

State of Maine Waiver of Competitive Bidding Request Form

Form Instructions: Please provide the requested information in the white boxes below. This form is to precede all contract requests that are not the direct result of a competitive bid process.

DHHS/DCM Contract Administrator:	Chris Moiles/Matt Galletta	Office/Division/Program of Contract Administrator:	Maine CDC / Infectious Disease and Epidemiology/ Jamie Cotnoir
Est. Contract Amount:	\$27,056.00	Contract or RQS Number:	2019050900000003346
		Purchasing Maine ID:	
		DHHS Agreement Number:	CD2-19-5185
Proposed Start Date:	5/1/19	Proposed End Date:	10/31/2019
Vendor/Provider Name, City, State	City of Portland Portland, ME 04101		
Short Description of Good or Service:	Hepatitis testing		
Please note, for transparency purposes, Waivers of Competitive Bidding will be publicly posted. Public postings are placed on the Division of Procurement Services website for a period of seven consecutive calendar days.		To be completed by the Division of Procurement Services Posting dates on Division of Procurement Services website: From: <u>6/13/2019</u> To: <u>6/19/2019</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0620190967	
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:
	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 Procurement Services "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.		
x	If a different authorization specifically allows for this non-competitive procurement, please provide that reference here:	Willing and Qualified.	

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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.

Maine CDC, is responsible for protecting public health from blood borne diseases such as Hepatitis B & C. Maine CDC accomplishes this in part through conducting Hepatitis surveillance, which provides Maine CDC with information necessary to determine where the highest burden areas in the State are and what the highest risk factors for transmission are. In recent years, Maine has seen a sharp increase in Hepatitis B and C cases, especially among persons who inject drugs and those who are incarcerated. In order to address the increase in Hepatitis B & C, Maine CDC has obtained grant funding from the federal CDC to increase Hepatitis B & C testing and to link patients who test positive to medical care. The Maine CDC will use this federal funding to conduct Hepatitis B & C testing and linkage to care in the two highest burden counties in the State; Penobscot and Cumberland Counties.

This agreement is to conduct testing for Hepatitis B & C and to link patients who test positive to medical care. The target population for this testing will be people who inject drugs, people who are incarcerated, people who are incarcerated and soon to reenter their communities, people without health insurance or Medicaid coverage, and people living 200% below Federal Poverty Guidelines.

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 Department does not have the clinical facilities, internal expertise or capacity to conduct hepatitis testing services.

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**.

Maine CDC determined that the costs will be fair and reasonable for confirmatory hepatitis B & C testing based on the rates of the laboratories throughout the State.

5. Future Competition

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

The Department does not intend to competitively procure these services. As the project expanding into additional counties in Maine, the Department will accept additional willing and qualified providers ensuring Statewide services are available to Maine residents.

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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.

Municipal Public Health facilities are mandated to provide services to these individuals and therefore, have greater access to these high-risk individuals than other health care facilities. City of Portland – Portland Public Health is a Municipal Public Health facility that operates in Cumberland County (one of the highest burdens of Hepatitis C in the state), and has an addiction treatment program and Medication-Assisted Treatment program for people who use drugs, as well as, an ongoing relationship with an incarceration facility to provide healthcare to individuals as they reenter their communities. Furthermore, City of Portland, Portland Public Health already has a Hepatitis C testing program in place that allows them to identify individuals at highest risk for Hepatitis C. Portland Public Health is the only medical organization allowed to test in the Cumberland County Jail.

7. Timeframe (Complete only if B. is the Statutory Justification marked on Page 1)

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.

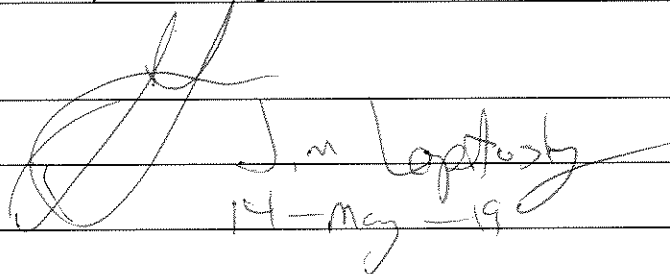
Due to the nature of this federal grant, time is of the essence, since all funds need to be obligated by October 31, 2018. If funds are not obligated by this date, there is a possibility that they will not be reissued. In order to perform the needed services by the deadline, the vendor providing services needs to already have the capacity and systems in place to ramp up testing activities on such a short notice. Due to the parameters of this federal grant, funds cannot be spent to build capacity in a healthcare facility.

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:

Date:



J. M. Lapostolle
14-May-19