

# State of Maine Waiver of Competitive Bidding Request Form

<b>DHHS/DCM Contract Administrator:</b>	Chris Moiles/Ryan Roberts	<b>Office/Division/Program of Contract Administrator:</b>	OCFS/Prevention/ Lauren Moumouris
<b>Est. Contract Amount:</b>	\$12,611,253.00	<b>Contract or RQS Number:</b>	CT-10A-20190819*0547
		<b>Purchasing Maine ID:</b>	
		<b>DHHS Agreement Number:</b>	OVP-20-2210
<b>Proposed Start Date:</b>	<b>10/1/19</b>	<b>Proposed End Date:</b>	9/30/21
<b>Vendor/Provider Name, City, State</b>	Maine Coalition Against Sexual Assault Augusta, ME, 04330		
<b>Short Description of Good or Service:</b>	Sexual Assault Coalition		
<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>		<i>To be completed by the Division of Procurement Services</i> 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# 0920191503	
<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>	<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>
<b>X</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.		
	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.

22 M.R.S.A § 1661-1664 authorizes the Department to provide Sexual Assault Services: "The Legislature finds that rape and sexual assault are crimes of violence that are both underreported and increasing in incidence; that victims of rape need support services and counseling that are currently unavailable from traditional medical or legal institutions; that the recent formation of local and regional rape crisis centers has provided rape and sexual assault victims with vital counseling and intervention services; and that the volunteer efforts of these and future rape crisis centers shall be supported and enhanced on a statewide basis, if possible. The Legislature declares that it is consistent with public policy to fund counseling and preventive educational programs by rape crisis centers."

Sexual Assault Services include crisis support to victims of rape or sexual assault and their families through maintenance of twenty-four-hour crisis hotlines, victim counseling, family counseling, accompaniment to and support with law enforcement, medical, and legal procedures, transportation, training of crisis counselors, and community education. Sexual Assault providers have been providing services to clients throughout the state since 1983. More recently, Child Advocacy Centers (CAC) have been recognized nationally as an effective method to investigate and prosecute sexual child abuse cases.

To be successful in these initiatives, the Department requires an entity to oversee and coordinate the activities of the front-line, community-based sexual assault providers. This contract supports the Amendment that clarifies the deliverables expected of the Provider and increases the funding.

## 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 State does not have the resources 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**.

The costs were determined fair and reasonable after review of previous and ongoing Costs associated with the scope of services.

## 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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The Department does not intend to seek competitive bids for this service.

**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.

22 M.R.S.A § 1663 recognizes the Maine Coalition Against Sexual Assault (MECASA) as the state subject matter expert regarding sexual assault and rape.

The Department relies on MECASA to provide services and training that keep field staff up to date and proficient in issues and trends in the field, changes to the criminal code, and other statutory requirements. MECASA also provides training, monitoring and written review of specific quality assurance standards for all sexual assault centers in Maine.

The expansion of the CAC's statewide was a significant initiative for the Department and it was based on priorities set by the Department and the Governor's Office. MECASA has been the lead partner in the CAC initiative in Maine. It provides all training and technical assistance to each CAC and manages the standards of accreditation for CAC, which has led to two centers being accredited in the last eighteen months. MECASA will also serve as a pass-through for federal VOCA funds to the Child Advocacy Centers and other services.

Working with MECASA is also the most coordinated, efficient, and effective way to manage standards and quality across the State for services for victims of sexual assault, child sexual abuse, stalking and human sex trafficking.

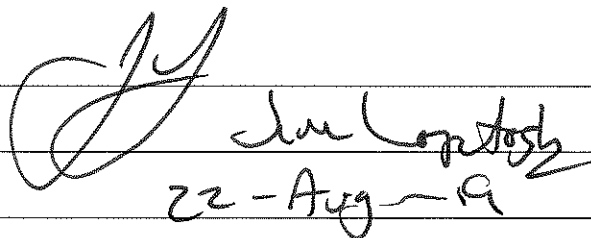
**7. Timeframe (Complete only if B. is the Statutory Justification marked on Page 1)**

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:**

  
Julie Lopez  
22-Aug-19

**Date:**