# **STATE OF MAINE**

**Maine Commission on Governmental Ethics and Election Practices**



**RFP# 202408147**

**Compliance Auditing Services**

|  |  |
| --- | --- |
| **RFP Coordinator** | *All communication regarding this RFP must be made through the RFP Coordinator identified below*.  **Name:** Martha Currier **Title:** Assistant Director  **Contact Information:** [martha.currier@maine.gov](mailto:martha.currier@maine.gov) |
| **Submitted Questions Due** | *All questions must be received by the RFP Coordinator identified above by:*  **Date:** August 19, 2024, no later than 11:59 p.m., local time |
| **Proposal Submission** | *Proposals must be received by the Division of Procurement Services by:*  **Submission Deadline:** September 4, 2024, 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) |

**TABLE OF CONTENTS**

|  |  |
| --- | --- |
|  | **Page** |
|  |  |
| **PUBLIC NOTICE** | **3** |
|  |  |
| **RFP DEFINITIONS/ACRONYMS** | **4** |
|  |  |
| **PART I INTRODUCTION** | **5** |
| 1. PURPOSE AND BACKGROUND |  |
| 1. GENERAL PROVISIONS |  |
| 1. ELIGIBILITY TO SUBMIT BIDS |  |
| 1. CONTRACT TERMS |  |
| 1. NUMBER OF AWARDS |  |
|  |  |
| **PART II SCOPE OF SERVICES TO BE PROVIDED** | **11** |
|  |  |
| **PART III KEY RFP EVENTS** | **15** |
|  |  |
| 1. QUESTIONS |  |
| 1. AMENDMENTS |  |
| 1. SUBMITTING THE PROPOSAL |  |
|  |  |
| **PART IV PROPOSAL SUBMISSION REQUIREMENTS** | **17** |
|  |  |
| **PART V PROPOSAL EVALUATION AND SELECTION** | **20** |
| 1. EVALUATION PROCESS – GENERAL INFORMATION |  |
| 1. SCORING WEIGHTS AND PROCESS |  |
| 1. SELECTION AND AWARD |  |
| 1. APPEAL OF CONTRACT AWARDS |  |
|  |  |
| **PART VI CONTRACT ADMINISTRATION AND CONDITIONS** | **22** |
| 1. CONTRACT DOCUMENT |  |
| 1. STANDARD STATE CONTRACT PROVISIONS |  |
|  |  |
| **PART VII RFP APPENDICES AND RELATED DOCUMENTS** | **23** |
| **APPENDIX A** – PROPOSAL COVER PAGE |  |
| **APPENDIX B** – DEBARMENT, PERFORMANCE, and  NON-COLLUSION CERTIFICATION |  |
| **APPENDIX C** – COST PROPOSAL FORM |  |
| **APPENDIX D** – QUALIFICATIONS AND EXPERIENCE FORM  **APPENDIX E** – SAMPLE AUDIT DOCUMENTS |  |
| **APPENDIX F** – SUBMITTED QUESTIONS FORM |  |
|  |  |
|  |  |

PUBLIC NOTICE

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

**State of Maine**

**Maine Commission on Governmental Ethics and Election Practices**

**RFP# 202408147**

**Compliance Auditing Services**

The State of Maine is seeking proposals for compliance audits of the financial activities of political candidates who have received public funds for their campaigns under the Maine Clean Election Act.

A copy of the RFP, and 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, [Proposals@maine.gov](mailto:Proposals@maine.gov). Proposals must be received no later than 11:59 p.m., local time, on September 4, 2024. Proposals not submitted to the Division of Procurement Services’ e-mail address by the 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** |
| **RFP** | Request for Proposal |
| **State** | State of Maine |
| **MEC/Department** | Maine Commission on Governmental Ethics and Election Practices |
| **MCEA** | Maine Clean Election Act |
| **Commissioners** | The five appointed members of the MEC |
| **Auditor** | The person or firm selected to perform the audit. |

**State of Maine**

**Commission on Governmental Ethics and Election Practices**

**RFP#: 202408147**

**Compliance Auditing Services**

**PART I INTRODUCTION**

1. **Purpose and Background**

The Maine Commission on Governmental Ethics and Election Practices (“MEC” or “Department”) is seeking proposals to conduct compliance audits of approximately 45 legislative candidates in the 2024 election, and approximately 45 legislative candidates and all applicable gubernatorial candidates in the 2026 election who have received public campaign funds under the [Maine Clean Election Act](http://legislature.maine.gov/statutes/21-A/title21-Ach14sec0.html) (“MCEA”) program. MEC audits follow the standards outlined in the [*Generally Accepted Government Auditing Standards* (Yellow Book)](https://www.gao.gov/assets/700/693136.pdf) of the U.S. Government Accountability Office, as defined in this Request for Proposals (RFP) document. This document provides instructions for submitting proposals, the procedure and criteria by which the Provider(s) will be selected and the contractual terms which will govern the relationship between the State of Maine (“State”) and the awarded Bidder(s).

The MEC is an independent office of the Maine state government, which administers the state’s campaign finance law. MEC has six permanent employees who report to a board of five private citizens (“Commissioners”) appointed by the Governor and confirmed by the Maine Senate. The Commissioners meet monthly.

In addition to administering the MCEA program, MEC regulates the financial activities of candidates who fund their campaigns for state office through traditional campaign contributions, political action committees, and the committees of political parties.

**Maine Clean Election Act Program**

Enacted by Maine voters in 1996, the MCEA established a voluntary program of public campaign financing for candidates, as an alternative to traditional campaign contributions. Candidates for the Maine House of Representatives, Maine Senate, and the Office of Governor may participate in the program.

The program is designed to fully replace the financing of campaigns through traditional campaign contributions. Candidates may accept limited contributions at the beginning of their campaigns, up to $100 per donor from individuals only (“seed money contributions”). Once a candidate has applied for and qualified to receive MCEA funding, however, they may not receive funds from any other source and may spend only public campaign funds to promote their election.

Candidates qualify for a basic level of public campaign funding by collecting $5 qualifying contributions (QCs) from registered voters in the geographic area for the office they are seeking. These QCs are payable to the Maine Clean Election Fund (MCEF) (a special purpose account of the Maine state government). Candidates do not spend these funds. Rather, they are turned into the Commission by April 1st (gubernatorial candidates) or April 20th or August 24th (legislative candidates), and the Commission deposits them into the MCEF. The candidates’ QC collection is not audited.

MEC initiated post-election audits of MCEA candidates in 2006. Candidates for Governor are required by law to be audited, and MEC randomly audits 20% of legislative candidates at its own discretion to prevent waste and fraud, and to strengthen public confidence in the program. In addition to random audits of legislative candidates, MEC conducts “special purpose” (for cause) audits of a small number of legislative candidates whose full compliance may be in question due to issues that have arisen during the election year.

**Basic amounts of funding.** Once individuals register as MCEA candidates with the Commission, they may collect “seed money” contributions, which are limited campaign contributions of up to $100 per donor, from individuals only. After qualifying for MCEA funds, these candidates receive one payment of MCEA funds for the primary election usually in April, and one MCEA payment for the general election usually in June. Candidates are also eligible to qualify for “supplemental payments” (a higher level of campaign funding) by collecting additional QCs and submitting them in batches to the Commission through mid-October in an election year.

|  |  |  |
| --- | --- | --- |
| **Typical Campaign Budget for 2024 MCEA Legislative Candidates** | | |
|  | **House** | **Senate** |
| Seed Money | Up to $1,000 | Up to $3,000 |
| MCEA Payment for Primary Election (uncontested) | $625\* | $2,500\* |
| Initial MCEA Payment for General Election (contested) | $6,225 | $24,925 |
| Supplemental Payments for General Election | $0 - $12,400 | $0 - $49,800 |
| Total | $7,850 - $20,250 | $30,425 - $80,225 |
| \*House and Senate candidates in a contested primary election receive $3,125 and $12,475 in MCEA funding, respectively. Most candidates are uncontested in the primary election. | | |

Qualifying for MCEA funding as a candidate for Governor requires a high level of organization and support because candidates must collect 3,200 QCs to qualify for any funding. At this time, it is unknown whether any 2026 candidates for Governor will seek and qualify for MCEA funds. The amount of MCEA funding that a gubernatorial candidate will receive depends on how many additional QCs the candidate is able to collect to qualify for supplemental payments. The payment amounts for 2026 will be finalized in December 2024.

