

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 Matt Galletta	Office/Division/Program of Contract Administrator:	Maine CDC / Division of Disease Prevention/ Emily Moores
Est. Contract Amount:	Original \$70,356.00	Contract or RQS Number:	10A 20180612*3298
	Amendment \$52,761.00	Purchasing Maine ID:	
	New total \$123,117.00	DHHS Agreement Number:	CD0-19-4475C
Proposed Start Date:	8/1/2018	Proposed End Date:	4/28/2020
Vendor/Provider Name, City, State	Maine Healthcare Center for Tobacco Independence Portland, ME 04101		
Short Description of Good or Service:	Technical assistance, Education and Training, Expanding Quitline Capacity		

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: 6/27/19 To: 7/3/19
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Notice of Intent to Waive Competitive Bidding Number:	NOI# 0620191101
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I. 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.

	<p>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;</p>						
	<p>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;</p>						
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 35%;"><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></td> <td style="width: 65%;"> <p><i>By signing below, I signify as the Governor's designee there is an emergency that necessitates this non-competitive procurement.</i></p> <p>Signature:</p> </td> </tr> <tr> <td></td> <td> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Printed Name:</td> <td style="width: 40%;">Date:</td> </tr> </table> </td> </tr> </table>	<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>	<p><i>By signing below, I signify as the Governor's designee there is an emergency that necessitates this non-competitive procurement.</i></p> <p>Signature:</p>		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Printed Name:</td> <td style="width: 40%;">Date:</td> </tr> </table>	Printed Name:	Date:
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X	<p>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;</p>						
	<p>D. It appears to be in the best interest of the State to negotiate for the procurement of petroleum products;</p>						
	<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.

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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.

The purpose of this agreement is to increase the number of Maine residents who are screened for tobacco use and who receive evidence-based tobacco treatment services through the Maine Tobacco Helpline (MTHL). Maine Healthcare Center for Tobacco Independence will work with large healthcare systems and their clinical sites with the goal of integrating the Maine Tobacco Helpline fax referral into the Electronic Medical Record (EMR) so that each patient seen by a physician is asked about tobacco use and offered tobacco treatment services through the Maine Tobacco Helpline. Maine CDC reapplied for this continuing grant award in April 2015 so that expansion of the integration of the Electronic Medical Record could continue throughout Maine so that the number of Maine residents who are screened for tobacco use and who receive evidence-based tobacco treatment services through the Maine Tobacco Helpline continues and increases throughout the state.

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.

One of the goals for Maine CDC's, tobacco Prevention and Control Program is to: "motivate and assist tobacco users to quit," however it does not have sufficient highly trained staff to provide the high level of specific technical assistance, training, and education to healthcare systems to integrate the Maine Tobacco Helpline fax referral into the Electronic Medical Record of large healthcare systems in Maine. There are no other governmental resources that are external to DHHS, Maine CDC, Division of Disease Prevention that can do this more efficiently or cost effectively.

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**.

This is a very cost-effective contract achieving success that impacts healthcare systems/clinical providers/patients throughout the state of Maine. It has been a cumulative process where Maine Healthcare Center for Tobacco Independence has provided education, technical assistance and training to increase the number of direct referrals to the Maine Tobacco Helpline by health care providers. The provider uses sound fiscal judgment with all state contracted funds. A comparison is not possible since there is no other identified entity in the state of Maine that provides these services.

5. Future Competition

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

The funding for these services is in the final year and was extended through April of 2020. As additional funding is not anticipated, 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.

The entity known as Maine Healthcare Center for Tobacco Independence is unique in all of Maine. The Center for Tobacco Independence began in 2001 with a mission to increase access to evidence-based tobacco treatment in Maine. The Center over the years has grown into a team of highly qualified individuals with a proven record of cutting-edge research, delivery of treatment and nationally recognized tobacco treatment training. The goal of the Center is to establish a standard of care for treating tobacco dependence with the ultimate aim of reducing smoking prevalence in Mainers. At this time Maine Healthcare Center for Tobacco Independence is the sole entity, as a partner with the state tobacco prevention and control program, currently trained in all aspects of this work.

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

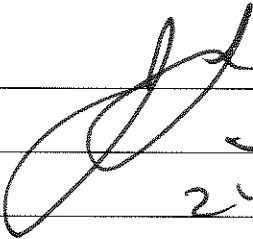
Please explain if time is of the essence and an emergency exists which requires the immediate procurement of goods or services. Describe the nature of this emergency, provide the date by which the goods or services must be delivered, and explain how that date was determined and its significance (i.e.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

Printed Name:

Date:

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


Jim Lopatosh
24 - June - 19