

# State of Maine Waiver of Competitive Bidding Request Form

<b>DHHS/DCM Contract Manager / Administrator:</b>	Nancy Tan / Valerie Fredericks	<b>Office/Division/Program of Contract Administrator:</b>	DHHS/OADS/DDS/ Alecia Swihart
<b>Est. Contract Amount:</b>	\$383,852	<b>Contract or RQS Number:</b>	CT 10A 20190412*2916
		<b>Purchasing Maine ID:</b>	
		<b>DHHS Agreement Number:</b>	ADS-20-9721
<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>	Elsevier, Inc. Philadelphia, Pennsylvania		
<b>Short Description of Good or Service:</b>	Elsevier provides the platform called Direct Course that houses Maine's College of Direct Support - Direct Support Professional on-line certificate program.		
<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>		<b>To be completed by the Division of Procurement Services</b> Posting dates on Division of <b>Procurement Services</b> website: From: <u>5/23/2019</u> To: <u>5/29/2019</u>	
<b>Notice of Intent to Waive Competitive Bidding Number:</b>		NOI# 0520190719	
<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;		
	<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>
<input checked="" 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;		
	<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.		
	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 MaineCare Home and Community Based Waiver (Section 21), Community Supports Waiver (Section 29), Brain Injury Waiver (Section 18), and Other Related Conditions Waiver (Section 20) require Direct Support Professionals to receive training and demonstrate proficiencies prior to providing direct support to individuals receiving services. The Section 21 and Section 29 Waivers specifically require that Direct Support Professional complete the curriculum adopted by the Department, i.e., the Maine College of Direct Support, within six months of the date of hire to meet Medicaid health and safety standards. Currently, nearly 12,000 active learners are employed as DSPs or are working toward Direct Service Professional (DSP) certification. Turnover in this field results in approximately 2,000 individuals being trained annually.

This Agreement provides access to the Maine College of Direct Support, a multimedia interactive on-line training curriculum developed by the Research and Training Center on Community Living at the University of Minnesota and the College of Direct Support Editorial Board, who ensure that every course for DSP training offers nationally recognized best practices. The Maine College of Direct Support program includes a Learning Management System online that allows administrators to track progress of those engaged in the program. The Department uses administrative access to monitor, manage, and review learners' DSP certification progress and completion.

## **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 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**.

The cost is based on the number of consumers, learners, the type of Learning Management System that Maine uses, and the selection of the curriculum content that is provided to Maine.

The Department determined that the cost is fair and reasonable by comparing to the anticipated cost associated with developing and offering a comparable program within the Department.

## **5. Future Competition**

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

Elsevier's Maine College of Direct Support is the approved curriculum adopted by the Department per MaineCare Policy, 10-144 C.M.R. ch. 101, ch. II, §§ 21, 29.

The Department is scheduled to issue RFP T2018017 for an 7/1/2021 contract start date.

**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.**

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**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 is the only national service providing a full curriculum for training of Direct Support Professionals which includes basic training topics and a wide range of additional topics. This curriculum is approved by the Centers for Medicare and Medicaid Services, the federal funding agent for Section 21 and Section 29 and the Maine Department of Health and Human Services. The Provider offers an extensive Learning Management System that enables the State to monitor compliance with training and certification requirements described in Section 21 and Section 29.

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

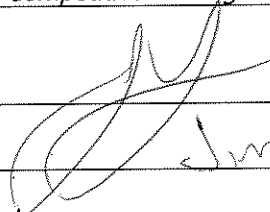
Please explain if time is of the essence and an emergency exists which requires the immediate procurement of goods or services. Describe the nature of this emergency, provide the date by which the goods or services must be delivered, and explain how that date was determined and its significance (i.e.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

**Printed Name:**



Jim Lapostolky

**Date:**

13 - May - 19