

State of Maine Waiver of Competitive Bidding Request Form

DHHS/DCM Contract Administrator:	Matt Galletta/ Ryan Roberts	Office/Division/Program of Contract Administrator:	DDPC Carol Cody RPC Wendy M Waltz
Est. Contract Amount:	\$ 58,500.00	Contract or RQS Number:	CT-10A-20190416*2933
		Purchasing Maine ID:	
		DHHS Agreement Number:	DRPC-20-175
Proposed Start Date:	7-1-19	Proposed End Date:	6-30-20
Vendor/Provider Name, City, State	Baker, Newman & Noyes Portland, Maine 04112		
Short Description of Good or Service:	CMS & Medicare Consulting including the production of Medicare Cost Reports		
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.		<i>To be completed by the Division of Procurement Services</i> Posting dates on Division of <i>Procurement Services</i> website: From: <u>6/19/2019</u> To: <u>6/25/2019</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0620191020	
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.		
<input type="checkbox"/>	If a different authorization specifically allows for this non-competitive procurement, please provide that reference here:		

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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.

For Riverview & Dorothea Dix Psychiatric Center's

SERVICE # 1: Consultation

Consultative services for review of inpatient and outpatient billing procedures, regulations and guidance provided to the Department of Health and Human Services personnel. Provide on-site guidance relative to the documentation requirements at the two psychiatric hospitals and their clinics.

SERVICE # 2 Medicare Report

For review and impact analysis of Medicare and Medicaid settled cost reports; on-site assistance as needed for Medicare field audits and various reimbursement meetings related to Medicare and Medicaid reimbursement activities.

SERVICE # 3 Research

Provider will research potential additional Medicare and Medicaid cost report reimbursement opportunities for which the facilities operated by DHHS may qualify. The research will include research from previous years. At the conclusion of this phase, the provider will present an executive summary of the findings for information and planning.

This service is separate and distinct from any other contracted activities provided to the State of Maine including MaineCare.

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.

Medicare Part A cost reports specific to State psychiatric hospitals (IMD's) are only submitted by Riverview Psychiatric Center and Dorothea Dix Psychiatric Center. No other State agency or department has any involvement with these specific services beyond the two facilities and the DHHS Service Center.

There are no local, state or federal agencies that produce Medicare Part A cost reports for State psychiatric hospitals. The Department does not have sufficient staffing, resources or expertise to provide these 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**.

This is a renewal contact and, therefore, the hourly rates are based on the previous agreement. The required hours needed to complete these services are considered the minimal necessary. The hourly rates for this vendor have been compared to a second accounting firm in Maine (Berry, Dunn & McNeil) and found to be similar.

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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 does not intend to RFP these services.

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.

Baker, Newman and Noyes has over 10 years' experience successfully developing and submitting Medicare Cost Reports for State run mental health facilities. They are the only consulting firm in Maine submitting these unique cost reports for both State facilities (RPC & DDPC) and private psychiatric hospitals (Spring Harbor Hospital). Maine's only other private psychiatric hospital, Acadia Hospital in Bangor, produces their cost reports in-house.

This vendor has been working in tandem with Riverview Psychiatric Center, Dorothea Dix Psychiatric Center and the Department on not only current Medicare Cost Reports but the resubmission of prior year reports as well. Their in-depth knowledge of the hospital's prior cost reports is needed to assess the applicability for these resubmissions. The Department needs to draw upon the Vendor's knowledge/experience that is specific to the State psychiatric hospitals.

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.

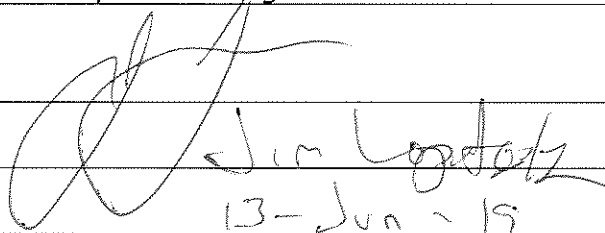
The primary services, Medicare Cost Reports, need to be completed and submitted to CMS no later than November 30, 2019. This date is mandated by CMS and delaying submission beyond this date will negatively affect claim payments (ie halt payments) from Medicare Part A & B. The Department has no basis for a cost estimate related to the "learning" period of another contractor. Any estimate would be impacted by the potential vendors prior experience with these unique cost reports, their staff's training and experience relating to these and the particular vendors hourly rates.

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:



Jim Logotz
13-Jun-19