

State of Maine Waiver of Competitive Bidding Request Form

DHHS/DCM Contract Administrator:	Nancy Tan/Elizabeth Heath	Office/Division/Program of Contract Administrator:	OADS/ APS / Psychological Evaluation Services
Est. Contract Amount:	Amendment \$15,000.00	Contract or RQS Number:	10A 20180327*2823
	New Amount \$73,000.00	Purchasing Maine ID:	
		DHHS Agreement Number:	ADS-19-5222A
Proposed Start Date:	07/01/18	Proposed End Date:	06/30/2020
Vendor/Provider Name, City, State	Devine & Devine Psychological Services, Inc. Belgrade, Maine		
Short Description of Good or Service:	Specialized Direct Services - Psychological Evaluation Services		
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>3/19/2019</u> To: <u>3/25/2019</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0320190330	
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:
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.		
X	If a different authorization specifically allows for this non-competitive procurement, please provide that reference here:	Willing & Qualified	
Please note that the following four points below (#2 through 5) <u>all</u> require a response.			

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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.

The Department is mandated by Maine statute to provide assistance and support for adult citizens of the State who are incapacitated and unable to manage their own affairs or to protect themselves from abuse, neglect or exploitation. The Department is also mandated by statute to provide services and programs for persons with intellectual disabilities or autism which protect the integrity of the legal and human rights of these persons.

Relevant statutes include 22 M.R.S.A., Chapter 958-A: Adult Protective Services Act; 34-B M.R.S.A., Chapter 5: Intellectual Disabilities and Autism; and 18-A M.R.S.A. Article 5: Protection of Persons Under Disability and Their Property.

The Department's Adult Protective Services (APS) is responsible for providing or arranging for services to protect incapacitated and/or dependent adults in danger. APS staff also petition for Public Guardianship and/or Conservatorship of incapacitated adults when all less restrictive alternatives have failed.

The Department's Disability Services (DS) is responsible for providing a mechanism for the identification, evaluation, and provision of services to persons with intellectual disabilities or autism consistent with mandated principles guiding delivery of services through appropriate personal planning, as well as providing protective and supportive services to incapacitated and dependent persons.

This Agreement provides psychological consultation and evaluation services for the following populations:

a. Adult Protective Services

- (1) Adults who are alleged to be incapacitated as defined in 22 M.R.S.A., Chapter 958-A: Adult Protective Services Act.
- (2) Individuals for whom the Department is petitioning the probate court to be appointed public guardian and/or public conservator when there is no suitable, available and willing private individual to serve as private guardian or conservator.

b. Disability Services

- (1) Qualified persons who are alleged to have intellectual disabilities or autism as defined in 34-B M.R.S.A., Chapter 5: Intellectual Disabilities and Autism.
- (2) Persons for whom psychological consultation or evaluation is requested to determine eligibility to receive disability services from the Department.

The purpose of this Amendment is to add funding to meet the increased need for psychological evaluation of APS clients.

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.

Sufficient staffing or expertise is not available within the Department to perform the services outlined above.

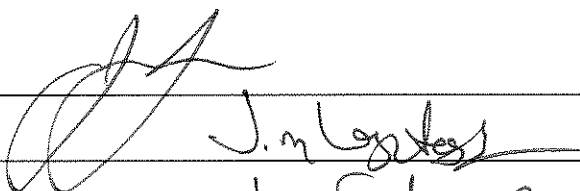
There are no other governmental resources (local, state, or federal agencies) external to the Department that are able to provide the required services.

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**.

The rate charged by the Provider is considered fair and reasonable based on comparison with the rates commonly charged by qualified Providers for similar services. The rates are based on region and compared to other Psychologists in the area.

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5. Future Competition Please describe potential opportunities which may be available to foster competition for these goods or services in the future.	
The Department is accepting Providers who are able and willing to provide the services required. The Department does not intend to RFP these services.	
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.	
DHHS, Office of Aging and Disability Services has determined that this provider is willing and qualified to provide the required services to the APS and DS service populations. The provider has Licensure as a Psychologist (under 32 M.R.S.A. § 7003(8)) or licensure as a Psychiatrist (under 32 M.R.S.A. § 7003(7)); or Staff with licensure as a Psychologist (under 32 M.R.S.A. § 7003(8)) or licensure as a Psychiatrist (under 32 M.R.S.A. § 7003(7)).	
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	
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:	
Date:	1 - Feb - 19