**STATE OF MAINE**

**JUDICIAL BRANCH**

*Administrative Office of the Courts*



**RFP# 202403073**

**Civil Involuntary Commitment and Treatment Examination Services**

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| --- | --- |
| **RFP Coordinator** | *All communication regarding the RFP must be made through the RFP Coordinator identified below*.  **Name:** Connor Smith **Title:** Procurement Manager  **Contact Information:** [connor.smith@courts.maine.gov](mailto:connor.smith@courts.maine.gov) |
| **Submitted Questions Due** | *All questions must be received by the RFP Coordinator identified above by:*  **Date:** April 30, 2024, no later than 11:59 p.m., local time |
| **Proposal Submission Deadline** | *Proposals must be received by the Division of Procurement Services by:*  **Submission Deadline:** May 15, 2024, no later than 11:59 p.m., local time.  *Proposals must be submitted electronically to:* [Proposals@maine.gov](mailto:Proposals@maine.gov) |

TABLE OF CONTENTS

|  |  |
| --- | --- |
|  | **Page** |
|  |  |
| **PUBLIC NOTICE** | **3** |
|  |  |
| **RFP DEFINITIONS/ACRONYMS** | **4** |
|  |  |
| **PART I INTRODUCTION** | **5** |
| 1. PURPOSE AND BACKGROUND |  |
| 1. GENERAL PROVISIONS |  |
| 1. ELIGIBILITY TO SUBMIT BIDS |  |
| 1. CONTRACT TERMS |  |
| 1. NUMBER OF AWARDS |  |
|  |  |
| **PART II SCOPE OF SERVICES TO BE PROVIDED** | **9** |
|  |  |
| **PART III KEY RFP EVENTS** | **12** |
| 1. BIDDERS’ CONFERENCE |  |
| 1. QUESTIONS |  |
| 1. AMENDMENTS |  |
| 1. SUBMITTING THE PROPOSAL |  |
|  |  |
| **PART IV PROPOSAL SUBMISSION REQUIREMENTS** | **14** |
|  |  |
| **PART V PROPOSAL EVALUATION AND SELECTION** | **17** |
| 1. EVALUATION PROCESS – GENERAL INFORMATION |  |
| 1. SCORING WEIGHTS AND PROCESS |  |
| 1. SELECTION AND AWARD |  |
| 1. APPEAL OF CONTRACT AWARDS |  |
|  |  |
| **PART VI CONTRACT ADMINISTRATION AND CONDITIONS** | **19** |
| 1. CONTRACT DOCUMENT |  |
| 1. STANDARD STATE CONTRACT PROVISIONS |  |
|  |  |
| **PART VII RFP APPENDICES AND RELATED DOCUMENTS** | **20** |
| **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 QUESTIONS FORM  **APPENDIX F** – HISTORICAL INFORMATION |  |
|  |  |
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# **PUBLIC NOTICE**

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**State of Maine**

**Judicial Branch**

**RFP# 202403073**

**Civil Involuntary Commitment and Treatment Examination Services**

The State of Maine Judicial Branch (MJB) is seeking proposals to provide examinations of individuals subject to proceedings for involuntary commitment, involuntary treatment, and admission to progressive treatment program proceedings pursuant to Title 34-B of the Maine Revised Statutes.

A copy of the RFP, as well as the Question & Answer Summary and all amendments related to this RFP, can be obtained at the following website: <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, to the following email address: [Proposals@maine.gov](mailto:Proposals@maine.gov). Proposal submissions must be received no later than 11:59 pm, local time, on May 15, 2024. Proposals will be opened the following business day. Proposals not submitted to the Division of Procurement Services’ aforementioned email address by the aforementioned deadline will not be considered for contract award.

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

**RFP TERMS/ACRONYMS with DEFINITIONS**

The following terms and acronyms shall have the meaning indicated below as referenced in this RFP:

|  |  |
| --- | --- |
| **Term/Acronym** | **Definition** |
| **Department** | State of Maine Judicial Branch, Administrative Office of the Courts |
| **RFP** | Request for Proposal |
| **State** | State of Maine |
| **MJB** | Maine Judicial Branch |

**State of Maine**

**Judicial Branch**

**RFP# 202403073**

**Civil Involuntary Commitment and Treatment Examination Services**

**PART I INTRODUCTION**

1. **Purpose and Background**

The State of Maine Judicial Branch (MJB) is seeking proposals to provide examinations of individuals subject to proceedings for involuntary commitment, involuntary treatment, and admission to progressive treatment program proceedings pursuant to Title 34-B of the Maine Revised Statutes as defined in this Request for Proposals (RFP) document. This document provides instructions for submitting proposals, the procedure and criteria by which the Provider(s) will be selected and the contractual terms which will govern the relationship between the State of Maine and the awarded Bidder(s).

