**STATE OF MAINE**

**Department of Administrative and Financial Services**



**RFP# 202203031**

**Temporary Employment Services**

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| **RFP Coordinator** | *All communication regarding the RFP must be made through the RFP Coordinator identified below*.  **Name:** Kathy Paquette **Title:** Procurement Analyst Manager  **Contact Information:** [Kathy.L.Paquette@maine.gov](mailto:Kathy.L.Paquette@maine.gov) |
| **Submitted Questions Due** | *All questions must be received by the RFP Coordinator identified above by:*  **Date:** April 28, 2022, no later than 11:59 p.m., local time |
| **Proposal Submission** | *Proposals must be received by the Division of Procurement Services by:*  **Submission Deadline:** May 10, 2022, no later than 11:59 p.m., local time.  *Proposals must be submitted electronically to the following address:*  **Electronic (e-mail) Submission Address:** [Proposals@maine.gov](mailto:Proposals@maine.gov) |

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PUBLIC NOTICE

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**State of Maine**

**Department of Administrative and Financial Services**

**RFP# 202203031**

**Temporary Employment Services**

The State of Maine is seeking proposals for Temporary Staffing Services to be provided to multiple state agencies over the course of multiple years.

A copy of the RFP, as well as the Question & Answer Summary and all amendments related to the RFP, can be obtained at: <https://www.maine.gov/dafs/bbm/procurementservices/vendors/rfps>

Proposals must be submitted to the State of Maine Division of Procurement Services, via e-mail, at: [Proposals@maine.gov](mailto:Proposals@maine.gov). Proposal submissions must be received no later than 11:59 p.m., local time, on May 10, 2022. Proposals will be opened the following business day. Proposals not submitted to the Division of Procurement Services’ aforementioned e-mail address by the aforementioned deadline will not be considered for contract award.

**\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\***

**RFP TERMS/ACRONYMS with DEFINITIONS**

The following terms and acronyms, as referenced in the RFP, shall have the meanings indicated below:

|  |  |
| --- | --- |
| **Term/Acronym** | **Definition** |
| **Assignment** | A defined requirement for temporary staffing to be provided to an agency. |
| **Bidder(s)** | The company or firm who submits a proposal in response to this Request for Proposal. |
| **DAFS** | Department of Administrative and Financial Services |
| **Delivery Order** | An order created to procure specific assignments from an established Master Agreement. |
| **Department** | DAFS/Division of Procurement Services. |
| **Employee** | A Resource who considers themselves an employee of the awarded Bidder, elects to have State and federal withholding from earned income, and receives a W-2 at year end. |
| **Master Agreement** | A contractual agreement which will govern the relationship between the department and the awarded bidder. |
| **Provider** | A temporary staffing provider that is a party to a State of Maine Master Agreement. |
| **Resource** | A specific individual performing a temporary staffing assignment who is an employee of the Temporary Staffing Provider. |
| **RFP** | Request for Proposal |
| **State** | State of Maine |

**State of Maine - Department of Administrative and Financial Services**

**RFP# 202203031**

**Temporary Employment Services**

**PART I INTRODUCTION**

1. **Purpose and Background**

The State of Maine Department of Administrative and Financial Services (Department), Division of Procurement Services, is seeking Temporary Staffing Services as defined in this Request for Proposal (RFP) document. This document provides instructions for submitting proposals, the procedure and criteria by which the awarded Bidder will be selected and the contractual terms which will govern the relationship between the State of Maine (State) and the awarded Bidder.

The purpose of this RFP is to seek the services of highly skilled, experienced, and qualified Providers that can provide qualified Temporary Staffing Resources in multiple locations throughout the State.

All agencies of the State utilize Temporary Staffing Resources to fill short-term or immediate staffing needs. It is one option that an Agency may consider for a temporary placement which shall be determined by the Agency based upon available funding and administrative requirements or restrictions. It is not the intent of this solicitation to permanently replace any current state employees or positions.

In calendar year 2021, the Department spent approximately $25,773,814 million for Temporary Staffing Services, as outlined below:

|  |  |  |  |
| --- | --- | --- | --- |
| Category 1 – Office | Category 2 – Driving | Category 3 – Lab/Med | Category 4 - Outdoor |
| $21,371,159 | $49,057 | $2,498,829 | $1,275,788 |
| Category 5 – Power Equipment | Category 5 – At Sea | Category 7 – Trades | Total of All Categories |
| $446,285 | $91,967 | $40,730 | $25,773,815 |

\* *Note: Of the $25,773,815 million approximately $13,494,684 was COVID-19-related.*

The State does not guarantee that any Provider will receive a specific volume of work, a specific total contract amount, or a specific order value under any Master Agreement executed pursuant to this RFP. After contracts have been established from this RFP, State agencies will still be permitted, at the State’s discretion, to separately compete (for example, through a new RFP) any large-scale Temporary Staffing needs. The State allows municipal governments, school districts, and public higher education institutions to use any contract resulting from this RFP with the mutual consent of the Provider.

