

# State of Maine Waiver of Competitive Bidding Request Form

<b>DHHS/DCM Contract Manager / Administrator:</b>	Nancy Tan / Valerie Fredericks	<b>Office/Division/Program of Contract Administrator:</b>	DHHS/OADS/Assisted Living
<b>Est. Contract Amount:</b>	\$ See Attachment	<b>Contract or RQS Number:</b>	See Attachment
		<b>Purchasing Maine ID:</b>	
		<b>DHHS Agreement Number:</b>	See Attachment
<b>Proposed Start Date:</b>	<b>07/01/19</b>	<b>Proposed End Date:</b>	06/30/21
<b>Vendor/Provider Name, City, State</b>	See Attachment		
<b>Short Description of Good or Service:</b>	Assisted Living		
<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 <b>Procurement Services</b> website: From: <u>5/3/2019</u> To: <u>5/9/2019</u>	
<b>Notice of Intent to Waive Competitive Bidding Number:</b>		NOI# 0520190549	
<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;		
<input type="checkbox"/>	<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 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;		
<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 checked="" type="checkbox"/>	If a different authorization specifically allows for this non-competitive procurement, please provide that reference here:	Willing and Qualified	

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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 Department strives to support programs that allow older adults to age in place, delaying and preventing nursing facility placement, so that individuals can maintain as much independence as possible in settings that are substantially less costly than nursing facilities.

Designated Assisted Living Facilities (ALFs) provide home support to older adults and adults with disabilities who need help to be as independent as possible, in community-based settings that are substantially less costly than nursing facilities.

People who live in ALFs meet OADS assisted living program criteria within a federal tax credit property built specifically for this purpose. ALFs provide essential services, such as meal preparation, assistance with medications, 24-hour emergency response, housekeeping, personal care, and social and recreational opportunities.

## **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.

Neither the Department nor any other governmental entities have the staff, resources or expertise to provide this service.

## **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**.

Because this program is funded in part through federal low-income tax credits, both the housing and services costs related to this model are substantially less than a nursing home placement.

## **5. Future Competition**

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

Provider relationships via State-funded contracts were made necessary with the repeal of Section 6 in the MaineCare Benefits Manual (10-144 C.M.R. ch. 101) effective July 2009. Services were subsequently delivered to clients who had previously chosen one of the existing providers for their assisted living and service needs. Because client homes have been established, the Department does not intend to RFP 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.

DHHS, Office Aging and Disability Services have determined that these providers are willing and qualified to provide the services. ALFs were built specifically to providing housing with services to seniors and adults with disabilities. These facilities are licensed by the State of Maine. People who live in ALFs meet OADS assisted living program criteria within a federal tax credit property built specifically for this purpose. The service providers use specialized staff to perform the services to meet their licensing requirements.

**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.

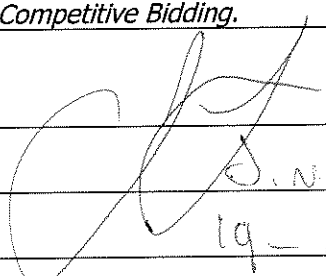
N/A

**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:**

  
 J. N. Lynde  
 19 - Apr - 19

## State of Maine Waiver to Competitive Bidding Request Form

The following list identifies all providers/vendors associated with this State of Maine Waiver of Competitive Bidding Request Form along with their specific contract information.

**DHHS Office:**

OADS

**Service:**

Assisted Living Facilities

**Start Date:**

7/1/2019

Vendor/Provider Name	Address	Contract (CT) Number	DHHS Agreement #	Amendment Amount (if applicable)	Total Contract Amount	Other Difference
MaineGeneral Rehabilitation & Long Term Care	40 Glenridge Dr, Augusta ME 04330	CT 10A 20190402000000002782	ADS-20-5511		936,358.00	
Manor at Phillipstown Place	c/o Christine Bougie, 27 Mayflower Dr, Sanford ME 04073	CT 10A 20190402000000002779	ADS-20-1513		772,442.00	
Penquis CAP, Inc	PO Box 1162, Bangor ME 04401	CT 10A 20190402000000002783	ADS-20-6518		3,068,494.00	
The Iris Network	189 Park Ave, Portland ME 04102	CT 10A 20190402000000002781	ADS-20-2512		510,958.00	
Wardwell Assisted Living Services	43 Middle St, Saco ME 04072	CT 10A 20190402000000002780	ADS-20-1514		342,862.00	
		Totals:	5	-	5,631,114.00	