

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.

DHHS/DCM Contract Administrator:	Chris Moiles / Patti Wall	Office/Division/Program of Contract Administrator:	DHHS/OCFS Lisa Salger
Est. Contract Amount:	Adding \$33,119.81 for a new total of \$ 253,119.81	Contract or RQS Number:	CT 10A 20180426*3350
		Purchasing Maine ID:	
		DHHS Agreement Number:	CBH-18-3009A
Proposed Start Date:	7/1/2018	Proposed End Date:	6/30/2020
Vendor/Provider Name, City, State	Good Will-Hinckley, Hinckley Maine		
Short Description of Good or Service:	In State Residential Services for Children		
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 Procurement Services website:	
		From: <u>7/22/2019</u> To: <u>7/28/2019</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0720191250	
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;		

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	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.

Currently, the State of Maine has a substantial number of youth 1) in out of state placements; 2) held in community Emergency Rooms awaiting residential treatment placements; 3) held in Hospital Psychiatric Units who no longer meet that level of care and are awaiting a residential treatment placement; or 4) who are in their homes and communities awaiting a residential treatment placement.

Many of these youths have Behavioral needs that exceed the skills of current ITRT provider programs and current providers are not accepting many of these youths for various reasons such as limited capacity or staffing issues.

A non-competitive contract is needed for this "Pilot" project to begin taking referrals rapidly and to determine if utilizing substantial up-front training of staff and providing capital improvement funding will result in a reduction in the wait times for needed services for youth with substantial mental health difficulties awaiting residential treatment services.

This amendment adds a subcontract with Massachusetts General to provide Clinical Consultation and report to aid in improvements in the quality of services provided which will aid in license retention.

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.

Maine State government does not have the resources to provide this service. The State of Maine contracts out for direct service with children to meet their behavioral health needs due to the lack of internal staff and direct care expertise in delivering this service directly to children.

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**.

Provider calculated their startup training costs to be \$250,000. The Department negotiated a fee for service of up to \$120,000 in startup training costs with the Provider.

The Department also negotiated up to \$100,000.00 for capital improvements to existing facilities in order to maintain, and provide services to, high needs youth currently waiting for residential services and being denied by other providers in Maine.

The additional cost of the amendment was determined by the cost of the consultation service offered by Massachusetts General. This is considered fair and reasonable based on other contracts with the Department. For example: CFS-19-903 Trisha Mosher is \$75,000, CFS-20-913 Susan Righthand is \$55,000, CFS-20-626 Chapin Hall is \$112,963 and CFS-20-625 John Praed is \$ 16,000. These all provide consultation and/or training.

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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.

This agreement with this vendor was intended to facilitate a pilot project, which is expected to yield valuable and actionable data. If this pilot results in positive and cost-effective services, the Department will seek to include these services in the MaineCare structure and rate. The Department does not intend to RFP these services.

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.

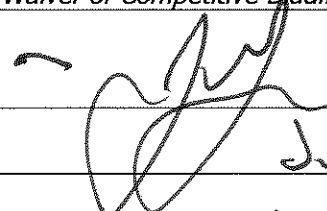
Good Will-Hinckley is a local provider that has the expertise in delivering direct care services to youth with challenging behavioral health needs. The children that they will be serving within this pilot project are children that current residential providers are not able or willing to serve therefore leaving the children stuck without a residential placement. This provider is willing and able to serve these children and has the capacity to do so on their Hinkley, Maine grounds. This pilot will explore the effectiveness of adding funding for enhanced training and for facilities preparation costs in order to provide individualized and continuous care for children with extremely challenging behaviors who currently have limited options for treatment.

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.



Jim Lortie
17 - Jul - 19

Printed Name:

Date: