

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:	Maine Department of Corrections, Division of Juvenile Services
Est. Contract Amount:	\$ 365,000.00	Contract or RQS Number:	03A2019040500000002857
Proposed Start Date:	July 1, 2019	Proposed End Date:	June 30, 2020
Vendor/Provider Name, City, State	Restorative Justice Project of the Midcoast PO Box 141 Belfast, Maine		
Short Description of Good or Service:	Alternative sanctions program with assessment and substance abuse treatment option		
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>06/07/2019</u> To: <u>06/13/2019</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0620190891	
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.			
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>	
		Signature:	
		Printed Name:	Date:
X	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 Purchases "GOVCOOP" form, found here: http://www.maine.gov/purchases/info/forms/govcoop.doc.</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;		
	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.		
	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 Division of Juvenile Services (DJS) under the Maine Department of Corrections (DOC) has a need for a community based intervention program that will reduce the recidivism rate while also providing youth the skills and knowledge necessary for them to safely avoid future contact with the Department. The mission of the Division of Juvenile Services (DJS) is to promote public safety by ensuring that juveniles under DOC jurisdiction are provided with risk-focused interventions, quality treatment, and other services that teach skills and competencies; strengthen pro social behaviors to reduce the likelihood of re-offending and require accountability to victims and communities.

DJS has determined that the Maine Youth Court is appropriate in meeting the above stated need. All referred youth will be provided a peer-driven process that will allow the referred youth to take responsibility for their actions; be held accountable for their actions; and be supported to move forward in the most appropriate way through an individualized repair agreement. Youth facing substance abuse challenges will be assessed and be provided with treatment services. All referred youth will also be assigned a Peer Mentor to support them with the process and help them navigate challenges should they arise. Please reference Revised Maine Statute Title 15: Part 6: Chapter 501: § 3002-Purpose and Construction.

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 Maine Youth Court is a system that allows youth who have violated the law or a school rule to be held accountable by their peers. The Maine Department of Corrections, nor any other department in the state, provides these types of effective volunteer opportunities for youth. Maine Youth Court utilizes youth volunteers who complete 24 hours of training prior to supporting the process. Trainings include: Restorative Justice, juvenile justice and the Youth Court Model. No department has sufficient staff or expertise to assess for and provide treatment for substance abuse.

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 Department anticipates allocating \$390,000 to the Maine Youth Court. DJS anticipates the Maine Youth Court will provide services for up to 110 youth during the first contract period resulting in a cost per client of \$3,545. As the Youth Court is a diversionary program (while also providing much needed substance abuse assessment and treatment), this cost per client is both fair and reasonable. As a comparison, the cost for one youth in commitment at Long Creek is over \$400 dollars a day (with an average commitment lasting +9 months or \$108,000). A substance abuse assessment and subsequent prescribed treatment may run in the several thousands of dollars and does not provide peer support through the recovery process.

5. Future Competition

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

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While the DOC does not anticipate other vendors developing such a unique model moving forward, the department would certainly consider issuing an RFP if this model is duplicated in Maine's communities.

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.

The Maine Youth Court is supported by the Maine Court System; the district attorney's office in the areas served and local school systems. It allows young people who have violated the law or a school rule to be held accountable by their peers while providing positive alternative sanctions for first-time offenders through a peer-driven process that allows young people to take responsibility, to be held accountable, and be supported to move forward in the most appropriate way. Youth facing substance abuse challenges are connected with an assessment and treatment services, as well as a Peer Mentor, to help them navigate these challenges.

In the Maine Youth Court, which is run by youth and for youth, volunteers from the community are trained and supported to apply restorative justice principles in considering the needs of the victim, the community, and the youth respondent in each case.

Dispositions in the Maine Youth Court include four main elements:

- 1) Increase the respondent's skills, knowledge, and resources
- 2) Increase the respondent's connection in the community
- 3) Build on and build up the strengths of the respondent
- 4) Repair the harm done

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.

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:

Colin O'Neill

Date:

5/13/19