

# 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.

<b>DHHS/DCM Contract Administrator:</b>	Chris Moiles / Patti Wall	<b>Office/Division/Program of Contract Administrator:</b>	Maine CDC / Disease Prevention and Control
<b>Est. Contract Amount:</b>	\$64,490.00	<b>Contract or RQS Number:</b>	CT 10A 20190625*3943
		<b>Purchasing Maine ID:</b>	
		<b>DHHS Agreement Number:</b>	CD8-20-4511
<b>Proposed Start Date:</b>	7/1/2019	<b>Proposed End Date:</b>	6/30/2020
<b>Vendor/Provider Name, City, State</b>	Aroostook County Action Program, Inc. Presque Isle, ME		
<b>Short Description of Good or Service:</b>	Dental - Program and service delivery coordination		
<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 Procurement Services website: From: <u>7/1/2019</u> To: <u>7/7/2019</u>	
<b>Notice of Intent to Waive Competitive Bidding Number:</b>		NOI# 0720191141	
<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.		
	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.

The purpose of this contract to support a county-wide Oral Health Education Program that provides coordination of and resources for school-based preventive oral health programming in elementary schools throughout the County, and offers community wide resources for oral health promotion. School-based and school-linked oral health promotion and dental disease prevention programs are a proven and effective way of early intervention in dental disease, thus helping ultimately to have a positive impact on oral health status and access to care issues, and can be particularly effective in a large, mostly rural area that is generally underserved for dental care, such as Aroostook County. A centralized resource for these programs, as well as for broader community efforts (in coordination with hospitals or other community organizations) is a cost-effective and efficient way of providing programs and services the Department wishes to support in Aroostook County.

## 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 not sufficient public resources within the OHP, the Division, or the Department or via other governmental resources to provide these services in Aroostook County. To do so effectively requires staffing resources available within the area served, and to use existing staff would mean that the individual in the central office would be travelling to and within Aroostook County to the point that this would not be cost-effective for the Department, and would also have an adverse effect on that individual's ability to perform other assigned duties.

## 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**.

Aroostook County Action Program (ACAP) has consistently managed this program with a level-funded budget for over 10 years. ACAP's internal expenses and salaries are reasonable and the organization looks for ways to coordinate functions that will result in cost-savings to the agency and for this contract. This contract and the OHP's contract with the Washington County Children's Program provide similar services in equally rural and resource-poor areas for the same contract amounts.

## 5. Future Competition

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

Competitive bidding would result in an interruption of services and loss of capacity in an area of substantial need. It is crucial to program success for coordination to be locally based and ACAP, as a provider of county-wide services already, is accepted by schools and other organizations as a shared resource. An RFP issued in December 2014 did not elicit any potential contractors other than ACAP. 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.

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ACAP is unique in that they were the only vendor to perform this service as demonstrated by the RFP process. As they have been providing this service for over 10 years, they are the only entity with the established relationships that allow for access into the school and community settings

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

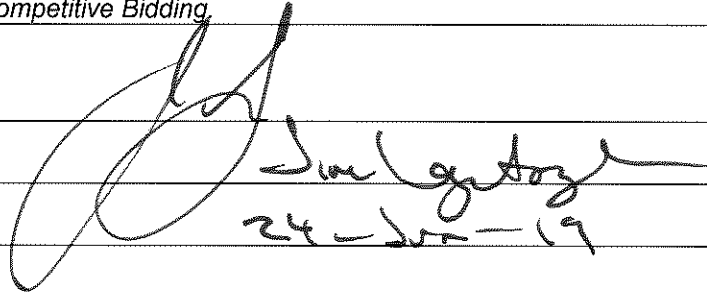
Please explain if time is of the essence and an emergency exists which requires the immediate procurement of goods or services. Describe the nature of this emergency, provide the date by which the goods or services must be delivered, and explain how that date was determined and its significance (i.e.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

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

Printed Name:

Date:



David Leggett  
24-Jun-19