

# State of Maine Waiver of Competitive Bidding Request Form

<b>DHHS/DCM Contract Administrator:</b>	Matt Galletta/Kristen King	<b>Office/Division/Program of Contract Administrator:</b>	Carol Cody, Financial Mgr.
<b>Est. Contract Amount:</b>	\$295,380.00	<b>Contract or RQS Number:</b>	CT 10A 20190529*3600
		<b>Purchasing Maine ID:</b>	
		<b>DHHS Agreement Number:</b>	DDPC-20-100
<b>Proposed Start Date:</b>	<b>7-15-19</b>	<b>Proposed End Date:</b>	12-31-19
<b>Vendor/Provider Name, City, State</b>	Jackson & Coker Locumtenens, LLC 3000 Old Alabama Road Suite 119-608 Alpharetta, GA 30022		
<b>Short Description of Good or Service:</b>	Locum tenens (temporary) physicians		
<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 <b>Procurement Services</b> website: From: <u>7/16/2019</u> To: <u>7/22/2019</u>	
<b>Notice of Intent to Waive Competitive Bidding Number:</b>		NOI# 0720191188	
<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.		
<input type="checkbox"/>	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.

DDPC has had one full time hospital psychiatrist vacancy for 15 months and will have two additional vacancies for Psychiatrists by mid July 2019. Of the three full-time and two part-time Hospital Psychiatrist State lines; one has been vacant for 15 months with no results in hiring even with all efforts to fill the position. Within 6 weeks, DDPC will have a 60% vacancy rate in Psychiatry staffing. CMS regulations require that Medicare and Medicaid patients must be under the care of an MD/DO (Medical Doctor/ Doctor of Osteopathic Medicine). The specific reference can be found in Appendix A Section 482.12 (c) (2) of the CMS "State Operations Manual". Website reference can be accessed at [https://www.cms.gov/Regulations-and-Guidance/Guidance/Manuals/downloads/som107ap\\_a\\_hospitals.pdf](https://www.cms.gov/Regulations-and-Guidance/Guidance/Manuals/downloads/som107ap_a_hospitals.pdf). It is critical that DDPC have sufficient numbers of psychiatrists to provide patient care in accordance with CMS and state regulations and with appropriate standards of care. Given the inability to date of hiring full-time state-line psychiatrists, the hospital is in need to hire locum tenens (temporary) psychiatrists until the sufficient staffing is achieved by means of hiring contracted locum tenens or when the State Lines are filled. In addition, DDPC has an unanticipated vacancy for a primary care physician which is also a CMS required service. This is not a State Line and is a contracted position. DDPC is soliciting for a permanent contract primary care physician but until that position is identified DDPC needs to use a locum (temporary) primary care physician.

## 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 Department has State lines for Hospital Psychiatrist, but the following circumstances exist:

One state-line Hospital Psychiatrist has been vacant for 15 months. All efforts for recruitment have not resulted in finding a suitable candidate for hiring. DHHS Human Resources staff does not recruit, limiting resources for recruiting. All recruiting thus far has been through postings on the State of Maine website and "Indeed" in addition to direct contact to colleagues throughout the state by DDPC psychiatrist. All efforts to date have failed.

## 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 cost is comparable with that of similar Locumtenens agencies. The Department is accepting multiple vendor solicitations for providing locum physicians and is contracting with those who have provided candidates that the Department desires to hire.

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**5. Future Competition**

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

The Department intends to issue an RFP, T2018116, to include Locum tenens for a 1/1/20 start date.

**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.

This vendor specializes in Locumtenens services specific to the need of the hospital. Their knowledge and candidate recruitment ability results in an expedient hiring for temporary physicians. The vendor has exclusive access to the doctor presented and the doctor has the qualifications and experience necessary to perform the services required.

**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.

The CMS requirements for medical staffing mandates that without sufficient medical staffing, the hospital is at risk for loss of license.

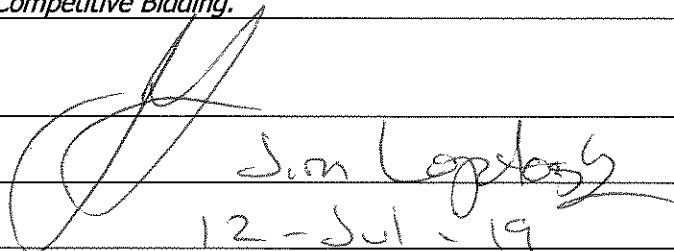
CMS regulations require that Medicare and Medicaid patients must be under the care of an MD/DO (Medical Doctor/ Doctor of Osteopathic Medicine). The specific reference can be found in Appendix A Section 482.12 (c) (2) of the CMS "State Operations Manual". Website reference can be accessed at [https://www.cms.gov/Regulations-and-Guidance/Guidance/Manuals/downloads/som107ap\\_a\\_hospitals.pdf](https://www.cms.gov/Regulations-and-Guidance/Guidance/Manuals/downloads/som107ap_a_hospitals.pdf). It is critical that, DDPC have sufficient numbers of psychiatrists to provide patient care in accordance with CMS and state regulations and with appropriate standards of care. With the number of medical physician vacancies that will occur by mid-July, there is insufficient time to recruit and fill the existing State physician lines and insufficient time to bid for said services.

**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:**

  
 Jim Lapostolle  
 12-Jul-19