

**STATE OF MAINE**  
**Office of the State Treasurer**

**RFP# 201506097**

**Unclaimed Property Recovery Services**

**RFP Coordinator:** Tim Rodriguez, Director of Internal Operations  
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**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: 6/30/2015, 5:00 p.m. local time**

**Proposals Due: 7/21/2015, not later than 2:00 p.m. local time**

Submit to:

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

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**Public Notice**

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**State of Maine  
Office of the State Treasurer  
Public Notice for RFP# 201506097  
Unclaimed Property Recovery Services**

The Office of the State Treasurer (OST) has a requirement for Unclaimed Property Recovery Services. In accordance with State procurement practices, OST is hereby announcing the publication of a Request for Proposals (RFP) #201506097 for the purchase of the aforementioned services.

A copy of the RFP can be obtained by contacting OST's RFP Coordinator, Tim Rodriguez, at the following email address: [timothy.rodriquez@maine.gov](mailto:timothy.rodriquez@maine.gov). OST encourages all interested vendors to obtain a copy of the RFP and submit a competitive proposal.

Proposals must be submitted to the State of Maine Division of Purchases, located at the Burton M. Cross Office Building, 111 Sewall Street, 4<sup>th</sup> Floor, 9 State House Station, Augusta, Maine, 04333-0009. Proposals must be submitted by 2:00 pm, local time, on 7/21/2015, when they will be opened at the Division of Purchases. Proposals not received at the Division of Purchases by the aforementioned deadline will not be considered for contract award.

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**State of Maine – Office of the State Treasurer**  
**RFP# 201506097**  
**Unclaimed Property Recovery Services**

**PART I INTRODUCTION**

**A. Definitions**

1. “Banking Institution” means any state or national bank, international banking entity or similar entity, trust company, savings bank, credit union, or any organization otherwise defined by law as a bank or financial institution and includes a licensed securities dealer.
2. “Completed Examination” may consist of no more than two reports. A Provider may submit a report containing only securities related property such as shares of stock, mutual fund shares, bond issues, dividends, capital gains, or interest for payment. A securities related examination may involve the review of records of the Holder’s transfer agent. The other report that may be submitted shall consist of all other property the Holder has identified in the written agreement such as general ledger items.
3. “Custodian” means the entity that has been designated by the Provider to serve as repository for the unclaimed property until delivery to the Department.
4. “Examination” means a comprehensive review of a Holder’s records to determine compliance with [Maine’s Unclaimed Property Law, Title 33, Chapter 41](#), §1951 et. seq., Maine Revised Statutes Annotated (see Appendix D) wherein the Holder has signed a written agreement with the Provider to conduct such examination.
5. “Holder” means a person or entity, wherever organized or domiciled, who is: (a) in possession of unclaimed property belonging to another; (b) a trustee in case of a trust; or (c) indebted to another on an obligation.
6. “Bidder” means the bidder.
7. “Provider” means the successful Bidder.
8. “Renewal Period” means two successive one-year periods following the initial 36-month contract term between the Provider(s) and Department.
9. “Representation” means a certification or verification that the report is in compliance [with 33 M.R.S.A. 41](#), §1958, provided by an official representative of or for the Bidder to the Department.
10. “Transfer Agent” means the entity that has been designated by the Holder to serve as their representative to handle a certain stock transaction.

**B. Purpose and Background**

The Office of the State Treasurer (“Department” or “OST”) is seeking proposals to provide unclaimed property recovery services as defined in this Request for Proposals (RFP) document. This document provides instructions for submitting proposals, the procedure and criteria by which the Provider(s) will be selected, and the contractual terms which will govern the relationship between the State of Maine (“State”) and the awarded Bidder(s).

[33 MRSA 41, §1952, paragraph 1](#) provides that the Department shall be responsible for the administration and enforcement of Maine’s Unclaimed Property Law. Holders of unclaimed property are located in all states and territories. In order for the Department to properly administer the law and to enforce compliance with the law, it is necessary to seek compliance from unclaimed property Holders throughout the United States. This compliance will be achieved with the cooperation of the Holders through the Bidder’s examination of the Holders’ records on behalf of the Department for unclaimed property due the State of Maine. The Department has determined that the examining, processing, and delivering of unclaimed property, as it relates to Holders, may be more cost effective by the utilization of one or more Bidders with the voluntary cooperation of the Holders. This Request for Proposal (RFP) deals primarily with the identification, processing, and collection of unclaimed property due the State of Maine under 33 MRSA 41, from Holders whose principal place of business is not in the State of Maine, but does not exclude Maine-based businesses.

The purpose of this RFP is to select and award one or more contracts to the Provider(s) who can demonstrate the ability to provide the services stated in this RFP. The Bidder shall:

1. Demonstrate the ability and expertise to examine Holders of various types of unclaimed property.
2. Demonstrate the ability to obtain the records of the Holders of unclaimed property through voluntary compliance unless otherwise directed by the Department in writing.
3. Demonstrate the ability to process records with reasonable dispatch, as determined by the Department.
4. Demonstrate the ability to report unclaimed property to the Department via standard NAUPA format.
5. Demonstrate the ability to maintain reporting and remitting records on a database compatible with that of the Department for as long as the Department may require.
6. Demonstrate the ability to provide legal expertise for interpreting various state laws and case law relating to unclaimed property.
7. Demonstrate the ability to the Department that the Custodian of the cash, stocks, and bonds due the Department is protected by a federal or state banking institution to the full value and extent of the property being held for the Department and that the custodian function is separate from the examination and compliance function.
8. Demonstrate the ability to provide training to Maine Holders on an annual basis.
9. Demonstrate the ability to act consistently with the best interest of the Department and subject to the control and direction of the Department.

**C. 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 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.).
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.

**D. Eligibility to Submit Bids**

Public agencies, private for-profit companies, and non-profit companies and institutions are invited to submit bids in response to this Request for Proposals.

**E. 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.

Contract Renewal: Following the initial term of the contract, the Department may opt to renew the contract for two (2) renewal periods of one year each, subject to continued availability of funding and satisfactory performance.

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

<b>Period</b>	<b>Start Date</b>	<b>End Date</b>
Initial Period of Performance	8/1/2015	7/31/2018
Renewal Period #1	8/1/2018	7/31/2019
Renewal Period #2	8/1/2019	7/31/2020

**F. Number of Awards**

The Department anticipates making multiple awards as a result of this RFP process.

This RFP also offers an annual proposal submission process for new vendors to be considered for award. To allow new vendors the opportunity for award selection, proposals will be accepted on the first business day of July each year until this RFP expires on June 30, 2020. Proposals submitted in response to one of these annual submissions 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 the 1st business day of July, when they will be opened at the Division of Purchases.

## **PART II**

## **SCOPE OF SERVICES TO BE PROVIDED**

### **A. Minimum Requirements**

1. The Bidder shall designate, in writing, the official spokesperson of their organization authorized to sign all applicable documents required in this RFP.
2. The Bidder shall designate the location of its office within the U.S. to be used during the duration of the contract.
3. The Bidder shall provide evidence that the organization is a legal entity. Incorporated Bidders must provide as an attachment to the proposal either a copy of the corporation's most current annual report on file with the appropriate state agency, or, if incorporated during the past 12 months, a copy of the corporation's articles of incorporation and charter number assigned by the appropriate state agency. Bidders that are not incorporated must provide a copy of their business or occupational license as an attachment to the proposal.
4. The Bidder shall provide the following for its designated custodian as described in this RFP: name, address, contact person, telephone number, and proof of licensure by applicable governmental agencies and the account number where the funds will be deposited.
5. The Bidder shall provide an overview of their examination methodology and auditing process.
6. The Bidder shall provide a sample of the indemnification agreement to be used between the Department and the Holder.
7. The Bidder shall describe the security procedures to be implemented to ensure all personnel working in the examination process will maintain the security and confidentiality of examinations at all times, including the Bidder's penalties for breach of confidentiality.
8. The Bidder shall describe its database and other record keeping system and the ability to maintain a compatible database with the Department's database.
9. The Bidder shall demonstrate the ability to provide limited consultation services to the Department and staff as requested to assist with in-state audits.
10. The Bidder shall provide a proposal on training Holders within the State of Maine before March 15, 2016 (please refer to the "Training" section under Scope of Work).
11. The Bidder shall provide a listing of the states along with the contact person and their telephone number with whom the Bidder has a contract to perform similar services as described in this RFP. If there are no current contracts, please indicate this.
12. The Bidder shall include a list of organizations of which the Bidder is a member that would promote compliance with 33 MRSA 41 and abandoned property laws throughout the U.S. An example of organizations would include various stock transfer associations, corporate secretary chapters, etc. If there are no current memberships, please indicate this.

## **B. Scope of Work**

The specifications included in this section are intended to inform Bidders of the minimum expectations of the Department. Bidders may expand on the minimum requirements as specified.

### *Consultations*

Upon request, the Provider shall respond to inquiries by and assist the Department concerning the scope and implications of statutory provisions either in general or in relation to a specific audit. The Provider shall be accessible and available to the Department during regular working hours (8am-5pm EST) in order to respond to inquiries and concerns.

### *Custodian*

The Custodian must be a federal or state banking institution in the United States. All property received by the Provider must be deposited in an interest bearing account earning current competitive market rates. The interest earned shall be paid to the Department upon delivery of the unclaimed property to the Department or earnings credits may be provided as an offset against fees for services rendered if required by federal law. If the property consists of securities, bonds or tangible property, such property shall be kept in a secured location with the Custodian. All property received by the Provider or Provider's agent must be turned over to the Department within thirty (30) days of receipt. The failure to deliver unclaimed property to the Department within thirty (30) days of receipt or reconciliation shall result in interest and penalties to be paid by the Provider to the Department in accordance with [33 MRSA 41, §1975](#).

### *Examination Process*

The examination process shall meet the Department's minimum standards (see Appendix C) and shall include an examination manual identifying uniform examination practices as relates to: the accuracy (or non-existence) of owners' addresses, out-of-proof records, underlying shares and the determination of abandonment, bankruptcies, and, when appropriate, release of liability and indemnification. The manual shall also include procedures on dealing with interstate cooperation, reciprocal agreements, cooperation with on-going state and multi-state examinations, case law, examination procedures, dormancy periods, reporting periods, the methodology of estimation techniques, and other compliance techniques.

No examination shall commence prior to the Provider and the Holder entering into a written agreement that identifies the type of property to be examined, the time period to be examined and the estimated completion date of the examination. Unless the Holder receives prior written approval from the Department to exclude specific property types, each examination shall include all property types generated by the Holder's ordinary course of business.

### *Examination of Records*

The Provider shall examine records of all property types from Holders of unclaimed property. In the event that the Provider performs an examination of a Holder of unclaimed property where the principal place of business is in the State of Maine, the Provider shall not receive a fee for the unclaimed property delivered to the Department unless the examination was initiated by OST. In determining where the principal place of business is located, the latest annual report or Form 10-K filed by the Holder and all other probative evidence should be considered. The Provider must have the technical capability to process and identify Holder records that have met the statutory requirements of abandonment within a timely period of receipt and deliver same to the Department via electronic media format acceptable to the Department.

### *Training*

At the request of the Department, the Provider shall provide training (one full-day session, or two half-day duplicate sessions) once a year to Holders (100-150 attendees) within the State of Maine in a place and setting selected by the Provider and approved by the Department, with topic suggestions solicited from the

Department. Provider shall create a basic marketing pamphlet with input and approval from the Department and mail/email to Maine holders via contact information provided by the Department. Provider shall receive and track registrations, reporting the same periodically to the Department. Generally, morning and afternoon refreshments are provided at the session(s) at the expense of the Provider.

## PART III KEY RFP EVENTS

### A. Timeline of Key RFP Events

Event Name	Event Date and Time
Due Date for Receipt of Written Questions	6/30/2015 at 5:00pm, local time
Due Date for Receipt of Proposals	7/21/2015 at 2:00pm, local time
Estimated Contract Start Date (subject to change)	8/01/2015

### B. 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 the date and time specified in the timeline above.
- c. Questions must be submitted by e-mail, and include the RFP Number and Title in the subject line. The Department assumes no liability for assuring accurate/complete/on time 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 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.

### C. Submitting the Proposal

1. **Proposals Due:** Proposals must be received no later than 2:00 p.m. local time, on the date listed in the timeline 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 three (3) 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, 4<sup>th</sup> Floor  
111 Sewall Street  
9 State House Station  
Augusta ME 04333-0009

Re: RFP# 201506097

## 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 printed. Proposals should be single-spaced with 1" margins on white 8 ½" x 11" paper using a font no smaller than 12 point Times New Roman or similar.
2. All pages should be numbered consecutively beginning with number 1 on the first page of the narrative (this does not include the cover page or table of contents pages) through to the end, including all forms and attachments. For clarity, the Bidder's name should appear on every page, including Attachments. Each Attachment must reference the section or subsection number to which it corresponds.
3. Bidders are asked to be brief and to respond to each question and instruction listed in the "Proposal Submission Requirements" section of this RFP. Number each response in the proposal to correspond to the relevant question or instruction of the RFP. The proposal should be limited to a maximum total of seventy-five (75) pages. Pages provided beyond the aforementioned maximum amount will not be considered during evaluation.
4. The following proposal elements, if applicable/requested, will not be counted as part of the maximum total number of pages allowed for the proposal: proposal cover page, table of contents, financial forms, any required attachments, appendices, or forms provided by the Department in the RFP, organizational charts, job descriptions, or staff résumés.
5. 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.
6. 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.
7. 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.
8. Bidders should complete and submit the proposal cover page provided in Appendix A of this RFP and provide it with the Bidder's proposal. The cover page must be the first page of the proposal package. It is important that the cover page show the specific information requested, including Bidder address(es) and other details listed. The proposal cover page shall be dated and signed by a person authorized to enter into contracts on behalf of the Bidder.

## **B. Proposal Contents**

### **Section I Organization Qualifications and Experience**

#### **1. Overview of the Organization**

- a. Describe the organization, date founded, and ownership history of your company and any subsidiaries and affiliates relevant to your proposal together with the primary area of expertise and specific service(s) each entity will provide.
- b. Describe any other business affiliations (e.g., subsidiaries, joint ventures, payment of finder's fees) that would affect performance of examination activities under this RFP.
- c. Describe the primary sources of revenue for your company.
- d. Identify the size of your staff dedicated to unclaimed property recovery services, along with their credentials, including biographical information on the key person(s) who will take the most active role(s) in the administration and management of any contract resulting from this RFP.
- e. Identify the number of examination professionals (accounting managers, auditors, CPA's, researchers, data processors) employed by your company, by classification. Specify the average number of examinations each has participated in annually and at what level (processing records, examining, reviewing findings, supervising, etc.). Are there any established limits on number of Holders under examination at one time?
- f. Identify your company's legal staff who will be responsible for dealing with unclaimed property recovery services, including a resume or curriculum vita, and a written summary of their experience interpreting various state laws and case law relating to unclaimed property and/or 33 M.R.S.A. 41 and litigating unclaimed property cases for individual or multiple states.
- g. Has there been any significant turnover, increase or decrease in the number of professional staff in the company in the last 12 months? If so, please explain.

#### **2. Organization Location and Licensure**

- a. Identify the location of the corporate headquarters. Also, describe the current or proposed location where services will be provided or from which the contract will be managed.
- b. Attach a certificate of insurance on a standard Acord form (or the equivalent) evidencing the Bidder's general liability, professional liability and any other relevant liability insurance policies that might be associated with this contract.

#### **3. Organizational Experience**

Describe the history of the Bidder's organization, especially regarding skills pertinent to the specific work required by the RFP and any special or unique characteristics of the organization which would make it especially qualified to perform the required work activities. Include similar information for any subcontractors. Additionally:

- a. Describe the consultation services that your company would provide to the Department in researching and examining in-state Holders for compliance with unclaimed property. Also describe the training that will be provided to the Maine Holder community.

- b. Describe any educational and informational programs your company provides for other state clients. Include a description of subject matter, frequency, instructor/presenter details and the estimated cost to the client.
- c. Describe any educational and informational programs your company provides to Holders. Include a description of the subject matter, frequency and instructor/presenter details.

#### **4. Description of Experience with Similar Projects**

- a. Provide a description of five projects that occurred within the past five years which reflect experience and expertise needed in performing the functions described in the “Scope of Services” portion of this RFP. For each of the five examples provided, a contact person from the client organization involved should be listed, along with that person’s telephone number. Please note that contract history with the State of Maine, whether positive or negative, may be considered in rating proposals even if not provided by the Bidder. The Bidder must supply at least three (3) references showing the Bidder has previously conducted abandoned/unclaimed property examinations pursuant to [33 M.R.S.A. 41, §1971](#), or any other state's comparable abandoned/unclaimed property law.

### **Section II Proposed Services**

#### **1. Services to be Provided**

- a. Please provide detail of your company’s proposed plan to implement the examination, custodial, and educational services addressed in the Scope of Work.
- b. Describe and provide examples of the work-in-progress report that your company would provide to the Department. Specify the information contained in the reports, frequency and how the information will be conveyed (electronic media, mail, telephone, conference calls).
- c. Please describe how your company could provide assistance to OST to improve voluntary holder compliance for businesses domiciled in Maine. Please provide examples of activities or consultation that your company has provided to other state clients in connection with the establishment and monitoring of voluntary compliance.
- d. Please list other state clients that utilize the educational services offered through your company.

### **Section III Cost Proposal**

#### **1. General Instructions**

- a. The Bidder must submit a cost proposal that covers the entire period of the contract, including any optional renewal periods. Please use the expected contract start date of 8/1/2015 and an end date of 7/31/2020 in preparing this section.
- b. The cost proposal shall include the costs necessary for the Bidder to fully comply with the contract terms and conditions and RFP requirements.
- c. Failure to provide the requested information and to follow the required cost proposal format provided in Appendix B may result in the exclusion of the proposal from consideration, at the discretion of the Department.
- d. No costs related to the preparation of the proposal for this RFP or to the negotiation of the contract with the Department may be included in the proposal. Only costs to be incurred after the contract effective date that are specifically related to the implementation or operation of contracted services may be included.

## **2. Cost Proposal Form Instructions**

The Bidder should fill out Appendix B, following the instructions detailed in the form. Cost proposals should reflect a contingency fee percentage no higher than the percentage charged by the Bidder for auditing services rendered to any State Unclaimed Property Administrator, for the duration of the awarded contract.

## **Section IV Economic Impact within the State of Maine**

In addition to all other information requested within this RFP, each Bidder must dedicate a section of its proposal to describing the Bidder's economic impact upon and within the State of Maine. The use of economic impact in making contract award decisions is required in accordance with Executive Order 2012-004, which states that certain service contracts "...advertised for competitive bid shall include scoring criteria evaluating the responding Bidder's economic impact on the Maine economy and State revenues."

For the purposes of this RFP, the term "economic impact" shall be defined as any activity that is directly performed by or related to the Bidder and has a direct and positive impact on the Maine economy and public revenues within the State of Maine. Examples may include, but are not limited to, employment of Maine residents, subcontracting/partnering with Maine businesses, payment of State and Local taxes (such as corporate, sales, or property taxes), and the payment of State licensing fees for the Bidder's business operations.

To complete the "economic impact" section of the Bidder's proposal, the Bidder shall include no more than one page of typed text, describing the Bidder's current, recent, or projected economic impact with the State of Maine, as defined above. The Bidder may include all details and information that it finds to be most relevant for this section.

## 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. 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.

#### **Section I. Organization Qualifications and Experience (30 points)**

Includes all elements addressed above in Part IV, Section I.

#### **Section II. Specifications of Work to be Performed (25 points)**

Includes all elements addressed above in Part IV, Section II.

#### **Section III. Cost Proposal (40 points)**

Includes all elements addressed above in Part IV, Section III.

#### **Section IV. Economic Impact within the State of Maine (5 points)**

Includes all elements addressed above in Part IV, Section IV.

2. **Scoring Process:** The review team will use a consensus approach to evaluate the bids. Members of the review team will not score the proposals individually but instead will arrive at a consensus as to assignment of points on each category of 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 Economic Impact section will also be scored using a consensus approach, with the highest number of evaluation points being assigned to the Bidder(s) with the most economic impact, actual or feasible, as determined by the evaluation team. The Cost section will be scored according to a mathematical formula described below.
3. **Scoring the Cost Proposal:** The total cost proposed for conducting all the functions specified in this RFP will be assigned a score according to a mathematical formula. The lowest bid will be awarded 40 points. Proposals with higher bids values will be awarded proportionately fewer points calculated in comparison with the lowest bid.

The scoring formula is:

**(Lowest Contingency Fee percentage / Contingency Fee percentage being scored) x 40 = pro-rated score**

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.

4. **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, make a single award 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.

## 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 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.html>

2. 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 8/1/2015. 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

Unless otherwise provided by law, the Provider shall submit a consolidated invoice on a monthly basis for all property recovered as a result of completed examinations performed in detail sufficient for a

proper pre-audit and post-audit thereof. The Department shall authorize payment to the Provider for approved invoices on a monthly basis in accordance with the terms of the fee schedule outlined in the Cost Proposal form.

The Provider shall submit a preliminary invoice for a completed examination to the Department upon the delivery of the property. The Provider shall be solely responsible for all costs of products and services incurred in connection with performing the contract work. The Provider shall not receive compensation from the Department for unclaimed property due to another state for compliance work performed as a result of another contract or agreement not with the State of Maine for reporting services, nor for services unrelated to an authorized audit, including, but not limited to voluntary holder compliance.

## **PART VII LIST OF RFP APPENDICES AND RELATED DOCUMENTS**

1. Appendix A – State of Maine Proposal Cover Page
2. Appendix B – Cost Proposal
3. Appendix C – Minimum Recovery Standards
4. Maine Unclaimed Property Act – Link:  
<http://www.mainelegislature.org/legis/statutes/33/title33ch41sec0.html>

**PART VIII APPENDICES**  
**Appendix A**

**State of Maine**  
**Office of the State Treasurer**  
**PROPOSAL COVER PAGE**

**RFP# 201506097**  
**Unclaimed Property Recovery Services**

Bidder's Organization Name:		
Chief Executive - Name/Title:		
Tel:	Fax:	E-mail:
Headquarters Street Address:		
Headquarters City/State/Zip:		
<i>(provide information requested below if different from above)</i>		
Lead Point of Contact for Proposal - Name/Title:		
Tel:	Fax:	E-mail:
Street Address:		
City/State/Zip:		

Contingency Fee:	
<i>The proposed cost listed above is for reference purposes only, not evaluation purposes. In the event that the cost noted above does not match the Bidder's detailed cost proposal documents, then the information on the cost proposal documents will take precedence.</i>	

- This proposal and the pricing structure contained herein will remain firm for a period of 180 days from the date and time of the bid opening.
- No personnel currently employed by the Department or any other State agency participated, either directly or indirectly, in any activities relating to the preparation of the Bidder's proposal.
- No attempt has been made or will be made by the Bidder to induce any other person or firm to submit or not to submit a proposal.
- I have read the Request for Proposals (RFP) for Unclaimed Property Recovery Services and fully understand its content. I certify that we have adequate personnel, equipment and facilities to provide the Department's requested services that we have indicated we can meet. I understand that our ability to meet the criteria and provide the requested services will be judged solely by the Department. In addition, I certify that we have thoroughly examined the RFP requirements and our proposed fees cover all of the services that we have indicated we can meet, and we acknowledge and accept all terms and condition included in this RFP.
- The undersigned is authorized to enter into contractual obligations on behalf of the above-named organization.

## Debarment, Performance, and Non-Collusion Certification

*By signing this document I certify to the best of my knowledge and belief that the aforementioned organization, its principals, and any subcontractors named in this proposal:*

- a. Are not presently debarred, suspended, proposed for debarment, and declared ineligible or voluntarily excluded from bidding or working on contracts issued by any governmental agency.*
- b. Have not within three years of submitting the proposal for this contract been convicted of or had a civil judgment rendered against them for:*
  - i. fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a federal, state or local government transaction or contract.*
  - ii. violating Federal or State antitrust statutes or committing embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;*
  - iii. are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (b) of this certification; and*
  - iv. have not within a three (3) year period preceding this proposal had one or more federal, state or local government transactions terminated for cause or default.*
- c. Have not entered into a prior understanding, agreement, or connection with any corporation, firm, or person submitting a response for the same materials, supplies, equipment, or services and this proposal is in all respects fair and without collusion or fraud. The above mentioned entities understand and agree that collusive bidding is a violation of state and federal law and can result in fines, prison sentences, and civil damage awards.*

**Failure to provide this certification may result in the disqualification of the Bidder's proposal, at the discretion of the Department.**

*To the best of my knowledge all information provided in the enclosed proposal, both programmatic and financial, is complete and accurate at the time of submission.*

Name:	Title:
Authorized Signature:	Date:

**Appendix B**

**State of Maine  
Office of the State Treasurer  
COST PROPOSAL FORM**

**RFP#201506097  
Unclaimed Property Recovery Services**

All fee proposals must be expressed solely in the form of a percentage (%) of the dollar amount of the property delivered or value thereof. Each proposal shall be submitted with two fee proposals – one for all requested services (excluding Holder training) and one for the Holder training only, referenced in Part II, Section B, Scope of Services. The Department will select the provider(s) of the training.

Bidder's Organization Name: \_\_\_\_\_

<b>Service</b>	<b>Fee</b>
a) Unclaimed Property assets delivered to State custody	_____ % of assets delivered (Contingency Fee % for Scoring Cost Formula)
b) Annual Holder training seminar	_____ % of assets delivered

\*Cost proposals should reflect a contingency fee percentage no higher than the percentage charged by the Bidder for auditing services rendered to any State Unclaimed Property Administrator, for the duration of the awarded contract.

## Appendix C

**State of Maine  
Office of the State Treasurer  
MINIMUM RECOVERY STANDARDS**

**RFP# 201506097  
Unclaimed Property Recovery Services**

The Provider shall use the Department's minimum recovery standards when conducting an examination for unclaimed property on behalf of the Department other than an examination requested by a Holder. The Department may amend the minimum standards as necessary.

1. The Provider shall research and identify potential Holders of unclaimed property.
2. The Provider shall enter into an agreement with the Holder to conduct the examination and to report and deliver the property to the Department.
3. If one or more other states have already initiated an examination of a Holder and the Provider is requesting the Department to join in the audit, the Provider will initiate the examination process by submitting written justification to the Department regarding why an examination should be conducted on behalf of the Department.
4. The examination techniques shall include, but not be limited to, the location and examination of records of Holders and their agents and the verification of the accuracy of said records. Prior to the Department receiving payment, the Provider must conclude the examination and make a representation to the Department that the report of the examination has been completed pursuant to 33 MRSA 41, §1958. Failure to ensure that due diligence is performed may result in the loss of part or all of the Provider's fee for recovered property for that examination.