

# 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>Requesting Department's Contract Administrator:</b>  | Amelia Lyons   | <b>Office/Division/Program of Contract Administrator:</b>  | Department of Education |
| <b>Est. Contract Amount:</b>  | Amend. \$14,000 (total \$600,000)  | <b>Contract or RQS Number:</b>   | 2019*2064               |
| <b>Proposed Start Date:</b>   | <b>2/1/2019</b>  | <b>Proposed End Date:</b>  | 1/31/2020               |
| <b>Vendor/Provider Name, City, State</b>  | Hand in Hand / Mano en Mano<br>PO Box 573 Milbridge, ME 04658  |  |                         |
| <b>Short Description of Good or Service:</b>  | Statewide Identification and Recruitment, Advocacy, Service Provision, Data Collection, and Project Management for migrant children, in accordance with Title I, Part C of the Every Student Succeeds Act  |  |                         |
| <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><br>Posting dates on Division of <i>Procurement Services</i> website:<br>From: <u>04/26/2019</u> To: <u>05/02/2019</u> |                         |
| <b>Notice of Intent to Waive Competitive Bidding Number:</b>  |  | NOI# 0420190521  |                         |
| <b>1. Statutory Justification</b><br>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><br><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:<br>(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;<br>(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.   |  |                         |

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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 Maine Department of Education is responsible for identifying, recruiting, and providing services to all eligible migrant students in the state, in accordance with Title I, Part C of the Every Student Succeeds Act (ESSA). Hand In Hand / Mano en Mano has provided such services for the past two years, under the RFP# 201611212. Specific additional responsibilities required for this contract, and resulting in the proposed amendment, would include:

- Additional travel to national migrant education events to represent the Maine Migrant Education Program and receive Professional Development, as the state director will be out on leave. This includes attendance and participation at the Migrant Preschool Consortium Incentive Grant State Steering Team meetings; Identification and Recruitment Rapid Response Consortium Incentive Grant State Steering Team meetings; and the Interstate Migrant Education Council Symposium October 16-18, 2019.
- Additional and specific screening of all eligible migrant Pre-K students in accordance with the Consolidated State Plan's amendment. Starting in the summer of 2019, the Provider will administer and document the Ages and Stages Questionnaire (ASQ) to all migrant Pre-K students ages 3-5 who have received at least 10 instructional services in the prior 12 months, and provide timely referrals for any students who are not scoring at proficiency.
- An increase in supplemental services provided to students identified as Priority for Service (PFS) during the summer enrollment period (6/15-8/31) and at the beginning of the 2019-20 school year.

## 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 staff capacity at the Maine Department of Education for the Migrant Education Program is one full time staff position, the Consultant for Highly Mobile and Migratory Students. This staff member will be on leave and a reduced work week schedule from May – October 2019.

As this is a supplemental educational program, services must be provided *in addition to* other services the students are already entitled to receive through their local school districts and/or community organizations.

No other resources are available within the State of Maine's government or other governmental agencies that would more effectively address the needs of migrant students than Hand in Hand / Mano en Mano.

## 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**.

These costs were negotiated based on previous available funds for the Migrant Education Program and the requirements of the Office of Migrant Education and the Maine Service Delivery Plan.

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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.

This contract will be up for another Request for Proposals for the year 2021-2022.

**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.

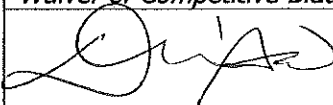
The required services of the Maine Migrant Education Program are unique to Hand in Hand / Mano en Mano. This organization has fostered relationships with eligible migrant students and families over the past many years, and are very familiar with the unique needs of Maine's migratory population. Staff are highly trained in the complex eligibility requirements of Identification and Recruitment and Service Provision for migrant students. Being based in Milbridge, Washington County, this organization is located near to the majority of eligible migrant students in the state. All of their year-round staff are multilingual (and some multicultural) and fluent in the languages spoken by migrant students in this state. Their staff is experienced with the Migrant Student Information Exchange system (national migrant database) as well as the Maine Migrant Student Information System, MIS2000.

**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:**

*Daniel A. Clark*

**Date:**

*22 Apr 2019*