

PM 21903
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.

Requesting Department's Contract Administrator:	Kristina Famolare	Office/Division/Program of Contract Administrator:	Judicial Branch, Administrative Office of the Courts
Est. Contract Amount:	\$ 6,000.00	Contract or RQS Number:	
Proposed Start Date:	February 1, 2020	Proposed End Date:	January 31, 2021
Vendor/Provider Name, City, State:		Language Line Services, Inc. 1 Lower Ragsdale Drive, Bldg. #2 Monterey, CA 93940	
Short Description of Good or Service:		Telephonic interpretation services for court proceedings.	
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>01/27/2020</u> To: <u>02/02/2020</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0120200082	
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.			
<input type="checkbox"/> 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;			
<input type="checkbox"/> 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:
<input type="checkbox"/> 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			

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	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;	
X	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.		
<p>a. The new state master agreement for spoken language telephonic interpreting services with Interpreters Unlimited, Telanguage Inc., and CTS LanguageLink is for general interpreting needs and does not meet the requirement for court-qualified, trained, and experienced legal interpreters that the Judicial Branch's work requires. The terminology and vocabulary specific to court-related matters are unique and nuanced. Because safety, privacy, personal liberty, and security are at risk, it is vital to have telephonic interpreters who are qualified to provide the needed services. Information collected through the National Center for State Courts, Council of Language Access Coordinators demonstrated that none of the currently approved vendors can provide satisfactory delivery.</p> <p>b. To meet the mission of the Judicial Branch to administer justice by providing a safe, accessible, efficient, and impartial system of dispute resolution that serves the public, including non-English speakers, the courts follow the guidelines set forth by the Supreme Judicial Court in Administrative Order JB-06-03 (A. 11-17). The Administrative Order specifies that Maine's</p>		

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State Courts will provide all Limited English Proficient (LEP) individuals who are parties or witnesses in any type of court case, or parents of minors involved in juvenile actions, with an interpreter in all court proceedings[.] Further, all interpreters providing services for the Judicial Branch are required to abide by the State of Maine Judicial Branch Standards of Professional Conduct for Interpreters Providing Services in Judicial Proceedings, including a requirement to “accurately and completely represent their certifications, training, and pertinent experience.”

- c. Telephonic interpreting services are most often required for the public seeking court services at the counter, or in those cases where all other attempts to secure an in-person interpreter for court proceedings are not able to be arranged. Due to the wide number of languages that are needed, often with no advance notice, telephonic services are the only option.

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’s government does not provide telephonic interpretation services.

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**.

Services for telephonic interpreting services to be provided under the new master agreements would be billed at the \$0.72/minute from CTS LanguageLink, \$0.98/minute from Interpreters Unlimited, or \$0.75/minute from Telelanguage.

Language Line provides legally qualified telephonic interpretation to the Maine Judicial Branch for \$0.74/minute. The \$0.74/minute rate for a service that is known to be accurate and positive outweighs the \$0.02/minute difference from the next-lowest-priced vendor. These companies are unknown entities with minimal court experience and received less than favorable feedback from other state courts. Many telephonic interpretation agencies specialize in medical services or education. Language Line has a solid and proven capacity to deliver court interpretation services.

The Judicial Branch’s FY 2019 total expenditures for Language Line’s telephonic interpretation services was \$4250.12. (see attached)

5. Future Competition

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

The Judicial Branch will request greater inclusion in the RFP planning and review process. All responders should be required to provide references from three other state or federal court jurisdictions using their services for telephonic interpretation.

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.

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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.

During its lengthy relationship with the Judicial Branch, Language Line has proven that they are qualified to provide experienced, court-qualified telephonic interpreters. Language Line engages in rigorous language proficiency and interpretation skill testing when onboarding interpreters.

Well trained court-qualified legal interpreters are necessary to understand and provide accurate translation and interpreting services for legal proceedings. Language Line requires all legal interpreters to complete a 12- hour court-specific legal interpretation training developed by an internationally recognized expert in interpretation and training. This training includes the following modules:

- The US Court System and Proceedings
- Legal Terms and Code of Professional Responsibility for Court Interpreters
- Professional Ethics and the Role of the Court Interpreter
- Municipal Court Advisement of Rights
- Juvenile and Criminal Law Motions
- Glossary of Legal Terms

All Maine Judicial Branch calls are automatically routed to a trained legal interpreter in under 10 seconds. Language Line also provides the Maine Judicial Branch with free language access materials and allows courts to pre-book legally qualified interpreters in languages of lesser diffusion that are frequently requested in Maine's state courts.

Language Line has built-in mechanisms to ensure security and confidentiality. All interpreters are required to pass a background check and maintain a clean-desk policy while working. Language Line does not record or store any data or calls to ensure confidentiality. (see attached)

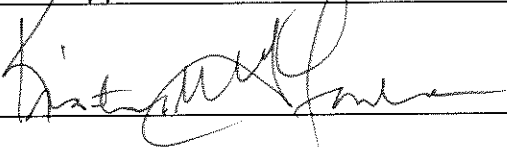
There are no proprietary issues, but a proven track record in providing excellent and specialized services in the past is vital for accuracy in legal matters.

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.

N/A

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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> 
Printed Name:	Kristina Famolare
Date:	01/22/2020

Qualified Court Interpreting from LanguageLine Solutions

At LanguageLine Solutions® we understand that each interpretation session is of paramount importance to you and the public you serve. That is why we invest millions of dollars each year to recruit, train, and maintain the quality of our interpreter workforce. For over 36 years, LanguageLine Solutions has supported government agencies with the highest quality interpreting to support compliance and allow agencies to focus on their main mission.

LanguageLine court-qualified interpreters have the essential skills needed to help busy courthouses overcome language barriers and ensure meaningful access to justice. On demand interpreting is available from any phone in more than 240 languages and in video in 36 languages (including American Sign Language) on iPads and Smartphones via our InSight mobile app. That's immediate, secure access to the industry's best trained interpreters.

INTERPRETING FOR THE COURTS

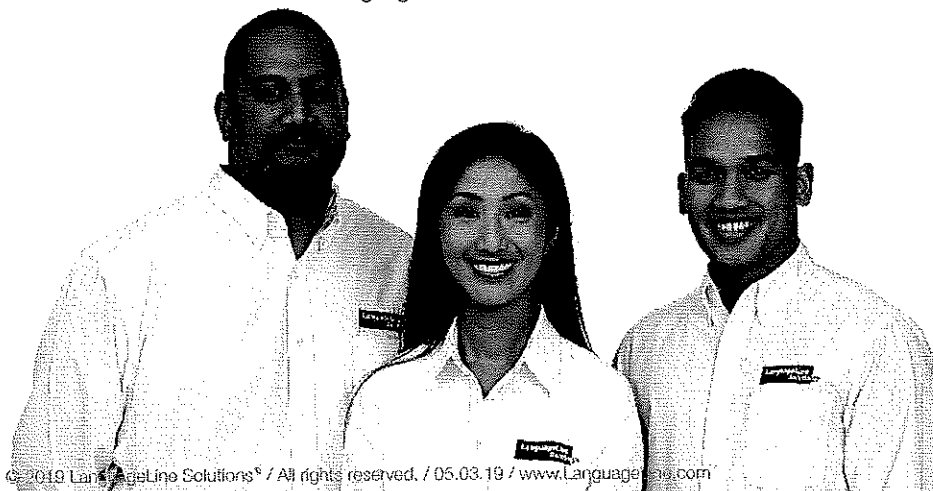
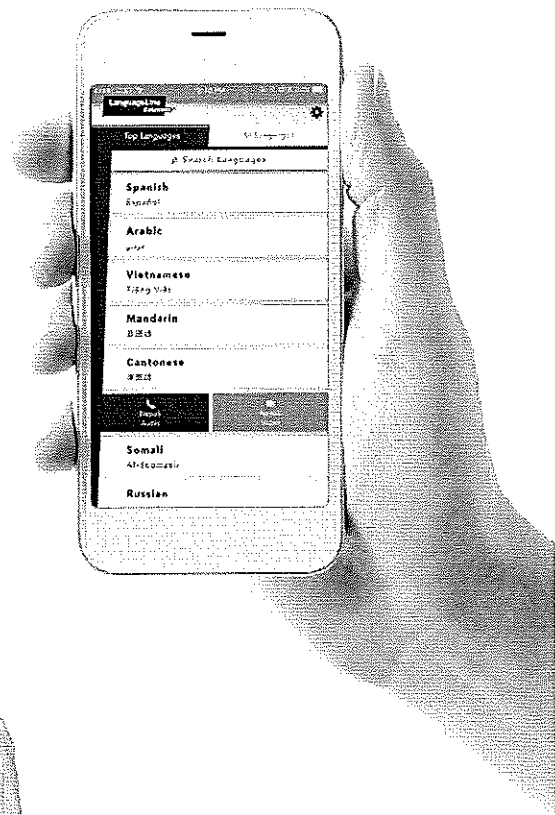
In addition to LanguageLine's rigorous screening, testing and new hire training, LanguageLine court qualified interpreters complete a 12 hour Court Interpreting Training program developed by Holly Mikkelsen, a world renowned expert on interpreting in the courts. The program covers the essentials necessary to improve communication between court personnel and limited English proficient communities, including:

