

State of Maine Procurement Justification Form

This form must accompany all contract requests and sole source requisitions (RQS) over \$5,000 submitted to the Division of Procurement Services.

INSTRUCTIONS: Please provide the requested information in the white spaces below. All responses (except signatures) must be typed; no hand-written forms will be accepted. See the guidance document posted with this form on the Division of Procurement Services website (Forms page) for additional instructions.

PART I: OVERVIEW

Department Office/Division/Program:		DHHS/OADS/Legal Services	
Department Contract Administrator or Grant Coordinator:		Lora Blackwell Nancy Tan	
(If applicable) Department Reference #:		ADS-20-9308A	
Amount: (Contract/Amendment/Grant)	\$ Original \$500,158.00 Amendment \$37,000.00 New Total \$537,158.00	Advantage CT / RQS #:	CT10A20190829*0688
CONTRACT	Proposed Start Date:		Proposed End Date:
AMENDMENT	Original Start Date:	10/01/2019	Effective Date:
	Previous End Date:	09/30/2020	New End Date:
GRANT	Project Start Date:		Grant Start Date:
	Project End Date:		Grant End Date:
Vendor/Provider/Grantee Name, City, State:		Legal Services for the Elderly Augusta, ME	
Brief Description of Goods/Services/Grant:		Advocacy and legal services on behalf of Medicare Part D recipients who are disabled or elderly, with limited incomes.	

PART II: JUSTIFICATION FOR VENDOR SELECTION

Mark an "X" before the justification(s) that applies to this request. (Check all that apply.)

	A. Competitive Process		G. Grant
X	B. Amendment		H. State Statute/Agency Directed
X	C. Single Source/Unique Vendor		I. Federal Agency Directed
	D. Proprietary/Copyright/Patents		J. Willing and Qualified
	E. Emergency		K. Client Choice
	F. University Cooperative Project		L. Other Authorization

PART III: SUPPLEMENTAL INFORMATION

Please respond to ALL of the following:

- 1. Provide a more detailed description and explain the need for the goods, services or grant to supplement the response in Part I.**

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State statute 22 MRS § 254 requires the Department to ensure efficient operation of an elderly low-cost drug program. Under 22 MRS § 254–D(5)(D), the Department is granted authority to file exceptions and appeals pertaining to Medicare Part D eligibility or benefits on behalf of enrollees who are beneficiaries under Medicare Part D and to identify a designee for this function. Sufficient Department personnel are not available to ensure efficient operation of the elderly low-cost drug program or to file exceptions and appeals.

The federal Older Americans Act requires the Department to establish and maintain legal services for socially and economically disadvantaged seniors when their health, safety and welfare are at risk. Title 22 of Maine Revised Statutes, Section 5106(11-A) requires the Department “support and maintain an Elderly Legal Services Program by agreement with such nonprofit organization as the Department finds best able to provide direct services to those of Maine’s elderly in greatest economic and social need throughout the State.”

This Amendment increases funding to support an increased demand for the Medicare Part D advocacy and legal services provided by the current vendor and also increases funding to Coordinate with Adult Protective and roll out a Public Service Announcement to encourage reporting of abuse, neglect and exploitation of older adults during the COVID-19 pandemic no later than July 01, 2020.

2. Provide a brief justification for the selected vendor to supplement the response in Part II.

The Provider is uniquely qualified based on its experience in providing elderly advocacy and legal services via an established helpline. The Medicare Part D Prescription Drug program has complex eligibility criteria, a variety of plan options, and multiple approval and appeal processes. Provider has staff attorneys who help seniors navigate the legal issues that arise in this program as well as other related and unrelated legal matters. Major tasks include analysis of why members are experiencing difficulty obtaining certain medications and/or having issues with correct co-pay amounts. Priority is given to anyone who calls the Provider stating that he/she is completely out of their medications. This necessitates legal help in getting the Part D plan to cover an emergency fill and then subsequently working with the Part D plan for a long-term solution. The Provider is also proactive in checking with clients to be sure they have all available help with their Medicare Part D drug expenses. The Provider has an excellent network through which it distributes written materials to seniors so they know what services are provided and how to contact the Provider for those services. This network includes nursing facilities, health care centers, homeless shelters, and pharmacies. OADS is not aware of any other Maine entity which offers legal, emergency and advocacy services to low income Part D consumers.

3. Explain how the negotiated costs or rates are fair and reasonable; or how the funding was allocated to grantee.

The Medicare Part D Appeals Unit of Legal Services for the Elderly (LSE) includes a part-time Supervising Attorney and four fulltime Appeals Specialists. The Unit is currently handling approximately 1,400 cases each year for over 1,050 low income elderly or disabled individuals. Funding increases that were requested by LSE in 2016, 2018 and 2019 were not provided by the Department. In 2017 the Medicare Part D program ended the year with a \$3,497 deficit and in 2018, the deficit was \$8,554. LSE’s funding shortfall for this past contract year will be approximately \$29,500. One of the four Appeals Specialist positions will need to be eliminated in the upcoming year (April), or multiple positions will need to be moved to part-time, to balance the current budget. This will adversely impact the total number of people LSE will be able to assist. The annual increase required to preserve the current levels of staffing and service is estimated to be \$31,000.


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PART III: SUPPLEMENTAL INFORMATION

4. Describe the plan for future competition for the goods or services.

The Department intends to issue RFP T2018094, for a start date of 10/01/2020.

PART IV: APPROVALS

Signature of requesting Department's Commissioner (or designee):	<i>By signing below, I signify that I approve of this procurement request.</i>		
	<small>DocuSigned by:</small> 		
Printed Name:	<small>66738ED17E0C4B2...</small> Jim Lopatosky	Date:	5/12/2020
Signature of DAFS Procurement Official:	<small>DocuSigned by:</small> <i>Kathy Paquette</i>		
Printed Name:	<small>41C2BA36FAF44CD...</small> Kathy Paquette	Date:	6/29/2020