

## 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>	Christine Robinson	<b>Office/Division/Program of Contract Administrator:</b>	DOL/Bureau of Rehabilitation Services
<b>Est. Contract Amount:</b>	\$ 131,000.00	<b>Contract or RQS Number:</b>	20190522000000003528
<b>Proposed Start Date:</b>	7/1/2019	<b>Proposed End Date:</b>	6/30/2020
<b>Vendor/Provider Name, City, State:</b>	MaineHealth dba Maine Medical Center Portland, ME		
<b>Short Description of Good or Service:</b>	Employment Services		
<p>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>		<p><b>To be completed by the Division of Procurement Services</b>  Posting dates on Division of <b>Procurement Services</b> website:  From: <u>7/26/2019</u> To: <u>8/1/2019</u></p>	
<b>Notice of Intent to Waive Competitive Bidding Number:</b>	NOI# 0720191280		
<p><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.</p>			
<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;		
<input type="checkbox"/>	<p><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>	<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><b>Signature:</b></p>	
<input type="checkbox"/>		<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;		

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	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.
	If a different authorization specifically allows for this non-competitive procurement, please provide that reference here:
<b>Please note that the following four points below (#2 through 5) <u>all</u> require a response.</b>	
<b>2. Description of Specific Need</b>	
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.	
<p>The employment rate of people with disabilities in Maine is less than half of that of their non-disabled peers and individuals with mental illness have an even more difficult time obtaining and maintaining a job. As the result of an AMHI consent decree with DHHS and documented unmet needs, the legislature allocated General Funds for employment services to individuals who are eligible for MaineCare Section 17 Community Integration Services and a portion of those funds were re-appropriated to MDOL BRS Division of Vocational Rehabilitation (DVR), so that they could be targeted to individuals who are Section 17 and DVR eligible, and subsequently used to draw down Federal matching funds from the Rehabilitation Services Administration.</p>	

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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.

As noted above, there are documented unmet employment services needs for individuals with mental illness in Maine and General Funds have been identified to address that need. As a result of budget cuts to DVR, DHHS and MDOL worked together during a previous legislative session to have a portion of those funds re-appropriated to DVR, effective July 1, 2010, so that Maine would be able to have sufficient funds for a full Federal match. Although DVR counselors are skilled in vocational rehabilitation, they have large caseloads (120+) and are not able to provide the individualized and specialized services required to assist individuals with chronic and persistent mental illness to obtain and retain employment. The use of General Funds for this contract allows DVR to draw down \$4 of federal funds for every \$1 of state funds expended on the delivery of services to DVR clients with mental illness.

**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 of the renewal of the contract is based on the existing cost as determined by the initial RFP.

**5. Future Competition**

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

DHHS, in coordination with DOL BRS, plans to RFP this service for a new agreement start date of 6/30/2020. DOL BRS just completed an RFP process for BRS employment services statewide that will result in one provider in most regions of the state. Given that this RFP will likely impact both systems (DHHS employment services and BRS employment services) the decision was made to defer the RFP for this mental health employment service until the new system is up and running and there is some preliminary data available regarding the impact of this change.

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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.

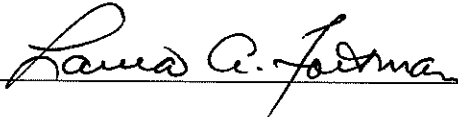
**6. Uniqueness**

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 Medical Center’s Department of Vocational Services, the sole bidder, was chosen through RFP by DHHS (RFP # 200708022) to provide comprehensive employment services and systems development. This contract is approximately 19% of the total that MMC will be receiving for this project. The remainder (\$546,779) will be under separate contract between DHHS OAMHS and MMC DVR, but the two must be combined to achieve the purpose of the RFP.

**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.

<b>Signature of requesting Department’s Commissioner or Chief Executive (or designee within the Commissioner’s Office):</b>	<i>By signing below, I signify that my Department requests, and I approve of, this Waiver of Competitive Bidding.</i>
<b>Printed Name:</b> LAURA A. FORTMAN	
<b>Date:</b> 7/8/19	