

# 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>DHHS/DCM Contract Administrator:</b>	Chris Moiles / Jennifer Levesque	<b>Office/Division/Program of Contract Administrator:</b>	MCDC/Public Health Nursing/Kathyrn Downing
<b>Est. Contract Amount:</b>	Adding: \$31,947.00 New Total: \$326,585.00	<b>Contract or RQS Number:</b>	CT 10A 20160801*0339
		<b>Purchasing Maine ID:</b>	
		<b>DHHS Agreement Number:</b>	CDC-17-567F
<b>Proposed Start Date:</b>	<b>7/1/2016</b>	<b>Proposed End Date:</b>	3/31/2020
<b>Vendor/Provider Name, City, State</b>	City of Bangor Bangor, ME		
<b>Short Description of Good or Service:</b>	Community based maternal and child health nursing services and high-intensity medical "bridging" services related to substance exposed/affected pregnant and postpartum women and their infants.		
<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>		<i>To be completed by the Division of Procurement Services</i> Posting dates on Division of <i>Procurement Services</i> website: From: <u>11/19/2019</u> To: <u>11/25/2019</u>	
<b>Notice of Intent to Waive Competitive Bidding Number:</b>		NOI# 1120191890	
<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;		
	<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>
	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 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>		

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	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.	
<b>X</b>	If a different authorization specifically allows for this non-competitive procurement, please provide that reference here:	RFP Extended

**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.

These services are required to address public health nursing needs in areas of the State not covered by the Maine CDC Public Health Nursing Program, pursuant to Maine Revised Statutes: Title 22: Health and Welfare, Subtitle 2: Health, Part 4: Hospitals and Medical Care, Chapter 408: Public Health Nursing, §1963, 1. B, 3. The provision of these nursing services help address the Department's goals of increasing individual and public health, improving self-reliance and self-sufficiency of individuals and families, improving safety of individuals and communities, and ensuring efficient use of resources to achieve quality outcomes.

Nurse Bridging referrals from the State of Maine Office of Children's and Family Services include pregnant and postpartum women who are using substances or are in substance use treatment or recovery, and Substance Exposed Babies with health concerns related to substance exposure. These services are required to address public health nursing needs in areas of the State where there are insufficient numbers of public health nurses.

**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 CDC Public Health Nursing capacity does not cover certain areas of the State for these services.

The Department and any other governmental entity does not have the staff, resources and expertise to provide this service. Maternal and Child Health (MCH) nursing services are specialized in that the skill set is not available from other home care agencies in the geographic areas covered by this contract. No local, other state, or federal agencies have this skill set.

**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**.

These funds are available through General Fund monies that are match for the Maternal and Child Health Title V Block Grant – account: 010-10A-2241-01-6401 appropriation Z00801.

Payments for services are based on rates established in the last RFP.

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**5. Future Competition**

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

Public Health Nursing is currently going through the RFP process for these services. A new contract resulting from the RFP will start on 4/1/2020.

**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 vendor was awarded this contract through RFP 201101012.

**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.

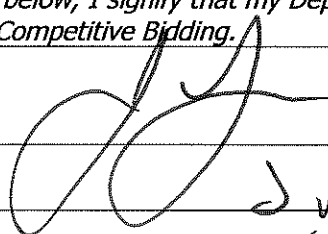
N/A

**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:**



J. M. Goldberg  
24-Oct-19