**STATE OF MAINE**

 **Department of Health and Human Services**

*Office of Child and Family Services*



**RFP# 202508110**

**Implementation Reviewer for Child Welfare**

**Psychotropic Medication Performance Criteria**

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| **RFP Coordinator** | **NAME:** | Casandra Manson |
| **TITLE:** | Procurement Administrator |
| **EMAIL:** | Casandra.R.Manson@Maine.Gov  |
| *All communication regarding the RFP must be made through the RFP Coordinator.* |
| **Submitted Questions Due Date** | August 28, 2025, no later than 11:59 p.m., local time |
| *All questions must be received by the RFP Coordinator by the date and time listed above.*  |
| **Proposal Submission Deadline** | **DATE:** | September 16, 2025 , no later than 11:59 p.m., local time. |
| **TO:** | Proposals@maine.gov |
| *Proposals must be received electronically by the Office of State Procurement Services by the date and time listed above.* |

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PUBLIC NOTICE

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**State of Maine**

**Department of Health and Human Services**

**RFP# 202508110**

**Implementation Reviewer for Child Welfare**

**Psychotropic Medication Performance Criteria**

The State of Maine is seeking proposals for an Implementation Reviewer, in accordance with the Joint Settlement Agreement in the case *Bryan C., et al. v. Lambrew, et*

*al. (https://www.childrensrights.org/wp-content/uploads/2024/03/2024.03.01-118-1-Ex.-1-Settlement-Agreement71.pdf)*, to gather, analyze, evaluate, and report on data related to the Office of Child and Family Services Statewide practices concerning oversight of the administration of Psychotropic Medications to children and youth in the Department’s custody.

A copy of the RFP and all related documents can be obtained at: <https://www.maine.gov/dafs/bbm/procurementservices/vendors/rfps>

Proposals must be submitted to the Office of State Procurement Services, via e-mail, at: Proposals@maine.gov. Proposal submissions must be received no later than 11:59 p.m., local time, on September 16, 2025. Proposals will be opened the following business day.

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**RFP TERMS/ACRONYMS with DEFINITIONS**

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

|  |  |
| --- | --- |
| **Term/Acronym** | **Definition** |
| **Class Members** | As defined in the Settlement Agreement (and also known as Plaintiff Class) are children who are or will be in the Department’s foster care custody and who are or will be prescribed one (1) or more Psychotropic Medication while in State care. |
| **Clinical Review Team** | Comprised of the Department’s Office of Child and Family Services (OCFS) Child Welfare Nurse Consultant(s), Child and Adolescent Psychiatric Consultant, and Medical Director. |
| **Conflict of Interest** | For the purposes of this RFP, a Conflict of Interest includes any circumstance of any current business engagement with the Department, Maine Office of the Attorney General, Children’s Rights, Bernstein Shur, or the United States District Court for the District of Maine within the past three (3) years. Conflict of Interest may include any significant personal or professional relationship with any person affiliated with any of the aforementioned organizations.  |
| **Department** | Maine’s Department of Health and Human Services |
| **Dispute Resolution** | Formalized process to resolve disagreements. |
| **Implementation Reviewer** | A third-party independent, experienced, and highly qualified (based on education), individual who is responsible for measuring progress for each Settlement Agreement performance criteria.  |
| **OCFS** | The Department’s Office of Child and Family Services |
| **Parties** | Plaintiffs and the Department as identified in the binding Settlement Agreement. |
| **Plaintiffs** | As identified in the Settlement Agreement and includes all Plaintiff Class Members. |
| **Psychotropic Medications** | Pharmaceutical medications in the drug classes of: antidepressants; antipsychotics or atypical antipsychotics; stimulants; alpha agonists (such as Clonidine and Guanfacine); anxiolytics (anti-anxiety) / hypnotics (such as benzodiazepines and non-benzodiazepines); and mood stabilizing medicines (such as lithium). Psychotropic Medications also include medications from the anticonvulsant and antihypertensive drug classes when the medication is prescribed for a behavioral health indication. |
| **RFP** | Request for Proposals |
| **[Settlement Agreement](https://www.childrensrights.org/wp-content/uploads/2024/03/2024.03.01-118-1-Ex.-1-Settlement-Agreement71.pdf)** | The agreement, identified as C/A No. 1:21-cv-00005-NT, agreed to and signed by the Parties on March 1, 2024. |
| **State** | State of Maine |

