

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.

Requesting Department's Contract Administrator:	Stacey Bean, Contract/Grant Specialist	Office/Division/Program of Contract Administrator:	Maine Department of Education (DOE), Special Services
Est. Contract Amount:	\$ 150,000.00	Contract or RQS Number:	20190201*2225
Proposed Start Date:	02/01/2019	Proposed End Date:	6/30/2021
Vendor/Provider Name, City, State	Biddeford School District Biddeford, Maine		
Short Description of Good or Service:	Biddeford School District will provide an Assistant Director to establish and implement protocols to serve pre-school children with developmental delays, to include: 1) Child Find services, 2) case management services and 3) educational programming for three to five-year-old children with disabilities in the Biddeford area.		
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>05/07/2019</u> To: <u>05/13/2019</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0520190585	
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.			
<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>	
		Signature:	
		Printed Name:	Date:
<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: http://www.maine.gov/purchases/info/forms/govcoop.doc.</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.

Maine's Child Development Services (CDS) program is responsible, under the Individuals with Disabilities Education Act (IDEA) and Maine Law, for special education services for children birth – 5 throughout the state. Maine is assessing the feasibility of adopting a model used by most other states to administer special education services for children 3 – 5 through school districts. Historically, Maine has administered these services through regional CDS offices.

Services under this agreement will transition early intervention services for 3 -5-year-old children from Biddeford from the regional CDS Opportunities office to Biddeford. As an initial implementer of a potential new model of early childhood services, Biddeford services will inform the potential transition from other regional CDS offices to other school districts. DOE expects that transitioning pre-school services from CDS regional offices to Maine School districts will improve administrative efficiencies. Biddeford implementation will provide crucial data should a statewide transition occur.

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.

School districts are the only potential candidates for these services. Biddeford has agreed to work with DOE to work with and administer the CDS program, to become an implementer of a model to serve pre-school children with disabilities in a school district. This agreement continues a project that began with a pilot two years ago that has been successful. Other school districts are now taking responsibility for early childhood programming for children with developmental delays.

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**.

DOE agrees to pay most of the cost, they are minimal given the parameters of services to be delivered. These are fair and reasonable fees.

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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.

Services under this agreement will continue to inform the change in the CDS service model. Other school districts are now taking responsibility for early childhood programming for children with developmental delays through contracts with the state CDS office.

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.

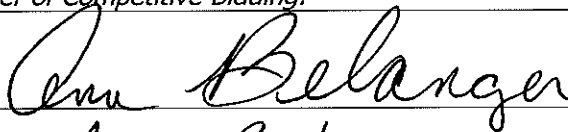
Biddeford is volunteered to investigate the feasibility of SAU's taking on responsibilities for preschool children with disabilities and to participate in this pilot program. Biddeford has the infrastructure and the expertise to accommodate the educational needs of preschool children, including those with disabilities.

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:

Ann Belanger

Date:

5-6-19