Contract User Guide for PRF72DesignatedCTR

PRF72: Debt Collection Services

UPDATED: July 05, 2023

Contract #:	PRF72
MMARS MA #:	PRF72*
Initial Contract Term:	February 1, 2020 – January 31, 2025
Maximum End Date:	One 5-year extension to 2030
Current Contract Term:	February 1, 2020 – January 31, 2025
Contract Manager:	Corrine Steller, (617) 727-5000, debtcollectioncontract@mass.gov
UNSPSC Codes:	93-15-00-00 – Public administration and finance services – Debt Collection Services
Notes:	Two-part procurement, three (3) of the nine (9) debt collection agencies (DCAs) were awarded past due MassDOT transportation and toll violations referrals. This contract includes legal services including litigation when necessary to pursue matters through settlement, dismissal, or judgement. In addition, includes fee-for-service for *skip-tracing services (separate from the collections process) exclusively for MassDOT-related accounts only.

***The asterisk is required when referencing the contract in the Massachusetts Management Accounting Reporting System (MMARS).**

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Contract Summary

This is a Statewide Contract for Debt Collection Services. New to this Statewide Contract for Debt Collection Services is the collection of multi-state transportation and tolling debt.

The Commonwealth of Massachusetts, Office of the Comptroller (CTR), as designated through the Operational Services Division (OSD) issued a re-bid of a (CTR) Statewide Contract for the acquisition of a full suite of Debt Collection Services. This statewide contract, PRF72 (PRF72DesignatedCTR) replaces PRF55 (PRF55DesignatedCTR) which expired January 31, 2020. These services will maximize collections of delinquent account receivables, thereby enhancing the Commonwealth's revenues, using the most cost-effective state of art collection methods, and following the highest professional standards of integrity for collection services.

The debt collection services provided under this Statewide Contract are authorized by M.G.L. c. 29, § 29D and shall be available for all debts, including transportation and tolling debts, owed to Commonwealth Agencies and legislatively authorized Eligible Entities. Debts include non-tax revenue pursuant to 815 CMR 9.00 and can include fines, fees, licenses, permits, interest income, assessments, third-party payments, fleet debt, pay by plate debt, parking tickets and all other transportation debt as outlined in Appendix 4 of the RFR, and any other types of receivables that are capable of being collected. This Statewide Contract does not include revenues specifically governed by separate statutes such as revenues from taxes through the Department of Revenue, lottery operations, Commonwealth investments or as otherwise determined by CTR, however, these debts may be added to this Statewide Contract at any time by the Departments with separate authority for debt collection and these Eligible Entities may use this Statewide Contract at any time.

Bidder Qualification – Four (4) current contractors were retained, and five (5) new contractors were selected. As a result, contract users can concentrate on the specific requirements of their debt types and which DCAs can best service their debts.

DCAs demonstrate leading industry standards in technology, security, Payment Card Industry (PCI) compliance and other protocols to ensure the highest level of security and privacy in the transmission, acceptance and handling of account referrals, remittance of funds and reports. DCAs demonstrate state of the art collection methods, including skip-tracing, letters, calls, predictive dialing, electronic payment methods such as major credit card, checks (ACH, hard copy, and checks by phone), money gram, Western Union, IVR, all at no additional charge to debtors, which ensure the broadest level of collection success, and prompt submission of funds to the Eligible Entity. DCA bids demonstrate dedicated IT and security staff. DCAs are familiar with the requirements of HIPAA and its accompanying regulations, and will comply with all applicable HIPAA requirements during the course of this contract.

UPDATES: Please note, Premiere Credit of North America, LLC has been acquired by Transworld Systems Inc. In addition, Windham Professionals, Inc. has been acquired by Radius Global Solutions, LLC.

Benefits and Cost Savings

Statewide contracts are an easy way to obtain benefits for your organization by leveraging the Commonwealth's buying power, solicitation process, contracting expertise, vendor management and oversight, and the availability of environmentally preferable products.

Experienced DCAs have been selected for the Debt Collection Statewide Contract with the following benefits and cost savings:

• Multiple statewide contractors with a wide range of debt collection services;

• Competitive debt collection rates;

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• More than 10 years government collection experience;

• Capacity to provide services to multiple Commonwealth departments simultaneously;

• Capability to accept all types and sizes of debt, and expertise to seek collections internationally;

• A high-level of audit standards with robust internal controls;

• State of the art collection methods, security protocols and PCI compliance;

• Ability to provide location services for other business purposes not related to collections on a fee-for-service basis;

• Familiarity with HIPPA requirements and its accompanying regulations;

• Ability to manage daily deposits of electronic payments and daily reconciliation of all activities as well as other schedules built for each Eligible Entity;

• Responsibility to pay any NSF fees and to re-collect the amount of any bounced checks without rebilling for fees paid;

• Contingent fee payments are only paid to the DCA when debtor funds have officially been collected;

• Automated close out deadlines to limit the time debts are actively worked on based upon industry standards;

• Other value-added services provided as part of the collection services to provide the best value to the Commonwealth.

Find Bid/Contract Documents

- To find all contract-specific documents, including the Contract User Guide, RFR, specifications, price sheets and other attachments, visit COMMBUYS.com and search for PRF72 to find related Master Blanket Purchase Order (MBPO) information.
- To link directly to the MBPO for PRF72 visit Master Blanket Purchase Order PO-20-1080-OSD03-SRC02-18683
- To find vendor-specific documents, including price sheets, see links to individual vendor MBPOs on the Vendor Information page.

Who Can Use This Contract

Applicable Procurement Law

Executive Branch Goods and Services: MGL c. 7, § 22; c. 30, § 51, § 52; 801 CMR 21.00

Eligible Entities

Please see the standard list of Eligible Entities on our Eligible Entities Which May Use Statewide Contracts webpage.

Supplier Diversity Requirements

When selecting vendor(s) without soliciting quotes or a statement of work, Executive Departments should follow below guidance:

When selecting contractors and placing orders, Executive departments shall utilize diverse and small businesses to the extent possible based on contract terms, SDO and departmental policies, laws, and regulations. Additionally, departments

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shall make a preference for contractors with higher SDP commitments and/or performance whenever such information is available (or is requested from contractors by the department) and the preference is feasible.

OSD provides up-to-date information on the availability of diverse and small businesses on statewide contracts through the Statewide Contract Index available on the COMMBUYS homepage. See the "Programs (SDO and SBPP)" tab for current certification and small business status of contractors on this contract.

When selecting vendor(s) from multiple quotes and statement of work, Executive Departments should follow below guidance:
Requirements of the Small Business Purchasing Program for Small Procurements (expected annual value of $250,000 or less) or the Supplier Diversity Program for Large Procurements (expected annual value exceeding $250,000) apply to Executive Departments soliciting quotes or issuing statements of work.

Small Business Award Preference: In accordance with the Supplier Diversity Office's SBPP Policy, Departments must award contracts for Small Procurements to SBPP-participating small business bidders if both of the following conditions are met:

- The response is received from an eligible small business; AND
- The response meets the Department's best value criteria as defined in the RFR or RFQ.

SDP Commitment: Businesses awarded large Commonwealth contracts for goods and services (also called prime contractors or prime vendors) are required to make measurable financial commitments to do business with one or more diverse businesses (often called SDP Partners). This business-to-business relationship requirement applies to all Large Procurements for goods and services, which were historically defined as those expected to exceed $150,000 in total spending. Effective July 1, 2021, Large Procurements will be defined as those expected to exceed $250,000 in annual spending.

Executive departments should take into consideration contracted vendors SDP commitments when evaluating responses. Specifically, the following fields of the new SDP Plan Form correspond to the goals stated above:

Type of information collected from bidders	Possible use of the information by the SST
SDP focus statement	Assess the bidder's level of integration of supplier diversity into company operations.
SDP policy link or attachment (if any)	
Additional creative initiatives (if any)	
SDP commitment – subcontracting	Evaluate the bidder's SDP commitment.
SDP commitment – ancillary	
SDP commitment – total	
List of proposed partners	Assess the likelihood of the bidder meeting their SDP commitment.
Company prior year spending with the list of partners (if available)	
Company average gross annual revenue	If deemed necessary by the Agency or Statewide Contract Strategic Sourcing Team (SST) and included in the evaluation criteria, consider the bidder's company size during the evaluation of the ancillary SDP commitments and total prior year spending.

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Key Evaluation Requirements
The following key requirements apply to the evaluation of submitted SDP Plans:

- At least 25% of the available evaluation score must be dedicated to the evaluation of the bidder's SDP Commitment.
- The majority of the SDP evaluation score should be dedicated to the bidder's SDP commitment.
- Bidders offering more value in their SDP Plan submissions must receive higher scores.

Pricing, Quote and Purchase Options

Purchase Options

The purchase options identified below are the only acceptable options that may be used on this contract:

Contingency Fee: The DCA payment terms for debt collection services is a contingent fee contract. In contrast to traditional fee-for-service contracting, this contract authorizes Eligible Entities to retain DCAs to assist in collection of delinquent debts and to pay the DCAs as a contingency percentage from the amount of the debts collected. Vendors are engaged strictly on a contingency fee basis for traditional debt collection services processes.

DCAs only receive payment when the contracting Eligible Entities receive, and record total revenues collected. For the purposes of collecting a debt, the amount owed by a debtor ("total debt") will be the amount of the base debt identified by the Eligible Entity/Department plus any late fees, penalties or interest accrued by that debtor added to the debt by the Department. DCAs will then add their contingency fee as bid in their RFR Response Part E: Contingent Fee Schedule for Debt Collection Services. DCAs will then collect the "total debt" plus their contingency fee upon collection. DCAs will then retain their contingency fee and remit the total debt back to the Department. Fee payments will be based upon the percentage of the total debt collected. This is not a fee-on-fee contingency contract. In addition, skip-tracing as-a-service performed outside of traditional collections of a debt may be separately billed as outlined in the vendors' RFR response.

Eligible Entities have not been appropriated funding for this Debt Collection Services Statewide Contract. Any payments to the Authorized Debt Collection Agency, including payments for authorized legal services or other costs or fees, may only be paid from amounts (1) actually collected by the Authorized Debt Collection Agency for a debt assigned by an Eligible Entity, and (2) properly invoiced or deducted from total debt base amounts and contingent fees collected in accordance with this Statewide Contract.

Pricing Options

Fixed Pricing: Contract pricing has been negotiated, and no further negotiations may be made.

Pricing details: Contingency fees are posted for each type of debt based upon age and whether litigation services are included.

Quotes: Eligible Entities are not required to solicit quotes for debt types but should select a vendor from the pool of awarded vendors based upon pricing and qualifications that best suits the debt types to be submitted for collection.

Product/Service Pricing and Finding Vendor Price Files

When contacting a vendor for this statewide contract, always reference PRF72 to receive contract pricing. Pricing may also be found by clicking on the individual vendor MBPOs on the vendor list and information page.

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Setting Up a COMMBUYS Account

COMMBUYS is the Commonwealth's electronic Market Center supporting online commerce between government purchasers and businesses. If you do not have one already, contact the COMMBUYS Help Desk to set up a COMMBUYS buyer account for your organization: (888) 627-8283 or OSDhelpdesk@mass.gov.

Quick Search in COMMBUYS

Log into COMMBUYS and use the Search box on the COMMBUYS header bar to locate items described on the MBPO or within the vendor catalog line items. Select Contract/Blanket or Catalog from the drop-down menu.