**State of Maine**

**Department of Health and Human Services**

*Office of Child and Family Services*

**RFP# 202508110**

**Implementation Reviewer for Child Welfare**

**Psychotropic Medication Performance Criteria**

**PART I INTRODUCTION**

1. **Purpose and Background**

The Department of Health and Human Services (Department) is seeking an Implementation Reviewer to evaluate, and report on data related to Statewide practices concerning oversight of the administration of Psychotropic Medications to children and youth in the Department’s custody, as set forth in this Request for Proposals (RFP) document and as defined in Section IV(2) of the Settlement Agreement. This document provides instructions for submitting proposals, the procedure and criteria by which the awarded Bidder will be selected, and the contractual terms which will govern the relationship between the State of Maine (State) and the awarded Bidder.

The Department is dedicated to promoting health, safety, resiliency, and opportunity to all Maine Residents. The Department’s Office of Child and Family Services (OCFS) supports Maine’s children and their families by providing Children’s Development and Child Welfare services. OCFS supports Maine’s children and families by regulating child care facilities and providers, assisting Maine families in accessing and paying for child care, providing access to early care and education services, administering Maine’s child welfare system, overseeing fostering and adoption services and facilitating access to child behavioral health services.

On [November 27, 2024](https://www.childrensrights.org/wp-content/uploads/2024/11/2024-11-27-131-Order-Granting-Final-Approval.pdf), the United States District Court for the District of Maine approved a Settlement Agreement in the case of *Bryan C., et al. v. Lambrew, et al*. The complaint initiating the litigation alleged that the Department did not comply with federal law in its oversight of the administration of Psychotropic Medication(s) to children and youth in the custody of the Department.

The Settlement Agreement sets forth specific improvements to be implemented by the Department in relation to its oversight of the administration of Psychotropic Medications to children and youth in Maine foster care. The Settlement Agreement also sets forth performance standards to be met by the Department demonstrating it has satisfactorily implemented the specific improvements.

The Settlement Agreement requires the Department to implement updated policies and procedures for oversight of the administration of Psychotropic Medications to children and youth in Maine foster care. In summary, these policies and procedures will address:

* + - * 1. Processes for collecting, maintaining, and sharing children’s medical and mental health records;
				2. Ensuring children/youth, fourteen (14) years of age and older, provide informed consent for a physician's prescription for Psychotropic Medications; and
				3. Creating and implementing a secondary review process where an OCFS Clinical Review Team will review certain prescriptions for Psychotropic Medications before they are prescribed to a child or youth and after they are administered.

The Department’s progress in implementing these processes will be monitored and reported to the Court by the third-party Implementation Reviewer. The Settlement Agreement will remain in effect for five (5) years from the date the Implementation Reviewer’s contract begins. This RFP is not intended to modify the obligations of the Parties to the Settlement Agreement.

The Department is seeking to procure the services of an Implementation Reviewer to serve as a neutral third-party with appropriate education, expertise, and experience to gather, analyze, and report on information and data reflecting the Department’s progress in complying with and implementing the terms of the Settlement Agreement. The Implementation Reviewer will pursue a problem-solving approach to resolve amicably any disagreements that arise between Parties so the Parties can focus on the Department’s compliance with the Agreement.

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.). State contracts and information related to contracts, including bid submissions, are generally public records per FOAA.
	8. In the event that a Bidder believes any information that it submits in response to this RFP is confidential, it must mark that information accordingly, and include citation to legal authority in support of the Bidder’s claim of confidentiality. In the event that the Department receives a FOAA request that includes submissions marked as confidential, the Department shall evaluate the information and any legal authority from the Bidder to determine whether the information is an exception to FOAA’s definition of public record. If the Department determines to release information that a Bidder has marked confidential, it shall provide advance notice to the Bidder to allow for them to seek legal relief.
	9. The Department, at its sole discretion, reserves the right to recognize and waive minor informalities and irregularities found in proposals received in response to the RFP.
	10. All applicable laws, whether or not herein contained, are included by this reference. It is the Bidder’s responsibility to determine the applicability and requirements of any such laws and to abide by them.
2. **Contract Term**

The Department is seeking cost-efficient proposals to provide services, as defined in this RFP, for the anticipated contract period defined in the table below. 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 three (3) 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 | December 1, 2025 | November 30, 2027 |
| Renewal Period #1 | December 1, 2027 | November 30, 2029 |
| Renewal Period #2 | December 1, 2029 | November 30, 2030 |
| Renewal Period #3 | December 1, 2030 | November 30, 2031 |

1. **Number of Awards**

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

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

**Specific instructions for the Bidder to provide a narrative response to the Scope of Services may be found in Part IV, Section III, Proposed Services.**

1. **Implementation Reviewer Qualifications and Experience**
2. Hire or subcontract an Implementation Reviewer who has education and/or experience in statistics and conducting data collection, sampling, and analyses.
	1. Ensure the Implementation Reviewer and other applicable staff are free of any Conflict of Interest.
3. **Implementation Reviewer Required Services**
	* + 1. Ensure the Implementation Reviewer drafts and issues timely written reports to the Parties.
				1. Each report shall describe:

The measurable progress made by the Department in relation to each of the Psychotropic Medication Performance Criteria (**Appendix H**); and

Issues and/or challenges encountered and/or observed, if any, regarding compliance with the [Settlement Agreement](https://www.childrensrights.org/wp-content/uploads/2024/03/2024.03.01-118-1-Ex.-1-Settlement-Agreement71.pdf).

* + - * 1. The first reporting period shall include twelve (12) months of data following the start date of the initial period of performance.

Subsequent reports shall include data for the next six (6) month period.

* + - * 1. Ensure the Implementation Reviewer issues a draft report setting forth the Department’s progress in relation to each of the Performance Criteria within four (4) months of the close of the reporting period.

After receipt of a draft report, the Parties shall have twenty-one (21) days to submit comments to the Implementation Reviewer.

Thereafter, within thirty (30) calendar days, the Implementation Reviewer shall issue a final report.

1. Ensure the Implementation Reviewer collaborates with the Parties to develop a written plan with an approach to sampling, data collection, and data analysis, which shall include:
	* + - 1. A definition of the case reviews to measure performance based on a representative sample of Class Members, where aggregate administrative data is otherwise unavailable; and
				2. The identification of the data source to be used to measure performance.
				3. The Implementation Reviewer shall use their discretion to determine the appropriate margin of error and confidence level to ensure samples are representative.
2. Ensure the Implementation Reviewer collects from the Department, within sixty (60) calendar days of the end of each reporting period, all data, reports, and other information the Implementation Reviewer deems necessary to measure the Department’s performance on each of the Performance Criteria (**Appendix H**).
	* + - 1. The Implementation Reviewer and Department may communicate regarding the data and information to be furnished.
				2. The Parties to the lawsuit shall have access, through the Implementation Reviewer, to all information made available by the Department to the Implementation Reviewer under the terms of the Settlement Agreement.
3. Ensure the Implementation Reviewer collaborates with the Parties to develop a template for the Implementation Reviewer’s periodic reports.
4. Ensure the Implementation Reviewer requests in writing additional documents or information to verify the Department’s performance in any reporting period, and provide a copy of the request to Plaintiffs’ counsel.
5. Should the Implementation Reviewer encounter or identify any issues regarding the collection or measurement of data, reports, and other information deemed necessary to measure the Department’s performance on each of the Performance Criteria, ensure the Implementation Reviewer brings the matter to the Parties’ attention.
	* + - 1. If necessary, in the judgment of the Implementation Reviewer, any issues shall be resolved pursuant to the Dispute Resolution processes set forth in the Settlement Agreement.
6. In the event or circumstance beyond the Department’s control that prevents the Department from meeting one (1) or more Performance Criterion (**Appendix H**), the Implementation Review shall accept in writing, the Department’s explanation of why such event or circumstance should not prevent the Department from being deemed to have met the relevant Performance Criterion.
	* + - 1. Ensure the Implementation Reviewer provides a copy of the Department’s written explanation to Plaintiffs, who may have the opportunity to respond.
				2. The Implementation Reviewer may, at their sole discretion, deem the Department to have met or not met the relevant Performance Criteria.
7. The Implementation Reviewer shall be permitted to speak separately with all Parties.
8. The Implementation Reviewer’s work shall be considered public documents pursuant to [1 M.R.S.A. § 401](http://www.mainelegislature.org/legis/statutes/1/title1sec401.html), et seq.
	* + - 1. Ensure all individually identifying information and other confidential information protected from disclosure is redacted from any public report.
9. **Corrective Action Plan**

