

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/Arlene Jones	Office/Division/Program of Contract Administrator:	Maine CDC / Disease Prevention and Control
Est. Contract Amount:	\$12,000.00	Contract or RQS Number:	10A 20190521*3504
		Purchasing Maine ID:	
		DHHS Agreement Number:	CD2-20-4512
Proposed Start Date:	7/1/2019	Proposed End Date:	6/30/2020
Vendor/Provider Name, City, State	Portland Community Health Center Portland, ME		
Short Description of Good or Service:	Clinical Dental 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.		<i>To be completed by the Division of Procurement Services</i> Posting dates on Division of Procurement Services website: From: <u>6/26/19</u> To: <u>7/2/19</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0620191069	
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.		
	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) <u>all</u> require a response.			

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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.

Access to clinical dental services for MaineCare eligible and low-income persons is a challenge in many parts of the state, including the service area of Vendor Name. The Dental Services Subsidy Program, for which this contract provides funding, was designed to assist qualified community agencies in providing these services. This funding program is mandated by 22 MRSA § 2127, which makes certain funds available to eligible and qualified community oral health programs, with the intent to subsidize the provision of oral health care for persons whose gross income is below 200% of the federal poverty level, and who are without insurance for that care. The intent of the legislature in allocating the funds was to assist these programs by supporting their sliding fee scales, thus enabling the agencies to keep those fees at levels affordable and accessible to the individuals they intend to serve. In other words, the intent of the Subsidy Program is to assist qualified community programs in maintaining fee structures that will keep their services financially accessible to potential patients.

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 does not provide direct clinical dental services. There are no public resources within the Department or via other governmental resources to provide these services. The requested sole source is a primary source of dental services for the intended population within its particular service area.

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 basis on which contractors in the Dental Services Subsidy Program are paid is a formula that calculates payment based on what patients pay for services provided on the contractor's sliding fee scale. Fee scales are in turn based on the Federal Poverty Level or fees may be discounted in increments from the fee the organization charges for insured patients. The Department requires that each contractor provide its current sliding fee scale when providing the necessary documentation to demonstrate eligibility for this program. Vendor named has satisfactorily provided that information which is not part of the contract but is kept in the program file. The department deems these costs to be fair and reasonable.

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.

This funding program is mandated by 22 MRSA § 2127, which makes certain funds available to eligible and qualified community oral health programs, with the intent to subsidize the provision of oral health care for persons whose gross income is below 200% of the federal poverty level, and who are without insurance for that care. As noted above, vendor name is the primary source of dental services for the intended population within its particular service area. The organization is able to provide those services with appropriate licensed professionals, maintains a sliding fee scale that is acceptable to the Department, and has certified to the Department that it meets the Department's and other legislative requirements for eligibility to participate in the Dental Services Subsidy Program.

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

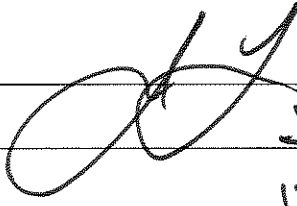
Please explain if time is of the essence and an emergency exists which requires the immediate procurement of goods or services. Describe the nature of this emergency, provide the date by which the goods or services must be delivered, and explain how that date was determined and its significance (i.e.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

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

Printed Name:

Date:


Jim Lapostola
17-Jun-19