

## Contact Us

After reviewing this guide, we encourage you to contact us with any questions you may have about the State of Maine, its departments and agencies, and how your products/services may meet our needs.

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# Doing Business With the State of Maine

*A guide for current & prospective vendors*



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DEPARTMENT OF ADMINISTRATIVE & FINANCIAL SERVICES  
OFFICE OF STATE PROCUREMENT SERVICES

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# Welcome

This guide has been prepared for current and prospective vendors seeking to do business with the State of Maine. It provides information about our policies and procedures, our standards for quality, and other considerations.

## Who We Are

The Office of State Procurement Services (OSPS), also known as “Procurement Services,” was established in 1931 with responsibility under law ([5 MRSA §1811](#)) to purchase all services, supplies, materials, and equipment required by Maine State Government.

OSPS works with approximately 350 organizational units—including departments, agencies, and commissions that comprise Maine State Government—to purchase quality goods and services that meet the needs of the State, while ensuring best value for Maine citizens.

## What We Do

OSPS buys a wide variety of goods (i.e., commodities), 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 Office of State Procurement Services.

## Our Policy

OSPS policy 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.

Along with best value, our policy takes 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 our policy objectives 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 quality products and services needed by the State of Maine.*

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# Getting Started

## Our Website

To get started, interested vendors should visit the OSPS public website and Vendor's page at [www.maine.gov/dafs/bbm/procurementservices/home](http://www.maine.gov/dafs/bbm/procurementservices/home).

This site is updated regularly and includes valuable information for State entities, vendors, and the general public, such as.

- Bid Opportunities
- 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 (VSS)

The State of Maine's financial accounting system (AdvantageME) includes integrated treasury and e-procurement functionality.

A key feature of the AdvantageME system is [Vendor Self-Service \(VSS\)](#), which allows vendors to register for the commodities/services they are able to provide to the State, and view and respond to business opportunities.

Registering on VSS is required in order to:

1. Receive email notification when the State issues a solicitation through AdvantageME for a vendor's products or services. VSS will automatically generate an email message alerting registered vendors to the opportunity (as long as the commodity code identified on the bid is listed on the vendor's profile).
2. View business opportunities and submit bid proposals and grant applications.
3. Receive payment from the State. Once a contract is awarded, the awarded vendor MUST have a VC code issued through VSS in order to receive payment from the State.

## Bidding Procedures

### Commodities

For a needed commodity with an estimated cost over \$10,000, OSPS will issue an electronic Request for Quotations (RFQ) with open competition among all registered bidders, unless waived by the director under [5 M.R.S.A. § 1825-B](#). In general, the process is as follows:

- RFQ is posted on VSS and vendors submit bids (14 calendar days)
- Procurement Services reviews and awards the lowest cost bid that meets specifications (3 days)
- Appeal period (15 days)

When the State seeks to evaluate a commodity bid based on subjective criteria other than cost (e.g., bidder experience), a Request for Proposal (RFP) process is used.

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 OSPS website.

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 \$10,000 or items under current contracts issued by OSPS may be purchased directly by agencies.

### Alternate Commodity Bids

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.

## Contractual Services

When costs for contractual services are expected to exceed \$25,000, they are bid using a Request for Proposals (RFP), Request for Applications (RFA), or Pre-qualified Vendor List (PQVL) process depending on the nature of the services.

Notices of RFPs are published for three consecutive days in the *Kennebec Journal*, Augusta, Maine. [Chapter 110](#), the promulgated rule governing this process, is detailed on the OSPS 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 solicitations and for solicitations 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. ([5 MRSA §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 ([5 MRSA §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.

For services valued from \$10,000 to \$25,000, State agencies may solicit a minimum of three written quotations from vendors in response to the scope of work to be performed. The low bidder is awarded the contract. Contracts for services valued under \$10,000 can be negotiated by agencies without a competitive procurement process.

## Submission of Bids/Proposals

Bids for commodity items must be submitted electronically through VSS as outlined in each RFQ. Additional and alternate bids may also be submitted. File attachments must be uploaded to the electronic bid response.

Proposals/applications submitted in response to an RFP/RFA must also be submitted electronically through VSS according to the RFP/RFA specifications. Vendors may submit multiple responses, if allowed in the RFP/RFA, and can provide their response using multiple submissions.

## State Terms & Conditions

The State's terms and conditions, which apply to all purchases made by the State, can be found within the contract templates posted on the [Forms page of the OSPS website](#).

## 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.

## Closing of Bids

Commodity quotes close at 4:00 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 and applications for grants as described in an RFP/RFA close at 4:00 p.m., local time, on the announced day. Any submissions received after the proposal due date and time will not be considered for evaluation.

Submitted proposals/applications 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.

