**STATE OF MAINE**

**Department of Public Safety**



**RFA# 202411195**

**Lewiston First Responder Overtime Costs**

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| **RFA Coordinator** | *All communication regarding the RFA must be made through the RFA Coordinator identified below*.  **Name:** Derek Gorneau **Title:** Assistant to the Commissioner  **Contact Information:** [derek.gorneau@maine.gov](mailto:derek.gorneau@maine.gov) |
| **Informational Session** | *An informational session regarding this RFA will be held on:*  **Date:** November 25, 2024 **Time:** 11:00 AM – 12:30 PM  **Location:** [https://mainestate.zoom.us/j/83517190395?pwd=GDrr Po0XR2Vy4bynR23nQAado4Nisa.1](https://mainestate.zoom.us/j/83517190395?pwd=GDrrPo0XR2Vy4bynR23nQAado4Nisa.1) |
| **Submitted Questions Due** | *All questions must be received by the RFA Coordinator identified above by:*  **Date:** November 27, 2024, no later than 11:59 p.m., local time |
| **Application Submission Deadline** | *Applications must be received by the Office of State Procurement Services by:*  **Submission Deadline:** December 9, 2024, no later than 11:59 p.m., local time.  *Applications must be submitted electronically to:* [Proposals@maine.gov](mailto:Proposals@maine.gov) |

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**RFA TERMS/ACRONYMS with DEFINITIONS**

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

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| **Term/Acronym** | **Definition** |
| **Department** | Department of Public Safety |
| **RFA** | Request for Application |
| **State** | State of Maine |
| **First Responder Agencies** | An organization that provides emergency response services. |
| **Initial Response Period** | 10/25/23 6:56 PM – 10/26/23 3:00 AM |
| **Subsequent Apprehension Period** | 10/26/23 3:00 AM – 10/27/23 7:47 PM |

**PART I OVERVIEW OF THE GRANT OPPORTUNITY**

## Purpose and Background

The Department of Public Safety (Department) is seeking applications for certain first responder overtime costs associated with the Lewiston mass casualty event on October 25, 2023 and the subsequent apprehension operation as defined in this Request for Applications (RFA) document. This document provides instructions for submitting applications, the procedure and criteria by which the awarded Applicant(s) will be selected, and the contractual terms which will govern the relationship between the State of Maine (State) and the awarded Applicant(s).

This $3,000,000 in funds is intended for first responder overtime costs associated with the Lewiston Tragedy on October 25th, 2023 and the subsequent apprehension operation and ongoing investigation. The Lewiston tragedy was an incredibly dynamic and fluid situation with a large number of collaborating agencies and resources. Sixty law enforcement agencies signed in with the command post at various times during the operation with twenty-three Fire and EMS agencies also responding. This event saw between 600 and 800 sworn officers who responded and remained in support over the 49-hour period with hundreds of officers deployed at any given moment. The funding is intended to reimburse local and county partners from the State of Maine for the overtime costs that they experienced in response to this tragedy.

## General Provisions

1. From the time this RFA is issued until award notification is made, all contact with the State regarding this RFA must be made through the RFA Coordinator identified on the cover page of this RFA. No other person/State employee is empowered to make binding statements regarding this RFA. Violation of this provision may lead to disqualification from the application process, at the State’s discretion.
2. Issuance of the RFA does not commit the Department to issue an award or to pay expenses incurred by an Applicant in the preparation of a response to the RFA. This includes attendance at personal interviews or other meetings, where applicable.
3. All applications must adhere to the instructions and format requirements outlined in the RFA and all written supplements and amendments (such as the Summary of Questions and Answers), issued by the Department. Applications are to follow the format and respond to all questions and instructions specified in Part III of the RFA.
4. Applicants will take careful note that in evaluating an application submitted in response to this RFA, the Department will consider materials provided in the application, information obtained through interviews/presentations (if any), and internal Departmental information of previous contract history with the Applicant (if any). The Department also reserves the right to consider other reliable references and publicly available information in evaluating the Applicant’s experience and capabilities.
5. The application must be signed by a person authorized to legally bind the Applicant 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 RFA and the awarded Applicant’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 RFA 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. In the event that a Bidder believes any information that it submits in response to this RFP is confidential, it must mark that information accordingly, and include citation to legal authority in support of the Bidder’s claim of confidentiality. In the event that the Department receives a FOAA request that includes submissions marked as confidential, the Department shall evaluate the information and any legal authority from the Bidder to determine whether the information is an exception to FOAA’s definition of public record. If the Department determines to release information that a Bidder has marked confidential, it shall provide advance notice to the Bidder to allow for them to seek legal relief.
9. The Department, at its sole discretion, reserves the right to recognize and waive minor informalities and irregularities found in applications received in response to the RFA.
10. All applicable laws, whether or not herein contained, shall be included by this reference. It shall be the Applicant’s responsibility to determine the applicability and requirements of any such laws and to abide by them.

## Eligibility to Submit Applications

Only local and county first responder agencies from the State of Maine who recognized overtime costs related to the Lewiston Tragedy on October 25, 2023 and/or the subsequent apprehension operation and ongoing investigation, that for the purposes of this grant process ended when the suspect was found deceased on October 27, 2023 at 7:47 PM, are eligible to apply.

## Awards

With sixty (60) law enforcement agencies signing in with the command post at various times during the operation and an additional twenty-three (23) Fire and EMS agencies also responding, the Department anticipates making multiple awards.

Awards will be prioritized as follows if there is insufficient funding:

1. Overtime recognized from the initial response period (10/25/23 6:56 PM – 10/26/23 3:00 AM)
2. Overtime recognized from the subsequent apprehension period (10/26/23 3:00 AM – 10/27/23 7:47 PM)

If there is insufficient funding then the awards will be issued proportionally to be fair and equitable. For example, if there is $1,000,000 remaining after the initial response period has been fully funded and there is $2,000,000 in requests for the subsequent apprehension period, then all applicants will have their requests funded at 50%.

1. **Appeal of Contract Awards**

Any person aggrieved by the award decision that results from this Request for Applications may appeal the decision to the Director of the Bureau of General Services in the manner prescribed in 5 MRSA § 1825-E and 18-554 Code of Maine Rules, Chapter 120 (found here: [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 contract award.

1. **Applicable Legislation**

The funding was provided in the Supplemental Budget 2024-2025.

**PART II ACTIVITIES AND REQUIREMENTS**

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1. **Required Activities**
   1. All applicants must provide documentation supporting the overtime reimbursement request.
2. **Allowable Use of Funds** 
   1. Funds may only be used to reimburse overtime related to the Lewiston Tragedy on October 25, 2023 and the subsequent apprehension operation and ongoing investigation period that for the purposes of this grant process ended when the suspect was found deceased on October 27, 2023 at 7:47 PM.
3. **Non-Allowable Use of Funds**
   1. Any other activity other than the reimbursement of overtime is Non-Allowable.

**PART III KEY PROCESS EVENTS**

## Informational Session

The Department will host an informational session concerning the RFA beginning at the date, time and location shown on the RFA cover page. The purpose of the Informational Session is to answer and/or field questions, clarify for Applicants any aspect of the RFA that may be necessary, and provide supplemental information to assist potential Applicants in submitting responses to the RFA. Although attendance at the Informational Session is not mandatory, it is strongly encouraged that interested Applicants attend.

## Submission of Questions

* 1. **General Instructions:** It is the responsibility of all Applicants and other interested parties to examine the entire RFA and to seek clarification, in writing, if they do not understand any information or instructions.
     1. Applicants and other interested parties should use **Appendix A** (Submitted Questions Form) for submission of questions. The form is to be submitted as a WORD document.
     2. Questions must be submitted, by e-mail, and received by the RFA Coordinator identified on the cover page of the RFA as soon as possible but no later than the date and time specified on the RFA cover page.
     3. Submitted Questions must include the RFA 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 State’s Office of State Procurement Services [Grant RFPs and RFAs](https://www.maine.gov/dafs/bbm/procurementservices/vendors/grants) website. 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.

## Amendments

All amendments released in regard to this RFA will be posted on the Office of State Procurement Services [Grant RFPs and RFAs](https://www.maine.gov/dafs/bbm/procurementservices/vendors/grants) website. 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.

## Application Submission

* 1. **Applications Due:** Applications must be received no later than 11:59 p.m. local time, on the date listed on the cover page of the RFA.
     1. Any e-mails containing original application submissions or any additional or revised application files, received after the 11:59 p.m. deadline, will be rejected without exception.

1. **Delivery Instructions:** Applications must be submitted electronically to the State of Maine Office of State Procurement Services at [proposals@maine.gov](mailto:proposals@maine.gov).
   1. Only applications received by e-mail will be considered. The Department assumes no liability for assuring accurate/complete e-mail transmission and receipt.

Application submission e-mails that are successfully received by the [proposals@maine.gov](mailto:proposals@maine.gov) inbox will receive an automatic reply stating as such.

* 1. E-mails containing links to file sharing sites or online file repositories will not be accepted as submissions. Only e-mail application submissions that have the requested files attached will be accepted.
  2. Encrypted e-mails received which require opening attachments and logging into a proprietary system will not be accepted as submissions. It is the Applicant’s responsibility to check with its organization’s information technology team to ensure that security settings will not encrypt its application submission.
  3. File size limits are 25MB per e-mail. Applicants may submit files 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 as described above.
  4. Applicants are to insert the following into the subject line of their e-mail submission: “**RFA# 202411195 Application Submission – [Applicant’s Name]**”.

1. **Submission Contents**
2. Application submissions must include the Applicant’s completed **Application Form** (found in Part V of the RFA) and all required information and attachments as stated in the form.
3. The Application Form must be submitted as a single, typed, PDF file.
4. Applicants are not to provide additional attachments beyond those specified in the RFA or Application Form for the purpose of extending their response. Materials not requested will not be considered part of the application and will not be evaluated.

**PART IV APPLICATION EVALUATION AND SELECTION**

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 RFA.
   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 applications and to ensure that all contracts are awarded to the Applicants that provide the best value to the State of Maine.
   3. The Department reserves the right to communicate and/or schedule interviews/presentations with Applicants, if needed, to obtain clarification of information contained in the applications received. The Department may revise the scores assigned in the initial evaluation to reflect those communications and/or interviews/presentations. Changes to applications, including updating or adding information, will not be permitted during any interview/presentation process and, therefore, Applicants must submit proposals that present their rates and other requested information as clearly and completely as possible.
   4. Failure to respond to all questions and instructions throughout the RFA may result in the application 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 RFA specifications will result either in disqualification or reduction in scoring of a proposal.
2. **Scoring Process:** The evaluation team will use a consensus approach to evaluate and score the section listed below. Members of the review team will not score this section individually but, instead, will arrive at a consensus as to the pass or fail requirement.
3. **Scoring Weights:**

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| **Scoring Criteria** | **Points Available** |
| Eligibility | Pass/Fail |

1. **Selection and Award**
   1. Notification of conditional award selection or non-selection will be made in writing by the Department.
   2. Issuance of this RFA in no way constitutes a commitment by the State to award a contract, to pay costs incurred in the preparation of a response to the RFA, or to pay costs incurred in procuring or contracting for services, supplies, physical space, personnel, or any other costs incurred by the Applicant.
   3. The Department reserves the right to reject any and all applications or to make multiple awards.
2. **Contract Administration and Conditions**
   1. The awarded Applicants will be required to execute a State of Maine blanket contract with the appropriate riders as determined by the issuing Department.
   2. 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 Applicants. (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.
   3. 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 Applicants in the finalization of the contract.
   4. In providing services and performing under the contract, the awarded Applicant must act as an independent contractor and not as an agent of the State of Maine.

**PART V APPLICATION FORM**

## Applicants must use the Application Form embedded below to submit their application in response to this RFA.

## The Application Form may be obtained in a Word (.docx) format by double clicking on the document icon below.



**APPENDIX A SUBMITTED QUESTIONS FORM**

This form should be used by Applicants when submitting written questions to the RFA Coordinator.

If a question is not related to any section of the RFA, enter “N/A” under the RFA Section & Page Number. Add additional rows as necessary. Submit this document in WORD format, not PDF.

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| **Organization Name:** |  |

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| **RFA Section & Page Number** | **Question** |
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