadline will be rejected without exception. Postmarks do not count and fax or electronic mail transmissions of proposals are not permitted unless expressly stated in this RFP. Any method of hardcopy delivery is acceptable, such as US Mail, in-person delivery by Bidder, or use of private courier services.
- b. The Bidder must send its proposal in a sealed package including one **original and five (5) copies** of the complete proposal. Please clearly label the original. One electronic copy of the proposal must also be provided on CD or flash drive with the complete narrative and attachments in MS Word format. Any attachments that cannot be submitted in MS Word format may be submitted as Adobe (.pdf) files.
- c. Address each package as follows (and be sure to include the Bidder's full business name and address as well as the RFP number and title):

Bidder Name
Return Address

Division of Purchases
Burton M. Cross Building, 4th Floor
111 Sewall Street
9 State House Station
Augusta ME 04333-0009

Re: RFP # 201307567
Maine Farms for the Future, Round 13

PART IV PROPOSAL SUBMISSION REQUIREMENTS

This section contains instructions for Bidders to use in preparing their proposals.

The Bidder's proposal must follow the outline used below, including the numbering and section and sub-section headings as they appear here. Failure to use the outline specified in this section or to respond to all questions and instructions throughout this document may result in the proposal being disqualified as non-responsive or receiving a reduced score. The Department and its evaluation team for this RFP have sole discretion to determine whether a variance from the RFP specifications should result in either disqualification or reduction in scoring of a proposal. Rephrasing of the content provided in this RFP will, at best, be considered minimally responsive. The Department seeks detailed yet succinct responses that demonstrate the Bidder's experience and ability to perform the requirements specified throughout this document.

A. Proposal Format

1. For clarity, the proposal should be **typed or legibly printed** into **Part 1** comprised of the COVER PAGE, APPLICATION and COST PROPOSAL FORM all found in Appendix A. Part 1 should be on white 8 ½" x 11" paper using a font or hand printing no smaller than 12 point Calibri.
2. Do NOT change the pagination of Part 1 - COVER PAGE, APPLICATION and COST PROPOSAL FORM - which is limited to 15 pages.
3. The following **additional proposal elements are required but** will NOT be counted as part of the maximum total number of 14 pages allowed for the proposal, but are a part of the proposal:
 - **Part 2** – Comprised of copies of IRS Schedule F forms for 2011 and 2012
 - **Part 3** – Comprised of copies of all certificates and licenses for the farm and farm business(es).
4. The Bidder may not provide additional attachments beyond those specified in the RFP for the purpose of extending their response. Any material exceeding the proposal limit will not be considered in rating the proposals and will not be returned. Bidders shall not include brochures or other promotional material with their proposals. Additional materials will not be considered part of the proposal and will not be evaluated.
5. Include any forms provided in the application package or reproduce those forms as closely as possible. All information should be presented in the same order and format as described in the RFP.
6. It is the responsibility of the Bidder to provide all information requested in the RFP package at the time of submission. Failure to provide information requested in this RFP may, at the discretion of the Department's evaluation review team, result in a lower rating for the incomplete sections and may result in the proposal being disqualified for consideration.

B. Proposal Contents

Part 1 COVER PAGE, APPLICATION FORM and COST PROPOSAL FORM found in Appendix A

Part 2 Copies of the Bidder's IRS Schedule F forms for 2011 and 2012

Part 3 Copies of all State or Non-Governmental Organization (i.e. MOFGA) required certificates and/or licenses for the Bidder's farm and the farm business(es)

PART V PROPOSAL EVALUATION AND SELECTION

Evaluation of the submitted proposals shall be accomplished as follows:

A. Evaluation Process - General Information

1. An evaluation team, comprised of qualified reviewers, will judge the merits of the proposals received in accordance with the criteria defined in the RFP, and in accordance with the most advantageous cost and economic impact considerations (where applicable) for the State.
2. Officials responsible for making decisions on the selection of a contractor shall ensure that the selection process accords equal opportunity and appropriate consideration to all who are capable of meeting the specifications. The goals of the evaluation process are to ensure fairness and objectivity in review of the proposals and to ensure that the contract is awarded to the Bidder whose proposal best satisfies the criteria of the RFP at a reasonable/competitive cost.
3. The Department reserves the right to communicate and/or schedule interviews/presentations with Bidders if needed to obtain clarification of information contained in the proposals received, and the Department may revise the scores assigned in the initial evaluation to reflect those communications and/or interviews/presentations. The Department reserves the right to make video or audio recordings of any applicable interview/presentation process. Interviews/presentations are not required, and changes to proposals will not be permitted during any interview/presentation process. Therefore, Bidders should submit proposals that present their costs and other requested information as clearly and completely as possible.

