

# State of Maine Waiver of Competitive Bidding Request Form

<b>DHHS/DCM Contract Administrator:</b>	Ryan Roberts/Nancy Tan	<b>Office/Division/Program of Contract Administrator:</b>	DHHS/SAMHS/Cameron Bailey/Michele King
<b>Est. Contract Amount:</b>	Amend: \$190,427.00 Revised: \$1,547,616.00	<b>Contract or RQS Number:</b>	CT-10A-20170713*0144
		<b>Purchasing Maine ID:</b>	
		<b>DHHS Agreement Number:</b>	OSA-18-203C
<b>Proposed Start Date:</b>	7/1/2017	<b>Proposed End Date:</b>	6/30/19
<b>Vendor/Provider Name, City, State</b>	AdCare Educational Institute of Maine, Inc Augusta ME		
<b>Short Description of Good or Service:</b>	Training, instructor staffing and supervision, facility scheduling and management, program evaluation.		
<b>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.</b>		<i>To be completed by the Division of Procurement Services</i> Posting dates on Division of <i>Procurement Services</i> website: From: <u>4/1/2019</u> To: <u>4/7/2019</u>	
<b>Notice of Intent to Waive Competitive Bidding Number:</b>		NOI# <u>0420190401</u>	
<b>1. Statutory Justification</b>			
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> <b>Signature:</b>	
		<b>Printed Name:</b>	<b>Date:</b>
<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 State from only one source;		
<input type="checkbox"/>	D. It appears to be in the best interest of the State to negotiate for the procurement of petroleum products;		
<input type="checkbox"/>	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: <a href="http://www.maine.gov/purchases/info/forms/govcoop.doc">http://www.maine.gov/purchases/info/forms/govcoop.doc</a>.</i>		
<input type="checkbox"/>	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;		
<input type="checkbox"/>	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.		
<input checked="" type="checkbox"/>	If a different authorization specifically allows for this non-competitive procurement, please provide that reference here:	RFP Extension	

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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.

The purpose of this agreement is to extend the end date as the intention is to put the service out for RFP in FY20. The \$ Maine Revised Statute, Title 5, Part 25, Chapter 521, Subchapter 5, 20072 requires that all OUI (Operating Under the Influence) offenders complete an education and assessment program administered by the DEEP (Driver Education and Evaluation Programs), a division of the Office of Substance Abuse and Mental Health Services (SAMHS). DEEP shall certify to the Secretary of State if and when each individual offender has met these requirements.

The purpose of this amendment is to extend the services for another 3 months to ensure there is not a gap in service with the RFP is in process.

## 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 Department does not have the resources to provide this service.

## 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**.

Budget is determined by a unit-based projection of cost, including demand for programs by region, costs for facilities, compensation of instructors, instructional materials, equipment, travel and administrative costs. DEEP's participant fees are based on these costs.

A benchmark survey of fees for OUI programs in New England found that Maine's DEEP program costs were lower across the board, with AdCare Educational Institute delivering comparable services for less than all the other New England states.

Cost and fees are consistent with the current agreement.

## 5. Future Competition

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

These services will be competitively bid through an RFP for a contract start date of 7/1/2019.

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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 current Provider's program instructors are the only ones in the state who are qualified to deliver DEEP's education programs; no other entity other than AdCare is able to provide this service. These instructors are required to be certified to teach the DEEP-approved curriculum and must maintain certification annually.

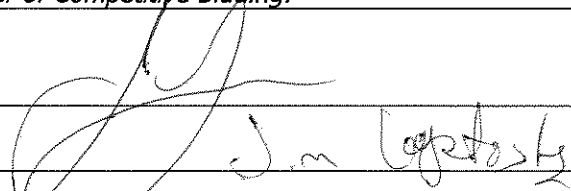
**7. Timeframe (Complete only if B. is the Statutory Justification marked on Page 1)**

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:**

26-Mar-19