

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:	Shawn Belanger Elizabeth Heath	Office/Division/Program of Contract Administrator:	OIT/DHHS/Administered by SAMHS/Johanna Buzzell
Est. Contract Amount:	\$142,039.43	Contract or RQS Number:	10A 20181204*1800
		Purchasing Maine ID:	
		DHHS Agreement Number:	OIT-19-109
Proposed Start Date:	1/1/2019	Proposed End Date:	12/31/2019
Vendor/Provider Name, City, State	FEI.com, Inc. Columbia, MD		
Short Description of Good or Service:	Substance Use Electronic Health Record and Treatment System - Federal reporting; Grant monitoring and reporting data management 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>4/12/2019</u> To: <u>4/18/2019</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0420190450	
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 Procurement Services "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.		

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If a different authorization specifically allows for this non-competitive procurement, please provide that reference here:	
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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 contract is written to secure an effective and efficient web-based data collection, reporting and contract monitoring system for the Office of Substance Abuse and Mental Health Services, Treatment Data System. The system will need to be able to capture the federal National Outcome Measures (NOMS); ability to securely direct report up in the federal Treatment Episode Data System (TEDS); and the ability to easily expand what it collects to meet the needs of the SAMHS-across program areas. SAMHS will need access to be able to make simple edits to field selections in the system to meet emerging needs (for example as SAMHS hears of the new drugs we need to be able to quickly add that to the system to begin to collect data on it and track any issues). The ability to create reports as needed.

NOMS and TEDS reporting are required in grants SAMHS receives from SAMHSA. TEDS is moving to BH-TEDS (Behavioral Health TEDS) and will soon be required to begin collecting mental health data as well.

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, resources, or expertise is not available within the State of Maine’s government.

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 State of Connecticut issues RFP 11PSX0359 for Electronic Health Records and awarded the contract to FEI systems. Connecticut’s resulting contract includes a scope that was much larger than Maine’s intentions, therefore, it was difficult to directly compare costs.

Below are additional specifics on how cost reasonability has been determined:

- Conversion Cost with FEI: NTE \$40,000-\$60,000. This is comparable to 3 FTEs for 1 month, performing similar services through the State of Maine’s competitive awarded contract with Knowledge Services. The 3 FTE’s would be equivalent to a Junior Architect paid at \$102.98 per hour, Senior Database Architect paid at \$95.85 per hour. Senior Business SME at \$107.24 per hour or Programmer 5 paid at \$89.74 per hour. Therefore: Average rate of \$100 per hour x 3 positions x 160 hours (representing one month) =\$48,000.

Potential long-term savings depending upon other components of the WITS system we decide to us:

- Currently DTxC costs approximately \$12,280 in annual data storage and OIT/payroll system support and \$8,000 in other vendor system maintenance;
- The Prevention Management System costs \$102,000 annually;
- The Client Satisfaction Surveys performed with substance abuse and mental health agencies, costs over \$8,000 annually;

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

The Department does not intent to competitively procure these services at this time.

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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.

FEI has a private-public partnership called the WITS Collaborative Partnership/WCP (now called the WUG, or WITS User Group). Today the WUG has 30 members, including Fei and 29 State and County partners. The primary responsibility of the WUG is to set the direction of current and future WITS development activities while ensuring partners have access to all WITS modules. This cost sharing and collaboration would not be possible without FEi coordinating the efforts of the each other member. The WITS development process is designed specifically to meet the needs of this complex system. WITS is an open source, cost shared system that was originally designed based upon federal reporting requirement of the US Substance Abuse and Mental Health Services Agency and is based on the nationally recognized NOMS and TEDS systems. In order for each customer to be able to determine their own functionality and also be able to benefit from the collaborative, they rely on the team at Fei to:

- Manage each customer's instance individually while maintaining the base code that allows for the collaboration
- Know how the existing system works across all customers
- Be able to recommend existing functionality that might meet customer needs
- Help design new functionality in a way that is consistent with the existing system, and
- Is most likely to be of benefit to other members of the collaborative (if possible)
- Help ensure appropriate quality control of the code
- Facilitate cost sharing initiatives
- Work with all members of the collaborative to prepare for and respond to changes in regulations and standards

WITS is a collaborative system. This means that the State will benefit on day one, and throughout its relationship with Fei, from development done by any of the other 29 customers (states and counties) that Fei supports. In addition, Maine will have opportunities to collaboratively participate in the development of the new items if it chooses to, and will have the benefit of adding any new items to their system or removing items the State feels it does not need. Maine will have opportunities to collaboratively participate in the development of new items. Maine benefits by being able to "turn on" other components of the system, often for free, to meet our expanding needs.

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.

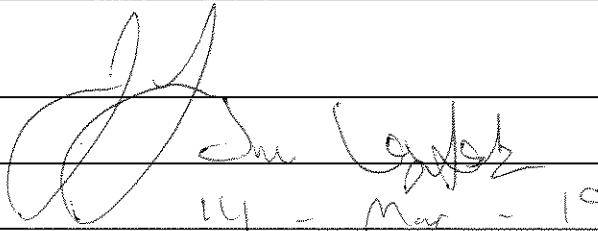
N/A

Signature of requesting Department's Commissioner or Chief Executive (or designee within the Commissioner's Office):

By signing below, I signify that my Department requests, and I approve of, this Waiver of Competitive Bidding.

Printed Name:

Date:



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