1. **General Provisions**
   1. From the time the RFP is issued until award notification is made, all contact with the State regarding the RFP must be made through the RFP Coordinator. No other person/ State employee is empowered to make binding statements regarding the RFP. Violation of this provision may lead to disqualification from the bidding process, at the State’s discretion.
   2. Issuance of the 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 the RFP. This includes attendance at personal interviews or other meetings and software or system demonstrations, where applicable.
   3. All proposals must adhere to the instructions and format requirements outlined in the 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” section of the RFP.
   4. Bidders will take careful note that in evaluating a proposal submitted in response to the 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.
   5. The proposal must be signed by a person authorized to legally bind the Bidder and must 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.
   6. The RFP and the awarded Bidder’s proposal, including all appendices or attachments, will be the basis for the final contract, as determined by the Department.
   7. Following announcement of an award decision, all submissions in response to this RFP will be public records, available for public inspection pursuant to the State of Maine Freedom of Access Act (FOAA) ([1 M.R.S. §§ 401](http://www.mainelegislature.org/legis/statutes/1/title1sec401.html) et seq.).
   8. The Department, at its sole discretion, reserves the right to recognize and waive minor informalities and irregularities found in proposals received in response to the RFP.
   9. All applicable laws, whether or not herein contained, are included by this reference. It is the Bidder’s responsibility to determine the applicability and requirements of any such laws and to abide by them.
2. **Contract Term**

The Department is seeking a cost-efficient proposal to provide services, as defined in the RFP, for the anticipated contract period defined in the table below. Please note, the dates below are estimated and may be adjusted, as necessary, in order to comply with all procedural requirements associated with the RFP and the contracting process. The actual contract start date will be established by a completed and approved contract.

Contract Renewal: Following the initial contract, the Department may opt to renew the contract for one renewal for three years, as shown in the table below, and subject to continued availability of funding and satisfactory performance.

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

|  |  |  |
| --- | --- | --- |
| **Period** | **Start Date** | **End Date** |
| Initial Period of Performance | 10/1/2022 | 9/30/2026 |
| Renewal Period #1 | 10/1/2026 | 9/30/2029 |

1. **Number of Awards**

The Department intends to issue one (1) or multiple awards in each category, as a result of this RFP process. The number of awards needed for each category will be determined at the time of award and will be based on providing adequate fulfillment in each category and best value to the State.

**PART II SCOPE OF SERVICES TO BE PROVIDED**

1. **Placement**

Agencies have a wide range of Temporary Staffing needs that include, but are not limited to; office environment positions, positions that require driving, positions in a lab/medical environment, positions involving outdoor labor (some in remote locations), positions that require use of power equipment, positions that require working at-sea and boat usage, and security related positions. It is not the intention of the State to include information technology related staffing positions under this RFP process. Providers are not required to supply Resources for all categories.

Agencies may require the Provider to identify and recruit Resources (**Temp Provider Identified Resource**)for these Temporary Staffing needs or the Agency may select the specific individual (**State Identified Resource (Payroll)**). If the Agency selects the individual and sets the hourly rate, the Provider may be required to compare the hourly rate proposed by the Agency with market-based hourly rates. The Provider may also confer with the Division of Procurement Services regarding any concerns with the assignment.

1. **Category Classifications and Pay Rate**

Successful Bidders will be awarded a Master Agreement which sets forth standard mark-up rates, as proposed. Agencies may request services directly from any Provider holding a Master Agreement. Alternatively, agencies may elect to request competitive quotes from more than one Provider holding a Master Agreement, at the Agency’s discretion.

The Agency and the Provider must agree upon the Resource’s Staffing Category (as shown on **Appendix E**), in writing and in advance of work performance. The Staffing Category shall be dictated by the potential risks associated with the position. It is incumbent upon the Provider to ensure that a Staffing Category is agreed upon in writing and in advance of work performance.

1. **Employment of Staffing Resources**

Temporary Staffing Resources shall remain the Provider’s employees and shall not receive any State employment benefits. The Provider shall be responsible for all payroll withholding requirements; for communicating its benefits, timecards, policies and safety practices to its employees; and for all required insurances for its employees.

Maine’s [Earned Paid Leave](https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Flegislature.maine.gov%2Flegis%2Fstatutes%2F26%2Ftitle26sec637-2.html&data=04%7C01%7CKip.Mitchell%40maine.gov%7Caed5d95b417245f79c8308d8c3a51771%7C413fa8ab207d4b629bcdea1a8f2f864e%7C0%7C0%7C637474461115483632%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=Ks06ExIiLvW9CLSuB6tPRb096nuMh4zpLzisl2YOzdw%3D&reserved=0) law is in effect as of January 1st, 2021 ([Public Law 2019 Ch. 156, “An Act Authorizing Earned Employee Leave”](https://legislature.maine.gov/legis/bills/getPDF.asp?paper=SP0110&item=4&snum=129)).   
  
This law establishes a minimum standard for paid time off in the State of Maine. Covered employers must meet this minimum standard, but the law does not require an employer to limit or reduce existing paid time off benefits. Many employers may already have a paid time off policy that meets or exceeds the minimum requirements of this law.

1. **Nondisclosure of Confidential Information**

Nondisclosure of confidential information that is exempt from public records request. This might include additional language about limitations on usages of confidential info for any purposes outside of assigned tasks.

1. **Conflicts of Interest**

Disclosure of circumstances when a temp takes a role with an organization doing business with the administration or the state. As we read the current contract, each of these areas right now is largely governed only through requiring that the vendor ensure the temp staff member complies with state policies – which don’t always contemplate temp/vendor staff arrangements

1. **Resource Interview and Screening Process**

The Provider will be primarily responsible for interviewing and screening candidates when an Agency asks the Provider to identify and recruit a Resource. Depending upon the category and skill level required of the Resource, the Agency may ask the Provider to submit resumes and other related information from which the Agency will select the appropriate individual. The Agency may also interview one or more candidates before a selection is made. The Agency may ask the Provider to select a Resource with the appropriate skills and experience and arrange for the Resource to report to work at the designated work site on a specified date.

1. **Background and Security Checks**

Basic security clearance on individual Resources may be required from some agencies upon request. This may include:

1. Asking the individual questions about tax violations and criminal convictions;
2. Performing Maine criminal records checks on individuals prior to placement;
3. Fingerprinting of individuals;
4. Obtaining signed releases to perform additional background security checks; and
5. Having a process in place to carry out the security checks if the circumstances warrant such reviews.
6. **Compliance with State Policies and Procedures**

Travel Policy

When a Temporary Staffing Resource is required to travel as part of his or her assignment with an Agency, the Provider will reimburse the Resource for travel in accordance with the State’s travel policy [State’s travel policy](https://www.maine.gov/osc/travel) and will invoice the Agency for the allowable travel costs. The invoice will include details regarding the miles traveled, receipts for expenses and other documentation necessary. The State will reserve the right to audit detailed travel records at any time. The State is required to reimburse contracted Resources at rates no higher than those permitted for State employee travel.

No travel shall be reimbursed unless it was specifically required in advance by the Agency paying for the Resource. Each Agency requiring Resources to travel may have Agency-specific documentation that is also required before travel reimbursement can be provided.

Remote Work Policy

The Provider shall ensure Resources who work remotely comply with all applicable federal and State privacy and security policies. The Department will supply remote access to the appropriate electronic information systems needed for Resources approved to conduct Department business remotely, if applicable.

Other Policies

The Provider will be responsible for ensuring that Resources review and understand the Provider’s policies and employee handbook. It will also be the responsibility of the Provider to request from the Agency any Agency-specific policies that the Resource must adhere to and assure that the Resource is familiar with any key policies required by the Agency. The Provider will need to incorporate State of Maine policies regarding use of State-owned equipment, confidentiality of information and any other “statewide” policy into the list of policies the Resource will adhere to while assigned to a State Agency.

Consent to Hire

In some cases, former State employees may be considered for Temporary Staffing assignments. In those cases that the former State employee has been retired less than 30 days the Provider must submit an email, to the Director of the Division of Procurement Services requesting the consent of the State Procurement Review Committee before the Provider may engage the former State employee. Additional procedures may be implemented by the Division of Procurement Services to fulfill this requirement.

1. **Working Hours**

Although the standard work hours are expected to be 8:00 am to 5:00 pm, Monday through Friday, excluding [State Holidays](https://www.maine.gov/bhr/state-employees/holiday-schedule) the requesting Agency and the Provider will determine the exact hours on a case by case basis. Overtime work is generally not authorized for Temporary Staffing Resources. In the event overtime is authorized by the requesting Agency, overtime compensation will be paid based upon the agreement between the requesting Agency and the Provider.

Payment will be made for actual hours worked. Payment will not be made for Holidays observed by the State or for time not worked as a result of early dismissal by the State due to weather or other causes.

1. **Resource Performance**

Resources are expected to report to work consistently and, when required, exhibit an appropriate degree of professionalism and complete all required tasks as assigned. The Provider will monitor the performance of their Resource by periodic communications with the Agency. Any issues with Resource performance that the Provider is made aware of must be addressed by the Provider in coordination with the Agency. The Agency reserves the right to have the Provider remove a Resource for performance issues. If a Resource is removed from an assignment, the Provider should be available in person to ensure that the Resource is not in possession of any State property or data and exits State premises without incident.

1. **Reporting**

Providers will be required to submit quarterly reports to the Division of Procurement Services’ contract administrator in a format specified by the Division of Procurement Services. These reports should, at a minimum, detail the following:

1. Name of each Resource;
2. Position category (Category I, II, III, IV, V, VI, VII)
3. Position title;
4. Name of the Agency;
5. Start date of the assignment;
6. End date of the assignment;
7. Bill rate;
8. Delivery Order number;
9. Total amount of the Delivery Order;
10. Amount paid to date; and
11. Number of hours worked to date.

Providers may also be required to provide ad hoc reporting to the Division of Procurement Services and State Agencies.

**PART III KEY RFP EVENTS**

1. **Bidders’ Conference**

The Department will sponsor a Bidders’ Conference concerning the RFP beginning at the date, time and location shown on the RFP cover page. The purpose of the Bidders’ Conference is to answer and/or field questions, clarify for potential Bidders any aspect of the RFP requirements that may be necessary and provide supplemental information to assist potential Bidders in submitting responses to the RFP. Although attendance at the Bidders’ Conference is not mandatory, it is strongly encouraged that interested Bidders attend.

1. **Questions**
   1. **General Instructions:** It is the responsibility of all Bidders and other interested parties to examine the entire RFP and to seek clarification, in writing, if they do not understand any information or instructions.
      1. Bidders and other interested parties must use **Appendix E** – Submitted Questions Form – for submission of questions. The form is to be submitted as a WORD document.
      2. The Submitted Questions Form must be submitted, by e-mail, and received by the RFP Coordinator, identified on the cover page of the RFP, as soon as possible but no later than the date and time specified on the RFP cover page.
      3. Submitted Questions must include the RFP Number and Title in the subject line of the e-mail. The Department assumes no liability for assuring accurate/complete/on time e-mail transmission and receipt.
   2. **Question & Answer Summary:** Responses to all questions will be compiled in writing and posted on the following website no later than seven (7) calendar days prior to the proposal due date: [Division of Procurement Services RFP Page](https://www.maine.gov/dafs/bbm/procurementservices/vendors/rfps). It is the responsibility of all interested parties to go to this website to obtain a copy of the Question & Answer Summary. Only those answers issued in writing on this website will be considered binding.
2. **Amendments**

All amendments released in regard to the RFP will also be posted on the following website: [Division of Procurement Services RFP Page](https://www.maine.gov/dafs/bbm/procurementservices/vendors/rfps). It is the responsibility of all interested parties to go to this website to obtain amendments. Only those amendments posted on this website are considered binding.

