

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.

DHHS/DCM Contract Administrator:	Chris Moiles/Debbie Weston	Office/Division/Program of Contract Administrator:	MECDC/Infectious Disease Surveillance/HIV Program
Est. Contract Amount:	\$2344,500.00 (Orig: \$1,113,250.00 + Amend A \$943,950.00 + Amend B \$277,300)	Contract or RQS Number:	CT 10A 20180227*2549
		Purchasing Maine ID:	
		DHHS Agreement Number:	CD0-18-5158B
Proposed Start Date:	6/1/2018	Proposed End Date:	10/31/2019
Vendor/Provider Name, City, State	Medical Care Development Augusta, ME. 04330		
Short Description of Good or Service:	Fiscal Intermediary 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>11/21/2019</u> To: <u>11/27/2019</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 1120191912	
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>		

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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.
	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 current contract needs to be extended to 10/31/19 to RFP the current services with a new contract for services starting 11/1/19. These services have been RFPed in the past, RFP# 201411866, 201105191. Additional funds need to be added to this agreement to pay for services to 10/31/19. Administrative costs were reduced to reflect actual charges; the additional funds were added to the direct service portion of the contract. The additional funds are needed to support increased utilization.

These services are available to low-income people living with HIV/AIDS in Maine whose eligibility has been determined by the Department and who are active with the Ryan White Part B Program. The Ryan White HIV/AIDS Program (see: <http://www.gpo.gov/fdsys/pkg/PLAW-111publ87/html/PLAW-111publ87.htm>) is a federal "Payer of Last Resort" program that exists to provide coverage, care and treatment for those who have no other source of coverage or those who have exceeded their coverage limits. Federal Ryan White Part B funds are accessed only after a liable third party has met its legal obligation to pay. The increase in funding is for pass-through funds, not for the cost to administer these funds. The increase for pass-through expenditures is based on projections from utilization and enrollment data.

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 Department does not have sufficient staffing, resources, or expertise available within the State of Maine's government, or other governmental entities to do these services.

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 increase is for pass-through funds, not for the cost to administer these funds. The increase for pass-through expenditures is based on projections from utilization and enrollment data. Utilization has increased more than projected requiring the need to amend. The costs remain within the Department approved allowable Service Reimbursement Costs and Allowable Administrative Costs of the original contract and RFP.

5. Future Competition

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

State of Maine Waiver of Competitive Bidding Request Form

The Department has submitted this service for RFP, 201903052, and as a result will have a new contract in place for 11/1/2019.

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.

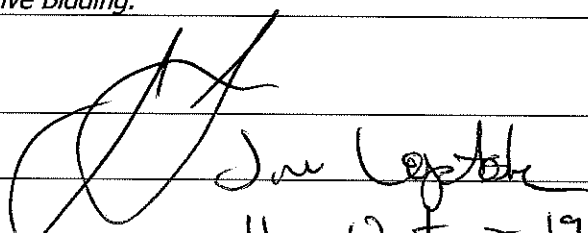
6. Uniqueness

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.

Medical Care Development is the RFP awardee and current contract holder for these services. They have subject matter expertise with this service and by continuing with the current contractor there will not be a disruption in services.

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.

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:	
Date:	16 - Oct - 19