

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:	\$125,000	Contract or RQS Number:	03A20190405000000002853
Proposed Start Date:	July 1, 2019	Proposed End Date:	June 30, 2020
Vendor/Provider Name, City, State	Restorative Justice Project of the Midcoast P.O. Box 141 Belfast, Maine 04915		
Short Description of Good or Service:	Restorative Justice		
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>06/10/2019</u> To: <u>06/16/2019</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0620190930	

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;		
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 35%;"><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></td> <td style="width: 65%;"> <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: _____ </td> </tr> </table>	<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: _____
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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: <ul style="list-style-type: none"> (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:		

Please note that the following four points below (#2 through 5) all 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.

1. This contract will address the need for:

- 1) Engagement of victims in juvenile diversions and interventions;
- 2) Target interventions for DOC diverted or supervised juveniles in the form of restorative community conferences where participants, collectively write a reparative agreement;
- 3) Opportunities for community member collaboration in juvenile diversions and interventions, both as community observers and facilitators in conferences and as volunteer mentors providing accountability and support to the participant in following through with the reparative agreement;
- 4) Programming with the capacity to effectively serve youth at all risk levels in areas where there may be no services for which they are eligible (e.g. very young offenders who have committed high-level crimes which negatively impact lots of people within communities--like bomb threats, arson or property crimes);
- 5) Effective reduction of juvenile adjudication and detention through partnerships between DOC, the Restorative Justice Project (RJP) and the District Attorney's office.

These needs respond to key objectives stated in the *Guiding Principles of the Department of Corrections*. The Restorative Community Conferencing Program of the Restorative Justice Project of the Midcoast meets these needs and has been doing so for the past 13-years at a modest operating capacity. In response to a significant increase in request for services from of JCCO's, attorneys and judges within the district, the Project is increasing its capacity to take referrals.

This increase in demand for services results from restorative conferencing being the only diversion and intervention approach in prosecutorial district six that focuses on offender accountability for harm caused to victims. Through a facilitated conference, offenders, victims, family members, natural supports, and community representatives meet for a face-to face-interaction, reviewing what happened, who was affected and how, and coming up with an agreement for how the harm will be repaired. All reparative agreements include work with a volunteer adult mentor who has been trained by the program. Reparative agreements can include, but are not limited to, such elements as letters of apology, presentations to peer groups, direct services to victims or family, and community services stipulated by the victims. Each reparative agreement is unique and crafted to the needs of those present at the conference; the strengths of those who caused the harm are also considered when assembling a reparative agreement. This strength-based approach stems from the core belief of RJP that when people are doing things that they are good at, they are more likely to learn, grow, feel better about themselves, and act rightly in the future.

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.

Neither the State nor other governmental resources external to the Department of Corrections have staff trained or available to do the work of diversion and intervention through restorative justice conferencing with juvenile offenders and their victims, families and communities. Nor do government resources have the capacity on a wide scale to "engage ongoing support of natural communities," a well-established component of evidenced-based practice in intervention and diversion of juvenile offenders.

Restorative justice works by recruiting citizens into the work of restoration of offenders, victims and communities. RJP has enrolled 350 volunteer mentors, 80 of whom are actively mentoring juvenile and adult offenders. These are citizens who are gaining a deep understanding of the impact of crime on young lives, the effects of poverty, and the power of relationships in restoring juveniles to a more productive path. Additional community members are brought into the process through their participation in conferences as community representatives or have relevance to a particular case, for example, teachers, coaches and guidance counselors, neighbors, members of the clergy, ex-offenders and others. They represent natural supports in communities and bring their strengths and experience to serve juvenile offenders.

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The result is a significant expansion of human resources applied to diversion and intervention needs at minimal cost to the criminal justice system.

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**.

RJP is a not-for-profit organization. Its fee is \$1,300 per juvenile, based on the average costs of providing restorative justice services and mentoring per juvenile offender served—a fee that has lowered each year working with the Department. The fee includes staff time and travel associated with pre-conference interviews with juvenile offenders and their care givers, victims and pertinent community members; facilitating the conference; training and supervising volunteer mentors; conducting closing conferences; preparing reports and general overhead.