The MJB seeks an entity or entities to manage the provision of examinations of individuals who are subject to proceedings for involuntary commitment, involuntary treatment, and admission to progressive treatment program proceedings pursuant to [34-B M.R.S. § 3864(7) & (7-A)](https://www.mainelegislature.org/legis/statutes/34-B/title34-Bsec3864.html) and [34-B M.R.S. § 3873-A](https://legislature.maine.gov/statutes/34-B/title34-Bsec3873-A.html) as ordered by the Maine District Courts.

**Selected Relevant Statutes**

34-B M.R.S., Chapter 3: Mental Health

[Article 1: General Provisions § 3801 Definitions](http://legislature.maine.gov/legis/statutes/34-B/title34-Bsec3801.html)

34-B M.R.S., Chapter 3: Mental Health

[Article 3: Involuntary Hospitalization § 3861 Reception of Involuntary Patients](http://legislature.maine.gov/legis/statutes/34-B/title34-Bsec3861.html)

34-B M.R.S., Chapter 3: Mental Health

[Article 3: Involuntary Hospitalization § 3863 Emergency Procedure](https://legislature.maine.gov/statutes/34-B/title34-Bsec3863.html)

34-B M.R.S., Chapter 3: Mental Health

[Article 3: Involuntary Hospitalization § 3864 Judicial Procedure and Commitment](https://legislature.maine.gov/statutes/34-B/title34-Bsec3864.html)

34-B M.R.S., Chapter 3: Mental Health

[Article 3: Involuntary Hospitalization § 3873-A Progressive Treatment Program](https://legislature.maine.gov/statutes/34-B/title34-Bsec3873-A.html)

34-B M.R.S., Chapter 3: Mental Health

[Article 3: Involuntary Hospitalization § 3874 Medical Examinations conducted via telemedicine technologies](http://legislature.maine.gov/legis/statutes/34-B/title34-Bsec3874.html)

1. **Involuntary Commitment**

Generally, within three days of the admission of a person to a psychiatric hospital on an emergency basis, if the hospital or the Commissioner of Health and Human Services believes that the involuntary commitment of that person is necessary, the hospital or Commissioner must file an application in the local District Court. If no petition is filed, the hospitalized person must be promptly discharged. [34‑B M.R.S. § 3863(5-A)(C)](https://legislature.maine.gov/statutes/34-B/title34-Bsec3863.html).

The District Court must hold a hearing on the application not later than 14 days from the date of the application (for cause, the court may grant a motion for a continuance not to exceed 21 days). [34-B M.R.S. § 3864(5)(A)](https://legislature.maine.gov/statutes/34-B/title34-Bsec3864.html). If the hearing is not held within the time specified, the court must dismiss the application and order the hospitalized person discharged. [34-B M.R.S. § 3864(5)(A)(2)](https://legislature.maine.gov/statutes/34-B/title34-Bsec3864.html).

Before the hearing, the court must cause the hospitalized person to be examined by a medical practitioner other than the examiner who recommended the initial admission.

[34-B M.R.S. §§ 3801(4-B)](http://legislature.maine.gov/legis/statutes/34-B/title34-Bsec3801.html), [3864(4).](https://legislature.maine.gov/statutes/34-B/title34-Bsec3864.html)  If the hospitalized person selects a qualified examiner who is reasonably available, the court gives preference to choosing that examiner.

34-B M.R.S. § 3864(4)(A).

The examinations must be conducted by qualified medical practitioner examiners as defined in [34-B M.R.S. § 3801(4-B)](http://legislature.maine.gov/legis/statutes/34-B/title34-Bsec3801.html) and must take place at a psychiatric hospital, other suitable place, or by telemedicine technologies. [34-B M.R.S. §§ 3864 (4)(B)](https://legislature.maine.gov/statutes/34-B/title34-Bsec3864.html), [3874](https://legislature.maine.gov/legis/statutes/34-B/title34-Bsec3874.html); *see also* [24-A M.R.S. § 4316](https://legislature.maine.gov/statutes/24-A/title24-Asec4316.html). Examiners will be required to submit reports and testify in court proceedings.

