

Commission to Develop a Paid Family and Medical Leave Benefits Program

Invitation for Proposals: Actuarial Study of Potential Costs and Feasibility of a Paid Family and Medical Leave Benefits Program

The Commission to Develop a Paid Family and Medical Leave Benefits Program was established by Maine Legislature pursuant to Resolve 2021, chapter 122. More information about the Commission, including meeting agendas, meeting materials and recordings of meetings, can be found on the Commission's [webpage](#).

The Commission to Develop a Paid Family and Medical Leave Benefits Program, through the Office of the Executive Director of the Maine Legislature, requires the services of an actuarial consultant to assist with the review and evaluation of a proposal to develop a paid family and medical leave benefits program. The consultant will review and evaluate the impact of the Commission's proposal and the suggested options outlined by the Commission, including start-up costs and ongoing costs of the proposal, the economic impact on and benefits to the State and the total contributions needed to maintain the solvency of the proposal.

*All questions about this proposal must be received electronically by Colleen McCarthy Reid by **February 3, 2022** no later than 11:59 p.m., local time. Answers to submitted questions will be shared with all invited parties by **February 5, 2022** no later than 11:59 p.m., local time.*

*Proposals must be received by **February 11, 2022** no later than 11:59 p.m., local time.*

Proposals must be submitted electronically to the following address:

colleen.mccarthyreid@legislature.maine.gov

Written proposals will be opened the following business day and considered by the Commission chairs, selected Commission members and staff. Upon review of written proposals, the Commission will identify one or more finalists to meet with the reviewers via Zoom at a mutually agreed upon time during the week of February 21, 2022. Note that any meeting with the Commission reviewers will be accessible to the public as a subcommittee meeting of the Commission.

The Commission anticipates making a final selection as soon as possible after completing a review of the submitted proposals and any interviews. Following announcement of a selection, all submissions in response to this invitation will be public records, available for public inspection pursuant to the State of Maine Freedom of Access Act (FOAA) ([1 M.R.S. § 401](#) et seq.). Notification of a selection will be made in writing. A selection in no way constitutes a commitment by the Commission to award a contract or to pay costs incurred in the preparation of a response to the Invitation for Proposal.

The Office of the Executive Director of the Maine Legislature, on behalf of the Commission, reserves the right to negotiate with the selected consultant to finalize a contract. Such negotiations may not significantly vary the content, nature or requirements of the proposal or this Invitation for Proposal to an extent that may affect the price of goods or services requested. The

Executive Director, on behalf of the Commission, reserves the right to terminate contract negotiations with a selected consultant who submits a proposed contract significantly different from the proposal they submitted in response to the Invitation for Proposal. In the event that an acceptable contract cannot be negotiated with the selected consultant, the Commission may withdraw its selection and negotiate with any other consultant who responded to this Invitation for Proposal, until an acceptable contract has been finalized. Alternatively, the Commission may cancel the Invitation for Proposal, at its sole discretion.

After a contract is finalized, the selected consultant will provide monthly progress updates to the Commission chairs in a mutually acceptable format. The Commission chairs are responsible for determining if the selected consultant is meeting any deliverables and requirements of the contract. Deliverables under the contract are expected to include the submission of a written report, presentation of the report to the full Commission and continued consultation with the Commission to assist in the development of policy recommendations to the 131st Legislature.

Description of Proposed Services. See the **Outline of Proposal/Scope of Work for Actuarial Study** in Appendix A.

Timeline. The Commission is seeking a cost-efficient proposal to provide the services in an expedited manner; it is anticipated that the Commission will use the completed report of the selected consultant to make policy recommendations for consideration by the 131st Legislature. The actual contract start date will be established by a completed and approved contract.

Proposal Format and Contents. The following information must be completed and submitted.

1. Proposal Cover Page

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

2. Debarment, Performance and Non-Collusion Certification

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

3. Organization Qualifications and Experience

Bidders must complete Appendix D (Qualifications and Experience Form) describing their qualifications and skills to provide the requested services in the Invitation for Proposal, also describing any unique sources of data available to the firm. 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.

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.

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

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.

Bidders must provide a certificate of insurance evidencing the Bidder's general liability, professional liability and any other relevant liability insurance policies that might be associated with the proposed services.

4. Services to be Provided

Discuss the **Outline of Proposal/Scope of Work for Actuarial Study** in Appendix A 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, provide an anticipated timeline for performing the tasks involved and 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.

5. Cost Proposal

The cost proposal must include the costs necessary for the Bidder to fully comply with the contract terms, conditions, and Invitation for Proposal requirements. No costs related to the preparation of the Invitation for Proposal, or to the negotiation of a contract, 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.

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 the exclusion of the proposal from consideration, at the discretion of the Commission.

Proposal Evaluation and Selection. Evaluation of the submitted proposals will be made by the evaluation team (Commission chairs, selected Commission members and staff). The evaluation team will judge the merits of the proposals received in accordance with the criteria defined in the Invitation for Proposal. The goals of the evaluation process are to ensure fairness and objectivity in review of the proposals and to ensure that the Commission selects the proposal that provides the best value to the Commission. The Commission reserves the right to communicate and/or schedule interviews/presentations with Bidders, if needed, to obtain clarification of information contained in the proposals received. 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.

Proposals will be scored based on a 100-point scale and will measure the degree to which each proposal meets the following criteria: 1) Organization Qualifications and Experience (30 points); 2) Proposed Services (35 points); and 3) Cost Proposal (35 points). The evaluation team will use a consensus approach to evaluate and score proposals. 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. The Cost Proposal, will be scored by assigning the lowest bid a total of 35 points; proposals with higher bids values will be awarded proportionately fewer points calculated in comparison with the lowest bid. All Bidders are expected to provide their best value pricing with the submission of their proposal.

Contract Document. The selected consultant will be required to execute a contract with the Executive Director of the Legislative Council with appropriate riders. In providing services and performing under the contract, the selected consultant must act as an independent contractor and not as an agent of the State of Maine. Following the selection, the Executive Director of the Legislative Council will designate an appropriate contact from the Executive Director's Office to assist with the development and administration of the contract and to act as administrator during the entire contract period. Commission staff will be available after the selection to consult in the finalization of the contract.

Appendices and Related Documents.

Appendix A – Outline of Proposal/Scope of Work for Actuarial Study

Appendix B – Proposal Cover Page

Appendix C – Debarment, Performance, and Non-Collusion Certification

Appendix D – Qualifications and Experience Form

Appendix E – Cost Proposal Form

APPENDIX A

Commission to Develop a Paid Family and Medical Leave Benefits Program Outline of Proposal/Scope of Work for Actuarial Study

The Commission to Develop a Paid Family and Medical Leave Benefits Program is inviting proposals for an actuarial consultant to assist with the review and evaluation of a proposal to develop a paid family and medical leave benefits program.

Description: The consultant will review and evaluate the impact of the Commission's proposal and the suggested options outlined below, including start-up costs and ongoing costs of the proposal, the economic impact on and benefits to the State and the total contributions needed to maintain the solvency of the proposal.

Outline of Proposal: The Commission has agreed to request review and evaluation of the proposal and the suggested options outlined below. The proposal has been developed for the purposes of review and evaluation only and does not reflect that any individual Commission member's supports the proposal or any proposed legislation related to a paid family and medical leave benefits program.

1. Purposes for which leave can be used:
 - Adopt same purposes that are permissible under federal FMLA
 - Include safe leave
 - Actuarial study should provide an analysis of a proposal including all purposes outlined above; a proposal that tracks the current purposes permissible under federal FMLA; and the separate cost impact of each component as an allowed purpose, if possible
2. Who is covered?
 - Include all workers, including public sector employees, domestic workers and part-time, temporary, per diem and seasonal workers
 - Permit self-employed workers to opt in
 - Actuarial study should provide an analysis of a proposal including all workers outlined above; a proposal that exempts public sector employees; and the separate cost impact of each category of worker, if possible
3. What are the requirements to qualify for benefits?
 - Compare eligibility requirements used in California (CA) and Connecticut (CT)
 - Actuarial study should provide an analysis of a proposal using CA requirements and a proposal based on CT requirements, if possible
4. What family members are covered?
 - Provide analysis of a proposal using federal FMLA definition; a proposal using definition in current Maine FMLA law; and a proposal using broad definition similar to CT law, including persons related by affinity whose close association the employee shows to be the equivalent of those family relationships
5. How is the program funded?
 - Actuarial study should provide estimate of total costs
 - Actuarial study should also assess impact on program funding if contributions from employers of the following sizes are exempt from making contributions:
 - Employers with 50 or fewer employees;
 - Employers with 25 or fewer employees; or
 - Employers with 10 or fewer employees.

