

# State of Maine Waiver of Competitive Bidding Request Form

<b>DHHS/DCM Contract Administrator:</b>	Nancy Tan/Lisa Munster	<b>Office/Division/Program of Contract Administrator:</b>	DHHS/OADS/DDS/Advocacy
<b>Est. Contract Amount:</b>	\$1,451,688.00	<b>Contract or RQS Number:</b>	10A 20190405*2830
		<b>Purchasing Maine ID:</b>	
		<b>DHHS Agreement Number:</b>	ADS-20-9731
<b>Proposed Start Date:</b>	<b>07/01/2019</b>	<b>Proposed End Date:</b>	06/30/2021
<b>Vendor/Provider Name, City, State</b>	Disability Rights Maine (DRM) Augusta, Maine		
<b>Short Description of Good or Service:</b>	Advocacy services for clients with intellectual disabilities or autism		
<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>5/22/2019</u> To: <u>5/28/2019</u>	
<b>Notice of Intent to Waive Competitive Bidding Number:</b>		NOI# 0520190705	
<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.			
<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;		
<input type="checkbox"/>	<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>	
<input type="checkbox"/>		<b>Printed Name:</b>	<b>Date:</b>
<input 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;		
<input type="checkbox"/>	<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>		
<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.		
<input checked="" type="checkbox"/>	If a different authorization specifically allows for this non-competitive procurement, please provide that reference here:	Unique – State Directed/Federally approved.	

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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.

Title 34-B M.R.S.A. § 5005-A – Advocacy Agency requires the Department to contract with an agency to provide the following services to individuals with intellectual disabilities or autism, and adults with an acquired brain injury who are eligible for and are receiving services funded or regulated in whole or in part by the Department.

1. The agency shall receive complaints made by or on behalf of individuals with intellectual disabilities or autism and represent their interests in any matter pertaining to their rights and dignity;
2. The agency shall investigate the claims, grievances and allegations of violations of the rights of individuals with intellectual disabilities or autism;
3. The agency may pursue legal, administrative and other appropriate remedies or approaches to ensure the protection of, and advocacy for, the rights of individuals with intellectual disabilities or autism;
4. The agency may refer individuals with intellectual disabilities or autism to other agencies or entities and collaborate with those agencies or entities for the purpose of advocating for the rights and dignity of those individuals;
5. The agency shall act as an information source regarding the rights of all individuals with intellectual disabilities or autism;
6. The agency may make and publish reports necessary to the performance of the duties described in this section;
7. The agency may monitor the delivery of services, supports and other assistance or residential services or treatment provided to persons with intellectual disabilities or autism.

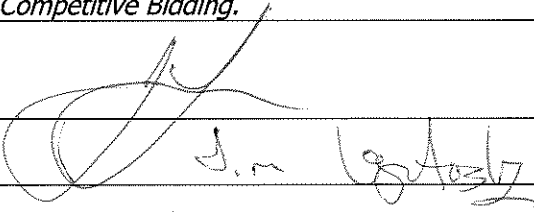
Peer Support/Outreach services make possible the provision of socialization activities involving Visual Gestural communication for individuals who are deaf, hard-of-hearing, non-verbal or have other communication problems. These activities include: organizing and conducting Peer Support Group activities and outings; Visual Gestural communication training for provider staff members through their participation in Peer Support Group activities and through provision of Visual Gestural communication classes in various geographic locations in the state; as well as working with other community agencies to secure funding and organize special programs. Due to the unique cultural needs of this small population within the Developmentally Disabled community it is necessary to have in place a site with clinical expertise to assure that effective communication and support is being provided to this group of individuals. A majority of the people in this program are recipients of MaineCare, and, in particular, are in Section 21 Home and Community Based Waiver Program; however, this is not a MaineCare covered service. There are clear requirements associated with the Americans with Disabilities Act placed on the Department to assure that effective communication strategies are in place for the deaf population.

## 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 is an activity required by Title 34-B M.R.S. § 5005-A. Advocacy Agency. The Department does not have the resources to provide this service.

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<b>4. Cost</b>	
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 <b>fair and reasonable</b> .	
The costs associated with this procurement were negotiated with the provider. Agreement personnel costs (staffing and benefits) totaling over 91% of the agreement's costs were compared to similar positions in other agreements. Additionally, other costs in the agreement were compared to costs in other agreements, and determined to be fair and reasonable.	
<b>5. Future Competition</b>	
Please describe potential opportunities which may be available to foster competition for these goods or services in the future.	
The Department does not intent to RFP this service The provider agency is appointed by the Governor pursuant to Title 5 M.R.S.A. § 19502. The Administration for Community Living recognizes DRM as Maine's protection & advocacy agency.	
<b>Please note that <u>only one</u> of the two points below ("Uniqueness" or "Timeframe") requires a response. Requesting Departments are not required to respond to both points.</b>	
<b>6. Uniqueness</b>	
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.	
Disability Rights Maine (DRM) is the advocacy agency designated pursuant to Title 5 M.R.S.A. § 19502.	
Through its advocacy role for individuals with intellectual disabilities or autism, DRM is unique in its understanding of the complexities and difficulties deaf and hearing impaired consumers with intellectual disabilities or autism have overcoming communication barriers.	
The Administration for Community Living recognizes DRM as Maine's protection & advocacy agency: <a href="https://www.acl.gov/node/70">https://www.acl.gov/node/70</a>	
<b>7. Timeframe (Complete only if B. is the Statutory Justification marked on Page 1)</b>	
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	
<b>Signature of requesting Department's Commissioner or Chief Executive (or designee within the Commissioner's Office):</b>	<i>By signing below, I signify that my Department requests, and I approve of, this Waiver of Competitive Bidding.</i>
<b>Printed Name:</b>	
<b>Date:</b>	17-May-19