

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:	Lisa Munster Shawn Belanger	Office/Division/Program of Contract Administrator:	OFI/OMS/OIT/DHHS Jamie Pruett/Karen Curtis
Est. Contract Amount:	Exist Amt: \$29,579,000.00 This Amend: \$5,728,180.00 New Amt: \$35,307,180.00	Contract or RQS Number:	CT 10A 20150619*4632
		Purchasing Maine ID:	
		DHHS Agreement Number:	OIT-16-066D
Proposed Start Date:	July 1, 2019	Proposed End Date:	June 30, 2020
Vendor/Provider Name, City, State	NTT Data Inc Boston, MA		
Short Description of Good or Service:	Maintenance and support of ACES (Automated Client Eligibility System)		
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 <i>Procurement Services</i> website: From: <u>5/3/2019</u> To: <u>5/9/2019</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0520190548	
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.			
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;		
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:
X	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;		
	D. It appears to be in the best interest of the State to negotiate for the procurement of petroleum products;		
	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>		
	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 DHHS ACES (Automated Client Eligibility Systems) is a strategic and enterprise application supporting DHHS business eligibility determination processes. This integrated eligibility application supports three major programs:

1. Temporary Assistance for Needy Families (TANF),
2. Food Supplement (Supplemental Nutrition Assistance Program), and
3. Mainecare (Medicaid).

Critical Processes and Interfaces of the ACES program:

- There are 75 program types or categories of eligibility that fall under these three programs.
- There are 1,000 State workers across the State who enter and request data from ACES;
- Approximately 300,000 households currently receive benefits;
- ACES transmits and receives files with over 30 State and Federal Partners pertaining to client status;
- ACES Receives 20,000 new benefit applications per month;
- It is the primary Mainecare eligibility status feed to the Office of Mainecare Services (OMS) Claims Payment System (MIHMS).
- It is the primary source of data for the Siebel work processing tool.

NTT Staff efforts will include:

- Defect resolution and enhancements to ACES necessary to keep the system current with State and Federal requirements
- Daily operational processes to ensure maintained health and stability of the ACES application, such as confirmation of daily batch process completion, data interface completion with federal and state agencies and applications, error log review and resolution, benefit issuance confirmation, et cetera
- Technical performance corrections and enhancements to ACES, as identified, to ensure efficient eligibility determination processing
- Providing resources to assist with the specification, implementation and maintenance of a business rules engine to replace the existing rules in ACES.
- Providing resources to assist in the development and testing of new the Service-Oriented Architecture (SOA).

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.

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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 negotiated cost structure of the currently approved agreement remains in effect.

5. Future Competition

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

A new request for proposals is being started and plans to address the OFI's dependency on multiple systemic applications to support operational needs. The expectation within this request will include maintenance, operational, and enhancement support for all systemic applications, with metrics and industry standards for performance and security requirements.

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.

NTT Data resources possess the knowledge of the business processes for OFI and eligibility, the system data structure and system architecture. NTT Data (formally Keane Associates) designed and built ACES 14+ years ago. The current contracted architect was part of the team. Maine's eligibility rules engine is a custom "Cascader rules engine" and is unique to Maine. With the recent replacement of this rules engine, it is critical that the current subject matter and technical experts on our existing rules engine and business rules management are part of this effort. It is imperative that we be able to leverage the NTT Data resources that have working knowledge of the architecture and business requirements during this transition.

Due to the complexity of the application, to change vendors at this point in time would significantly impact the ability to meet the business requirements. It would cost DHHS up to \$5 million to make a transition to a new vendor. There would also be the risk of losing valuable staff prior to the transition. Many of the ongoing maintenance and support requirements are driven by State and Federal legislation and security requirements.

Current negotiated contractual terms include three (3) optional, one-year renewals. This is extending the last of the three (3) renewal options.

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.

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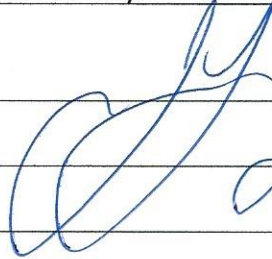
N/A

**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:


Jim Lopatosky
5-Apr-19