

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

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| Requesting Department's Contract Administrator: | Raymond Bernier | Office/Division/Program of Contract Administrator: | Division of Juvenile Services |
| Est. Contract Amount: | \$175,000 | Contract or RQS Number: | 03A20190405000000002855 |
| Proposed Start Date: | July 1, 2019 | Proposed End Date: | June 30, 2020 |
| Vendor/Provider Name, City, State | Restorative Justice Institute of Maine Portland, ME | | |
| 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# 0620190931 | |
| 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/qovcoop.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. | | |
| | 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.

This contract will address the need for:

1. Restorative justice services to all referred DOC youth in R1. Referral sources may include JCCO's, Public Safety Officials, School Administrators and local law enforcement. Youth with a chargeable offense may be served under the awarded contract
2. Provide the following restorative justice programming:
 - Restorative Dialogue: A conversation that occurs between a small group of people and focuses on a discreet incident of harm. Restorative questions are used and this may or may not lead to a reparative agreement.
 - Restorative Circle: Involving a number of people and often employing a talking piece, the circle is used to address incident of harm. The circle may lead to a verbal or written agreement. Restorative
 - Mediation: A process in which trained facilitators guide the parties through the dialogue process. The victim often asks the offender questions about the crime and tells the offender how the crime has impacted them physically, emotionally and financially. The offender has the opportunity to take responsibility for the crime, answer the victim's questions, apologize and develop options with the victim as to how they will be accountable in a way that is meaningful for both the victim and offender.
 - Restorative Conference: Requires formal pre-conference preparation of participants. A conference aims to bring together those affected to work through a process culminating in a formal, signed and dated agreement for how harm will be repaired with someone tasked to track the follow through process.

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 in this region. 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.

This service was issued an RFP in FY18 and there were no bids, leaving this organization as the only qualified company.

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**.

Comparative services do not exist in other State Departments or in the private sector. The fee is reasonable and expected in comparison to the Departments other restorative justice contracts, which are based on the number of youth being served. 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, the program budget is logical and applicable.

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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.

No other entity in the State provides the following restorative services in the region being served, as evident by the 0 responses to RFP 201804062:

- A. Restorative Dialogue: A conversation that occurs between a small group of people and focuses on a discreet incident of harm. Restorative questions are used and this may or may not lead to a reparative agreement.
- B. Restorative Circle- Involving a number of people and often employing a talking piece, the circle is used to address incident of harm. The circle may lead to a verbal or written agreement. Restorative Circles are often called "Peacemaking Circles".
- C. Restorative Mediation- A process in which trained facilitators guide the parties through the dialogue process. The victim often asks the offender questions about the crime and tells the offender how the crime has impacted them physically, emotionally and financially. The offender has the opportunity to take responsibility for the crime, answer the victim's questions, apologize and develop options with the victim as to how they will be accountable in a way that is meaningful for both the victim and offender. This is also known as Victim Offender Mediation.
- D. Restorative Conference- Requires formal pre-conference preparation of participants. A conference aims to bring together those affected to work through a process culminating in a formal, signed and dated agreement for how harm will be repaired with someone tasked to track the follow through process. A restorative conference can also be referred to Family Group Decision Making.

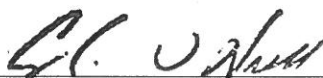
In addition to the uniqueness of their services, RJIM's staff qualifications include degrees and certifications in social work, mediation, and facilitation.

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:

6/10/19

