

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/Environmental & Occupational Health Programs/ Eric Frohberg
Est. Contract Amount:	Original \$102,000 Amendment \$38,000 New Total \$140,000	Contract or RQS Number:	CT20180509*03504
Proposed Start Date:	7/1/2018	Purchasing Maine ID:	
Vendor/Provider Name, City, State	Community Concepts, Inc 240 Bates Street Lewiston, Maine 04240	DHHS Agreement Number:	CDM-19-5351A
Short Description of Good or Service:	Lead Inspections		
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 <i>Procurement Services</i> website: From: <u>6/14/2019</u> To: <u>6/20/2019</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0620190987	
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>		

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	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.

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 purpose of this amendment is to add funding to support additional lead inspection services. The contract is for services to identify the sources of lead exposure for lead poisoned children. The Department is required to conduct these services under the Lead Poisoning Control Act (22 MRSA § 1320-A). The Department had a different contract (CDM-18-5370) with another provider to provide these services in Portland, but in early 2019 the provider for CDM-18-5370 notified the Department that they would no longer be performing the service. As a result, the Department needs to increase funding to this alternate provider/contract to ensure required services will be provided for lead poisoned children residing in the Portland area. There is currently not enough funding in the contract to accommodate the increase in services resulting from the loss of the other provider. Portland has the second highest number of children with lead poisoning in the state, and without these services the Department cannot identify the sources of lead that caused their lead poisoning and subsequently cannot order appropriate interventions to remove those sources.

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.

Environmental Lead Inspections must be performed by Maine DEP licensed Lead Risk Assessors. The Department does not have sufficient Lead Risk Assessors on staff, nor does any other state or other governmental agency. These services have been contracted through a competitive bidding 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**.

As this is an amendment to an existing contract, we arrived at the proposed amount based on projected numbers of lead poisonings and the costs associated with the initial competitive bid. The current contract is a result of a competitive RFP process that occurred in 2016 (RFP # 201604094).

5. Future Competition

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

This contract was a result of RFP #201604094 that has since changed to willing and qualified. The Department is accepting Providers who are willing and qualified to provide the services required. The Department does not intend to RFP these services.

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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.

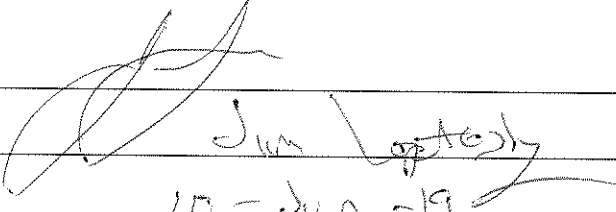
6. Uniqueness

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.

Maine CDC has a contract with this vendor to conduct lead poisoning prevention services that was competitively awarded for the term July 1, 2017-June 30, 2021, pending satisfactory performance. The vendor has had prior contracts for lead poisoning prevention services since at least 2005. Over all of these years, the vendor has developed significant expertise in Environmental Lead Investigations. Further, the services to be provided are within the scope of services included in the original RFP and the resulting contracts.

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.

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:	
Date:	10 - Jun - 19