

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:	Chris Moiles	Office/Division/Program of Contract Administrator:	DHHS/OCFS Lisa Salger
Est. Contract Amount:	\$ See attached list	Contract or RQS Number:	See attached list
		Purchasing Maine ID:	
		DHHS Agreement Number:	See attached list
Proposed Start Date:	10/1/2019	Proposed End Date:	9/30/2021
Vendor/Provider Name, City, State	See attached list		
Short Description of Good or Service:	Independent Tribal Living		
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>9/19/2019</u> To: <u>9/25/2019</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0920191559	
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.		

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X	If a different authorization specifically allows for this non-competitive procurement, please provide that reference here:	Unique – Federally Directed
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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.

As required by the Foster Care Independence Act of 1999 (Section 477 of the Social Security Act (42 U.S.C. 677) John H. Chafee Foster Care Independence Program, a portion of these federal funds are to be made available to the State of Maine Tribes.

Section (G) of this Act requires: "A certification by the chief executive officer of the State that each Indian tribe in the State has been consulted about the programs to be carried out under the plan; that there have been efforts to coordinate the programs with such tribes; and that benefits and services under the programs will be made available to Indian children in the state on the same basis as to other children in the State."

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.

Department and other governmental staff cannot fulfill the federal mandate that Maine Tribes receive a portion of its federal allocation to carry out the independent living service needs of tribal youth.

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**.

Agreements between Maine Tribes and Bands and DHHS were first established in 2004. It was at that time that the Department of Health and Human Services established the amount of funds that would be made available based on tribal census data.

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 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.

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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.

This is a State of Maine Tribe and therefore is unique to carry out the services mandated by the federal government as part of the State's federal funding through the Foster Care Independence Act of 1999 (Section 477 of the Social Security Act (42 U.S.C. 677) John H. Chafee Foster Care Independence Program. The federal grant requires that funds are made available to the Tribe so that they can determine and carry out the types of independent living services necessary for Tribal youth.

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

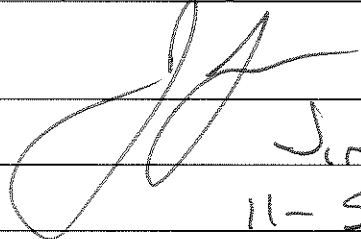
Please explain if time is of the essence and an emergency exists which requires the immediate procurement of goods or services. Describe the nature of this emergency, provide the date by which the goods or services must be delivered, and explain how that date was determined and its significance (i.e.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


 Jen Loatash
 11-Sep-19

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Independent Tribal Living Contracts List

Agreement Number	Vendor Name	Agreement Amount	Fiscal Years	Service	CT#
CFS-20-6025	Aroostook Band of MICMACs	\$9,000.00	2020 - 2022	Tribal Independent Living	20190903*0706
CFS-20-6026	Indian Township (Passamaquoddy)	\$12,000.00	2020 - 2022	Tribal Independent Living	20190903*0707
CFS-20-6027	Passamaquoddy Tribe @Pleasant Point	\$12,000.00	2020 - 2022	Tribal Independent Living	20190903*0708
CFS-20-6028	Penobscot Indian Nation	\$12,000.00	2020 - 2022	Tribal Independent Living	20190903*0709
CFS-20-6029	Houlton Band of Maliseets	\$9,000.00	2020 - 2022	Tribal Independent Living	20190903*0710