

State of Maine Waiver of Competitive Bidding Request Form

DHHS/DCM Contract Manager / Administrator:	Chris Moiles / Valerie Fredericks	Office/Division/Program of Contract Administrator:	DHHS/OCFS Lisa Salger
Est. Contract Amount:	\$ 40,070.00	Contract or RQS Number:	CT 10A 20190321*2653
		Purchasing Maine ID:	
		DHHS Agreement Number:	OIT-20-134
Proposed Start Date:	7/1/2019	Proposed End Date:	6/30/2020
Vendor/Provider Name, City, State	OQ Measures Salt Lake City Utah		
Short Description of Good or Service:	Continued use of OQ Measures software, outcome tools, and consultation.		
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>06/21/2019</u> To: <u>06/27/2019</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0620191041	
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:
X	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.		

State of Maine Waiver of Competitive Bidding Request Form

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 OQ Measures was implemented in January 2010 for OCFS Home and Community Based Treatment Services and OAMHS Community Integration Services. Data obtained from the use of the OQ Measures is being used to guide and inform DHHS children’s mental health service planning; measure and document aggregated individual progress; guide and inform caseload supervision and resource planning activities; evaluate the effectiveness of DHHS children’s mental health service and supports; and guide statewide services system planning and implementation.

For the FY20 contract, OQ Measures will continue to be used for Children’s Home and Community Treatment (HCT)

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.

There are no state technology services or any other government entities available to fulfill this needed service. Development of a state solution would be cost prohibitive and require significant staff and financial resources. OCFS does not have the expertise required to support such development.

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**.

OQ Measures is the only vendor providing the software and training for use of the YOQ measurement tools. Costs for this contract were negotiated by OCFS and the vendor to ensure that costs remain sustainable over time and are comparable to similar services. The rates remain the same as last year’s contract.

5. Future Competition

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

Due to the proprietary nature of this product OCFS would not be able to obtain the use of another tool to meet this specific need. OQ Measures is the only vendor who can provide the Outcome Questionnaires and the software that is needed for this service. The Department does not intend to competitively procure 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.

State of Maine Waiver of Competitive Bidding Request Form

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.

The OQ Measures has been used in Maine's children's mental health services since January 2010. Both the OQ Measures tools and trainings are proprietary and are not offered by another vendor. The OQ Measures is a proprietary treatment tool and QC Measures is the only vendor that offers empirically derived treatment alerts based upon periodic outcome assessment for both adults and children. It is the only vendor that offers electronic treatment alerts that identify patients whose treatment is likely to fail and offers suggestions for treatment intervention and/or modifications.

The implementation of the OQ Measures tool began in January 2010 and is a required tool for the delivery of the Children's Home and Community Service per MaineCare rule.

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

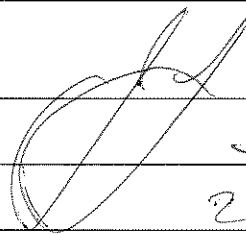
Please explain if time is of the essence and an emergency exists which requires the immediate procurement of goods or services. Describe the nature of this emergency, provide the date by which the goods or services must be delivered, and explain how that date was determined and its significance (i.e.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



 Jim Lortash

 29 - May - 19