

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:	Annette Stevens	Office/Division/Program of Contract Administrator:	DOL/BRS/DBVI
Est. Contract Amount:	\$390,756	Contract or RQS Number:	12A 20190927*1058
Proposed Start Date:	October 1, 2019	Proposed End Date:	September 30, 2020
Vendor/Provider Name, City, State:	The Iris Network 189 Park Avenue Portland, Me. 04102		
Short Description of Good or Service:	24/7 on-campus vocational rehabilitation services, To include assessment, direct instruction, consultation and support. This also includes housing, meals, shuttle transportation, resident support services, and recreational activities.		
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 Procurement Services website: From: <u>10/2/2019</u> To: <u>10/8/2019</u>	
Notice of Intent to Waive Competitive Bidding Number:	NOI# 1020191630		
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 type="checkbox"/>	<input type="checkbox"/>	By signing below, I signify as the Governor's designee there is an emergency that necessitates this non-competitive procurement.	
<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>		Signature:	
		Printed Name:	Date:
<input checked="" 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		

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	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.	
	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 State of Maine Department of Labor, Division for the Blind and Visually Impaired (DBVI) identified the need for an in-state comprehensive, immersion-model blindness rehabilitation and vocational training center that would integrate blindness-specific skills instruction into activities promoting employment preparation and vocational training.</p> <p>In 2015, renovations of the Ryan Building, which is owned by The Iris Network and located at 189 Park Avenue in Portland, Maine, were completed in order to establish this type of blindness rehabilitation and vocational training center through an Establishment Project funded by DBVI, utilizing VR grant award funds from the U.S. DOE Rehabilitation Services Administration (RSA), and The Iris Network.</p> <p>The services provided at the center are essential to DBVI consumers and provide a less costly option of staying in-state to receive them.</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.

These services cannot be performed by a State Agency due to lack of sufficient staffing and facilities.

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 associated with this contract were negotiated and agreed upon based after discussion of program expenditures and calculation of fee for service rates. The services provided will be delivered by Nationally Certified and/or State Licensed Rehabilitation professionals.

5. Future Competition

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

The Iris Network is currently the only agency providing this service to the citizens of Maine at this time. It is unknown at this time if another agency will provide this service in the future.

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.

The Iris Network has the only residential Rehab Center in Maine and has been providing services to Maine's citizens that are blind and visually impaired since 1905. Due to blindness being such a low incidence disability population and the Iris Network's longevity in this arena, they have the unique assets, knowledge needed, and certified staff to provide quality services in this format.

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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.

**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:

Laura A. Fortman, Commissioner, Department of Labor

Date: