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**DEPARTMENT OF
ADMINISTRATIVE &
FINANCIAL SERVICES**

KIRSTEN LC FIGUEROA
COMMISSIONER

BUREAU OF GENERAL SERVICES

BRIAN KEEZER
DIRECTOR

June 25, 2025

Via Electronic Mail: stockdelllegal@gmail.com

**SUBJECT: Notification of Decision of Appeal Committee – RFP #202410184
Mental Health Peer Support Centers Services**

Dear Arrian Stockdell:

Enclosed please find the final decision of the appeal committee for the above-referenced appeal, per 5 M.R.S. § 1825-E(3). The appeal committee validates the contract award for RFP #202410184 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 thirty (30) days after receipt of notice of the decision.

Regards,

Signed by:

Brian Keezer

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Brian Keezer, Director
Bureau of General Services

cc: David Morris, Chief Procurement Officer
Lindsey Kendall, Procurement Planning Manager
Appeal Hearing Committee

Link: [DAFS Rules Chapter 120](#)

**MAINE DEPARTMENT OF ADMINISTRATIVE AND
FINANCIAL SERVICES
BUREAU OF GENERAL SERVICES**

In Re: Appeal of Contract Award under RFP #202410184 for Mental Health Peer Support Centers Services	} }	Decision on Appeal
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INTRODUCTION AND BACKGROUND

On April 9, 2024, the Bureau of General Services (BGS) received a timely request for an appeal hearing filed by Maine Mental Health Connections, Inc. (operating as “Together Place”) 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 (DHHS).

A request for proposal (RFP) was issued by DHHS, per 5 M.R.S. § 1825-B, for “Mental Health Peer Support Centers Services for Adults experiencing Serious Mental Illness and/or Co-occurring disorders,”¹ to include the operation of “an administrative and direct service location within the target area and [to] ensure administrative staff are available during business hours, open a minimum of forty (40) hours per week, excluding State holidays and administrative closings.” The RFP and contract selection process was managed by DHHS, with assistance and oversight from DAFS. Three bidders responded to DHHS for proposed Target Area 4, submitting all documents and information required via the RFP, which was numbered 202410184.²

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 I. Preliminary Information (no points)
- Section II. Organization Qualifications and Experience (30 points)
- Section III. Proposed Services (40 points)

¹ Bates Stamp 000003 – RFP, Location: Public Notice, paragraph 1

² Bates Stamp 000011 – RFP, Location: Facility and Operational Standards, paragraph 1

- Section IV. Cost Proposal and Budget Narrative (30 points)³

DHHS awarded Motivational Services, Augusta a total score of 59.33 out of 100 points,⁴ and awarded Together Place a total score of 18 out of 100 points.⁵

Based on the aforementioned results of the scoring by the RFP evaluation team, on March 27, 2025, DAFS notified the bidders via email about the DHHS contract award.⁶ Together Place timely filed a request for a hearing on April 9, 2025, which was granted by the Director of the Bureau of General Services.⁷ Together Place was represented by counsel Arrian Stockdell. DHHS was represented by Assistant Attorney General Stanley Abraham and Assistant Attorney General Margaret Machaiek.

A pre-hearing conference was held via Zoom and recorded on May 23, 2025.⁸ Presiding Officer Rebekah Smith, Esq., provided the parties with an overview of the appeal hearing process and discussed scheduling and deadlines. A Conference Order was issued on May 28, 2025. The deadline for the parties' submission of proposed exhibits and witness lists was set for June 2, 2025.

An appeal hearing was held via Zoom and recorded on June 3, 2025, where the parties presented sworn testimony through witnesses, and the parties presented admitted documentary evidence in accordance with 5 M.R.S. § 1825-E and 18-554 C.M.R. Chapter 120 ("Chapter 120").

The Appeal Committee (Committee) was comprised of three 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 a review of the testimony and documentary evidence presented by the parties, the Committee makes the following findings of fact and decision on appeal.

³ Bates Stamp 000026 – RFP, Location: Scoring Weights and Process, table

⁴ Bates Stamp 000771 – Team Consensus Evaluation Notes, table

⁵ Bates Stamp 000796 – Team Consensus Evaluation Notes, table

⁶ Bates Stamp 000734

⁷ June 2, 2025 email from Aaron M. Frey to Amanda Spaulding and Rebekah Smith

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. § 1825-E; 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. § 1825-E (3); Chapter 120 (4) (1).

In determining whether an award is arbitrary or capricious, the Committee must not substitute its judgement for that of the Review 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).

OVERVIEW OF PETITIONER'S COMPLAINT AND PARTIES' POSITIONS

Together Place argued that the appeal award should be invalidated because it included irregularities that created a fundamental unfairness. In support of these arguments, Together Place asserted, among other things, that DHHS applied the scoring criteria unfairly, considering standards beyond what was written in the RFP itself. Together Place maintained that DHHS placed undue weight on the description of Together Place's operating hours. Together Place also claimed that DHHS unfairly interpreted the absence of Together Place's address information in Section III of the RFP without giving proper credit to the inclusion of its address on the proposal cover page.

In response, DHHS argued that the award decision should be validated, and that the Evaluation Team's notes were fair and consistent. DHHS contended that Together Place failed to provide a detailed description of how Together Place would operate its center so that it would be open at least 40 hours a week, excluding State holidays. DHHS further argued that Together Place failed to provide the address or addresses of its administrative building and service center. DHHS maintained that the evaluation team could not infer information, such as whether the described service center hours included or excluded State holidays, or whether the location of the administrative building and the service center were the same, if it were not explicitly stated in the proposal. DHHS noted the RFP's instruction that bidders must "adhere to the instructions and format requirements outlined in the RFP and all written supplements and amendments."⁹ DHHS argued that Together Place did not meet its burden of proof

⁹ Bates Stamp 000009, General Provisions, part 3

and that the scoring was not the result of procedural irregularities creating fundamental unfairness.

During the appeal hearing, Together Place presented sworn testimony from one witness: Michael Freysinger, Recovery Manager with the Office of Behavioral Health within DHHS. DHHS had the opportunity for cross examination the witness but did not present any additional witnesses. In accordance with the parties' joint request, closing briefs were submitted on June 10, 2025.

FINDINGS OF FACT AND CONCLUSIONS

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

The three eligible bids were sent to a five-member Evaluation Team for review and scoring. In reviewing and scoring the bids, the Evaluation Team used a consensus approach to evaluate and score Sections I, II, and III. The Evaluation Team then used a predetermined formula to score Section IV. Cost Proposal and Budget Narrative.

Together Place argued that the scoring procedures for Section III. Proposed Services contained irregularities, creating a fundamentally unfair award. Together Place maintained that two components unfairly influenced the scoring of its proposal: the exclusion of any language that explicitly described how the Together Place service center hours are impacted by State holidays; and the Evaluation Team's interpretation of the requirement to include an address or addresses for the administrative building and service center.

Scoring for Section III. Proposed Services was allocated a maximum of 40 points. Together Place was awarded eight points, and asserted that the Evaluation Team's notes, "did not address state holidays," "administrative office is open from 8am-

5pm, but did not provide address or what days they are open,” and “indicated that their Center is open 8am-4pm, but did not provide the address or what days they are open,” indicate that Section III was unfairly scored.¹⁰

While Together Place did provide an address on the proposal cover page, it was not immediately clear whether the address referred to Together Place’s administrative building, service center, or both. Together Place did not provide its address in Section III. The Evaluation Team noted the inclusion or exclusion of an address in Section III on other proposals as well. Considering the Evaluation Team’s consistency in notation across proposals, and the uncertainty regarding Together Place’s address or addresses, the Committee did not find that there was irregularity in this portion of the evaluation.

Together Place argued that the description of its operating hours should have been interpreted by DHHS to apply to all days of the week and to include State holidays. Together Place also maintained that the explicit inclusion of a description of State holidays was unnecessary, as the RFP did not require the center to be open on State holidays. The Committee concludes that the Evaluation Team’s uncertainty regarding the days on which Together Place would be open was reasonable and that the Evaluation Team’s notes were consistent across all other bidders who provided similar information. The Committee also noted that the RFP explicitly requested information regarding whether the center’s operating hours included or excluded State holidays.

In total, Together Place was awarded 18 of 100 points, while the winning bid, Motivational Services, Augusta, was awarded 59.33 points. Section I did not have any

¹⁰ Bates Stamp 000800, Evaluation Team Comments, bullets 2, 3, and 4

specific point values allocated to it. Section II. Organizational Qualifications and Experience was allocated a maximum of 30 points. Together Place was awarded 10 points and did not contest the evaluation of Section II. Section IV. Cost Proposal and Budget Narrative was allocated a maximum of 30 points, of which 25 were based on a formula and five were allocated to an evaluation of the budget narrative. Together Place was awarded zero points and did not contest the evaluation of this section.

It is important to note that even if Together Place received the full 40 points for Section III, its total score would only increase to 50 points, which is still below the winning bid evaluation of 59.33 points. Additionally, the evaluation consensus notes on Together Place's overall proposal indicate that there were several other significant factors that were more important to the Evaluation Team in the evaluation of the bid.

The Appeal Hearing Committee finds that the Evaluation Team's consensus evaluation notes on Together Place's description of its address and operating hours were consistent with the evaluation of other proposals and were a reasonable interpretation of the information that Together Place provided. Based on the testimony and other evidence presented, including the RFP, the respective bids, and the Team Consensus Evaluation Notes, the Appeal Hearing Committee finds no evidence of any irregularity in the scoring of Section III.

SUMMARY OF DECISION


As reflected herein, the Committee reviewed the documentary evidence, considered the testimony of the witnesses, and carefully considered the closing arguments by the parties.

Together Place's claim that the Evaluation Team's notes on Together Place's business hours and days and Together Place's address indicated an unfair and irregular evaluation was found non-persuasive to the panel.

Together Place has not met the burden of proof necessary to invalidate the award. Accordingly, the Appeal Committee validates the DHHS award decision.

APPEAL COMMITTEE

Date: 25 June 2025

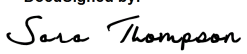
Signed by:

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Eve Allen, Associate Director of ARPA
Procurement
Department of Administrative and Financial
Services, Office of State Procurement
Services

Date: 25 June 2025

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Kara Ware, Assistant to the Commissioner
Department of Labor

Date: 25 June 2025

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Sara Thompson, Contract/Grant Specialist
Department of Defense, Veterans and
Emergency Management

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