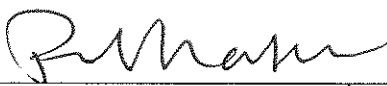


**State of Maine  
Waiver of Competitive Bidding Request Form**

**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>	Susan Berry	<b>Office/Division/Program of Contract Administrator:</b>	Maine Dept of Education
<b>Est. Contract Amount:</b>	Up to \$30,000.00	<b>Contract or RQS Number:</b>	2019111500000001553
<b>Proposed Start Date:</b>	January 27, 2020	<b>Proposed End Date:</b>	January 31, 2020
<b>Vendor/Provider Name, City, State:</b>		The Samoset Resort, Rockport, ME	
<b>Short Description of Good or Service:</b>		Conference Venue with lodging, food and space	
<p>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>		<p><b>To be completed by the Division of Procurement Services</b>          Posting dates on Division of <b>Procurement Services</b> website:          From: <u>01/18/2020</u> To: <u>01/24/2020</u></p>	
<b>Notice of Intent to Waive Competitive Bidding Number:</b>		NOI# 0120200066	
<p><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.</p>			
<input type="checkbox"/>	<p>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;</p>		
<input type="checkbox"/>	<p>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;</p>		
<input checked="" type="checkbox"/>	<p><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>	<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><b>Signature:</b> </p>	
		<b>Printed Name:</b>	<b>Date:</b>
		Pender Makin, Commissioner of Education	Nov. 15, 2019
<input type="checkbox"/>	<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>		

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

	<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: <a href="http://www.maine.gov/purchases/info/forms/govcoop.doc">http://www.maine.gov/purchases/info/forms/govcoop.doc</a>.</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>

**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 Maine DOE Schoolsite Health Promotion Program is delivering a two-day conference for school personnel addressing the health and well-being of the staff and students and providing information and resources to assist in creating a safe, positive school culture and climate for all that promotes optimal learning. I need a venue for this professional development during the school year that is accessible, can accommodate the multiple sessions spaces needed, provide food onsite and lodging for the attendees at the state per diem rates, and has technology services available for a large audience. There are a very limited number of facilities in Maine that can offer the total package of services at the state rate and accommodate the number of attendees.

**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.

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

There are no venues within state government that could provide the space, technology, accommodations and resources for the size group and conference.

**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 program contacted the Augusta Armory, and three venues that have larger meeting space, lodging, food and services for our size group at an affordable cost to attendees and in a somewhat centralized and accessible location that is available in late January. The quick quotes attained told us the spaces were not adequate for our conference needs or within the state per diem rates.

**5. Future Competition**

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

If the event is held in the summer, we would have access to college campuses or other complexes. We tried to hold the event in June 2019 but did not secure a sufficient number of attendees to justify the overall expenses. Our audience prefers a meeting within the school calendar.

**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**

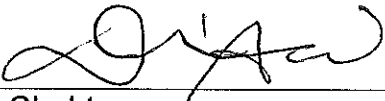
Please explain if the goods or services required are unique to a specific vendor. Describe the unique qualifications, abilities, and/or expertise of the vendor and how those particular unique factors address the specific need identified above. If the vendor has unique equipment, facilities, or proprietary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

The vendor is able to offer food, lodging and large meeting space to accommodate the size of our group at a very competitive cost. They are also willing to work with us to reschedule should the weather be a factor come January 27 – 31, 2020. Other venues were much more costly or unable to meet all of the collective needs of this school focused professional development event.

**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**

<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>	Daniel Chuhta
<b>Date:</b>	November 15, 2019