

# 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	<b>Office/Division/Program of Contract Administrator:</b>	DHHS/MCDCP/MIP/Geoff Miller
<b>Est. Contract Amount:</b>	\$ 467,343.25	<b>Contract or RQS Number:</b>	Multiple – see attached
<b>Acct. Coding:</b> 014-10A-2531-03-014303		<b>Purchasing Maine ID:</b>	
		<b>DHHS Agreement Number:</b>	
<b>Proposed Start Date:</b>	April 1, 2019	<b>Proposed End Date:</b>	March 31, 2020
<b>Vendor/Provider Name, City, State</b>	See attached list		
<b>Short Description of Good or Service:</b>	Purchasing of Vaccine to comply with distributing vaccine to provider offices to administer to State Children's Health Insurance Program (SCHIP) clients.		
<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>05/07/19</u> To: <u>05/13/19</u>	
<b>Notice of Intent to Waive Competitive Bidding Number:</b>		NOI# 0520190565	
<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.			
	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>	
		<b>Signature:</b>	
		<b>Printed Name:</b>	<b>Date:</b>
	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: <a href="http://www.maine.gov/purchases/info/forms/govcoop.doc">http://www.maine.gov/purchases/info/forms/govcoop.doc</a>.</i>		



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	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;	
	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.	
<b>x</b>	If a different authorization specifically allows for this non-competitive procurement, please provide that reference here:	Unique – Federal Directed

**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.

This fulfills the obligation as outlined in Omnibus Budget Reconciliation Act of 1993. The purpose is to purchase and distribute vaccine to provider's offices enrolled in the Maine Immunization Program to administer vaccine to children in the State of Maine with no out of pocket cost to the parent or guardian. The purchase of this vaccine is with the SCHIP funding to support the vaccination of the children enrolled in the SCHIP program.

**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 Program has concluded that there is no other contract or purchasing mechanism that is more cost effective than purchasing through Federal CDC Vaccine contracts.

**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**.

Contract prices are those for CDC vaccine contracts that are established for the purchase of vaccines by immunization programs that receive CDC immunization grant funds (i.e., state health departments, certain large city immunization projects, and certain current and former U.S. territories). Section 1928 of the Social Security Act (42 U.S.C. § 1396s) provides for purchase of vaccine for administration to the Vaccines For Children using federal Medicaid funds and state funds. Purchasing vaccines on the Federal Contract saves an average of 68% over purchasing the vaccine privately.

**5. Future Competition**

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

Future opportunities for competition would be negotiated at the Federal level. These negotiations are completed annually for effective state date each April 1st.



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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.

Only State Health Departments, certain large city immunization projects, and certain current and former U.S. territories can purchase vaccines through this contract at the negotiated contract price. Private providers and private citizens cannot directly purchase vaccines through CDC contracts. Private sector prices are higher than the CDC Vaccine Contract prices. Here is the language supporting the Maine Immunization Program to purchase off the Federal Contract: "The CDC Vaccine Price Lists posted on this website provide current vaccine contract prices and list the private sector vaccine prices for general information. All questions regarding the private sector prices should be directed to the manufacturers." <http://www.cdc.gov/vaccines/programs/vfc/awardees/vaccine-management/price-list/index.html>

**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.

Vaccine orders are created quarterly to fulfill the obligation of distributing vaccine to provider offices in the State of Maine who administer vaccine to SCHIP children.

**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:**

JEFF WILEY

**Date:**

26 APR 19

## State of Maine Waiver of 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:** Maine CDC/Maine Immunization Program  
**Service:** Purchase of vaccinations  
**Start Date:** 1-Apr-19

Vendor/Provider Name, City & State	Contract (CT)Number	DHHS Agreement #	Amendment Amount (if applicable)	Total Contract Amount
GlaxoSmithKline	75D30119D04509	N/A		\$74,774.92
Merck	75D30119D04518	N/A		\$205,631.03
Pfizer	75D30119D04513	N/A		\$93,468.65
Sanofi	75D30119D04516	N/A		\$93,468.65
Totals:			4	\$467,343.25