



SOLICITATION COVER SHEET

ISSUE DATE: October 16, 2023

PROJECT: INVITATION TO NEGOTIATE – 2024 LITIGATION MANAGEMENT SERVICES

SUBMITTAL DEADLINE: **November 17, 2023 5pm EST**

DELIVER BIDS TO: Jennifer Spooner, Senior Accountant

Regular Mail	Express Mail	Email
P.O. Box 14249 Tallahassee, Florida 32317	1400 Village Square Blvd Suite 3-008 Tallahassee, Florida 32312	jspooner@agfgroup.org

Bid delivery to any other location will not be considered

SECTION FOR VENDOR USE: **RETURN COMPLETED COVER PAGE WITH BID**

PROJECT: _____

DATE OF BID: _____ DATE BID EXPIRES: _____

BUSINESS NAME: _____

MAILING ADDRESS: _____

PHYSICAL ADDRESS: _____

TELEPHONE NUMBER: _____ FAX: _____

CONTACT NAME: _____

CONTACT EMAIL: _____

BY: _____ TITLE _____

(Signature)

THIS IS NOT AN ORDER. THE ATTACHED TERMS AND CONDITIONS SHALL BECOME PART OF ANY BID. BIDS SHALL BE SUBMITTED IN THE INDICATED FORMAT; ORIGINAL SIGNATURES MUST BE SUBMITTED ON THE FORM PROVIDED.

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1. GENERAL INFORMATION

The Florida Legislature created Florida Insurance Guaranty Association (FIGA) in 1970. Florida Statute 631.50 creates a not-for-profit entity that would provide a mechanism for the payment of covered claims in order to avoid excessive delay in payment and to avoid financial loss to claimants because of the insolvency of a member insurer. FIGA is organized as 501(c) (6) associations and is tax-exempt.

American Guaranty Fund Group (AGFG) is a service company created to provide management and administrative services related to all post-insolvency claims filed with FIGA, general management responsibilities for operations of the Tallahassee office and maintaining staff necessary to carry out day-to-day operations of both entities. FIGA is responsible for providing AGFG with policy and direction from the appropriate Board of Directors. The bid process will be managed by AGFG employees on behalf of FIGA.

2. SCOPE OF SERVICES

A. Statement of Purpose

FIGA is seeking bids from vendors interested in providing Litigation Management and Reporting Services to support our handling of insolvent companies' policy claims. The objective of this process is to evaluate competitive bids and respondent capabilities that will enable FIGA to select a vendor that provides the best value to FIGA for providing services described herein. The selection of a successful bidder and the execution of a contract for services are accomplished in accordance with Part II of Chapter 631, Florida Statutes, and the FIGA Plan of Operations.

B. General Service Requirements

FIGA desires a central location for litigated claim information creating a seamless data flow for reporting and analytics. The system should allow internal adjusters, third party administrative adjusters (TPAs) as well as defense attorneys and FIGA's General Counsel to input and gather information to effectively and efficiently work the claim through litigation.

FIGA is requesting the system to act as a repository of pre-litigation and/or case litigation, including but not limited to claim information; all parties and attorney information; important dates such as mediation, motion and trial dates; and settlement information including demands, offers and payments. FIGA requests access by staff, TPAs and outside attorneys to input pre-litigation and suit information:

- Claimant information
- Policy and claim number
- Case number
- Attorney information
- Party information
- Settlement information - demanded, offered, and actually paid



FIGA requires the ability to enter and track/manage legal cases including but not limited to important dates for mediations, motions, pre-trial hearings and trial dates. FIGA requires the ability to assign matters or cases to defense counsel based on expertise or geography. Defense counsel will need the ability to create and update budgets over time. Bill review capacities are required to regulate compliance of submitted legal invoices against established business rules.

FIGA requires the ability to email from the system and store said email with the litigation file.

FIGA requires the following for Reporting Needs

- Create, edit and distribute custom and canned reports
- Configure real-time analytical dashboards
- Export all reports to Excel, pdf and csv file formats

C. Term of Bid

Service contract will be a three-year agreement with the ability by FIGA to extend for two additional years.

3. INSTRUCTIONS FOR BIDDERS

A. Contact Information

Questions related to the solicitation and submission of bid should be addressed to:

Jennifer Spooner
Senior Accountant
American Guaranty Fund Group
P.O. Box 14249
Tallahassee, FL 32317
(850) 523-1846
jspooner@agfgroup.org

B. Calendar of Events

Listed below are the important actions and dates/times by which the actions must be taken or completed. All listed times are local time in Tallahassee, Florida. Any change or modification to this calendar, modifications to this solicitation document, or other important notices is disseminated to all prospective respondents.