Determine and report to the Parties if the Department has failed to meet two (2) or more Performance Criteria for two (2) successive reporting periods.

Allow the Department up to forty-five (45) calendar days of receipt of the Implementation Reviewer’s report, to draft a corrective action plan to address the unmet Performance Criteria and to provide a copy of the Corrective Action Plan to Plaintiffs and the Implementation Reviewer, through the Parties counsel.

1. **Budget**
2. Provide a detailed budget for any contract renewals at least one hundred twenty (120) calendar days prior to the start of the renewal period.

# **Confidentiality Requirements**

# Ensure all materials and information received or acquired whether verbal, written, electronic, or any other format, are not disclosed to any third-party, except the Parties of the Settlement Agreement and the United States District Court for the District of Maine.

# Work with the Department and MaineIT to receive State laptops, Active Directory accounts, and approved two-factor authentication, for all applicable staff and/or subcontractors performing services under the contract resulting from this RFP.

1. Ensure all staff and/or subcontractors utilizing State devices, accounts, authentication methods, virtual private networks, or an information system provisioned by the Department and/or MaineIT, comply with [MaineIT Policies and Standards](https://www.maine.gov/oit/policies-standards), specifically:
	1. [Access Control Policy](https://www.maine.gov/oit/sites/maine.gov.oit/files/inline-files/AccessControlPolicy.pdf);
	2. [Access Control Procedure for Users](https://www.maine.gov/oit/sites/maine.gov.oit/files/inline-files/AccessControlProceduresForUsers.pdf);
	3. [Security Awareness Training](https://www.maine.gov/oit/sites/maine.gov.oit/files/inline-files/SecurityAwarenessTrainingPolicy.pdf);
	4. [Rules of Behavior Policy](https://www.maine.gov/oit/sites/maine.gov.oit/files/inline-files/RulesofBehavior.pdf);
		* 1. This is not intended to replace or address professional conduct outside the information security context.
	5. [User Device and Commodity Application Policy](https://www.maine.gov/oit/sites/maine.gov.oit/files/inline-files/UserDeviceCommodityAppPolicy.pdf); and

[Network Device Management Policy](https://www.maine.gov/oit/sites/maine.gov.oit/files/inline-files/NetworkDeviceManagementPolicy.pdf).

