

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:	Jay Pennell	Office/Division/Program of Contract Administrator:	Corrections/JJAG
Est. Contract Amount:	\$ 15,000	Contract or RQS Number:	03A 20190408-2869
Proposed Start Date:	May 2019		September 2019
Vendor/Provider Name, City, State	Houlton Band of Maliseet Indians 88 Bell Rd Littleton, Me 04730 207 532 4273		
Short Description of Good or Service:	Host 3 presentations designed to improve Positive Youth Outcome in the Maliseet tribe		
Please note, for transparency purposes, Waivers of Competitive Bidding will be publicly posted. Public postings are placed on the Division of Purchases' website for a period of seven consecutive calendar days.		To be completed by the Division of Purchases Posting dates on Division of Purchases' website: From: <u>04/11/19</u> To: <u>04/17/19</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0420190440	
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 checked="" 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 Purchases "GOVCOOP" form, found here: http://www.maine.gov/purchases/info/forms/govcoop.doc.</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 type="checkbox"/>	If a different authorization specifically allows for this non-		

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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.

We recognize that Maliseet children are at greater risk of dropping out of school, becoming unemployed as adults, and developing substance use disorders due to the disparities our community faces. Our children are also placed at higher risk of developing symptoms of depression and suicidal ideation.

We currently have a team of staff who work directly with our youth ages 5-18 providing health and substance abuse education and prevention services. They also incorporate various cultural components into their education and prevention activities.

With this proposal we hope to reach out to children in the Maliseet community and surrounding Native communities to motivate them not only to stay in school, but to set greater goals for academic and personal achievement. We also hope to help the children recognize that some of the barriers they are facing can be overcome through their own determination, personal strength, and perseverance regardless of the background they come from. We plan to do this by hosting 3 separate events in which motivational speakers will educate, inspire, and influence youth to reach their greatest personal best. These presentations are paramount in teaching the children to build skills around the prevention of substance use and abuse disorders and will also provide tools to cope with depression. They will also educate children on dealing with toxic relationships and building self-esteem.

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.

As this is an issue on the Maliseet tribal lands and some of the nuances of the issue are specific to the tribe it becomes inappropriate to build resources outside of the tribe. The Houlton Band of Maliseets have been effected by the trauma of youth being removed from families at a young age and the ongoing loss of culture. The cultural norms that need to be recovered are specific to the Maliseet tribe so it is inappropriate to look to sources of cultural outside the tribe.

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 costs of the grant are being covered by Indian Pass through funds under the JJAG 2017 Title II solicitation

5. Future Competition

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

The plan to sustain the program will be absorbed within the plan the tribe has for a youth development program. Currently, we are waiting on the determination for funding from the Administration for Native Americans for our youth program

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.

With all Native American tribes, the culture and learning is unique to specific cultures. The proposed program looks at the unique issue of food insecurity in the tribe and designed to teach youth to prepare and cook their own meals as well as providing information and counseling to youth dealing with familial substance abuse that effects more than 40% of the Maliseet tribe.

This program will work with other tribal entities including, health, mental health and developing native natural resources to teach youth skills to survive. The side programs offered including the once a month family events will help youth and families engage in positive ways

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):	<i>By signing below, I signify that my Department requests, and I approve of, this Waiver of Competitive Bidding.</i>
Printed Name:	
Date:	Colin O'Neill
	4/5/19