

## 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.

<b>Requesting Department's Contract Administrator:</b>	Mark Toulouse, OAG Mark Belserene, OCME	<b>Office/Division/Program of Contract Administrator:</b>	Office of Attorney General/Chief Medical Examiner
<b>Est. Contract Amount:</b>	\$ 136,311.00	<b>Contract or RQS Number:</b>	CT26A201900820*0563
<b>Proposed Start Date:</b>	09/01/2019	<b>Proposed End Date:</b>	08/31/2020
<b>Vendor/Provider Name, City, State:</b>	University of Maine System acting through the University of Maine 5717 Corbett Hall, Room 408, Orono, Maine 04469-5717		
<b>Short Description of Good or Service:</b>	Data Collection/Research Project – Federal Grant		
<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>	<p><b>To be completed by the Division of Procurement Services</b></p> <p>Posting dates on Division of <b>Procurement Services</b> website:            From: <u>10/22/2019</u> To: <u>10/28/2019</u></p>		
<b>Notice of Intent to Waive Competitive Bidding Number:</b>	NOI# 1020191752		
<p><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.</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;		
	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>	<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><b>Signature:</b></p>	
		<b>Printed Name:</b>	<b>Date:</b>
<b>X</b>	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;		
	D. It appears to be in the best interest of the State to negotiate for the procurement of petroleum		

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	products;
	<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: <a href="http://www.maine.gov/purchases/info/forms/govcoop.doc">http://www.maine.gov/purchases/info/forms/govcoop.doc</a>.</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:
<b>Please note that the following four points below (#2 through 5) <u>all</u> require a response.</b>	
<p><b>2. Description of Specific Need</b> 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 University of Maine will provide the services of Dr. Marcella Sorg to the role of Project Director for the administration of the National Violent Death Reporting System grant that has been awarded to the Maine Office of the Attorney General, Office of the Chief Medical Examiner. The purpose of the grant is to create and maintain a statewide violent death reporting network, to provide surveillance data on violent deaths in Maine. Most of the work will take place in the Office of the State Medical Examiner in Augusta.</p> <p>Dr. Sorg will work with Chief Medical Examiner Dr. Mark Flomenbaum (the PI on the CDC grant) and Dr. Margaret Greenwald (the Co-PI) to administer this project. She will be directly responsible for the data extraction from medical examiner files, the review and analysis of the data, and the direction for data dissemination and interaction with the Advisory Board members. Dr. Sorg will work with the Office of the Chief Medical Examiner half-time research assistant to supervise the data collection process. She will travel to Augusta for this work, included abstracting Maine case data. Dr. Sorg will coordinate formation and implementation of the Advisory Group deliberations, supervise the data quality and administer other performance measures, attend NDVRS trainings and conferences, and analyze and present Maine VDERS data.</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.

Maine currently has no position or office to conduct this type of data collection or research. This is very specific information and has been funded by a federal grant because of the uniqueness and lack of available resources. No private agencies or other organizations are in any capacity to manage this type of project. The lack of state, federal, local, private, nonprofit resources in this area of data collection is one of the factors creating the award for this grant project.

The previously-named project director has completed several epidemiological studies with the Maine Office of Chief Medical Examiner and has had several years of experience with the NVDRS and ESOOS projects.

**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**.

Cost is the same as a similar grant with University of Maine.

Unobligated funds in the budget for each project year will not be available beyond the end of the project, 8/31/19.

**5. Future Competition**

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

This federal grant program was a competitive process and open to any and all eligible candidates to apply. This grant was awarded on an impartial and fair basis. All purchasing of goods and services are on accordance with Maine purchasing guidelines and Federal Government grant requirements.

**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.

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The grant research program requires specific individuals with specific backgrounds. The key participant listed below meets these requirements and have been approved by the federal grant administrators for this awarded work.

Co-PI Marcella Sorg is a medical and forensic anthropologist specializing in health policy, particularly as it concerns public health, public safety, and the investigation of death and injury. She directs the Center's Rural Drug and Alcohol Research Program, which has been monitoring epidemiological indicators of substance abuse, particularly drug related deaths, since 2002.

**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.

Period of performance: September 1, 2019 – August 31, 2020

**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:**

Mark A. Toulouse, Administrative Services Division Chief

**Date:**

10/18/2019