

**STATE OF MAINE**  
**Maine Human Rights Commission**



**RFP# 202303055**

**MHRC Mediation and Conciliation Services**

<b>RFP Coordinator</b>	<i>All communication regarding the RFP <u>must</u> be made through the RFP Coordinator identified below.</i> <b>Name:</b> Amy Sneirson <b>Title:</b> MHRC Executive Director <b>Contact Information:</b> <a href="mailto:Amy.Sneirson@MHRC.Maine.Gov">Amy.Sneirson@MHRC.Maine.Gov</a>
<b>Submitted Questions Due</b>	<i>All questions <u>must</u> be received by the RFP Coordinator identified above by:</i> <b>Date:</b> June 7, 2023, no later than 11:59 p.m., local time
<b>Proposal Submission</b>	<i>Proposals <u>must</u> be received by the Division of Procurement Services by:</i> <b>Submission Deadline:</b> June 20, 2023, no later than 11:59 p.m., local time. <i>Proposals <u>must</u> be submitted electronically to the following address:</i> <b>Electronic (e-mail) Submission Address:</b> <a href="mailto:Proposals@maine.gov">Proposals@maine.gov</a>

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## PUBLIC NOTICE

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**State of Maine  
Maine Human Rights Commission  
RFP# 202303055  
MHRC Mediation and Conciliation Services**

The State of Maine is seeking proposals from mediators to provide expert neutral mediation services for a set fee, both before and after the Maine Human Rights Commission's determination as to whether there is cause to believe unlawful discrimination or retaliation occurred.

A copy of the RFP, as well as the Question & Answer Summary and all amendments related to the RFP, can be obtained at:

<https://www.maine.gov/dafs/bbm/procurementservices/vendors/rfps>

Proposals must be submitted to the State of Maine Division of Procurement Services, via e-mail, at: [Proposals@maine.gov](mailto:Proposals@maine.gov). Proposal submissions must be received no later than 11:59 p.m., local time, on June 20, 2023. Proposals will be opened the following business day. Proposals not submitted to the Division of Procurement Services' aforementioned e-mail address by the aforementioned deadline will not be considered for contract award.

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## RFP TERMS/ACRONYMS with DEFINITIONS

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

<b><u>Term/Acronym</u></b>	<b><u>Definition</u></b>
<b>Cause</b>	A determination by the Department's appointed Commissioners as to whether or not there are "reasonable grounds" to believe unlawful discrimination or retaliation occurred in a given case.
<b>Conciliation</b>	A mediator-led resolution effort offered pursuant to statutory requirements in all cases in which the Department has voted to find cause to believe unlawful discrimination or retaliation occurred.
<b>Department</b>	Maine Human Rights Commission or MHRC
<b>EEOC</b>	U.S. Equal Employment Opportunity Commission
<b>HUD</b>	U.S. Department of Housing and Urban Development
<b>MHRA</b>	Maine Human Rights Act, the State anti-discrimination law enforced by the Department, viewable at <a href="https://legislature.maine.gov/statutes/5/title5ch337sec0.html">https://legislature.maine.gov/statutes/5/title5ch337sec0.html</a>
<b>Mediation</b>	A mediator-led resolution effort offered under the auspices of the Department's Third-Party Neutral Mediation Program.
<b>Program</b>	The Department's Third-Party Neutral Mediation Program, which is offered prior to the Department's vote as to whether unlawful discrimination or retaliation occurred.
<b>RFP</b>	Request for Proposal
<b>State</b>	State of Maine
<b>Stipend</b>	Per-case payment approved by Department.
<b>WPA</b>	Maine Whistleblowers' Protection Act, the State employment anti-retaliation law enforced by the Department, viewable at <a href="https://legislature.maine.gov/statutes/26/title26sec833.html">https://legislature.maine.gov/statutes/26/title26sec833.html</a>

**State of Maine – Maine Human Rights Commission**  
**RFP# 202303055**  
**MHRC Mediation and Conciliation Services**

**PART I INTRODUCTION**

**A. Purpose and Background**

The Maine Human Rights Commission (Department or Commission) is seeking proposals from mediators willing to provide expert neutral mediation services for a set stipend, both before and after the Commission's determination as to whether there is cause to believe unlawful discrimination or retaliation occurred, as defined in this Request for Proposal (RFP) document. This document provides instructions for submitting proposals, the procedure and criteria by which the awarded Bidder will be selected, and the contractual terms which will govern the relationship between the State of Maine (State) and the awarded Bidder.