* 1. Promptly notify the Department in the event of any staff and/or subcontractors no longer performing work under the contract resulting from this RFP, so access to State systems may be terminated.
		1. Return loaned laptops to the Department or MaineIT within five (5) business days of staff and/or subcontractors leaving.
1. Obtain and maintain insurance as outlined in the State of Maine [IT-Service Contract](https://www.maine.gov/dafs/bbm/procurementservices/sites/maine.gov.dafs.bbm.procurementservices/files/inline-files/IT%20Service%20Contract%20%28IT-SC%29%20Template%20%28locked%29_1.31.25.pdf), under Rider B-IT, Section 19. Insurance Requirements.
2. Comply with all State and Federal laws regarding the protection of confidential and/or sensitive information that is collected or maintained by the awarded Bidder and its staff and/or subcontractors, including, as applicable, notification to individuals in the event of unauthorized access or disclosure.
3. Comply with all confidentiality requirements outlined in the State of Maine [IT-Service Contract](https://www.maine.gov/dafs/bbm/procurementservices/sites/maine.gov.dafs.bbm.procurementservices/files/inline-files/IT%20Service%20Contract%20%28IT-SC%29%20Template%20%28locked%29_1.31.25.pdf), under Rider B-IT, Section 30. Confidentiality.
4. The State does consume any awarded Bidder application, nor does the awarded Bidder consume any State application.
5. Provide annual confirmation regarding compliance with all applicable [MaineIT Policies and Standards](https://www.maine.gov/oit/policies-standards).
	1. Implement any substantive change to [MaineIT Policies and Standards](https://www.maine.gov/oit/policies-standards) within a timeframe negotiated between the Department, MaineIT, and the awarded Bidder.
6. Comply with the Health Insurance Portability and Accountability Act (HIPAA).
7. Ensure all PHI or other individually identifiable information provided by the Department, accessed via Department systems, or received or acquired from any individual as a part of the contract resulting from this RFP, or through any other method, is regarded as confidential information.
8. Ensure all confidential information, in any format, is safeguarded consistent with the terms of the Department’s Business Associate Agreement and any other applicable State and Federal confidentiality laws, regulations, and/or rules.
9. Comply with the terms of Maine’s Notice of Risk to Personal Data Act, pursuant to [10 M.R.S.A §§ 1346-1350-B](https://www.mainelegislature.org/legis/statutes/10/title10ch210-Bsec0.html), and any other applicable privacy and security laws, rules, and regulations.
10. Meet quarterly, either in-person or by telephone conference, with the Department to review PHI compliance and any potential concerns related to confidential information.
11. Notify the Department immediately in the event of a breach or potential breach of confidentiality.
12. Collaborate with the Department to investigate, document, and otherwise respond to any actual or potential breach of confidential information.

# **Reports**

* 1. Track and record all data/information necessary to complete the required reports listed in **Table 1**:

|  |
| --- |
| **Table 1 – Required Reports** |
| **Name of Report**  | **Description**  |
| **a.** | Draft Progress Report | Describes the progress made by the Department in relation to each of the Performance Criteria, as well as issues or challenges encountered or observed regarding compliance with the Settlement Agreement.  |
| **b.** | Final Progress Report | Comprehensive report of the Department’s compliance with the terms of the Settlement Agreement. |

# Submit all the required reports to the Department in accordance with the timelines established in **Table 2**:

|  |
| --- |
| **Table 2 – Required Reports Timelines** |
| **Name of Report**  | **Period Captured by Report**  | **Due Date** |
| **a.** | Draft Progress Report  | Per reporting period schedule | Four (4) months after the closing of the reporting period  |
| **b.** | Final Progress Report  | Per reporting period schedule | Thirty (30) days after Parties comments  |

**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 I** (Submitted Questions Form) for submission of questions. If used, the form is to be submitted as a WORD document.
		2. Questions 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. The RFP Number and Title must be included in the subject line of the e-mail containing the submitted questions. 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: [Office of State 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: [Office of State 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. **Proposal Submission**
	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 must be submitted to the Office of State 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. Bidders should work with their Information Technology team to ensure that the proposal submission will not be encrypted due to any security settings.
		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.
	3. **Submission Format:**
		1. Bidders are to insert the following into the subject line of their e-mail proposal submission: **“RFP# 202508110 Proposal Submission – [Bidder’s Name]”**
		2. 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** (Responsible Bidder Certification)

All required documentation stated in PART IV, Section I, should be included in one (1) PDF file.

