

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:	Anna Ryerson, Director	Office/Division/Program of Contract Administrator:	Bureau of Human Resources, Office of Workers' Compensation
Est. Contract Amount:	Original \$1,820,000.00 Add'l: \$ 350,000.00 Total: \$2,170,000.00	Contract or RQS Number:	CT20150618*4611
Proposed Start Date:	Amendment 09/01/2019	Proposed End Date:	06/30/2020
Vendor/Provider Name, City, State:		Matrixx Healthcare Services, Inc. PO Box 102588 Atlanta, GA 30368-2588	
Short Description of Good or Service:		Pharmacy Services for Self-Insured Workers' Compensation Program	
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>9/30/2019</u> To: <u>10/7/2019</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0920191617	
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:

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X	<p>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;</p>
	<p>D. It appears to be in the best interest of the State to negotiate for the procurement of petroleum products;</p>
	<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>
	<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;</p>
	<p>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.</p>
	<p>If a different authorization specifically allows for this non-competitive procurement, please provide that reference here:</p>
<p>Please note that the following four points below (#2 through 5) all require a response.</p>	
<p>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>	
<p>The Bureau of Human Resources, Office of Workers' Compensation currently has approximately 1,200 active workers' compensation claims, and pharmacy needs are continuous. Last month, August 2019, we had 141 new claims filed. Our pharmacy contract allows state government employees the ability to pick up their workers' compensation claim prescriptions statewide thru the Matrixx network. Prescription costs are a legal obligation under the Workers' Compensation Act, Title 39-A. This contract extension eliminates the need for state employees to upfront the costs of their prescription and wait for a reimbursement to be processed. Our office will be going out to RFP for bundled services with the Office of Employee Health and Benefits after the first of the year. This contract extension is for a ten-month period.</p>	

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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.

Our office will be moving forward with a new RFP in January 2020 bundling pharmacy services with the Office of Employee Health and Benefits.

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**.

Matrixx was awarded this contract thru the competitive bid process. Matrixx is honoring the same costs for all pharmacy needs for our workers' compensation program for this ten (10) month extension period.

5. Future Competition

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

It is our intent to bundle services with the Office of Employee Health & Benefits for all pharmacy needs (health insurance and workers' compensation claims) for State Government employees. Our intention is to release our RFP in January 2020.

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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.

Currently the Office of Workers' Compensation has approximately 1,200 open active claims in which Matrixx currently has proprietary data. Our office has an interface with Matrixx and our Risk Management Information System (ATS) to coordinate appropriateness of all prescription needs.

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>
	<i>Breena D. Bissell</i>
Printed Name:	Breena D. Bissell, BHR Director
Date:	9/18/2019