

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 / Elizabeth Heath	Office/Division/Program of Contract Administrator:	DHHS/OCFS Lisa Salger
Est. Contract Amount:	\$ 8,280.00	Contract or RQS Number:	10A 20190411*2909
		Purchasing Maine ID:	
		DHHS Agreement Number:	CBH-20-7001
Proposed Start Date:	7/1/2019	Proposed End Date:	6/30/2020
Vendor/Provider Name, City, State	Family and Community Mediation Falmouth Maine, 04105		
Short Description of Good or Service:	Mediation Services		
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>6/18/2019</u> To: <u>6/24/2019</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0620191003 PM-17599	
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 Procurement Services "GOVCOOP" form, found here: http://www.maine.gov/purchases/info/forms/govcoop.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.		

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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.

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 Department of Health and Human Services' (DHHS) Office of MaineCare Services and Office of Child and Family Services oversee agencies providing behavioral health services to children and families. Agencies are expected, upon opening of a child for services, to inform parents and/or guardians of the grievance process. Parents and/or guardians may utilize the grievance process in the event that they feel their child's rights have been disrespected or violated. Under 34-B M.R.S.A. §1500 (<http://legislature.maine.gov/statutes/34-B/title34-Bsec15002.html>), the Department is required to provide grievance procedures which include an opportunity for the parent/guardian to first choose a mediation prior to requesting a full grievance hearing. Family and Community Mediation is the contractor selected by the Department to provide the opportunity for the mediation to take place prior to a full grievance hearing (when requested).

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 currently does not have the resources or expertise internally to provide this service.

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 cost is a flat rate and includes (but is not limited to): contacting the parties and setting up the mediation; at least 3 hours of mediation with two mediators; any travel required to complete the mediation; meeting a second time if a mediation resolution is not reached within the first 3 hours; and all documentation and reporting required by the Department. This works out to about \$230.00 per hour per mediator (\$1380 total cost/3hours=\$460 per hour total, \$460/2mediators=\$230 per hour per mediator). Research on cost on mediation revealed that the cost for mediation is about \$200-\$800 per hour which would equal between \$1,200-\$4,800 per mediation with 2 mediators for a minimum of 3 hours each. (please refer to the following websites: <https://www.thumbtack.com/p/cost-of-mediation>; <https://personalfinance.costhelper.com/mediator.html>; and https://law.freeadvice.com/litigation/mediation/mediation_cost.htm)

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 RFP this service. Family and Community Mediation is the only provider in the State of Maine that can provide this type of mediation service statewide.

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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.

Family and Community Mediation (FCM) is a recently formed Maine non-profit which came about as the result of the closing last year of two similar community mediation programs, one housed under VOA and the other under The Opportunity Alliance ("TOA"). All of FCM's mediators are certified and are required to take additional subject matter training for areas in which they wish to mediate. FCM also provides to, and requires their mediators to participate in, continuing education hours, role playing / practice opportunities, and coaching sessions as part of their best practices. Many of their mediators are attorneys and human resource professionals. Their practice is to staff each mediation with two mediators.

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

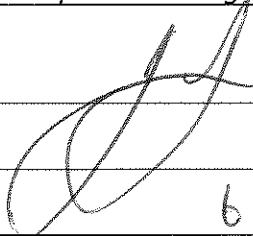
Please explain if time is of the essence and an emergency exists which requires the immediate procurement of goods or services. Describe the nature of this emergency, provide the date by which the goods or services must be delivered, and explain how that date was determined and its significance (i.e. 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):

By signing below, I signify that my Department requests, and I approve of, this Waiver of Competitive Bidding.

Printed Name:

Date:


 J. M. Legatosky
 6-20-19