

# 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 Debbie Weston	<b>Office/Division/Program of Contract Administrator:</b>	Maine CDC / Disease Prevention and Control/ Cheryl Cichowski
<b>Est. Contract Amount:</b>	Original \$665,338.00	<b>Contract or RQS Number:</b>	10A 20180808*0461
	Amendment \$210,000.00	<b>Purchasing Maine ID:</b>	
	New total \$875,338.00	<b>DHHS Agreement Number:</b>	CD0-19-4412B
<b>Proposed Start Date:</b>	10/1/2018	<b>Proposed End Date:</b>	9/29/2020
<b>Vendor/Provider Name, City, State</b>	Public Consulting Group, Inc. Boston, MA		
<b>Short Description of Good or Service:</b>	Evaluation for prevention interventions implemented with funds from the State Opioid Response grant.		
<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>		<b>To be completed by the Division of Procurement Services</b> Posting dates on Division of Procurement Services' website: From: <u>12/10/2019</u> To: <u>12/16/2019</u>	
<b>Notice of Intent to Waive Competitive Bidding Number:</b>		NOI# 1220192012	
<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.			
<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>	
		<b>Signature:</b>	
		<b>Printed Name:</b>	<b>Date:</b>
<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: <a href="http://www.maine.gov/purchases/info/forms/govcoop.doc">http://www.maine.gov/purchases/info/forms/govcoop.doc</a></i>		
<input type="checkbox"/>	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;		
<input type="checkbox"/>	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:		
<b>Please note that the following four points below (#2 through 5) all require a response.</b>			

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## 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 Office of Substance Abuse and Mental Health Services (SAMHS) applied for and was awarded the State Opioid Response Grant (MSOR). The Tobacco and Substance Use Prevention and Control program within the Maine Center for Disease Control and Prevention is listed as the prevention partner in this grant. The prevention set aside of this grant aims to address the opioid crisis by preventing the initiation of substance use leading to the trajectory of a substance use disorder. Additionally, the SAMHS was awarded Fund for Healthy Maine monies and part of this funding is for prevention services, and the evaluation of those services.

This Amendment is intended to utilize additional funding from the State Opioid Response Grant and Fund for Healthy Maine to support expanded evaluation of the Sources of Strength program. This evaluation will assist in development of future strategies to combat this epidemic.

## 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.

There are no governmental/public resources to perform these services. The MeCDC prevention team does not have the capacity or expertise to provide this evaluation service.

## 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 MSOR budget is established to conduct a statewide strategic plan for reducing opiate addiction, evaluation of the Student Intervention Reintegration Program (SIRP), grant evaluation and assisting ME CDC with completing federal reporting requirements. The cost is deemed fair and reasonable when compared to the hourly rates of other similar contracts that include salary and fringe. A similar provider has a 2019 contract with an average burdened rate of \$130/hour while this provider offers fully burdened rates averaging \$90/hour.

## 5. Future Competition

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

The vendor has been identified by the Department in the Maine Partnership for Success Grant (PFS #6U79SP020789-03M002) and the Maine Strategic Prevention Framework for Prescription Drugs Grant (SPF Rx #3U79SP022102-03S1) as the provider for evaluation services for this program, and these grants were approved by the Commissioner's Office and awards accepted. This amendment is funded by the prevention set aside of State Opioid Response Grant (SOR # 6H79TI081734-01M001) which was awarded to the Maine Substance Abuse and Mental Health Services. This provider shall be identified in future grant applications by the Department for this program.

**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

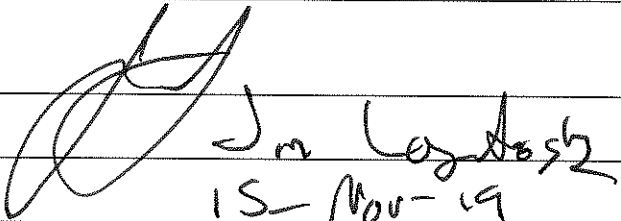
Please explain if the goods or services required are unique to a specific vendor. Describe the unique qualifications, abilities, and/or expertise of the vendor and how those particular unique factors address the specific need identified above. If the vendor has unique equipment, facilities, or proprietary data, also explain the necessity of these particular unique assets.

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The vendor is the current provider of evaluation services for the substance use prevention program. The Department would prefer to have consistency of its evaluation services for substance use prevention and by using this provider, it will achieve that goal. Public Consulting Group, Inc. (formally Hornby Zeller Associates (HZA) has expertise and experience in this subject matter through past work with Maine CDC and SAMHS. They have knowledge of the existing groups and stakeholders who should be engaged in the process as well as the data sources and analytical techniques that could be used. These new funds are being added to the agreements within this portfolio as additional services are being added.

**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.

<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>	
<b>Date:</b>	15-Nov-19