To continue an involuntary commitment, the court must find clear and convincing evidence that the person is mentally ill and that the person's recent actions and behavior demonstrate that the person's illness poses a likelihood of serious harm, adequate community resources for care and treatment of the person’s mental illness are not available, and inpatient hospitalization is the best available means for treatment of the person. [34‑B M.R.S. § 3864(6)(A)](https://legislature.maine.gov/statutes/34-B/title34-Bsec3864.html). In addition, the court must find that it is satisfied with the individual treatment plan offered by the hospital to which the applicant seeks the person's involuntary commitment. [34-B M.R.S. § 3864(6)(A)(3)](https://legislature.maine.gov/statutes/34-B/title34-Bsec3864.html). If the court is dissatisfied with the plan, it may continue the case up to 10 days for the plan to be resubmitted. [34‑B M.R.S. § 3864(6)(B)](https://legislature.maine.gov/statutes/34-B/title34-Bsec3864.html).

1. **Involuntary Treatment**

All hospitalized persons have the right to govern their own treatment unless they lack capacity or there is an emergency. The circumstances of incapacity and emergency are legally and precisely defined and must be strictly observed to protect this right.

A District Court may grant a psychiatric hospital, to whom a hospitalized person has been committed involuntarily, authority to implement a recommended treatment plan without a hospitalized person’s consent for up 120 days or until the end of a commitment, whichever is sooner. [34‑B M.R.S. § 3864(7-A)(A)](https://legislature.maine.gov/statutes/34-B/title34-Bsec3864.html).

To grant that authority, the court must find that the hospitalized person lacks the capacity to make an informed decision about treatment; the hospitalized person is unwilling or unable to comply with recommended treatment; the need for treatment outweighs risks and side effects; and the recommended treatment is the least intrusive appropriate treatment option.  [34‑B M.R.S. § 3864(7-A)(A](https://legislature.maine.gov/statutes/34-B/title34-Bsec3864.html)).

The need for involuntary treatment may be based on findings that a failure to treat the illness is likely to produce lasting or irreparable harm to the person or that without the recommended treatment the person's illness or involuntary commitment may be significantly extended without addressing the symptoms that cause the person to pose a likelihood of serious harm. [34‑B M.R.S. § 3864(7-A)(B).](https://legislature.maine.gov/statutes/34-B/title34-Bsec3864.html)

The hearing on these issues must include testimony from a medical practitioner who has examined the hospitalized person and who is qualified to prescribe medications relevant to the hospitalized person’s care and may be part of a commitment hearing. [34-B M.R.S. § 3864(4)(A)](https://legislature.maine.gov/statutes/34-B/title34-Bsec3864.html).

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**
   1. Involuntary Commitment: Any individual licensed physician, certified nurse practitioner, or registered physician assistant; group of licensed physicians, certified nurse practitioners, and/or registered physician assistants; mental health practice; or agency that includes licensed physicians, certified nurse practitioners, or registered physician assistants, or a combination of such practices, agencies, or hospitals may submit bids. See [34-B MRS § 3801](https://legislature.maine.gov/statutes/34-B/title34-Bsec3801.html).
   2. Involuntary treatment: If the bid is to provide examinations related to applications for orders for involuntary treatment, the examination services to be provided must be by medical practitioners qualified to prescribe medication relevant to the patient’s care. See [34-B MRS § 3864(4)](https://legislature.maine.gov/statutes/34-B/title34-Bsec3864.html).
3. **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:

|  |  |  |
| --- | --- | --- |
| **Period** | **Start Date** | **End Date** |
| Initial Period of Performance | July 1, 2024 | June 30, 2025 |
| Renewal Period #1 | July 1, 2025 | June 30, 2027 |
| Renewal Period #2 | July 1, 2027 | June 30, 2029 |

1. **Number of Awards**

The Department anticipates making multiple awards as a result of this RFP process.

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

1. **Service Population**

State District Courts ordering psychological examinations for individuals for whom a psychiatric hospital is requesting involuntary commitment and/or involuntary treatment in a psychiatric hospital, or admission to a progressive treatment program pursuant to 34-B M.R.S. § 3873-A.

