

State of Maine Waiver of Competitive Bidding Request Form (Formerly Sole Source Authorization Form)

Requesting Department's Contract Administrator:	Raymond Bernier	Office/Division/Program of Contract Administrator:	Division of Juvenile Services
Est. Contract Amount:	\$ 20,000	Contract or RQS Number:	CT 03A 2019040500000002844
Proposed Start Date:	July 1, 2019	Proposed End Date:	June 30, 2020
Vendor/Provider Name, City, State	Carleton Project P.O. Box 562 Houlton, Maine 04730		
Short Description of Good or Service:	Alternative Education Services		
Please note, for transparency purposes, Waivers of Competitive Bidding will be publicly posted. Public postings are placed on the Division of Purchases' website for a period of seven consecutive calendar days.		To be completed by the Division of Purchases Posting dates on Division of Purchases' website: From: <u>06/06/2019</u> To: <u>06/12/2019</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0620190865	
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 Purchases "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.		

State of Maine Waiver of Competitive Bidding Request Form (Formerly Sole Source Authorization Form)

If a different authorization specifically allows for this non-competitive procurement, please provide that reference here:

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.

a) There is a need for youth residing in Aroostook, Piscataquis and Penobscot Counties who are moderate to high risk on the YLS/CMI and between the ages of 16 -21 with a history of school failure, expulsion or are under court order to stay away from school in accessing alternative educational services. The Maine Department of ~~Corrections~~ put out an RFP for these exact services (RFP#201312646) but received no bids during February of 2014. Young people need a range of skills, both basic academic skills as well as the ability to apply these skills and knowledge in the workplace or other living situations.

b) Young people need a range of skills, both basic academic skills as well as the ability to apply these skills and knowledge in the workplace or other living situations. Studies have identified four basic areas that today's youth particularly need to be successful in their transition to adulthood. They include:

- Professionalism/Work Ethic—Ability to demonstrate personal accountability, effective work habits, e.g., punctuality, working productively with others, and time and workload management
- Oral Communications—Ability to articulate thoughts and ideas clearly and effectively; have public speaking skills. Written Communications—Ability to write memos, letters and reports clearly and effectively
- Teamwork/Collaboration—the ability to build collaborative relationships with colleagues and customers; be able to work with diverse teams, negotiate and manage conflicts.
- Critical Thinking/Problem Solving—The ability to exercise sound reasoning and analytical thinking: use knowledge, facts, and data in solving life's daily challenges, workplace problems and the ability to apply math and science concepts to problem solving.

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.

- a) The MEDOC does not have any staff with the expertise or resources to provide this needed service.
- b) No external governmental resources are available to provide these 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 State of Wisconsin prepared a report in 2016 analyzing the costs for alternative education for at-risk youths. Using this report, which outlined the average cost for services at \$7,300 nationally, ME DOC determined a fair and reasonable price for services would be \$5,000.

State of Maine Waiver of Competitive Bidding Request Form (Formerly Sole Source Authorization Form)

5. Future Competition

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

- a) The addition of new alternative education program being constructed within the specific region—meeting or exceeding Department of Education requirements currently being attained by the Carleton Project is highly unlikely due to the strict DOE requirements for such programs. In the event an alternative education programs arises, the Department would use the RFP process to attain competitive bids and award the organization with the best proposal score.

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.

- a) The vendor has a long history working with Department of Juvenile services youth successfully in multiple sites within Region 3.
- b) This vendor is able to admit and provide educational services to any DJS referred youth in their catchment when the youths sending school is not an option (due to suspension, expulsion, or court orders ruling the youth not to return). This vendor has the unique skill of accepting and providing both education as well as advocacy for the youth in returning to their sending school when feasible.
- c) The vendor has multiple sites scattered within Region 3.
- d) The funding contract will be structured as a grant allowing the vendor to access and utilize all allotted funds. The vendor will accept all DJS youth referred. Not only is their service truly unique, their admissions system is equally unique in that the vendor accepts all referrals. When comparing a similar contract, (Learning Works Transitions) with near identical deliverables, this vendors cost per youth per day (when calculated) is significantly less expensive.

7. Timeframe

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.

- a) Delivery of educational services will commence on July 1 2019
- b) It's being requested a contract with this vendor be approved for a July 1, 2019 start date.
- c) Any delay in the start date will certainly disrupt and discontinue services for youth currently enrolled and engaged in the vendors educational process.

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:

Colin O'Neill

Date:

06/01/2018

