**STATE OF MAINE**

**Department of Labor**

*Paid Family and Medical Leave Program*



**RFP# 202412218**

**Actuarial Services – Annual PFML Trust Fund Analysis**

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| **RFP Coordinator** | **NAME:** | Luke Monahan  |
| **TITLE:** | Director, Paid Family and Medical Leave Program |
| **EMAIL:** | Luke.o.monahan@maine.gov  |
| *All communication regarding the RFP must be made through the RFP Coordinator.* |

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| --- | --- |
| **Submitted Questions Due Date** | January 16, 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.*  |

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| --- | --- | --- |
| **Proposal Submission Deadline** | **DATE:** | February 6, 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 Labor**

**RFP# 202412218**

**Actuarial Services – Annual PFML Trust Fund Analysis**

The State of Maine is seeking proposals for actuarial services to analyze the solvency of the Paid Family and Medical Leave trust fund and make recommendations of contribution premium rates on an annual basis.

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 February 6, 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** |
| **ASA** | Associate of the Society of Actuaries |
| **Authority**  | Paid Family and Medical Leave Authority – an advisory board of 15 community and state appointments to oversee and advise the operations of the Paid Family and Medical Leave program and the financial security of the program’s trust fund.  |
| **Confidentiality** | Preserving authorized restrictions on information access and disclosure, including means for protecting confidential or sensitive information. A loss of confidentiality is the unauthorized disclosure of information. |
| **Data Classification**  | The process of risk assessment of data. See **Appendix D** for the Data Classification process (see also “PII Confidentiality Impact Level”).  |
| **Department** | Department of Labor  |
| **FSA** | Fellow of the Society of Actuaries |
| **OIT** | Maine Office of Information Technology  |
| **PFML** | Paid Family and Medical Leave  |
| **PII (Personally Identifiable Information)** | Data that is maintained by an agency that could potentially identify a specific individual and needs to be protected in accordance with state and/or federal law, including (1) any information that can be used to distinguish or trace an individual‘s identity, such as name, social security number, date and place of birth, mother‘s maiden name, or biometric records; and (2) any other information that is linked or linkable to an individual, such as medical, educational, financial, and employment information. |
| **PII Confidentiality Impact Level**  | The PII confidentiality impact level—low, moderate, or high—indicates the potential harm that could result to the subject individuals and/or the organization if PII were inappropriately accessed, used, or disclosed. (NIST SP 800-122). See **Appendix D**. PII is evaluated to determine its confidentiality impact levels, so that appropriate safeguards can be applied to the PII.  |
| **RFP** | Request for Proposals |
| **State** | State of Maine |
| **State Data** | Any information originating with the State, regardless of form or medium of disclosure (e.g., verbal, observed, hard copy, or electronic) or source of information. It includes any information concerning the State’s information technology infrastructure, systems and software and procedures; and information originating with the State in the course of using and configuring the Services provided under the contract. It includes any sensitive information held by the State that may be protected from disclosure pursuant to a federal or state statutory or regulatory scheme intended to protect that information, or pursuant to an order, resolution or determination of a court or administrative board or other administrative body.  |