The Commission is the State agency that administers the Maine Human Rights Act (MHRA), and is also designated as the enforcement agency for the Maine Whistleblowers' Protection Act (WPA). As a part of those responsibilities, the Commission conducts preliminary investigations of discrimination complaints to determine whether there is cause to believe that unlawful discrimination or retaliation occurred. Both before and after making such a finding, the Commission provides the parties with a complaint opportunity to resolve the matter by settlement agreement.

Participation in the Commission's Program is one such opportunity to resolve a complaint before a determination of cause or no-cause. Mediation is an informal, voluntary process in which those involved in a dispute jointly explore and reconcile their differences. The mediators in the Commission's Program are neutral third parties who are contracted by the Commission, and are not State or Commission employees. If all parties to a case agree to attempt mediation through the Program, each pays a set fee to the Commission; the fees flow through the Commission, which utilizes them to pay each mediator a set per-case fee. The Commission assigns one mediator from a roster of contracted mediators to a case, and the assigned mediator assists the opposing parties in attempting to reach a voluntary negotiated resolution. The mediator has no authority to impose a settlement. Rather, the mediator helps the participants address the issues in dispute in order to reach a voluntary settlement.

Additionally, in any case in which the Commission makes a cause finding, the MHRA requires the Commission to offer the parties an opportunity to resolve their dispute. The Commission invites the parties that dispute to participate in conciliation facilitated by a Commission mediator; the Commission pays a mediator the set per-case fee per conciliation case as it does for a mediation case, though conciliation funds are not drawn from parties paying in for conciliation. Just as with mediation cases, the Commission assigns one mediator from its roster of contracted mediators to a conciliation case, and the assigned mediator assists the parties in attempting to reach a voluntary negotiated resolution. The mediator has no authority to impose a settlement. Rather, the mediator helps the participants address the issues in dispute in order to reach a voluntary settlement. A major difference between conciliation and mediation is that after a cause finding, the Commission itself may commence an enforcement action in court if the case is not resolved, so the Commission is a party in conciliation discussions.

## **B. 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](#) 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.

## **C. Eligibility to Submit Bids**

A minimum of 135 hours of mediation training and experience, including:

- At least 40 hours of mediation process training;
- At least 30 hours of experience as a mediator;
- At least 20 hours of training or experience related to resolving Maine Human Rights Act and Maine Whistleblowers' Protection Act matters;
- At least 5 hours of training or experience related to resolving Commission post-cause conciliation matters.

## **D. Contract Term**

The Department is seeking a cost-efficient proposal to provide services, as defined in the RFP,

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

**Contract Renewal:** Following the initial term of the contract, the Department may opt to renew the contract for two (2) 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:

<b>Period</b>	<b>Start Date</b>	<b>End Date</b>
Initial Period of Performance	8/1/2023	7/31/2025
Renewal Period #1	8/1/2025	7/31/2027
Renewal Period #2	8/1/2027	7/31/2028

#### **E. Number of Awards**

The Department anticipates making eight (8) awards, or mediator appointments to its Program roster, as a result of the RFP process. The final number of awards will be determined based on the number of proposals received and according to best value to the State.

