

**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	<b>Office/Division/Program of Contract Administrator:</b>	Office of the Attorney General
<b>Est. Contract Amount:</b>	\$200,000.00	<b>Contract or RQS Number:</b>	20191016000000001313
<b>Proposed Start Date:</b>	11/1/2019	<b>Proposed End Date:</b>	10/31/2020
<b>Vendor/Provider Name, City, State:</b>	Consumers for Affordable Health Care Foundation		
<b>Short Description of Good or Service:</b>	Consumer Support and Advocacy		
<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>10/23/2019</u> To: <u>10/29/2019</u></p>		
<b>Notice of Intent to Waive Competitive Bidding Number:</b>	NOI# 1020191757		
<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.			
	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;		
	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.	By signing below, I signify as the Governor's designee there is an emergency that necessitates this non-competitive procurement.	
		<b>Signature:</b>	
		<b>Printed Name:</b>	<b>Date:</b>
X	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;		

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	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:  <a href="http://www.maine.gov/purchases/info/forms/govcoop.doc">http://www.maine.gov/purchases/info/forms/govcoop.doc</a>.</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:	
<b>Please note that the following four points below (#2 through 5) <u>all</u> require a response.</b>		
<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.		
LD 1274 establishes the Health Insurance Consumer Assistance Program to provide support for consumers and prospective consumers of health insurance and to customer assistance programs and health insurance ombudsman programs. It is required that the Office of the Attorney General, as the superintendent of the program, contract with a nonprofit, independent health insurance consumer assistance entity, which may not be an insurer, to operate the consumer assistance program.		

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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.

LD 1274 stipulates that a non-profit resource be contracted to provide program services. The Office of the Attorney General (OAG) cannot represent individual citizens. While our consumer division mediation program does attempt to mediate consumer disputes with businesses, voluntary resolution is the most that it can achieve. Other than the OAG consumer division, the closest agency performing similar functions is the Department of Professional and Financial Regulations Bureau of Insurance. Resources from that office have confirmed that options to fulfill all LD 1274 requirements rest with Consumers for Affordable Health Care Foundation (CAHC). In fact, these resources refer some inquiries to CAHC.

**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**.

N/A. The annual amount of the program was defined in LD 1274.

**5. Future Competition**

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

Currently, Consumers for Affordable Health Care Foundation is the only entity performing all the activities required by LD 1274.

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**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 services provided by the consumer assistance program may include: Assisting consumers with filing complaints and appeals with a group health plan, health insurance carrier or independent review organization and providing information about the internal and external appeal and grievance processes of a group health plan, health insurance carrier or independent review organization; collecting, tracking and quantifying inquiries regarding health insurance and problems encountered by consumers; educating consumers on their rights and responsibilities with respect to health insurance coverage; assisting consumers with obtaining health insurance coverage by providing information, referrals or other assistance; assisting with obtaining federal health insurance premium tax credits under Section 36B of the United States Internal Revenue Code of 1986, as amended; and providing information to the public about the services of the consumer assistance program through a comprehensive outreach program and a toll-free telephone number. Consumers for Affordable Health Care Foundation (CAHC) has a functioning consumer complaint process and maintains a database that collects information whose reporting is required by LD 1274. As a result, they have resources in place with the training and experience necessary to advise consumers about enrollment options, complaints, and internal and external appeals options. The appeals process in particular is something that only CAHC is currently offering consumer assistance with.

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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.

Open enrollment for health insurance offerings begins November 1, 2019. As a result, the need to have assistance services in place at that time is crucial.

<b>Signature of requesting Department's Commissioner or Chief Executive (or designee within the Commissioner's Office):</b>	<i>By signing below, I signify that my Department requests, and I approve of, this Waiver of Competitive Bidding.</i>
<b>Printed Name:</b>	Mark A. Toulouse, Administrative Services Division Chief
<b>Date:</b>	10/21/19