

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>Requesting Department's Contract Administrator:</b>	Sherreccia S. Jackson	<b>Office/Division/Program of Contract Administrator:</b>	Department of Corrections
<b>Est. Contract Amount:</b>	\$ 14,000.00	<b>Contract or RQS Number:</b>	CT 03F 2019041200000002922
<b>Proposed Start Date:</b>	June 23, 2019 (amendment start date)	<b>Proposed End Date:</b>	September 30, 2019
<b>Vendor/Provider Name, City, State</b>	TD Special Education Consulting, LLC Auburn, ME		
<b>Short Description of Good or Service:</b>	Consultation Services for Education Evaluation and Special Services Programmatic Development		
<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>07/17/2019</u> To: <u>07/23/2019</u>	
<b>Notice of Intent to Waive Competitive Bidding Number:</b>		NOI# 0720191224	
<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.			
	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> <b>Signature:</b>	
	<b>Printed Name:</b>	<b>Date:</b>	
<b>X</b>	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: <a href="http://www.maine.gov/purchases/info/forms/govcoop.doc">http://www.maine.gov/purchases/info/forms/govcoop.doc</a>.</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.		

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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.

AR Gould School provides transitional educational services to a unique population of student.

AR Gould's needs are similar to those of a Special Purpose Private School despite its traditional public school status. This is due to the unique student population AR Gould serves. Approximately 87% of students that receive services from AR Gould School are identified as needing Special Education Programming.

Additionally, these students often present with academic deficits due to problematic issues that are identified by their sending schools i.e., truancy (*which produces learning gaps*), and severe maladaptive behaviors. To ensure that AR Gould students are adequately accessing the academic program, given these issues, AR Gould School is seeking to reinvigorate its academic and behavioral support systems. This will include creating a consistent, over-arching academic support structure that meets the needs of all AR Gould students, administrators, and teachers.

An additional area of focus that has emerged as a specific need is vocational training and education. Given our unique student population we serve children who would benefit greatly from specific vocational education. This is currently an area in need of strengthening within AR Gould School. As a public school we are legally mandated to provide students with an IEP (Individualized Education Program) specific vocational skills which prepare them for transition as outlined in Section 10 of their IEP.

This contract is critical given the high special education needs of AR Gould students and the need for adapting instructional content and behavioral response systems.

## 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.

DOC networked with the Department of Education to attempt to identify specific, available resources that would meet the specific needs of the AR Gould school but were unable to identify readily available resources.

Additionally, DOC looked within its own agency for resources that would meet the specific needs of AR Gould school. Due to AR Gould being the only accredited high school within the Department of Corrections there were no internal resources to support these needs.

Additionally, efforts were made to connect with schools in the community. However, no schools reflected the unique population and circumstances of AR Gould in either the public, private, or alternative realms.

While we were able to identify some providers they were only able to work with AR Gould remotely. These primarily out of state firms and schools were unable to work inside the facility. This option did not meet the needs of our students or staff. We had to identify a consultancy model that could operate inside the facility in order to meet our needs.

After exhausting these options we identified TD Consultants as the only remaining option.

## 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**.

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The costs of the consultant's services have been found to be fair and reasonable. These rates have been found to be comparable to similar national education consultants.

### 5. Future Competition

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

This contract is the result of a specific, identified need of the school. If potential needs arise that allow for competitive contract processes AR Gould school will utilize an RFP. However, as previously explained AR Gould school serves a unique student population and therefore may require vendors with specific expertise and unique qualifications.

**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.

TD Special Education Consultants possess experience in transitional education, working with high need student populations, and special education services. TD Special Education Consultants have additional experience working in educational settings similar to AR Gould School and developing systems similar to those needed by AR Gould students and staff. Finally, TD Consultants possess important skills in vocational education that will greatly benefit the student population at AR Gould.

AR Gould is unique because while it is a public school it serves a significant number of special education students. As a result of this unique circumstance the school is seeking an expert to assist in redesigning existing support structures. AR Gould school does not currently have an instructional strategist that specializes in transitional education that can assist in designing and developing programming on a global scale to meet the educational programming needs of both non-adjudicated and adjudicated special education students.

AR Gould school is designed to provide transitional education services. AR Gould School's goal is to equip students to return to their sending schools with stronger academic skills and behavioral management. Given this unique mission AR Gould school requires an instructional strategist with experience in transitional academic settings and in working with high need populations.

During an initial contract period with this consultant a number of areas were identified as needing strengthening and improvement. Given the consultant's experience inside the facility and in working with our unique student population it is our belief that this consultant is best qualified to continue to work towards improvement in the areas identified as specific needs. Consistency is an important tool in working with students who are trauma reactive as many of the students enrolled in AR Gould are. For that reason we believe it is important to continue to work towards school improvement with this consultant.

Given this level of experience TD Special Education Consultants have a unique set of skills that make them uniquely qualified to support AR Gould as it reimagines its existing academic and behavioral support systems.

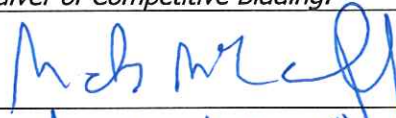
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**7. Timeframe (Complete only if B. is the Statutory Justification marked on Page 1)**

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.

**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:**

Monte McLaughlin

**Date:**

7/18/19