

State of Maine Waiver of Competitive Bidding Request Form

DHHS/DCM Contract Administrator:	Nancy Tan / Kristen King	Office/Division/Program of Contract Administrator:	OADS/DDS/Advocacy Services/Lori Harding
Est. Contract Amount:	\$116,660.00	Contract or RQS Number:	10A 20190708*0091
		Purchasing Maine ID:	
		DHHS Agreement Number:	ADS-20-9723
Proposed Start Date:	July 1, 2019	Proposed End Date:	December 31, 2019
Vendor/Provider Name, City, State	Maine Developmental Disabilities Council Augusta, Maine		
Short Description of Good or Service:	Statewide Self-Advocacy Network for Maine people who have Developmental Disabilities		
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>07/30/2019</u> To: <u>08/05/2019</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# <u>0720191294</u>	
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>	By signing below, I signify as the Governor's designee there is an emergency that necessitates this non-competitive procurement. 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;		
<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.

Title 34-B: BEHAVIORAL AND DEVELOPMENTAL SERVICES, Chapter 5: INTELLECTUAL DISABILITIES AND AUTISM outlines Department responsibilities for the system of care provided to persons with intellectual disabilities or autism.

Title 34-B, §5003-A states "...the system of care through which the State provides services to and programs for persons with intellectual disabilities or autism must be designed to protect the integrity of the legal and human rights of these persons and to meet their needs...". One responsibility of the Department is to "Identify the needs and desires of persons with intellectual disabilities or autism through appropriate personal planning and record any unmet needs of persons served or eligible for service by the Department for development of budget requests to the Governor that are adequate to meet such needs". Another responsibility is to "Support the establishment of community services for persons eligible to receive services from the Department by promoting access to professional services in the person's community."

Title 34-B, §5432 states that the Commissioner shall "Encourage persons in local communities to participate in the provision of supportive services for persons with intellectual disabilities or autism, so that persons in the community may have a better understanding of the need for those services...".

This agreement is being written to support the Department in meeting these objectives.

Provider will support and coordinate a statewide Self-Advocacy Network of adult self-advocates for Maine people who have Developmental Disabilities. Services will include statewide community educational and learning activities; self-advocacy support and training; research, analysis and planning; and consultation to the Department's Office of Aging and Disability Services to discuss daily living challenges and issues that affect individuals who have Developmental Disabilities and to suggest systematic changes to the Department's existing programs and supports.

Provider helps self-advocates keep in contact with each other, provides proper supports for self-advocates and self-advocacy groups in Maine, helps people to know their rights, and supports self-advocates speaking up for their rights. Services and supports are provided within the context of a coalition of representatives and organizations throughout the State of Maine. The coalition promotes cooperation between local and statewide self-advocacy organizations by encouraging them to network with each other and with national organizations that support people who have Developmental Disabilities.

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.

There is no entity in state government or other governmental resources external to the department that performs these functions.

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 costs, fees, and rates are comparable to similar contracts for services provided with other vendors in the state. This contract is fee for service so only performed services will be compensated.

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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 six-month contract is to procure these needed services while RFI 201906103 is currently in progress and an RFP to follow.

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 unique qualifications of this provider are that the membership and leadership of the organization is made up of individuals with Developmental Disabilities, parents of children with Developmental Disabilities, and local agencies that provide services for individuals with Developmental Disabilities, all of whom have fostered ongoing relationships to engage in self-advocacy. They have a unique perspective as individuals who are accessing services to provide a representative voice for their peers in the legislative process as well as service delivery.

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.

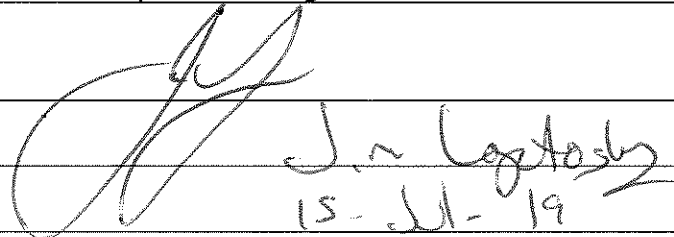
N/A

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:

Date:



J. M. Lapostolle
15-11-19