- The U.S. Court System and Proceedings
- Legal Terms and Code of Professional Responsibility for Court Interpreters
- Professional Ethics and the Role of the Court Interpreter
- Municipal Court Advisement of Rights
- Juvenile and Criminal Law Motions
- Glossary of Legal Terms

To find out more about how LanguageLine Solutions can support your court's language access program, contact us today.
1-800-752-6096 / www.languageLine.com

Improve language access where you need it most:

- Arraignments
- Preliminary hearings
- Bail/bond review
- Sentencing
- Public information areas
- Parole/probation
- Pre/post-trial services
- Clerk of the Court Offices
- Traffic offenses
- Legal aid



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The Very Best Interpreters in the Industry

At LanguageLine Solutions® we understand that each interpretation session is of paramount importance to you and your customers. That is why we invest millions of dollars each year to recruit, train, and maintain the quality of our interpreter workforce. After all, they are the heart and soul of our business. We are confident that this passionate focus on outstanding interpretation is what sets us apart from all other language access companies. You can be assured that the very best linguists will be working with your staff, helping them to be more productive and supportive, while your customers experience accurate, professional interpretation sessions.

RESPONSIBLE, INNOVATIVE, EFFECTIVE RECRUITING

Only the most qualified applicants that possess superior interpreting talent potential, pass rigorous tests and screening, and demonstrate they have the ability to learn, retain, and apply new information and skills are hired by LanguageLine Solutions. That's only 9% of those that apply. We're that selective.

Our recruiting tests were internally developed utilizing the more than 30 years' experience of our outstanding linguistic staff, many of whom have advanced degrees in relevant fields. These tests have been externally validated by independent experts from the most prestigious language education programs in the United States, including the Middlebury Institute of International Studies, The Defense Language Institute, and Foreign Language Center at The Presidio of Monterey, and the University of Maryland.

STRINGENT, STRUCTURED, MULTI-STEP PATH TO EMPLOYMENT

Interpreter candidates must progress through these critical steps to be able to become a LanguageLine interpreter:

STEP 1: Application. Candidates must submit an online application, then if qualified, are prescreened and interviewed. A Recruiter prepares each candidate for testing by sharing testing tips and reference materials (depending on the language) and then submits the candidate for testing.

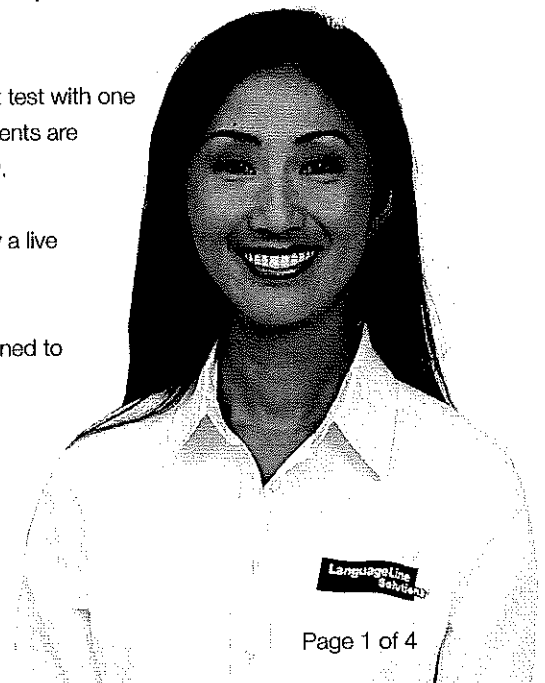
STEP 2: Language Proficiency Screening. English language proficiency is screened early in the process at the discretion of the LanguageLine assessor who is typically an experienced and highly regarded interpreter. If the assessor determines that proficiency should be tested, the candidate takes one of two proficiency tests.

