

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:	Dawn Kliphan, Contract/Grant Specialist	Office/Division/Program of Contract Administrator:	Dept. of Education (DOE) Office of Special Services
Est. Contract Amount:	\$209,114.00	Contract or RQS Number:	20190517*3471
Proposed Start Date:	July 1, 2019	Proposed End Date:	June 30, 2024
Vendor/Provider Name, City, State:		University of Southern Maine (USM) Portland, Maine	
Short Description of Good or Service:		Leadership and professional development on positive behavioral interventions and supports in Maine's educational system	
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.		<p style="text-align: center;">To be completed by the Division of Procurement Services</p> Posting dates on Division of Procurement Services website: From: <u>06/27/2019</u> To: <u>07/03/2019</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0620191090	
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 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;			

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X	<p>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:</p> <p>(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;</p> <p>(2) A sharing of project responsibilities and, when appropriate, costs;</p>
<p><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></p>	
<p>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;</p>	
<p>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.</p>	
<p>If a different authorization specifically allows for this non-competitive procurement, please provide that reference here:</p>	

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.


Analyses of data collected by the Maine DOE from: 1) Maine teachers and administrators, 2) the State's student information system, and 3) the State's monitoring system, emphasize a need for interventions in Maine's educational environments to improve social and academic outcomes of individuals with disabilities. Validated research has shown highly favorable academic and behavioral results when districts implement Positive Behavioral Interventions and Supports (PBIS) initiatives. PBIS initiatives are a three-tiered, evidence-based, preventative, systems approach to establishing favorable whole-school social cultures and intensive individual behavioral supports necessary for schools to promote social and academic gains, while minimizing problem behavior for all students. School-wide PBIS systems are associated with: 1) reductions in the number of instances in which intensive interventions (including seclusion and/or restraint) are perceived as needed, 2) increased effectiveness of comprehensive interventions, and 3) improvements in maintaining gains in behavior supports. Services under this agreement will increase the number of school districts that implement PBIS effectively while building sustainable infrastructures.

This cooperative agreement aligns with the purposes of the Maine DOE (20-A MRSA §255) and of the federal funding that supports the work (IDEA, 20 USCS). The U.S. DOE, Office of Special Education Programs (OSEP) promotes and supports the advancement of PBIS across all grades levels and all schools [IDEA, 20 USCS §1465(b)].

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

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address the identified need more efficiently and effectively than the identified vendor.	
There is no capacity within the Maine DOE to conduct this work, nor do we know of any governmental agencies with the capacity or specialized knowledge to provide these services. USM is a public institute of higher education.	
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 Department will contribute \$209,114 and USM will contribute \$24,057 for a total budget of \$233,171 over five years. Project staff will receive payment through this agreement in lieu of a percentage of their normal teaching compensation from USM. DOE will cover 30% of normal wages during the school year and 25% during the summer months. These compensation rates have been vetted through the university system. USM will cover half of the indirect costs associated with this work.	
5. Future Competition Please describe potential opportunities which may be available to foster competition for these goods or services in the future.	
Since this is a five-year plan, the districts should be self-sufficient at the completion of this contract. If additional work is needed to continue to scale up the work to additional districts, then an RFP could go out for one university system or organization to support the work.	
Please note that <u>only one</u> 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.	
USM and UMaine employ leaders in the state who possess prominent levels of professional expertise in PBIS. USM participated in designing the DOE’s PBIS initiative, which has worked through the University of Maine System partners in identifying school needs and implementing PBIS systems. This collaborative project serves the mutual interests of both the State and USM to ensure that Maine has a high quality, effective educational system in place.	
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:	David A. Chubeta 21 June 2019