

State of Maine Waiver of Competitive Bidding Request Form

DHHS/DCM Contract Administrator:	Shawn Belanger Matt Galletta	Office/Division/Program of Contract Administrator:	Rate Setting – Sharon Stanley
Est. Contract Amount:		Contract or RQS Number:	CT 10A 20180813*506
	Amendment \$126,000	Purchasing Maine ID:	
	Revised total \$340,000	DHHS Agreement Number:	OMS-19-9710C
Proposed Start Date:	7/15/19	Proposed End Date:	6/30/20
Vendor/Provider Name, City, State	Burns & Associates, Inc. Phoenix, AZ		
Short Description of Good or Service:	Rate Study		
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.		To be completed by the Division of Procurement Services	
		Posting dates on Division of <i>Procurement Services</i> website:	
		From: <u>7/1/2019</u> To: <u>7/7/2019</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0720191145	
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;		
	<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>	
		Signature:	
		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;		
<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: http://www.maine.gov/purchases/info/forms/govcoop.doc.</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:		

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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.

DHHS is in the process of seeking reauthorization of its 1915(c) waiver program to provide home and community based services to individuals with brain injuries. As part of its review of the waiver application, the Centers for Medicare and Medicaid Services (CMS) is requiring that DHHS develop a methodology for establishing provider payment rates that complies with federal requirements. The Provider will undertake a rate study to develop compliant rates for MaineCare Section 18 & 20 services

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.

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**.

Service will be performed at rates consistent with other services performed by this Provider. The Department considers the hourly rate to be fair and reasonable.

5. Future Competition

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

The Department is continuously evaluating vendor options. As the Department expands its reviews to other areas of MaineCare policy it intends to bid competitively the broader services it requires.

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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 qualifications of the Provider to complete the rate-setting work required is unique in several ways:

- Possesses extensive experience in rate analysis and rate setting, having performed similar work in a number of other States and Provinces, such as New Mexico, North Carolina, Rhode Island, Virginia, and Alberta, Canada. The track record the firm has developed in these states, as well as in Maine, speaks to its broad expertise and commitment to excellent work product.
- Previously led a review of payment rates for behavioral health services provided through Sections 17, 28, and 65 of the MaineCare Benefits Manual, and this work provided a critical foundation for this project.
- Has developed an intimate familiarity with MaineCare's rate structure; it has developed a detailed knowledge of Maine's social service provider community; and it has compiled a strong track record of service to the Department. The Provider is, therefore, uniquely positioned to provide the required services in a timely manner.
- Will staff its project team with senior managers who have extensive experience in managing projects of this nature and have already worked closely with Department staff. Such studies require a unique understanding of service delivery in Maine, as well as in other states, and national public policy supporting such services. Furthermore, the Provider's senior managers have a demonstrated expertise in the areas of finance, forecasting, administration and provider operations, each of which is essential to an informed rate study.

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

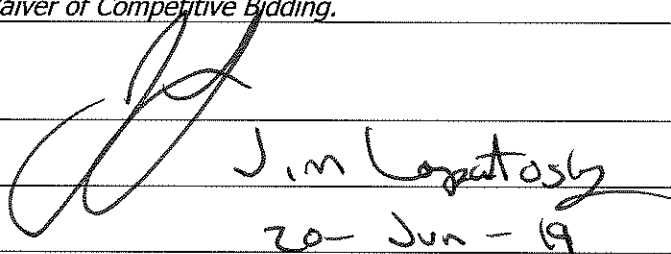
Please explain if time is of the essence and an emergency exists which requires the immediate procurement of goods or services. Describe the nature of this emergency, provide the date by which the goods or services must be delivered, and explain how that date was determined and its significance (i.e.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



Jim Lapatosky

Date:

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