

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:	Penny Vaillancourt, Executive Director	Office/Division/Program of Contract Administrator:	Maine Board of Dental Practice
Est. Contract Amount:	\$ 15,000.00	Contract or RQS Number:	09D 20190628 0000 CT - 0000 3991
Proposed Start Date:	July 1, 2019	Proposed End Date:	June 30, 2020
Vendor/Provider Name, City, State:	Maine Medical Professionals Health Program (Maine Medical Association)		
Short Description of Good or Service:	To fulfill the Board's statutory mandate to establish a peer review committee to encourage the identification and rehabilitation of dental professionals impaired by substance abuse, behavioral health or other debilitating factors. 32 M.R.S. § 18323(8) and 24 M.R.S. § 2502(4-A).		
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>7/9/2019</u> To: <u>7/15/2019</u></p>		
Notice of Intent to Waive Competitive Bidding Number:	NOI# 0720191170		
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>	<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>		
	Printed Name:	Date:	

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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 products;
	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>
	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.

The Maine Medical Association is the only vendor in the state that provides a peer review committee ("Maine Medical Professionals Health Program") to help professional licensing boards such as the Maine Board of Dental Practice, meet its statutory obligation to encourage the identification and rehabilitation of impaired licensees of the Board.

The scope of work requires that the vendor be uniquely qualified and experienced develop and implement a comprehensive therapeutic program to address the needs of licensees of the Board who have or who could potentially develop alcohol and/or psychoactive drug abuse or dependency and/or behavioral health issues that could interfere with providing dental services to the public.

The vendor provides intervention, treatment planning, monitoring and testing services to ensure compliance with the voluntary participation program, as well as inform the Board of monitoring efforts of licensees who have been ordered to participate with the vendor in an effort to rehabilitate.

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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.

The Board has coordinated with other licensing entities, including the Department of Professional and Financial Regulation to identify available resources to ensure compliance. The Board is affiliated with the Department and shares a common mission of protecting the public against unethical and/or incompetent practitioners. There is no other entity in the state and the Board is just one of six professional health licensing Boards that utilize their service.

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 Board has concluded that the cost of the services is fair and reasonable based on viewing other contracts for similar services.

5. Future Competition

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

Currently, there are no other vendors in Maine providing the 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.

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.

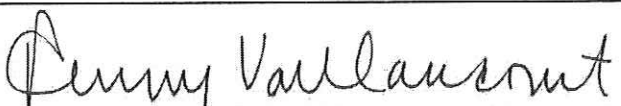
Maine's Medical Professional Health Program is the only program available in the state for the Maine Board of Dental Practice to comply with its statutory provisions to develop a peer review committee for the purpose of protecting the public by implementing a program that would identify and rehabilitate practitioners struggling with alcohol and drug-related dependencies and/or behavioral health issues.

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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.

(This area is currently blank for the user to provide justification.)

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: Penny Vaillancourt, Executive Director	
Date: June 7, 2019	06.07.2019