The number of examinations required will vary in any given year. Examiners are contacted whenever an application for involuntary commitment and/or involuntary treatment is received, but sometimes the case is dismissed before there is a hearing, and the examination does not always take place. To provide some context, the number involuntary commitment and/or involuntary treatment cases filed over the past five calendar years in the Maine State Courts that hold hearings in these matters is shown in **Appendix F**.

The MJB expects to enter into contracts with multiple providers to provide independent medical examiner services in mental health proceedings statewide.

1. **Geographic Area of Coverage / Place of Examination & Testimony**
2. Psychological examination services are required throughout the State, in six of the eight Judicial Regions as indicated in Appendix C to this RFP. *See Administrative Order on the Establishment of Judicial Regions,* JB-08-1at: <https://www.courts.maine.gov/adminorders/jb-08-01.pdf>
3. Examinations shall be conducted in the psychiatric hospital where the examinee is temporarily located, any other suitable place not likely to have a harmful effect on the mental health of the hospitalized person, or by telemedicine technologies. 34‑B M.R.S. § 3874. Psychiatric hospitals are defined at 34‑B M.R.S. § 3801(1-A),(6),(7-B),(9). Telemedicine technologies are defined at 24-A M.R.S. § 4316 (1).
4. Testimony will take place in person in State of Maine Courthouses unless otherwise ordered by the District Court.
5. **Qualification of Examiners**
6. **Involuntary Commitment**
   1. Examiners must be medical practitioners as defined by 34-B M.R.S. § 3801(4-B) currently defined as:

* Licensed physicians
* Registered physician assistants
* Certified psychiatric clinical nurse specialists
* Certified nurse practitioners
* Licensed psychologists
  1. Examiners must be medical practitioners as defined by 34-B M.R.S. § 3801(4-B), who did not conduct the initial examination of the same individual for emergency admission pursuant to 34-B M.R.S. § 3863.

1. **Involuntary Treatment**
2. In any case where the application includes a request for an order for involuntary treatment under 34-B M.R.S. § 3864(7-A), the Examiner must be a medical practitioner who is qualified to prescribe medication relevant to the hospitalized person's care. 34-B M.R.S. § 3864(4)(A).
3. Examiners must be medical practitioners as defined by 34-B M.R.S. § 3801(4-B), who did not conduct the initial examination for emergency admission pursuant to 34-B M.R.S. § 3863.

## Continuing Obligations

## Continuing Certification: Awarded Bidders must agree that each Examiner under the contract shall maintain his/her professional license(s) and remain in good standing while serving as an Examiner.

* 1. Continuing Education: Awarded Bidders must agree that each Examiner under the contract shall maintain familiarity with the current standards of care for pharmacological treatment of people with major mental illness. Each Examiner must also engage in continuing education required for maintenance of the Examiner’s license.
  2. Continuing Coverage for liability: Awarded Bidders must agree that each Examiner, who is not immune from suit, will be covered by a professional liability policy meeting industry standards for policy limits.

1. **Service Provision**
2. The Provider shall schedule the examination to occur not later than five (5) business days after the date of referral by the court to the coordinating entity (as established by contract), unless an extension of time is granted by written court order.
3. The Provider shall contact the court and the hospital or other examination site at least one (1) business day prior to the date of a scheduled evaluation if it is necessary to reschedule the examination.
4. The Examiner shall complete the examination on the date scheduled and in the location or by the same method as scheduled.
5. Reports of the results of the examination must be filed in the District Court at least two (2) business days prior to the scheduled court hearing. Extensions will be granted sparingly by written order of the court.
6. The Provider’s procedures must make provisions to address any conflicts of interest.
7. The Provider’s procedures for the assignment of Examiner must allow for the consideration of an examinee’s preference for a particular Examiner.
8. The Provider must be able to make provisions for disability accommodations and working with spoken language or other interpreters.
9. The Examiner shall be available to testify in trial court proceedings or appellate hearings if needed on the dates established by the District Court.
10. **Content of Examination Report and Opinions of the Examiner**
11. Psychological examinations shall be conducted and completed in accordance with statutory requirements, professional standards, and the contracted Service Specifications.
12. The Examiner shall report to the court as required by 34-B M.R.S. § 3864(4)(E). At the time of this writing that statute provides that the Examiner shall report:
    * 1. Whether the person is a mentally ill person within the meaning of 34-B M.R.S. § 3801(5);
      2. When the establishment of a progressive treatment plan under 34-B M.R.S. § 3873-A is at issue; Whether a person is suffering from a severe and persistent mental illness within the meaning of 34-B M.R.S. § 3801(8-A);
      3. Whether the person poses a likelihood of serious harm within the meaning of 34-B M.R.S. § 3801(4-A);
      4. When involuntary treatment is at issue, whether the need for such treatment meets the criteria of 34-B M.R.S. § 3864(7-A), paragraphs A and B;
      5. Whether adequate community resources are available for care and treatment of the person's mental illness; and
      6. Whether the person's clinical needs may be met by an order under 34-B M.R.S. § 3873-A to participate in a progressive treatment program.
13. Opinions of the Examiner may be based on personal observation or on history and information from other sources considered reliable by the Examiner. 34-B M.R.S. § 3864(4)(G).

