

# State of Maine Waiver of Competitive Bidding Request Form

<b>DHHS/DCM Contract Administrator:</b>	Chris Moiles/Valerie Fredericks	<b>Office/Division/Program of Contract Administrator:</b>	CDC/CSHN Holly Richards
<b>Est. Contract Amount:</b>	Original \$150,000.00 Adding \$37,500.00 New Total \$187,500.00	<b>Contract or RQS Number:</b>	CT 10A 20180914*0987
<b>Proposed Start Date:</b>	<b>10/1/2018</b>	<b>DHHS Agreement Number:</b>	CD0-19-4259A
<b>Proposed End Date:</b>		<b>Proposed End Date:</b>	9/30/2019
<b>Vendor/Provider Name, City, State</b>	Eastern Maine Medical Center Brewer, ME		
<b>Short Description of Good or Service:</b>	Comprehensive Genetic Services		
<b>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.</b>		<b>To be completed by the Division of Purchases</b> Posting dates on Division of Purchases' website: From: <u>6/27/2019</u> To: <u>7/3/2019</u>	
<b>Notice of Intent to Waive Competitive Bidding Number:</b>		NOI# 0620191093	
<b>1. Statutory Justification</b>			
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;		
<input type="checkbox"/>	<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>	
<input type="checkbox"/>		<b>Signature:</b>	
<input type="checkbox"/>		<b>Printed Name:</b>	<b>Date:</b>
<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;		
<input type="checkbox"/>	<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: <a href="http://www.maine.gov/purchases/info/forms/govcoop.doc">http://www.maine.gov/purchases/info/forms/govcoop.doc</a>.</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.		
<input type="checkbox"/>	If a different authorization specifically allows for this non-competitive procurement, please provide that reference here:		
<b>Please note that the following four points below (#2 through 5) all require a response.</b>			

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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.

This contract provides support for comprehensive genetic services to Maine families with or at increased risk for genetic conditions in order to reduce mortality and morbidity from birth defects including cleft lip and palate, metabolic disorders and other genetic conditions. The grant also provides for education and training to health professionals regarding genetics and consultation to the Maine CDC programs, including the Children with Special Health Needs Program (CSHN), the Genetics Program, Bloodspot and Hearing Screening Programs and Birth Defects Program. Services are provided statewide but primarily to individuals in the southern and central regions of Maine.

Provision of genetic service contracts is authorized by statute 22 M.S.R.S. §1533

This amendment extends the contract end date by three (3) months and adds funds to continue to pay for the service for the extended contract period.

## 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.

Sufficient staffing, resources, or expertise is not available within the State of Maine's government, or other governmental entities.

## 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**.

A review of total agency costs to provide these specialty clinics revealed costs of \$4,500 per clinic day. Insurance reimbursement covers approximately half of that expense leaving \$2,500 per clinic day unsupported by insurance/MaineCare. Maine CDC negotiated \$1,000 per clinic day as support for these specialty clinics. The Department is paying less than insurance and MaineCare. The \$1,000 per clinic day rate defrays the expenses and allows the agency to almost break even.

## 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 plan to RFP these services at this time as this vendor is the only qualified provider to provide services in this area. If other providers were to receive accreditation from Cystic Fibrosis Foundation, the Department would consider putting the service out for competitive procurement or contracting with that provider.

**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.**

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**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 provider of these services must be accredited by the Cystic Fibrosis Foundation (CFF). Currently, Eastern Maine Medical Center is the only provider accredited by CFF that can provide comprehensive genetic services for families and individuals with or at increased risk for genetic conditions in northern and eastern Maine.

**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.

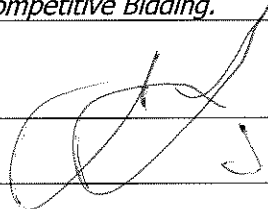
N/A

**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 Legatos  
 30-Mg-19