6. What percentage of wages do workers receive?
 - Actuarial study should assess impact on cost if worker receives these percentages:
 - 80% of the worker's average weekly wage, up to the maximum of the State average weekly wage;
 - 90% of the worker's average weekly wage, up to the maximum of the State average weekly wage; or
 - 100% of the worker's average weekly wage, up to the maximum of the State average weekly wage.
7. What is the maximum weekly benefit?
 - State average weekly wage, adjusted for inflation
8. For how long can a worker receive benefits?
 - Actuarial study should assess impact on cost if worker receives benefits for a maximum of:
 - 12 weeks;
 - 20 weeks; or
 - 26 weeks.
9. Is there an unpaid waiting period?
 - No unpaid waiting period
 - If possible, actuarial study should assess impact on cost if short unpaid waiting period required (consider any requirements in existing programs in other states)
10. Are workers entitled to have their jobs back when they return?
 - Deferred making a recommendation on job protection
 - Commission believes this is a policy decision and does not impact actuarial study
11. How is the insurance provided? Structure and organization?
 - Actuarial study should assess the following options:
 - Program is administered and overseen fully by State;
 - Program is a public-private partnership with State oversight, but certain services contracted to private sector, e.g. claims payment/processing, IT services
 - Program is contracted to private sector
 - Separate start-up costs/implementation costs from ongoing costs once implemented
12. Other elements to be considered:
 - Consider impact of workers with multiple jobs
 - Consider length of time for collection of contributions to achieve solvency before claims can begin to be paid
 - Consider number of workers required/level of contributions needed to maintain solvency

APPENDIX B

PROPOSAL COVER PAGE
Actuarial Study of Potential Costs and Feasibility of a
Paid Family and Medical Leave Benefits Program

Bidder's Organization Name:			
Chief Executive - Name/Title:			
Tel:		E-mail:	
Headquarters Street Address:			
Headquarters City/State/Zip:			
<i>(Provide information requested below if different from above)</i>			
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 Maine State Legislature or any 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 Commission/Legislature 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 C

**Actuarial Study of Potential Costs and Feasibility of a
Paid Family and Medical Leave Benefits Program**

DEBARMENT, PERFORMANCE, and NON-COLLUSION CERTIFICATION

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

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

Name (Print):	Title:
Authorized Signature:	Date:

APPENDIX D

**Actuarial Study of Potential Costs and Feasibility of a
Paid Family and Medical Leave Benefits Program**

QUALIFICATIONS & EXPERIENCE FORM

Bidder's Organization Name:	
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Present a brief statement of qualifications, including any applicable licensure and/or certification. Describe the history of the Bidder's organization, especially regarding skills pertinent to the specific work required by the Invitation for Proposal and any special or unique characteristics or sources of data available to 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.

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APPENDIX D (continued)

Provide a description of projects that occurred within the past five years which reflect experience and expertise needed in performing the functions described in the “Scope of Services” portion of this Invitation for Proposal. For each of the project examples provided, a contact person from the client organization involved should be listed, along with that person’s telephone number and email address. Please note that contract history with the State of Maine, whether positive or negative, may be considered in rating proposals even if not provided by the Bidder.

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	

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APPENDIX D (continued)

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

APPENDIX E

**Actuarial Study of Potential Costs and Feasibility of a
Paid Family and Medical Leave Benefits Program**

COST PROPOSAL FORM

Bidder's Organization Name:	
Total Proposed Cost:	\$

Bidders must use the table below (add rows as needed) to develop a Total Proposed Cost to complete all aspects of the project as described in this Invitation for Proposal. The Total Proposed Cost will be used in the scoring formula as described in this Invitation for Proposal.

Staff Type or Title	Hourly Rate	Estimated Total Required Hours	Estimated Total Cost
			\$
			\$
			\$
Other Costs			
			\$
			\$
			\$
Total Proposed Cost			\$