

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:	Dennis E. Smith, Esq.	Office/Division/Program of Contract Administrator:	Board of Licensure in Medicine
Est. Contract Amount:	\$ 85,000	Contract or RQS Number:	20190808000000000454
Proposed Start Date:	07/01/2019	Proposed End Date:	06/30/2020
Vendor/Provider Name, City, State:	Medical Professionals Health Program PO Box 190 Manchester, ME 04351		
Short Description of Good or Service:	Impaired Medical Professionals Health Program		
<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 Posting dates on Division of <i>Procurement Services</i> website: From: <u>8/14/2019</u> To: <u>8/20/2019</u></p>	
Notice of Intent to Waive Competitive Bidding Number:	NOI# 0820191375		
<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>			
<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>Signature:</p>	
		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;		

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	D. It appears to be in the best interest of the State to negotiate for the procurement of petroleum products;		
	<p>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:</p> <p>(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;</p> <p>(2) A sharing of project responsibilities and, when appropriate, costs;</p> <p><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></p>		
	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.		
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">If a different authorization specifically allows for this non-competitive procurement, please provide that reference here:</td> <td style="width: 40%;"></td> </tr> </table>	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.

Pursuant to PL (1985) Chap. 185, the Board of Licensure in Medicine has continuously contracted since 1988 with the Medical Professionals Health Program (MPHP). The purpose of the MPHP is to provide resources, referrals, and on-going monitoring for medical professionals in this State who are struggling with addiction, substance misuse, or mental health challenges that, if left unaddressed, may result in risk to the public. The MPHP provides medical professionals with confidential services so long as the medical professionals comply with the program's requirements; however, the MPHP reports to the relevant licensing board any participant who is not complying with the program or who otherwise may pose a risk to the public.

There is no other program of this nature available to medical professionals or the licensing boards in the State. The MPHP also maintains a website with educational materials and links to helpful resources for medical professionals who may be suffering from addiction, substance misuse, or mental health challenges. The MPHP also intervenes, upon notification, with medical professionals who may be becoming impaired, and hence be a risk to the public, to interrupt progression of their disease and reports these individuals to the relevant licensing board if they do not avail themselves of the MPHPs services. Prior to inception of this program, medical professionals had to seek help out-of-state on their own or be disciplined by license sanction after their impairment was discovered by misadventure.

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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.

While resources for medical professionals may exist outside of the MPHP, there is no other program of this nature available to medical professionals or to licensing boards in the State. There is no other program that has protocols with the licensing boards to report those medical professionals who are not complying with their program or who fail or refuse to utilize the services despite an obvious addiction, substance misuse, or mental health challenge. There is no other program of this nature available to medical professionals in the State, whereby they may retain their licenses and practice safely while in recovery and being closely monitored. Prior to inception of this program, medical professionals had to seek help out-of-state on their own or be disciplined by license sanction after their impairment was discovered by misadventures.

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 Board has continuously contracted with this vendor since 1988. Each year the vendor has provided an annual report to the Board, both in writing and in a discussion forum. Effectiveness of the program, updates to the reporting protocols, and costs have been discussed openly. The Board has been satisfied with the vendor's performance. In Jun e2018, 5 similar states who contract with professional health programs were contacted and asked about their payments. Each of the states uses a per licensee fee, or hybrid thereof. Four of the five programs pay more than \$20 per license. One paid \$7.09 per licensee. This contract will bring the Board's payment to approximately \$12.60 per licensee, which is still noticeably lower than four of the five states.

5. Future Competition

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

There is no other program of this nature available to medical professionals in the State, and the board is unable to describe any potential opportunities to foster competition for these goods or services in the future. Virtually every state has a program similar to the MPHP in scope and purpose.

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.

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Although for-profit and non-profit entities operate programs for recovery from chemical, mental or physical impairment within the State, there are none which are designed and statutorily empowered to provide the unique program tailored to medical professionals like that presently provided by the contractor (MPHP) under the terms of the statutes and protocols referred to in this contract. The protection of the public and simultaneous regulation and monitoring of the medical professionals provided by this particular contractual arrangement may not conform to statute if another entity were contracted with.

Governing Statutes are: 32 M.R.S. § 3269(10) and (12); 32 M.R.S. § 3298; 24 M.R.S. § 2502.

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.

Ongoing need as long as there are licensed medical professionals.

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: DENNIS E. SMITH

Date: 8/8/19