To provide a rough idea, if a 2026 candidate were to participate in the MCEA program only for the primary election, it is expected they would have about $750,000 - $1,300,000 in campaign spending to be audited, depending how many supplemental payments the candidate qualified for. If a candidate for Governor were to qualify for funds for both the primary and general election periods, the amount of campaign spending to be audited is expected to be in the range of $2.4 - $3.7 million.

**Financial reporting by candidates.** All candidates for state office must file campaign finance reports according to deadlines prescribed by law, to publicly disclose all cash received and spent. MCEA candidates have six campaign finance reports:

|  |  |
| --- | --- |
| **Report Name** | **Due Date** |
| Seed Money Report | Mid April |
| 11-Day Pre-Primary Report | Early June |
| 42-Day Post-Primary Report | Late July |
| 42-Day Pre-General Report | Late September |
| 11-Day Pre-General Report | Late October |
| 42-Day Post-General Report | Mid December |

Each report covers a specific period. Sample campaign finance reports are attached to this RFP in **Appendix E**. In addition to reporting their receipt and expenditures of cash, candidates must disclose goods or services received at less than the usual and customary charge (“in-kind contributions”) and any unpaid debts or obligations that they have at the end of the report period. The 2024 election cycle only has legislative candidates, whereas the 2026 election cycle has the potential for gubernatorial MCEA participants. Of note, no candidates for Governor chose to participate in the MCEA program during the 2022 elections, which is due in part to the competitive nature and money needed for a statewide race and the higher thresholds for MCEA qualification. In 2018, two candidates for Governor participated in the MCEA election for their primary elections but did not win their nominations. One independent candidate participated in the program for the 2018 general election.

MCEA candidates are required to pay all outstanding bills by mid-December and file a final campaign finance report. If an MCEA candidate has not spent all their MCEA funding by mid-December, they are required to return all unspent MCEA funds to the MEC.

**Legal requirements for participating candidates.** Candidates who accept MCEA funding must meet certain requirements, which are described in the *2024 Candidate’s Guidebook for Maine Clean Election Act Candidates* published by MEC, such as:

* Accurate and complete reporting of financial activities
* Keeping certain records (bank statements, vendor invoices, etc.)
* Spending MCEA funds only to promote the candidate’s election – not for personal purposes or to promote other causes, political parties or candidates.

The Guidebook also explains the campaign finance reporting and record-keeping requirements for MCEA candidates, which are similar in most respects to those imposed on traditionally financed candidates. (In case bidders would like to refer to it, the Guidebook is posted on MEC’s website, [www.maine.gov/ethics](http://www.maine.gov/ethics) under Forms and Guides.)

**Objectives of MEC’s Audit Program**

As discussed in Part II, MEC has chosen to audit 20% of MCEA candidates for the Legislature, which in recent election cycles has meant 10 Senate candidates, and 29 House candidates. As in past elections, campaigns will be selected for audit utilizing a statistical random number generating program. Candidates who were audited in one of the four previous election years and had no substantial violations will be excluded from being audited in 2024 and 2026. This exclusion policy serves to educate candidates more broadly of the importance of financial reporting and record-keeping requirements.

MEC is responsible for assuring that public monies are used only for campaign-related purposes as required by the MCEA. Accordingly, MEC’s audit program has been implemented to provide the monitoring, examination, and reporting necessary to meet MEC’s compliance objectives. Areas of audit interest include, but are not limited to:

* **Complete and accurate financial reporting to the public.**Auditing verifies that every dollar of public funds spent by MCEA candidates has been publicly disclosed in campaign finance reports. The audit also seeks to confirm that candidates have spent only the allowable but limited seed money contributions at the beginning phase of the cycle and MCEA funds for their campaigns and have not received any cash contributions.
* **Complete record-keeping.**MCEA candidates must keep certain records of financial activity, such as bank statements and invoices or receipts describing campaign goods or services purchased. It is common for candidates not to have obtained all required documents by the time the audit begins. To complete the audit, the candidates are encouraged to contact their financial institution or vendors to obtain the outstanding documents. These records are necessary for the Auditor to verify that campaign finance reports filed by the candidate are accurate and that all MCEA funds were spent for allowable purposes.
* **Appropriate use of MCEA funds.** Auditing confirms that MCEA funds were spent for campaign-related purposes as permitted by guidelines published by MEC, and that only allowable materials and services were procured by the candidate and their representatives.
* **Return of unspent funds.**If a candidate has not spent all MCEA funds for campaign purposes, the audit verifies that unspent public funds were promptly returned to MEC after the election.
* **Equipment purchased with MCEA funds.** Auditing confirms that equipment purchased by the candidate with MCEA funds is sold at fair market value by the end of the campaign and the proceeds from the sale have been returned to MEC.
* **Compliance with requirements for seed money contributions.** The Auditor will examine the bank statements received to verify that seed money contributions were accurately reported to MEC and complied with amount and source restrictions ($100 per donor; from individual donors only).

**Audits in Recent Election Years**

Based on audits of legislative candidates from 2014 – 2022, it is estimated that the audits of the 2024 and 2026 legislative candidates will take between 400-450 hours to complete each cycle.

Audits of legislative candidates in recent elections have found a high degree of compliance. The following table summarizes the audits of 2022 legislative candidates. Less than half had no findings or exceptions. Minor reporting errors (e.g., incorrect expenditure dates) or record-keeping deficiencies (e.g., failure to obtain bank statements prior to audit) that the candidate fully remedied during the audit were not mentioned in the audit reports.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Summary** | **House**  **(30)** | **Senate**  **(9)** | **Special Purpose**  **(2)** | **Total Candidates** |
| Candidates with no exceptions/findings | 16 | 3 | 1 | 20 |
| **Findings:** |  | | | |
| Candidate made an expenditure on behalf of another campaign and was not reimbursed |  |  | 1 | 1 |
| Candidate used MCEA funds for a Seed Money period expenditure | 1 |  |  | 1 |
| Candidate made an excessive expenditure that was not necessary to the campaign |  |  | 1 | 1 |
| Qualifying contribution was not returned to MEC1 | 1 |  |  | 1 |
| **Exceptions:** |  | | | |
| Incorrect vendor name on report | 1 | 1 |  | 2 |
| Transaction on incorrect report | 4 | 1 |  | 5 |
| Transaction lacked supporting documentation | 2 | 1 | 3 | 6 |
| Expenditures over/under reported |  |  | 1 | 1 |
| Expenditures exceeded recommended thresholds | 2 |  |  | 2 |
| Unable to verify expenditures were paid with MCEA funds | 1 | 1 |  | 2 |
| Obligation not reported as unpaid debt on campaign finance report | 5 | 5 |  | 10 |
| Campaign account used for personal items | 1 |  |  | 1 |
| Seed money contributions lacked supporting documentation | 2 | 3 | 1 | 6 |
| Contributions received after the seed money period | 1 |  |  | 1 |
| Unspent MCEA funds returned more than 42 days after the election | 1 | 3 | 1 | 5 |

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.
   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**

Bidders must be a certified public accountancy firm or certified public accountants licensed by the [Board of Accountancy, Maine Department of Professional and Financial Regulation](https://www.maine.gov/pfr/professionallicensing/professions/accountancy).

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 one (1) renewal period, as shown in the table below, 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 | 12/18/2024 | 6/30/2027 |
| Renewal Period #1 | 7/1/2027 | 9/30/2027 |

1. **Number of Awards**

MEC will make one (1) award through the RFP process.

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

Some general information is presented here to assist in the submission of proposals. MEC will provide specific program rules, forms and procedures for the successful Bidder prior to the beginning of the audit.

1. **Selection of Candidates for Audit**

In 2024 and 2026 the Auditor will randomly select approximately 29 House candidates and 10 Senate candidates to be audited utilizing a generally accepted statistical sampling procedure (See section C below).

* 1. Legislative candidates who were audited during one of the four previous election years that had no exceptions or findings will be excluded from being audited.
     1. Additionally, MEC staff expects to select around six candidates for special purpose (for-cause) audits, based on compliance concerns that may arise. Those candidates (if any) will be selected in November or December of the election year.
  2. The Auditor will audit no less than 45 legislative candidates per election year:

|  |  |  |  |
| --- | --- | --- | --- |
|  | **Randomly selected (20%)** | **Special Purpose** | **Total** |
| House | 29 | 4 | 33 |
| Senate | 10 | 2 | 12 |

* 1. The Commission is required by law to audit all candidates for Governor who qualify for MCEA funding. At this time, it is unknown whether any candidates for Governor will qualify in 2026.

1. **Selection of Transactions for Audit**

For each candidate audited (both legislative and gubernatorial), the Auditor will pick a judgment sample of expenditures. MEC requests the sample constitute no less than 50% of the campaign’s total spending.

1. For purposes of responding to this RFP, please assume that the Auditor will select 10 expenditures for House candidates and 20 expenditures for Senate candidates.
2. Bidders are welcome to review the data by conducting a transaction search on the Commission’s public access website, [www.maine.gov/ethics](http://www.maine.gov/ethics).
   1. Click on the link for transaction search,
   2. Select a search for expenditures,
   3. Select the candidate by name,
   4. Click on Export Results to download a spreadsheet of expenditures.

Beginning December of the election year, the Auditor shall notify each candidate selected for audit that they have been selected, and in addition shall provide a list of expenditures for which the candidate must provide documentation. Generally, the requested documentation will include:

1. Monthly statements for the campaign bank account for the entire period of the candidate’s campaign.
2. Vendor invoices, copies of contracts, or related documents for the selected transactions.
3. Third-party payment documentation that supports the sample transactions and proves that the reported vendor received payment (debit or credit card statements, or cancelled checks).

Candidates shall be requested to submit audit documentation by a deadline to be agreed to with MEC’s Executive Director. Audits will commence as soon as possible after receipt of the documentation.

1. **Initiation of Audit**

**Sampling of Legislative Candidates**

At the start of the awarded contract period and again in December 2026, MEC’s Executive Director shall provide the Auditor with the complete list of certified MCEA candidates in the general election, indicating those candidates who are exempt from random selection because they were audited during the four previous elections with no exceptions or findings.

1. This exclusion policy will be finalized between the selected Auditor and MEC’s Executive Director prior to the selection process.
2. Upon receipt of the list, the Auditor will develop a sampling plan representing a random 20% selection of House and Senate candidates.
3. The sampling plan shall be submitted to MEC’s Executive Director for approval.
4. Once approved, the sampling plan shall be implemented, and the candidates selected for audit.

**Notification Letters**

In December 2024 and 2026, the Auditor will begin sending notification letters to the candidates to be audited containing requests for specific documents. The letter shall include the following information:

1. Basis for the audit
2. List of sample transactions
3. List of documents to be provided by the candidate, including:
   1. All bank statements for the campaign bank account, and all credit card statements that support campaign disbursements
   2. Copies of vendor invoices, consultant agreements, and related documents associated with the sample transactions
   3. Vehicle log sheets maintained simultaneously by the candidate and other authorized campaign travelers to support reimbursements for campaign travel
4. Instructions for submitting documents

Two audit notification letters from 2020 are attached to this RFP (**Appendix E**) as examples of past practices. The format and text of the letters are subject to change for future audits. MEC expects to confer with the Auditor concerning the final text of the letters, and MEC’s Executive Director must approve of the final language.

1. **Audit Verification**

MEC audits follow the standards outlined in the *Generally Accepted Government Auditing Standards* (Yellow Book) of the U.S. Government Accountability Office.

In general, the Auditor is expected to verify that campaign expenditures are supported by:

1. Vendor invoices, consultant agreements, and related documents that substantiate the cost and allowability of goods and services purchased by the candidate during the election campaign.
2. Third party payment documentation.
3. Simultaneously developed mileage logs for travel by personal vehicles (if the candidates have elected to reimburse themselves or volunteers for travel).
4. Documentation of the acquisition and disposition of equipment purchased by the campaign.

The Auditor will examine the bank statements to verify that seed money contributions were accurately reported to MEC and complied with amount and source restrictions.

1. **Audit Reporting**
2. At the completion of the review of each candidate’s financial activities, the Auditor shall prepare a draft version of an audit report pertaining to the candidate, in a format agreed upon between the Auditor and MEC’s Executive Director.
3. The draft audit report shall be forwarded to the candidate for comment.
   1. The comment period is usually two weeks.
4. After the Auditor receives the candidate’s comments, they shall attach the comments to the audit report, prepare the report in final form and submit it to the candidate and to the Commissioners.
5. The Auditor typically presents the report at the next public meeting of MEC after formal submittal.

Most audits for 2014-2022 legislative candidates found no findings or exceptions, which is noted in the reports for those candidates. Samples of 2020 audit reports are attached to this RFP (**Appendix E**).

1. **Communication of Progress of Audits**
2. The auditor will provide periodic updates to MEC’s Executive Director concerning the progress of the audits in the form of a spreadsheet of candidates to be audited.
3. The exact content will be negotiated between the Auditor and MEC’s Executive Director, but MEC requires, at a minimum, columns recording dates/progress of:
   1. The receipt of audit documentation from the candidate,
   2. Creation of draft audit report for approval by Auditor’s manager, and
   3. Issuance of the draft audit report to the candidate.
4. **Relationship of Audit to MEC’s Enforcement Proceedings**

The Commissioners are authorized to make findings that candidates have violated legal requirements. For substantial legal violations, the Commissioners sometimes assess civil penalties. Typically, these actions by the Commissioners occur as the result of recommendations by MEC’s Executive Director.

1. **Summary Audit Report**

The Auditor will prepare Summary Audit Reports in 2024 and 2026 outlining the results to be submitted after all audits have been completed. The Summary Audit Reports from past election years are available on MEC’s website - <http://www.maine.gov/ethics/about/publications>.

1. **Deliverables of the Awarded Contract**

The Auditor shall submit the following work products in digital format related to the awarded contract:

1. One audit report listing complete audit findings for each audit of candidates completed at the conclusion of that year’s audit cycle – 2024 and 2026.
2. The Summary Audit Report.
3. Copies of all audit correspondence and work-papers generated during the audit period.
4. Copies of all e-mail communications between the Auditor and candidates generated during the audit period.
5. **Required Travel**

The Auditor will be required to attend public meetings of MEC to present the results of audits to the Commissioners in mid-2025 and -2027. It is expected that three presentations will be required in each year, possibly four. Each meeting will require approximately two hours in Augusta, and it may be possible to participate remotely.

1. **Telephone Conferences**

During the audit, the Auditor shall participate in biweekly telephone conferences with MEC’s Executive Director and/or Assistant Director. Generally, these are expected to be short (15 minutes per conference). Typically, the conferences would cover any candidates who are slow to respond to documentation requests (needing additional reminders from MEC staff) or scheduling matters for upcoming meetings.

1. **Impartiality**

The subject of MEC’s audit is political campaign financial activity. The Auditor is strictly required to perform his or her work impartially and without regard to considerations of political party or viewpoint.

**PART IIII 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 must use **Appendix F** – Submitted Questions Form – for submission of questions. The form is to be submitted as a Microsoft 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. 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.
      4. Bidders are to insert the following into the subject line of their e-mail proposal submission: **“RFP# 202408147 Proposal Submission – [Bidder’s Name]”**
      5. 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 D** (Qualifications and Experience Form)

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 C** (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 proof of:

* Accountancy Firm License as required by [32 M.R.S. § 12252(8)(A)](http://legislature.maine.gov/statutes/32/title32sec12252.html), if applicable
* Certified Public Accountant License as required by [32 M.R.S. §§ 12228](http://legislature.maine.gov/statutes/32/title32sec12228.html) & [12230](http://legislature.maine.gov/statutes/32/title32sec12230.html), for any individual conducting the audits.

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

* 1. **Overview of the Organization**

Bidders must complete **Appendix D** (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 organization chart must include the project being proposed. Each position must be identified by position title and corresponding to the personnel job descriptions.

Identify staff by name whom the bidder proposes to assign to the project and indicate the level of professional attainment for each person to be assigned to the audit. Describe the prior auditing and supervisory experience of each person to be assigned to the audit. (Resumes may be attached to provide this information.)

* 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. **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 flat rate cost proposal that covers the period starting December 18, 2024 and ending on June 30, 2027 (Initial Period of Performance).
     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. **Costs of Auditing Legislative and Gubernatorial Candidates**

As noted above, for 2024 and 2026, bidders should assume they will be auditing 33 House candidates and 12 Senate candidates. Bidders should assume they could audit 2026 gubernatorial candidates who received MCEA funding for the primary election only and 2026 gubernatorial candidates who received funding for the primary and general election periods.

* 1. **Cost Proposal Form Instructions**

Bidders must fill out **Appendix C** (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, will result in the exclusion of the proposal from consideration, at the discretion of the Department.

* + 1. Bidders will provide a cost scenario where only legislative candidates are audited in both 2024 and 2026.
    2. Bidders will provide a cost scenario for auditing 2026 gubernatorial candidates who only received primary election funding.
    3. Bidders will provide a cost scenario for auditing 2026 gubernatorial candidates who received both primary and general election funding.

**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. Organization Qualifications and Experience (45 points)**

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

**Section II. Proposed Services (20 points)**

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

**Section III. Cost Proposal (35 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 35 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 35 = 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. § 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** – Cost Proposal Form

**Appendix D** – Qualifications and Experience Form

**Appendix E** – Sample Audit Documents

**Appendix F** – Submitted Question Form

**APPENDIX A**

**State of Maine**

**Maine Commission on Governmental Ethics and Election Practices**

**PROPOSAL COVER PAGE**

**RFP# 202408147**

**Compliance Auditing 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**

**Maine Commission on Governmental Ethics and Election Practices**

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

**RFP# 202408147**

**Compliance Auditing 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; 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**

**Maine Commission on Governmental Ethics and Election Practices**

**COST PROPOSAL FORM**

**RFP# 202408147**

**Compliance Auditing Services**

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

Bidders must submit a flat rate cost proposal that covers the period starting December 18, 2024 and ending on June 30, 2027 (the initial period of performance).

* + 1. Bidders will provide a cost scenario where only legislative candidates are audited in both 2024 and 2026.
    2. Bidders will provide a cost scenario for auditing 2026 gubernatorial candidates who only received primary election funding.
    3. Bidders will provide a cost scenario for auditing 2026 gubernatorial candidates who received both primary and general election funding.

**APPENDIX D**

**State of Maine**

**Maine Commission on Governmental Ethics and Election Practices**

## QUALIFICATIONS and EXPERIENCE FORM

**RFP# 202408147**

**Compliance Auditing Services**

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

|  |
| --- |
| **Present a brief statement of qualifications, including any applicable licensure and/or certification. 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 D (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 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.**  *If the Bidder has not provided similar services, note this, and describe experience with projects that highlight the Bidder’s general capabilities.* |

|  |  |
| --- | --- |
| **Project One** | |
| **Business Reference Name:** |  |
| **Reference Contact Person:** |  |
| **Telephone:** |  |
| **E-Mail:** |  |
| **Description of Project** | |
|  | |

|  |  |
| --- | --- |
| **Project Two** | |
| **Business Reference Name:** |  |
| **Reference Contact Person:** |  |
| **Telephone:** |  |
| **E-Mail:** |  |
| **Description of Project** | |
|  | |

**APPENDIX D (continued)**

|  |  |
| --- | --- |
| **Project Three** | |
| **Business Reference Name:** |  |
| **Reference Contact Person:** |  |
| **Telephone:** |  |
| **E-Mail:** |  |
| **Description of Project** | |
|  | |

**APPENDIX E**

**State of Maine**

**Maine Commission on Governmental Ethics and Election Practices**

**PROPOSAL COVER PAGE**

**RFP# 202408147**

**Compliance Auditing Services**

*Double click the icon below to access the report.*



**APPENDIX F**

**State of Maine**

**Maine Commission on Governmental Ethics and Election Practices**

**SUBMITTED QUESTIONS FORM**

**RFP# 202408147**

**Compliance Auditing Services**

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

|  |  |
| --- | --- |
| **RFP Section & Page Number** | **Question** |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |

*\* 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.*