**State of Maine**

**Department of Labor**

*Paid Family and Medical Leave Program*

**RFP# 202412218**

**Actuarial Services – Annual PFML Trust Fund Analysis**

**PART I INTRODUCTION**

1. **Purpose and Background**

The Department of Labor (Department) is seeking actuarial services to analyze the solvency of the Maine Paid Family and Medical Leave Trust Fund on an on-going basis as defined in this Request for Proposals (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 Maine Paid Family and Medical Leave (PFML) Program was established through law in October 2023 ([26 §850-(A-R)](https://legislature.maine.gov/legis/statutes/26/title26sec850-A.html) ). The program has established a trust fund to pay benefits through payroll withholding and contributions from Maine workers and employers. The money accumulated in the trust fund can only be used to pay out PFML benefits and administrative costs associated with running the program. Starting January 1st, 2025, employers will begin withholdings for the 1% of wages premium split between the employer and the employee to contribute to the PFML Trust Fund, and application for PFML claims will begin on May 1st, 2026. Statutorily, the PFML Program is required to conduct and present the results of an actuarial study to the PFML Authority (an advisory board of 15 members appointed by the Governor) by February 1st, 2026, outlining the solvency of the fund based on revenue generated in the previous year and projected revenue and claim data for coming years. Based on the results of the study, the PFML Authority may vote to delay the start of benefit applications by 90 days to August 1st, 2026. Thereafter, the PFML program is responsible for providing an annual report to analyze the solvency of the fund, related to revenue generated, claims and administrative costs paid out, future revenue and claims projections, and to make recommendations in setting the annual premium rate.

The Maine Paid Family and Medical Leave program is looking to secure actuarial services to meet the obligations listed above.

1. **General Provisions**
	1. From the time the RFP is issued until award notification is made, all contact with the State regarding the RFP must be made through the RFP Coordinator. No other person/ State employee is empowered to make binding statements regarding the RFP. Violation of this provision may lead to disqualification from the bidding process, at the State’s discretion.
	2. Issuance of the RFP does not commit the Department to issue an award or to pay expenses incurred by a Bidder in the preparation of a response to the RFP. This includes attendance at personal interviews or other meetings and software or system demonstrations, where applicable.
	3. All proposals must adhere to the instructions and format requirements outlined in the RFP and all written supplements and amendments (such as the Summary of Questions and Answers), issued by the Department. Proposals are to follow the format and respond to all questions and instructions specified below in the “Proposal Submission Requirements” section of the RFP.
	4. Bidders will take careful note that in evaluating a proposal submitted in response to the RFP, the Department will consider materials provided in the proposal, information obtained through interviews/presentations (if any), and internal Departmental information of previous contract history with the Bidder (if any). The Department also reserves the right to consider other reliable references and publicly available information in evaluating a Bidder’s experience and capabilities.
	5. The proposal must be signed by a person authorized to legally bind the Bidder and must contain a statement that the proposal and the pricing contained therein will remain valid and binding for a period of 180 days from the date and time of the bid opening.
	6. The RFP and the awarded Bidder’s proposal, including all appendices or attachments, will be the basis for the final contract, as determined by the Department.
	7. Following announcement of an award decision, all submissions in response to this RFP will be public records, available for public inspection pursuant to the State of Maine Freedom of Access Act (FOAA) ([1 M.R.S. § 401](http://www.mainelegislature.org/legis/statutes/1/title1sec401.html) et seq.).
	8. The Department, at its sole discretion, reserves the right to recognize and waive minor informalities and irregularities found in proposals received in response to the RFP.
	9. All applicable laws, whether or not herein contained, are included by this reference. It is the Bidder’s responsibility to determine the applicability and requirements of any such laws and to abide by them.
2. **Eligibility to Submit Bids**

Bidders must have a supervising actuary that meets one or more of the following standards:

* 1. Meet the American Academy of Actuaries Qualification Standards and be a Fellow of the Society of Actuaries (FSA) or an Associate of the Society of Actuaries (ASA) and/or;
	2. Be a Fellow of the Conference of Actuaries in Public Practice and/or;
	3. Be a Member of the American Academy of Actuaries and/or;
	4. Be an enrolled Actuary under the Employees Retirement Income Security Act of 1974.
1. **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 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:

|  |  |  |
| --- | --- | --- |
| **Period** | **Start Date** | **End Date** |
| Initial Period of Performance | 7/1/2025 | 6/30/2027 |
| Renewal Period #1 | 7/1/2027 | 6/30/2029 |
| Renewal Period #2 | 7/1/2029 | 6/30/2030 |

1. **Number of Awards**

The Department anticipates making one (1) award because of this RFP process.

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

1. The Awarded Bidder must:
	1. Perform independent actuarial analyses of the Paid Leave Trust Fund’s solvency using wage and claim data (when available) provided by the Department, as well as looking at publicly available claim date from other State PFML programs.
	2. Provide a comprehensive report on the solvency of the Maine PFML trust fund using the first three (3) quarters of revenue data from 2025, as well as projections of revenue and claims, to provide to the PFML Authority by 1/1/2026 so that they can vote whether to proceed with benefit applications on 5/1/2026 or delay to allow time to accrue more funds.
	3. Produce annual reports that monitor the Trust Fund’s solvency and make recommendation on the premium rate for each coming calendar year.
	4. Make recommendations regarding whether and to what extent the contribution rate of 1.0 percent may be lowered if reserves are sufficient to allow such a reduction. If the rate needs to be adjusted above 1.0 percent provide details on what factors are leading to increase and provide recommendations for keeping future adjustments under 1.0 percent.
	5. Make recommendations regarding any adjustments to benefits payments to assure the Trust Fund’s solvency.
	6. Review benefit reports by the third-party claims administrator and make suggestions on the format and content of that report, with the overall purpose of making the reports useful and meaningful to the PFML Authority and the Department.
	7. If requested by the Department, provide such advice and consultative services regarding issues and matters related to the solvency of the Paid Leave Trust Fund.
2. The Awarded Bidder’s review will consider the following claim types and their financial impact:
	1. Medical Leave claims – leave taken for one’s own serious health condition
	2. Family Care Taking claims – leave taken to care for a family member’s serious health condition.
	3. Bonding Leave – leave taken to bond with a new child (birth, foster, or adoption)
	4. Qualifying Exigency Leave – preparing for a family member’s impending military deployment.
	5. Safe Leave – leave taken to create safety from abuse or violence.
	6. Other Forms of Leave (if added by any statutory or regulatory changes)
3. **Private Plans**:
	1. The Awarded Bidder will analyze the fiscal impact of employers currently enrolled in the private plan substitution option on the Trust Fund’s solvency.
	2. The Awarded Bidder will provide an analysis of the impact of any **future** enrollment of employers (of all sizes) in the private plan option on the Trust Fund’s solvency.
4. Once Maine Claim data is available, the Awarded Bidder will use the following actuarial methodologies to estimate the funds available for claims:
	1. The Awarded Bidder will review the Department’s claim frequency and length trends and provide a graphical summary of each claim type, frequency, and length.
	2. The Awarded Bidder will provide a report, graphical summaries, and all analysis exhibits in total and by type of claim, and an executive summary report which will include the report, graphical summaries, and summary exhibits only. The report will include:
		1. A scope of review including any relevant assumptions or limitations applied in calculating the Fund’s solvency or need to adjust benefits;
		2. Findings and recommendations with specific emphasis on claims detail; and
		3. A summary of data and methodologies used in performing the reserves and solvency analysis.
5. Data:
	1. The Awarded Bidder will access aggregate wage data and PFML Trust Fund balances through the relevant Departmental databases (Maine Paid Leave Portal, AdvantageME).
	2. The Awarded Bidder will be provided with access to aggregate Maine PFML claims data when available.
	3. The Awarded Bidder will be provided with State log in credentials to access databases (Maine Paid Leave Portal, AdvantageME) to transmit reporting through email and/or shared drives. (One Drive and MS Teams).
	4. The Awarded Bidder must maintain confidentiality with any privileged or confidential wage information or PII.
6. **TECHNICAL REQUIREMENTS:**
7. ACCESSIBILITY: All IT products must be accessible to persons with disabilities and must comply with State Accessibility Policy and Standards and the Americans with Disabilities Act. All IT applications must comply with the Digital Accessibility Policy (<https://www.maine.gov/oit/sites/maine.gov.oit/files/inline-files/DigitalAccessibilityPolicy.pdf>).
8. STATE IT POLICIES: All IT products and services delivered as part of the resulting Agreement must conform to the State IT Policies, Standards, and Procedures (https://www.maine.gov/oit/policies-standards) effective at the time the resulting Agreement is executed.
9.

**PART III KEY RFP EVENTS**

1. **Questions**
	1. **General Instructions:** It is the responsibility of all Bidders and other interested parties to examine the entire RFP and to seek clarification, in writing, if they do not understand any information or instructions.
		1. Bidders and other interested parties should use **Appendix E** (Submitted Questions Form) for submission of questions. 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# 202412218 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 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*

**Appendix D** (Technical Assessment Form) and all required information and attachments stated in PART IV, Section III.

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

*Excel format preferred*

**Appendix E** (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.

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.

* 1. **Eligibility Requirements**

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

* Documentation supporting one or more of the required actuarial certification(s) specified.

**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 which demonstrate their experience and expertise in performing these services, as well as highlighting the Bidder’s stated qualifications and skills.

* 1. **Subcontractors**

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

* 1. **Organizational Chart**

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

* 1. **Litigation**

Bidders must attach a list of all current litigation in which the Bidder is named and a list of all closed cases that have closed within the past five (5) years in which the Bidder paid the claimant either as part of a settlement or by decree.  For each, list the entity bringing suit, the complaint, the accusation, amount, and outcome.

* 1. **Financial Viability**

Bidders must provide the following information for each of the past three tax years:

* + 1. Balance Sheets
		2. Income (Profit/Loss) Statements
	1. **Licensure/Certification**

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

* 1. **Certificate of Insurance**

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

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

* 1. **Technical Assessment**

Bidders must complete **Appendix D** (Technical Assessment Form) to describe the Bidder’s capability to meet the stated requirements and policies identified in this RFP.

* 1. **Services to be Provided**

Bidders must discuss the Scope of Services referenced above in Part II of the RFP and what the Bidder will offer, including a description of the methods and resources the Bidder will use and how each task involved will be accomplished. Bidders must also describe how the expectations and/or desired outcomes as a result of these services will be achieved. If subcontractors are involved, Bidders must clearly identify the work each will perform.

* 1. **Implementation - Work Plan**

Bidders must provide a realistic work plan for the implementation of the program through the first contract period. The work plan must be displayed in a timeline chart, and concisely describe each program development and implementation task, the month it will be carried out, and the person or position responsible for each task. If applicable, Bidders must identify all tasks to be delegated to subcontractors.

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

* 1. **General Instructions**
		1. Bidders must submit a cost proposal that covers the period starting 7/1/2025 and ending on 6/30/2030.
		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 E** (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 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 – Eligibility Requirements)** |
| **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. | **35 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. | **35 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:** For proposals that demonstrate meeting the eligibility requirements in Section I, if applicable, 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 an [[IT Service Contract (IT-SC) with Confidentiality and Non-Disclosure Agreement (NDA)](https://stateofmaine.sharepoint.com/%3Aw%3A/r/sites/DAFS-Procurement-Services-Intranet/Shared%20Documents/Public%20to%20intranet/FORMS/Contract%20Documents/IT%20Service%20Contract%20%28IT-SC%29%20Template_REV%208.9.24%20%28locked%29.docx?&d=1)](https://stateofmaine.sharepoint.com/%3Aw%3A/r/sites/DAFS-Procurement-Services-Intranet/Shared%20Documents/Public%20to%20intranet/FORMS/Contract%20Documents/IT%20Service%20Contract%20%28IT-SC%29%20Template_REV%208.9.24%20%28locked%29.docx?&d=1)including appropriate riders as determined by the issuing department. Bidders shall carefully review the IT-SC.

*All exceptions will be negotiated between the awarded Bidder(s) and the State. The State will not accept any proposed exceptions as part of this RFP process. The State is not obligated to accept, negotiate, or compromise of any proposed exceptions.*

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’ website at the following link: [Office of [State Procurement Services Forms Page](https://www.maine.gov/dafs/bbm/procurementservices/forms).](https://www.maine.gov/dafs/bbm/procurementservices/forms)

* 1. Allocation of funds is final upon successful negotiation and execution of the contract, subject to the review and approval of the State Procurement Review Committee. Contracts are not considered fully executed and valid until approved by the State Procurement Review Committee and funds are encumbered. No contract will be approved based on an RFP which has an effective date less than fourteen (14) calendar days after award notification to Bidders. (Referenced in the regulations of the Department of Administrative and Financial Services, [Chapter 110, § 3(B)(i)](https://www.maine.gov/dafs/bbm/procurementservices/policies-procedures/chapter-110).)

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

* 1. The State recognizes that the actual contract effective date depends upon completion of the RFP process, date of formal award notification, length of contract negotiation, and preparation and approval by the State Procurement Review Committee. Any appeals to the Department’s award decision(s) may further postpone the actual contract effective date, depending upon the outcome. The contract effective date listed in the RFP may need to be adjusted, if necessary, to comply with mandated requirements.
	2. In providing services and performing under the contract, the awarded Bidder must act as an independent contractor and not as an agent of the State of Maine.
1. **Standard State Contract Provisions**
	1. Contract Administration

Following the award, a Contract Administrator from the Department will be appointed to assist with the development and administration of the contract and to act as administrator during the entire contract period. Department staff will be available after the award to consult with the awarded Bidder in the finalization of the contract.

* 1. Payments and Other Provisions

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

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

**Appendix A** – Proposal Cover Page

**Appendix B** – Responsible Bidder Certification

**Appendix C** – Qualifications and Experience Form

**Appendix D** –Technical Assessment Form

**Appendix E** – Cost Proposal Form

**Appendix F** – Submitted Questions Form

**APPENDIX A**

**State of Maine**

**Department of Labor**

**PROPOSAL COVER PAGE**

**RFP# 202412218**

**Actuarial Services – Annual PFML Trust Fund Analysis**

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

* This proposal and the pricing structure contained herein will remain firm for a period of 180 days from the date and time of the bid opening.
* No personnel currently employed by the Department, or any other State agency participated, either directly or indirectly, in any activities relating to the preparation of the Bidder’s proposal.
* No attempt has been made, or will be made, by the Bidder to induce any other person or firm to submit or not to submit a proposal.
* The above-named organization is the legal entity entering into the resulting contract with the Department if they are awarded the contract.
* The undersigned is authorized to enter contractual obligations on behalf of the above-named organization.

*To the best of my knowledge, all information provided in the enclosed proposal, both programmatic and financial, is complete and accurate at the time of submission.*

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

**APPENDIX B**

**State of Maine**

**Department of Labor**

**RESPONSIBLE BIDDER CERTIFICATION**

**RFP# 202412218**

**Actuarial Services – Annual PFML Trust Fund Analysis**

|  |  |
| --- | --- |
| **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 Labor**

## QUALIFICATIONS and EXPERIENCE FORM

**RFP# 202412218**

**Actuarial Services – Annual PFML Trust Fund Analysis**

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

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

|  |
| --- |
| **Provide a description of 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.***If the Bidder has not provided similar services, note this, and describe experience with projects that highlight the Bidder’s general capabilities.*  |

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

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

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

**APPENDIX D**

**State of Maine**

**Department of Labor**

**TECHNICAL ASSESSMENT FORM**

**RFP# 202412218**

**Actuarial Services – Annual PFML Trust Fund Analysis**

Bidders must complete the Technical Assessment Form embedded below.

The Technical Assessment Form may be obtained by double-clicking the Excel (.xlsx) icon below.

****

**APPENDIX E**

**State of Maine**

**Department of Labor**

**COST PROPOSAL FORM**

**RFP# 202412218**

**Actuarial Services – Annual PFML Trust Fund Analysis**

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

Bidders must use the form embedded below to complete the cost proposal. The Total Proposed Cost will be used in the scoring formula as defined in Part V, B, 3 of the RFP.

The form may be obtained by double clicking on the icon below.

 **APPENDIX F**

**State of Maine**

**Department of Labor**

**SUBMITTED QUESTIONS FORM**

**RFP# 202412218**

**Actuarial Services – Annual PFML Trust Fund Analysis**

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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