


**PM-20776**  
**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>	Laura S. Pearlman	<b>Office/Division/Program of Contract Administrator:</b>	Judicial
<b>Est. Contract Amount:</b>	\$ 28,750.02	<b>Contract or RQS Number:</b>	20181128*1729
<b>Proposed Start Date:</b>	January 1, 2020	<b>Proposed End Date:</b>	March 31, 2020
<b>Vendor/Provider Name, City, State:</b>		Marilyn Ashcroft, Esq., Blue Hill, Maine	
<b>Short Description of Good or Service:</b>		Medical Malpractice Screening Panel Chair	
<p>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.</p>		<p><b>To be completed by the Division of Procurement Services</b>  Posting dates on Division of <b>Procurement Services</b> website:  From: <u>11/20/2019</u> To: <u>11/26/2019</u></p>	
<b>Notice of Intent to Waive Competitive Bidding Number:</b>		NOI# 1120191909	
<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>			
<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;		
<input checked="" type="checkbox"/>	<p><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>	<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>	
	James T. Glessner	October 28, 2019	
<input 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.		

**State of Maine  
Waiver of Competitive Bidding Request Form**

	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:

**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 services are required by statute. 24 M.R.S. § 2852. They include duties and powers similar to those of Superior Court justices.

The contractor who currently provides these services operates under a sole source contract that ends on December 31, 2019.

The current Chair of the Medical Malpractice Screening Panel recently notified the Judicial Branch that the volume and pace of the work requires her to schedule events under her contract up to three months ahead. The Judicial Branch is in an RFP process to negotiate a new contract with an anticipated start date of January 1, 2020. The current Chair is not able to schedule events in January, February, and March of 2020 unless she will still be able to provide services during those months. It is urgent that her contract be extended through March to ensure continuity of service, regardless of who is the successful bidder on the RFP. *The anticipated start date for the successful bidder on the RFP will be April 1, 2020, but if the current Chair is the successful bidder, a start date of January 1, 2020 might be negotiated.*

**State of Maine  
Waiver of Competitive Bidding Request Form**

**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.

The reason for asking to extend the current contract is to ensure continuity of service during the RFP process, through which the Judicial Department will assess its options.

**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 terms of the current contract were negotiated at an earlier time, and were approved by the Chief Justice of the Superior Court, who is responsible under the statute for establishing the compensation of the panel chair. The Judicial Department seeks only to extend that negotiated contract for an additional three (3) months at the same rate of compensation.

**5. Future Competition**

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

The Judicial Branch is going through the RFP process for these services.

**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.**

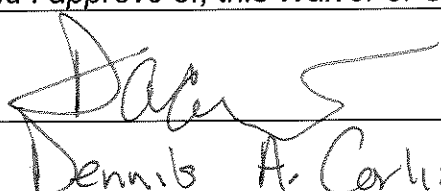
**6. Uniqueness**

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.

**State of Maine  
Waiver of Competitive Bidding Request Form**

**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.

Time is of the essence because the Chair of the Medical Malpractice Screening Panel needs to be able to schedule events into January as soon as possible. If the contract is not extended, services will be interrupted, cases will be delayed, and the "flow" will stop. Case processing (approximately 80 cases at a time are active) will slow down and events will get "backed up," causing disruption of services, further delay, and difficulty getting back on track. The current Chair is the best person because she is providing high quality services now and the goal is to prevent interruption of those services.

<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>	 Dennis A. Carliss
<b>Date:</b>	11/5/19