**F. Billing & Data Reporting**

1. For each payment interval, the Provider will submit a summary of services provided that will include, at a minimum: the name of the court requesting the examination, the date of the examination or testimony, the type of examination conducted (commitment or treatment), name of the person examined, the hospital location where the person was admitted/court location where testimony was given, and the date(s) of service.
2. The MJB may request reports sorted by type of service provided (e.g., examination or testimony, involuntary commitment events or involuntary treatment events, etc.) and/or time period (e.g., calendar year, fiscal year, or contract year).
3. If psychological examinations are not completed in a timely manner, or if the examination reports are not submitted in accordance with the applicable contracted Service Specifications, the MJB may pro-rate or withhold payment or terminate the contract.

**PART III KEY RFP EVENTS**

1. **Questions**
   1. **General Instructions:** It is the responsibility of all Bidders and other interested parties to examine the entire RFP and to seek clarification, in writing, if they do not understand any information or instructions.
      1. Bidders and other interested parties should use **Appendix E** (Submitted Questions Form) for submission of questions. The form is to be submitted as a WORD document.
      2. The Submitted Questions Form must be submitted, by e-mail, and received by the RFP Coordinator identified on the cover page of the RFP as soon as possible but no later than the date and time specified on the RFP cover page.
      3. Submitted Questions must include the RFP Number and Title in the subject line of the e-mail. The Department assumes no liability for assuring accurate/complete/on time e-mail transmission and receipt.
   2. **Question & Answer Summary:** Responses to all questions will be compiled in writing and posted on the following website no later than seven (7) calendar days prior to the proposal due date: [Division of Procurement Services RFP Page](https://www.maine.gov/dafs/bbm/procurementservices/vendors/rfps). It is the responsibility of all interested parties to go to this website to obtain a copy of the Question & Answer Summary. Only those answers issued in writing on this website will be considered binding.
2. **Amendments**

All amendments released in regard to the RFP will also be posted on the following website: [Division of Procurement Services RFP Page](https://www.maine.gov/dafs/bbm/procurementservices/vendors/rfps). It is the responsibility of all interested parties to go to this website to obtain amendments. Only those amendments posted on this website are considered binding.

1. **Submitting the Proposal**
   1. **Proposals Due:** Proposals must be received no later than 11:59 p.m. local time, on the date listed on the cover page of the RFP.
      1. Any e-mails containing original proposal submissions or any additional or revised proposal files, received after the 11:59 p.m. deadline, will be rejected without exception.
   2. **Delivery Instructions:** E-mail proposal submissions are to be submitted to the State of Maine Division of Procurement Services at [Proposals@maine.gov](mailto:Proposals@maine.gov).
      1. Only proposal submissions received by e-mail will be considered. The Department assumes no liability for assuring accurate/complete e-mail transmission and receipt.
         1. Proposal submission e-mails that are successfully received by the [proposals@maine.gov](mailto:proposals@maine.gov) inbox will receive an automatic reply stating as such.
      2. E-mails containing links to file sharing sites or online file repositories will not be accepted as submissions. Only e-mail proposal submissions that have the actual requested files attached will be accepted.
      3. Encrypted e-mails received which require opening attachments and logging into a proprietary system will not be accepted as submissions. Please check with your organization’s Information Technology team to ensure that your security settings will not encrypt your proposal submission.
      4. File size limits are 25MB per e-mail. Bidders may submit files separately across multiple e-mails, as necessary, due to file size concerns. All e-mails and files must be received by the due date and time listed above.
      5. Bidders are to insert the following into the subject line of their e-mail proposal submission: **“RFP# 202403073 Proposal Submission – [Bidder’s Name]”**
      6. Bidder’s proposal submissions are to be broken down into multiple files, with each file named as it is titled in bold below, and include:

* **File 1 [Bidder’s Name] – Preliminary Information:**

*PDF format preferred*

**Appendix A** (Proposal Cover Page)

**Appendix B** (Debarment, Performance and Non-Collusion Certification)

All required eligibility documentation stated in PART IV, Section I.

