

**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.

<b>Requesting Department's Contract Administrator:</b>	Colin O'Neill	<b>Office/Division/Program of Contract Administrator:</b>	Maine Department of Corrections (MDOC)
<b>Est. Contract Amount:</b>	\$ 25,000 (not-to-exceed)	<b>Contract or RQS Number:</b>	CT 03A 20190725000000000300
<b>Proposed Start Date:</b>	July 1, 2019	<b>Proposed End Date:</b>	June 30, 2020
<b>Vendor/Provider Name, City, State:</b>	University of Southern Maine (USM) Muskie School of Public Service (MSPS), 34 Bedford St, PO Box 9300, Portland, ME 04101		
<b>Short Description of Good or Service:</b>	USM MSPS will provide results-focused leadership training, policy development, training and technical assistance, to increase capacity to build leverage from stakeholders, to inform results-based decisions making, and to strengthen administrative and cross systems practices, and measure results that contribute to youth justice reform, while improving outcomes for justice involved youth.		
<b>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.</b>	<p align="center"><b>To be completed by the Division of Procurement Services</b></p> <p>Posting dates on Division of <b>Procurement Services</b> website:                  From: <u>08/15/2019</u> To: <u>08/21/2019</u></p>		
<b>Notice of Intent to Waive Competitive Bidding Number:</b>	NOI# 0820191381		
<b>1. Statutory Justification</b>			
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>	<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><b>Signature:</b></p>	
		<b>Printed Name:</b>	<b>Date:</b>
<input 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;
<b>X</b>	<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: <a href="http://www.maine.gov/purchases/info/forms/govcoop.doc">http://www.maine.gov/purchases/info/forms/govcoop.doc</a>.</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.
	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.

The Maine Department of Corrections (MDOC) is in need of technical assistance on workforce development strategies that promote implementation and evaluation of evidence-based practices. MDOC is in need of a cooperative agreement with USM MSPS, due to the specified expertise of personnel to provide results-focused leadership training, policy development, training and technical assistance, to increase capacity to build leverage from stakeholders, to inform results-based decisions making, and to strengthen administrative and cross systems practices and measure results that contribute to youth justice reform, while improving outcomes for justice involved youth.

MDOC determined that the services are critical and essential to the agency responsibilities and operations, due to the need for ongoing program evaluations, assessments of correctional effectiveness, qualitative analysis, assessment of performance measures, and informed decision making through evidenced based practices. A cooperative agreement between MDOC and USM MSPS will improve outcomes in achieving correctional excellence and improving outcomes for youth involved in Maines juvenile justice system.

### 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.

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MDOC concluded that MDOC and statewide resources do not have capacity of staffing, resources, expertise to meet the needs of ongoing program evaluations, assessments of correctional effectiveness, qualitative analysis, and assessment of performance measures. USM MSPS staff have experts and experience in area of need for MDOC. MDOC is unable to provide this level of technical assistance, consulting, and data gathering to effectively make results-based decisions making to inform positive outcomes for youth.

#### 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 concluded the costs, fees or rates are fair and reasonable through a negotiated budget with USM MSPS; the cooperative agreement cost is not-to-exceed \$25,000.

#### 5. Future Competition

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

This is a one-year cooperative agreement, which can be reviewed each year thereafter.

**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.

USM MSPS has a unique capacity and ability to provide enhanced technical assistance on workforce development strategies, and research and data analytics to provide service and reports on best-practice models. USM MSPS will coordinate site visits; conference calls; and data alignment to Vera End Girls Incarceration initiative; coordinate and co-design a Girls Task Force to improve initiatives; coordinate and manage a work plan and stagey with MDOC; coordinate quarterly data submissions; ensure accountability for performance measures outlines by Annie E. Casey Foundation and JDAI’s initiative; coordination access to national conferences; and provide technical/teaching assistance and consulting, up to 30 hours on projects (such as, grant writing, results based accountability, DMC). The sheer capacity and resources available provide the unique ability of USM MSPS within this cooperative agreement, as MDOC does not have the staffing resources or expertise to administer the identified tasks.

MSPS possesses expertise in processes, such as continuous quality improvement, organizational development, curriculum design, and strategic planning; skills that help MDOC improve its overall evidence-based practice implementation. This is evident by the work MSPS staff has done with MDOC leadership and its high functioning teams to design and apply products and processes in support of evidence-based practice implementation initiatives.

Within these identified unique characteristics, USM MSPS is the only uniquely qualified provider to carry out the duties listed above, due to the staffing resources, data collection and dissemination, coordination and facilitation, expertise in gender-responsive practices, and the expertise and skills to support and coordinate

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Vera End Girls Incarceration Initiative and the Juvenile Detention Alternatives Initiatives (JDAI), while improving positive youth outcomes and community-based alternatives to decrease secure confinement across the state. Additionally, Graduate students are able work on the agreement every year and are often involved in co-authoring selected presentations and reports, providing them an opportunity to develop career skills by bridging classroom learning with applied research experience.

Historically, USM MSPS and MDOC have had successful cooperative agreements in building capacity and support in advancement of juvenile justice reform goals within Maine.

**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:**

Colin O'Neill

**Date:**

8/5/19