## Awards

Awards will be made with reasonable promptness by written notice or by issuance of a 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](#))

Tie commodity 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](#))

# Disputes and Appeals

The procedures by which an aggrieved person may appeal a contract award decision are governed by [Chapter 120—Rules for Appeal of Contract and Grant Awards](#).

Below is a summary of the appeal guidelines. Potential appellants are encouraged to read the full text of the rule (posted on the OSPS website at the above link) 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. OSPS 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. OSPS 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 Office of State 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 contract 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 with, or expects to do business with, the State of Maine. Further, it is unlawful (Title [17-A](#), [MRSA. §§ 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.

### Political Subdivisions and School Districts

OSPS 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 OSPS staff to form a valid assessment of 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 OSPS 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.

# Appendix A – State Solicitation Response Guidance

Many new organizations face challenges when navigating the State's procurement process for responding to contract and grant opportunities. Understanding the intricacies of this process is crucial for success, and the Office of State Procurement Services (OSPS) provides valuable resources, including guidance documents and instructional videos, to help businesses effectively engage with the State.

Below are some key steps for respondents to consider when evaluating whether and how to respond to solicitations from State of Maine agencies.

## 1. Register in [Vendor Self-Service \(VSS\)](#)

By registering, vendors may receive notifications for newly published solicitations. Vendors must have an active User ID and password in VSS to submit questions and respond to solicitations.

## 2. Identify Relevant RFPs and RFAs

**Regular Monitoring:** Set up a system to monitor the [Procurement Services website](#), including the [Maine Vendor Self-Service \(VSS\) Portal](#); and other State and local government websites where RFPs and RFAs are posted ([DECD](#), [DACF](#), & [GOPIF](#)).

**Alignment Check:** Ensure that these RFPs and RFAs align with the nonprofit's mission, goals, and the specific programs or services they provide. Prioritize RFPs and RFAs in sectors where your nonprofit has expertise (e.g., healthcare, education, social services, housing).

## 3. Understand the State's Needs and Priorities

**Research the State's Strategic Goals:** Review Maine's strategic priorities and goals in areas like social services, environmental protection, public health, and economic development. Understand how these align with the State's budget and funding priorities.

**Review Past RFPs/RFAs:** Examine previous RFPs/RFAs and awards in similar sectors to gain insights into the types of proposals the State favors.

**Participate in Agency Outreach Efforts:** Participate in opportunities and invitations offered by State agencies to gather more specific information on their programs, needs and expectations. During the solicitation process, State agencies often hold bidder conferences or provide Q&A opportunities that can help clarify specific RFP requirements.

## 4. Prepare Your Organization/Nonprofit to Respond

**Build Capacity:** Ensure your organization has the internal capacity to manage large grants or contracts if awarded. This includes adequate staffing, financial stability, and operational infrastructure (see *Appendix B - Vendor Response Guidance 102: Building Capacity*).

**Organize Documentation:** Prepare key organizational documents in advance, including, if applicable:

- IRS 501(c)(3) determination letter
- Financial statements (audited if applicable)
- Annual reports
- Board of Directors list
- Organizational chart and job descriptions
- Staff curricula vitae
- Professional references
- Relevant certifications or licenses

**Develop Strong Grant Management Systems:** Make sure your organization has a robust system for tracking expenses, managing grants, and reporting outcomes to meet State reporting requirements.

**Identify Key Staff:** Assign a project manager or a team with proposal/grant writing, financial, and programmatic expertise to lead the proposal effort.

## 5. Build Collaborative Partnerships

**Collaborate with Other Organizations/Nonprofits:** If the RFP requires services beyond your business's capacity, consider teaming up with other entities/nonprofits, service providers, or experts in complementary fields. Collaborative proposals and applications can improve your chances of success.

**Leverage Community Relationships:** Engage with community leaders, stakeholders, or others who may support your proposal. Letters of support or endorsements from respected local entities can strengthen your proposal.

**Engage with Vendor Support Organizations:** There are organizations whose mission is to offer support to provider organizations regarding the solicitation identification and response processes. Some of these include –

- A. [Maine APEX Accelerator](#) (formerly Maine Procurement Technical Assistance Centers, PTAC), in collaboration with:
  - i. [Eastern Maine Development Corporation](#)
  - ii. [Northern Maine Development Commission](#)
  - iii. [Four Directions Development Corporation](#) (Wabanaki focus)
  - iv. [Sunrise County Economic Council](#)

- B. [Maine Small Business Development Centers \(SBDC\)](#)
  - i. [Small Business Contracting: Finding, Evaluating and Winning Bids](#)
- C. [Resources for Diverse Entrepreneurs and Under-represented Business Owners, from DECD](#)

## 6. Develop a Compelling Proposal or Application

**Follow the RFP/RFA Guidelines:** Ensure your proposal/application strictly adheres to all the instructions outlined in the RFP/RFA, including format, page limits, budget guidelines, and submission requirements.