Comparative services do not exist in the State, and analysis of costs associated with similar services offered elsewhere is underway by the Project. This fee is reasonable considering the costs of other youth services, the costs of processing a juvenile through the court system in the absence of an effective alternative for diversion, the cost of DOC staff time associated with non-compliant juveniles who have been diverted, and the benefit of volunteer hours enlisted in support of correctional services.

5. Future Competition

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

The Department has developed a task force within Juveniles Services which formalized the creation of a Restorative Justice Committee. This Committee will be using FY20 to analyze the value, efficiency, and impact of all restorative justice initiatives in the State. If the committee's findings indicate this service could be completed by another agency or by the Department itself, a potential RFP may be issued.

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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No other entity in the State has the experience in facilitating a restorative conferencing and mentoring program. To date, the project has completed over 300 juvenile cases and is currently managing 15 cases in various stages of the process. In addition to this substantial body of experience, RJP's staff qualifications include degrees and certifications in social work, mediation, facilitation, motivational interviewing and non-violent communication. Staff members hold certifications by the International Institute of Restorative Practices as restorative conference facilitators as well as the credential of being a 'trainer of conference facilitators'.

RJP includes in the conferences offenders and victims, and community and social service representatives most relevant to a particular case. JCCOs are invited to participate in conferences, providing an additional venue that connects their work to the community.

The facilitator steers parties through a conversation that requires the offender to describe what happened and what they were thinking, that asks victims to express the harm that they experienced, and all participants work together to produce a written reparative agreement that the juvenile must fulfill in order for the group to be satisfied that the harm will be repaired. Thanks to strong collaboration with the DA's office, there is an agreement at the outset of the restorative process that successful completion of the Restorative Community Conferencing Program will result in charges reduced or dismissed. This process enhances intrinsic motivation by giving juveniles the chance to explain what happened and what they were thinking at the time of the incident and since it occurred, to hear directly how their actions impacted victims, and to have an active role in determining what they will do to make things right. Each reparative agreement is tailored to the one or more individual who caused the harm and the specifics of the incident; it is crafted to the satisfaction of victims and all other participants in the conference, including JCCOs and defense attorneys when they are able to participate.

RJP is also the only resource in Maine- that combines restorative conferencing with mentoring. Each juvenile offender is assigned a screened and trained adult mentor for the period between the initial conference that develops the reparative agreement and a closing conference that celebrates the juvenile fulfilling the requirements of the agreement. The average length of time for fulfilling agreements is twelve weeks, but mentoring has continued for up to eighteen months, depending on need.

Evidence of the effectiveness of the conference-mentoring approach is given through pre and post-evaluation. These evaluations were crafted in conjunction with RJP's work with the Search Institute and Rand Corporation's 'Assets Getting to Outcomes' initiative. Reparative agreements and mentors reinforce the conferencing program's core values of integrity, honesty, and responsibility which are internal developmental assets. Built into the program structure are three explicit external developmental assets: service to community, positive adult role models and high expectations. One-hundred percent of participants report gains in at least one of these assets over the course of their time with the program.

A unique aspect of the Restorative Community Conferencing program of RJP is its ability to accept any youth who is motivated to take responsibility for the harm they caused and is willing to follow-through on crafting and then completing a reparative agreement. A preliminary analysis of RJP cases correlated with YLS scores shows a surprising number of moderate and high-risk youth participating in restorative conferences and being successful in following through with repair agreements.

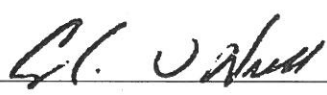
YLS indicator	Number of juveniles served 2005 through 2013
No YLS	85 (47.2% of juveniles served)
Low risk	45 (25% of juveniles served)
Moderate risk	42 (23.3% of juveniles served)
High risk	8 (4.4% of juveniles served)

Another indicator of program effectiveness is shown through surveys of victims participating in conferences. Participants record 90% satisfaction with the conference and its outcomes. RJP also reports twice a year to community stakeholders to seek feedback on how the program is meeting the needs of the community and how it could perform more effectively.

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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):	<i>By signing below, I signify that my Department requests, and I approve of, this Waiver of Competitive Bidding.</i>
	
Printed Name:	Colin O'Neill
Date:	6/10/19

