



Alabama **ABLE**
SAVINGS PLAN

**REQUEST FOR PROPOSAL
FOR
MARKETING SERVICES**

**ALABAMA ABLE SAVINGS PLAN
STATE TREASURER OF ALABAMA**

June 20, 2023

STATE OF ALABAMA
ALABAMA ABLE SAVINGS PLAN
KEY INFORMATION SUMMARY SHEET

JUNE 20, 2023

Request for Proposals:	Marketing Services
RFP Issue Date:	June 20, 2023
RFP Issuing Office:	Alabama State Treasurer's Office
Primary Contact:	Anita Kelley anita.kelley@treasury.alabama.gov
Proposals are to be sent to Electronically:	Brittany.matthews@treasury.alabama.gov
By Mail:	Office of State Treasurer Young Boozer Alabama State Capitol 600 Dexter Avenue, Suite S106 Montgomery, Alabama 36104 Ph: 334-242-7501
Questions Due Date and Time:	July 27, 2023 by 4:00 PM/CT
Proposal Due (Closing) Date and Time:	August 4, 2023 by 4:00 PM/CT
Contract Duration:	Five Years
Primary Place of Performance:	Alabama
Federal Funding:	No
Items to Complete	EXHIBITS A - D

OVERVIEW

This Request for Proposal (RFP) has been issued by the Savings Board of Directors (“Board”) of the ABLE Trust Fund. The Board solicits proposals from qualified professional firms (the “Firm”) to increase the awareness of the Alabama ABLE Savings Plan (“ABLE”) by contracting with a marketing firm that will target potential account owners and disability organizations through professional creative and media tactics.

This Request for Proposals (hereinafter “RFP”) is issued in accordance with the requirements of Section 41-16-72(4), Code of Alabama (1975). This RFP is not an offer to contract but seeks the submission of proposals from qualified, professional firms that may form the basis for negotiation of a Marketing Services Agreement with one or more Marketing Managers. *The Board reserves the right to reject any or all proposals and to solicit additional proposals if that is determined to be in the best interest of the ABLE Trust Fund.*

BACKGROUND

The Alabama ABLE Savings Plan allows individuals with disabilities to maintain health, independence, and quality of life.

In December 2014 Congress enacted The Stephen Beck, Jr., Achieving a Better Life Experience Act (ABLE Act) which permitted states to establish tax-advantaged savings and investment accounts for disabled individuals (under Section 529A of the Internal Revenue Code). Local law was passed in Alabama in 2015 and the State Treasurer’s Office launched Alabama’s ABLE program in 2017.

ABLE accounts allow people with disabilities to save money that is not counted towards asset limitations set by means-tested benefit programs such as Medicaid or SSI. “Asset limits” prevent people with disabilities from saving money beyond \$2,000 (a typical asset limit) and planning for their future.

Anyone can contribute to an ABLE account – including the account owner, friends, family, organizations, nonprofits, and employers – up to \$17,000 for calendar year 2023. ABLE to Work is a provision within ABLE that allows certain individuals to contribute more than the annual limit. There are lifetime balance limits for the various state ABLE Programs. The balance limit for the Alabama ABLE Savings Plan is \$475k.

More information about the Alabama ABLE Savings Plan is available at <https://www.alabamaable.gov/>.

MINIMUM QUALIFICATIONS

In order to be considered for selection, the Firm must provide Exhibit C as documented proof that the minimum qualifications listed are met. The Firm has a continuing obligation to disclose information throughout the RFP process should any qualifications or situations change that might render the Firm as an unqualified candidate.

SCOPE OF SERVICES

The Board intends to contract with a qualified marketing firm to develop and implement a Comprehensive Marketing Program for the Plan. Marketing strategies should be designed to increase the number of eligible individuals participating in the Plan as well as total assets held in the Plan.

The Board seeks to engage a firm to provide professional creative and media tactics to grow Alabama's ABLE plan with an intentional marketing plan as the Plan enters its 8th programmatic year by:

- Identifying target audiences
- Developing specific strategies
- Promoting awareness
- Educating the general public
- Educating advocacy partners

For the first year, the projected budget is approximately \$125,000. This includes work executed from January 1, 2024 through December 31, 2024. It is anticipated that future annual budgets will be increased each year as funds are available.

SCHEDULE OF EVENTS

Unless otherwise specified below, all deadlines are at **4:00 PM/CT** on each date listed. The Authority reserves the right to adjust this schedule in its sole discretion.

DESCRIPTION	DATE
Release of RFP	June 20, 2023
Final Date for Questions from Potential Providers	July 27, 2023
Authority Responses to Questions	July 28, 2023
Deadline for Submission of Proposals	August 4, 2023

PROPOSAL REQUIRED INFORMATION

Proposals should be as thorough and detailed as possible so that your capabilities to provide the required services can be properly evaluated.

