

## State of Maine Waiver of Competitive Bidding Request Form

<b>DHHS/DCM Contract Administrator:</b>	Patti Wall Shawn Belanger	<b>Office/Division/Program of Contract Administrator:</b>	DHHS/ SAMHS/ Victor Dumais/ Cameron Bailey
<b>Est. Contract Amount:</b>	\$354,124	<b>Contract or RQS Number:</b>	CT 10A 20190828*0674
		<b>Purchasing Maine ID:</b>	
		<b>DHHS Agreement Number:</b>	OSA-20-810
<b>Proposed Start Date:</b>	9/1/2019	<b>Proposed End Date:</b>	8/31/2021
<b>Vendor/Provider Name, City, State</b>	Maine Association for Recovery Residences South Portland, ME		
<b>Short Description of Good or Service:</b>	MARR Certification		
<b>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.</b>		<b>To be completed by the Division of Procurement Services</b> Posting dates on Division of <i>Procurement Services</i> website: From: <u>10/11/2019</u> To: <u>10/17/2019</u>	
<b>Notice of Intent to Waive Competitive Bidding Number:</b>		NOI# 1020191706	
<b>1. Statutory Justification</b>			
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;		
	<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> <b>Signature:</b>  <b>Printed Name:</b> _____ <b>Date:</b> _____	
<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 State from only one source;		
<input type="checkbox"/>	D. It appears to be in the best interest of the State to negotiate for the procurement of petroleum products;		
<input type="checkbox"/>	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: <a href="http://www.maine.gov/purchases/info/forms/govcoop.doc">http://www.maine.gov/purchases/info/forms/govcoop.doc</a>.</i>		
<input type="checkbox"/>	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;		
<input type="checkbox"/>	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:		

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**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.

The purpose of this agreement is to increase access to high-quality Recovery Residences for Mainers in Recovery from Substance Use Disorder. This will be accomplished by supporting two new positions and operational costs for the Maine Association of Recovery Residences. In addition, this agreement will support a series of trainings for individuals and organizations operating or seeking to operate Recovery Residences throughout the state to promote consistent practices and facilitate provision of high-quality housing.

## **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 Department does not have the resources necessary to provide this service.

## **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**.

Costs were negotiated between the Department and the provider. Costs are based two FTE's to include fringe benefits for the duration of two years, and are comparable to similar positions within this market. Cost included also reflect travel, supplies, technology, software management, occupancy, contractors, financial management, trainings and applicable trainers for each year of this agreement, all of which were well within what may be considered a normal range, comparable to other Department agreements for similar administrative and training services.

## **5. Future Competition**

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

The Department will review the effectiveness of this pilot program. If the services are deemed to continue, it will be through the RFP process.

**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.**

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**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 Maine Association of Recovery Residences is the state affiliate of the National Association of Recovery Residences, which is at this time the pre-eminent authority and most widely recognized national body in this domain (recovery residence certification and quality assurance). Other organizations (e.g. Oxford House) do exist in this market space, however offering very different services which would not be considered competitive, but potentially parallel to those offered by NARR/MARR. Competition within this domain may be made available as other bodies develop standards, policies, and practices to guide and certify recovery residences, and gain support of federal and state government bodies however, the framework for that currently exists with MARR. At this point in time, The Maine Association of Recovery Residences is the only qualified organization to accomplish the specific need at hand. MARR has the unique connection with the national board in order to appropriately and accurately govern the certification and quality assurance of current and future recovery residences. This is the most widely recognized and distinguished regulatory body for such services.

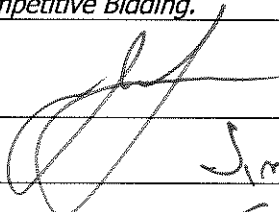
**7. Timeframe (Complete only if B. is the Statutory Justification marked on Page 1)**

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:**

  
Jim Lapostoly  
11-Sep-19

**Date:**