

# State of Maine Waiver of Competitive Bidding Request Form

<b>DHHS/DCM Contract Administrator:</b>	Nancy Tan / Valerie Andreasen Fredericks	<b>Office/Division/Program of Contract Administrator:</b>	DHHS/OADS/Community Programs
<b>Est. Contract Amount:</b>	\$ See Attachment	<b>Contract or RQS Number:</b>	See Attachment
		<b>Purchasing Maine ID:</b>	
		<b>DHHS Agreement Number:</b>	See Attachment
<b>Proposed Start Date:</b>	<b>10/01/19</b>	<b>Proposed End Date:</b>	09/30/20
<b>Vendor/Provider Name, City, State</b>	See Attachment		
<b>Short Description of Good or Service:</b>	Community Programs		
<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>9/11/2019</u> To: <u>9/17/2019</u>	
<b>Notice of Intent to Waive Competitive Bidding Number:</b>		NOI# 0920191502	
<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.			
	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>	By signing below, I signify as the Governor's designee there is an emergency that necessitates this non-competitive procurement. <b>Signature:</b>	
		<b>Printed Name:</b>	<b>Date:</b>
	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: <a href="http://www.maine.gov/purchases/info/forms/govcoop.doc">http://www.maine.gov/purchases/info/forms/govcoop.doc</a>.</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.		
<b>X</b>	If a different authorization specifically allows for this non-competitive procurement, please provide that reference here:		Unique-State Selected/Federal Approved

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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 Older Americans Act (OAA) is a federal statute designed to concentrate resources in order to develop greater capacity and foster the development and implementation of comprehensive and coordinated systems to serve older individuals by establishing cooperative arrangements in each State for the planning and provision of supportive services, and multipurpose senior centers in order to: a) secure and maintain maximum independence and dignity in a home environment for older individuals capable of self-care with appropriate supportive services; b) remove individual and social barriers to economic and personal independence for older individuals; c) provide a continuum of care for vulnerable older individuals; and d) secure the opportunity for older individuals to receive managed in-home and community-based long-term care services. See 42 U.S.C. § 3021.

Under the OAA, in order to be eligible for grants under a state's allotment for any fiscal year, each state must formulate a multiyear plan in accordance with OAA requirements, which includes designating area agencies on aging to carry out the objectives of the OAA. See 42 U.S.C. § 3025. The State of Maine's comprehensive and coordinated system involves five established Area Agencies on Aging (AAAs).

Each AAA must provide, through a comprehensive and coordinated system, supportive services, nutrition services, and, where appropriate, for the establishment, maintenance, modernization, or construction of multipurpose senior centers within its planning and service area. Each AAA must assure that the following categories of services are provided: access to services, in-home supportive services, and legal assistance. See 42 U.S.C. § 3026.

## 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.

State resources will not be used to accomplish the objectives of the OAA. The designation of area agencies on aging (public or private nonprofit agencies or organizations) to carry out the comprehensive and coordinated system of services outlined in the OAA is required. See 42 U.S.C. § 3025.

## 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 funds in these contracts are allocated through an established and approved Intrastate Funding Formula approved by the Assistant Secretary for Aging. The Intrastate Funding Formula is based on the formula development method described in the Older Americans Act, 42 U.S.C. § 3025(a)(2)(c). The formula calculates a proportional distribution of funds to the Area Agencies on Aging based on the geographical distribution of older individuals in the State and the greatest economic or social need, with particular attention to low-income minority individuals. The interstate funding formula shall also provide for a separate allocation of funds received for preventive health services.

OAA funds have specific cost guidelines as follows:

- Federal participation cannot exceed 75% total State and Area plan administrative costs. Remaining 25% cannot exceed state and local matching share.
- Federal participation cannot exceed 85% total IIIB, C1 and C2 service costs. Of the remaining 15%, one third (5%) must come from State sources.

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- Federal participation cannot exceed 75% total IIIIE costs. Of the remaining 25%, must represent the State and local matching share.

**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 issue an RFP these services.

**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 Older Americans Act (OAA) requires that OAA funds be awarded only to those agencies that have been designated as AAAs by the State. See 42 U.S.C. § 3025. Maine's State Plan on Aging for years 2016 – 2020, required and approved by the federal Administration on Aging, designates five Area Agencies on Aging (AAAs): Aroostook Agency on Aging, Eastern Area Agency on Aging, SeniorsPlus, Spectrum Generations, and Southern Maine Agency on Aging.

**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.

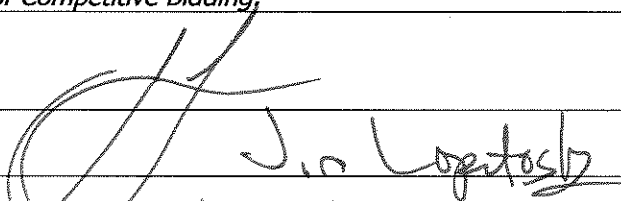
N/A

**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. Lopez  
 19 - Aug - 19

## State of Maine Waiver of Competitive Bidding Request Form

Vendor/Provider Name, City & State	Contract (CT) Number	DHHS Agreement #	Total Contract Amount
Aroostook Area Agency on Aging Presque Isle, ME	CT 10A 20190710000000000120	ADS-20-8001	\$666,046.00
Eastern Area Agency on Aging Bangor, ME	CT 10A 20190710000000000122	ADS-20-6002	\$1,427,709.00
SeniorsPlus - Elder Independence of Maine Lewiston, ME	CT 10A 20190710000000000123	ADS-20-3004	\$1,254,039.00
Southern Maine Agency on Aging Scarborough, ME	CT 10A 20190710000000000124	ADS-20-2005	\$1,939,408.00
Central Maine Area Agency on Aging dba Spectrum Generations Augusta, ME	CT 10A 20190710000000000121	ADS-20-5003	\$1,984,384.00
	Totals:	5	\$ 7,271,586.00