

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.

Requesting Department's Contract Administrator:	Mark Belserene/Paul Knowles	Office/Division/Program of Contract Administrator:	Attorney General's Office/ Office of the Chief Medical Examiner
Est. Contract Amount:	\$ 9,400.00	Contract or RQS Number:	CT 26A20190610*3766
Proposed Start Date:	7/1/2019	Proposed End Date:	6/30/2020
Vendor/Provider Name, City, State	Brown & Meyers VC1000011257 71 Pleasant Hill Road, Scarborough, ME 04074		
Short Description of Good or Service:	Forensic Pathology Autopsy Transcription Services		
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: 6/20/19 To: 6/26/19	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0620191029	

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;						
	<table style="width: 100%; border: none;"> <tr> <td style="width: 35%; border: none;"><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></td> <td style="border: none;"><i>By signing below, I signify as the Governor's designee there is an emergency that necessitates this non-competitive procurement.</i></td> </tr> <tr> <td style="border: none;">Signature:</td> <td style="border: none;">Signature:</td> </tr> <tr> <td style="border: none;">Printed Name:</td> <td style="border: none;">Date:</td> </tr> </table>	<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:	Signature:	Printed Name:	Date:
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Signature:	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: <ul style="list-style-type: none"> (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/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;						
X	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:						

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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.

The Office of Chief Medical Examiner (OCME) requires transcription services for the 325+ autopsies and 125+ Examination reports dictated annually by the forensic pathologists. This service needs to be performed in accordance with a very specific format developed by the Chief Medical Examiner and Brown & Meyers for consistency with all reports and recorded information.

OCME support staff positions are needed to perform other administrative functions needed to meet the statutory mandates of this busy office including interactions with police, public health, attorneys, insurance companies, courts, families and other government agencies for the completion of investigations and case reports. The office case volume has continued to increase while staffing remains the same. None of the employees has the time to transcribe and still complete their primary duties in a timely manner.

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.

Transcription/dictation services are not available within State of Maine government resources. Paying this vendor is less expensive than creating/funding another permanent resource to perform this process in-house.

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**.

Although difficult to compare apples to apples as transcription service companies use various formulas, the rate of \$0.155/line is 1) the same pricing as the previous year's contract and 2) is considered very reasonable when compared to court reporting services. The contract is for less than \$10,000 per year. The current vendor is providing a quality product. The transcribers have been specifically trained to work with the OCME case report templates; are very efficient; and are familiar with OCME's forensic pathologists' individual styles as well as OCME's terminology, which reduces spelling errors.

5. Future Competition

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

We will continue to check for any similar cost-effective service with the specific training and capability as the current vendor.

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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.

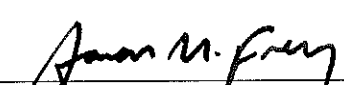
6. Uniqueness

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.

This vendor uses an Internet-based, HIPAA-compliant platform. The forensic pathologists can call in dictation from anywhere, anytime, on a land line, cell phone, digital recorder or PDA. In 24 hours or less, the vendor electronically downloads the finished transcription directly to a secure server. It is an excellent system and the level of service is great. The current vendor is providing a quality product. The transcribers have been specifically trained to work with the OCME case report templates; are very efficient; and are familiar with OCME's forensic pathologists' individual styles as well as OCME's terminology, which reduces spelling errors.

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:	 Aaron M. Frey, Attorney General
Date:	