



**STATE OF RHODE ISLAND  
OFFICE OF THE GENERAL TREASURER**

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**REQUEST FOR QUALIFICATIONS  
For Unclaimed Property Audit Services**

**The Office of the General Treasurer  
50 Service Avenue  
Warwick, RI 02886**

**RFQ Issued: May 22, 2020**

**Responses Due: June 19, 2020 by 5:00 p.m. EST**

## **SECTION I: GENERAL INFORMATION**

### **PURPOSE AND TERM**

The Office of the General Treasurer of the State of Rhode Island (“Treasury”) is issuing this Request for Qualifications (“RFQ”) to provide auditing services for the Unclaimed Property division for a term of three (3) years beginning July 1, 2020 with an option to extend for an additional two (2) one (1) year terms, at the discretion of the General Treasurer. Audit services are needed to bring holders of unclaimed property into compliance with Chapter 33-21.1 of the Rhode Island General Laws, Unclaimed Intangible and Tangible Property, (the “Act”) which directs holders of unclaimed property to report and remit abandoned property to the State of Rhode Island (the “State”).

Treasury reserves the right to award multiple contracts pursuant to this RFQ to Respondents deemed to be best qualified to provide the services requested at a fair and reasonable price.

### **SCOPE OF WORK**

**Scope of Work.** The Respondent shall identify and collect from persons, firms, and/or entities (hereinafter called "holders") that are holding or in possession of unclaimed property subject to reporting and delivery under the Act. In conjunction with the identification and collection of unclaimed property the Respondent shall:

- (a) Audit and process records of unclaimed property obtained from holders and/or their agents;
- (b) Prepare and submit to the Treasurer reports of unclaimed property in accordance with the requirements of the Act and corresponding administrative rules;
- (c) Demand the holders and/or their agents deliver to the Respondent the property deemed owing under the Act and any corresponding administrative rules. All securities delivered to the Respondent (other than bearer securities) shall be properly endorsed and in form for transfer. The Respondent is responsible for determining if the endorsement is in the proper form for transfer;
- (d) Forward the unclaimed property to the Treasurer or his/her designee; and
- (e) Be available to Treasury for additional ad hoc work and/or services related to the reporting and collection of unclaimed property.

**Separate Agreements.** The Respondent will not audit any holder with whom the Respondent has a separate agreement to process that holder’s unclaimed property reports.

**Engagement Letter.** The Respondent shall perform the services described in this RFQ only after the Respondent has received a signed engagement letter from Treasury confirming the initiation date of the audit and/or record production.

**Treasurer Initiated Examinations.** The Treasurer may request the Respondent to perform an examination of a holder (a “Treasurer Initiated Examination”). If the Treasurer requests such an examination, the Treasurer shall:

- (a) Send a letter to the Respondent advising the Respondent that the Treasurer has appointed the Respondent as his/her agent to perform the examination of the holder; and
- (b) Send a letter to the holder advising the holder the Treasurer has appointed the Respondent to act as his/her agent for the performance of the examination.

**Release Agreements with Holders.** The Treasurer shall review holder requests for signed release agreements brought to his/her attention by the Respondent and shall be approved by the Treasurer.

**Compliance with Act.** The successful Respondent(s) must, upon the conclusion of an audit, make a representation to the Treasurer that, as a result of the report, the entity is in compliance with the Act.

## **SECTION II: ISSUING OFFICER, CONTACTS AND LOBBYING**

The Issuing Officer identified below is the sole point of contact regarding this RFQ. No contact with any other employee of the Treasurer, the State, or other State official is permitted with respect to this RFQ, any proposal submitted in response to the RFQ, or the contract to be awarded under this RFQ. This prohibition applies from the date of release of this RFQ until a contract is executed, unless otherwise requested by the Issuing Officer. This prohibition includes, but is not limited to, any lobbying efforts directed at the State’s legislators or any State officer or employee who might reasonably be considered to have influence over the process and outcome. Violations of this one-contact provision may result in immediate disqualification from this and any future business opportunities with the Office of the General Treasurer and/or the State. The Issuing Officer for this RFQ is:

Lammis Vargas  
Director of Unclaimed Property  
Office of the General Treasurer  
50 Service Avenue  
Warwick, Rhode Island 02886  
(401) 462-7639  
[lammis.vargas@treasury.ri.gov](mailto:lammis.vargas@treasury.ri.gov)

## **SECTION III: MINIMUM QUALIFICATIONS AND INFORMATION REQUESTED**

### **MINIMUM QUALIFICATIONS**

To be considered for selection, the following minimum qualifications must be met:

