

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:	Dawn Kliphan	Office/Division/Program of Contract Administrator:	Dept. of Education (DOE) Office of Special Services
Est. Contract Amount:	\$232,459.00	Contract or RQS Number:	2018091*915
Proposed Start Date:	10/1/19	Proposed End Date:	9/30/20
Vendor/Provider Name, City, State:	University of Maine (UMaine) Orono, Maine		
Short Description of Good or Service:	Leadership and professional development to build Maine's capacity for educating students with Autism Spectrum Disorders (ASD).		
<p>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>		<p><i>To be completed by the Division of Procurement Services</i></p> <p>Posting dates on Division of <i>Procurement Services</i> website: From: <u>10/09/2019</u> To: <u>10/15/2019</u></p>	
Notice of Intent to Waive Competitive Bidding Number:	NOI# 1020191685		
<p>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.</p>			
	<p>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;</p>		
	<p>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;</p>		
	<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>	
		Printed Name:	Date:
	<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>		

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;
X	<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) 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.

Services under this amendment will continue to build upon the Maine Autism Institute for Education & Research (MAIER) program that DOE and ASD specialists at UMaine developed in a collaborative effort to increase Maine's capacity for providing effective educational programming for pre-service and in-service educators.

Nationally, statistics from the Center of Disease Control show consistently rising rates of children who have an Autism Spectrum Disorder (ASD) (<http://www.cdc.gov/ncbddd/autism/data.html>). In Maine, students with ASDs have also been increasing. Data from the Maine DOE in the chart below shows rising numbers of students in Maine with autism spectrum disorders, along with the rising rates in relation to all students with disabilities.

YEAR	Total Students with Autism	Autism Percent of all Students with Disabilities
2019	3,102	10.09%
2018	2,904	9.55%
2017	2,826	9.54%
2016	2,712	9.37%
2015	2,636	9.23%

As incidences of ASD increase, so does the complexity of these children. As a result, Maine's public schools have been stretched to educate and support students in an effective way. In 2009, the Legislature directed the DOE to convene an ASD Workgroup to make recommendations to ensure that children with ASD receive appropriate and effective services. A major barrier at that time was the lack of knowledge among teachers and

State of Maine Waiver of Competitive Bidding Request Form

paraprofessionals concerning ASD. To address this challenge, this amendment will continue to build upon a joint venture between UMaine and the Maine DOE, which established and continues to administer the MAIER.

MAIER will continue to provide leadership and professional development that will continue to build capacity in Maine for educating children with ASD. MAIER will continue to address the need in Maine for professional development, including, in-person and electronic training, technical assistance, coaching and extensive mentoring. In partnership with DOE, MAIER will continue to build local capacity throughout the state so that Maine educators, paraprofessionals, families and other stakeholders are appropriately and adequately prepared to effectively use interventions so that children with ASD receive a Free and Appropriate Public Education (FAPE). MAIER will continue to coordinate efforts to facilitate the use of Evidence-Based Practices (EBP) by educators, paraprofessionals, families and other stakeholders in their interventions and educational services.

This work will continue to increase the number of Maine students with ASD, who will access highly effective services and improve academic proficiencies and their life outcomes. MAIER will also continue to study, analyze and evaluate the impact of MAIER's activities and disseminate the results and implications to inform others on effective evidence-based practices pertaining to ASD. The MAIER Advisory Committee, a collaborative group of Maine stakeholders, will review this research in continuing to inform MAIER's work and mission.

These services are aligned with Maine and federal statutes, and with the Maine DOE's strategic priorities to:

- 1) Promote Educational Excellence and Equity for all Maine learners,
- 2) Develop, support and sustain a robust Educator Workforce,
- 3) Ensure Student and School Safety, Health and Wellbeing,
- 4) Support a Culture of Innovation and Continuous Improvement, led by all of the experts in the field, and
- 5) Inspire Trust in our organization, and in our public education system.

20-A M.R.S.A §7201. Policy and purpose

"1. Equal educational opportunities. All students must be provided with equal educational opportunities and all school administrative units shall provide equal educational opportunities for all children with disabilities."

Individuals with Disabilities Education Improvement Act (IDEA), 20 U.S.C. Chapter 33

§1400 "d) Purposes.--The purposes of this title are—

(1)(A) to ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living;....

(3) to ensure that educators and parents have the necessary tools to improve educational results for children with disabilities by supporting system improvement activities; coordinated research and personnel preparation; coordinated technical assistance, dissemination, and support; and technology development and media services;

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.

There is no capacity within the DOE Office of Special Services or within DOE to perform these services. DOE has invested significantly in the mission and services of MAIER at UMaine (a public university). Repeating DOE's investment in MAIER with another provider would be disruptive to Maine's capacity to provide effective educational services for students with ASD and would be costlier.

State of Maine Waiver of Competitive Bidding Request Form

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 budget will continue to cover salaries at levels commensurate with UMaine's salary schedule, vetted through the university according to the expertise of the employee and the complexity of the work. The budget also covers travel (at 0.44/mile, lower than State rate), supply costs are primarily for reprinting of the four-volume Parent Guide. Presenter fees are reasonable, particularly given the complexity of the training on ASD. According to a Harvard Business Review article, the presenter fees are at a "newbie" rate <https://hbr.org/2018/05/how-much-should-you-charge-for-a-speech>.

In response to the rapidly rising rates of ASD, DOE and MAIER have already invested significantly in building local and statewide capacity to provide effective interventions and instruction to children with ASD. Repeating this investment with another provider would not be cost efficient and would be disruptive to Maine's capacity to provide effective educational services for students with ASD.

5. Future Competition

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

N/A

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.

This work builds upon and refines the work that DOE initiated in establishing MAIER at UMaine. MAIER staffs have specialized knowledge and expertise on effective, evidence-based interventions and practices pertaining to ASD within Maine's educational system. UMaine now offers a unique graduate certificate program in ASD.

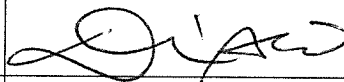
MAIER coordinated the efforts of Maine SAUs in establishing Maine Autism Leader Teams (MALTs), a network of Maine school leaders that facilitate and implement evidence-based practices concerning ASD on school-wide and district-wide bases. MAIER's unique experience in creating and developing MALTs gives them the capacity to customize training, specifically to meet the current needs of SAUs.

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:

Dan Chuhta, Deputy Commissioner

Date:

3/02/2019