1. **Submitting the Proposal**
   1. **Proposals Due:** Proposals must be received no later than 11:59 p.m. local time, on the date listed on the cover page of the RFP. E-mails containing original proposal submissions, or any additional or revised proposal files, received after the 11:59 p.m. deadline will be rejected without exception.
   2. **Delivery Instructions:** E-mail proposal submissions are to be submitted to the State of Maine Division of Procurement Services at [Proposals@maine.gov](mailto:Proposals@maine.gov).
      1. Only proposal submissions received by e-mail will be considered. The Department assumes no liability for assuring accurate/complete e-mail transmission and receipt.
      2. E-mails containing links to file sharing sites or online file repositories will not be accepted as submissions. Only e-mail proposal submissions that have the actual requested files attached will be accepted.
      3. Encrypted e-mails received which require opening attachments and logging into a proprietary system will not be accepted as submissions. Please check with your organization’s Information Technology team to ensure that your security settings will not encrypt your proposal submission.
      4. File size limits are 25MB per e-mail. Bidders may submit files separately across multiple e-mails, as necessary, due to file size concerns. All e-mails and files must be received by the due date and time listed above.
      5. Bidders are to insert the following into the subject line of their e-mail proposal submission: **“RFP# 202203031 Proposal Submission – [Bidder’s Name]”**
      6. Bidder’s proposal submissions are to be broken down into multiple files, with each file named as it is titled in bold below, and include:

* **File 1 [Bidder’s Name] – Preliminary Information:**

*PDF format preferred*

**Appendix A** (Proposal Cover Page)

**Appendix B** (Debarment, Performance and Non-Collusion Certification)

All required eligibility documentation stated in PART IV, Section I

* **File 2 [Bidder’s Name] – Organization Qualifications and Experience:**

*PDF format preferred*

**Appendix C** (Organization Qualifications and Experience Form) and all required information and attachments stated in PART IV, Section II.

* **File 3 [Bidder’s Name] – Proposed Services:**

*PDF format preferred*

All required information and attachments stated in PART IV, Section III.

* **File 4 [Bidder’s Name] – Cost Proposal:**

*PDF format preferred*

**Appendix D** (Cost Proposal Form) and all required information and attachments stated in PART IV, Section IV.

**PART IV PROPOSAL SUBMISSION REQUIREMENTS**

This section contains instructions for Bidders to use in preparing their proposals. The Department seeks detailed yet succinct responses that demonstrate the Bidder’s qualifications, experience, and ability to perform the requirements specified throughout the RFP.

The Bidder’s proposal must follow the outline used below, including the numbering, section, and sub-section headings. Failure to use the outline specified in PART IV, or failure to respond to all questions and instructions throughout the RFP, may result in the proposal being disqualified as non-responsive or receiving a reduced score. The Department, and its evaluation team, has sole discretion to determine whether a variance from the RFP specifications will result either in disqualification or reduction in scoring of a proposal. Rephrasing of the content provided in the RFP will, at best, be considered minimally responsive.

Bidders are not to provide additional attachments beyond those specified in the RFP for the purpose of extending their response. Additional materials not requested will not be considered part of the proposal and will not be evaluated. Include any forms provided in the submission package or reproduce those forms as closely as possible. All information must be presented in the same order and format as described in the RFP.

**Proposal Format and Contents**

**Section I Preliminary Information** (File #1)

* 1. **Proposal Cover Page**

Bidders must complete **Appendix A** (Proposal Cover Page). It is critical that the cover page show the specific information requested, including Bidder address(es) and other details listed. The Proposal Cover Page must be dated and signed by a person authorized to enter into contracts on behalf of the Bidder.

* 1. **Debarment, Performance and Non-Collusion Certification**

Bidders must complete **Appendix B** (Debarment, Performance and Non-Collusion Certification Form). The Debarment, Performance and Non-Collusion Certification Form must be dated and signed by a person authorized to enter into contracts on behalf of the Bidder.

**Section II Organization Qualifications and Experience** (File #2)

* 1. **Overview of the Organization**

Bidders must complete **Appendix C** (Qualifications and Experience Form) describing their qualifications and skills to provide the requested services in the RFP. Bidders must include three examples of projects which demonstrate their experience and expertise in performing these services as well as highlighting the Bidder’s stated qualifications and skills.

* 1. **Litigation**

Bidders must attach a list of all current litigation in which the Bidder is named and a list of all closed cases that have closed within the past five (5) years in which the Bidder paid the claimant either as part of a settlement or by decree.  For each, list the entity bringing suit, the complaint, the accusation, amount, and outcome.

* 1. **Financial Viability**

Bidders must provide the following information for each of the past three tax (3) years:

* + 1. Balance Sheets
    2. Income (Profit/Loss) Statements

*OR*

Bidders must provide a current copy of their Dun & Bradstreet Business Information Report Snapshot.

* 1. **Certificate of Insurance**

Bidders must provide 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 the proposed services.

|  |  |
| --- | --- |
| **Required Attachments Related to Organization Qualifications and Experience** | |
| **Attachment #:** | **Attachment Name:** |
| One (1) | Qualifications and Experience Form |
| Two (2) | Litigation |
| Three (3) | Financial Viability |
| Four (4) | Certificate of Insurance |

Attachments 1 – 4, **must be included in your response** and in numerical order, as part of File 2, as outlined in PART III “Submitting the Proposal” of this RFP. Attachments 1 – 4 will be reviewed and evaluated by the Department’s evaluation team under the Organization Qualifications and Experience section of this RFP.

**Section III Proposed Services** (File #3)

* 1. **Services to be Provided**

Bidders must complete **Appendix D** (Scope of Services Form) to demonstrate their ability to comply with the requirements referenced in Part II of the RFP. Bidders are to use the space provided on the form for their responses to the requested information under each requirement.

**Section IV Cost Proposal** (File #4)

* 1. **General Instructions**
     1. Bidders must submit a cost proposal that covers the period starting 10/1/2022 and ending on 9/30/2026.
     2. The cost proposal must include the costs necessary for the Bidder to fully comply with the contract terms, conditions, and RFP requirements.
     3. The cost of any required security clearance checks will be the responsibility of the award Bidder(s).
     4. No costs related to the preparation of the proposal for the 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**

Bidders must fill out **Appendix D** (Cost Proposal Form), following the instructions detailed here and in the form. Failure to provide the requested information, and to follow the required cost proposal format provided, may result in the exclusion of the proposal from consideration, at the discretion of the Department.

**PART V PROPOSAL EVALUATION AND SELECTION**

Evaluation of the submitted proposals will be accomplished as follows:

1. **Evaluation Process - General Information**
   1. An evaluation team, composed of qualified reviewers, will judge the merits of the proposals received in accordance with the criteria defined in the RFP.
   2. Officials responsible for making decisions on the award selection will 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 provides the best value to the State of Maine.
   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. The Department may revise the scores assigned in the initial evaluation to reflect those communications and/or interviews/presentations. Changes to proposals, including updating or adding information, will not be permitted during any interview/presentation process and, therefore, Bidders must submit proposals that present their rates and other requested information as clearly and completely as possible.
2. **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. Preliminary Information (No Points – Eligibility Requirements)**

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

**Section II. Organization Qualifications and Experience (30 points)**

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

**Section III. Proposed Services (30 points)**

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

**Section IV. Cost Proposal (40 points)**

1. Department Identified Resource (Payroll) Mark-up Rate (20 points)
2. Vendor Identified Resource Mark-up Rate (20 points)
   1. **Scoring Process:** For proposals that demonstrate meeting the eligibility requirements in Section I, the evaluation team will use a consensus approach to evaluate and score Sections II & III above. Members of the evaluation team will not score those sections individually but, instead, will arrive at a consensus as to assignment of points for each of those sections. Sections IV, the Cost Proposal, will be scored as described below.
3. **Scoring the Cost Proposal:** The mark-up rates proposed for conducting all the functions specified per Category in the RFP will be assigned a score according to a mathematical formula. The lowest Department Identified Resource (Payroll) Mark-up Rate per Category will be awarded 20 points and the lowest Vendor Identified Resource Mark-up Rate per Category will be awarded 20 points. Proposals with higher mark-up rates per Category will be awarded proportionately fewer points calculated in comparison with the lowest mark-up rates per Category.

The scoring formula is:

(Lowest submitted Department Identified Resource (Payroll) Mark-up Rate per Category / Department Identified Resource (Payroll) Mark-up Rate per Category being scored) x 20 = pro-rated score for Department Identified Resource (Payroll) Mark-up Rate per Category

(Lowest submitted Vendor Identified Resource Mark-up Rate per Category / Vendor Identified Resource Mark-up Rate per Category being scored) x 20 = pro-rated score Vendor Identified Resource Mark-up Rate per Category

Pro-rated score for Department Identified Resource (Payroll) Mark-up Rate per Category + Pro-rated score Vendor Identified Resource Mark-up Rate per Category = Total cost score per category

No Best and Final Offers: The State of Maine will not seek or accept 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.

* 1. **Negotiations:** The Department reserves the right to negotiate with the awarded Bidder to finalize a contract. Such negotiations may not significantly vary the content, nature or requirements of the proposal or the Department’s Request for Proposal to an extent that may affect the price of goods or services requested. The Department reserves the right to terminate contract negotiations with an awarded Bidder 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.

1. **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 Procurement Review Committee.
   2. Notification of conditional award selection or non-selection will be made in writing by the Department.
   3. Issuance of the 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 the RFP, 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 or to make multiple awards.
2. **Appeal of Contract Awards**

Any person aggrieved by the award decision that results from the RFP may appeal the decision to the Director of the Bureau of General Services in the manner prescribed in [5 M.R.S.A. § 1825-E](http://www.mainelegislature.org/legis/statutes/5/title5sec1825-E.html) and [18-554 Code of Maine Rules Chapter 120](https://www.maine.gov/dafs/bbm/procurementservices/policies-procedures/chapter-120).  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 conditional contract award.

**PART VI CONTRACT ADMINISTRATION AND CONDITIONS**

1. **Contract Document**
   1. The awarded Bidder will be required to execute a State of Maine Master Agreement Service Contract with appropriate riders as determined by the issuing department.

The complete set of standard State of Maine Service Contract documents, along with other forms and contract documents commonly used by the State, may be found on the Division of Procurement Services’ website at the following link: [Division of Procurement Services Forms Page](https://www.maine.gov/dafs/bbm/procurementservices/forms)

* 1. Allocation of funds is final upon successful negotiation and execution of the contract, subject to the review and approval of the State Procurement Review Committee. Contracts are not considered fully executed and valid until approved by the State Procurement 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)](https://www.maine.gov/dafs/bbm/procurementservices/policies-procedures/chapter-110).)

This provision means that a contract cannot be effective until at least 14 calendar days after award notification.

* 1. The State recognizes 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 Procurement 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 listed in the RFP may need to be adjusted, if necessary, to comply with mandated requirements.
  2. In providing services and performing under the contract, the awarded Bidder must act as an independent contractor and not as an agent of the State of Maine.

1. **Standard State Contract Provisions**
   1. Contract Administration

Following the award, a Contract 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 awarded Bidder in the finalization of the contract.

* 1. Payments and Other Provisions

The State anticipates paying the Contractor on the basis of net 30 payment terms, upon the receipt of an accurate and acceptable invoice. An invoice will be considered accurate and acceptable if it contains a reference to the State of Maine contract number, contains correct pricing information relative to the contract, and provides any required supporting documents, as applicable, and any other specific and agreed-upon requirements listed within the contract that results from the RFP.

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

**Appendix A** – Proposal Cover Page

**Appendix B** – Debarment, Performance, and Non-Collusion Certification

**Appendix C** – Qualifications and Experience Form

**Appendix D** – Cost Proposal Form

**Appendix E** – Submitted Question Form

**APPENDIX A**

**State of Maine**

**Department of Administrative and Financial Services**

**PROPOSAL COVER PAGE**

**RFP# 202010149**

**Temporary Staffing Services**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Bidder’s Organization Name:** | |  | | | |
| **Chief Executive - Name/Title:** | |  | | | |
| **Tel:** |  | | | **E-mail:** |  |
| **Headquarters Street Address:** | |  | | | |
| **Headquarters City/State/Zip:** | |  | | | |
| ***(Provide information requested below if different from above)*** | | | | | |
| **Lead Point of Contact for Proposal - Name/Title:** | | |  | | |
| **Tel:** |  | | | **E-mail:** |  |
| **Headquarters Street Address:** | |  | | | |
| **Headquarters City/State/Zip:** | |  | | | |

* 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.
* The above-named organization is the legal entity entering into the resulting contract with the Department if they are awarded the contract.
* The undersigned is authorized to enter contractual obligations on behalf of the above-named organization.

*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 (Print):** | **Title:** |
| **Authorized Signature:** | **Date:** |

**APPENDIX B**

**State of Maine**

**Department of Administrative and Financial Services**

**DEBARMENT, PERFORMANCE, and NON-COLLUSION CERTIFICATION**

**RFP# 202010149**

**Temporary Staffing Services**

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| --- | --- |
| **Bidder’s Organization Name:** |  |

*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:*

1. *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.*
2. *Have not within three years of submitting the proposal for this contract been convicted of or had a civil judgment rendered against them for:*
   1. *Fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a federal, state or local government transaction or contract.*
   2. *Violating Federal or State antitrust statutes or committing embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;*
   3. *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*
   4. *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*.
3. *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.*

|  |  |
| --- | --- |
| **Name (Print):** | **Title:** |
| **Authorized Signature:** | **Date:** |

**APPENDIX C**

**State of Maine**

**Department of Administrative and Financial Services**

## QUALIFICATIONS and EXPERIENCE FORM

**RFP# 202010149**

**Temporary Staffing Services**

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| **Bidder’s Organization Name:** |  |

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| 1. **Year your company was founded** 2. **What are your hours of operation and when are the key account people available?** 3. **Present a statement of qualifications, including any applicable licensure and/or certification.** 4. **Describe the history of the Bidder’s organization, especially regarding skills pertinent to the specific work required by the RFP.** 5. **Describe any special or unique characteristics of the organization which would make it especially qualified to perform the required work activities.** |
|  |

**APPENDIX C (continued)**

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| **Provide a description of 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 the RFP. For each of the project examples provided, a contact person from the client organization involved should be listed, along with that person’s telephone number and e-mail address. 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.** |

|  |  |
| --- | --- |
| **Project One** | |
| **Client Name:** |  |
| **Client Contact Person:** |  |
| **Telephone:** |  |
| **E-Mail:** |  |
| **Brief Description of Project** | |
|  | |

|  |  |
| --- | --- |
| **Project Two** | |
| **Client Name:** |  |
| **Client Contact Person:** |  |
| **Telephone:** |  |
| **E-Mail:** |  |
| **Brief Description of Project** | |
|  | |

**APPENDIX C (continued)**

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| --- | --- |
| **Project Three** | |
| **Client Name:** |  |
| **Client Contact Person:** |  |
| **Telephone:** |  |
| **E-Mail:** |  |
| **Brief Description of Project** | |
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**APPENDIX D**

**State of Maine**

**Department of Administrative and Financial Services**

**SCOPE of SERVICES FORM**

**RFP# 202010149**

**Temporary Staffing Services**

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| **Bidder’s Organization Name:** |  |

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| 1. **Placement** |
| Agencies have a wide range of Temporary Staffing needs that include, but are not limited to; office environment positions, positions that require driving, positions in a lab/medical environment, positions involving outdoor labor (some in remote locations), positions that require use of power equipment, positions that require working at-sea and boat usage, and security related positions. It is not the intention of the State to include information technology related staffing positions under this RFP process. Providers are not required to supply Resources for all categories.  Agencies may require the Provider to identify and recruit Resources (**Temp Provider Identified Resource**)for these Temporary Staffing needs or the Agency may select the specific individual (**State Identified Resource (Payroll)**). If the Agency selects the individual and sets the hourly rate, the Provider may be required to compare the hourly rate proposed by the Agency with market-based hourly rates. The Provider may also confer with the Division of Procurement Services regarding any concerns with the assignment. |
| 1. **Identify which categories your company has the experience, access to interested Resources, and insurance to fill.**   *Category I – Office Environment*  *Category II – Driving related positions*  *Category III – Lab/Medical Environment*  *Category IV – Outdoor Labor/Remote*  *Category V – Power Equipment*  *Category VI – At Sea/Boat Usage*  *Category VII – Trades*   1. **Describe how your company will provide assistance to Agencies with the placement of any candidates(s).** |
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**APPENDIX D (continued)**

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| 1. **Category and Pay Rate** |
| Successful Bidders will be awarded a Master Agreement which sets forth standard mark-up rates, as proposed. Agencies may request services directly from any Provider holding a Master Agreement. Alternatively, agencies may elect to request competitive quotes from more than one Provider holding a Master Agreement, at the Agency’s discretion.  The Agency and the Provider must agree upon the Resource’s Staffing Category (as shown on **Appendix E**), in writing and in advance of work performance. The Staffing Category shall be dictated by the potential risks associated with the position. It is incumbent upon the Provider to ensure that a Staffing Category is agreed upon in writing and in advance of work performance. |
| 1. **Describe how your organization would ensure timeliness of communication with the Agency. Include guaranteed response times for telephone or voicemail messages related to requests for Resources.** |
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| 1. **Employment of Staffing Resources** |
| Temporary Staffing Resources shall remain the Provider’s employees and shall not receive any State employment benefits. The Provider shall be responsible for all payroll withholding requirements; for communicating its benefits, timecards, policies and safety practices to its employees; and for all required insurances for its employees.  Maine’s [Earned Paid Leave](https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Flegislature.maine.gov%2Flegis%2Fstatutes%2F26%2Ftitle26sec637-2.html&data=04%7C01%7CKip.Mitchell%40maine.gov%7Caed5d95b417245f79c8308d8c3a51771%7C413fa8ab207d4b629bcdea1a8f2f864e%7C0%7C0%7C637474461115483632%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=Ks06ExIiLvW9CLSuB6tPRb096nuMh4zpLzisl2YOzdw%3D&reserved=0) law is in effect as of January 1st, 2021 ([Public Law 2019 Ch. 156, “An Act Authorizing Earned Employee Leave”](https://legislature.maine.gov/legis/bills/getPDF.asp?paper=SP0110&item=4&snum=129)).   This law establishes a minimum standard for paid time off in the State of Maine. Covered employers must meet this minimum standard, but the law does not require an employer to limit or reduce existing paid time off benefits. Many employers may already have a paid time off policy that meets or exceeds the minimum requirements of this law.  Link to Maine Department of Labor: <https://www.maine.gov/labor/labor_laws/earnedpaidleave/> |
| 1. **Describe your organization’s benefits, timecards, policies and safety practices to your employees.** 2. **Describe your organizations process to ensure Maine’s Earned Paid Leave law is followed.** |
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| 1. **Resource Interview and Screening Process** |
| The Provider will be primarily responsible for interviewing and screening candidates when an Agency asks the Provider to identify and recruit a Resource. Depending upon the category and skill level required of the Resource, the Agency may ask the Provider to submit resumes and other related information from which the Agency will select the appropriate individual. The Agency may also interview one or more candidates before a selection is made. The Agency may ask the Provider to select a Resource with the appropriate skills and experience and arrange for the Resource to report to work at the designated work site on a specified date. |
| 1. **Describe your company’s timeframe for placements of candidates.** 2. **Describe the process used to ensure the workplace readiness of Temporary Staffing Resources, including professional appearance, reliability, communication skills, customer service, and time management, to name a few.** |
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| 1. **Background and Security Checks** |
| Basic security clearance on individual Resources may be required from some agencies upon request. The cost of performing each background check shall be the responsibility of the Provider.  This may include:   * **Asking the individual questions about tax violations and criminal convictions;** * **Performing Maine criminal records checks on individuals prior to placement;** * **Fingerprinting of individuals;** * **Ensuring the selected resource’s professional Maine license, if applicable to position qualifications, is active and in good standing at all times while on assignment;** * **Obtaining signed releases to perform additional background security checks; and** * **Having a process in place to carry out the security checks if the circumstances warrant such reviews**. |
| 1. **Describing your organization’s process for background checks.** 2. **Describing your organization’s process for drug testing.** 3. **Describing your organization’s process for finger printing.** |
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| 1. **Compliance with State Policies and Procedures** |
| Travel Policy  In the event a contracted resource’s duties require travel, the Provider will reimburse the Resource for travel in accordance with the [State’s travel policy](https://www.maine.gov/osc/travel) and will invoice the Agency for the allowable travel costs. The invoice will include details regarding the miles traveled, receipts for expenses and other documentation necessary. The State will reserve the right to audit detailed travel records at any time. The State is required to reimburse contracted Resources at rates no higher than those permitted for State employee travel.  No travel shall be reimbursed unless it was specifically required in advance by the Agency paying for the Resource. Each Agency requiring Resources to travel may have Agency-specific documentation that is also required before travel reimbursement can be provided.  Remote Work Policy  The Provider shall ensure Resources who work remotely comply with all applicable federal and State privacy and security policies. The Department will supply remote access to the appropriate electronic information systems needed for Resources approved to conduct Department business remotely, if applicable.  Sensitive Information Policy  It will be the responsibility of the Provider to request from the Agency any Agency-specific policies that the Resource must adhere to and assure that the Resource is familiar with any key policies required by the Agency. The Provider will need to incorporate State of Maine policies regarding use of State-owned equipment, confidentiality of information and any other “statewide” policy into the list of policies the Resource will adhere to while assigned to a State Agency.  Consent to Hire Policy  In some cases, former State employees may be considered for Temporary Staffing assignments. In those cases that the former State employee has been retired less than 30 days the Provider must submit an email, to the Director of the Division of Procurement Services requesting the consent of the State Procurement Review Committee before the Provider may engage the former State employee. Additional procedures may be implemented by the Division of Procurement Services to fulfill this requirement. |
| 1. Affirm your **organization’s** ability to comply with each policy 2. **Describing all policies your organization has in place that require Temporary Staffing Resources to protect sensitive or confidential information.** |
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| 1. **Working Hours** |
| Although the standard work hours are expected to be 8:00 am to 5:00 pm, Monday through Friday, with exception of Holidays the requesting Agency and the Provider will determine the exact hours on a case by case basis. Overtime work is generally not authorized for Temporary Staffing Resources. In the event overtime is authorized by the requesting Agency, overtime compensation will be paid based upon the agreement between the requesting Agency and the Provider.  Payment will be made for actual hours worked. Payment will not be made for Holidays observed by the State or for time not worked as a result of early dismissal by the State due to weather or other causes. |
| 1. **Affirm and describe your organization’s understanding and ability to comply with this requirement.** |
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| 1. **Resource Performance** |
| Resources are expected to report to work consistently and, when required, exhibit an appropriate degree of professionalism and complete all required tasks as assigned. The Provider will monitor the performance of their Resource by periodic communications with the Agency. Any issues with Resource performance that the Provider is made aware of must be addressed by the Provider in coordination with the Agency. The Agency reserves the right to have the Provider remove a Resource for performance issues. If a Resource is removed from an assignment, the Provider should be available in person to ensure that the Resource is not in possession of any State property or data and exits State premises without incident. |
| 1. **Provide a description of your organization’s process to conduct quality assurance checks with Agencies to verify that the Agency’s requirements are being met, and the Agency is satisfied with performance.** 2. **Describe** **your organization’s current process or policy regarding replacing a Temporary Staffing Resource (e.g., Resource exhibits excessive absenteeism, tardiness, personality conflicts, or other employee relations issues).** |
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| 1. **Reporting** |
| Providers will be required to submit quarterly reports to the Division of Procurement Services’ contract administrator in a format specified by the Division of Procurement Services. These reports should, at a minimum, detail the following:   1. Name of each Resource 2. Staffing category (Category I, II, III, IV, V, VI, VII) 3. Position title 4. Start date of the assignment 5. End date of the assignment 6. Bill Rate 7. Delivery Order number 8. Total amount of Delivery Order 9. Amount paid to date 10. Number of hours worked to date   Providers may also be required to provide ad hoc reporting to the Division of Procurement Services and State Agencies. |
| 1. **Affirm your organizations ability and standard timeframe needed, for required quarterly reports and any ad hoc reporting requested by the Division of Procurement Services or State Agencies.** |
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**APPENDIX E**

**State of Maine**

**Department of Administrative and Financial Services**

**COST PROPOSAL FORM**

**RFP# 202010149**

**Temporary Staffing Services**

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| **Bidder’s Organization Name:** |  |

**Instructions:** Bidders are to complete the form below providing a multiplier (Rate of 34% would be entered as a multiplier of 1.34) for all categories they are proposing.

|  |  |  |
| --- | --- | --- |
| **Staffing** **Category** | **State Identified Resource (Payroll)**  **Mark-up** | **Temp Provider Identified Resource**  **Mark-up** |
| **Category I – Office Environment** |  |  |
| *Example positions include (but are not limited to):* Administrative/Clerical; Accounting; Consultant; Legal (Attorney, Paralegal); Management Analyst; Planning & Research; Project Management | | |
| **Category II – Driving related Positions** |  |  |
| *Example positions include (but are not limited to):* Any position that requires the Resource to regularly drive a vehicle on the road | | |
| **Category III – Lab/Medical Environment** |  |  |
| *Example positions include (but are not limited to):* Working with children; Potentially working with pathogens | | |
| **Category IV – Outdoor Labor/Remote** |  |  |
| *Example positions include (but are not limited to):* Groundskeeper; Conservation Aid; Field Assistant | | |
| **Category V – Power Equipment Usage**  **(e.g. chainsaws, ATV’s forklifts, backhoes)** |  |  |
| *Example positions include (but are not limited to):* Heavy Industrial (Construction); Light Industrial (Warehouse/Mailroom) | | |
| **Category VI – At Sea / Boat Usage** |  |  |
| *Example positions include (but are not limited to):* Certified Diver; Ferry Able Seaman; Ferry Ordinary Seaman | | |
| **Category VII – Trades** |  |  |
| *Example positions include (but are not limited to):* Electrician; Boiler/HVAC Professional; Plumber | | |

**APPENDIX E**

**State of Maine**

**Department of Administrative and Financial Services**

**SUBMITTED QUESTIONS FORM**

**RFP# 202203031**

**Temporary Employment Services**

|  |  |
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| **Organization Name:** |  |

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| --- | --- |
| **RFP Section & Page Number** | **Question** |
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*\* If a question is not related to any section of the RFP, state “N/A” under “RFP Section & Page Number”.*

*\*\* Add additional rows, if necessary.*