ACTION	DATE / TIME
Release of solicitation document	10/16/2023
Submission of written questions	10/27/2023– 5:00 pm EST
Responses to written questions	11/09/2023
Bids due	11/17/2023– 5:00 pm EST
Demonstrative presentations by Bidders to Negotiation Committee	11/30/2023
Bids review completed	12/01/2023
Negotiation sessions to be scheduled as needed and in the sole discretion of FIGA	12/11/2023-12/14/2023
Submission of Best and Final Offers as requested and in the sole discretion of FIGA	12/22/2023
Selection of Vendor	12/29/2023
Submission of Deliverable	As set forth in signed statement of work contract with selected vendor.

C. Questions, Objections or Comments

Respondents are required to carefully review this solicitation document without delay for any questions, objections or comments. Questions, objections or comments must be made in writing and received no later than the date and time reflected in the calendar of events above so that any necessary amendments may be published and distributed to all potential respondents. Questions are anticipated to be answered by FIGA in accordance with the Calendar of Events. However, FIGA in its sole discretion reserves the right to answer any questions received after the deadline. All questions submitted are published and answered in a manner that all respondents will be able to view. Respondents shall not contact any other employee, agent, or board member of FIGA for information with respect to this solicitation.

D. Disclaimer

FIGA assumes no responsibility for any interpretation or representations made by any of its officers, agents or employees unless interpretations or representations are incorporated in a written amendment to the solicitation document as outlined in 3 C.

E. Quantity & Delivery

An electronic copy of the bids must be received at the contact address above on or before the deadline. Bids will be electronically date stamped and will not be opened until the due / opening date prescribed in the Calendar of Events. Bids received in whole or in part after November 17, 2023 before 5:00 pm EST will not be considered.

F. Improper Delivery

Neither FIGA nor its officers, agents or employees shall be responsible for any submission not properly addressed and identified.

G. Lobbying

The selection process shall not be compromised or distorted by private lobbying outside of the procedures designated to award the best value bid for FIGA. Respondents to this solicitation or persons acting on their behalf may not contact, between the release of the solicitation and the 72-hour period following the selection, excluding Saturdays, Sundays and holidays, any employee, officer, or general counsel of FIGA and its Board of Directors concerning any aspect of this solicitation, except in writing as provided in the solicitation documents. Violation of this provision may be grounds for rejecting a response. A list of all Board of Directors members and FIGA employees is available on request.

After the bids are opened, FIGA shall determine which bids are deemed responsive and consider those bids for evaluation. FIGA staff will review the bids, review demonstrative presentations of the bidder's proposed offerings, negotiate with the bidders as needed, and meet as a committee to recommend a vendor(s) for award. Any person/entity whose bid is selected for further evaluation shall confine all contacts with FIGA representatives to responses to questions or interviews by FIGA staff, transmitted through Jennifer Spooner, as identified in 3.A.

4. BID CONTENT

This section prescribes the format in which the bids are to be submitted. Additional information deemed appropriate by the respondent may be included.

All bids must contain the components outlined below. The following are the items that must be in all bids.

A. Solicitation Cover Sheet (Page 1) and Conflict of Interest Disclosure Form (Exhibit A)

FIGA will not enter into an agreement with a respondent who has clients who may present a potential conflict of interest with FIGA unless FIGA's General Counsel advises that the conflict may be waived. In such case, FIGA will require the successful respondent to obtain an express waiver of conflict from said other client of respondent. All potential conflicts must be identified by the bidder. Failure to disclose a conflict on the designated Exhibit A is grounds for FIGA rejecting a response, in its sole discretion.

B. Litigation, Claim and Regulatory Action

- FIGA may not enter into an agreement with a respondent who has litigation against AGFG or FIGA.
- Respondent should complete and sign the Affidavit of Litigation disclosure form (Exhibit B), and include with bid.

C. Cost of Service

Bid should include total cost of services to be rendered:

1. Provide price quote for Litigation Management Service.
2. Provide term period for which quote is valid, noting that service request is defined as starting January 1, 2024. If the renewal periods will include a different price, that must be identified.
3. Provide line item charges for each item under Section C (if applicable).

While cost is a key consideration, it will not be the only factor in selecting a successful respondent.

