

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:	Libby Stone-Sterling	Office/Division/Program of Contract Administrator:	Labor, Bureau of Rehabilitation Services
Est. Contract Amount:	\$ 6,875	Contract or RQS Number:	RQS 12A 20191122*0650
Proposed Start Date:		Proposed End Date:	
Vendor/Provider Name, City, State:		ERS Scale Inc. PO Box 11363, 3328 Kingsway Avenue Vancouver, BC, V5R 0A4 Canada	
Short Description of Good or Service:		The Employment readiness Scale is an assessment tool designed to assess clients' strengths and challenges in relation to becoming successfully employed.	
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>12/06/19</u> To: <u>12/12/19</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 1220191988	
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:	

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x	<p>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;</p>	
	<p>D. It appears to be in the best interest of the State to negotiate for the procurement of petroleum products;</p>	
	<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>	
<p>Please note that the following four points below (#2 through 5) all require a response.</p>		
<p>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.</p>		
<p>The Employee Readiness Scale (ERS) is a critical component of the Division of Vocational Rehabilitation's career exploration workshop curriculum. The tool has been designed to assess clients' strengths and challenges in relation to becoming successfully employed, identify the types of assistance that would be most helpful, measure changes as a result of interventions, and predict employment outcomes.</p> <p>DVR has implemented the Career Exploration Workshop (including the ERS) across the state as a cost-effective method to meet the agency's statutory responsibility to provide assessment and develop appropriate employment plans for its clients.</p>		

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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.

DVR has made a substantial investment in staff training on use of the ERS and selected the ERS as an appropriate assessment tool.

There is no other governmental resource available to replace the ERS for DVR's clients.

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**.

When the ERS was selected by DVR it was compared to other options and found it to be reasonable in price compared to other similar assessments.

5. Future Competition

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

The Bureau of Rehabilitation Services' Systems Improvement and Quality Assurance Division gathers data on the ERS and advises DVR on ERS effectiveness and emerging assessment options.

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.

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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.

- The contractor is unique.
- DVR's license with ERS requires the use of proprietary online assessments. These assessments are able to be used to assess not only initial pre-CEW skill levels, but also can be re-administered to indicate growth as a result of a client's participation in the CEW. Because the assessment is online, VR counselors can administer the assessment in the field or in the office.
- The ERS allows DVR to also quickly generate reports on the employment readiness and employment status of its clients.

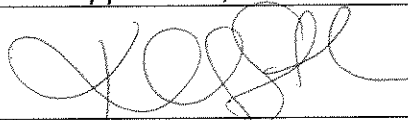
The ERS is a named assessment in DVR's Memorandum of Understanding with the Workers' Compensation Board.

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):

By signing below, I signify that my Department requests, and I approve of, this Waiver of Competitive Bidding.



Printed Name:

Laura A. Fortman, Commissioner

Date:

12/11/2019