

# State of Maine Waiver of Competitive Bidding Request Form

<b>DHHS/DCM Contract Administrator:</b>	Nancy Tan/Elizabeth Heath	<b>Office/Division/Program of Contract Administrator:</b>	DHHS/SAMHS/Katherine Coutu/Stephanie Kadnar
<b>Est. Contract Amount:</b>	\$457,446.00	<b>Contract or RQS Number:</b>	10A 20190627*3981
		<b>Purchasing Maine ID:</b>	
		<b>DHHS Agreement Number:</b>	OSA-20-739
<b>Proposed Start Date:</b>	<b>7/15/2019</b>	<b>Proposed End Date:</b>	6/30/2020
<b>Vendor/Provider Name, City, State</b>	Correct Care Solutions dba WellPath Nashville TN 37217		
<b>Short Description of Good or Service:</b>	MAT - Prisons		
<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 <b>Procurement Services</b> website: From: <u>9/5/2019</u> To: <u>9/11/2019</u>	
<b>Notice of Intent to Waive Competitive Bidding Number:</b>		NOI# 0920191463	
<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>	<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>  <b>Printed Name:</b> _____ <b>Date:</b> _____	
<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;		
<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;		
	<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 type="checkbox"/>	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.

The purpose of this agreement is to provide funding for Medication Assisted Treatment (MAT) in conjunction with the Maine Department of Correction (MDOC) for prisoners who suffer from Opioid Use Disorder. This is a pilot program to target prisoners enrolling in MAT prior to release (induction into MAT at the 90 day-to-release mark). SAMHS will fund 3 nursing positions and the medication for this program. This is part of Gov. Mills' Executive Order #2.

## 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 Department does not have the resources to provide these services.

## 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**.

Nursing Service: These rates were negotiated through MDOC, are considered cost-effective based on industry standard, and are comparable to rates offered by the Provider for similar services.

Medication: Drug pricing is based on current prices obtained from Wellpath's pharmacy vendor.

## 5. Future Competition

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

The MAT portion of program is a pilot through the Maine Department of Corrections for one year. SAMHS and MDOC will evaluate the program at the end of the agreement to determine further 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.

MDOC chose the Provider and SAMHS is providing funding. Below is the explanation MDOC uses:  
 Due to the complexities involved with onboarding a new healthcare provider during heavy construction (a significant challenge by itself), the Department seeks to maintain the current healthcare provider until the completion of the construction-renovation project at the MCC facility in Windham. The Department believes the incumbent provider is uniquely situated to deliver said services based on the following considerations:

- The professional rapport the Department has established with the incumbent provider over the last seven years
- Specialized programming and outreach activities at various MDOC locations (including evidence-based rehabilitative programs and strategies)
- Statewide, community based provider network (required for offsite medical services)
- Department wide use of provider's proprietary Electronic Medical Records system (ERMA)
- Staffing recruitment and retainment strategies (what works and what doesn't) – Provider has initiated a "Visiting Nurses" program to fill nursing vacancies at hard-to-fill locations
- New program initiatives currently underway, such as Medication-Assisted Treatment (MAT) to combat opioid addiction

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

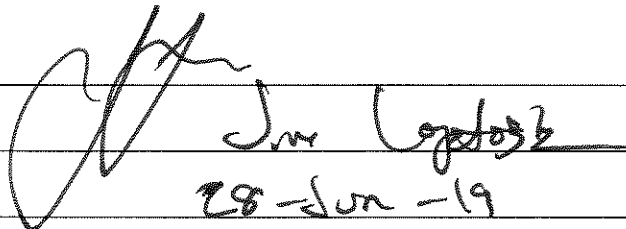
Please explain if time is of the essence and an emergency exists which requires the immediate procurement of goods or services. Describe the nature of this emergency, provide the date by which the goods or services must be delivered, and explain how that date was determined and its significance (i.e. 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 Lepore  
 28-Jun-19