

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:	Chris Moiles	Office/Division/Program of Contract Administrator:	DHHS/MECDC/MIP Tammy Duguay
Est. Contract Amount:	<u>\$12,925,000.00</u>	Contract or RQS Number:	Multiple
Acct. Coding: 014-10A-9121-01-Z12101		Purchasing Maine ID:	
		DHHS Agreement Number:	
Proposed Start Date:	April 1, 2019	Proposed End Date:	March 31, 2020
Vendor/Provider Name, City, State	See Attached		
Short Description of Good or Service:	Purchase of Vaccines		
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>05/16/19</u> To: <u>05/22/19</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# <u>0520190655</u>	
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:
	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;		

State of Maine Waiver of Competitive Bidding Request Form

	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.	
x	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 Public Law 595 to purchase and distribute vaccine to provider offices enrolled in the Maine Immunization Program to administer vaccines to all children in the State of Maine with no out of pocket cost to the parent or guardian. The purchase of this vaccine with the collected assessments funds from the health insurance organizations completed the intent to have Maine be a Universal Distribution State.

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 efficient than purchasing through the Federal CDC Vaccine contracts. Contract prices are those for the Federal CDC vaccine contracts that are established for the purchase of vaccines by immunization programs that receive Federal CDC immunization grants funds (i.e., State health departments, certain large city immunization projects, and certain current and former U.S. territories).

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**.

Maine Public Law 595 Universal Childhood Immunization Program, 22M.R.S.A § 1066 (section 3 E 1) reference "Vaccines recommended by the advisory committee that are available under contract with the United States Department of Health and Human Services, Centers for Disease Control and Prevention."

The Federal CDC has negotiated the vaccine cost on behalf of the Immunization Programs across the nation. Being a State run immunization program, this allows the Maine Immunization Program to purchase vaccines off this contract. 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 start date each April 1st.

State of Maine Waiver of Competitive Bidding Request Form

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.

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. 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). Private providers and private citizens cannot directly purchase vaccines through CDC contracts. Private sector prices are those reported by vaccine manufacturers annually to CDC. 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.

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		\$2,585,000.00
Merck	75D30119D04518	N/A		\$5,170,000.00
Pfizer	75D30119D04513	N/A		\$2,843,500.00
Sanofi	75D30119D04516	N/A		\$2,326,500.00
Totals:			4	\$12,925,000.00