

**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.

Requesting Department's Contract Administrator:	Jason T. Hall, TEFAP Director	Office/Division/Program of Contract Administrator:	Commodity Supplemental Food Program (CSFP)
Est. Contract Amount:	\$ 107,300.00	Contract or RQS Number:	CT 01A 20190910*0800
Proposed Start Date:	10/01/2019	Proposed End Date:	09/30/2020
Vendor/Provider Name, City, State:	Wayside Food Programs Portland, Maine		
Short Description of Good or Service:	Operating the Commodities Supplemental Food Program at a regional level		
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.	<p style="text-align: center;">To be completed by the Division of Procurement Services</p> Posting dates on Division of <i>Procurement Services</i> website: From: <u>9/21/2019</u> To: <u>9/27/2019</u>		
Notice of Intent to Waive Competitive Bidding Number:	NOI# 0920191572		
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: _____	
X	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;		

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	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.	
	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.

- a. Maine was approved by the USDA to administer the Commodity Supplemental Food Program (CSFP); this requires that food packages be distributed to qualified low income seniors. The state does not have the capacity to take applications, qualify seniors, distribute the food packages, or contact the waiting list.
- b. This is required by Federal Regulation 7 CFR 247 and 7 CFR 250 for those states operating CSFP.

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.

- a. This is a program that requires that food packages are distributed each month to qualified and certified low income seniors. With a staff of two, we do not have the staff or the statewide infrastructure to provide the services required by this program.
- b. There are no governmental agencies that are available to provide this service; this work is being done by the Area Agencies on Aging and subcontracted in some counties to distributing agents.

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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 Contractor agrees to provide the services for a fixed fee passed through from our Federal Administrative Fund Grant for the storage and distribution of CSFP Food. We are required by federal statute to pass most these funds through to the local agencies.

5. Future Competition

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

We are not fostering competition with Wayside Food Programs. They are the only agency in their area that specializes in meeting the needs of seniors and manage most of the statewide programs for seniors in their catchment area.

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.

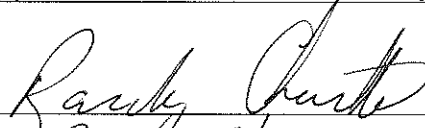
Wayside Food Programs is the leading agency in the area with expertise in senior programs. They have staff and contact with local organizations that serve the senior population. The contractor is responsible for other state run programs and contracts with DHHS Office of Elder services and other agencies to provide services to seniors.

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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.

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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>
	
	Randy Charette
Printed Name:	
Date:	9/20/19