

# 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.

<b>DHHS/DCM Contract Administrator:</b>	Chris Moiles / Patti Wall	<b>Office/Division/Program of Contract Administrator:</b>	MECDC/Infectious Disease/State Epidemiologist
<b>Est. Contract Amount:</b>	\$66,800 (Current \$45,600 + amend \$21,200)	<b>Contract or RQS Number:</b>	20160908*0770
		<b>Purchasing Maine ID:</b>	
		<b>DHHS Agreement Number:</b>	CDC-17-3102B
<b>Proposed Start Date:</b>	10/1/2016	<b>Proposed End Date:</b>	9/30/2020
<b>Vendor/Provider Name, City, State</b>	Stephen D. Sears, MD Belgrade, Maine		
<b>Short Description of Good or Service:</b>	Medical Epidemiology on call coverage and consultation		
<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>		<b>To be completed by the Division of Procurement Services</b> Posting dates on Division of <i>Procurement Services</i> website: From: <u>4/20/2019</u> To: <u>4/26/2019</u>	
<b>Notice of Intent to Waive Competitive Bidding Number:</b>		NOI# 0420190488	
<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 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: <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;		

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	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) 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 State Epidemiologist is required to be on call 24/7 to respond to matters that are urgent in nature and require medical guidance. This contract is necessary to provide back-up medical epidemiology coverage totaling two weeks of evening weekday coverage and one weekend of coverage per month for 10 months plus coverage for four full weeks of vacation for the State Epidemiologist. Clinical medical consultation services are needed due to recent changes in the Department that have resulted in the absence of staff who can provide clinical feedback and input to the State Epidemiologist.

Title 22, Chapter 250 identifies the mandates of the Division and the services needing medical expertise.

**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.

Due to the 24/7 specialized nature of the work and the need for a license to practice medicine in Maine, it is not possible to provide adequate coverage with existing staff. Sufficient staffing, resources, or expertise is not available within State of Maine government, or any other governmental entity.

**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 fee was arrived at based on a prior contract (CDC-17-3110 Intermed PA) for a similar type of service. \$21,200 is a nominal fee to pay for this level of service and considered fair and reasonable for the amount of on-call coverage being requested.

**5. Future Competition**

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

An RFP (201607151 On-call Epidemiology) was posted for these services but no award was made due to only one incomplete proposal having been received. The Department does not intend to competitively bid 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.**

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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.

The contractor is a former Maine State Epidemiologist with over four years of prior experience in that role.

As a former State Epidemiologist, the contractor is currently the most qualified physician in the State of Maine to perform these services to meet the Department's needs. No training is necessary.

The contractor is an infectious disease specialist with extensive experience with and knowledge of Notifiable Conditions in Maine as well as the rules for the control of notifiable disease and conditions in the state of Maine. The contractor has experience working with the staff within the Division of Disease Control and has full knowledge of program infectious disease protocols.

**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:**

*Jim Lopatasky*

**Date:**

*18 - Apr - 19*