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

*PDF format preferred*

**Appendix C** (Organization Qualifications and Experience Form)

**Appendix D** (Subcontractor Form), if applicable

**Appendix E** (Litigation Form)

All required information and attachments stated in PART IV, Section II, should be included in one (1) PDF file.

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

*PDF format preferred*

**Appendix F** (Response to Proposed Services)

All required information and attachments stated in PART IV, Section III, should be included in one (1) PDF file.

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

*Excel and PDF format preferred*

**Appendix G** (Cost Proposal)

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.

Bidders’ proposals 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. Bidders must 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. **Responsible Bidder Certification**

Bidders must complete **Appendix B** (Responsible Bidder Certification). The Responsible Bidder Certification must be dated and signed by a person authorized to enter into contracts on behalf of the Bidder.

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

* 1. **Overview of the Organization**

Bidders must complete **Appendix C** (Qualifications and Experience Form) describing their qualifications and skills to provide the requested services in the RFP. Bidders must include three (3) examples of projects within the last five (5) years, which demonstrate their experience and expertise in performing these services, as well as highlighting the Bidder’s stated qualifications and skills.

* 1. **Subcontractor**

If subcontractors are to be used, including consultants, Bidders must complete **Appendix D** (Subcontractor Form) providing a list that specifies the name, address, phone number, contact person, and a brief description of the subcontractors’ organizational capacity and qualifications.

* 1. **Project Team Organizational Chart**

Bidders must provide a legible organizational chart of the project team including to whom the project team reports. Note: individual project team positions are to be identified in the job description and staffing plan requirements of **Appendix F** (Response to Proposed Services).

* 1. **Litigation**

Bidders must complete **Appendix E** (Litigation Form) providing 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. If no litigation has occurred, write “none” on **Appendix E** (Litigation Form).

* 1. **Financial Viability**

Bidders must provide the three (3) most recent years of Financial Statements audited or reviewed by a Certified Public Accountant.

* 1. **Certificate of Insurance**

Bidders must provide a valid certificate of insurance on a standard ACORD form (or the equivalent) evidencing the Bidder’s general liability, professional liability and any other relevant liability insurance policies that might be associated with the proposed services.

|  |
| --- |
| **Required Attachments Related to Organization Qualifications and Experience**  |
| **Attachment #:** | **Attachment Name:** |
| One (1) | Qualifications and Experience Form  |
| Two (2) | Subcontractor Form |
| Three (3) | Organizational Chart |
| Four (4) | Litigation |
| Five (5) | Financial Viability  |
| Six (6) | Certificate of Insurance |

Attachments 1 – 6 must be included in numerical order, as part of File 2, as outlined in PART III “Submitting the Proposal” of this RFP. Attachments 1 – 6 will be reviewed and evaluated by the Department’s evaluation team under the Organization Qualifications and Experience section of this RFP.

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

Bidder must complete **Appendix F** (Response to Proposed Services) by providing a detailed response to the requirements outlined in this RFP.

|  |
| --- |
| **Required Attachments Related to Proposed Services** |
| **Attachment #:** | **Attachment Name:** |
| Seven (7) | Job Descriptions |
| Eight (8) | Staffing Plan |
| Nine (9) | Implementation - Work Plan |

Attachments 7 – 9 must be included in numerical order, as part of File 3, as outlined in PART III “Submitting the Proposal” of this RFP. Attachments 7 – 9 will be reviewed and evaluated by the Department’s evaluation team under the Proposed Services section of this RFP.

