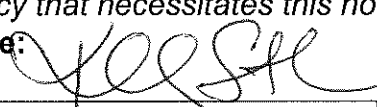


**State of Maine
Waiver of Competitive Bidding Request Form**

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:	Brenda Drummond	Office/Division/Program of Contract Administrator:	DOL-Bureau of Rehabilitation Services
Est. Contract Amount:	\$ 18,000.00	Contract or RQS Number:	20190913*0878
Proposed Start Date:	October 1, 2019	Proposed End Date:	
Vendor/Provider Name, City, State:	Pamela W. Waite, 171 Little John Road, Yarmouth ME 04096		
Short Description of Good or Service:	To inform and advise clients and applicants of VR programs		
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>To be completed by the Division of Procurement Services</p> <p>Posting dates on Division of Procurement Services website: From: <u>9/26/2019</u> To: <u>10/2/2019</u></p>		
Notice of Intent to Waive Competitive Bidding Number:	NOI# 0920191597		
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;		
<input checked="" type="checkbox"/>	<p><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></p>	<p><i>By signing below, I signify as the Governor's designee there is an emergency that necessitates this non-competitive procurement.</i></p> <p>Signature: </p> <p>Printed Name: <u>Kimberly Smith</u></p> <p>Date: <u>9/25/2019</u></p>	
<input 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;		

State of Maine Waiver of Competitive Bidding Request Form

	D. It appears to be in the best interest of the State to negotiate for the procurement of petroleum products;	
	<p>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:</p> <p>(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;</p> <p>(2) A sharing of project responsibilities and, when appropriate, costs;</p> <p><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></p>	
	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) <u>all</u> 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.		
<p>The Client Assistance Program (CAP) is a federally mandated program (34 CFR §370) which purpose is to advise and inform clients and applicants of all services and benefits available to them through state Vocational Rehabilitation (VR) programs authorized under the Rehabilitation Act of 1973 as amended. The CAP is funded by the US Department of Education's Rehabilitation Administration (RSA) through an annual formula grant (CFDA 84.161A) to Maine Department of Labor's Division of Vocational Rehabilitation (MDOL DVR) within the Bureau of Rehabilitation Services (BRS). Consistent with the State's procurement policy and procedures, MDOL DVR then awards the CAP grant to an entity separate from the VR agency through the Request for Proposals process.</p> <p>Maine is one of only a few states in the country which the State Vocational Rehabilitation agency is the designated agency for carrying out the CAP. Each state's governor holds the authority for the designation of the agency responsible for operating the CAP in accordance with Section 112 of the Rehabilitation Act of 1973, as amended.</p> <p>The contract term for the current CAP expires on September 30, 2019 and the option for extension was refused by the vendor, C.A.R.E.S, Inc. This presents an opportunity for the Governor to</p>		

**State of Maine
Waiver of Competitive Bidding Request Form**

consider redesignation of the CAP to an agency that is independent of MDOL DVR or any agency that provides vocational rehabilitation services under the Rehabilitation Act.

After consultation with the Governor's Office and the Division of Procurement, it was determined that the Request for Information (RFI) process would be the best method to gather information for the Governor in determining the options available for redesignation. This process is anticipated to take approximately three months. The Governor has the authority to move forward with redesignation and is expected to do so after receiving the information from the RFI.

In order to be in compliance with federal law and have no interruption in service, this contract is necessary. The selected vendor is knowledgeable of the services and benefits available to clients and applicants through state Vocational Rehabilitation (VR) programs authorized under the Rehabilitation Act of 1973 as amended and can meet the state assurances required for Client Assistance Program grants.

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 Client Assistance Program (CAP) is a federally mandated program (34 CFR §370) which purpose is to advise and inform clients and applicants of all services and benefits available to them through state Vocational Rehabilitation (VR) programs authorized under the Rehabilitation Act of 1973 as amended. The CAP is funded by the US Department of Education's Rehabilitation Administration (RSA) through an annual formula grant (CFDA 84.161A) to Maine Department of Labor's Division of Vocational Rehabilitation (MDOL DVR) within the Bureau of Rehabilitation Services (BRS). Consistent with the State's procurement policy and procedures, MDOL DVR then awards the CAP grant to an entity separate from the VR agency through the Request for Proposals process.

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 cost was based on an hourly rate for the expertise of the individual. This is comparable to other individuals with her expertise.

5. Future Competition

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

**State of Maine
Waiver of Competitive Bidding Request Form**

After consultation with the Governor's Office and the Division of Procurement, it was determined that the Request for Information (RFI) process would be the best method to gather information for the Governor in determining the options available for redesignation. This process is anticipated to take approximately three months. The Governor has the authority to move forward with redesignation and is expected to do so after receiving the information from the RFI.

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.

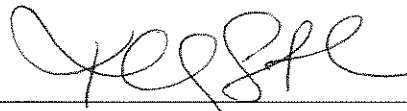
7. Timeframe (Complete only if B. is the Statutory Justification marked on Page 1)

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.

The Client Assistance Program (CAP) is a federally mandated program (34 CFR §370) which purpose is to advise and inform clients and applicants of all services and benefits available to them through state Vocational Rehabilitation (VR) programs authorized under the Rehabilitation Act of 1973 as amended. The current contract expires on September 30, 2019, which is the reason this contract needs to be in place for October 1, 2019.

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:

Kimberly Smith

Date:

9/25/2019