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DEPARTMENT OF
ADMINISTRATIVE & FINANCIAL SERVICES
ELAINE CLARK
COMMISSIONER

BUREAU OF GENERAL SERVICES
BRIAN KEEZER
DIRECTOR

SENT VIA EMAIL

7/22/2026

Columbus Medical Services, LLC dba The Columbus Organization
Jeff Klimaski, President & CEO
350 Sentry Parkway, Building 620, Suite 120
Blue Bell, PA 19422
jklimaski@columbusorg.com

SUBJECT: Notification of Appeal Committee Decision – RFP #202602022
Independent Reviewer

Dear Jeff Klimaski:

Enclosed please find the final decision of the appeal committee for the above-referenced appeal, per [5 M.R.S.A. § 1825-E](#) (3). The appeal committee validates the conditional contract award related to the subject RFP for the reasons set forth in the attached decision.

This decision constitutes final agency action for purposes of judicial review. Any person aggrieved by this decision may appeal to Maine's Superior Court in the manner provided in [5 M.R.S. §§ 11001](#), et seq., and [M.R. Civ. P. 80C](#). A party must file a petition for review within 30 days after receipt of notice of the decision.

Regards,

Signed by:

A handwritten signature in blue ink that reads "Brian Keezer".

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Brian Keezer, Director
Bureau of General Services

CC: David Morris, Acting Chief Procurement Officer
Lindsey Kendall, Senior Procurement Manager
Casandra Manson, RFP Coordinator, Department of Health and Human Services
Appeal Hearing Committee

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**In Re: Appeal of Contract Award under RFP #202602022 for Independent Reviewer
Decision on Appeal**

INTRODUCTION AND BACKGROUND

On April 30, 2026, the Bureau of General Services (BGS) received a timely request for an appeal hearing filed by Columbus Medical Services, LLC dba The Columbus Organization (“Columbus” or “Petitioner”) on a contract award decision by the Department of Administrative and Financial Services (DAFS), on behalf of the Maine Department of Health and Human Services, Office of Behavioral Health (“DHHS” or “Department”).

A Request for Proposal (RFP) was issued by DHHS, per [5 M.R.S. § 1825-B](#), for Independent Reviewer services to assess and report on the State of Maine’s compliance with and implementation of the Settlement Agreement between the State and the United States Department of Justice. The RFP and contract selection process was managed by DHHS, with assistance and oversight from DAFS. Four (4) bidders submitted proposals in response to RFP #202602022.

With the competitive bidding process, bidders’ proposals must be evaluated and ranked based on the scoring weights and the process enumerated within the RFP, as well as applicable laws, through the team consensus evaluation method. For this RFP, proposals were evaluated under the following sections as follows:

- Section II. Organization Qualifications and Experience — 25 points
- Section III. Proposed Services — 35 points
- Section IV. Cost Proposal — 25 points ¹

The RFP also provided 15 points for a presentation/interview for bidders whose combined score for Sections II, III, and IV was at least 72 points.

¹ Exhibit D-1, DHHS-0021.

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DHHS awarded Learn Innovate Accelerate LLC (LIA) a total score of 89.28 out of 100 points, and awarded Columbus a total score of 63.21 points out of 100 points.²

Based on the aforementioned results of the scoring by the RFP Evaluation Team, on April 21, 2026, DAFS notified the bidders via email of the DHHS conditional contract award. Columbus timely filed a request for a hearing on April 30, 2026, which was granted by the Director of the Bureau of General Services. DAFS subsequently issued a scheduling notice establishing a pre-hearing conference for May 15, 2026, at 10:00 a.m. local time and an appeal hearing for June 18, 2026, at 8:00 a.m. local time. At the pre-hearing conference, Columbus was represented by counsel, Gregg A. Rubenstein, Esq. DHHS was represented by Assistant Attorneys General Margaret Machaiek and Brendan Kreckel. Presiding Officer F. Mark Terison, Esq., provided the parties with an overview of the appeal hearing process and discussed scheduling and deadlines. The deadline for the parties' submission of proposed exhibits and witness lists was set for June 15, 2026.

A secondary pre-hearing conference for the panelists was held via Zoom on May 26, 2026 at 8:00 a.m. local time where Presiding Officer Terison provided the panelists with an overview of the appeal hearing and decision process

During the appeal hearing held via Zoom and recorded on June 18, 2026, the parties presented oral arguments and admitted documentary evidence in accordance with [5 M.R.S.A. § 1825-E](#) and [18-554 Code of Maine Rules Chapter 120](#) ("Chapter 120").

The Appeal Committee (Committee) was comprised of three (3) state employees appointed by DAFS who were not involved in the RFP or contract award process. All Committee members attended the hearing and met after the hearing to deliberate their decision. The Presiding Officer attended the Committee's deliberations, but did not vote in the decision. After reviewing the parties' oral arguments, admitted documentary evidence, and authorized post-hearing submissions, the Committee makes the following

² Exhibit D-4, DHHS-0091; Exhibit D-5, DHHS-0095.

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findings of fact and decision on appeal.

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GOVERNING LAW AND STANDARD OF REVIEW

Pursuant to laws applicable to contract award appeals, a petitioner has the burden to show by clear and convincing evidence that the state agency's contract award decision (1) was in violation of law, (2) contained irregularities that created a fundamental unfairness, or (3) was arbitrary or capricious. [5 M.R.S.A. § 1825-E](#); [18-554 Code of Maine Rules Chapter 120](#), Sec. 3(2); Sec. 4(1). The clear and convincing standard requires that the Committee be convinced that the appeal's assertions are highly probable, as opposed to more probable than not. *Pine Tree Legal Assistance, Inc. v. Department of Human Services*, 655 A.2d 1260, 1264 (Me. 1995). The Committee may only decide whether to validate or invalidate the contract award under appeal; it cannot make a new contract award, make adjustments, or assess monetary damages. See [5 M.R.S.A. § 1825-E](#) (3); [18-554 Code of Maine Rules Chapter 120](#) (4) (1).

In determining whether an award is arbitrary or capricious, the Committee must not substitute its judgment for that of the Evaluation Team. *International Paper Co. v. Board of Environmental Protection*, 1999 ME 135, ¶ 29, 737 A.2d 1047, 1054. There is a presumption that the team's actions were not arbitrary or capricious. *Central Maine Power Co. v. Waterville Urban Renewal Authority*, 281 A.2d 233, 242 (Me. 1971).

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OVERVIEW OF PETITIONER'S COMPLAINT AND PARTIES' POSITIONS

Columbus argued that the conditional award should be invalidated because LIA did not comply with mandatory RFP requirements. Columbus initially asserted that LIA, as a newly formed legal entity, could not possess the eight years of experience required under the pass/fail eligibility criteria. Columbus further argued that LIA failed to provide the three years of financial statements required under Part IV, Section II of the RFP. Columbus maintained that the omission made LIA's proposal nonconforming and that permitting LIA to remain eligible for award violated procurement law, created fundamental unfairness, and constituted arbitrary or capricious action. Columbus's post-hearing brief principally focused on the financial-documentation issue.

DHHS argued that the RFP permitted the Evaluation Team to consider the relevant experience of LIA's co-founders and proposed personnel in determining whether the eight-year eligibility requirements were met. DHHS further argued that the financial-documentation requirement was located in Section II, a scored section, rather than Section I, the pass/fail eligibility section. DHHS maintained that the RFP expressly authorized the Evaluation Team, in its sole discretion, to determine whether a proposal variance would result in disqualification or a reduced score. DHHS asserted that the Evaluation Team did not waive or overlook the financial-documentation issue because the consensus notes expressly identified the deficiency and LIA did not receive all available points in Section II.

During the appeal hearing, neither party presented witness testimony. The parties presented oral argument and admitted documentary evidence, and each party was afforded an opportunity to respond to the other party's arguments and evidence.

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FINDINGS OF FACT AND CONCLUSIONS

In reviewing the issues raised on appeal, the committee has made the following findings of fact and conclusions:

1. Eight-year experience requirements

The RFP required bidders to demonstrate at least eight years of specified experience relating to home and community-based services for children with behavioral health disabilities and at least eight years of specified auditing, research, evaluation, statistics, or data-analysis experience.

LIA was a newly established limited liability company when it submitted its proposal. Its proposal, however, identified the relevant experience of its two co-founders and proposed personnel, including experience extending for more than eight years in the required subject areas. The Evaluation Team reviewed this information and determined that LIA satisfied the pass/fail eligibility requirements.

The RFP did not state that the bidder's legal entity must itself have existed for eight years. The Scope of Services also contemplated that the Independent Reviewer could rely upon qualified staff and consultants to perform the work. The Committee therefore finds that the Evaluation Team reasonably considered the experience of LIA's co-founders and proposed personnel.

Columbus did not establish by clear and convincing evidence that consideration of the proposed personnel's experience violated law, created fundamental unfairness, or constituted arbitrary or capricious action.

Columbus also did not present sufficient evidence that LIA proposed to use any specific proprietary model or intellectual property that LIA lacked authority to use.

2. Financial-documentation requirement

Part IV, Section II of the RFP required bidders to provide either balance sheets and

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profit-and-loss statements for the preceding three tax years or three years of financial statements audited or reviewed by a certified public accountant.

LIA did not provide three years of the specified financial statements because it was newly established. LIA disclosed that fact and provided an explanation of its low-overhead professional-services structure, its financial support by its principals, and its asserted ability to satisfy the financial obligations associated with the proposed services.

The Evaluation Team did not overlook the absence of the historical financial statements. Its consensus notes expressly stated that LIA was unable to demonstrate financial viability through historical records because it was newly established. The Evaluation Team awarded LIA 22 of the 25 points available for the Organization Qualifications and Experience section.

The financial-documentation requirement was located in Section II, a consensus-scored section, rather than Section I, which contained the pass/fail eligibility requirements. The RFP further provided that failure to respond to all questions and instructions could result in either disqualification or a reduced score and gave DHHS and the Evaluation Team sole discretion to determine which consequence would apply.

The Committee finds that the use of “must provide” established a required submission instruction. However, the RFP separately established the consequences available when a proposal varied from an instruction. The RFP did not require automatic disqualification for every such variance.

3. Application of Waldo Community Action Partners

In *Waldo Community Action Partners v. Department of Administrative and Financial Services*, 2026 ME 13, the Maine Supreme Judicial Court reviewed an RFP containing substantially similar language authorizing an evaluation team to determine whether omitted required information warranted disqualification or a reduced score.

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The Court upheld the use of a point reduction for omitted required proposal information. It also concluded that an evaluation team was not required to use a precise point-deduction rubric and that rigid mathematical certainty was not required when assigning a consensus score. *Id.* ¶¶ 37-40.

Columbus argues that Waldo Community Action Partners is distinguishable because the bidder with the omissions in that case did not receive the contract award. The Committee does not find that distinction controlling. Neither the RFP nor the Court's decision establishes a different scoring standard depending upon whether the bidder receiving the reduction ultimately wins or loses.

The Committee further finds that the record does not establish that precisely three points were deducted solely because of the financial-documentation issue. Section II included multiple organizational, experiential, project, staffing, litigation, and financial considerations. The Evaluation Team assigned one consensus score to the entire section.

The RFP did not assign a separate point value to financial viability, establish a mandatory deduction for missing financial records, or require a deduction large enough to prevent the bidder from receiving the award. Under Waldo Community Action Partners, the absence of a precise mathematical deduction does not establish arbitrary or capricious action.

4. Conformity, fairness, and exercise of discretion

The Committee recognizes that Chapter 110 requires an award to be made to the highest-rated proposal conforming to the State's requirements as stated in the RFP. That requirement must be read together with the RFP provision expressly permitting the Evaluation Team to address a proposal variance through either disqualification or reduced scoring.

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Treating every variance from a required proposal instruction as automatically disqualifying would eliminate the scoring discretion expressly provided by the RFP. The record does not demonstrate that LIA was permitted to supplement its proposal after the submission deadline, that the Evaluation Team concealed or disregarded the deficiency, or that another bidder with a materially comparable variance was treated differently.

The Evaluation Team identified the absence of historical financial statements, considered the information LIA submitted, and exercised the discretion reserved in the RFP. Columbus did not establish by clear and convincing evidence that the Evaluation Team's treatment of the variance violated law, created fundamental unfairness, or was willful and unreasoning and therefore arbitrary or capricious.

SUMMARY OF DECISION

As reflected herein, the Committee reviewed the admitted documentary evidence and carefully considered the parties' oral arguments, written closing arguments, and authorized post-hearing submissions.

Columbus's claims that LIA failed the RFP's eight-year experience requirements and that LIA's failure to provide three years of historical financial statements required automatic disqualification are not supported by clear and convincing evidence. The Committee finds that the Evaluation Team reasonably considered the experience of LIA's proposed personnel and acted within the discretion expressly reserved in the RFP when it addressed LIA's financial-documentation variance through consensus scoring rather than disqualification. This conclusion is consistent with *Waldo Community Action Partners v. Department of Administrative and Financial Services*, 2026 ME 13.

Columbus has not met the burden of proof necessary to invalidate the award. Accordingly, the Appeal Committee validates the Department of Health and Human Services' conditional contract award to Learn Innovate Accelerate LLC under RFP #202602022.

APPEAL COMMITTEE

Date: 7/21/2026

Signed by:

Jonathan Edwards

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Jonathan Edwards

Contract/Grant Specialist

Department of Defense, Veterans, and Emergency Management

Date: 7/22/2026

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Jane Kirsling

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Jane Kirsling

Contract & Grant Manager

Department of Agriculture, Conservation, and Forestry

Date: 7/22/2026

Signed by:

Sterling Doiron

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Sterling Doiron

Procurement Analyst II

Department of Administrative and Financial Services

STATEMENT OF APPEAL RIGHTS

This decision constitutes a final agency action. Any aggrieved party may appeal this decision by filing a petition for review in Superior Court for the County where one or more of the parties reside or have their principal place of business, where the agency has its principal office, or where activity which is the subject of this proceeding is located. Any such appeal must be filed within 30 days of the receipt of this decision