

State of Maine Waiver of Competitive Bidding Request Form

Form Instructions: Please provide the requested information in the white boxes below. This form is to precede all contract requests that are not the direct result of a competitive bid process.

DHHS/DCM Contract Administrator:	Chris Moiles	Office/Division/Program of Contract Administrator:	DHHS Maine CDC Division of Infectious Disease/HIV,STD, TB Prevention				
Est. Contract Amount:	\$80,400.00 Service Total	Contract or RQS Number:	See Table Below				
		DHHS Agreement Number:	See Table Below				
Proposed Start Date:	01/01/2020	Proposed End Date:	12/31/2021				
Vendor/Provider Name, City, State:	Multiple (see table below)						
Short Description of Good or Service:	Tuberculosis (TB) Consultant						
Please note, for transparency purposes, Waivers of Competitive Bidding will be publicly posted. Public postings are placed on the Division of Procurement Services website for a period of seven consecutive calendar days.		To be completed by the Division of Procurement Services Posting dates on Division of <i>Procurement Services</i> website: From: <u>1/16/2020</u> To: <u>1/21/2020</u>					
Notice of Intent to Waive Competitive Bidding Number:	NOI# 0120200058						
1. Statutory Justification State of Maine statute (5 M.R.S. §1825-B(2)) allows waivers of competitive bidding only for the specific reasons listed below. Please mark the appropriate box (X) next to the justification which applies to this specific request.							
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%;"></td> <td style="width: 95%;">A. The procurement of goods or services by the State for county commissioners pursuant to Title 30-A, section 124, involves the expenditure of \$2,500 or less, and the interests of the State would best be served;</td> </tr> <tr> <td></td> <td>B. The Director of the Bureau of General Services is authorized by the Governor, or the Governor's designee, to make purchases without competitive bidding because, in the opinion of the Governor or the Governor's designee, an emergency exists that requires the immediate procurement of goods or services;</td> </tr> </table>					A. The procurement of goods or services by the State for county commissioners pursuant to Title 30-A, section 124, involves the expenditure of \$2,500 or less, and the interests of the State would best be served;		B. The Director of the Bureau of General Services is authorized by the Governor, or the Governor's designee, to make purchases without competitive bidding because, in the opinion of the Governor or the Governor's designee, an emergency exists that requires the immediate procurement of goods or services;
	A. The procurement of goods or services by the State for county commissioners pursuant to Title 30-A, section 124, involves the expenditure of \$2,500 or less, and the interests of the State would best be served;						
	B. The Director of the Bureau of General Services is authorized by the Governor, or the Governor's designee, to make purchases without competitive bidding because, in the opinion of the Governor or the Governor's designee, an emergency exists that requires the immediate procurement of goods or services;						
<i>If citing the above justification for this Waiver of Competitive Bidding request, please have the requesting Department's Commissioner or Chief Executive (as the Governor's "designee") sign and date on the right.</i>		<i>By signing below, I signify as the Governor's designee there is an emergency that necessitates this non-competitive procurement.</i>					
		Signature:					
		Printed Name:	Date:				

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X	C. After reasonable investigation by the Director of the Bureau of General Services, it appears that any required unit or item of supply, or brand of that unit or item, is procurable by the State from only one source;	
	D. It appears to be in the best interest of the State to negotiate for the procurement of petroleum products;	
	E. The purchase is part of a cooperative project between the State and the University of Maine System, the Maine Community College System, the Maine Maritime Academy, or a private, nonprofit, regionally accredited institution of higher education with a main campus in this State involving: (1) An activity assisting a state agency and enhancing the ability of the university system, community college system, Maine Maritime Academy, or a private, nonprofit, regionally accredited institution of higher education with a main campus in this State to fulfill its mission of teaching, research, and public service; (2) A sharing of project responsibilities and, when appropriate, costs;	
	<i>If citing the above justification for this sole source request, please note that the specific approval of the Governor's Office is required, in accordance with Executive Order 26 FY 11/12, "An Order to Enhance Competitive Bidding". The approval must be documented on DAFS/BGS/Division of Procurement Services "GOVCOOP" form, found here:</i> http://www.maine.gov/purchases/info/forms/govcoop.doc	
	F. The procurement of goods or services involves expenditures of \$10,000 or less, in which case the Director of the Bureau of General Services may accept oral proposals or bids;	
	G. The procurement of goods or services involves expenditures of \$10,000 or less, and procurement from a single source is the most economical, effective and appropriate means of fulfilling a demonstrated need.	
	If a different authorization specifically allows for this non-competitive procurement, please provide that reference here:	

Please note that the following four points below (#2 through 5) all require a response.

2. Description of Specific Need

Please identify, and fully describe, the specific problem, requirement, or need the resulting non-competitive contract would address and which makes the goods or services necessary. Explain how the requesting Department determined that the goods or services are critical and/or essential to agency responsibilities or operations.

Tuberculosis (TB), a highly infectious disease, has become increasingly difficult to clinically manage over the last decade due to a number of complex issues that include; Multi Drug Resistant (MDR)-TB, co-morbidities that include hepatitis and HIV/AIDS, and dwindling healthcare workforce with the expertise to properly treat.

The elimination of TB, a State and federally mandated reportable communicable disease, is the primary mission of the Maine's TB control Program. In order to fulfill this mission, it is critical to be able to properly identify and treat persons who have TB disease. In order to ensure TB patients are identified early, that effective evidence-based care is provided, and that the spread of disease is controlled, it is imperative that the State of Maine purchase clinical and consulting services from physicians with the unique knowledge, skills, and expertise to mitigate this public health threat.

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3. Availability of other Public Resources

Please explain how the requesting Department concluded that sufficient staffing, resources, or expertise is not available within the State of Maine's government, or other governmental entities (local, other state, or federal agencies) external to the requesting Department, which would be able to address the identified need more efficiently and effectively than the identified vendor.

The State of Maine does not currently employ physicians that meet the following necessary criteria to ensure proper identification, treatment and mitigation of Tuberculosis:

- Board Certified: Infectious Disease or Board Certified : Pulmonology AND"
- Specialty in Tuberculosis identification and treatment AND:
- Ability to cover Maine's wide geographic region

There are no Board Certified doctors in Infectious Disease and Pulmonology within other local and state agencies that could perform Tuberculosis consultations throughout Maine.

4. Cost

Since a waiver of competitive bidding is being requested for this procurement, please explain how the requesting Department concluded the negotiated costs, fees, or rates are **fair and reasonable**.

All TB Consultants agree to payment at a flat rate reimbursement fee for clinics and consultation. Regardless of the length of time it takes to consult on one individual patient or how many patients are seen in a clinic the TB Consultant cannot bill beyond the flat rate fee schedule. Because of our flat fee payment schedule, the TB Consultants provide services at cost and in many cases below cost. In addition, TB Consultants who contract with the State of Maine, agree that all diagnostics and procedures are to be reimbursed at Maine's Care fee schedule thereby reducing costs of services by 50-70%.

5. Future Competition

Please describe potential opportunities which may be available to foster competition for these goods or services in the future.

These services are provided to the State at a rate less than the market value. These contracts are less than \$10k per year. The Providers receiving funds for this service are willing and qualified and if other providers come forward to do this service, the Department will contract with them as well.

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Please note that only one of the two points below ("Uniqueness" or "Timeframe") requires a response. Requesting Departments are not required to respond to both points.

6. Uniqueness

Please explain if the goods or services required are unique to a specific vendor. Describe the unique qualifications, abilities, and/or expertise of the vendor and how those particular unique factors address the specific need identified above. If the vendor has unique equipment, facilities, or proprietary data, also explain the necessity of these particular unique assets.

The State of Maine does not currently employ physicians that meet the following necessary criteria to ensure proper identification, treatment, and mitigation of Tuberculosis disease:

(a) Board Certified: Infectious Disease or Board Certified: Pulmonology

AND:

(b) Specialty in Tuberculosis identification and treatment

AND:

(c) Ability to cover Maine's wide geographic region

7. Timeframe (Complete only if B. is the Statutory Justification marked on Page 1)

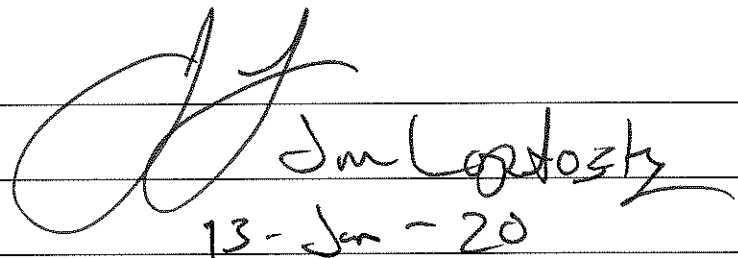
Please explain if time is of the essence and an emergency exists which requires the immediate procurement of goods or services. Describe the nature of this emergency, provide the date by which the goods or services must be delivered, and explain how that date was determined and its significance (i.e. impact if delayed beyond this date). Also, provide information as to how it was determined this vendor is the best option to address this time-sensitive procurement.

Signature of requesting Department's
Commissioner or Chief Executive
(or designee within the
Commissioner's Office):

*By signing below, I signify that my Department requests,
and I approve of, this Waiver of Competitive Bidding.*

Printed Name:

Date:


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**State of Maine
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DHHS Office: Maine CDC

Service: TB

Services Dates: 1/1/2020 – 12/31/2021

No. of Vendors:

Vendor/Provider Name, City & State	Contract (CT) Number	DHHS Agreement #	Total Contract Amount	Per Year Amount
Central Maine Medical Center, Lewiston, Maine	CT 10A 20191223*1918	CD3-20-5159	\$12,600.00	\$6,300.00
Maine Medical Partners, Portland, Maine	CT 10A 20191223*1921	CD0-20-5160	\$12,600.00	\$6,300.00
MaineGeneral Medical Center, Augusta, Maine	CT 10A 20191223*1925	CD5-20-5161	\$12,600.00	\$6,300.00
TBD		CDM-20-5163	\$7,800.00	\$3,900.00
Maine Health dba Maine Medical Center, Portland, Maine	CT 10A 20191223*1928	CDM-20-5165	\$34,800.00	\$17,400.00
	Totals:	5	\$80,400.00	\$40,200.00