How To Purchase from The Contract

Eligible Entities are required to notify CTR's Contract Manager, Corrine Steller at debtcollectioncontract@mass.gov, when establishing new engagements and onboarding activities with SWCPRF72 vendors.

When selecting a vendor, Eligible Entities should review Appendix A: How to Find SWCPRF72 RFR Contracts and Rates on COMMBUYS at the end of this Contract User Guide to know how to find all vendor-specific documents and attachments found in COMMBUYS. The DCA contact person will then work with the Eligible Entity to establish user IDs and passwords to log in to use the DCA web portal. DCA's will also complete the implementation process to identify Eligible Entity bank accounts to make EFT/ACH deposits, outline parameters of debt types, authorized payment types, remitting and posting schedules for collected payments, the format for uploading debt information, and the process to begin accepting debt payments and remitting net proceeds to the Eligible Entity designated bank account(s).

Additional Services

Skip-tracing as-a-service is authorized for MassDOT transportation and tolling debt only.

Instructions for MMARS Users (MassDOT Only)

MMARS users must reference the MA number in the proper field in MMARS when placing orders with any contractor. All payments for skip-tracing as a separate fee-for service made by MassDOT under the state accounting system MMARS, must be made using the Master Agreement (MA) for this Statewide Contract: **MA OSD 0100 PRF72 000000000000000**.

Emergency Services

Many statewide contracts are required to provide products or services in cases of statewide emergencies. ML - 801 CMR 21 defines emergency for procurement purposes. Visit the Emergency Response Supplies, Services and Equipment Contact Information for Statewide Contracts list for emergency services related to this contract.

Additional Information/FAQs

Specifications That Apply to Debt Collection Agencies and Eligible Entities

The following specifications apply to both DCAs and Eligible Entities for use of this Statewide Contract. The documents listed below are incorporated by reference into this Statewide Contract, or as amended.

DCAs and Eligible Entities are required to comply with and perform the duties, responsibilities and requirements outlined below under the Debt Collection Services Statewide Contract. Eligible Entities and DCAs collecting Commonwealth debt must comply with these terms and the terms of the Statewide Contract. Any of the terms contained in this document may

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not be amended or modified in writing or by actions or performance without prior written approval of CTR. Past practice that does not comply with these specifications shall not be grandfathered.

Compliance with Debt Collection Requirements

Please see 815 CMR 9.00 regulation for applicable debt collection requirements. In addition, all DCAs are required to submit monthly collections reporting to CTR for financial reporting purposes.

Eligible Entity Dunning and Review Accuracy of Debt to Be Referred

Prior to referring debt to a DCA, State Departments are required to ensure all debt has been pursued in compliance with 815 CMR 9.00 regulation and that the debt is not disputed. Other non-executive Eligible Entities are required to follow their own published debt collection and due process procedures. If they do not have published procedures, the 815 CMR 9.00 process should be used.

Comptroller Intercept Program

Pursuant to 815 CMR 9.04, debts can be simultaneously submitted to both the Commonwealth Intercept Program and to a Statewide Debt Collection Agency. Statewide Debt Collection Agencies that accept a Debt that has been submitted simultaneously for Intercept and Debt Collection assume the risk that the Debt will be successfully Intercepted in whole or in part prior to the Collection Agency's Collection of the Debt, and the Agency shall not be entitled to any compensation for Debt Collection work performed. To learn more about the Intercept process, please visit CTR's Intercept webpage.

Payment Plans

Eligible Entities may authorize a DCA to establish installment payment plans with debtors for the full amount of the total debt. Payment plans should provide for at least a 25% down payment, depending upon the debt type and financial circumstances of the debtor, and should have a maximum duration not to exceed 6 months, unless the Eligible Entity approves a longer period not to exceed in any case 12 months. Payment plans negotiated in the final year of the Statewide Contract may not be negotiated to extend beyond 6 months after the termination date of the Contract. Contingent fees will be due at the time each payment installment is remitted to the Eligible Entity. DCAs must provide reports of all activity as specified by CTR including payment plans on a monthly basis. If a debtor defaults on a payment plan, the DCA must immediately notify the Eligible Entity for further instructions. DCAs may not request or accept post-dated checks to be deposited on the payment plan schedule, however, DCAs may establish electronic check authorizations, ACH, or other electronic payments options in accordance with law.

Referral to the Attorney General's Office

State Departments in consultation with the Attorney General's Office (AGO), will determine if sufficiently large cases will be referred to the AGO for litigation. If referral to the AGO is made, a DCA will transmit all records and information regarding the case to the Eligible Entity for transmittal to the AGO.

Legal Services and Litigation

Per 815 CMR 9.05 (5), DCAs who are approved and qualified to provide legal services and litigation will work directly with Eligible Entities to determine specific criteria for identifying which collections will be recommended for legal services and/or litigation. The contingency fee rate for these services can be found as a separate category on the vendor's RFR Response Part E: Contingent Fee Schedule for Debt Collection Services (Option 2 with Legal Services).

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Early Recall for Cause

An Eligible Entity may recall a debt through an "early recall" prior to the 6-month cycle for cause for poor performance, failure to perform, overly aggressive or discourteous handling of clients, failure to provide timely reporting, failure to remit funds timely or accurately, failure to comply with the terms of the Statewide Contract, relevant statutes and regulations or other requirements of this Contract or general or special law, fraud or other cause. The DCA must return the debt immediately and the Eligible Entity does not need to provide an opportunity to cure. The DCA will not be entitled to any fee on a recalled debt for cause.

Early Recall 'Without Cause'

Although not recommended, an Eligible Entity may recall a debt through an "early recall" prior to the 6-month cycle for any reason or no reason "without cause" but will remain liable for the debt collection fee to this DCA if the debt is collected by the Eligible Entity directly or by another DCA. The Eligible Entity will be required to pay the original DCA the contingent fee from amounts remitted to the Eligible Entity either directly from the debtor or from net proceeds remitted to the Eligible Entity after the second referral DCA fee has been netted. Since early recall without cause may result in double fees for collection activities, early recall without cause should be limited. The debtor may not be charged for dual DCA fees if two DCAs have been used in the debt collection process. If dual fees are required to be paid, only the active DCA may add the fee to the original debt (which may NOT include the first DCA fee) and the Eligible Entity will have to pay the original DCA after the DCA has collected the debt and netted its fees and remitted the net proceeds to the Eligible Entity.

Performance and Payment Timeframes Which Exceed Contract Duration

Eligible Entities are obligated to review all DCA's Close and Return Reports each month and perform reconciliation of debts referred, collected and fees remitted.

The Eligible Entity is obligated to review all debt returned that was unable to be collected and determine whether to close out the debt through write-off, or to re-refer the debt under a second or third DCA referral or Intercept. State Departments will follow the write-off procedures issued by CTR. Non-state departments are required to follow their own procedures for closing out receivables.

A DCA is required to provide any information, support and cooperation necessary to close out any debt when deemed uncollectible, either by return of the debt from the DCA, automatically after 6 months from the date of referral, whenever an engagement has been terminated with an Eligible Entity either without cause or for cause, or when this Statewide Contract has terminated, either for cause, without cause or at the end of the procurement period. At any of these times a DCA will be required to provide the Eligible Entity or CTR with a full accounting of all referred debts, status and recommended close out procedures, including the close out schedule of payment plans and any debts in litigation.

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Strategic Sourcing Team Members

- Betsy Alvarez, CTR
- Robert Brun, RGT
- Steven Collins, DOT
- Alison Connolly, RGT
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- Amy Nable, CTR
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- Stefanie Rucker, CTR
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Contract User Guide for PRF72DesignatedCTR

Vendor List and Information*

Vendor	Master Blanket Purchase Order #	Contact Person	Phone #	Email	All Commonwealth Debt Collection Vendor	MassDOT Transportation Debt Only Vendor	SDP Commitment Percentage
**[Master Contract Record] [Master MBPO] (All contract documents)	PO-20-1080-OSD03-SRC02-18683	Corrine Steller	617-727-5000	debtcollectioncontract@mass.gov	N/A	N/A	N/A
The Allen Daniel Associates, Inc. (ADA)	PO-20-1080-OSD03-SRC02-18647	Daniel B. Desatnick President	781-647-7722 x2222	daniel@adacollect.com	Yes	No	15%
F.H. Cann & Associates, Inc.	PO-20-1080-OSD03-SRC02-18643	Sheri Traficante-Cann Chief Executive Officer	978-215-3602	scann@fhcann.com	Yes	No	15%
Financial Asset Management System, Inc. (FAMS)	PO-20-1080-OSD03-SRC02-18648	Veronica McCabe Director of Client Administration	404-632-4058	v.mccabe@fams.net	Yes	No	2%
Linebarger Goggan Blair and Sampson, LLP (LGBS)	PO-20-1080-OSD03-SRC02-18649	Cristina Gonzalez Chief Operating Officer	857-214-2844	cristina.gonzalez@lgbs.com	Yes	Yes	10%
Penn Credit Corporation	PO-20-1080-OSD03-SRC02-18645	Rhett Donagher Chief Revenue Officer	800-800-3328 x3003	rhett.donagher@penncredit.com	No	Yes	8%
Duncan Solutions (DBA Professional Account Management, LLC)	PO-20-1080-OSD03-SRC02-18644	Eric Hunn VP of DMV and Collection Services	215-275-9375	ehunn@duncansolutions.com	No	Yes	10%
Radius Global Solutions LLC (FKA Windham Professionals, Inc.)	PO-23-1080-OSD03-SRC01-28869	Timothy Maguire Director of Client Services	800-969-0059 x2542	tim.maguire@radiusgs.com	Yes	No	10%
Reliant Capital Solutions, LLC	PO-20-1080-OSD03-SRC02-18641	Feroze Waheed Chief Strategy Officer	614-522-5759	fwaheed@reliant-cap.com	Yes	No	10%
Transworld Systems Inc. (FKA Premiere Credit of North America, LLC)	PO-20-1080-OSD03-SRC02-18646	Barb Lucas VP of Strategic Accounts	540-848-1556	barb.lucas@tsico.com	Yes	No	8%

*Note that COMMBUYS is the official system of record for vendor contact information.

**[The Master Contract Record MBPO] The Master MBPO is the central repository for all common contract files. [Price files may be found in the individual vendor's MBPO.]

NOTE: Contract User Guides are updated regularly. Print copies should be compared against the current version posted on mass.gov/osd.

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Appendix A: How to Find SWCPRF72 RFR Contracts and Rates on COMMBUYS

1. Go to COMMBUYS Webpage: https://www.commbuys.com/bso/
2. In the top search bar, select the dropdown menu option, “Blankets” and type in “PRF72” in the search bar, click on the orange magnifying glass icon to search.
3. The results will populate and appear on the screen as individual bid numbers with associated vendor information and documentation.
4. Click on the specific PO# (Contract / Blanket # Column) for each Debt Collection Agency (DCA) vendor. This will bring you to the “Master Blanket Purchase Order” page.
5. Scroll down and click on the vendor’s Quote # - QT # towards the bottom of the screen under the “Item Information” category section.
6. This will bring up the DCA vendor’s attachments including the RFR featuring the contingency fee percentage rate, litigation contingency fee percentage rate, and skip-tracing pricing as a separate fee-for-service (MassDOT only). Click on the “Attachments” to download associated vendor procurement documentation. For example, to view the debt collection agency contingency rate fees, click on the “RFR – PRF72 DesignatedCTR” link to download file for review and reference.

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