B. Scoring Weights and Process

1. **Scoring Weights:** The score will be based on a 100 point scale and will measure the degree to which each proposal meets the following criteria.

Criteria 1 – Management Capacity - Maximum Points = 20

The applicant's knowledge, experience and capability to successfully plan and implement changes.

Related questions on the APPLICATION: 2, 4, 4a, 17-27, 31-33, 38-39.

Elements of Review Panel discussion during consensus scoring:

Does the farmer demonstrate the knowledge, experience and capability to plan and implement changes? Will business planning move this farm forward? Will the farmer make good use of business planning process?

Criteria 2 – Quality of Idea for Change(s) - Maximum Points = 25

The likelihood that the applicant's proposed "ideas for change" and the business planning process can affect a fundamental change that will make the farm more viable.

Related questions on the APPLICATION: 7-11, 28-37.

Elements of Review Panel discussion during consensus scoring:

Has the applicant described areas within the current farm enterprises that need improvement, and/or identified potential strategies for change towards profitability? What is the degree of transformation that the applicant is considering? Does the proposed idea appear to have potential to positively impact farm vitality? Does the proposed idea directly rely on farm production for its success? Does the applicant intend to remain in farming?

Criteria 3 – Farm Financial Health and Ability to Transform - Maximum points = 25

The farm's current financial position, especially the debt load, can allow change(s) towards greater farm viability.

Related questions on APPLICATION: 10-16, 19

Elements of Review Panel discussion during consensus scoring:

Has the applicant attempted to provide clear information about gross & net income (current year and past 2 years)? Does farmer clearly describe the current financial condition of the business and identify debts and asset? Does farmer describe goals regarding debt and managing debt? How does debt level affect plans for change?

Criteria 4 – Physical Resource Base - Maximum Points = 20

The suitability and productivity of the farmland for its intended agricultural use, the physical condition of buildings and equipment, and other assets needed to maintain and increase productivity of the farm enterprise.

Related questions on APPLICATION: 2-7, 11, 35

Elements of Review Panel discussion during consensus scoring:

Is the land good for agriculture and/or the proposed idea for changes? Are the soils classified by the USDA NRCS as Prime Farmland, Statewide Important or Locally Significant? Is the land suitable for changes/expansion in crops, pasture, or whatever the idea entails? Does the building and equipment list suggest that business planning could help transform the farm's physical resources toward long-term viability? (i.e. Does the building and equipment list suggest that help is needed and would make a difference?)

Criteria 5 – Other Conditions - Maximum Points = 10

The degree of impact on the farmland that the business planning process would have.

Related questions on the APPLICATION: 2-3, 8-9, 18, 20, 22, 25, 29, 34-37

Elements of Review Panel discussion during consensus scoring:

What is the degree of development pressure on the acreage? What is the number of acres owned and/or operated? Will the idea help the farm be in a position to provide more employment opportunities and/or support regional agricultural infrastructure? Is there an environmental benefit from the proposed idea? Will the idea help the farm become/remain important to the local community?

- 2. Scoring Process:** The 5 member, Maine Farms for the Future Review Panel, appointed by the Commissioner, will use a consensus approach to evaluate the bids. Members of the Review Panel will not score the proposals individually but instead will arrive at a consensus as to assignment of points for each of the criteria in each proposal. The contract award(s) will be made to the Bidder(s) receiving the highest number of evaluation points, based upon the proposals' satisfaction of the criteria established in the RFP. The Cost section will be scored according to a mathematical formula described below.

Scoring the Farm Financial Health and Ability to Transform (Criteria 3): The Farm Financial Health and Ability to Transform is worth 25 points. The Review Panel will use a consensus approach to evaluate the information provided about gross & net income (current year and past 2 years), description of the current financial condition of the business, identified debts and assets,

description of goals regarding debt & managing debt, and description of how debt level effects plans for change.

No Best and Final Offers: The State of Maine will not seek a best and final offer (BAFO) from any Bidder in this procurement process. All Bidders are expected to provide their best value pricing with the submission of their proposal.

3. Negotiations

The Department reserves the right to negotiate with the successful Bidder to finalize a contract at the same rate or cost of service as presented in the selected proposal. Such negotiations may not significantly vary the content, nature or requirements of the proposal or the Department's Request for Proposals to an extent that may affect the price of goods or services requested. The Department reserves the right to terminate contract negotiations with a selected respondent who submits a proposed contract significantly different from the proposal they submitted in response to the advertised RFP. In the event that an acceptable contract cannot be negotiated with the highest ranked Bidder, the Department may withdraw its award and negotiate with the next-highest ranked Bidder, and so on, until an acceptable contract has been finalized. Alternatively, the Department may cancel the RFP, at its sole discretion.

C. Selection and Award

1. The final decision regarding the award of the contract will be made by representatives of the Department subject to approval by the State Purchases Review Committee.
2. Notification of contractor selection or non-selection will be made in writing by the Department.
3. Issuance of this RFP in no way constitutes a commitment by the State of Maine to award a contract, to pay costs incurred in the preparation of a response to this request, or to pay costs incurred in procuring or contracting for services, supplies, physical space, personnel or any other costs incurred by the Bidder.
4. The Department reserves the right to reject any and all proposals or to make multiple awards.

D. Appeal of Contract Awards

Any person aggrieved by the award decision that results from this RFP may appeal the decision to the Director of the Bureau of General Services in the manner prescribed in 5 MRSA § 1825-E and 18-554 Code of Maine Rules, Chapter 120 (found here: <http://www.maine.gov/purchases/policies/120.shtml>). The appeal must be in writing and filed with the Director of the Bureau of General Services, 9 State House Station, Augusta, Maine, 04333-0009 within 15 calendar days of receipt of notification of contract award.

If this RFP results in the creation of a pre-qualified or pre-approved list of vendors, then the appeal procedures mentioned above are available upon the original determination of that vendor list, but not during subsequent competitive procedures involving only the pre-qualified or pre-approved list participants.

PART VI CONTRACT ADMINISTRATION AND CONDITIONS

A. Contract Document

1. The successful Bidder will be required to execute a contract in the form of a State of Maine Agreement to Purchase Services (BP54). A list of applicable Riders is as follows:

Rider A: Specification of Work to be Performed

Rider B: Method of Payment and Other Provisions

Rider C: Exceptions to Rider B

Rider D: (optional; for use by Department)

Rider G: Identification of Country in Which Contracted Work Will Be Performed

The complete set of standard BP54 contract documents may be found on the Division of Purchases website at the following link: <http://www.maine.gov/purchases/info/forms/BP54.doc>

Other forms and contract documents commonly used by the State can be found on the Division of Purchases website at the following link: <http://www.maine.gov/purchases/info/forms.shtml>

2. Allocation of funds is final upon successful negotiation and execution of the contract, subject to the review and approval of the State Purchases Review Committee. Contracts are not considered fully executed and valid until approved by the State Purchases Review Committee and funds are encumbered. No contract will be approved based on an RFP which has an effective date less than fourteen (14) calendar days after award notification to Bidders. (Referenced in the regulations of the Department of Administrative and Financial Services, Chapter 110, § 3(B)(i): <http://www.maine.gov/purchases/policies/110.shtml>)

This provision means that a contract cannot be effective until at least 14 days after award notification.

3. The Department estimates having a contract in place by November 25, 2013. The State recognizes, however, that the actual contract effective date depends upon completion of the RFP process, date of formal award notification, length of contract negotiation, and preparation and approval by the State Purchases Review Committee. Any appeals to the Department's award decision(s) may further postpone the actual contract effective date, depending upon the outcome. The contract effective date may need to be adjusted, if necessary, to comply with mandated requirements.
4. In providing services and performing under the contract, the successful Bidder shall act independently and not as an agent of the State of Maine.

B. Standard State Agreement Provisions

1. Agreement Administration
 - a. Following the award, an Agreement Administrator from the Department will be appointed to assist with the development and administration of the contract and to act as administrator during the entire contract period. Department staff will be available after the award to consult with the successful Bidder in the finalization of the contract.
 - b. In the event that an acceptable contract cannot be negotiated with the highest ranked Bidder, the Department may withdraw its award and negotiate with the next-highest ranked Bidder, and so on, until an acceptable contract has been finalized. Alternatively, the Department may cancel the RFP, at its sole discretion.

2. Payments and Other Provisions

The State anticipates paying the Contractor on the basis of net 30 payment terms, upon the receipt of an accurate and acceptable invoice. An invoice will be considered accurate and acceptable if it contains a reference to the State of Maine contract number, contains correct pricing information relative to the contract, and provides any required supporting documents, as applicable, and any other specific and agreed-upon requirements listed within the contract that results from this RFP.

PART VII LIST OF RFP APPENDICES AND RELATED DOCUMENTS

Appendix A – Part 1 - Cover Page, Application & Cost Proposal Form – Round 13

Appendix B – Maine Farms for the Future Program – Phase 1 - Frequently Asked Questions

Appendix C - Selection Criteria Guidance & Scoring System for Phase 1 and Phase 2

Appendix D – Sample – Phase 1 Progress Report, Invoice/Request for Advance Forms