

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.

Requesting Department's Contract Administrator:	Colin O'Neill	Office/Division/Program of Contract Administrator:	Maine Department of Corrections
Est. Contract Amount:	Total: \$767, 948 Year 1: \$89, 316 Year 2: \$339, 316 Year 3: \$339, 316	Contract or RQS Number:	CT 03A 20190723000000000236
Proposed Start Date:	August 1 st , 2019	Proposed End Date:	August 1 st , 2022
Vendor/Provider Name, City, State:	Youth Advocate Programs, Inc. 2007 North 3 rd Street, Harrisburg, PA, 17102		
Short Description of Good or Service:	YAP utilizes a multifaceted individualized approach through intensive wraparound services, advocacy, education and vocational work while working with youth and families involved in the juvenile justice, child welfare, behavioral health and education systems to improve positive outcomes.		
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>To be completed by the Division of Procurement Services</p> <p>Posting dates on Division of Procurement Services website: From: <u>08/01/2019</u> To: <u>08/06/2019</u></p>		
Notice of Intent to Waive Competitive Bidding Number:	NOI# 0820191310		
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.			
	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;		
	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</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:

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	<i>Executive (as the Governor's "designee") sign and date on the right.</i>	
X	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;	
	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.	
	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.

Maine is in need of a reentry strategy that increases opportunity for youth, adds value and connections to the community, and decreases recidivism for those involved in the juvenile justice system. Maine lacks a reentry strategy that prioritizes connections with responsible adults with like experiences in a case-management setting. Maine youth involved in the justice system, are released into the community without reentry or reintegration support to transition back into the community. From 2015 to 2018, approximately 83 youth were committed to Long Creek Youth Developmental Center (LCYDC) and discharged from Maine Department of Corrections supervision, where under half were offered community supervisions.¹

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Youth who are committed to LCYDC then released into the community face a recidivism rate of 42%, which increases to 53% following discharge.² Youth who attempt to transition back into the community following secure confinement face numerous barriers, including; employment, housing, and education. These barriers are exacerbated without a form of community supervision.³

In addition to barriers of employment and housing, justice involved youth experience increased psychological trauma, social stigma, poverty, and lack of family supports.⁴ Recent research conducted by the Maine Department of Corrections has confirmed that youth who were committed to LCYDC need psychological, behavioral, and social supports within the community more than the need for secure confinement, due to the low to moderate criminogenic risk the youth present. In Maine, the secure confinement of a youth costs an estimated \$250,000 annually and MDOC annually spends of \$15 million a year on incarcerating Maine youth.⁵

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 Maine Department of Corrections (MDOC) concluded that MDOC and statewide resources do not have capacity of staffing, resources, expertise to meet the needs of the youth and barriers stated above, and no state provider that will met this level of need. Youth Advocate Programs (YAP) has the capacity to serve 18 youth reentering into the community from secure confinement, with an average of 18 hours per week for each youth, in addition to 24/7 crisis support and supervisions services. The advocates working with these youth are specifically trained, with similar experiences, to build trusting relationships with the youth. MDOC is unable to provide this level of supervision and 24/7 support due to staffing, resources, and expertise.

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**.

YAP and MDOC negotiated a budget and YAP presented a budget narrative that outlined the cost of YAP per each year, for three years. The total program cost was estimated at \$339,316 per year, with YAP providing a Ballmer Fund of \$250,000 the first year to support this project coming to Maine; therefore, the remaining cost to MDOC is \$89,316 the *first* year to serve approximately 18 youth reentering the community. The remaining years thereafter will be a cost of \$339, 316 to MDOC. This rate was fair and reasonable due to the uniqueness and comprehensive ability to serve youth reentering the community, with 24/7 support and approximately 18 hours of service per youth served.

² Maine Department of Public Safety. (2018). Referral data from 2015-2017. Data provided by Maine Department of Corrections.

³ Maine Department of Corrections. (2018). LC Movement Reports from 2015-2018. Data provided by Maine Department of Corrections.

⁴ Hawes, S., King, E., Sanchez, M., and Shaler, G. (2017). Unsealed fate: The unintended consequences of inadequate safeguarding of juvenile records in Maine. The University of Southern Maine. Retrieved from <https://cpb-us-w2.wpmucdn.com/wpsites.maine.edu/dist/2/115/files/2018/05/UnsealedFate-w9c6fz.pdf>

⁵ Sanchez, M., King, E., and Ward, J. (2019) Place matters: Aligning investments in a community-based continuum of care for Maine youth transitioning to adulthood. The University of Southern Maine. Retrieved from <https://usm.maine.edu/sites/default/files/cutler/Place%20Matters%20CoC%20FINAL.pdf>

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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 contract with Maine Department of Corrections and Youth Advocate Programs is a 3-year contact, renewable.

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.

Youth Advocate Programs (YAP) Uniqueness

YAP utilizes a multifaceted individualized approach through intensive wraparound services, advocacy, education and vocational work while working with youth and families involved in the juvenile justice, child welfare, behavioral health and education systems. ⁷ YAP Advocates provide intensive 24/7 supervision for their youth, averaging 18 hours per week and has a “No Reject, No Eject policy,” which enables all youth, regardless of risk or need, history, or program engagement, to obtain YAP services. Their work with system-involved youth helps move youth from formal system involvement and into effective approaches that support the youth in the community. External evaluations on YAP programming have upheld YAP programming as a best practice model. ⁶

At this time, no other contractor or entity provides the intensive services above, to include; “No reject, No Eject” policy, 24/7 supervision and access to advocates, nearly twenty hours per week of direct care and access to services, wraparound services, and intensive case management. YAP has the unique staffing capacity, expertise, and abilities to perform these activities, which no other contractor within the state or state can provide. YAP provides a comprehensive and evidenced-based reentry strategy for Maine’s youth involved in the juvenile justice system.

In addition, YAP was accredited by the *Council on Accreditations (COA)*, which reviewed and analyzed YAP’s services and deliveries, and determined that the services were appropriate, culturally responsive, evidence based, and outcomes-oriented. ⁸ With YAP’s expertise and accreditation, the program is unlike any other program and YAP is the only known program that provides these arrays of services, while accredited as an evidenced-based practice.

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

⁶ Karcher, M. and Johnson, D. (2017). OJJDP-funded research in brief: Advocacy-based mentoring evaluation. Office of Juvenile Justice and Delinquency Prevention. Retrieved from: <https://www.ncjrs.gov/pdffiles1/ojjdp/grants/251116.pdf>

⁷ John Jay College of Criminal Justice. (May 2014). YAP’s approach to wrap-around services appears intensive and flexible. Retrieved from <http://www.yapinc.org/Portals/0/Documents/Fact%20Sheets/JJIB2.pdf>

⁸ Youth Advocate programs. (n.d.) Recognitions. Retrieved from <http://www.yapinc.org/recognition>

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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):	<i>By signing below, I signify that my Department requests, and I approve of, this Waiver of Competitive Bidding.</i>
	
Printed Name:	Colin O'Neill
Date:	