

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.

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| Requesting Department's Contract Administrator: | Cathy Severance | Office/Division/Program of Contract Administrator: | DOE – Educ in the Unorganized Territories |
| Est. Contract Amount: | \$10,000.00 | Contract or RQS Number: | 05C20190719*213 |
| Proposed Start Date: | 08/15/2019 | Proposed End Date: | 08/14/2020 |
| Vendor/Provider Name, City, State: | | Cheri Hayes, MSOTR/L Lic #OT2230 50 Page Ave., Caribou, ME 04736 VC2106364698 | |
| Short Description of Good or Service: | | Occupational Therapy Services for EUT students at Connor CS also identified for special education as directed by each student's IEP. | |
| <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>To be completed by the Division of Procurement Services</p> <p>Posting dates on Division of Procurement Services website: From: <u>07/30/2019</u> To: <u>08/05/2019</u></p> | |
| Notice of Intent to Waive Competitive Bidding Number: | | NOI# 0720191296 | |
| <p>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.</p> | | | |
| | <p>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;</p> | | |
| | <p>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;</p> | | |
| | <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>Signature:</p> | | |
| | <p>Printed Name:</p> | <p>Date:</p> | |
| | <p>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;</p> | | |

State of Maine Waiver of Competitive Bidding Request Form

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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: http://www.maine.gov/purchases/info/forms/govcoop.doc.</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. | |
| X | If a different authorization specifically allows for this non-competitive procurement, please provide that reference here: | Any willing and qualified provider. |
| Please note that the following four points below (#2 through 5) <u>all</u> 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. | | |
| Student's residing in the unorganized territories will be provided special education services as identified in each student's Individual Education Plan (IEP). Students are identified using mandated criteria set forth per Federal IDEA & Maine State Regulations. Every school is required by federal statute to provide a Free Appropriate Public Education (FAPE) for all students regardless of disability. The EUT does not have certified licensed Occupational Therapy professionals on staff to provide the required services. The EUT reaches out to and is willing to contract with any willing and qualified, certified licensed provider to perform the necessary services. | | |

State of Maine
Waiver of Competitive Bidding Request Form

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 EUT and the State of Maine does not provide staff in the school to provide the necessary consultation, evaluation, or therapy services as required per each student's IEP. Again, the EUT reaches out to and is **willing to contract with any willing certified licensed provider to perform the necessary services**. Previous contracted services were provided by nearby Cary Medical Center. The EUT was notified that for AY18-19 they would not have staffing in order to continue to provide OT & PT services. They will and have continued to provide Speech Therapy Services. The above-mentioned service provider can fill the service needs requirement for the EUT as the only known sole provider in the geographical area of Connor Twp and the Connor Consolidated School.

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**.

Cheri Hayes is fully licensed and able to provide the necessary services as needed and upon request. In addition, the fees charged by Cheri Hayes are consistent with the fees of the previous service providers. The cost of travel will be less because she resides in the local area.

5. Future Competition

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

The EUT has several times begun the State of Maine process of submitting an RFP in order to advertise/request services from providers. During multiple RFP review processes, it was determined that due of the nature of the rural areas requiring services, limited responses to past competitive bids for these services in these areas and the fact that the UT was willing to accept any willing, certified licensed provider, a competitive process would not be required at this time." The UT continually inquires, coordinates and collaborates with local area school districts in order to gain information in order to acquire additional willing providers who are qualified and/or already providing services in other local districts.

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.

State of Maine Waiver of Competitive Bidding Request Form

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.

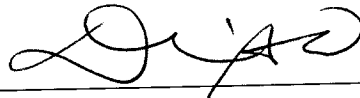
Cheri Hayes is an appropriately licensed medical health service provider with the qualifications and experience to perform the required student services.

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:

Daniel A. Dubsta

Date:

25 Jul 2019