

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/Matt Galletta	Office/Division/Program of Contract Administrator:	Maine CDC/PHO/PHEP
Est. Contract Amount:	\$ 280,000	Contract or RQS Number:	10A 20190702*0071
		Purchasing Maine ID:	
		DHHS Agreement Number:	CD0-20-1351
Proposed Start Date:	7/1/19	Proposed End Date:	6/30/2021
Vendor/Provider Name, City, State	City of Portland Portland, ME 04101		
Short Description of Good or Service:	Enhance medical countermeasure emergency preparedness.		
Please note, for transparency purposes, Waivers of Competitive Bidding will be publicly posted. Public postings are placed on the Division of Purchases' website for a period of seven consecutive calendar days.		To be completed by the Division of Purchases Posting dates on Division of Purchases' website: From: <u>07/30/2019</u> To: <u>08/05/2019</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0720191292	
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 Purchases "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;		
<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.		
	If a different authorization specifically allows for this non-competitive procurement, please provide that reference here:	Approval for sole source given by Office Director and RFP Team	

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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.

In Maine, the City of Portland is the federally declared Metropolitan Statistical Area (MSA), which includes York, Cumberland, and Sagadahoc counties. Maine CRI works with local and county emergency management partners to plan for medication dispensing through Points of Distribution (PODs) to distribute life-saving medicine and medical supplies from the Strategic National Stockpile (SNS) to the Portland MSA within forty-eight (48) hours following a large-scale public health emergency.

The purpose of this agreement is to ensure that the Department can maintain its ability to receive, stage, and distribute life-saving medications to Maine's largest population centers at public Points of Dispensing (PODs) to contain and prevent the spread of an infectious disease or an intentional act of terrorism that releases chemical, biological, or radiological agents into the environment. The activities required to maintain this capability is managed and coordinated by the Provider within the Cities Readiness Initiative (CRI) Metropolitan Statistical Area (MSA). The MSA includes York, Cumberland, and Sagadahoc Counties.

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 Provider is the only organization, internally or externally to DHHS/CDC, that can provide highly trained and experienced medical countermeasure and medical materiel management personnel within the MSA. Maine CDC does not have the capacity to do this work now. No resources, staffing or other expertise are available in State of Maine government or any other governmental entity.

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 Department determined the costs to be fair and reasonable after negotiating an agreement with the Provider to fringe benefits to this contract. The City of Portland is the only agency that meets all requirements to perform this work.

5. Future Competition

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

The Department does not intend to competitively procure these services at this time.

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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.

The City of Portland is the only agency that meets all federal requirements to perform this work in the designated area. The City of Portland's Public Health Department has provided the Department with highly trained and experienced subject matter experts in the field of medical countermeasure dispensing and medical materiel management and distribution for more than eight years to coordinate and manage critical oversight, coordination, and incident management during emergency preparedness and response functions on behalf of Maine DHHS-CDC. The personnel hired by the City of Portland Public Health Department, under this agreement, have completed an extensive selection process and have received extensive education and training for many years to be prepared to respond to a healthcare emergency or disaster effectively and efficiently. The personnel employed by the Provider manage unique equipment and information systems specific to public health emergency response that does not currently exist within the Department, either internally or externally.

Additionally, health care providers do not have the necessary equipment, supplies, or experience to plan and implement a public-facing medical clinic under austere conditions during a public health emergency. Many health centers and private practices close their practices during public health emergencies so we need the City of Portland's Public Health Department to continue to serve in this capacity.

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

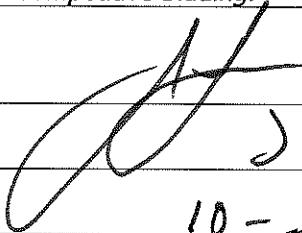
Please explain if time is of the essence and an emergency exists which requires the immediate procurement of goods or services. Describe the nature of this emergency, provide the date by which the goods or services must be delivered, and explain how that date was determined and its significance (i.e. 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.

N/A

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:

 Jim Lopatosh

Date:

10-Jul-19