**STATE OF MAINE**

**Department of Administrative and Financial Services**

*Office of Cannabis Policy*



**RFP# 202402046**

**Maine Adult Use Cannabis and Medical Use of Cannabis Compliance Services**

|  |  |
| --- | --- |
| **RFP Coordinator** | *All communication regarding the RFP must be made through the RFP Coordinator identified below*.**Name:** Tracy Jacques, Esq. Title: Director of Special Projects **Contact Information:** Tracy.Jacques@maine.gov |
| **Submitted Questions Due** | *All questions must be received by the RFP Coordinator identified above by:***Date:** March 28, 2024, no later than 11:59 p.m., local time |
| **Proposal Submission Deadline** | *Proposals must be received by the Division of Procurement Services by:***Submission Deadline:** April 11, 2024, no later than 11:59 p.m., local time.*Proposals must be submitted electronically to:* Proposals@maine.gov |

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PUBLIC NOTICE

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**State of Maine**

**Department of Administrative and Financial Services**

**RFP# 202402046**

**Maine Adult Use Cannabis and Medical Use of Cannabis Compliance Services**

The State of Maine is seeking proposals for services to assist the State of Maine, Department of Administrative and Financial Services (“Department” or “DAFS”), Office of Cannabis Policy (“OCP”) with ensuring licensees and registrants are in compliance with State statutes and regulations.

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. Proposal submissions must be received no later than 11:59 p.m., local time, on April 11, 2024. 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.

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**RFP TERMS/ACRONYMS with DEFINITIONS**

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

|  |  |
| --- | --- |
| **Term/Acronym** | **Definition** |
| **RFP** | Request for Proposal |
| **State** | State of Maine |
| **Department** | Department of Administrative and Financial Services |
| **DAFS** | Department of Administrative and Financial Services |
| **Office**  | Office of Cannabis Policy |
| **OCP** | Office of Cannabis Policy |
| **Bidder** | Any individual or organization submitting a bid in response to this RFP |
| **Contract** | Formal and legal binding agreement |
| **AU** | Adult Use |
| **MMCP** | Medical Use of Cannabis Program |
| **SOP** | Standard Operating Procedure |
| **Vendor** | Successful bidder and contracted individual or organization |

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

*Office of Cannabis Policy*

**RFP# 202402046**

**Maine Adult Use Cannabis and Medical Use of Cannabis Compliance Services**

**PART I INTRODUCTION**

1. **Purpose and Background**

The State of Maine, Department of Administrative and Financial Services (Department), Office of Cannabis Policy (OCP) is seeking proposals for Maine Adult Use Cannabis and Medical Use of Cannabis compliance 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.

Description:

The Office of Cannabis Policy is responsible for administering and enforcing [Title 28-B, Chapter 1 – Cannabis Legalization Act](https://legislature.maine.gov/statutes/28-B/title28-Bch1sec0.html) and [Title 22, Chapter 558-C – Maine Medical Use of Cannabis Act](https://legislature.maine.gov/statutes/22/title22ch558-Csec0.html). To assist with enforcing the two acts, the Office is seeking proposals to assist with compliance checks of adult use licensees and medical use registrants. Compliance checks will primarily focus on sales – underage sales in the Adult Use Program and non-patient sales in the Medical Use Program.

Background and Introductory Information:

The Department administers two separate and distinct cannabis programs: [Title 28-B, Chapter 1 – Cannabis Legalization Act](https://legislature.maine.gov/statutes/28-B/title28-Bch1sec0.html) and [Title 22, Chapter 558-C – Maine Medical Use of Cannabis Act.](https://legislature.maine.gov/statutes/22/title22ch558-Csec0.html)

The Cannabis Legalization Act authorizes the sale of cannabis and cannabis products to a person 21 years of age or older. [28-B M.R.S. § 504(4).](https://legislature.maine.gov/statutes/28-B/title28-Bsec504.html) Currently, OCP has licensed 138 adult use cannabis stores in all 16 counties.

The Maine Medical Use of Cannabis Act authorizes the sale of cannabis and cannabis products to qualifying patients. [22 M.R.S. §§ 2423-A(2)](https://legislature.maine.gov/statutes/22/title22sec2423-A.html), [2428(1-A)](https://legislature.maine.gov/statutes/22/title22sec2428.html). “Qualifying patient” means a person who has been a resident of the State for at least 30 days and who possesses a valid written certification regarding medical use of cannabis in accordance with [22 M.R.S. §2423‑B.](https://legislature.maine.gov/statutes/22/title22sec2423-B.html) Qualifying patients are authorized to purchase cannabis and cannabis products from a caregiver operating a retail store or a dispensary. Currently, OCP has registered 289 caregivers retail stores[[1]](#footnote-2) and 60 dispensary retail locations in all 16 counties.

OCP’s Compliance Division employees 15 field investigators and two field investigator supervisors who are responsible for compliance inspections and investigations of all adult use licensees (including without limitation: cultivation, manufacturing, testing and store licensees) and medical use registrants (including without limitation: caregivers, manufacturing engaged in inherently hazardous substance extraction and dispensaries).

OCP is seeking a vendor to supplement its Compliance Division efforts by performing compliance checks on the retail sale of both adult use cannabis licensees and medical use of cannabis program registrants. Specifically, OCP wants to ensure that licensees are abiding by the statutory age restrictions and that registrants are abiding by the statutory patient sale restrictions. The vendor must be able to conduct compliance checks throughout the State.

The Office of Cannabis Policy within the Department of Administrative and Financial Services was created in February 2019. As a result, OCP inherited a sole source contract between the Department of Health and Human Services and the Maine Sheriffs’ Association (MSA) for compliance services. That contract term and scope was extended through amendments as OCP hired staff. The contract ended on December 31, 2023.

Under that contract, MSA used off duty law enforcement and former law enforcement officers to perform compliance checks of medical cannabis retail stores to ensure sales were made only to qualified patients. The program tested compliance by having an individual who was not a patient enter a medical cannabis retail store and attempt to purchase medical cannabis or cannabis products. If asked, the individual acknowledged to the worker that they were not a patient and did not have a medical certification card. The program was modeled after similar work MSA performs related to compliance testing of liquor sales to minors. The program was launched to address numerous, ongoing concerns and complaints received from caregivers, dispensaries, and concerned citizens regarding medical cannabis stores selling cannabis and cannabis products to non-patients. The medical cannabis program exists to provide for the needs of qualified medical patients and sales to non-patients are specifically prohibited.

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. **Eligibility to Submit Bids**

Professional organizations that engage in compliance services are invited to submit proposals in response to this RFP. Cannabis specific expertise is not required. However, bidders must have experience in conducting compliance-based programs. Any individual associated with the bidding professional organization and who the professional organization intends to use in these compliance services may not be pending, current or previous licensees or registrants with the OCP or its predecessor. Professional organizations bidding on this RFP must include the names of all principals, directors, officers and managers.

1. **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 term of the contract, the Department may opt to renew the contract for two renewal periods, 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 | July 1, 2024 | June 30, 2026 |
| Renewal Period #1 | July 1, 2026 | June 30, 2028 |
| Renewal Period #2 | July 1, 2028 | June 30, 2029 |

1. **Number of Awards**

The Department anticipates making one (1) award as a result of the RFP process.

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

The vendor will conduct compliance testing of medical cannabis registrants and adult use program licensees related to retails sales. Specifically, the vendor will ensure medical program participants are restricting sales to individuals possessing a valid patient certification, and the vendor will ensure that adult use program participants are not engaged in sales to individuals under the age of 21 and that procedures related to identification verification are adhered to.

The vendor will perform all services and maintain all standards and requirements for services. It will be the vendor’s responsibility to ensure all work under the contract is detailed, performed with integrity and achieves the contract objectives.

Currently, OCP has licensed 138 adult use cannabis stores, 289 caregivers retail stores[[2]](#footnote-3) and 60 dispensary retail locations. These licensees and registrants have a presence in all 16 counties. The goal is to conduct compliance checks at as many of these locations as funding resources allow. Locations may be prioritized by OCP Compliance Division based on previous compliance testing failures and complaints received.

## Staff

## Recruiting, employing or contracting, training and compensating (including mileage and other expenses, e.g. purchasing of cannabis and/or cannabis products) all individuals engaged in compliance checks.

## Equipment

## Provide vehicles (if necessary), as well as audio and visual recording equipment.

## Training

## Develop a training for employees or contractors conducting compliance checks to ensure knowledge of both program’s governing statutes and regulations.

## Create and implement an SOP on the procedures for conducting compliance checks, report writing requirements, evidence handling, chain of custody, timely report submission and emergency notification procedures related to unusual occurrences, including without limitation law enforcement presence, involvement and/or inquiries, media presence, involvement and/or inquiries, and injuries to employees.

## Create and implement an SOP on the procedures of administrative hearings and witness testimony, including evidence handling and chain of custody documentation.

## OCP must approve of the training and SOP.

## Operational Plan for Compliance Checks

## Develop and implement an operational plan incorporating the objectives of the contract, the guiding SOPs and applicable statutes and regulations.

## OCP will provide a list of cannabis stores by county. Vendor will assign to employees or contractors.

## In the event of a compliant of underage or non-patient sales, OCP will coordinate with Vendor to conduct a compliance check.

## Collaborate with OCP to identify retail locations that will be subjected to compliance checks.

## Compliance Checks

## Adult Use Retail Stores

## An individual under the age of 21 and employed by or contracted with the vendor will attempt to enter the retail sales area of licensed adult use cannabis stores. The agent will not provide any identification and if asked will state their true age. If entry is granted, they will attempt to purchase cannabis or a cannabis product.

## An individual over the age of 21 and employed by or contracted with the vendor will coordinate all compliance checks and be present in a location to observe the under the age of 21 interaction with the licensee.

## The interaction with the underage compliance agent must be audio and video recorded.

## If applicable, a notice of violation will be served upon stores and employees immediately after the compliance check.

## If cannabis or a cannabis product is sold to the underage compliance agent, the agent must properly handle the evidence for proper chain of custody procedures.

## Upon completion of a compliance check, whether or not there is a violation, the agent must prepare a report for the Office.

## The vendor should anticipate travel throughout the State.

## The vendor should anticipate participation in administrative hearings.

## Caregiver Retail Stores Dispensaries

## An individual who is not a certified medical cannabis patient and who is employed by or contracted with the vendor will attempt to purchase medical cannabis from a caregiver retail store or dispensary store. The agent will not provide a qualifying patient card or any identification. If asked, the agent state that they are not a patient.

## The interaction with the non-patient compliance agent must be audio and video recorded.

## If applicable, a notice of violation will be served upon stores and employees immediately after the compliance check.

## If cannabis or a cannabis product is sold to the non-patient compliance agent, the agent must properly handle the evidence for proper chain of custody procedures.

## Upon completion of a compliance check, whether or not there is a violation, the agent must prepare a report for the Office.

## The vendor should anticipate travel throughout the State.

## The vendor should anticipate participation in administrative hearings.

## Reports

## If during a compliance check a violation is found, within one business day of the completion of the compliance check, written notification of the identified violation must be reported to OCP.

## Within five business days, the vendor must submit a formal report to OCP with the following information, at minimum:

## Name of the agent(s) assigned

## Location of the compliance check.

## Date and time of the compliance check.

## If cannabis or a cannabis product is sold:

## Itemization of items purchased.

## Itemized cost of items purchased.

## Store receipt.

## Notice of violation.

## Audio and visual recordings.

## Narrative of facts.

## Result of compliance check.

## Any information related to unusual occurrences.

## In the event cannabis or cannabis products are purchased, the vendor must deliver the cannabis or cannabis product to the Office of Cannabis Policy for evidence retention purposes.

**PART III KEY RFP EVENTS**

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 should 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.
		1. Any 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.
		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.
			1. Proposal submission e-mails that are successfully received by the proposals@maine.gov inbox will receive an automatic reply stating as such.
		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# 202402046 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:**

*Excel 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.

* 1. **Eligibility Requirements**

Bidders must provide documentation to demonstrate meeting eligibility requirements stated in PART I, C. of the RFP. This documentation includes:

* Resumes of all staff to be involved in the implementation of the contract.
* Any individual associated with the bidding professional organization and who the professional organization intends to use in these compliance services may not be pending, current or previous licensees or registrants with the OCP or its predecessor. Professional organizations bidding on this RFP must include the names of all principals, directors, officers and managers.

**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. **Subcontractors**

If subcontractors are to be used, Bidders must provide a list that specifies the name, address, phone number, contact person, and a brief description of the subcontractors’ organizational capacity and qualifications.

* 1. **Organizational Chart**

Bidders must provide an organizational chart.  The organizational chart must include the project being proposed.  Each position must be identified by position title and corresponding to the personnel job descriptions.

* 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. **Licensure/Certification**

Bidders may provide documentation of any applicable licensure/certification or specific credentials that are related to providing the proposed services of the RFP.

* 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.

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

* 1. **Services to be Provided**

Discuss the Scope of Services referenced above in Part II of the RFP and what the Bidder will offer. Give particular attention to describing the methods and resources you will use and how you will accomplish the tasks involved. Also, describe how you will ensure expectations and/or desired outcomes as a result of these services will be achieved. If subcontractors are involved, clearly identify the work each will perform.

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

* 1. **General Instructions**
		1. Bidders must submit a cost proposal that covers the period starting July 1, 2024 and ending on June 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. 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 (45 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 (25 points)**

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

* 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.
	2. **Scoring the Cost Proposal:** The total cost proposed for conducting all the functions specified in the RFP will be assigned a score according to a mathematical formula. The lowest bid will be awarded 25 points. Proposals with higher bids values will be awarded proportionately fewer points calculated in comparison with the lowest bid.

The scoring formula is:

(Lowest submitted cost proposal / Cost of proposal being scored) x (25) = pro-rated score

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 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# 202402046**

**Maine Adult Use Cannabis and Medical Use of Cannabis Compliance 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# 202402046**

**Maine Adult Use Cannabis and Medical Use of Cannabis Compliance Services**

|  |  |
| --- | --- |
| **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.*
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*.
5. *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# 202402046**

**Maine Adult Use Cannabis and Medical Use of Cannabis Compliance Services**

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

|  |
| --- |
| **Present a brief statement of qualifications. Describe the history of the Bidder’s organization, especially regarding skills pertinent to the specific work required by the RFP and any special or unique characteristics of the organization which would make it especially qualified to perform the required work activities. You may expand this form and use additional pages to provide this information.** |
|  |

**APPENDIX C (continued)**

|  |
| --- |
| **Provide a description of projects that occurred within the past five years which reflect experience and expertise needed in performing the functions described in Part II – Scope of Services to be Provided of the RFP. 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.***If the Bidder has not provided similar services, note this, and describe experience with projects that highlight the Bidder’s general capabilities.*  |

|  |
| --- |
| **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** |
|  |

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

**APPENDIX D**

**State of Maine**

**Department of Administrative and Financial Services**

**COST PROPOSAL FORM**

**RFP# 202402046**

**Maine Adult Use Cannabis and Medical Use of Cannabis Compliance Services**

|  |  |
| --- | --- |
| **Bidder’s Organization Name:** |  |
| **Proposed Cost:** | **$**  |

 **APPENDIX E**

**State of Maine**

**Department of Administrative and Financial Services**

**SUBMITTED QUESTIONS FORM**

**RFP# 202402046**

**Maine Adult Use Cannabis and Medical Use of Cannabis Compliance Services**

This form should be used by Bidders when submitting written questions to the RFP Coordinator as defined in Part III of the RFP.

If a question is not related to any section of the RFP, enter “N/A” under the RFP Section & Page Number. Add additional rows as necessary.

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

|  |  |
| --- | --- |
| **RFP Section & Page Number** | **Question** |
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1. OCP has historically had limited data on the number of caregiver retail stores in operation statewide, but as of August 2022, caregivers operating a retail store now list the location of that retail store on their application. In 2023, 289 caregivers reported that they were operating a retail store, a slight increase from the 259 caregivers who reported last year. However, this is almost certainly an underestimate, as there is no statutory requirement that caregivers report to OCP that they operate a retail store. OCP’s field investigators note that they regularly find new locations in operation or former locations closed, without notice being provided to the agency. That lack of information creates enforcement and compliance challenges. [↑](#footnote-ref-2)
2. OCP has historically had limited data on the number of caregiver retail stores in operation statewide, but as of August 2022, caregivers operating a retail store now list the location of that retail store on their application. In 2023, 289 caregivers reported that they were operating a retail store, a slight increase from the 259 caregivers who reported last year. However, this is almost certainly an underestimate, as there is no statutory requirement that caregivers report to OCP that they operate a retail store. OCP’s field investigators note that they regularly find new locations in operation or former locations closed, without notice being provided to the agency. That lack of information creates enforcement and compliance challenges. [↑](#footnote-ref-3)