

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:	Shawn Belanger Kristen King	Office/Division/Program of Contract Administrator:	OMS/Olivia Alford
Est. Contract Amount:	Amend Amt: \$230,140 Revised Amt: \$942,700	Contract or RQS Number:	10A 20180605*3843
		DHHS Agreement Number:	OMS-19-207A
Proposed Start Date:	12/20/19	Proposed End Date:	6/30/20
Vendor/Provider Name, City, State:	Mercer Health and Benefits LLC Phoenix, AZ		
Short Description of Good or Service:	MaineCare Accountable Communities Data Analysis and Reporting		
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 style="text-align: center;">To be completed by the Division of Procurement Services</p> <p>Posting dates on Division of Procurement Services website: From: <u>12/19/2019</u> To: <u>12/25/2019</u></p>		
Notice of Intent to Waive Competitive Bidding Number:	NOI# 1220192071		
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>	<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>Signature:</p>	
		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		

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:</i> http://www.maine.gov/purchases/info/forms/govcoop.doc.</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) <u>all</u> 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.	
<p>Under the Department's Value-based Purchasing Strategy, the Office of MaineCare Services has developed an Accountable Communities (AC) Initiative based on an Accountable Care Organization shared savings model for the Medicaid population.</p> <p>A cornerstone of the program is the Department's contractual obligation to deliver detailed annual and quarterly total cost of care reports to the ACs. Production of those reports requires actuarial expertise and database programming expertise to implement an algorithm that assigns MaineCare members to ACs based on certain enrollment and claims criteria, and then to perform service-category-specific and population-category-quarterly cost projection and measurement.</p> <p>The Department seeks this amendment because there has been an increase in the scope of work needed beyond what was anticipated in the RFP to properly meet the Department's contractual obligations to the ACs. Specifically:</p> <p>1. The expansion of MaineCare by the current administration requires new analytics (to incorporate the expansion population into the AC program) and reporting that were not needed when the RFP was issued.</p>	

State of Maine
Waiver of Competitive Bidding Request Form

2. The ACs have raised questions about their reports that require the Department to provide a level of analysis that goes beyond what was included in the RFP.
3. The Department needs the vendor to perform substantial updates to the documentation of the AC report creation methodologies to include additional detail related to changes in the program.

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.

Sufficient staffing, resources, or expertise is not available within the State of Maine's government.

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 Department concluded that the costs, fees, or rates are fair and reasonable through the RFP process that resulted in the award of the contract to the selected vendor. The work that will be performed pursuant to this amendment will be paid at the same rates as proposed in the response to the RFP.

5. Future Competition

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

These services are scheduled to be competitively procured with a 7/1/2023 contract start date.

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

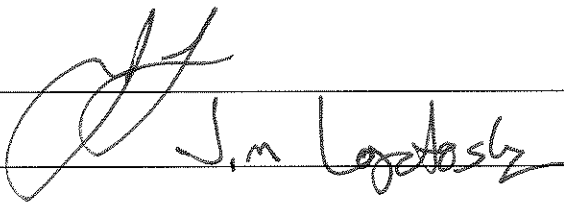
Please explain if the goods or services required are unique to a specific vendor. Describe the unique qualifications, abilities, and/or expertise of the vendor and how those particular unique factors address the specific need identified above. If the vendor has unique equipment, facilities, or proprietary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

Mercer is the selected vendor for the Accountable Communities actuarial services awarded under RFP#201801006 and has the data and systems developed and in place to complete this additional work required to meet the Department's obligations.

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.

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

N/A	
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:	10 - Dec - 19