

# 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 Shawn Belanger	<b>Office/Division/Program of Contract Administrator:</b>	DHHS/OCFS Lisa Salger
<b>Est. Contract Amount:</b>	\$ 100,000	<b>Contract or RQS Number:</b>	CT-10A-20190411*2913
		<b>Purchasing Maine ID:</b>	
		<b>DHHS Agreement Number:</b>	CFS-20-619
<b>Proposed Start Date:</b>	<b>7/1/2019</b>	<b>Proposed End Date:</b>	6/30/2021
<b>Vendor/Provider Name, City, State</b>	University of Southern Maine, Edmund S. Muskie School Portland, ME		
<b>Short Description of Good or Service:</b>	MYTC/LEAP		
<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>		<i>To be completed by the Division of Procurement Services</i> Posting dates on Division of <i>Procurement Services</i> website: From: <u>5/17/2019</u> To: <u>5/23/2019</u>	
<b>Notice of Intent to Waive Competitive Bidding Number:</b>		NOI# 0520190659	
<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>		
	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.		

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<b>X</b>	If a different authorization specifically allows for this non-competitive procurement, please provide that reference here:	Unique - Grant Partner
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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.

Office of Child and Family Services (OCFS) is legally mandated to ensure the successful transition of youth in foster care to adulthood. The matching funds provided through this contract serve to leverage additional private funding and community-based resources to increase the opportunities, resources, services, and supports to youth in foster care; thereby ensuring Maine’s Office of Child and Family Services meets its legal mandates to prepare youth in foster care for adulthood.

The primary goal of this contract is to improve educational and career outcomes that lead to economic self-sufficiency for youth under the care and responsibility of the Office of Child and Family Services. Through this contract, the Provider will continue to convene and expand the Maine Youth Transition Collaborative (MYTC), through key public and private partnerships, which for the past decade has successfully engaged hundreds of young people to improve individual outcomes and systems policies and practices. The Provider will work with MYTC partners to implement Maine Learn and Earn to Achieve Potential (LEAP) and Jobs for the Future, Back on Track competency-based model of learning to connect older youth in foster care with education and employment opportunities and supports to improve secondary and post-secondary outcomes for youth in foster care.

This contract will also ensure continued public-private partnerships that lead to increased and effective utilization of community-based resources for youth, efficient public and private systems collaborative efforts to support youth success, and that youth will have resources and opportunities in their communities that normalize their growing up experiences.

**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 Department does not have the resources or expertise available to provide these services.

**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 administrative costs associated with this contract are based on previously approved rates as determined through the RFP Process for similar activities. The cost for the My Best Bets Platform was negotiated by the Provider and the Non-profit agency that owns the product. It was determined to be the best product for Maine since it can be customized for Maine services and supports thereby increasing the efficiency of Department staff.

The cost of this contract generates substantial private funding to augment state funds used to serve this legally mandated population, as outlined below in Section 6.

**5. Future Competition**

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

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USM Muskie School (the provider) is the sole grantee of private funds that established the Maine Youth Transition Collaborative (MYTC) and the Maine Learn and Earn to Achieve Potential (LEAP) Partnership. The Provider is the only entity, in or outside of Maine which, can receive these matching funds that are a requirement of the Grant. 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.

USM Muskie School is the sole grantee of private funds for the MYTC and Maine Learn and Earn to Achieve Potential (LEAP) Partnership. The Provider is the only entity, in or outside of Maine which, can receive these matching funds that are a requirement of the Grant. The Provider is the only entity that has stepped forward to serve as the Backbone Organization of the MYTC, to date, and the Provider has successfully accomplished the services outlined for this contract. They have cultivated the necessary skill set required to deliver these services as they employ staff with relevant lived experience, and they are culturally immersed in the populations being served. This service meets the OCFS Strategic Plan and OCFS Practice Model and would be counter to the OCFS Practice Model to have a disruption in this service while the RFP process is followed

The partnership between the Department and The University of Southern Maine, Edmund S. Muskie School has provided the State of Maine with significant private foundation funding (as awarded to The University of Southern Maine, Edmund S. Muskie School) to support and expand the work of OCFS, as well as having engaged significant private partners, both in Maine and nationally, to increase resources and opportunities for youth in foster care. Because of this partnership, Maine has been able to leverage significant additional funds and resources at no cost to the tax payer. Additionally, over the past several years, OCFS has been meeting regularly with The University of Southern Maine, Edmund S. Muskie School and aligning services with OCFS priorities and strategic plans. This partnership has been critical to provide consistency of services to youth in foster care to improve their educational and employment outcomes.

The Provider, through the Maine Youth Transition Collaborative, has helped secure local, regional, and national private funding to help the Department meet its mandates for youth in foster care. These private foundations include: Jim Casey Youth Opportunities Initiative; Annie E. Casey Foundation; John T. Gorman Foundation; Sam L. Cohen Foundation; and Maine Community Foundation.

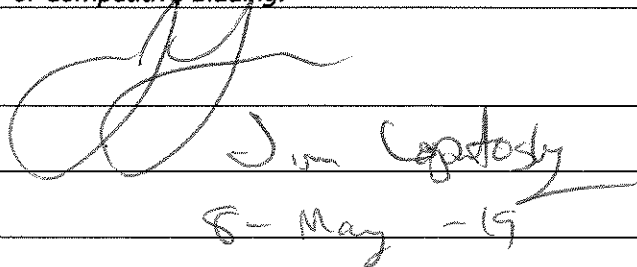
**7. Timeframe (Complete only if B. is the Statutory Justification marked on Page 1)**

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.*



Jim Caputo

**Printed Name:**

**Date:**

8-May-19