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

Each mediator selected for the Commission's Program must provide services in both mediation and conciliation matters, and must communicate promptly via email with the Commission and parties/counsel about mediation/conciliation services as follows:

### **A. General Requirements**

1. Each mediator must have their own reliable computer and internet service sufficient to sustain active videoconferencing for up to four (4) hours at a time. Computers and internet access/service are not provided or reimbursed by the Commission.
2. Each mediator must, at all times, maintain an active insurance policy specifically covering their mediation/conciliation activities.
3. Each mediator must be willing and able to respond to Commission and party/counsel communications swiftly and via email:
  - a. Each mediator must acknowledge Commission or party/counsel questions/requests within two (2) business days of receipt.
  - b. If a substantive response is required, the mediator must provide that within three (3) business days of receipt.
4. Mediators must be willing to accept a pre-set Stipend per mediation/conciliation that is determined by the Commission.
  - a. Currently, the Stipend is \$400 per case.
  - b. The Commission reserves the right to change the Stipend amount at its election.

### **B. Referral**

1. The Commission will send a mediator a conflict check with party and counsel names and addresses. The mediator is expected to acknowledge the query within two (2) business days and respond to it substantively within three (3) business days.
2. If the mediator has no conflict, the Commission will send them a referral by email including party and counsel names, addresses, and contact information, the issues involved in the case, and a date by which mediation/conciliation must be complete (or the file returned to the Commission), unless the Commission explicitly allows otherwise.
3. Acceptance of a referral constitutes an agreement by the mediator to complete the case within the time allotted to the best of their ability, and to advise to the Commission immediately if it becomes clear that that is not possible.

### **C. Assignment**

1. Upon receiving a Commission referral, the mediator will contact parties/counsel within three (3) business days to introduce themselves, provide a method of contact, and provide a brief outline their process.
2. Mediation/conciliation may be held via remote conferencing, in person at the Commission's Augusta office, in person at a third location that is fully accessible if all parties/counsel agree, and/or via hybrid in-person/remote meeting methods.
3. If mediation/conciliation is to occur at the Commission's offices in Augusta, the mediator must utilize the Commission's online calendaring system to determine availability of agency meeting rooms, and ask Commission staff to assist in reserving rooms well in advance of the mediation/conciliation.
4. The mediator must provide specifics to involved parties/counsel that outline conduct expectations, confidentiality requirements, and any documents the mediator requests or will allow to be submitted.
5. Prior to commencing mediation/conciliation, the mediator must obtain a signed Agreement to Mediate/Conciliate from a person with authority to bind each party.
6. The mediator may not allow any person to participate in mediation/conciliation who is not a named party, appearing with permission of the Commission as a reasonable



accommodation, or an agent of a party who has signed a nondisclosure agreement.

7. The mediator will not grant any postponement of mediation/conciliation that exceeds the Commission's date for return unless Commission explicitly agrees to extend that.

**D. Reasonable accommodation/modification requests**

1. If any party/counsel/participant involved in mediation/conciliation requests a reasonable accommodation or modification to allow them to participate in the process, the mediator will advise the Commission within two (2) business days of receiving the request.
2. The Commission will arrange for requested accommodations or modifications.

**E. Conducting mediation/conciliation**

1. The mediator will, at all times, conduct themselves according to applicable expectations for attorneys and/or mediators in the State of Maine, and as set forth in any applicable Commission guidelines.
2. A mediator is expected to allow a half-day for mediation/conciliation to occur, though completion more quickly than that is always possible.
  - a. Some Commission mediators choose to provide their mediation/conciliation services beyond the half-day mark, which is up to the mediator if they wish to do so but is not expected or required by the Commission.
  - b. There is no additional payment for time beyond a half-day mediation/conciliation, though on occasion parties will choose to request a second paid mediation session with the same mediator on another day. All such requests must be made to the Commission and explicitly approved.

**F. Completion of mediation/conciliation**

1. When a mediation session is completed, a mediator is required to offer the parties a pre-prepared withdrawal form, and to explain that the signed withdrawal form must be submitted to the Commission within two (2) business days of reaching agreement.
2. When a mediation session is completed, a mediator must inform the Commission as to the result (agreement, non-agreement, terms reached if any) within two (2) business days of the mediation's completion.
3. Within one (1) week of the completion of any mediation/conciliation, the mediator is required to return to the Commission the signed Agreement to Mediate, any signed nondisclosure agreement(s), and any documents other than those the Commission provided to the mediator.

**G. Billing/Payment**

1. All mediators must complete a Vendor application with the State of Maine for payment processing.
2. Within one (1) week of the completion of mediation/conciliation, mediators are expected to submit an invoice via Commission-designated method that includes, at least, the case number, date, hours of mediation, and amount due.

## PART III KEY RFP EVENTS

### A. 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.
  - a. Bidders and other interested parties may use **Appendix E – Submitted Questions Form** – for submission of questions. The form is to be submitted as a WORD document.
  - b. 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.
  - c. 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](#). 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.

### B. Amendments

All amendments released in regard to the RFP will also be posted on the following website: [Division of Procurement Services RFP Page](#). 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.

### C. 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).
  - a. Only proposal submissions received by e-mail will be considered. The Department assumes no liability for assuring accurate/complete e-mail transmission and receipt.
  - b. 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.
  - c. Encrypted e-mails received which require opening attachments and logging into a proprietary system will not be accepted as submissions. Please check with your organization's Information Technology team to ensure that your security settings will not encrypt your proposal submission.
  - d. 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.

- e. Bidders are to insert the following into the subject line of their e-mail proposal submission: “**RFP# 202303055 Proposal Submission – [Bidder’s Name]**”
- f. Bidder’s proposal submissions are to be broken down into multiple files, with each file named as it is titled in bold below, and include:
  - **File 1 [Bidder’s Name] – Preliminary Information:**  
*PDF format preferred*  
**Appendix A** (Proposal Cover Page)  
**Appendix B** (Debarment, Performance and Non-Collusion Certification)  
All required eligibility documentation stated in PART IV, Section I
  - **File 2 [Bidder’s Name] – Organization Qualifications and Experience:**  
*PDF format preferred*  
**Appendix C** (Organization Qualifications and Experience Form) and all required information and attachments stated in PART IV, Section II.
  - **File 3 [Bidder’s Name] – Proposed Services:**  
*PDF format preferred*  
All required information and attachments stated in PART IV, Section III.
  - **File 4 [Bidder’s Name] – Cost Proposal:**  
*PDF format preferred*  
**Appendix D** (Cost Proposal Form) and all required information and attachments stated in PART IV, Section IV.

## **PART IV PROPOSAL SUBMISSION REQUIREMENTS**

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

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

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

### **Proposal Format and Contents**

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

##### **1. Proposal Cover Page**

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

##### **2. 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.

##### **3. Eligibility Requirements**

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

A minimum of 135 hours of mediation training and experience, including:

- At least 40 hours of mediation process training;
- At least 30 hours of experience as a mediator;
- At least 20 hours of training or experience related to resolving Maine Human Rights Act and Maine Whistleblowers' Protection Act matters; and
- At least 5 hours of training or experience related to resolving Commission post-cause conciliation matters.

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

### **1. Overview of the Organization**

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

### **2. 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.

### **3. Organizational Chart**

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

### **4. 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.

### **5. Licensure/Certification**

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

- Attorney Licensure
- Mediator Certification

### **6. 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**

- a. Bidders must submit a cost proposal that covers the period starting 8/1/2023 and ending on 7/31/2025.
- b. The cost proposal must include the costs necessary for the Bidder to fully comply with the contract terms, conditions, and RFP requirements.

- c. No costs related to the preparation of the proposal for the RFP, or to the negotiation of the contract with the Department, may be included in the proposal. Only costs to be incurred after the contract effective date that are specifically related to the implementation or operation of contracted services may be included.

## **2. Cost Proposal Form Instructions**

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

## **PART V PROPOSAL EVALUATION AND SELECTION**

Evaluation of the submitted proposals will be accomplished as follows:

### **A. 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.

### **B. Scoring Weights and Process**

1. **Scoring Weights:** The score will be based on a 100-point scale and will measure the degree to which each proposal meets the following criteria.

#### **Section I. Preliminary Information (No Points – Eligibility Requirements)**

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

#### **Section II. Organization Qualifications and Experience (50 points)**

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

#### **Section III. Proposed Services (25 points)**

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

#### **Section IV. Cost Proposal (25 points)**

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

2. **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, and IV 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.

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.

3. **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.

### **C. 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.

### **D. 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](#) and [18-554 Code of Maine Rules 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**

### **A. 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](#)

2. Allocation of funds is final upon successful negotiation and execution of the contract, subject to the review and approval of the State Procurement Review Committee. Contracts are not considered fully executed and valid until approved by the State Procurement Review Committee and funds are encumbered. No contract will be approved based on an RFP which has an effective date less than fourteen (14) calendar days after award notification to Bidders. (Referenced in the regulations of the Department of Administrative and Financial Services, [Chapter 110, § 3\(B\)\(i\).](#))

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

3. 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.
4. 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.

### **B. 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.

2. Payments and Other Provisions

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

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

**Appendix A** – Proposal Cover Page

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

**Appendix C** – Qualifications and Experience Form

**Appendix D** – Cost Proposal Form

**Appendix E** – Submitted Question Form

# APPENDIX A

**State of Maine  
Maine Human Rights Commission  
PROPOSAL COVER PAGE  
RFP# 202303055  
MHRC Mediation and Conciliation Services**

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

- 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.*

<b>Name (Print):</b>	<b>Title:</b>
<b>Authorized Signature:</b>	<b>Date:</b>

## APPENDIX B

**State of Maine  
Maine Human Rights Commission  
DEBARMENT, PERFORMANCE, and NON-COLLUSION CERTIFICATION  
RFP# 202303055  
MHRC Mediation and Conciliation Services**

<b>Bidder's Organization Name:</b>	
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*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:*

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

<b>Name (Print):</b>	<b>Title:</b>
<b>Authorized Signature:</b>	<b>Date:</b>

**State of Maine  
Maine Human Rights Commission  
QUALIFICATIONS and EXPERIENCE FORM  
RFP# 202303055  
MHRC Mediation and Conciliation Services**

<b>Bidder's Organization Name:</b>	
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<b>Present a brief statement of qualifications. Describe the history of the Bidder's organization, especially regarding skills pertinent to the specific work required by the RFP and any special or unique characteristics of the organization which would make it especially qualified to perform the required work activities. You may expand this form and use additional pages to provide this information.</b>

APPENDIX C (continued)

Provide a description of projects that occurred within the past five years which reflect experience and expertise needed in performing the functions described in 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	
Client Name:	
Client Contact Person:	
Telephone:	
E-Mail:	
Brief Description of Project	

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

**APPENDIX C (continued)**

<b>Project Three</b>	
<b>Client Name:</b>	
<b>Client Contact Person:</b>	
<b>Telephone:</b>	
<b>E-Mail:</b>	
<b>Brief Description of Project</b>	

APPENDIX D

**State of Maine  
Maine Human Rights Commission  
COST PROPOSAL FORM  
RFP# 202303055  
MHRC Mediation and Conciliation Services**

<b>Bidder's Organization Name:</b>	
<b>Acceptance of current \$400 stipend per case</b>	<input type="checkbox"/> YES <input type="checkbox"/> NO

- Mediators must be willing to accept a pre-set Stipend per mediation/conciliation that is determined by the Commission.
- Currently, the Stipend is \$400 per case.
- The Commission reserves the right to change the Stipend amount at its election.



APPENDIX E

**State of Maine  
Maine Human Rights Commission  
SUBMITTED QUESTIONS FORM  
RFP# 202303055  
MHRC Mediation and Conciliation Services**

<b>Organization Name:</b>	
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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.*