

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 / Kristen King	Office/Division/Program of Contract Administrator:	Maine CDC/ Disease Prevention/MBCHP/ Maryann Zarembo		
Est. Contract Amount:	\$360,000.00	Contract or RQS Number:	10A 20190510*3357		
		Purchasing Maine ID:			
		DHHS Agreement Number:	OIT-20-053		
Proposed Start Date:	7/1/2019	Proposed End Date:	6/30/2021		
Vendor/Provider Name, City, State	Indus Consultancy Services Paramus, NJ				
Short Description of Good or Service:	Maintenance, Hosting and Support Services to Maine CDC Breast and Cervical Health Program (MBCHP) for Data Management and Reporting System (DMRS) application				
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.	<i>To be completed by the Division of Purchases</i> Posting dates on Division of Purchases' website: From: <u>6/21/2019</u> To: <u>06/27/2019</u>				
Notice of Intent to Waive Competitive Bidding Number:	NOI# 0620191047				
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: <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">Printed Name:</td> <td style="width: 50%;">Date:</td> </tr> </table>		Printed Name:	Date:
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 Purchases "GOVCOOP" form, found here:</i> http://www.maine.gov/purchases/info/forms/govcoop.doc				
<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.

The Maine CDC Breast and Cervical Health Program (MBCHP) needs to authorize, track, process results and produce periodic reporting of Minimum Data Elements (MDE) files as required by the U.S. Centers for Disease Control (CDC) for breast and cervical cancer screening services to meet their business requirements. Indus Consultancy developed an application fulfilling this need per the State of Maine RFP issued in the summer of 2003 and enhanced thereafter. Indus has a unique service which meets the needs of the business. This service provides all functions, including staffing.

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 public resources within the Department or via other governmental resources able 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**.

The cost is fixed for the duration of the contract, which is for two years. It reflects a small increase over the cost of the contract two years ago due to increased federal Version 7.0 of the Minimum Data Elements (MDE) reporting requirements. This contract has been level funded since 2011, and the proposed renewal is for another two years.

5. Future Competition

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

The State of Maine continues to search for other organizations that provide this service. Until other services are available, MBCHP does not have sufficient staff or IT resources to perform the duties required. This renewal gives the business group the time to see about Federal funding and whether this program will still be a requirement.

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

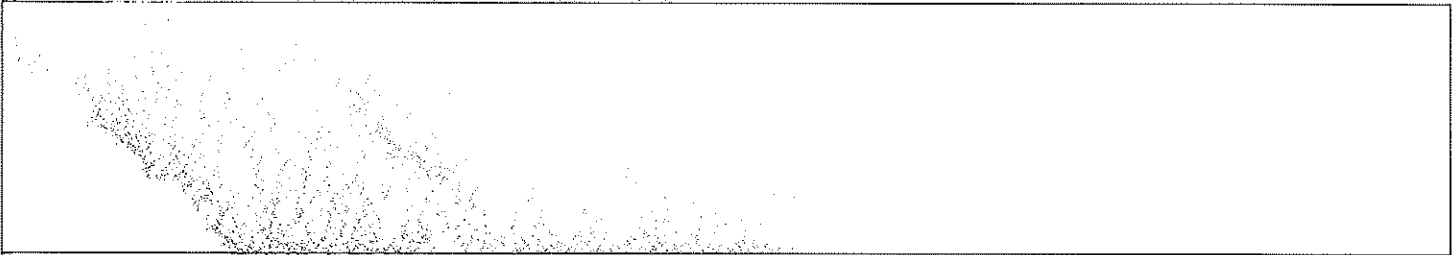
Please explain if the goods or services required are unique to a specific vendor. Describe the unique qualifications, abilities, and/or expertise of the vendor and how those particular unique factors address the specific need identified above. If the vendor has unique equipment, facilities, or proprietary data, also explain the necessity of these particular unique assets.

Indus currently provides services supporting MBCHP via a contract that was awarded via the RFP process (RFP 899242). Indus tailored its services to Maine's needs and has provided the service for the past 15 years. Because of this, Indus is the only vendor who offers this service with all of Maine's needs met.

- Client enrollment
- Tracking of cancer screening services and results by client
- Provider and Client cancer screening reminders
- Provider Performance Reports
- Configured to comply with bi-annual federal reporting requirements

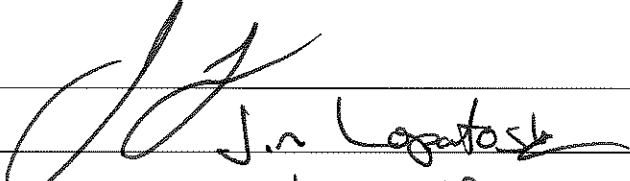
This database is proprietary and could not be maintained by an alternate vendor.

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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:	19 - Jun - 19