

## Who We Are

The Division of Purchases (herein referred to as the Division of Procurement Services) was established in 1931 and has the responsibility under law (5 MRSA § 1811) to purchase all services, supplies, materials, and equipment required by Maine State Government or by any department or agency thereof.

The State of Maine has approximately 350 organizational units, including departments, agencies, and commissions located throughout the State. Our mission is to purchase quality goods and services that meet the needs of the State, while ensuring best value for the citizens of Maine.

## Contact Us

**Phone:** (207) 624-7340

**Fax:** (207) 287-6578

**Web:** [www.maine.gov/dafs/bbm/procurementservices/home](http://www.maine.gov/dafs/bbm/procurementservices/home)

### Street Address:

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# Doing Business in Maine

*A guide for current & prospective vendors*



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## STATE OF MAINE

DEPARTMENT OF ADMINISTRATIVE & FINANCIAL SERVICES  
DIVISION OF PROCUREMENT SERVICES

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## WELCOME

This guide has been prepared for vendors doing business with the State of Maine. It provides information about our policies and procedures, our standards for quality, and other considerations. After reviewing this guide, we encourage you to contact us with any questions you may have about the State, its departments and agencies, and how your products and/or services may meet our needs. (See the [Contact Us](#) link on our website for a list of our staff.)

The Division of Procurement Services buys a wide variety of goods such as automobiles, food products, medicines, machinery, equipment, boats, paper, furniture, and clothing. These items are procured by trained procurement and contracting specialists who buy from both small and large qualified businesses.

We also procure services on behalf of the State. “Service” refers to manual labor that does not produce a tangible commodity. Some types of services—such as management consulting, information technology, programming, and employee training—are the responsibility of the requesting agency. In obtaining these professional services, agencies must follow guidelines set by Executive Order and rules developed by the Division of Procurement Services.

The more you know about our requirements and needs, the better prepared you will be to do business with the State of Maine.

*Jaime C. Schorr*  
*Chief Procurement Officer*

# Getting Started

## Our Policy

The established policy of the Division of Procurement Services is to ensure competitive bidding, whenever practicable, in buying materials, supplies, and services by State departments and agencies. State standard specifications will be used wherever possible, as well as nationally accepted specifications, such as the American Society for Testing and Materials (ASTM), federal specifications, etc., to ensure procurements will meet the State's needs.

The Division of Procurement Services seeks to procure materials and services representing the best value, taking into consideration factors such as initial cost, suitability for intended purpose, operation, quality, maintenance, etc., as well as delivery in time for the need to be met. Requirements, conditions, and terms contained in specifications and bid invitations are intended to accomplish this objective to the extent possible, consistent with the additional need to allow the greatest possible competition among suppliers.

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*We seek to do business with responsible suppliers that offer products and services required by the State of Maine.*

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## Our Website

This site ([www.maine.gov/dafs/bbm/procurementservices/home](http://www.maine.gov/dafs/bbm/procurementservices/home)) is updated continuously and includes valuable information for State entities, vendors, and the general public, such as.

- Bid Opportunities
- Requests for Proposals (RFPs)
- Requests for Information (RFIs)
- Pre-Qualified Vendor Lists (PQVLs)
- Notices of Intent to Waive Competitive Process (NOIs)
- Contract Listings
- Commodity Assignments
- Purchasing Tools
- Vendor Registration Information
- Contact Information for Procurement Services Staff

## AdvantageME & Vendor Self-Service

The State of Maine uses AdvantageME as its financial accounting system, which includes integrated treasury and e-procurement functionality.

A key feature of the AdvantageME procurement module is the opportunity for vendors to register in [Vendor Self-Service \(VSS\)](#) for the commodities and services they are able to provide to the State.

When the State issues a solicitation through AdvantageME for a vendor's products or services, VSS will automatically generate an email message alerting the vendor to the opportunity (as long as the commodity code identified on the bid is listed on the vendor's profile).

# Bidding Procedures

## Commodities

For a needed commodity with an estimated cost over \$5,000, Procurement Services will issue an electronic Request for Quotations (RFQ) with open competition among all registered bidders, unless waived by the director under 5 MRSA § 1825-A. In general, the process is as follows:

- RFQ is posted on VSS (2 days)
- Bids are submitted (14 days)
- Procurement Services reviews and awards the lowest cost bid that meets specifications (3 days)
- Appeal period (15 days)

Under certain circumstances, a commodity procurement may be exempt from the competitive bidding process. These circumstances include:

- Emergency
- Vendor is unique based on proprietary designation or other mitigating conditions (i.e., statute, regulation, copyrights, patent, etc.)
- Product that supports existing equipment

Items under \$5,000 or items under current contracts issued by Procurement Services may be purchased directly by agencies.

## Contractual Services

When costs for contractual services are expected to exceed \$10,000\*, they are bid using a Request for Proposal (RFP) process. Notices of RFPs are published for three consecutive days in the *Kennebec Journal*, Augusta, Maine. [Chapter 110](#), the promulgated rule governing this process, is available at the Division of Procurement Services website.

In general, this process is as follows:

- RFP posted in *Kennebec Journal* (3 days)
- Questions due from bidders (4 days after last day of posting in *KJ*)
- Q&A Summary posted (6 days after last day of posting in *KJ*)
- Proposals due (15 days after last day of posting in *KJ*)
- Proposal evaluation and award (8 days)
- Appeal period (15 days)

*\*The above timeline may be extended for more complex RFPs and for RFPs valued over \$1 million, which are reviewed by the State Procurement Review Committee (SPRC).*

Under certain circumstances, a services procurement may be exempt from the competitive bidding process. These circumstances include:

- Emergency – Used for departmental emergency/critical purchase. (M.R.S. Title 5, Chapter 155, §1825-B, 2., B.)
- Single Source / Unique Vendor – Only one source is able to provide the service.
- Proprietary/Copyright/Patents Services – The vendor/provider has proprietary rights associated with the goods or services, including copyrights or patents.
- University Cooperative Project – Any higher education entities with a main campus in the State of Maine (M.R.S. Title 5, Chapter 155, §1825-B, 2., E.)
- Grant – Used when the agency is awarded a grant that specifically names the provider/vendor as a grant partner or the provider/vendor was awarded a grant through a competitive process.
- State Statute or Agency Directed – Used when the agency is directed to contract with a specific provider according to State of Maine statute or by governing State body (i.e., Office of the Attorney General).

- Federal Agency Directed – Used when the agency is directed by a federal agency to contract with a specific provider.
- Willing and Qualified – Used for services that are being performed by multiple providers, so long as they meet the agency’s qualifications and the providers are willing to provide services as outlined in a standard contract.
- Client Choice – Clients obtain services from a provider of their choice.

Services valued \$5,000 to \$10,000 may be procured by soliciting a minimum of three quotations after making known the scope of work to be done. The low bidder is awarded the contract.

Contracts for services valued under \$5,000 can be negotiated by agencies without a competitive procurement process.

## Submission of Bids/Proposals

Bids for commodity items must be submitted electronically. Additional and alternate bids may also be submitted. File attachments may be uploaded to the electronic bid response. Supporting documents and literature may be faxed or mailed to the Division of Procurement Services.

Proposals submitted in response to an RFP must also be submitted electronically. Bidders may submit multiple proposals, if allowed in the RFP, and can provide their proposal response using multiple submissions.

## Closing of Bids

Commodity quotes close at 2:00 p.m., local time, on the announced day. Attempts to enter a bid response after the exact time set for closing are not recorded as received responses and are not considered for award.

Competitive proposals for contractual services as described in an RFP close at 11:59 p.m., local time, on the announced day.

Submitted proposals will be opened the next business day and a list of the bidders will be made available upon request. All submissions received by the due date and time will be transferred to the agency for review and will not be available for inspection until after a conditional award has been announced.

Any submissions received after the proposal due date and time will not be considered for evaluation.

## Awards

Awards will be made with reasonable promptness by written notice or by issuance of properly executed purchase order. Awards will be made to the bidder offering the best value to the State of Maine, taking into consideration the qualities of the goods or services to be supplied, their conformity to specifications, the purposes for which they are required, the date of delivery, and the best interest of the State. (5 MRSA 1825, B7)

## General Bid Conditions

General bid conditions applicable to “all State purchases” are posted on the Vendor Self-Service electronic bid response system. The State's “Terms and Conditions” are also contained at that site.

## Special Bid Conditions

Special bid conditions applicable to a specific commodity or type of purchase are listed by the State in the invitation to bid under “Special Instructions” or attached file(s). Special bid conditions supersede general conditions, if conflicting.

## Tie Bids (Commodities)

Tie bids will be awarded to in-State bidders or to bidders offering commodities produced or manufactured in the State if the price, quality, availability, and other factors are equivalent. (5 MRSA 1825, B8)

## Alternate Bids (Commodities)

The State will consider responses submitted for alternate commodities to the extent that such action is deemed to serve the best interest of the State.

