

PM-20824
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:	Sonja Morse	Office/Division/Program of Contract Administrator:	Maine Department of Corrections
Est. Contract Amount:	\$ 228, 069 (\$76,023 Year 1) (\$76,023 Year 2) (\$76,023 Year 3)	Contract or RQS Number:	CT 03A 20191119000000001607
Proposed Start Date:	Dec 1 st , 2019	Proposed End Date:	Sept. 30th, 2022
Vendor/Provider Name, City, State:		University of Southern Maine (USM) Muskie School of Public Service (MSPS), Bedford St, Portland, ME 04101	
Short Description of Good or Service:		USM MSPS is a subrecipient of a federal grant. Muskie will provide assessments, evaluations, and consultations to MDOC within the grant, and will be a subrecipient for funding for Opportunity Scholars Program.	
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 <i>Procurement Services</i> website: From: <u>11/20/2019</u> To: <u>11/26/2019</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 112091908	
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>		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;		

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	<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: http://www.maine.gov/purchases/info/forms/govcoop.doc.</i></p>	
	<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;</p>	
	<p>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.</p>	
	<p>If a different authorization specifically allows for this non-competitive procurement, please provide that reference here:</p>	

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 Department of Corrections (MDOC) was awarded a federal grant that requires evaluations, assessment, consultations and submission of specific documentation. MDOC is in need of expansion of educational opportunities and support for previously justice involved youth.

MDOC determined that the services are critical and essential to the agency responsibilities and operations, due to the need for ongoing program evaluations, assessments, qualitative analysis, assessment of performance measures, and informed decision making through evidenced based practices.

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.

MDOC does not have the resources, expertise, experience, or personnel to conduct the assessments and evaluations. Submitting adequate ongoing assessments and evaluations throughout the award years is critical in the agency's responsibilities within the federal grant. MDOC does not have the resources or programs to support post-secondary educational opportunities.

MDOC concluded that MDOC and statewide resources do not have capacity of staffing, resources, expertise to meet the needs of ongoing evaluations, assessments, qualitative analysis, and assessment of performance measures. USM MSPS staff have experts and experience in area of need for MDOC. MDOC is unable to provide this level of technical assistance, consulting, and assessments and evaluations to meet the needs of the grant.

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.

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The cost was negotiated with Muskie School of Public Service for \$45,000 for Assessment and Evaluations and \$31,023 for the Opportunity Scholars program. The cost was negotiated through two meetings, financial breakdowns of cost, which the Department considers fair and reasonable. The quoted rates are standardized costs for these services which the Department considers to be fair and reasonable.

5. Future Competition

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

The federal grant is contracted for three years.

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.

USM MSPS has extensive experience, expertise, and personnel to conduct ongoing evaluations, assessments and consultations to meet the needs of the federal grant. USM MSPS has the capacity and ability to provide assessments and evaluations, deliverables, and other documentation indicating progress on projects.


USM MSPS has the Opportunity Scholars Program which will connect formerly incarcerated youth with post-secondary education resources, wraparound services to increase secure employment, improve educational outcome, and provide a source of income through the work-study program.

USM MSPS possesses expertise in processes, such as assessments, evaluations, performance measures, and strategic planning; skills that help MDOC improve its overall juvenile reentry program implementation. This is evident by the work MSPS staff has done with MDOC leadership and its high functioning teams to design and apply products and processes in support of evidence-based practice implementation initiatives.

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.

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Signature of requesting Department's Commissioner or Chief Executive (or designee within the Commissioner's Office):	<i>By signing below, I signify that my Department requests, and I approve of, this Waiver of Competitive Bidding.</i>
Printed Name:	 Colin O'Neill
Date:	11/20/19