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

*PDF format preferred*

**Appendix C** (Organization Qualifications and Experience Form) and all required information and attachments stated in PART IV, Section II.

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

*PDF format preferred*

All required information and attachments stated in PART IV, Section III.

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

*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.

* 1. **Debarment, Performance and Non-Collusion Certification**

Bidders must complete **Appendix B** (Debarment, Performance and Non-Collusion Certification Form). The Debarment, Performance and Non-Collusion Certification Form must be dated and signed by a person authorized to enter into contracts on behalf of the Bidder.

* 1. **Eligibility Requirements**

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

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

* 1. **Overview of the Organization**

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

* 1. **Subcontractors**

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

* 1. **Organizational Chart**

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

* 1. **Litigation**

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

* 1. **Licensure/Certification**

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

* 1. **Certificate of Insurance**

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

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

* 1. **Services to be Provided**

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

* 1. **Implementation - Work Plan**

Provide a realistic work plan for the implementation of the program through the first contract period. Display the work plan in a timeline chart. 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, make note of 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 July 1, 2024, and ending on June 30, 2025.
     2. The cost proposal must include the costs necessary for the Bidder to fully comply with the contract terms, conditions, and RFP requirements.
     3. No costs related to the preparation of the proposal for the RFP, or to the negotiation of the contract with the Department, may be included in the proposal. Only costs to be incurred after the contract effective date that are specifically related to the implementation or operation of contracted services may be included.
  2. **Cost Proposal Form Instructions**

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

**PART V PROPOSAL EVALUATION AND SELECTION**

Evaluation of the submitted proposals will be accomplished as follows:

1. **Evaluation Process – General Information**
   1. An evaluation team, composed of qualified reviewers, will judge the merits of the proposals received in accordance with the criteria defined in the RFP.
   2. Officials responsible for making decisions on the award selection will ensure that the selection process accords equal opportunity and appropriate consideration to all who are capable of meeting the specifications. The goals of the evaluation process are to ensure fairness and objectivity in review of the proposals and to ensure that the contract is awarded to the Bidder whose proposal provides the best value to the State of Maine.
   3. The Department reserves the right to communicate and/or schedule interviews/presentations with Bidders, if needed, to obtain clarification of information contained in the proposals received. The Department may revise the scores assigned in the initial evaluation to reflect those communications and/or interviews/presentations. Changes to proposals, including updating or adding information, will not be permitted during any interview/presentation process and, therefore, Bidders must submit proposals that present their rates and other requested information as clearly and completely as possible.
2. **Scoring Weights and Process**
   1. **Scoring Weights:** The score will be based on a 100-point scale and will measure the degree to which each proposal meets the following criteria.

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

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

**Section II. Organization Qualifications and Experience (40 points)**

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

**Section III. Proposed Services (35 points)**

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

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

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

* 1. **Scoring Process:** For proposals that demonstrate meeting the eligibility requirements in Section I, the evaluation team will use a consensus approach to evaluate and score Sections II & III above. Members of the evaluation team will not score those sections individually but, instead, will arrive at a consensus as to assignment of points for each of those sections. Sections IV, the Cost Proposal, will be scored as described below.
  2. **Scoring the Cost Proposal:** The total cost proposed for conducting all the functions specified in the RFP will be assigned a score according to a mathematical formula. The lowest bid will be awarded 25 points. Proposals with higher bids values will be awarded proportionately fewer points calculated in comparison with the lowest bid.

The scoring formula is:

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

No Best and Final Offers: The State of Maine will not seek or accept a best and final offer (BAFO) from any Bidder in this procurement process.  All Bidders are expected to provide their best value pricing with the submission of their proposal.

* 1. **Negotiations:** The Department reserves the right to negotiate with the awarded Bidder to finalize a contract. Such negotiations may not significantly vary the content, nature or requirements of the proposal or the Department’s Request for Proposal to an extent that may affect the price of goods or services requested. The Department reserves the right to terminate contract negotiations with an awarded Bidder who submits a proposed contract significantly different from the proposal they submitted in response to the advertised RFP. In the event that an acceptable contract cannot be negotiated with the highest ranked Bidder, the Department may withdraw its award and negotiate with the next-highest ranked Bidder, and so on, until an acceptable contract has been finalized. Alternatively, the Department may cancel the RFP, at its sole discretion.

1. **Selection and Award**
   1. The final decision regarding the award of the contract will be made by representatives of the Department subject to approval by the State Procurement Review Committee.
   2. Notification of conditional award selection or non-selection will be made in writing by the Department.
   3. Issuance of the RFP in no way constitutes a commitment by the State of Maine to award a contract, to pay costs incurred in the preparation of a response to the RFP, or to pay costs incurred in procuring or contracting for services, supplies, physical space, personnel or any other costs incurred by the Bidder.
   4. The Department reserves the right to reject any and all proposals or to make multiple awards.
2. **Appeal of Contract Awards**

Any person aggrieved by the award decision that results from the RFP may appeal the decision to the Director of the Bureau of General Services in the manner prescribed in [5 M.R.S.A. § 1825-E](http://www.mainelegislature.org/legis/statutes/5/title5sec1825-E.html) and [18-554 Code of Maine Rules Chapter 120](https://www.maine.gov/dafs/bbm/procurementservices/policies-procedures/chapter-120).  The appeal must be in writing and filed with the Director of the Bureau of General Services, 9 State House Station, Augusta, Maine, 04333-0009 within 15 calendar days of receipt of notification of conditional contract award.

**PART VI CONTRACT ADMINISTRATION AND CONDITIONS**

1. **Contract Document**
   1. The awarded Bidder will be required to execute a State of Maine Service Contract with appropriate riders as determined by the issuing department.

The complete set of standard State of Maine Service Contract documents, along with other forms and contract documents commonly used by the State, may be found on the Division of Procurement Services’ website at the following link: [Division of Procurement Services Forms Page](https://www.maine.gov/dafs/bbm/procurementservices/forms)

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

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

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

1. **Standard State Contract Provisions**
   1. Contract Administration

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

* 1. Payments and Other Provisions

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

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

**Appendix A** – Proposal Cover Page

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

**Appendix C** – Qualifications and Experience Form

**Appendix D** – Cost Proposal Form

**Appendix E** – Submitted Question Form

**Appendix F** – Historical Information

**APPENDIX A**

**State of Maine**

**Judicial Branch**

**PROPOSAL COVER PAGE**

**RFP# 202403073**

**Civil Involuntary Commitment and Treatment Examination Services**

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

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

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

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

**APPENDIX B**

**State of Maine**

**Judicial Branch**

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

**RFP# 202403073**

**Civil Involuntary Commitment and Treatment Examination Services**

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

*By signing this document, I certify to the best of my knowledge and belief that the aforementioned organization, its principals and any subcontractors named in this proposal:*

1. *Are not presently debarred, suspended, proposed for debarment, and declared ineligible or voluntarily excluded from bidding or working on contracts issued by any governmental agency.*
2. *Have not within three years of submitting the proposal for this contract been convicted of or had a civil judgment rendered against them for:*
   1. *Fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a federal, state, or local government transaction or contract.*
   2. *Violating Federal or State antitrust statutes or committing embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.*
3. *Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (b) of this certification.*
4. *Have not within a three (3) year period preceding this proposal had one or more federal, state, or local government transactions terminated for cause or default*.
5. *Have not entered into a prior understanding, agreement, or connection with any corporation, firm, or person submitting a response for the same materials, supplies, equipment, or services and this proposal is in all respects fair and without collusion or fraud. The above-mentioned entities understand and agree that collusive bidding is a violation of state and federal law and can result in fines, prison sentences, and civil damage awards.*

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

**APPENDIX C**

**State of Maine**

**Judicial Branch**

## QUALIFICATIONS and EXPERIENCE FORM

**RFP# 202403073**

**Civil Involuntary Commitment and Treatment Examination Services**

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

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

**APPENDIX C (continued)**

|  |
| --- |
| **Provide a description of projects that occurred within the past five years which reflect experience and expertise needed in performing the functions described in Part II – Scope of Services to be Provided of the RFP. Please note that contract history with the State of Maine, whether positive or negative, may be considered in rating proposals even if not provided by the Bidder.**  *If the Bidder has not provided similar services, note this, and describe experience with projects that highlight the Bidder’s general capabilities.* |

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

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

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

**APPENDIX D**

**State of Maine**

**Judicial Branch**

**COST PROPOSAL FORM**

**RFP# 202403073**

**Civil Involuntary Commitment and Treatment Examination Services**

|  |  |
| --- | --- |
| **Bidder’s Organization Name:** |  |
| **Proposed Service Price (Hourly)** | **$** |

Services are utilized on an as-need basis at a set hourly rate. Costs will be scored in accordance with Section V. B. 3.

**APPENDIX E**

**State of Maine**

**Judicial Branch**

**SUBMITTED QUESTIONS FORM**

**RFP# 202403073**

**Civil Involuntary Commitment and Treatment Examination Services**

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

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

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

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

**State of Maine Judicial Branch**

**Administrative Office of the Courts**

**Historical Information**

**RFP# 202403073**

**Civil Involuntary Commitment and Treatment Examination Services**

|  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  |  | **Region 1 - York County** | | | |  |  | | **Region 2 - Cumberland County** | | |
| **Calendar Year** | **Commit-ment** | | **Commitment & Treatment** | **Progressive Treatment Program** | **Total** |  | **Commit-ment** | **Commitment & Treatment** | | **Progressive Treatment Program** | **Total** |
| **2019** | **Breakdown not available** | | | **0** | **39** |  | **363** | **47** | | **1** |  |
| **2020** | **20** | | **25** | **0** | **45** |  | **117** | **224** | | **0** |  |
| **2021** | **30** | | **69** | **0** | **99** |  | **92** | **226** | | **1** |  |
| **2022** | **9** | | **103** | **1** | **113** |  | **80** | **189** | | **0** |  |
| **2023** | **2** | | **108** | **0** | **110** |  | **162** | **147** | | **5** |  |

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | **Region 3 - Lewiston District Court** | | | |  | **Region 4 - Augusta District Court** | | | |
| **Calendar Year** | **Commit-ment** | **Commitment & Treatment** | **Progressive Treatment Program** | **Total** |  | **Commit-ment** | **Commitment & Treatment** | **Progressive Treatment Program** | **Total** |
| **2019** | **91** | **0** | **0** | **91** |  | **192** | **2** | **35** | **229** |
| **2020** | **131** | **0** | **0** | **131** |  | **136** | **0** | **39** | **175** |
| **2021** | **156** | **0** | **0** | **156** |  | **96** | **0** | **30** | **126** |
| **2022** | **109** | **0** | **0** | **109** |  | **92** | **0** | **24** | **116** |
| **2023** | **87** | **0** | **0** | **87** |  | **125** | **0** | **35** | **160** |

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | **Region 5 - Bangor District Court** | | | |  | | **Region 6 - Rockland District Court** | | | |
| **Calendar Year** | **Commit-ment** | **Commitment & Treatment** | **Progressive Treatment Program** | **Total** | |  | **Commit-ment** | **Commitment & Treatment** | **Progressive Treatment Program** | **Total** |
| **2019** | **167** | **0** | **35** | **202** | |  | **Breakdown not available** | | **0** | **65** |
| **2020** | **160** | **0** | **28** | **188** | |  | **Breakdown not available** | | **0** | **38** |
| **2021** | **179** | **42** | **26** | **247** | |  | **Breakdown not available** | | **0** | **70** |
| **2022** | **152** | **81** | **32** | **265** | |  | **Breakdown not available** | | **0** | **63** |
| **2023** | **137** | **56** | **32** | **225** | |  | **Breakdown not available** | | **0** | **38** |

|  |  |  |  |
| --- | --- | --- | --- |
|  | **Region 6 - West Bath District Court** | | |
| **Calendar Year** | **Commit-ment** | **Commitment & Treatment** | **Progressive Treatment Program** | **Total** |
| **2019** | **32** | **0** | **0** | **32** |
| **2020** | **58** | **0** | **0** | **58** |
| **2021** | **44** | **0** | **0** | **44** |
| **2022** | **44** | **0** | **0** | **44** |
| **2023** | **41** | **0** | **0** | **41** |

**Region 7** (Hancock and Washington Counties) and **Region 8** (Aroostook County) have no dockets for mental health civil commitment, treatment over objection, or progressive treatment program cases.