1. The LanguageLine Entrance Exam (L2E2) proficiency test is a three component test with one component scored electronically and two via a human rater. The three components are written, Memory and Conversion Assessment (MCA) and Language Proficiency.
2. The Language Proficiency Test (LPT) is an oral proficiency test and is scored by a live rater. The candidate is tested both in English and in the target language.

OR

The candidate, depending on location, may be offered a preparatory program designed to develop their skills and potential to become interpreters.

1. Interpreter Potential Exercise (IPE) determines the potential to interpret at the required level. It includes workshops to practice skills and an evaluation.
2. Preparation Class is a five-day course on interpreter skills and our strict requirements. After completion the candidate is then tested.



STEP 3: Interpreter Skills Assessment Test (ISA). All candidates, even those who may have taken the L2E2 or LPT, must complete our proprietary ISA. This test is a rigorous six component test, bidirectional – from English into the target language and the target language into English. The ISA tests industry-specific terminology, accuracy and completeness (memory retention, note-taking, and conversion skills), interpretation protocol, customer service skills and language proficiency.

STEP 4: Background Check. Background checks are conducted on all interpreters regardless of classification. All U.S.-based candidates, and where permitted by law and feasible due to remote locations, global candidates, must be drug tested before receiving an offer.

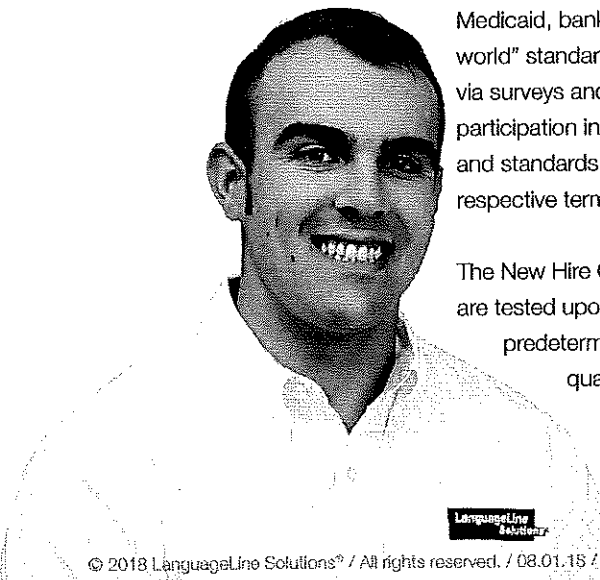
STEP 5: Induction. Recruiter conducts an Induction (verbal offer) appointment for the candidate who passes testing. Candidate completes onboarding and background check processes.

SUPERIOR NEW HIRE TRAINING

Once hired, candidates enter our New Hire Orientation Program. The 25 hours of training consists of a blend of instructor-led and web-based knowledge. We believe the superior quality of the content contained in our training and support programs and our interpreter's ability to demonstrate that they have learned, retained and can apply that content is more important than merely the number of interpreter training hours. The training includes:

1. Fundamental interpreting skills, including note-taking, memory, information processing, attentive listening skills, and delivery.
2. The role of the interpreter, applying interpreter ethics and standards of practice, while managing the call flow.
3. The importance of confidentiality and compliance with laws and regulations. Each trainee is required to sign, and is held to, LanguageLine's strict Code of Conduct. Interpreters are also trained on Fraud, Waste, and Abuse, HIPAA, Personal Information Security, and Gramm-Leach-Bliley Act requirements governing call handling.
4. Required skills and techniques for outstanding customer service and professionalism.
5. An introduction to industry standards. LanguageLine Solutions has developed standards of interpretation for each of our major industry segments. Some of the standards included are Insurance (Property and Casualty, Auto and Health), Centers for Medicare and Medicaid Services (CMS) Secret Shopper Program, Medicare/Medicaid, banking and finance, law enforcement agencies and 911 call centers. These "real-world" standards were developed based on formal feedback gathered from our customers via surveys and interviews, the Voice of the Customer continuous client feedback loop, and participation in leading professional organizations. Trainees are taught the different requirements and standards for the industries they will serve and discuss specific industry challenges and respective terminology.

