

State of Maine Waiver of Competitive Bidding Request Form

DHHS/DCM Contract Administrator:	Chris Moiles / Valerie Andreasen Fredericks	Office/Division/Program of Contract Administrator:	MCDC/Division of Disease Prevention/WIC
Est. Contract Amount:	Multiple – See Attached	Contract or RQS Number:	Multiple - See Attached
		Purchasing Maine ID:	
		DHHS Agreement Number:	Multiple – See Attached
Proposed Start Date:	10/1/2018	Proposed End Date:	9/30/2019
Vendor/Provider Name, City, State	Multiple – See Attached		
Short Description of Good or Service:	WIC Program Local Agency Clinic Services		
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.		To be completed by the Division of Procurement Services	
		Posting dates on Division of <i>Procurement Services</i> website:	
		From: <u>9/4/2019</u> To: <u>9/10/2019</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0920191453	
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 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>	
		Signature:	
		Printed Name:	Date:
	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.		
X	If a different authorization specifically allows for this non-competitive procurement, please provide that reference here:		Competitive Award Adjustment

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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.

RFP 201603068 awarded the contract to the current providers. There are no changes to the Rider A. The additional funds are provided to:

- Support local agency outreach and participant attraction/retention efforts by updating computer and medical equipment technology and maintaining and creating confidential/private space to preserve/promote participant confidentiality and breast-feeding areas.
- Support local agency waiting room cosmetic and functional improvements such as providing food samples with WIC approved foods and updating furniture and children's toys/activities.
- Support local agency staff with onsite training, competitive salaries, conference attendance, society memberships, professional certification education, and travel to remote areas as well as providing funding to support additional staffing for the breast-feeding peer counselors in order to increase participant breast-feeding rates.
- Support ongoing local agency function with improved clinical equipment/supplies such as infant scales and cell phones.
- Support more complex participants who require additional services such as language translation and translated materials.
- Provide nutritional education materials as well as WIC logoed outreach items such as shopping bags, cups, and toothbrushes.

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.

Sufficient staffing, resources, or expertise is not available within the State of Maine's Government.

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 allocation of the WIC Administration funds was estimated by using:

- Current participant data and analysis of expected growth with the area the provider serves.
- Current data on the costs for translator services and estimating the growth of participants who require these additional services
- Training registration costs, travel and other related costs for each staff person.
- Nominal cost of each item and current participation levels.

5. Future Competition

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

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These agreements are a result of RFP 201603068, which will expire 9/30/2021. Prior to the expiration date, the Department will initiate drafting an RFP for a new contract date of 10/1/2021.

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 current providers are finishing an annual contract and need the funds to complete the work with the increasing participant level. The appointments require language translation, adding complexity to the appointment. The cultural issues are a large part of the length of the translation as the participant and counselor come to an understanding of how the appointment and program work.

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

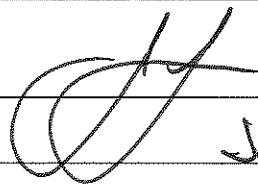
Please explain if time is of the essence and an emergency exists which requires the immediate procurement of goods or services. Describe the nature of this emergency, provide the date by which the goods or services must be delivered, and explain how that date was determined and its significance (i.e.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


 J. Caputo
 21 - Aug - 19

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DHHS Maine CDC
Office: WIC Program Local Agency Clinic Services
Service: 10/1/2018
Start Date:

Vendor/Provider Name, City & State	Contract (CT) Number	DHHS Agreement #	Amendment Amount (if applicable)	Total Contract Amount
York County Community Action Corporation Sanford, ME	CT 10A 201808030000000000383	CD1-19-4659	\$44,760.00	\$654,252.00
The Opportunity Alliance	CT 10A 201808030000000000384	CD2-19-4657	\$44,287.00	\$701,384.00
Western Maine Community Action, Inc. East Wilton, ME	CT 10A 201808030000000000385	CD3-19-4658	\$24,975.00	\$699,269.00
MidCoast Maine Community Action Program Bath, ME	CT 10A 201808030000000000386	CD4-19-4655	\$12,984.00	\$371,979.00
MaineGeneral Medical Center Augusta, ME	CT 10A 201808030000000000387	CD5-19-4654	\$51,798.00	\$677,508.00
City of Bangor Bangor, ME	CT 10A 201808030000000000388	CD6-19-4652	\$13,499.00	\$591,826.00
Family Planning Association of Maine, Inc. Augusta, ME	CT 10A 201808030000000000389	CD7-19-4653	\$15,796.00	\$343,640.00
Aroostook County Action Program, Inc. Presque Isle, ME	CT 10A 201808030000000000390	CD8-19-4651	\$15,500.00	\$344,116.00
Totals:				\$ 223,599.00 \$ 4,383,974.00