**Clearly Define the Problem and Solution:** Start by clearly defining the issue the RFP/RFA is addressing and how your organization's program, services, or intervention will solve or mitigate that issue. Make sure the solution is aligned with State priorities.

**Data-Driven Approach:** Use data and evidence-based practices to support the approach you are proposing. Include measurable outcomes and a clear plan for how you will monitor and evaluate success.

**Sustainability Plan:** Demonstrate how the project will be sustainable beyond State funding, including future funding strategies, community partnerships, and other funding sources.

**Write a Strong Budget:** Make sure the budget is realistic, aligns with the RFP/RFA's guidelines, and reflects the true costs of running the proposed program.

## 7. Submit the Proposal

**Ensure Compliance:** Double-check that all required documents are included, forms are filled out correctly, and submission deadlines are met. Failure to meet submission requirements can disqualify your proposal.

**Submit Early:** Avoid last-minute submissions to ensure that technical issues or miscommunication don't derail the proposal/application process.

**Electronic vs. Paper Submission:** The State of Maine requires electronic submission via VSS for nearly all RFA/RFP solicitations, with few exceptions. Adhere to whether the submission is electronic or paper-based. If electronic, ensure that files are in the correct format (PDFs, for example) and that all instructions are followed.

## 8. Follow Up and Build Relationships

**Stay Engaged:** Whether your proposal or application is successful or not, stay engaged with the State agency after the specific solicitation process. Attend their events, participate in future RFPs and RFAs, and continue to build relationships.

**Request Feedback:** If your proposal or application is not selected, request feedback from the agency to understand areas for improvement and strengthen future submissions.

## 9. Ensure Compliance and Reporting Post-Award

**Maintain Transparent Reporting:** Once awarded, maintain clear, transparent financial and programmatic reporting to meet the State's contractual requirements.

**Adhere to State Standards:** Ensure that your organization complies with the State's procurement guidelines, performance standards, and any other legal requirements throughout the contract or grant period.

## 10. Leverage Success to Build Future Opportunities

**Demonstrate Outcomes:** After successfully completing a State-funded project, showcase your impact through reports, case studies, or testimonials. This can help build credibility for future RFP/RFA responses.

**Maintain a Relationship with the State:** Continue engaging with the State on other potential contract/funding opportunities and policy initiatives relevant to your organization's mission.

By following these steps, organizations can effectively engage with RFPs and RFAs issued by State of Maine agencies, increasing their chances of success and forming long-term partnerships with the State that support their mission and sustainability.

# Appendix B – Building Capacity for New Contracts

**Building Capacity:** Ensure your organization has the internal capacity to manage large grants or contracts if awarded. This includes adequate staffing, financial stability, and operational infrastructure:

- **Staffing** – To prepare your organization’s staffing capacity for growth, proper planning and investment in staffing will enable your organization to effectively manage growth without compromising operational efficiency:
  - Assess current workforce levels and identifying gaps in skills, expertise, or manpower that may hinder expansion.
  - Develop a hiring strategy that aligns with projected growth, ensuring you can recruit the right talent in a timely manner.
  - Invest in employee training and development to upskill your workforce and enhance productivity.
  - Evaluate the scalability of your organizational structure and workflows to handle increased demand.
  - Foster a strong company culture to retain talent and ensure that your workforce remains motivated and adaptable to changes associated with anticipated expansion.
- **Financial** – To determine if your organization is properly funded for new business, conduct a comprehensive review of these factors to help determine if your organization is financially prepared for growth without jeopardizing its stability:

- Assess key factors such as cash flow, liquidity, capital reserves, and debt-to-equity ratio to ensure financial stability.
  - Evaluate profit margins, access to credit, and market conditions to understand growth potential and risks.
  - Ensure financial projections align with realistic expectations and that operational efficiency and working capital can support expansion.
  - Finally, consider risk management strategies to handle unforeseen setbacks.
- **Operational Infrastructure** – By strengthening your operational infrastructure, you can ensure your organization is well-equipped to manage expansion without compromising performance or quality. To build operational infrastructure capacity for growth:
    - Evaluate your current systems, processes, and technologies to identify potential bottlenecks or limitations.
    - Invest in scalable solutions that can handle increased demand, such as upgrading software, automating tasks, or expanding production capabilities.
    - Streamline workflows to improve efficiency and reduce costs, ensuring your infrastructure can support higher volumes of business.
    - Consider expanding physical resources, such as office space or equipment, and assess supply chain capacity to manage increased outputs.
    - Implement robust data management and security protocols to handle growth securely.