

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.

DHHS/DCM Contract Administrator:	Shawn Belanger Ryan Roberts	Office/Division/Program of Contract Administrator:	MECDC/Disease Prevention/Women Infants and Children (WIC)
Est. Contract Amount:	\$1,718,390	Contract or RQS Number:	CT 10A 20190715*0159
		Purchasing Maine ID:	
		DHHS Agreement Number:	OIT-20-4601
Proposed Start Date:	9/1/19	Proposed End Date:	7/31/2021
Vendor/Provider Name, City, State	Solutran Inc. Minneapolis, MN		
Short Description of Good or Service:	WIC EBT Product Implementation and Implementation 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>9/11/2019</u> To: <u>9/17/2019</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0920191498	
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.			
<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> Signature:	
		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;		
<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: http://www.maine.gov/purchases/info/forms/govcoop.doc.</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;		

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	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 and Health and Human Services (DHHS), Women, Infants, and Children (WIC) Program, is required to meet a United States Maine WIC Program Office of Agriculture, Food and Nutrition Service (FNS) federal mandate to implement a statewide Electronic Benefit Transfer (EBT) solution by October 1, 2020 (7 CFR Part 246 RIN 0584-AE21, § 246.12 Food delivery methods. (a) By October 1, 2020, each State agency shall implement EBT statewide).

The Maine WIC EBT implementation project includes the design, modification, configuration, interface, testing and acceptance of a WIC EBT system. The primary deliverable is operational WIC EBT online processing services. In addition to the transaction processing services, there are service, material and hardware deliverables that the Provider will produce during implementation. The Provider will provide post implementation support and transition to operations.

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 Department obtained the Cost per Case Month (CPCM) costs from other WIC EBT states and compiled an average for implementation services and ongoing system maintenance.

Solutran Inc, has successfully implemented a statewide EBT solution in the State of Montana. This exclusive solution provides the State of Maine the ability to meet the mandate and gain a system that is competitively priced. The Department received a Statement of Work from Conduent with a CPCM charge of \$1.40, whereas other neighboring States had CPCM charges of \$.95 (New Hampshire), \$.95 (Vermont), and \$.95 (Rhode Island).

Solutran' s Statement of Work has a CPCM cost of \$0.85, that includes additional system functionality and capabilities that were not included in the CPCM rate in other vendor's Statements of Work. The rate also includes ongoing support for the add-on feature of a Farmer's Market application. The Department considers these rates to be fair and reasonable.

5. Future Competition

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

The Department is looking for a ten year procurement period that will be broken out into multiple contracts. DHHS is committing to going out to RFP for a new contract in 2029. The Department most recently went out to RFP in 2015. The result was a non-award because the only bidder's proposal provided little confidence that they could perform the work. Subsequently, the Department attempted to work with the vendor who supported DHHS' non-WIC EBT cards. Negotiations were unsuccessful. Due to the impending date (October 2020) to meet the federal mandate and based upon discussions with FNS, the Department is proceeding with procuring a solution through Solutran, Inc.

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The Department also considered including WIC in the current RFP that is under review entitled "Northeast Coalition of States (NCS) Regional Management Council (RMC) Electronic Benefits Transfer 2019 RFP". However, the implementation date of this solution 2023 (the contract starts in 2021 with an implementation phase), and because the timeline is so far out, the Department did not consider this a viable option.

Finally, FNS is expecting the WIC EBT solution to be sustainable for ten years. They have informed the Department on multiple occasions that the funding for another implementation will not be made available to Maine until the ten years have transpired.

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

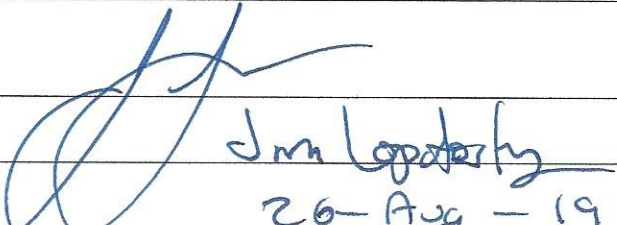
Please explain if the goods or services required are unique to a specific vendor. Describe the unique qualifications, abilities, and/or expertise of the vendor and how those particular unique factors address the specific need identified above. If the vendor has unique equipment, facilities, or proprietary data, also explain the necessity of these particular unique assets.

The core specifications of EBT systems are mandated by FNS. Above those core requirements, Solutran's distinctive solution provides an integrated mobile application (included within the CPCM cost) where WIC participants may use to change their personal identification number, check their current WIC benefits and balance, locate a store that accepts WIC payments, and several other end user features. Further, Solutran offers a separate, unique mobile application solution for WIC Participants to utilize their electronic benefits at Farmer's Markets.

The sole solution that Solutran can provide to the State of Maine has been successfully implemented in several other States within budget and expected timeframe. The State of Montana has implemented this sole solution and has provided positive feedback from their experience working with this vendor. Furthermore, FNS approves the State of Maine proceeding with this unique solution to meet the federal mandate and leverage systems already built to reduce overall costs to the Federal program. While it is noted that another vendor, Conduent, can provide this service, the Department already explored that idea by attempting negotiations with them. Conduent currently provides the EBT solutions for non-WIC services. Because of a previous RFP that resulted in a non-award, because the negotiations with Conduent did not result in a successful conclusion, and because of the tight timeframe, FNS (the funder of this project) has guided the State to proceed with utilizing this unique solution provided by Solutran, Inc.

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):	<i>By signing below, I signify that my Department requests, and I approve of, this Waiver of Competitive Bidding.</i>
Printed Name:	
Date:	26-Aug-19