

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:	\$ 90,000	Contract or RQS Number:	03A 20190405000000002854
Proposed Start Date:	July 1, 2019	Proposed End Date:	June 30, 2020
Vendor/Provider Name, City, State	Spurwink Services 901 Washington Ave Portland, Maine 04103		
Short Description of Good or Service:	Diversions to Assets		
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# 06020190866	
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.		
<input type="checkbox"/>	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) <u>all</u> require a response.			

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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. The Department of Corrections, Division of Juvenile Services, has identified a large population of youth who are first-time offenders who need to be diverted to community supports and sanctions, rather than costly involvement with the courts and juvenile corrections.
- b. The Chief Justice convened a Task Force of 75 leaders in the law enforcement, judicial and corrections systems in Maine. The Task Force determined diverting youth away from the system was the best strategy for them and relieves the load on the justice system. Communities for Children and Youth, of Spurwink Services, took responsibility for creating the "Diversion to Assets" pilot on behalf of the Department of Corrections. The DOC created the Diversion to Assets (D2A) pilot in 2008 through the existing Communities for Children and Youth (C4CY) initiative of the Governor's Children's Cabinet. The Director of C4CY identified 5 communities who were already engaged as members of this network who were willing to participate in the creation of a new approach to first-time juvenile offenders. The invitation was open to all 30 communities within the C4CY network, and 5 communities responded. The purpose of the Diversion to Assets program is to divert youth away from involvement in sanctions using governmental resources. Rather, the purpose is to engage a wide range of local community partners and resources to redirect and support these youth.

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 Department of Corrections does not directly provide this service.
- b. There are no other government resources available to perform this service. The work is in collaboration with other state offices.

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**.

An informal competition was used through an invitation to Communities for Children and Youth Network members to participate in the creation of the Diversion to Assets Pilot, with very limited resources. The costs of the program are commensurate with all of the other program costs for juvenile services.

5. Future Competition

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

It has been the Department's vision to continue to provide resources to this important service. The Communities for Children Network is the only such network in the state, and has taken 15 years to develop, it would not be possible for another contractor to step in and provide the same level of expertise.

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.

- a. Please refer to "b".
- b. The specific contractor is the network of providers involved in Communities for Children and Youth—consisting of 30 local community coalitions throughout the State of Maine—that have identified themselves as partners with the Children’s Cabinet in the work of prevention and positive youth development. There is no other such network in Maine, and the local communities involved include many non-profit and local governmental agencies in their local C4CY collaboration. The collaboration is open to any provider joining to expand the work already being performed. An example is the Greater Waterville Communities for Children and Youth: this coalition supports D2A through their partnerships with the Kennebec Valley Community Action Agency, the Alford Youth Center/YMCA, the South End Teen Center, the Waterville public schools, the Juvenile Community Corrections Officers and local law enforcement, particularly the school resource officers. It is essential that the Diversion to Assets program engage all of these partners in the delivery of this program because the purpose of the program is to connect the youth with natural community supports.
- c. The five communities involved in D2A have generated proprietary data about the youth they have been serving, which is being utilized to analyze the effectiveness of this unique form of diversion service. This data is significant only in its aggregate form, and will be lost if the project does not continue to function in these communities that have made a commitment to significant in-kind resources.

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.

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:

6/1/19