

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	Office/Division/Program of Contract Administrator:	Maine Department of Education (DOE), Special Services
Est. Contract Amt:	\$37,417.85	Contract Number:	20170505*3444
Proposed Start Date:	July 15, 2019	Proposed End Date:	9/30/19
Vendor/Provider Name, City, State:	Pine Tree Society Bath, Maine		
Short Description of Good or Service:	Expand the inventory of Assistive Technology (AT) devices and improve device demonstration and loan opportunities for individuals with disabilities		
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> <p>Posting dates on Division of Procurement Services website: From: <u>06/28/2019</u> To: <u>07/04/2019</u></p>		
Notice of Intent to Waive Competitive Bidding Number:	NOI# 0620191114		
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;		
<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>	<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>	
<input type="checkbox"/>		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;		

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	<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>
	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;
	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) 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.

Pine Tree Society is one participant in a network of providers included in Maine's federally funded Assistive Technology (AT) Program, the Maine CITE Program (State Grants for Assistive Technology, Award #1601MESGAT, CFDA 93.464). As part of the Maine CITE Program, Pine Tree Society demonstrates and loans AT to help individuals with disabilities obtain devices that will improve their lives, allowing them to live with increased independence, safety and quality of life. This amendment will make AT devices more available to them, and will build upon advances in AT, including the operation of smart home technology. Investments with this amendment will create economic efficiencies while improving the quality of lives for people who need AT devices. Pine Tree Society, as part of the Maine CITE Program, will utilize advancements in AT to help these individuals become more independent and less reliant on social services and costly living arrangements.

Maine's AT Plan filed with the U.S. Dept. of Health and Human Services (DHHS), Administration for Community Living (ACL) specifically cites Pine Tree Society as a Maine CITE provider for demonstrating and loaning AT devices. The federal AT grant requires that direct services be provided to enable individuals to try out and take home AT devices for periods of time. Performance data, collected and reported by Pine Tree Society, are used to assess and improve the Maine CITE Program, and to demonstrate to the U.S. DHHS, ACL that Maine is meeting the Performance Goals of the Maine CITE Program. Should Maine not comply with the Maine CITE Plan and Performance Goals, Maine's receipt of federal funding would be jeopardized, so too would the lives of individuals with disabilities who are in need of AT.

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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 governmental resources in Maine with the capacity to provide such direct services. The Maine CITE Plan specifically cites Pine Tree Society as a provider for AT device demonstrations and short-term loans. Pine Tree Society is a nonprofit organization that participates in a coordinated network of Maine CITE Providers to meet the AT needs of individuals with disabilities throughout Maine. There are limited AT service providers in Maine and the Maine CITE Program utilizes them in order to meet federal and State AT Plan requirements.

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**.

Contract amounts for Pine Tree and other Maine CITE providers, continue to be funded based on the needs of the Maine CITE Program and on the services to be delivered. Maine CITE budgets funds according to annual federal awards amounts and the implementation needs of the Maine CITE Program. Funding under this amendment will be used to:

- 1) further develop Maine CITE's AT Demonstration and Loan Program
- 2) provide for an AT Specialist
- 3) increase the space for the AT Device Demo and Loan Center, and
- 4) purchase new devices to be added to Maine CITE's AT inventory, publicized at AT4Maine.org

Maine CITE takes advantage of discounts on standard market prices for AT devices and for the costs of space wherever possible. In addition, AT Specialist costs are within Maine's pay range for this position.

5. Future Competition

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

Pine Tree Society is just one member in a network of service providers in the Maine CITE Program. Federal guidelines stipulate that Maine's AT Plan will provide for statewide, comprehensive AT services for individuals with disabilities of all ages, covering all disabilities. Members in the Maine CITE Program are cognizant of any new AT providers entering the field; however, under federal grant requirements, the grant will fund only those providers who offer AT device demonstrations, device loans/acquisitions, device reuse and recycling, or technical assistance.

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.

Pine Tree Society is a statewide organization, specifically named in Maine's AT federal grant as a provider, among a network of providers in the Maine CITE Program. Pine Tree's services are a necessary part of Maine's efforts to ensure that individuals with disabilities throughout Maine have access to AT devices that will improve their lives. These specific, direct services for children and adults with disabilities, as well as senior citizens, require skill, expertise and knowledge on how various types of technology may be appropriate for each individual. Being well aware of expertise levels needed and the significance of this work for Maine people, Pine Tree Society employs people with national certification as AT Practitioners.

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:	Daniel A. Chuchta
Date:	27 Jan 2011