1. The Respondent must be an equal opportunity employer.

2. The Respondent must submit certification that the Respondent has not been in bankruptcy and/or receivership within the last five (5) calendar years, nor that said event(s) are reasonably foreseeable at this time.
3. If incorporated, the Respondent must submit identification of the Respondent's state of incorporation and a statement that the Respondent is in good standing in that state, and, if the incorporation is not in Rhode Island, a statement that the Respondent has complied with all filing requirements of the Rhode Island Secretary of State.
4. The Respondent must submit a statement certifying that the Respondent has all the licenses and registrations necessary to perform the services included in this RFQ.
5. Respondent must possess knowledge of unclaimed property laws and agree to comply with the Act and all federal legislation and court rulings regarding unclaimed property. The Respondent must maintain a full-time, licensed attorney on staff.
6. Respondent must possess previous demonstrable experience providing unclaimed property auditing and collection services for other states.
  - a. "Demonstrable experience" shall include, but not be limited to, an established ability to competently and professionally manage multi-state unclaimed property compliance examinations on behalf of multiple state unclaimed property programs, documented knowledge and experience dealing with holder record keeping systems and protocols, timely compiling and collecting of findings, with minimal state intervention, identifying and resolving compliance issues in a collaborative manner with holders, and securing the confidence and satisfaction of state client contacts.

The Respondent has a continuing obligation to disclose information throughout the RFQ process should any qualifications or situations change that might render the Respondent unqualified.

### **INFORMATION REQUESTED**

Please submit the following documentation and answer all questions included herein. Anywhere applicable, please explain the role of any third-party Respondent that may be used by the Respondent to provide the service described.

1. Provide the name, title, address, e-mail address, and telephone number of the individual(s) responsible for responding to this RFQ.
2. The Respondent must certify in writing that no relationship exists between the Respondent and the Office of the General Treasurer that interferes with fair competition or is a conflict of interest in regards to this RFQ. In addition, the Respondent must also certify in writing, that if selected, the Respondent does not foresee any conflicts of interest in regards to executing its duties under a potential contract or, if a potential conflict exists, the Respondent shall disclose such potential conflicts of interest.

3. The Respondent must include the disclosure of any ongoing litigation and any adverse actions within the last 3 years against Respondent in the State of Rhode Island, any other state, or by the Federal Government. This disclosure must include date of initiation, and if resolved the resolution, nature of the litigation or adverse action, and the parties included in the action. Describe any order, judgment or decree of any Federal or State authority barring, suspending or otherwise limiting the right of the Respondent to engage in any business, practice or activity.

## **Experience**

4. Provide three (3) references for which the Respondent has provided audit services to a similar unclaimed property program. Include entity name, contact name, phone number and email address. Provide a short description of the services provided and the length of the contract. Provide a schedule of states for which the Respondent has provided unclaimed property auditing and collection services. Include the years engaged as agent for each state.
5. Describe the number of years performing unclaimed property auditing and collection services.
6. Describe the level of technical experience in providing the types of services sought by the RFQ.
7. Describe the Respondent's ability to provide the required services determined by general and specific experience in providing these services, a record of past performance of similar work, Respondent independence, and qualifications.
8. Provide the number of unclaimed property audits completed and closed (findings collected) for each of the preceding three (3) calendar years. Include the gross amounts collected and delivered to the states.
9. Provide the number of new unclaimed property audits initiated (open conference held or records obtained) for each of the preceding three (3) calendar years.
10. Provide the number of unclaimed property audits commenced more than three (3) years ago that have not been completed. Indicate the reason(s) for untimely completion.
11. Provide the following information for the past five (5) years:
  - a. Has the Respondent had a contract for providing services (of the type contemplated by this RFQ) terminated for any reason? If so, provide full details regarding the termination, including present status and resolution.
  - b. Describe any damages or penalties assessed against or dispute resolution settlements entered into by Respondent under any existing or past contracts for

services (of the type contemplated by this RFQ). Provide full details regarding the circumstances, including dollar amount of damages, penalties and settlement payments.

- c. Describe any actual or alleged data security breaches involving, or any unauthorized access occurring, with respect to any confidential or sensitive information (including work papers) held, maintained or stored by or on behalf of Respondent or any of its employees, affiliates or subcontractors. Provide full details regarding the circumstances, including the extent of the breach and the efforts undertaken to mitigate the breach or unauthorized access.

Respondent's failure to disclose any of the above matters may result in rejection of its proposal or termination of any subsequent contract. The above disclosures are a continuing requirement of the Respondent. Respondent shall provide written notification to the Issuing Officer of any such matter commencing or occurring after submission of a proposal, and with respect to any selected Respondents, following execution of a contract

### **Resources**

12. Provide the names and titles of individuals, with phone numbers and email addresses, who will be working with the State on the proposed services. List the role each person will have with the State's accounts. Please include education and professional licensure, years of experience and employment history particularly as it relates to the scope of services specified herein, and whether the individual is a full-time employee, part-time employee, or consultant.
13. Identify and specify the location(s) and telephone numbers of the major offices and other facilities that relate to the Respondent's performance under the terms of this RFQ.
14. Describe any trainings, customer support, or other services that Respondent provides in addition to audit services.
15. Describe your institution's customer service philosophy.

### **Composition of Respondent**

16. Provide an overview of your organization. This includes the form of company ownership and all individuals possessing an ownership interest (publicly traded entities need only provide the name and address of all *individuals* possessing a five percent (5%) or greater ownership interest).
17. Please provide an organizational chart.
18. Please provide Respondent's non-discrimination policy or a diversity and inclusion policy.

19. Please provide Respondent's equal pay policy. If no policy exists, please explain in general terms the rationale for determining salary.
20. Please provide Respondent's sexual harassment policy. If no policy exists, please explain in general terms the steps Respondent takes to prevent and address sexual harassment.

### **Audit and Reporting Process**

21. For all subcontractors Respondent anticipates using in connection with any agreement with Treasury, please identify specific subcontractors and the specific requirements of this RFQ each proposed subcontractor will provide.
22. When were your last operational reviews or audits performed, including state Respondent examinations, SSAE, SAS 70, or related external quality control reviews? List the company that provided the review/audit and the date.
23. Provide a summary of your IT functions, data security policies and procedures, and disclose any security breaches that have occurred during the preceding 24 months.
24. Explain the methods for receiving and transmitting data (both hard copy and electronic) between holders and the Respondent. Include a description of protections utilized to ensure that the confidentiality of data is safeguarded.
25. Provide a summary of all audit and procedural manuals and materials utilized in performing unclaimed property examinations.
26. Provide a summary of internal procedures that demonstrate the adequacy of controls.
27. Explain your methodology for identifying audit candidates and determining that audit targets are not currently in compliance with unclaimed property reporting requirements.
28. Please provide copies of sample reports that you provide to clients.
29. Please describe your audit and reporting process(es).
30. Please describe any instances in which you have received compensation from a holder for assisting a holder in reporting unclaimed property or otherwise.

### **SECTION V: PROPOSED FEE**

Fees for audits should be assessed on a contingency basis based on the amount recovered for the State of Rhode Island. In the instance no amount is recovered for the State of Rhode Island, no contingency will be paid. Please provide the percentage of the contingency fee assessed.

Indicate any work that is not performed on a contingency basis and include how such cost will be calculated.

Identify any strategies the Respondent would use to control fees and/or costs.

Fees are a material element in awarding the contract pursuant to this RFQ. The Treasurer reserves the right to negotiate fees and request best and final offers. Fees, however, are only one of several factors used to evaluate proposals and the Treasurer may rely on factors other than the lowest level of fees in awarding the contract pursuant to this RFQ.

## **SECTION VI: SELECTION PROCESS**

### **SCHEDULE**

RFQ Issued	May 22, 2020
Deadline for Respondents to submit questions	May 28, 2020 by 5:00 p.m. EST
Response to questions issued	June 1, 2020
<b>RFQ responses due</b>	<b>June 19, 2020 by 5:00 p.m. EST</b>
Selection and Engagement by June 30, 2020	

Proposals will be evaluated based on the criteria set forth in this RFQ. The Treasury may decide to amend this timeline in whole or in part.

### **RESPONDENT QUESTIONS**

Any inquiries regarding this RFQ must be made in writing. Inquiries may be submitted via the following link: <http://treasury.ri.gov/open-government/rfp-calendar/rfps/>. No other method of inquiry is permitted. Neither Treasury nor State staff will answer questions verbally or individually during the RFQ process. All questions will be aggregated and posted publicly on the RFQ section of [www.treasury.ri.gov](http://www.treasury.ri.gov).

### **PROPOSAL SUBMISSION**

Respondents should submit two electronic copies of the proposal (one in PDF format and one in Word format) via the following link <http://treasury.ri.gov/open-government/rfp-calendar/rfps/> no later than 5:00 p.m. EST on June 19, 2020. Proposals received after that deadline will not be considered. Telephone or faxed submissions will not be considered.

