

State of Maine Waiver of Competitive Bidding Request Form

DHHS/DCM Contract Administrator:	Chris Moiles / Ryan Roberts	Office/Division/Program of Contract Administrator:	DHHS/OCFS Lisa Salger
Est. Contract Amount:	\$ 98,000.00	Contract or RQS Number:	CT-10A-20190322*2663
		Purchasing Maine ID:	
		DHHS Agreement Number:	CBH-20-3010
Proposed Start Date:	7/1/2019	Proposed End Date:	6/30/2020
Vendor/Provider Name, City, State	MaineHealth d.b.a Maine Behavioral Healthcare Portland, Maine		
Short Description of Good or Service:	Services provided to individuals who are deaf or hard of hearing.		
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>5/13/2019</u> To: <u>5/19/2019</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0520190619	
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;		
	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:		

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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 is required to provide accommodations and services for persons who are deaf or hard of hearing in order to provide access to mental health programs funded or licensed by the state (Title 34-B section 218). These services must include mental health assessments, interpreter services for treatment, education and training for mental health staff, telecommunication devices, and support for families with members who are hard of hearing who experience mental health problems.

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 State of Maine does not have the resources 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**.

By hiring sign-fluent staff, the agency significantly cuts costs that would be incurred through use of interpreters along with the mental health professionals. An example is one hour of interpreter service is needed for every hour of service provided to children who are deaf or hard of hearing, or parents who are deaf.

The typical total hourly cost to a community agency provided by one person - signing professionals who are knowledgeable of children's mental health for assisting a hard of hearing child or parent to discuss/ explain the management of their mental health care is \$85.16/hour.

In the same example the cost to the community agency to provide the same service adds an outside agency ASL interpreter at the certified interpreting rate of \$55/hour, plus the cost of a mental health professional at \$85.16/hour for a total of \$140.16/ hour, or a 61% increase.

While this example is greatly simplified on an hourly comparison alone, it is also generally accepted that without ASL-trained mental health staff, the cost for the mental health professional would double, since third party interpreting doubles the time taken to perform the service.

5. Future Competition

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

State of Maine Waiver of Competitive Bidding Request Form

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.

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 Provider has a unique capability to provide these services. These services require the agency to have a current mental health license to provide services to the children's deaf community. This agency provides this mental health service directly to clients by ASL-fluent staff, rather than through use of interpreters.

Currently, no other provider meets the criteria for providing these services for non-hearing children or their caregivers through ASL, and is qualified to deliver services to a children's population with social, emotional, developmental or behavioral health needs as demonstrated by the ability to acquire a Maine mental health license and clinically credentialed mental health professionals

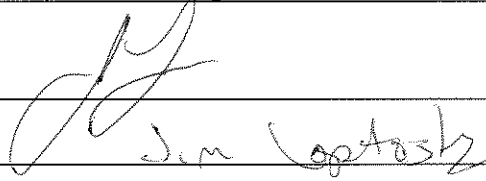
7. Timeframe (Complete only if B. is the Statutory Justification marked on Page 1)

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:



Date:

25-Apr-19