

# State of Maine Waiver of Competitive Bidding Request Form

<b>DHHS/DCM Contract Administrator:</b>	Nancy Tan/Mary Alderman	<b>Office/Division/Program of Contract Administrator:</b>	DHHS/SAMHS/PMP
<b>Est. Contract Amount:</b>	Amend: \$ 346,666 Revised: \$ 514,666.66	<b>Contract or RQS Number:</b>	10A 20180228000000002563
		<b>Purchasing Maine ID:</b>	
		<b>DHHS Agreement Number:</b>	OSA-18-4034 A
<b>Proposed Start Date:</b>	<b>03/01/2018</b>	<b>Proposed End Date:</b>	1/31/2020
<b>Vendor/Provider Name, City, State</b>	Results Marketing & Design LLC DBA Ethos Marketing Westbrook, ME		
<b>Short Description of Good or Service:</b>	A social-marketing campaign using multimedia to address the issues of problematic prescribing and misuse for the Centers for Disease Control Prevention for State grant		
<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>		<b>To be completed by the Division of Procurement Services</b> Posting dates on Division of <i>Procurement Services</i> website: From: <u>8/27/2019</u> To: <u>9/2/2019</u>	
<b>Notice of Intent to Waive Competitive Bidding Number:</b>		NOI# 0820191426	
<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;		
<input type="checkbox"/>	<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>	<i>By signing below, I signify as the Governor's designee there is an emergency that necessitates this non-competitive procurement.</i> <b>Signature:</b>	
<input type="checkbox"/>		<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;		
<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;		
<input type="checkbox"/>	<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>		
<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 checked="" type="checkbox"/>	If a different authorization specifically allows for this non-competitive procurement, please provide that reference here:	Unique-Grant Partner	

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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.

The purpose of this amendment is expanding on the marketing and media campaign that is already being provided by this vendor. The new media campaign will target Maine residents who may be prescribed pain medication, community/state leaders who want to help reduce opioid addiction in their communities, providers, and prescribers who are seeking help sharing information with their patients.

This contract is to address the need for social marketing as required by the CDC Prevention for States grant. A condition of the award is to have in place a firm to provide social marketing to target high-risk populations and develop materials that influence problematic prescribers on the prescription drug overdose epidemic.

The provider was named in the Centers for Disease Control Prevention for State Grant number 5 NU17CEO002722-03, CFDA 93.136 Prescription Drug Overdose Prevention grant as having a history of social marketing public health messages about drug abuse.

## 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 are no public resources available to perform this service.

## 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**.

Funding allocated for these services were suggested and ultimately approved by the federal grant application. 112,500 goes toward conducting a social marketing campaign to target high-risk populations and problematic prescribers.

## 5. Future Competition

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

The Department does not intend to RFP these services.

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**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 provider has considerable experience working with state and non-profit organizations and has expertise in behavior change or social marketing strategies. In the past, Ethos has contracted with SAMHS to develop public health messages about alcohol and drug abuse, including the Party Smarter campaign and a video campaign targeting parental influence on youth substance abuse.

Its marketing approach includes detailed research and planning and is grounded in strategy and content expertise. In 2007, Ethos launched VONT, a performance digital marketing company dedicated exclusively to web, social media and online marketing channels. VONT not only designs and develops highly functional, responsive websites, the company also develops and manages search engine marketing campaigns and targeted social campaigns that deliver measurable results and high returns on investment.

**7. Timeframe (Complete only if B. is the Statutory Justification marked on Page 1)**

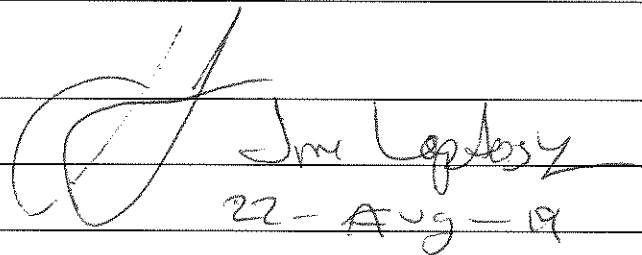
Please explain if time is of the essence and an emergency exists which requires the immediate procurement of goods or services. Describe the nature of this emergency, provide the date by which the goods or services must be delivered, and explain how that date was determined and its significance (i.e. 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:**

**Date:**



Jim Leplosky  
22 - Aug - 19