### **PROPOSAL FORMAT**

The proposal must be accompanied by a cover letter (not to exceed two (2) pages), dated and signed by the individual(s) authorized to bind the Respondent contractually. The cover letter must indicate that the signer is so authorized, and must indicate the title or position the signatory holds in the proposing Respondent. The cover letter should also identify the individual(s) authorized to contact the Issuing Officer on behalf of the Respondent. An unsigned proposal will be rejected.



The cover letter shall include the Respondent's main contact person for the purposes of this RFQ, the location and contact information of such a contact person and a brief executive summary. Please limit the executive summary to two pages.

**The cover letter must also contain the following:**

A statement from an authorized individual certifying that:

1. No representative from the Respondent made inquiries with respect to this RFQ other than in written communication as outlined in this RFQ from the date of this RFQ through the date of submission of proposal;
2. That all information in the proposal is true and correct to the best of his/her knowledge;
3. The Respondent will assure the dedication of adequate resources to the State;
4. The Respondent employs diversity policies and practices and affirmative action programs undertaken, including a policy of Equal Employment Opportunity (EEO) and non-discrimination based on race, color, religion, sex, sexual orientation, gender identity or expression, age, national origin, or disability;
5. The Respondent maintains the requisite professional liability and cybersecurity insurance; and
6. The Respondent is in compliance with Title 17, chapter 27 of the Rhode Island General Laws with respect to the reporting of any contributions made to a candidate for public office in the State of Rhode Island.

**EVALUATION OF RESPONSES**

The Respondent will be selected based upon an assessment of the Respondent's ability to provide the services as described above and the Respondent's proposal. The selection process will consider the relevant experience of the Respondent, the strength of the proposal, the demonstrated ability and willingness of the Respondent to structure the best possible delivery of services, and the cost of the proposed services.

During the evaluation process the Treasurer reserve the right to request additional information or clarification from those submitting responses. Respondents may be asked to participate in a telephonic interview, an in-person interview in Rhode Island or an on-site visit at the Respondent's place of business.

The RFQ does not commit the Treasurer to make any selection or to pay any costs incurred in the preparation of the responses or attendance at interviews. The Treasurer in his sole discretion reserves the right to accept or reject any or all, or part thereof, responses received as a result of this RFQ, to waive any nonconformity with the provisions hereof, to waive or not waive any immaterial technicality or irregularity, deviation, or defect in a proposal, to negotiate with any

qualified source, to cancel or withdraw this RFQ at any time, with or without cause or whenever it would be in the best interest of the Treasurer to do so, and to accept the proposal it considers most favorable to the System. The Treasurer's waiver of an immaterial deviation or defect shall in no way modify the RFQ or excuse the Respondent from full compliance with the requirements of the RFQ. All proposals shall become the property of the Treasurer.

#### **Evaluation Criteria:**

- A. Experience and expertise of Respondent– **10 points**
- B. Resources of the Respondent – **10 points**
- C. Composition of Respondent- **10 points**
- D. Audit and reporting processes of Respondent- **20 points**
- E. Fee structure – **50 points**

### **SECTION VII: OTHER CONSIDERATIONS AND RESTRICTIONS**

#### **CONFIDENTIALITY**

**The Treasurer shall treat all documents submitted by a Respondent in response to this RFQ as public records upon the selection of legal counsel. The release of public records is governed by Rhode Island General Laws §38-2-1 *et seq.* (“APRA”). Respondents are encouraged to familiarize themselves with this law before submitting a proposal.**

By submitting a proposal, Respondent agrees that the Treasurer and/or the State may reproduce Respondent's proposal for purposes of facilitating the evaluation of the proposal or to respond to requests for public records. Respondent consents to such reproduction by submitting a proposal and further warrants that such reproduction does not violate its rights or the rights of any third parties.

Any request by Respondent that records submitted by them be exempt from being considered public record must be included in the cover letter with the Respondent's proposal. In addition, Respondent must enumerate the specific grounds upon which the APRA or other applicable law supports treatment of the documents as exempt from being considered a public record, and further, the factual basis, if any, upon which they rely in asserting that the documents should be exempt. Any request for treating records submitted as being exempt must also include: the name, address, and telephone number of the person authorized by the Respondent to respond to any inquiries by the Treasurer and/or the State regarding such an assertion.

Any proposals submitted which contain non-public records must be conspicuously marked on the outside as containing non-public information, and each page upon which non-public information appears must be conspicuously marked as containing non-public information. Identification of the entire proposal as being non-public records may be deemed non-responsive and may disqualify the Respondent.

**If the Respondent designates any portion of the proposal as being a non-public record, the Respondent must submit one (1) copy of the proposal from which the non-public record is**

**deleted or redacted.** This copy shall be submitted in addition to the number of copies requested in Section IV of this RFQ. The non-public records must be excised in such a way as to allow the public to determine the general nature of the information redacted and retain as much of the proposal as possible.