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

* 1. **General Instructions**
		1. Bidders must submit a cost proposal that covers the period starting 12/1/2025 and ending on 11/30/2031.
		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 G** (Cost Proposal), 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 disqualification or reduction in scoring of the cost proposal, 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.
	4. Changes to proposals, including updating or adding information, will not be permitted during any portion of the evaluation process. 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:** Proposal scores 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**Proposal materials to be evaluated in this section: all elements addressed in Part IV, Section I of the RFP. | **No Points**  |
| **Section II.** | **Organization Qualifications and Experience** Proposal materials to be evaluated in this section: all elements addressed above in Part IV, Section II of the RFP. | **30 points** |
| **Section III.** | **Proposed Services** Proposal materials to be evaluated in this section: all elements addressed above in Part IV, Section III of the RFP. | **40 points** |
| **Section IV.** | **Cost Proposal** Proposal materials to be evaluated in this section:all elements addressed above in Part IV, Section IV of the RFP. | **30 points**  |

* 1. **Scoring Process:** 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. Section 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 30 points. Proposals with higher bid 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 30 = 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 [Office of State Procurement Services](https://www.maine.gov/dafs/bbm/procurementservices/forms) website.

Forms and contract documents commonly used by the Department can be found on the Department’s [Division of Contract Management website](https://www.maine.gov/dhhs/about/financial-management/contract-management).

* 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** – Responsible Bidder Certification

**Appendix C** – Qualifications and Experience Form

**Appendix D** – Subcontractor Form

**Appendix E** – Litigation Form

**Appendix F** – Response to Proposed Services

**Appendix G** – Cost Proposal

**Appendix H** – Psychotropic Medication Performance Criteria

**Appendix I** – Submitted Questions Form

**APPENDIX A**

**State of Maine**

**Department of Health and Human Services**

*Office of Child and Family Services*

**PROPOSAL COVER PAGE**

**RFP# 202508110**

**Implementation Reviewer for Child Welfare**

**Psychotropic Medication Performance Criteria**

|  |  |
| --- | --- |
| **Bidder’s Organization Name:** |  |
| **Vendor Customer Code** (for current State of Maine vendors)**:** | VC |
| **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:** |  |
| **Street Address:** |  |
| **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 Health and Human Services**

*Office of Child and Family Services*

**RESPONSIBLE BIDDER CERTIFICATION**

**RFP# 202508110**

**Implementation Reviewer for Child Welfare**

**Psychotropic Medication Performance Criteria**

|  |  |
| --- | --- |
| **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.*
6. *Is not a foreign adversary business entity (*[*https://www.maine.gov/oit/prohibited-technologies*](https://www.maine.gov/oit/prohibited-technologies)*).*
7. *Is not on the list of prohibited companies (*[*https://www.maine.gov/oit/prohibited-technologies*](https://www.maine.gov/oit/prohibited-technologies)*) or does not obtain or purchase any information or communications technology or services included on the list of prohibited information and communications technology and services* [*https://www.maine.gov/oit/prohibited-technologies*](https://www.maine.gov/oit/prohibited-technologies) *(Title 5 §2030-B).*

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

**APPENDIX C**

**State of Maine**

**Department of Health and Human Services**

*Office of Child and Family Services*

## QUALIFICATIONS and EXPERIENCE FORM

**RFP# 202508110**

**Implementation Reviewer for Child Welfare**

**Psychotropic Medication Performance Criteria**

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

|  |
| --- |
| **Present a brief statement of qualifications and 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.** |
|  |

|  |
| --- |
| **Provide a description of three (3) projects that occurred within the past five (5) years which reflect experience and expertise needed in performing the functions described in Part II – Scope of Services to be Provided of the RFP. Contract history with the State of Maine, whether positive or negative, may be considered in evaluating proposals even if not provided by the Bidder.** |

|  |
| --- |
| **Project One** |
| **Business Reference Name:** |  |
| **Reference Contact Person:** |  |
| **Telephone:** |  |
| **E-Mail:** |  |
| **Project Start Date** |  | **Project End Date** |  |
| **Include a detailed description of the project below:** |
|  |

|  |
| --- |
| **Project Two** |
| **Business Reference Name:** |  |
| **Reference Contact Person:** |  |
| **Telephone:** |  |
| **E-Mail:** |  |
| **Project Start Date** |  | **Project End Date** |  |
| **Include a detailed description of the project below:** |
|  |

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| --- |
| **Project Three** |
| **Business Reference Name:** |  |
| **Reference Contact Person:** |  |
| **Telephone:** |  |
| **E-Mail:** |  |
| **Project Start Date** |  | **Project End Date** |  |
| **Include a detailed description of the project below:** |
|  |

