

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

<b>Requesting Department's Contract Administrator:</b>	Raymond Bernier	<b>Office/Division/Program of Contract Administrator:</b>	Division of Juvenile Services
<b>Est. Contract Amount:</b>	\$19,250	<b>Contract or ROS Number:</b>	03A20190405000000002838
<b>Proposed Start Date:</b>	<b>July 1, 2019</b>	<b>Proposed End Date:</b>	<b>June 30, 2020</b>
<b>Vendor/Provider Name, City, State</b>	Shaw House 136 Union Street Bangor, Maine 04401		
<b>Short Description of Good or Service:</b>	Emergency Shelter Care Services		
<b>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.</b>		<b>To be completed by the Division of Purchases</b> Posting dates on Division of Purchases' website: From: <u>06/07/2019</u> To: <u>06/13/2019</u>	
<b>Notice of Intent to Waive Competitive Bidding Number:</b>		NOI# 0620190889	
<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 Purchases "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.		
<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.

The Department is required by Statute – Maine Juvenile Code to review detention requests made by law enforcement to determine whether a youth needs to be detained in a secure setting pending an initial Court appearance and the Department whenever possible utilizes least restrictive and community based services closest to the youth’s home as an alternative to secure detention. In addition, youth under the jurisdiction of the Department need to have access to provide short term placement options when experiencing family conflict, other crisis or who have parents unwilling to have them remain in the home. To meet the mandates of the juvenile code and ensure access to less restrictive placement options for all youth, the Department contracts with licensed emergency shelters that are willing to accept DOC placements 24/7.

## **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.

With the exception of secure locked settings, the Department does not operate emergency shelter or other youth placement programs. This service is available through licensed emergency shelters programs operated state wide that leverage funds from a variety of sources such as MSHA, USDA and MaineCare and the daily rate that is charged is set through a rate setting process.

## **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 emergency shelters leverages funds from a variety of sources that assists in supporting the costs of maintaining and staffing the shelter. The daily rate for state agency clients is set through a State agency rate setting process.

## **5. Future Competition**

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

The daily rate is set through a rate setting process for State Agency youth and future competition would require an RFP

**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.

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This contractor is currently the only licensed emergency shelter program located in N. Maine that provides short term crisis stabilization and support services to homeless youth and that is willing to take DOC referrals. It provides an array of less restrictive detention alternative services directed towards those youth under the jurisdiction of the Division of Juvenile services, including those who are one step away from being detained or committed, who are homeless, and those who are run-a-ways or on the verge of being homeless or a run-a-way due to the current domestic issues they are faced with. It is the distinctness in these services that makes this contract so vital to the youth DJS serves and to ensure the mission and goals of the Department of Corrections are being addressed.

### 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.

<b>Signature of requesting Department's Commissioner or Chief Executive (or designee within the Commissioner's Office):</b>	<i>By signing below, I signify that my Department requests, and I approve of, this Waiver of Competitive Bidding.</i>
<b>Printed Name:</b>	
<b>Date:</b>	5/13/19