The Treasurer and/or the State will treat the records marked as non-public as being confidential information to the extent such information is determined confidential under the APRA or other applicable law or by a court of competent jurisdiction. The Respondent's failure to request records submitted as being non-public records will be deemed as a waiver of any right to confidentiality, which the Respondent may have had.

## **RESTRICTIONS ON GIFTS**

State ethics laws restrict gifts which may be given or received by employees and directors and requires certain individuals to disclose information concerning their activities with State government. Respondents are responsible to determine the applicability of these laws to their activities and to comply with the requirements. In addition, it is a felony offense to bribe or attempt to bribe a public official.

## **STATE CODE OF ETHICS**

The State and Treasurer are committed to maintaining the highest standards of ethics in the awarding of contracts. Respondents should be familiar with and abide by the State Code of Ethics, as set forth in Rhode Island General Laws §36-14-1 *et. seq.* and any additional regulations as provided on the State Ethic's Commission website: <http://www.ethics.ri.gov/code/>.

## **NON-DISCRIMINATION**

All proposals shall be considered based on their merit in accordance with the criteria specified herein and shall not exclude any person, Respondent, or other entity, from consideration on the grounds of race, color, religion, sex, sexual orientation, gender identity or expression, age, national origin, or disability. For more information, see the State of Rhode Island Office of Diversity, Equity & Opportunity website at <http://odeo.ri.gov/offices/eoo/>. Further, see the Treasury's Equal Opportunity Report for 2016 at <http://data.treasury.ri.gov/dataset/eeop-utilization-report>.

## **GOVERNING LAW**

The executed agreement shall be interpreted and construed under the laws of the State of Rhode Island without reference to its conflicts of laws principals.

## **TERMINATION BY STATE**

The State reserves the right to suspend or terminate the Respondent's services for poor performance, failure to perform, or other "for cause" conditions upon sending fourteen (14) days prior written notice to the Respondent. The Respondent's services may be terminated without

cause upon sixty (60) days prior written notice. The Respondent's services may be terminated immediately in the case of fraud against the State.

### **TERMINATION BY RESPONDENT**

The Respondent may terminate the contract upon one hundred eighty (180) days prior written notice to the State.

### **PERIOD OF PROPOSAL VALIDITY**

The Respondent shall agree to maintain the validity of the proposal for a minimum of 120 days from the date of submission. This term may be extended by mutual agreement between the Respondent and the State. The selected Respondent must be ready and willing to produce a finalized contract within 90 days of its selection. The winning proposal will be incorporated by reference into any contract.

### **SERVICE PROPOSED**

Proposals shall assume that the Respondent will be responsible for all services referenced herein. The Respondent may provide such services directly or, upon approval of the State, the Respondent may subcontract out any of the referenced services, provided that the Respondent remains responsible to the State for all subcontracted services.

Respondent will be required to indemnify, save and hold harmless, the Treasurer, her officers, agents and employees against any liability, including costs and expenses, for violation of general, proprietary right, copyrights or rights of privacy of third parties arising out of the publication, translation, reproduction, delivery, use or disposition of any data furnished in response to this request, or based upon any libelous or any unlawful matter contained therein.

### **INDEMNIFICATION**

Respondent shall indemnify and hold Treasury harmless from and against any and all losses, including but not limited to, losses due to the negligent acts or omissions or willful acts of the Respondent, its employees or agents. The Respondent has a duty to select, with due diligence, all other entities which shall be necessary to implement this Agreement. The Respondent shall establish and enforce reasonable procedures to assure the Treasurer of the performance by all other entities of the services necessary to implement this Agreement.

### **TRANSITION FOR EXISTING RESPONDENTS**

Respondents already performing services described in this RFQ will be required to complete any audits or collections that are uncompleted as of the effective date of a new contract under the terms and conditions of the new contract. The pre-existing contract will be deemed

superseded by any new contract.

## **RIGHTS OF STATE**

The State reserves the right to request additional information from Respondents. **The State reserves the right to reject any and all responses to this request**, to waive any minor informality in a response, to request clarification of information from any Respondent, and to enter into any agreement deemed by the State to be in the State's best interest with one or more of the Respondents. **The State reserves the right to amend or cancel this RFQ at any time.** Modifications or additions may be made to this RFQ as a result of questions submitted. Written notification of any such change will be made in writing to all known bidders. Respondents have the right to withdraw and resubmit a proposal prior to the proposal deadline. No withdrawals or re-submissions will be permitted after the proposal deadline.