

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/Matt Galletta	Office/Division/Program of Contract Administrator:	Maine CDC / Division of Population Health
Est. Contract Amount:	Original: \$4,600,000	Contract or RQS Number:	10A 20180411*3095
Amd: \$860,666.65 New total: \$5,460,666.65		DHHS Agreement Number:	CD0-19-4499C
Proposed Start Date:	7/1/2018	Proposed End Date:	6/30/2020
Vendor/Provider Name, City, State:	MaineHealth Center for Tobacco Independence Portland, ME 04101		
Short Description of Good or Service:	Tobacco Treatment Services Initiative (Tobacco HelpLine, Professionals Training, Clinical Outreach, Medication Voucher Program)		
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 Procurement Services website: From: <u>1/24/2020</u> To: <u>1/30/2020</u>	
Notice of Intent to Waive Competitive Bidding Number:	NOI# 0120200075		
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.			
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: http://www.maine.gov/purchases/info/forms/govcoop.doc.</i>	
	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) <u>all</u> 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.		
This amendment is to augment the current services provided by the MaineHealth Center for Tobacco Independence by adding in a special populations treatment team, adding pregnancy to the list of medical conditions eligible for nicotine replacement therapy, increasing support for behavioral health programs, increasing access to individual services program, providing grants for community-based tobacco treatment, expanding eReferral capacity and expanding Digital Media.		

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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.

Such tobacco treatment can only be provided by tobacco treatment specialists and through an infrastructure that has a phone system for handling roughly 8,000 calls per year. The Maine Tobacco Helpline (MTHL) is a statewide no-charge, confidential, convenient telephone-based resource that provides screening, counseling support materials, and referrals for intensive tobacco dependence treatment of tobacco users.

Certification in tobacco treatment is needed to do the clinical outreach trainings to educate health professionals about tobacco treatment as well as counsel callers through their tobacco treatment (cessation) journey. MaineHealth's Center for Tobacco Independence is the only entity in the State of Maine with this expertise and capacity.

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**.

This contract was put out to bid in 2010 and MaineHealth was the only bidder which resulted in them being awarded the contract. Over time, they have managed to sustain the same levels of service with no increase in budget despite increases in the cost of living, suggesting even greater cost efficiency over time.

5. Future Competition

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

Although this contract has been established in recent years on a non-competitive basis, the State will be issuing an RFP for contract start date of 7/1/2020.

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

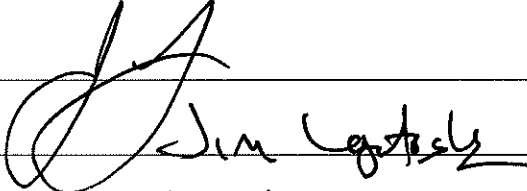
Please explain if the goods or services required are unique to a specific vendor. Describe the unique qualifications, abilities, and/or expertise of the vendor and how those particular unique factors address the specific need identified above. If the vendor has unique equipment, facilities, or proprietary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

MaineHealth's Center for Tobacco Independence is the only large-scale cessation services provider in Maine. They have a 10+ year history of providing this service to Maine residents and have learned a great deal about how to do so effectively. They have earned a solid reputation with clinics and health care organizations throughout the state. All other comparable cessation services providers are outside of the state of Maine and have no experience with Maine's population.

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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.

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Signature of requesting Department's Commissioner or Chief Executive (or designee within the Commissioner's Office):	<i>By signing below, I signify that my Department requests, and I approve of, this Waiver of Competitive Bidding.</i>
	
	6 - Jan - 20
Printed Name:	
Date:	