

State of Maine Procurement Justification Form

This form must accompany all contract requests and sole source requisitions (RQS) over \$5,000 submitted to the Division of Procurement Services.

INSTRUCTIONS: Please provide the requested information in the white spaces below. All responses (except signatures) must be typed; no hand-written forms will be accepted. See the guidance document posted with this form on the Division of Procurement Services website (Forms page) for additional instructions.

PART I: OVERVIEW				
Department Office/Division/Program:	Maine Judicial Branch, Administrative Office of the Courts			
Department Contract Administrator or Grant Coordinator:	Joanna Davis			
(If applicable) Department Reference #:	N/A			
Amount: (Contract/Amendment/Grant)	\$ 28,000	Advantage CT / RQS #:		
CONTRACT	Proposed Start Date:	12/15/2020	Proposed End Date:	9/30/2021
AMENDMENT	Original Start Date:		Effective Date:	
	Previous End Date:		New End Date:	
GRANT	Project Start Date:		Grant Start Date:	
	Project End Date:		Grant End Date:	
Vendor/Provider/Grantee Name, City, State:	Family and Community Mediation 190 Route One, PMB 159 Falmouth, ME 04105			
Brief Description of Goods/Services/Grant:	Provision of community-based family mediation services remotely statewide, and in-person in southern Maine, to parties in divorce with children or parental rights and responsibilities proceedings, or to families seeking to avoid returning to court for post-judgment litigation.			

PART II: JUSTIFICATION FOR VENDOR SELECTION			
Mark an "X" before the justification(s) that applies to this request. (Check all that apply.)			
	A. Competitive Process		G. Grant
	B. Amendment		H. State Statute/Agency Directed
X	C. Single Source/Unique Vendor		I. Federal Agency Directed
	D. Proprietary/Copyright/Patents		J. Willing and Qualified
	E. Emergency		K. Client Choice
	F. University Cooperative Project		L. Other Authorization

PART III: SUPPLEMENTAL INFORMATION
Please respond to ALL of the following:
1. Provide a more detailed description and explain the need for the goods, services or grant to supplement the response in Part I.

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PART III: SUPPLEMENTAL INFORMATION

Since 1997, and each year thereafter, the State of Maine Department of Health and Human Services (DHHS) in conjunction with the Maine Judicial Branch (MJB) has been awarded \$100,000 in federal grant funding under the Access and Visitation Grant program administered by the U.S. Department of Health and Human Services, Administration for Children and Families. The Access and Visitation Grant program was created by the United States Congress in furtherance of its goal to increase non-custodial parental access to their children, thereby resulting in improved child support collections. Because the grant was created at the same time the MJB created the Family Division within the Administrative Office of the Courts, Maine DHHS and the MJB agreed that the MJB would administer the grant funds. This is memorialized each federal fiscal year (FFY) with a Memorandum of Understanding.

The federal Access and Visitation Grant allows funds to be allocated for, but is not limited to, the following services: mediation, co-parent education, counseling, visitation enforcement (including monitored and supervised visitation and neutral child exchanges), development of parenting plans, development of guidelines for visitation and alternative custody, and high-conflict co-parenting services.

The grant application is released to states and territories every three years. Each time this occurs, the Maine Judicial Branch releases a Request for Proposals (RFP) to allocate the funds. The latest RFP for these funds was posted by the MJB on July 24, 2019 (RFP#201907123). Based on the availability of services in Maine and the needs of parties in family matters court cases, the RFP requested bids for the following services: co-parent education, family mediation, supervised visitation, the development of remote platforms for co-parent education, new and innovative uses of current technology and the internet to increase and facilitate non-custodial parent contact, monitored child exchange, and high-conflict co-parenting services.

During the last contract period (FFY 2020), two relevant events occurred:

1. The MJB had to terminate two contracts of the same provider for failure to abide by contract terms, freeing up funds that would otherwise have been obligated for FFY 2021; and
2. Family & Community Mediation began actively providing community-based mediation services to families remotely statewide, and in-person in southern Maine.

The Access and Visitation Committee of the MJB, who is the group responsible for allocation of Access and Visitation grant funds, met earlier this year to do a needs assessment for the best use of the unallocated grant funds for FFY 2021 caused, in part, by the termination of the two contracts mentioned above. It determined that community-based family mediation services is the best use of the funds to meet the current needs of Maine's families. The need for mediation has been heightened this year due to COVID-19 and the stress it has put on families, including, family separation in some instances. Additionally, some parties may want to avoid court altogether during the pandemic by engaging in community-based mediation in order to reach a resolution of their issues.

2. Provide a brief justification for the selected vendor to supplement the response in Part II.

The Access and Visitation Committee of the MJB voted to allocate the remaining unencumbered FFY 2021 funds to community-based family mediation services. The federal government mandates that the Access and Visitation grant funds only be awarded to 501(c)(3) non-profit entities.

A broad search revealed that Family & Community Mediation (FCM), located in Scarborough, is the only non-profit organization in Maine that directly provides community-based family mediation services. In the past, there have been other non-profit organizations who provided this service, but are now closed. For example, Community Mediation Services, a program of the Volunteers of America, closed in October 2018. Additionally, while The Opportunity Alliance in South Portland is still in operation to provide families a number of community-based services, it has ceased family mediation services.

FCM was incorporated as a non-profit organization in October of 2018. FCM was formed to meet the demand for

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affordable mediation services and has incorporated key personnel, programming, and resources from vital and long-running mediation programs once administered by The Opportunity Alliance and Volunteers of America. The organization has grown from a small group of dedicated mediators to a statewide organization providing mediation services at low or no cost, and facilitation and conflict resolution training throughout the state. FCM mediators are community members, recruited, screened, and trained to provide caring, skillful, neutral third-party support to address conflict or difficult life transitions. At present time, FCM is the only provider of community mediation in Maine and has a roster of over 50 trained mediators. One of FCM's practice areas of increasing focus is mediation services for families.

3. Explain how the negotiated costs or rates are fair and reasonable; or how the funding was allocated to grantee.

\$28,000 has been allocated to FCM by the Access and Visitation Committee of the MJB, who is the group responsible for allocation of Access and Visitation grant funds in accordance with the federal governmental directives. As part of the process to determine prospective providers for this grant funding, the Committee determined that FCM is the only organization in Maine qualified to receive Access and Visitation grant funds for mediation services.

Each mediation session costs approximately \$430, which includes 6-8 hours of case coordination and a small stipend for mentor-mediators. Case coordination services include: (1) pre-session domestic violence screening, (2) contact with each participant and their attorney, if any (preferably by telephone, but occasionally via email or other messaging), (3) collection of demographic data, (4) selection of co-mediators, (5) preparation of mediators in advance of the session, and (6) debriefing of mediators following each session. FCM also contacts each party post session and provide referrals for supportive services as requested. Each case is mediated using FCM's co-mediation model in which two mediators facilitate each session and continue with the family case if additional sessions are needed. To further its mission of supporting the capacity and growth of competent mediators statewide, FCM aims to pair a newer mediator with a more experienced mentor-mediator and blend skills of mediators to strengthen learning and mediation effectiveness. Some mediations will involve mentoring of newer mediators in which a stipend will be offered, and others may not involve a stipend.

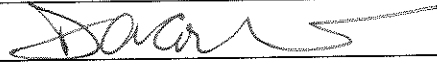
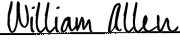
FCM charges for mediation sessions using a sliding income scale, based on the Maine HUD Income guidelines. Its base fee for families is \$150 per mediation. FCM proposes to provide a full scholarship for families earning less than \$39,999 and a partial scholarship for all other families. FCM intends to continue fundraising efforts to build its mediation capacity and extend our ability to reach more families with our services.

The request for funding is \$28,000 for a 10-month period. FCM anticipates being able to provide an average of 10 mediations per month. Each mediation session costs approximately \$430. Based on a fee for families of \$150 per mediation, the average cost to the program would be approximately \$280 per session. This means that with \$28,000, FCM will be able to provide, on average, 10 mediations per month ($\$28,000 \div 10 \text{ months} \div \$280 \text{ cost per session} = 10 \text{ mediations per month on average}$).

4. Describe the plan for future competition for the goods or services.

Future competition for the services provided under the Access and Visitation Grant program will be determined by the competitive bidding (RFP) process on the advent of the new grant cycle in FFY 2023.

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PART IV: APPROVALS			
Signature of requesting Department's Commissioner (or designee):	By signing below, I signify that I approve of this procurement request.		
			
Printed Name:	Dennis Corliss	Date:	12/3/2020
Signature of DAFS Procurement Official:	DocuSigned by: 		
	Printed Name:	2D5B6E39F57E44A... William Allen	Date:

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