D. Respondent qualifications, report sample and outline

Respondent(s) must have working and detailed knowledge of litigation management services and provide information that demonstrates Respondent's capabilities to provide the service listed.

1. Respondent should provide a detailed overview of your firm's experience in litigation management services:
 - Years of experience
 - Litigation management experience with insurance or insurance related industry
2. Respondent should provide at least three (3) business/corporate references with the bid. References from public sector and property and casualty insurance clients where similar litigation services were provided within the last 2 years are preferred. References should contain the following information:
 - A contact firm/agency name, a contact person name, phone number and email address
 - Date services were rendered to firm/agency
 - Whether the Respondent is continuing to provide services to the reference; if services are no longer being provided, please identify the reason for the termination of those services
3. Respondent should provide an outline for the implementation of the litigation management services that would be carried out and expected interactions with AGFG staff and management. Include on-site engagement or remote work, and staff scheduling requirements (if any), including any ongoing requirements.



E. Current Data Set

If Respondents Litigation Management and Reporting Service includes data for any pending insolvency at FIGA, Respondent shall indicate which companies and the details regarding any such data.

5. **SELECTION PROCESS**

AGFG will conduct a comprehensive, fair, and impartial review and evaluation of all bids meeting the requirements of this solicitation. The evaluation committee will review the bids, negotiate with the vendors as needed, and meet to recommend a vendor. The final recommendation will be submitted to the Executive Director for approval.

6. **RIGHT TO REJECT AND NOT AWARD**

AGFG may accept or reject any and all bids or waive any minor irregularities, and reserves the right not to award the purchase when it is in the best interest of the AGFG to do so.



EXHIBIT "A"

American Guaranty Fund Group
Florida Insurance Guaranty Association
Florida Workers' Compensation Insurance Guaranty Association

VENDOR CONFLICT OF INTEREST DISCLOSURE FORM

All Vendors should be aware that the entities listed above have a Conflict of Interest and Ethics Policy which prohibits employees and Board members from having certain relationships with persons or entities conducting (or proposing to conduct) business with any of the entities and which prohibits the acceptance of gifts from Vendors. If a vendor has a disclosable relationship the Vendor should disclose any Conflict of Interest or potential Conflict of Interest that may exist. A disclosable relationship would include:

- Knowingly employing an employee, board member or family member of any entity listed above
- Knowingly allowing an employee, board member or family member to own or have a material personal financial interest (directly or indirectly) in the Vendor of any entity listed above
- Knowingly engaging in a material personal business transaction with an employee, board member or family member of any entity listed above.

I hereby certify that the Vendor referenced below does not have a potential conflict of interest with an employee, board member or family member of any of the entities listed above:

Name

Or

I hereby certify that the Vendor referenced below DOES have a potential conflict of interest with an employee, board member or family member of any of the entities listed above:

Name



If there is a potential conflict of interest, please provide the following information:

List the name(s) of the employee or board member with whom there may be a conflict of interest:

Briefly describe the nature of the potential conflict of interest:

VENDOR Name:

FEIN:

Phone Number:

Address:



EXHIBIT "B"

American Guaranty Fund Group
Florida Insurance Guaranty Association
Florida Workers' Compensation Insurance Guaranty Association

AFFIDAVIT OF LITIGATION DISCLOSURE FORM

The Respondent should disclose the following and provide sufficient details to be used by AGFG in assessing respondent's ability to perform the requested services and may be grounds for disqualification or rejection.

- Any action, suit, proceeding or investigation before or by any state or federal court, agency or other authority currently pending against the respondent that threatens the existence or current stability of the respondent or its ability to provide any of the services.
- During the last five years, any matter in which the Respondent, any control person, or any key personnel: (a) has been convicted, plead guilty, or plead no contest to any felony, or to misdemeanor involving dishonesty, breach of trust, or financial impropriety; (b) has been fined, penalized, sanctioned, or subject to any other disciplinary action by any state or federal court, agency or other authority, self-regulatory organization, or professional organization, as a result of such person or entity's activities in the business of insurance, securities, banking, investment banking, real estate, or other licensed profession.
- During the last five years, any litigation that respondent, any control person, or any key personnel has initiated against AGFG or FIGA.

I hereby certify that the Vendor referenced below has no active, pending or past litigation against AGFG or FIGA:

Name

Or

I hereby certify that the Vendor referenced below DOES have active, pending or past litigation against AGFG or FIGA:

Name

Briefly describe the nature of the litigation:

