

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:	Nancy Tan	Office/Division/Program of Contract Administrator:	DHHS/OADS/ IHSP – Congregate Housing
Est. Contract Amount:	Amendment \$385,840.00	Contract or RQS Number:	CT10A20180321*2732
New Agreement Total \$711,680.00		Purchasing Maine ID:	
		DHHS Agreement Number:	ADS-19-2518A
Proposed Start Date:	07/01/18	Proposed End Date:	06/30/2020
Vendor/Provider Name, City, State	Southern Maine Area Agency on Aging Scarborough, ME		
Short Description of Good or Service:	Independent Housing with Services Program (IHSP) - Congregate Housing		
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.		<i>To be completed by the Division of Procurement Services</i> Posting dates on Division of <i>Procurement Services</i> website: From: <u>5/8/2019</u> To: <u>5/14/2019</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0520190591	
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.

This amendment extends the agreement through 06/30/2020, bringing the termination date into alignment with other similar agreements, and adds appropriate funding to support the extended agreement term. Due to an increase in service utilization, the agreement amount for SFY 2019 is being increased by \$30,000.00. The agreement amount for SFY 2020 is \$355,840.00.

This agreement provides affordable congregate housing and comprehensive supportive services for older adults who have long term needs but do not require a nursing facility level of care.

An Independent Housing with Services Program (IHSP) site will provide congregate housing and supportive services for three or more consumers. Services provided will help the consumer with the instrumental activities of daily living and allow the consumer to remain as independent as possible. These services will help to delay the need for more costly institutional care.

Each Provider shall offer the following services as determined by the consumer's Plan of Care: Service Coordination, meals, Personal Care, Emergency Response and Homemaking Services per 10-149 C.M.R. ch. 5, § 62.04(B)(1) -(5).

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.

There is not sufficient staffing, resources, or expertise within the State of Maine or any other governmental entity to perform the required services more efficiently and effectively than the identified Providers.

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 cost of this agreement is negotiated by the IHSP congregate housing Provider and the Department. The budget that is submitted by the Provider for agreement services must be approved by the Department as being fair and reasonable before it is entered in the agreement.

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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.

The Department does not intend to issue an RFP for IHSP congregate housing services. A competitive RFP process for these services was pursued in 1998, 2002 and 2013. In each case, there were no proposals submitted by additional or different bidders to provide 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.

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 services provided are identified in each consumer's Authorized Plan of Care and are therefore unique for each consumer who participates in the Independent Housing with Services Program (IHSP) congregate housing program. The IHSP site is the home of the older adult who lives there. In their homes, supported by program services, consumers experience a safe and stable living environment that would be unduly disrupted should they be required to move from their current residences.

7. Timeframe (Complete only if B. is the Statutory Justification marked on Page 1)

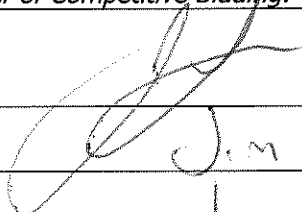
Please explain if time is of the essence and an emergency exists which requires the immediate procurement of goods or services. Describe the nature of this emergency, provide the date by which the goods or services must be delivered, and explain how that date was determined and its significance (i.e. 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:


 Jim L. [unclear]
 1 - May - 19

Date: