

State of Maine Waiver of Competitive Bidding Request Form

DHHS/DCM Contract Administrator:	Nancy Tan/Krissy King	Office/Division/Program of Contract Administrator:	DHHS/OADS/LTCOP
Est. Contract Amount:	\$1,970,824.00	Contract or RQS Number:	10A 20190729*0340
		Purchasing Maine ID:	
		DHHS Agreement Number:	ADS-20-9307
Proposed Start Date:	10/01/2019	Proposed End Date:	09/30/2021
Vendor/Provider Name, City, State	Maine Long Term Care Ombudsman Program Augusta, Maine		
Short Description of Good or Service:	Long term care ombudsman services; complex case transition services		
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.		To be completed by the Division of Procurement Services Posting dates on Division of Procurement Services website: From: <u>11/5/2019</u> To: <u>11/11/2019</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 1120191825	
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;		
	<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> Signature:	
		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;		
<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: http://www.maine.gov/purchases/info/forms/govcoop.doc.</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.

Ombudsman Services

The State is required to engage a State long term care ombudsman and administer a long-term care ombudsman program. The ombudsman and program must advocate for the rights of older individuals who reside in nursing facilities and other residential care facility settings or who are receiving long term care services in their homes.

Complex Case Transition Services

The State is also empowered to provide "advocacy during the hospital discharge process to assist patients with complex medical needs who experience significant barriers in accessing long-term services and supports".

See: Older Americans Act (42 U.S.C. §3058g) and Maine statutes (22 MRSA §5106 and §5107-A).

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 statute requires the Department to "Support and maintain a long-term care ombudsman program, in accordance with the federal 1987 Older Americans Act, 42 United States Code, as amended, by agreement with such nonprofit organization as the department finds best able to provide the services" (22 MRSA §5106).

There are no resources available within State of Maine government or other governmental entities able to address the identified need more efficiently and effectively than the identified vendor.

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 cost of these services is considered fair and reasonable when compared to previous Department negotiated and approved Provider budgets for these 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 plans to issue an RFP, F2019066, for these services with a new competitive agreement start date of 10/01/2021.

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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.

This Provider possesses a demonstrated high level of directly related expertise and experience in the fields of long-term care and advocacy (42 U.S.C. §3058g).

The Provider has an established network of trained paid staff and volunteers who provide services throughout the state. The incumbent Ombudsman has recruited, trained and supervised over 50 volunteers. The Provider was the only bidder in response to the Request for Proposals issued in 1995 and 2000.

The contract for long term care ombudsman services is a contract for a specific person who must have, pursuant to federal law, demonstrated experience as a public policy advocate to serves as the Ombudsman, as well as a person with the skills necessary to create, maintain and operate a statewide program with a small staff and a large corps of skilled volunteers ("Program"). Duties of the Ombudsman and Program include, but are not limited to: (1) investigating complaints received on behalf of individuals receiving long term care services at residential care facilities, assisted living facilities and nursing facilities; and by home-based care programs, home and community based waiver programs, licensed home health agencies or licensed adult day care agencies; and (2) making unscheduled and unannounced visits to all long term care facilities in the State of Maine at least twice per year to assess the quality of care and quality of life at the facilities.

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.

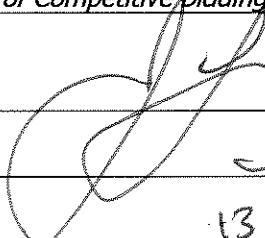
N/A

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:

Date:


 Jim Laporte
 13 - Sep - 19