The bidder quoting on a commodity other than specified must furnish complete identification, descriptive literature, or data with respect to the alternate commodity proposed. Lack of such information on the bid will be construed to mean that the bidder proposed to furnish the exact commodity as described.

The State of Maine reserves the right to reject any and all bids, in whole or in part, to waive any formality and technicality in any bid, and to accept any item or items in any bid.

## Disputes and Appeals

The Director of the Bureau of General Services (BGS) has promulgated *Chapter 120—Rules for Appeal of Contract and Grant Awards*, which govern the procedures by which an aggrieved person may appeal a contract award decision. A brief summary of that rule follows, but potential appellants are encouraged to read the full text of the rule (posted on our website) before filing an appeal request.

### Summary of Appeal Guidelines

1. Only aggrieved persons may request a stay of award or an appeal. An aggrieved person is any person who bids on a contract and who is adversely affected financially, professionally, or personally by that contract award decision.
2. A stay must be requested in writing within 10 calendar days of award notification and must State clearly the specific nature of the grievance, demonstrate irreparable injury to the petitioner, a reasonable likelihood of success on the merits of the appeal, and there being no substantial harm to adverse parties or to the general public.

- a. Procurement Services will notify the petitioner in writing about the decision regarding the request for a stay within seven days of receipt of the request.
- b. Failure of the petitioner to obtain a stay does not affect the petitioner's right to request a hearing of appeal.
3. An appeal must be requested in writing within 15 calendar days of award notification and must clearly demonstrate why the petitioner believes that at least one of three criteria has been met. The appeal criteria are: (1) a violation of law; (2) an irregularity creating a fundamental unfairness; and (3) an arbitrary or capricious award.
  - a. Procurement Services will notify the petitioner in writing about the decision regarding the request for a hearing of appeal within 15 days of receipt of the request.
  - b. A hearing will be granted unless: (1) the petitioner is not an aggrieved person; (2) a prior request by the same petitioner about the same contract award has been granted; (3) the request was made more than 15 days after the notification of contract award; or, (4) the request is capricious, frivolous, or without merit.
4. An appeal committee consisting of three members will be appointed to hear the appeal. The commissioner of the Department of Administrative and Financial Services will appoint two members from departments not involved in the contract award. The third member of the appeal committee will be the director of the Division of Procurement Services or a designee.
5. The hearing must be held within 60 days of receipt of the initial request and will provide the opportunity for both the petitioner and the awarding department to present testimony and documentary evidence related to the issues on appeal. The appeal committee will keep a written record of the hearing and will meet after the close of the hearing to make its determination.

6. The appeal committee's actions are limited to one of the following:
  - a. Validate the contact award decision under appeal, or
  - b. Invalidate the contract award decision under appeal.
7. The appeal committee will submit its written decision to the director of the Bureau of General Services not later than 15 days following the hearing after which the director must notify the petitioner, the contracting State agency, and all intervenors within 10 calendar days.
8. This notification is considered final agency action and, as such, may be eligible for judicial review.

## Additional Information

### "Backdoor" Selling

Attempting to make a sale without going through the central purchasing authority is prohibited per Executive Order 2 FY 81/82.

### State Policy On Accepting Gifts

It is against State policy for an employee to accept gifts from any person or business that does business, or expects to do business with the State of Maine. Further, it is unlawful (Title 17-A, M.R.S.A. §§ 602, 604, 605 and 606) for certain persons or businesses to give gifts to State employees and have them accepted.

For the purpose of administrative guidance, gifts do not include advertising items of nominal value such as calendars, pens, or pencils. Goods and services which involve a pecuniary benefit should be considered to be gifts.

## Opportunities for Political Subdivisions and School Districts

The Division of Procurement Services is committed to providing purchasing opportunities for political subdivisions and school districts in Maine by allowing them access, through our vendors, to our contract pricing. For that reason, our solicitations commonly ask bidders: *Will you accept orders from political subdivisions and school districts in Maine at the prices quoted?* We take a bidder's willingness to extend contract pricing to these entities into consideration when making awards.

### Helpful Information From Vendors

Potential vendors may submit brochures, photographs, facilities lists, descriptive materials, and price lists which will enable our Procurement Services staff to form a valid idea as to your business capabilities and products. These materials may be used in bid development or in determining sources of supply.

### Office Hours For Virtual Vendor Visits

Vendor sales representatives who wish to meet with Division of Procurement Services staff should contact the staff member assigned to the relevant [commodity group](#). In general, our staff is available for virtual visits, by appointment, on Monday through Friday between 8:30 a.m. and 4:30 p.m.

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*Thank you for your interest in doing  
business with the State of Maine!*

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