

# 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/DLC/CDC/RHPC Program – Nicole Breton
<b>Est. Contract Amount:</b>	\$120,000.00	<b>Contract or RQS Number:</b>	
		<b>Purchasing Maine ID:</b>	
		<b>DHHS Agreement Number:</b>	CD0-20-2267
<b>Proposed Start Date:</b>	<b>9/1/2019</b>	<b>Proposed End Date:</b>	8/31/2021
<b>Vendor/Provider Name, City, State</b>	iVantage Health Analytics Portland, Maine		
<b>Short Description of Good or Service:</b>	MBQIP Data Analysis and Benchmarking, Flex network facilitation, technical assistance on data analysis direct to Critical Access Hospitals and Prospective Payment System Hospitals.		
<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# 0520190737	
<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;		

# 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.	
<b>X</b>	If a different authorization specifically allows for this non-competitive procurement, please provide that reference here:	Grant Partner: HRSA/CMS Region A Provider of MBQIP quality data reporting support for EDTC and Hospital Benchmarking.

**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.

To ensure Medicare Beneficiary Quality Improvement Program (MBQIP) participation/sustainability to inform and provide benchmarking of hospital quality data to inform quality improvement of health care in rural Maine. The vendor will ensure Statewide network meetings are coordinated and facilitated to include hospital quality data experts, and decision support team members from Maine's 19 Critical Access Hospitals (CAH) and Prospective Payment System (PPS) Hospitals. It is essential for the Department to provide timely execution of the grant deliverables for MBQIP to ensure that all 19 CAH and PPS Hospitals are able to meet the minimum requirements for the State Flex Program participation.

**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 staff of the Department of Health and Human Services Maine CDC Rural Health and Primary Care Program does not possess the skills nor the expert knowledge in MBQIP data analysis, hospital benchmarking, as well as Emergency Department Transfer Communication (EDTC) data analysis.

**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**.

Health Resources and Services Administration, Federal Office of Rural Health Policy has received the 2019-2020 Maine Medicare Rural Hospital Flexibility Program cooperative agreement proposed budget which includes \$60,000 for MBQIP data analysis, hospital benchmarking, and EDTC data analysis services. One of the core program areas of the Flex program include MBQIP reporting sustainability. MBQIP reporting is a required element to ensure CAH/PPS Hospital Participation in the Flex Program. The Department/Program are able to leverage this federal contract status of the vendor and obtain the MBQIP Data Analysis, Hospital Benchmarking, Flex network facilitation, and technical assistance on data analysis services at a rate of \$60,000 which is fair and reasonable when compared to RFP bids for similar services.

**5. Future Competition**

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

The Department doesn't intend to competitive bid these services.

# 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.

iVantage Health Analytics holds the federal contract with Health Resources and Services Administration, Federal Office of Rural Health Policy for EDTC data analysis and hospital benchmarking services for Center for Medicare and Medicaid Services (CMS) Region A Critical Access Hospitals (CAH) and Prospective Payment System (PPS) Hospitals. The vendor was the creative developer of the current evidence-based methods for EDTC data analysis, and hospital benchmarking algorithms currently used as a trusted tool implemented by the 19 CAH/PPS hospitals in Maine which makes them uniquely qualified to provide these services to the Department. The Department's Maine CDC Rural Health and Primary Care Program is the designated State Office of Rural Health and as the Medicare Rural Hospital Flexibility Program (Flex) cooperative agreement recipient for the State of Maine the Department/Program are able to leverage this federal contract status of the vendor and obtain the services outlined above at a negotiated low cost.

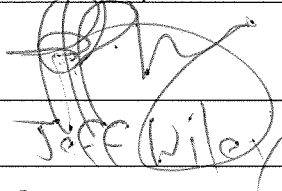
**7. Timeframe (Complete only if B. is the Statutory Justification marked on Page 1)**

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:**

Jeff Wiley

**Date:**

22 MAY 2019