

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 / Patti Wall	Office/Division/Program of Contract Administrator:	DHHS/OCFS Lisa Salger
Est. Contract Amount:	\$ 49,401.28	Contract or RQS Number:	See attached
		Purchasing Maine ID:	
		DHHS Agreement Number:	CFS-19-70XXB
Proposed Start Date:	10/1/2018	Proposed End Date:	9/30/2019
Vendor/Provider Name, City, State	See attached		
Short Description of Good or Service:	Community Action Agency: securing & maintaining employment; securing adequate education; achieving better income management; securing adequate housing; providing emergency services; improving nutrition; creating linkages among anti-poverty programs; and, achieving self-sufficiency.		
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 Procurement Services website: From: <u>5/21/2019</u> To: <u>5/27/2019</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0520190681	
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>		

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	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.	
X	If a different authorization specifically allows for this non-competitive procurement, please provide that reference here:	Unique – State Selected/Fed Approved

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.

According to Maine Revised Statute, Title 22, Subtitle 4, Part 1-A, Chapter 1477 §5327 Allocation of Community Services Block Grant funds, the Maine Department of Health and Human Services has established Community Action Agencies to be the "first priority" recipients of Community Service Block Grant funds. The Community Action Agencies receive 7-year designations from the Maine Department of Health and Human Services, and using the funds under that designation, initiate, sponsor and provide programs and services responsive to the needs of the poor that are not otherwise being met through additional partnerships with other public and private sector organizations, as well as requiring maximum feasible participation and representation within the low-income communities the Agency serves. Community Action Agencies are a primary source of direct support for people who live in poverty. The Community Action Service facilitates for low income clients: securing and maintenance of employment; securing adequate education; achieving better income management; securing adequate housing; providing emergency services; improving nutrition; creating linkages among anti-poverty programs; and, achieving self-sufficiency.

The Federal government requires any CSBG grant funds left over from prior contract year be rolled over into the new contract year. Therefore, this amendment is to roll over the leftover FY18 funds into the FY19 contract

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.

This set of comprehensive services is not provided by the state and no public resources are available to meet this need.

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 amount of the amendment was determined by the amount of CSBG grant funds left in the FY18 contract.

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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Competition for CSBG funds is not done because allocation of Community Services Block Grant funds to eligible entities is based on an historical formula. State of Maine statutory authority for the distribution of CSBG funds is provided in Maine Revised Statute, Title 22, Subtitle 4, Part 1-A, Chapter 1477, Section 5327.

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.

Community Services Block Grant (CSBG) funds are required to go to "eligible entities" in each state, Section 675(b) CSBG Act. There are 10 Community Action Agencies (CAAs) in Maine and their status as "eligible entities" are reviewed every 7 years. Designation of these ten (10) CAA's as an "eligible entity" is effective through September 30, 2018. The process to re-designate the agencies began with a request for comments from other state agencies to provide opportunity to discuss the working relationships they have with the CAAs, due by July 31, 2018. However, at this time, there are no additional eligible CAAs in Maine that would otherwise be able to compete for the work other than the already currently designated agencies, therefore, it is unlikely that these designations will change once the process is complete.

State of Maine statutory authority for the CSBG Program is provided in Maine Revised Statute, Title 22, Subtitle 4, Part 1-A, Chapter 1477, Sections 5321-5329.

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

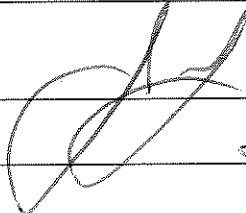
Please explain if time is of the essence and an emergency exists which requires the immediate procurement of goods or services. Describe the nature of this emergency, provide the date by which the goods or services must be delivered, and explain how that date was determined and its significance (i.e.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

 J.M. Lupton
13-May-19

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Office: OCFS
 Service Group: Community Services Block Grant (CSBG)
 No. of Vendors: Five (5)
 Note: Adds unspent FY18 CSBG Funding to FY19 Contract year

Vendor Name	CT	Agreement Number	Start Date	End Date	Amendment Amount	Total Agreement Amount
Kennebec Valley Community Action Program	CT 10A 20180731000000000336	CFS-19-7004B	10/1/2018	9/30/2019	\$ 7,265.16	\$ 405,252.16
Penquis CAP, Inc.	CT 10A 20180731000000000338	CFS-19-7005B	10/1/2018	9/30/2019	\$ 2,431.62	\$ 485,974.62
The Opportunity Alliance	CT 10A 20180731000000000339	CFS-19-7006B	10/1/2018	9/30/2019	\$ 13,727.25	\$ 390,574.25
Waldo Community Action Partners Western Maine Community Action, Inc.	CT 10A 20180731000000000341	CFS-19-7007B	10/1/2018	9/30/2019	\$ 13,165.00	\$ 247,364.00
Community Action, Inc.	CT 10A 20180731000000000343	CFS-19-7009B	10/1/2018	9/30/2019	\$ 12,812.25	\$ 236,191.25
Grand Total					\$ 49,401.28	\$ 1,765,356.28