The New Hire Orientation Program includes an essential component, evaluation. Trainees are tested upon completion. Minimum passing grade is 80%. Interpreters who meet the predetermined criteria, demonstrated through role-playing and other exercises, are deemed qualified to actively take calls. Over 160 hours of knowledge training and skill development, which includes the 25 hours of New Hire Orientation, is available to our interpreters depending on their individual career tracks.



FOCUSED OPPORTUNITIES FOR ADVANCED EDUCATION AND TRAINING

The LanguageLine Solutions Interpreter Training Department provides advanced education and training for interpreters that qualify in the following fields: finance, insurance, legal, medical, technical terminology, 911, and stress reduction. Many of the training curricula have been developed in collaboration with external training and teaching experts and input from our clients.

- **Finance Training** – was developed with AG Edwards and our senior interpreters who have experience in the field.
- **Insurance Training** – was developed by interpreters who have been licensed insurance agents with extensive working experience at insurance companies and with input from one of our major insurance clients.
- **Advanced Medical Training** – was developed internally by medical professionals who were LanguageLine healthcare interpreters. This training supplements the more basic Medical Interpreter Training that we co-developed with the Cross Cultural HealthCare Program, a leading medical interpreting training organization located in Seattle, Washington.
- **Court Interpretation Training** – was developed by Holly Mikkelson, a world renowned expert on interpretation in the legal industry and member of the Middlebury Institute of Languages, and experienced linguists developed our legal curriculum.
- **Video Interpretation Training** – LanguageLine's video interpretation training was designed to help reinforce our philosophy of providing excellent customer service and a superior quality of interpreting in the video-remote environment.

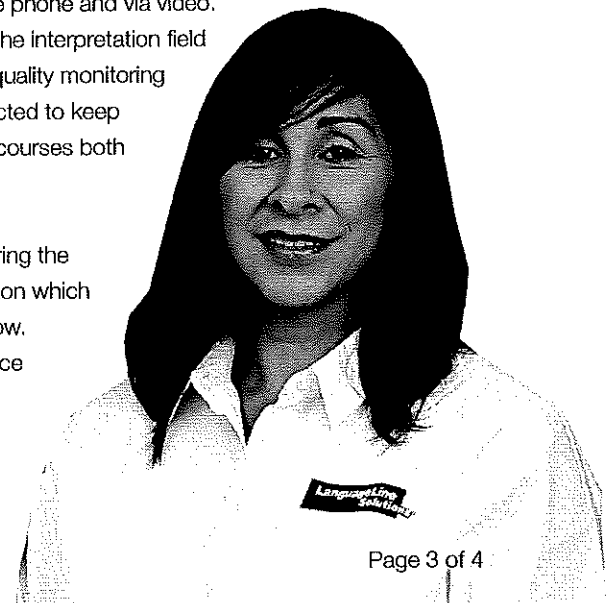
The content in our training programs reflects real call scenarios that interpreters deal with on the job each day. During the training sessions the interpreters actively participate in role-playing and discuss terminology in their working languages. Continuing Education for interpreters is offered via our Collaborative Learning Sessions, the Interpreter Newsletter, and the Interpreter Portal Libraries. Content is available in all industries and includes additional training on topics such as medical and legal terminology, financial disclosures, and managing stress on a call.

COMMITMENT TO QUALITY ASSURANCE FOR SUSTAINED EXCELLENCE

LanguageLine Solution's Quality Assurance Department is dedicated to monitoring the interpretation sessions we provide to our clients as well as to the structured development of our interpreters. Upon successful completion of the New Hire Training Program, interpreters are assigned to a Senior Language Specialist (SLS) who resides in our Quality Assurance Department and provides hands-on, one-on-one observation and coaching, both over the phone and via video. Our SLSs are senior interpreters with extensive education and experience in the interpretation field with an average LLS tenure of 13 years. They have been trained to conduct quality monitoring and provide constructive and effective feedback. Additionally, SLSs are expected to keep up with their interpreting/coaching skills by completing continuing education courses both internally and externally.

Newly hired interpreters are observed by an SLS a minimum of four times during the first two months as active interpreters. This is a formal documented observation which includes scoring and coaching, monitoring for skills, and managing the call flow. Our interpreters continue to be coached and monitored through Formal Service Observations for quality performance with frequency dependent on location, performance history, and demand.

All Senior Language Specialists go through a monthly calibration process.



During the calibration sessions, the Quality Assurance Team listens to live calls, discusses the interpreters' overall performance, their adherence to LanguageLine guidelines and procedures, interpreting standards, and client requirements. The interpreters' strengths and areas for improvement are assessed and rated for both Customer Service Skills and Interpretation Skills. Monitoring information is entered and tracked in an internally developed database.

ONGOING TRAINING AND SUPPORT

Interpreters can avail themselves of additional professional development through the following training resources:

- **Online Portal** – Interpreters have 24-hour access to an interpreter portal and electronic chat line, which hosts interpreting related discussions and support.
- **Support Request** – Interpreters have access to submit a support request at any time to receive help and answer any questions to ensure they have everything they need for an interpretation session.
- **Collaborative Learning Sessions** – Interpreters are given opportunities to receive additional training in different industries and discuss any interpretation-related issue over the phone.
- **At-a-Glance Glossary** – Interpreters have access to glossaries that are subject-specific to assist them on calls. The glossaries are updated by the Training Department.

In addition, we back-up the quality of our interpreters with a comprehensive LanguageLine Professional Liability Insurance Policy which includes wrongful acts like disclosure of confidential information, the type of risk that could be encountered when working with a language services provider.

Let us prove to you the quality and credentials of our interpreters and ask our competitors to prove theirs. LanguageLine Solutions is committed to connecting you with the very best linguists in the world. Our more than 9,000 interpreters must continually earn the right to interpret for us and for you. They can be trusted to do their job so you can focus on yours.

FOR MORE INFORMATION

Please contact your Account Executive or
1-800-752-6096 / CustomerCare@LanguageLine.com



LanguageLine Solutions Interpreters – Quality, Safety, Security, and Compliance

At LanguageLine Solutions®, we search the world for the very best linguists available to join the LanguageLine team. Only the best candidates that pass rigorous tests and screening and demonstrate that they can learn, retain and utilize new information and skills are hired. That's less than 10% of those that apply.

COMMITMENT TO QUALITY

Once selected, our interpreters participate in extensive training and development programs based on their individual level of experience and proficiency. All of our linguists, no matter where they are located, are held to the same demanding LanguageLine standards for interpretation and Code of Conduct so clients can be assured that the quality of our interpretation service is superior. Additionally, we back-up the quality of our interpreters with a comprehensive liability insurance policy. We are proud to say we have never had to use it.

COMPLIANCE

Our interpreters are required to successfully complete the Centers for Medicare and Medicaid's (CMS) training no matter where they are located. We strictly monitor the completion and pass rate to assure compliance. This training includes Health Insurance Portability and Accountability Act (HIPAA) and Fraud, Waste, and Abuse (FWA). Federal exclusion databases are reviewed monthly and at hire for all staff.

CMS does NOT prohibit sponsors or vendors from utilizing interpreters based outside of the U.S. Therefore, the use of our superior domestic and global interpreter workforce is compliant with CMS requirements.

SAFETY AND SECURITY

The privacy and security of sensitive customer information is handled with the utmost care. All of our interpreters must pass background screening. Additionally, LanguageLine Solutions does not record or store any data or calls to ensure the confidentiality of the conversation. Our locations are secure and can only be entered by authorized personnel who have been granted fingerprint door access, and/or Secure Employee ID badges. We also require all employees to adhere to a clean desk policy.

In addition to our stringent security processes for interpreters, video interpreting through LanguageLine Solutions utilizes a HIPAA compliant encryption process to ensure that calls are protected during their transmission over the internet.

LanguageLine's clients can be assured that the best linguists will be working with their staff in secure and safe environments to increase efficiencies and enable accurate, professional interpretation sessions.

FOR MORE INFORMATION

Contact your Account Representative or email
info@languageLine.com, call 1-800-752-6096 or
 visit www.LanguageLine.com