To be considered, responses to the RFP must include:

- A brief cover letter
- Exhibit A, Proposal
- Exhibit B, Statement of Fees
- Exhibit C, Minimum Qualifications
- Exhibit D, Certificate of Compliance
- Disclosure Statement

All proposals submitted in response to this RFP must include one original and completed Disclosure Statement as required by Section 41-16-80, et seq., Cole of Alabama (1975). Copies of the Disclosure Statement, and information, may be downloaded from the Alabama

Attorney General's web site at ago.alabama.gov/File-AL-Vendor-Disclosure-Statement. The response must also be provided in electronic format.

SUBMISSION OF PROPOSALS

The State Treasurer serves as Chairman to the Board and, in this capacity, is issuing the RFP on behalf of the Board.

Office of State Treasurer Young Boozer
Alabama State Capitol
600 Dexter Avenue, Suite S106
Montgomery, Alabama 36104
Ph: 334-242-7501

Submission Deadline

It is the responsibility of the Firm to ensure that its proposal is timely delivered and received in the Treasurer's Office on or before 4:00 PM/CT on August 4, 2023. Email the electronic response to: Brittany.matthews@treasury.alabama.gov. If your response includes confidential trade secrets or proprietary information, also send an electronic version with those sections redacted in the event a public information request for your response is received (see Section 11 for additional information).

Questions and Inquiries

The sole point of contact for purposes of this RFP is Anita Kelley. Any questions or inquiries should be directed to anita.kelley@treasury.alabama.gov by July 27, 2023, to ensure a timely response. Any oral communications shall be considered unofficial and nonbinding on the Board.

Rejection of all Proposals

The Board reserves the right to reject any or all proposals and/or to solicit additional proposals if that is determined to be fiscally advantageous to the Board or otherwise in its best interests.

EFFORTS TO INFLUENCE SELECTION PROCESS PROHIBITED

The integrity of the RFP process is of primary importance and will not be compromised. Any written or oral communications beyond the RFP Response made by responders, or others on their behalf, whether paid or unpaid, to influence the selection process, from the time the RFP is issued through the execution of the contract, made directly or indirectly to the Treasurer, Board members or Treasury staff will be grounds for immediate elimination from the selection process.

EVALUATION AND SELECTION

The RFP will be posted on the Alabama Department of Finance Comptroller's website at: rfp.alabama.gov.

All proposals received before the deadline will be reviewed and evaluated. After the review and evaluation of the proposals, the Board may conduct interviews. Finalists chosen for interviews, if necessary, will be notified. The Board will select the Firm the Board determines, in its sole discretion, to be fully qualified and best suited among those submitting proposals to meet the

needs of ABLE in a cost-effective manner. The Board reserves the right to request a best and final offer for fees.

Qualifications to be considered for evaluation include the level of services offered, cost, and the experience of the Firm providing marketing services.

AGREEMENT

All duties of the Firm shall be set forth in a contract agreement between the Firm and the Board. It is expected the term of the contract will be for a five-year period. The contract will incorporate reference to the requirements of the RFP and the Firm's proposal as negotiated.

In compliance with the *Beason-Hammon Alabama Taxpayer and Citizen Protection Act* (§31-13-9(k), Code of Alabama, 1975, as amended), the contract will include the following language:

“By signing this contract, the contracting parties affirm, for the duration of the agreement, that they will not violate federal immigration law or knowingly employ, hire for employment, or continue to employ an unauthorized alien within the State of Alabama. Furthermore, a contracting party found to be in violation of this provision shall be deemed in breach of the agreement and shall be responsible for all damages resulting therefrom.”

In compliance with Act 2016-312, §1. (§41-16-5, Code of Alabama, 1975, as amended) the contract will include the following language:

“The contractor hereby certifies that it is not currently engaged in, and will not engage in the boycott of a person or entity based in or doing business with a jurisdiction with Which this state can enjoy open trade.”

You are charged with knowledge that there are certain terms standard to most commercial contracts in private sector use which the Board is prevented by law and policy from accepting. These include (1) indemnification and hold harmless of the vendor or third parties, (2) consent to choice of law and venue other than the State of Alabama, (3) methods of dispute resolution other than negotiation and non-binding mediation, (4) waivers of subrogation and other rights against third parties and (5) some provisions limiting damages to the cost of goods or services.

PUBLIC INFORMATION

All responses received will be subject to the Alabama Open Records Act, §36-12-40, Code of Alabama and may be subject to public disclosure upon request. The Open Records Act is remedial and should therefore be liberally construed in favor of the public. The Alabama Trade Secrets Act is §8-27-1 through §8-27-6, Code of Alabama. Responders are cautioned to be familiar with these statutes. The burden is on the one asserting the trade secret to show that the information sought to be protected meets the definition of a Trade Secret as defined in the Act.

Any RFP response submitted that contains confidential, trade secrets or proprietary commercial information must be conspicuously marked on the outside as containing confidential information, and each page upon which confidential information appears must be conspicuously marked as such. Identification of the entire Proposal as confidential is not acceptable unless the Firm enumerates the specific grounds or applicable laws which support treatment of the entire

material as protected from disclosure according to the foregoing statutes or other applicable Alabama law.

The owner of the confidential information shall indemnify and hold the State of Alabama, the State Treasurer, and Treasury staff harmless from all costs or expenses, including but not limited to attorney fees and expenses related to litigation concerning disclosure of said information and documents.

BID PROTEST

Qualified bidders aggrieved in connection with the solicitation of a contract may protest to the Chief Procurement Officer. See generally State of Alabama Department of Finance Administrative Code Regulations at [administrative-code-355-4-1-01-thru-06.pdf](#) (alabama.gov).

EXHIBIT A
PROPOSAL

CORPORATE INFORMATION

1. Please provide an overview of your firm to include name, Federal Tax ID#, business address and phone number, principle contact and corporate profile. Are there any changes pending in this profile?
2. Please provide total number of staff and attach biographies of the principals of your firm, and the biographies of the proposed staff for this project.
3. Please list all services offered by the firm, excluding those which are subcontracted.
4. Please provide a list of subcontractors that may be used for this account including the services to be performed by each subcontractor.
5. Provide details of any legal action taken against your firm or any of its owners, principals or personnel in the preceding three years.
6. Provide details of any claims, disputes, litigation or other legal proceedings where your firm is involved with the State of Alabama or any of its agencies or has been involved, in the preceding three years.
7. Describe factors or reasons why we should consider your firm more favorably than your competitors.
8. Provide the following information on at least three clients for whom similar services as described in this RFP are provided: Company, Address, Contact Person and info, Length of Relationship and Services Provided.
9. Please provide a sample list of other clients you have provided services for the in the last five years.
10. Please describe one successful project implementation in detail similar in scope to this proposal.
11. What would be a proposed annual timeline for implementation of the scope of work?
12. Do you have any experience working with any non-profits or disability-related organizations in Alabama? If so, please describe.
13. What are the key marketing elements that you feel should be utilized to make the biggest impact on awareness of the Alabama ABLE Savings Plan?
14. What experience do you have in targeting a specific audience such as individuals with disabilities?

EXHIBIT B

STATEMENT OF FEES

Provide a proposed Fee Schedule for the services described in this RFP. Compensation is paid in arrears based on periodic invoices submitted and itemized in sufficient detail for review and confirmation.

Any charge for services not addressed in the Statement of Fees in your proposal will not be allowed during the term of the contract. All fees charged must be listed in this schedule. The contract is expected to be five years.

**EXHIBIT C
MINIMUM QUALIFICATIONS**

The Firm must provide **EXHIBIT C** documenting the following minimum qualifications are met. The Firm has a continuing obligation to disclose information throughout the RFP process should any qualifications or situations change that might render the Firm an unqualified candidate.

If selected, the Firm will comply with all state regulations to conduct business in the State of Alabama and will register with the Secretary of State if applicable.

Yes _____ No _____

The Firm and its personnel have all authorizations, permits, licenses and certifications as may be required under Federal, State or Local law to perform the services specified in this RFP at the time it submits a response to the RFP.

Yes _____ No _____

The firm you represent has been in operation for over three years.

Yes _____ No _____

The project manager at your firm responsible for providing the services described in this RFP has at least three years of marketing experience.

Yes _____ No _____

The Firm is committed to work closely and cooperatively with the Board and staff to facilitate the implementation of a marketing plan.

Yes _____ No _____

The Firm has a company policy and practice of equal employment opportunity and non-discrimination based on age, race, creed, and gender.

Yes _____ No _____

The Firm will maintain sufficient procedures and capabilities to ensure the timely and accurate backup and full recovery for all computers and other data storage systems related to this account.

Yes _____ No _____

If selected, the Firm will carry errors and omissions insurance or a comparable instrument to cover the Firm's negligent acts or omissions.

Yes _____ No _____

If selected, the Firm will be in compliance with Section 9(b) of Act 2011-535, *The Beason-Hammon Alabama Taxpayer and Citizen Protection Act*.

Yes _____ No _____

EXHIBIT D

State of _____)
County of _____)

CERTIFICATE OF COMPLIANCE WITH THE BEASON-HAMMON ALABAMA TAXPAYER AND CITIZEN PROTECTION ACT (ACT 2011-535, as amended by Act 2012-491)

DATE: _____

RE: Contract/Grant/Incentive (describe by number or subject): _____ by and between _____ (Contractor/Grantee) and _____ (State Agency or Department or other Public Entity)

The undersigned hereby certifies to the State of Alabama as follows:

- 1. The undersigned holds the position of _____ with the Contractor/Grantee named above, and is authorized to provide representations set out in this Certificate as the official and binding act of that entity, and has knowledge of the provisions of THE BEASON-HAMMON ALABAMA TAXPAYER AND CITIZEN PROTECTION ACT (ACT 2011- 535 of the Alabama Legislature, as amended by Act 2012-491) which is described herein as "the Act".
2. Using the following definitions from Section 3 of the Act, select and initial either (a) or (b), below, to describe the Contractor/Grantee's business structure.

BUSINESS ENTITY. Any person or group of persons employing one or more persons performing or engaging in any activity, enterprise, profession, or occupation for gain, benefit, advantage, or livelihood, whether for profit or not for profit. "Business entity" shall include, but not be limited to the following:

- a. Self-employed individuals, business entities filing articles of incorporation, partnerships, limited partnerships, limited liability companies, foreign corporations, foreign limited partnerships, foreign limited liability companies authorized to transact business in this state, business trusts, and any business entity that registers with the Secretary of State.
b. Any business entity that possesses a business license, permit, certificate, approval, registration, charter, or similar form of authorization issued by the state, any business entity that is exempt by law from obtaining such a business license, and any business entity that is operating unlawfully without a business license.

EMPLOYER. Any person, firm, corporation, partnership, joint stock association, agent, manager, representative, foreman, or other person having control or custody of any employment, place of employment, or of any employee, including any person or entity employing any person for hire within the State of Alabama, including a public employer. This term shall not include the occupant of a household contracting with another person to perform casual domestic labor within the household.

- ____ (a) The Contractor/Grantee is a business entity or employer as those terms are defined in Section 3 of the Act.
____ (b) The Contractor/Grantee is not a business entity or employer as those terms are defined in Section 3 of the Act.

- 3. As of the date of this Certificate, Contractor/Grantee does not knowingly employ an unauthorized alien within the State of Alabama and hereafter it will not knowingly employ, hire for employment, or continue to employ an unauthorized alien within the State of Alabama;
4. Contractor/Grantee is enrolled in E-Verify unless it is not eligible to enroll because of the rules of that program or other factors beyond its control.

Certified this ____ day of _____ 2023.

Name of Contractor/Grantee/Recipient

By: _____

Its: _____

The above Certification was signed in my presence by the person whose name appears above, on this ____ day of _____ 2023.

WITNESS: _____

Print Name of Witness

EXHIBIT E

BEASON-HAMMON ALABAMA TAXPAYER AND CITIZEN PROTECTION ACT COMPLIANCE

The Beason-Hammon Alabama Taxpayer and Citizen Protection Act (§§31-13-1 et. seq, Code of Alabama, 1975 as amended by Act 2012-491) regulates illegal immigration in the State of Alabama. All contracts with the State or a political subdivision thereof must comply with that law.

For the purposes of this RFP and any responding Proposal, the following sections of that law impose specific requirements: Section 9 (a) of the Act provides “As a condition for the award of any contract, grant, or incentive by the state, any political subdivision thereof, or a state-funded entity to a business entity or employer that employs one or more employees, the business entity or employer shall not knowingly employ, hire for employment, or continue to employ an unauthorized alien within the State of Alabama.”

Section 9(b) of the Act requires “As a condition for the award of any contract, grant, or incentive by the state, any political subdivision thereof, or a state-funded entity to a business entity or employer that employs one or more employees within the State of Alabama, the business entity or employer shall provide documentation establishing that the business entity or employer is enrolled in the E-Verify program.”

As provided in the Act a “**business entity**” is *any person or group of persons performing or engaging in any activity, enterprise, profession, or occupation for gain, benefit, advantage, or livelihood, whether for profit or not for profit* and an “**employer**” is defined as *any person, firm, corporation, partnership, joint stock association, agent, manager, representative, foreman, or other person having control or custody of any employment, place of employment, or of any employee, including any person or entity employing any person for hire within the State of Alabama, including a public employer. This term shall not include the occupant of a household contracting with another person to perform casual domestic labor within the household.*

A Proposal must include a statement that the Proposer has knowledge of this law and is in compliance. Before a contract is signed, the Contractor awarded the contract must submit a Certificate of Compliance using the form at Exhibit D to this RFP and, unless exempt because it has no employees in the State of Alabama, a complete copy of the Memorandum of Understanding issued by the United State Department of Homeland Security upon enrollment in the E-Verify Program. E-Verify enrollment can be accomplished at the website of the United States Department of Homeland Security at <http://www.uscis.gov>.

See Section 10 for additional language required by Section 9(k) of the Act to be included in the contract.

Rev.5-14-13