

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: | Caroline Jova | Office/Division/Program of Contract Administrator: | AOC/JB |
| Est. Contract Amount: | \$80,000 | Contract or RQS Number: | |
| Proposed Start Date: | 08/11/2020 | Proposed End Date: | 12/01/2020 |
| Vendor/Provider Name, City, State: | University of Southern Maine, Justice Policy Program Portland, Maine | | |
| Short Description of Good or Service: | Expansion of "Place Matters" Project | | |
| 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>To be completed by the Division of Procurement Services</p> <p>Posting dates on Division of Procurement Services website: From: <u>07/09/19</u> To: <u>07/15/19</u></p> | | |
| Notice of Intent to Waive Competitive Bidding Number: | NOI# 0720191168 | | |
| 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. | | | |
| | 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; | | |
| | 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: |
| X | 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; | | |
| | D. It appears to be in the best interest of the State to negotiate for the procurement of petroleum | | |

State of Maine Waiver of Competitive Bidding Request Form

| | | | |
|----------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|--|
| | products; | | |
| | <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. | | |
| | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">If a different authorization specifically allows for this non-competitive procurement, please provide that reference here:</td> <td style="width: 40%;"></td> </tr> </table> | If a different authorization specifically allows for this non-competitive procurement, please provide that reference here: | |
| 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.

The Maine Judicial Branch (MJB) receives federal funding from the Administration for Children and Families for our Court Improvement Program. These funds include an award for the collection and analysis of data that can be used to improve the safety, permanency, and well-being of children and families in child protective cases. Judicial officers have identified the need for data on the available resources to help families involved with the child welfare system or at risk of child welfare involvement as a top priority.

To this end, this contract is intended to expand a data project already underway at the Justice Policy Program at University of Southern Maine. This project is entitled "Place Matters," and in its current form, will compile and analyze data on available resources that serve juveniles at risk of involvement with the justice system. This contract proposes to expand the scope of the "Place Matters" project to take a multigenerational approach and more broadly map resources that serve the whole family at risk of becoming involved in child protective cases. This expanded asset mapping would include resources that address access to food, housing, and healthcare in certain priority counties in recognition that such access is often a barrier to reunification in child protection cases. The project would also identify gaps in resources and make recommendations for investment.

State of Maine Waiver of Competitive Bidding Request Form

In addition to an expansion in the substantive scope of the data, the contract will support an expansion in the geographic scope of the data collection. Currently, the Place Matters project has sufficient funding to gather data only in four counties (Androscoggin, Franklin, Oxford, and Somerset). The contract would provide the funding to expand the data collection to more counties.

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.

The Family Division is the only administrative unit within the MJB that has the subject matter expertise to compile and analyze data on available resources that serve families at risk of system involvement. However, the Family Division does not have the staff to undertake a project of this magnitude and still deliver on all other existing obligations. The only other governmental entity with the expertise to conduct this data collection and analysis is the Office of Child and Family Services ("OCFS"). As part of its due diligence in this process, the Family Division inquired whether OCFS had the resources to undertake this project. After consulting with OCFS Director, Dr. Todd Landry, the Associate Director of Child Welfare, Bobbi Johnson, indicated to the Family Division that "OCFS does not have the resources or staffing due to other priorities/recommendations that we are required to do." Because there is no other governmental entity with the subject matter expertise to conduct this project, the MJB has concluded there are no available State of Maine resources for this project, other than the University of Maine, and is thus submitting this request for a waiver of competitive bidding.

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**.

Current funding for Place Matters Project has supported data gathering for 2 regions, but funding is insufficient for the remaining 6 regions of the state. MJB's funding for the Place Matters project would fund qualitative data gathering for 1.5 to 2 additional regions of the state. The Justice Policy Program at USM estimates that each additional region of qualitative focus utilizes approximately \$50,000 in staff time, materials, supplies, and operational costs. The \$50,000 estimate is based on the following costs:

- Personnel: \$43,000. This estimate includes the cost of staff salaries based on the following personnel time allocation over the course of one year for this project: 10% of full-time employment for the principal investigator (\$8,000), 25% of full-time employment for the project director (\$10,548), 15% staff time for administrative support (\$5,000), 10 hours per week for graduate Research Assistant (\$4,500). In addition to salaries, the personnel estimate includes fringe benefits for full-time staff assessed at a rate of 53.6% (\$13,104) and equipment fees (totaling \$1,050).
- Materials and Supplies: \$2,000
- Printing: \$500
- Summit to present results and discuss next steps: \$3,000
- In-state travel for qualitative data gathering: \$1,000
- Stipends and refreshments for focus group participants: \$500

**State of Maine
Waiver of Competitive Bidding Request Form**

Because this project would be expanding, rather than creating, a data collection project, the MJB would be able to benefit from infrastructure and processes already in place to obtain the desired data. Should the MJB undertake a project of this magnitude on its own, it would need to allocate more staff time the estimate provided by USM's Justice Policy Program. Additionally, the Justice Policy Program personnel salaries are on average lower than the salaries of MJB staff (for example, 25% of full-time employment for the MJB's child protective process specialist salary would be \$17,919.20, rather than \$10,548). Because the Justice Policy Program's estimated time over the course of one year and respective salaries for this project are lower than the MJB's estimates for the same, the MJB has concluded that the negotiated costs, fees or rates are 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 MJB receives Court Improvement Program federal funds for data projects aimed at improving child protective outcomes every year and anticipates dedicating these funds to a variety of different data projects from year to year. The decision to request a waiver of competitive bidding for this proposed contract is based on the recognition that expansion of an existing data project is the most cost effective and efficient way to obtain data on the resources available for families involved in child protective cases in different parts of the states as well as where there are gaps.

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.

Undertaking a county-specific asset mapping and analysis requires a significant amount of specialized training, staffing, and travel. The Justice Policy Program at USM has three staff dedicated to the "Place Matters" project who have specialized training. Erica King is the Place Matters project lead (Project Investigator). Erica is a Senior Policy Associate and a leader in moving innovative programs forward to full implementation. She has designed and implemented successful initiatives impacting a variety of vulnerable populations, including adults and youth who are incarcerated, homeless, in foster care, refugees, underprivileged and/or impacted by mental illness, substance abuse, and developmental disabilities. Mara Sanchez is a Policy Associate who focuses on juvenile justice and criminal justice policy research, development, and evaluation. A former news and documentary producer, Mara received her Master of Policy, Planning, and Management degree from USM in 2017. Mara has been a key asset to and consistently high performer with the Justice Policy Program, contributing to several reports and research studies. Danielle Layton is a Policy Analyst and has contributed to several Justice Policy Program projects focused on sexual violence response and prevention, juvenile justice system reform, and transformative and restorative justice. Danielle coordinates the JPP internship project, which creates pathways for young people impacted by systems in Maine to engage with and inform University research.

**State of Maine
Waiver of Competitive Bidding Request Form**

In addition to the above-mentioned staff, the "Place Matters" project relies on two graduate assistants and three interns with direct experience of homelessness as well as the corrections and child welfare system. The "Place Matters" project additionally resources staff for support with data analysis, data visualization, graphic design, and report formatting.

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.

Not applicable.

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:

Dennis A. Corliss

Date:

7/9/19