**APPENDIX D**

**State of Maine**

**Department of Health and Human Services**

*Office of Child and Family Services*

## SUBCONTRACTOR FORM

**RFP# 202508110**

**Implementation Reviewer for Child Welfare**

**Psychotropic Medication Performance Criteria**

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

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| --- |
| **If subcontractors, including consultants, are to be used, provide each individual subcontractor’s business or consultant’s name, contact person, address, phone number, and a brief description of the subcontractor’s organizational or consultant’s capacity and qualifications. Bidders may add additional Subcontractors/Consultants as needed.** |

|  |
| --- |
| **Subcontractor/Consultant** |
| **Subcontractor Business or Consultant’s Name:** |  |
| **Contact Person:** |  |
| **Address:** |  |
| **Phone Number:** |  |
| **E-Mail:** |  |
| **Subcontractor/consultant organizational capacity and qualifications** |
|  |

|  |
| --- |
| **Subcontractor/Consultant** |
| **Subcontractor Business or Consultant’s Name:** |  |
| **Contact Person:** |  |
| **Address:** |  |
| **Phone Number:** |  |
| **E-Mail:** |  |
| **Subcontractor/consultant organizational capacity and qualifications** |
|  |

**APPENDIX E**

**State of Maine**

**Department of Health and Human Services**

*Office of Child and Family Services*

## LITIGATION FORM

**RFP# 202508110**

**Implementation Reviewer for Child Welfare**

**Psychotropic Medication Performance Criteria**

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

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| --- |
| **Provide 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. If no litigation has occurred, write “none.”**  |

|  |
| --- |
|  |
| **Case #** |  |
| **Entity Filing Suit:** |  |
| **Complaint/Accusation:** |  |
| **Amount:** |  |
| **Outcome** |  |
|  |
| **Case #** |  |
| **Entity Filing Suit:** |  |
| **Complaint/Accusation:** |  |
| **Amount:** |  |
| **Outcome** |  |
|  |
| **Case #** |  |
| **Entity Filing Suit:** |  |
| **Complaint/Accusation:** |  |
| **Amount:** |  |
| **Outcome** |  |

**APPENDIX F**

**State of Maine**

**Department of Health and Human Services**

*Office of Child and Family Services*

## RESPONSE TO PROPOSED SERVICES

**RFP# 202508110**

**Implementation Reviewer for Child Welfare**

**Psychotropic Medication Performance Criteria**

**The response to proposed services form may be obtained in a Word (.docx) format by double clicking on the document icon below.**

****

**APPENDIX G**

**State of Maine**

**Department of Health and Human Services**

*Office of Child and Family Services*

**COST PROPOSAL**

**RFP# 202508110**

**Implementation Reviewer for Child Welfare**

**Psychotropic Medication Performance Criteria**

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

Bidders must submit a cost proposal that includes the cost necessary for the Bidder to fully comply with the contract terms, conditions, and RFP requirements.

The Total Proposed Cost on Tab 1 will be used to score the cost proposal as defined in Part V, B.3. of the RFP.

**The Cost Proposal form may be obtained in an Excel (.xlsx) format by double clicking on the document icon below.**

****

**APPENDIX H**

**State of Maine**

**Department of Health and Human Services**

*Office of Child and Family Services*

**PSYCHOTROPIC MEDICATION PERFORMANCE CRITERIA**

**RFP# 202508110**

**Implementation Reviewer for Child Welfare**

**Psychotropic Medication Performance Criteria**

**The Psychotropic Medication Performance Criteria template may be obtained in a Word (.docx) format by double clicking on the document icon below.**



**APPENDIX I**

**State of Maine**

**Department of Health and Human Services**

*Office of Child and Family Services*

**SUBMITTED QUESTIONS FORM**

**RFP# 202508110**

**Implementation Reviewer for Child Welfare**

**Psychotropic Medication Performance Criteria**

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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