

## State of Maine Waiver of Competitive Bidding Request Form

<b>DHHS/DCM Contract Administrator:</b>	Nancy Tan / Patti Wall	<b>Office/Division/Program of Contract Administrator:</b>	DHHS/OADS/Neurobehavioral Services
<b>Est. Contract Amount:</b>	\$56,967.00	<b>Contract or RQS Number:</b>	CT 10A 20190620*3891
		<b>Purchasing Maine ID:</b>	
		<b>DHHS Agreement Number:</b>	ADS-19-9710
<b>Proposed Start Date:</b>	6/1/2019	<b>Proposed End Date:</b>	10/31/19
<b>Vendor/Provider Name, City, State</b>	Brain Injury Association of America Vienna, VA		
<b>Short Description of Good or Service:</b>	Supports and services provided to persons affected by brain injury.		
<b>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.</b>		<b>To be completed by the Division of Procurement Services</b> Posting dates on Division of <i>Procurement Services</i> website: From: <u>06/28/2019</u> To: <u>07/04/2019</u>	
<b>Notice of Intent to Waive Competitive Bidding Number:</b>		NOI# 0620191106	
<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;		
	<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> <b>Signature:</b>	
		<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;		
	<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: <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:		

# State of Maine Waiver of Competitive Bidding Request Form

**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 purpose of this agreement is to continue the services and supports provided to persons affected by brain injury established through the Traumatic Brain Injury (TBI) State Partnership grant from the Administration for Community Living.

The Provider will use agreement funds to provide services and supports to individuals with Acquired Brain Injury and their family members, and information related to brain injury services and supports to peer and family support groups in Maine. Services and supports include resource facilitation services; assistance and education to peer and family support groups about brain injury treatment services and supports in Maine; and public education and outreach to hospitals, community organizations and professional associations.

## **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 other resources in the Department or another governmental entity that can do this work.

## **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 rates for services in this contract are consistent with other agreements for similar services.

The cost is based on the federal grant application budget of \$227,870 for a new two-year grant cycle. A monthly increment of \$227,870 is \$9,494. Therefore, the cost of this six-month agreement is calculated to be \$56,967.

## **5. Future Competition**

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

The provider is specified in the Traumatic Brain Injury (TBI) Implementation State Demonstration Grant Program; grant number 90TBSG0019, Traumatic Brain Injury State Implementation Partnership Program. The Department does not intend to issue an RFP this service.

**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.**

## State of Maine Waiver of Competitive Bidding Request Form

**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 Provider was specified in the federal Traumatic Brain Injury (TBI) State Partnership. The Brain Injury Association of America is a national organization established specifically to work with individuals who have brain injuries and their family members. The Brain Injury Association of America has developed a model of services and supports that is unique to brain injury advocacy and infrastructure development.

**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.

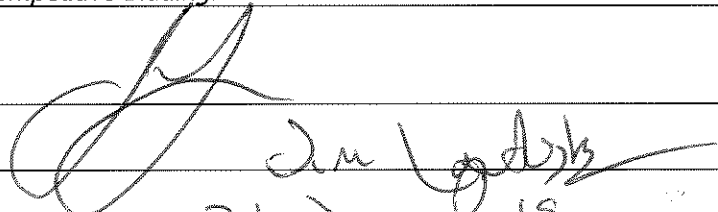
N/A

**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 Logsdon  
 26-June-19

## DHHS Agreement Late Start Justification

Agreement Number	ADS-19-9710
CT	CT 10A 20190620*3891
Vendor	Brain Injury Association of America
Service Group	Brain Injury
Start Date	06/01/2019
End Date	10/31/2019
Total Agreement Amount	\$56,967.00
Contract Type	Not subject to MAAP
At Risk Reason	Tight timeframe to process and encumber agreement before the end of SFY 2019

Office Director, Assoc. Director & Contract Lead to address the questions listed below

i. Why are the contract documents submitted late?

The Department did not submit contract source documents until appropriate funding was confirmed.

ii. Is the provider currently working?

Yes.

iii. If yes, what is the negative impact if services are not provided?

To assure there is no lapse in core brain injury services this contract has a start date of June 1, 2019.

This contract complements legislation enacted by the 129<sup>th</sup> Maine Legislature. The Department provided assurances to the Legislature in support of LD 297, An Act to Strengthen Brain Injury Resources for Underserved Populations, Including Opioid Overdose Brain Injury Survivors, that the Department evaluated its financial resources and concluded that funds are available to support the scope of services outlined in the legislation. The core support services enacted include resource facilitation, assistance and support to brain injury support groups, and other outreach support activities designed for individuals who have an acquired brain injury. These services assist the individual, caregivers or families access to a joint state and national helpline, information, resource education and family caregiver training and support.

This contract ensures existing core support services provided by the Brain Injury Association of America Maine Chapter continue and includes additional deliverables that align with the enacted legislation. These services have been provided to survivors of brain injuries across the state within the limited financial support of a four-year federal grant titled the Traumatic Brain Injury (TBI) State Partnership Grant, now administered through the Federal Administration for Community Living (ACL), which expired on May 31, 2019. The Department's sustainability plan with ACL was to provide financial support for core services to continue within the Department's available resources.