

**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:	Eric Dibner	Office/Division/Program of Contract Administrator:	Division of Vocational Rehabilitation, MDOL
Est. Contract Amount:	\$ 75,866	Contract or RQS Number:	20191002000000001144
Proposed Start Date:	October 1, 2019	Proposed End Date:	September 30, 2020
Vendor/Provider Name, City, State:	Maine Statewide Independent Living Council (SILC) P.O. Box 10542, Portland, Maine		
Short Description of Good or Service:	Support for the Maine Statewide Independent Living Council (SILC) to implement the State Plan for Independent Living (SPIL)		
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>10/16/2019</u> To: <u>10/22/2019</u></p>		
Notice of Intent to Waive Competitive Bidding Number:	NOI# 1020191727		
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"/>	<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><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:
<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;		

**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;	
	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) 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 Maine Statewide Independent Living Council (SILC) is a federally mandated advisory council under part B of Title VII, section 704/705 of the federal 1973 Rehabilitation Act as amended, which is necessary for the State to support in order to receive federal funds for independent living 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.		

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

The federal funds made available from Administration for Community Living (ACL) through Title VII require that the SILC be operated outside the administration of any State agency. Title VII also requires that the State provide adequate funds from Title VII for SILC's administration under the "Resource Plan" identified in the State Plan for Independent Living (SPIL).

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**.

To determine the cost of the Resource Plan, of which this contract is a part, the Department reviewed each budget line and the related activities. To ensure effective use of the funds to accomplish SPIL goals under this year's contract, it was determined that the staff shown in the budget, including addition of a part-time SPIL coordinator, would be reasonable for meeting those goals.

5. Future Competition

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

In Maine, as in all states, there is only one Statewide Independent Living Council, so there are no opportunities for competition 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.

Maine SILC is the federally identified entity that develops the Statewide Plan of Independent Living (SPIL) in conjunction with the Division for Vocational Rehabilitation. SILC carries out the activities identified in the SPIL with the support of Division of Vocational Rehabilitation (DVR). Through this contract, DVR provides funds for SILC's Resource Plan identified in the SPIL. The SILC is required to report to the Administration on Community Living annually in its Program Performance Report on its progress on the goals identified in the SPIL.

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

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

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 Fortman, Commissioner of Labor

Date:

LF 10/10/2019