

State of Maine Waiver of Competitive Bidding Request Form

DHHS/DCM Contract Administrator:	Patti Wall & Nancy Tan	Office/Division/Program of Contract Administrator:	DHHS/OADS/Research
Est. Contract Amount:	\$264,988.00	Contract or RQS Number:	CT 10A 20190412*2927
		Purchasing Maine ID:	
		DHHS Agreement Number:	ADS-20-4722
Proposed Start Date:	07/01/2019	Proposed End Date:	06/30/2021
Vendor/Provider Name, City, State	Mobius, Inc. Damariscotta, Maine		
Short Description of Good or Service:	Statewide Non-Traditional Communication Consultation		
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 <i>Procurement Services</i> website: From: <u>6/4/2019</u> To: <u>6/10/2019</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0620190808	
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.			
<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> Signature:	
		Printed Name:	Date:
<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: http://www.maine.gov/purchases/info/forms/govcoop.doc.</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 type="checkbox"/>	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.

Adults with Intellectual Disability (ID) or Autism Spectrum Disorder (ASD) who receive services through the Department may be deaf, hard of hearing, or rely on non-traditional communication such as visual gestural communication to communicate with others. Improving communication with consumers increases their ability to access and benefit from quality services and supports delivered in community settings.

Assessments conducted by consultants specializing in non-traditional communication and visual gestural communication are used during development of Person Centered Plans to ensure that the communication preferences and challenges of consumers are addressed. These consultants also provide training to support staff, community members, and caregivers on communication techniques specific to consumers.

Services provided through this Agreement in support of ID/ASD consumers receiving services through the Department are intended to ensure continued compliance for effective communication accommodations under 34-B M.R.S.A. § 1218 and the Federal Adults with Disabilities Act (ADA), as defined in 28 CFR, Ch. 1, §36.303(c).

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.

There is not sufficient staffing or other resources within State of Maine government or other governmental entities to meet the need for the required 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 budget for this Agreement will be negotiated by the Department and the Provider to determine fair and reasonable costs for the services provided. The budget will be subject to the requirements of the Maine Uniform Accounting and Auditing Practices for Community Agencies (MAAP).

5. Future Competition

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

The Department intends to issue a RFP for a 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.

This vendor has provided consistently high quality non-traditional communication and visual gestural communication services and training under previous agreements with the Department. The vendor has developed and now maintains a dynamic and effective Statewide Non-Traditional Communication Consultation program.

The main purpose of the Provider's Statewide Non-Traditional Communication Consultation program is to assess the current communication skills of individuals and to provide training to enrich the communication abilities of individuals and the environments in which they live. Other components of the program include outreach and consultation to other professionals for enhancing their skill level regarding non-traditional communication. Since the program's inception in 2001, over 1,000 adults and children have been assessed and/or provided consultation.

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

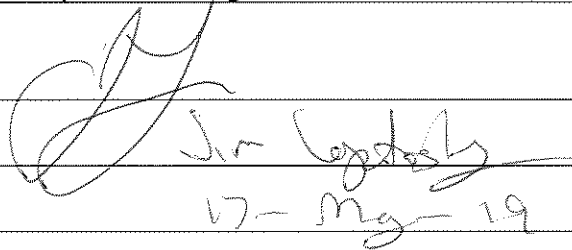
Please explain if time is of the essence and an emergency exists which requires the immediate procurement of goods or services. Describe the nature of this emergency, provide the date by which the goods or services must be delivered, and explain how that date was determined and its significance (i.e. 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 Caputo
17 - May - 19

Date: