

# 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>	Mark Toulouse	<b>Office/Division/Program of Contract Administrator:</b>	Office of the Attorney General / Chief Medical Examiner
<b>Est. Contract Amount:</b>	\$21,966.00	<b>Contract or RQS Number:</b>	CT20171031*1544
<b>Proposed Start Date:</b>	November 30, 2019	<b>Proposed End Date:</b>	November 30, 2020
<b>Vendor/Provider Name, City, State</b>	Occupational Research Assessment Inc. Steven Clark Director 124 Elm Street, Big Rapids MI 49307		
<b>Short Description of Good or Service:</b>	Web-based Death Case Investigation Software Program		
<b>Please note, for transparency purposes, Waivers of Competitive Bidding will be publicly posted. Public postings are placed on the Division of Purchases' website for a period of seven consecutive calendar days.</b>		<b>To be completed by the Division of Purchases</b> Posting dates on Division of Purchases' website: From: <u>12/11/2019</u> To: <u>12/17/2019</u>	
<b>Notice of Intent to Waive Competitive Bidding Number:</b>		NOI# 1220192025	
<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 Purchases "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:		

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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 Office of Chief Medical Examiner is currently experiencing significant operating issues with its death case reporting and investigation software program. These issues are a result of the existing system being unable to upgrade to compatibility with the state's updated operating system (necessary as the state transitions to Office 365). There is a significant increase in cost to upgrade using the current vendor and the yearly maintenance fees don't provide justification.

As a result, the current vendor is unable to correct many priority operating system and operational issues. These issues result in the Chief Medical Examiner's staff being unable to access key areas of the program, unable to print from some vital areas of the program, as well as not working on a remote computer used by dozens of field medical examiners, contracted forensic pathologists and after-hours telephone support staff. This has created an urgent emergency situation as all of these external staff now require a State of Maine issued computer at an unanticipated cost to the office.

After researching time-sensitive solutions – the existing vendor contract ended 6/30/2017 and it is imperative that death reporting be complete and accessible – to resolve current issues and allow the office to perform properly again, we have identified a web-based Death Case Investigation program by Occupational Research Assessment Inc. This system is expected to meet our current urgent needs as well as further enhance our operating capabilities and save staff time with the included functionality below:

1. Auto interface with the NMS and AIT forensic toxicology labs.
2. Auto interface with the Organ Procurement Organization (optional).
3. The unique ability to interconnect jurisdictions (sharing specific data between counties).
4. The unique ability to identify and flag multiple case variables across all system users (Network tracking).
5. Built on National Guidelines (developed by ORA for the US Department of Justice).
6. Interface with National Accreditation of Medical Examiners accreditation standards.
7. Exports data for the CDC's Sudden Unexpected Infant Death Investigation (UID) form.
8. Exports data for upload into the CDC's National Violent Death Reporting System (NVDRS).
9. The only system that automatically pushes UID data to NamUs (National Missing and Unidentified Reporting System).
10. The only system that automatically pushes UID data to the Colibri center for Human Rights.
11. Complies with all NAME data security standards.
12. Complies with DOJ security standards (e.g., NamUs).
13. Automatically exports drug data to the NAME drug death reporting system.
14. Mobile App for Apple and Android.
15. Unlimited user accounts.
16. Unlimited data storage for five years.
17. 100% web-based\*

\* No additional hardware, software or IT support is required by the end-user beyond a standard computer workstation with modern web browser software and a high-speed internet connection;. USB barcode scanners and electronic signature pad may be added, but are optional.

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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.

We have worked with State of Maine OIT and this specific, specialized death case management system cannot be replicated or developed within existing state resources. This software program is very specific, and is also not widely available via multiple vendors.

### 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 initial cost was negotiated with MDILog. Because OCME does not have designated users in each county, with most users inputting data within the Augusta office. There are, however, twelve (at most) Medical Examiners throughout the state that will also be inputting data. These points allowed MDILog to reduce the cost down and include unlimited users and unlimited data.

### 5. Future Competition

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

If specific competition is identified, we will provide an opportunity via RFP to secure the best product at the best price.

**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.

1. MDILog is the only CME program that allows CDC Unexpected Infant Death Syndrome (UID) to be exported
2. MDILog is the only CME program that exports data for upload into the CDC's National Violent Death Reporting System
3. MDILog is the only CME program that automatically pushes UID data to NamUs (National Missing and Unidentified Reporting System)
4. MDILog is the only program with direct access to the National Medical Services toxicology portal (used by OCME). This will reduce the amount of work required to send fluid samples to NMS for testing and the results will be linked directly to the case file in the MDILog system.

These four things will save our department numerous man hours from having to enter data into four different places allowing us to get more work done and faster lab results.

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## 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.*

*Mark A. Toulouse*

**Printed Name:**

Mark A. Toulouse, Administrative Services Division Chief

**Date:**

11/19/2019