

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.

Requesting Department's Contract Administrator:	Kelley Heath	Office/Division/Program of Contract Administrator:	Adult Education
Est. Contract Amount:	\$ 15,000.00	Contract or RQS Number:	CT20191202*1748
Proposed Start Date:	1/1/2019	Proposed End Date:	12/31/2019
Vendor/Provider Name, City, State:	Benchmark Integrated Technology Services, PO Box 2350, Tuscaloosa, AL 35403		
Short Description of Good or Service:	MIS development services for the MaineSTARS MIS system		
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 style="text-align: center;">Posting dates on Division of Procurement Services website:</p> <p style="text-align: center;">From: <u>1/24/2020</u> To: <u>1/31/2020</u></p>		
Notice of Intent to Waive Competitive Bidding Number:	NOI# 0120200000		
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;		
<input 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>Signature:</p>	
<input type="checkbox"/>		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;		

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	<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: http://www.maine.gov/purchases/info/forms/govcoop.doc.</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>	
<p>Please note that the following four points below (#2 through 5) <u>all</u> require a response.</p>		
<p>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> <p>As part of the federal RSI-DWG grant managed by MDOL, MDOL and MDOE are working to create a shared participant database by linking legacy MIS systems and developing a joint participant portal. The cost of the services incurred by each agency's vendor will be initially paid for by each agency and then reimbursed through MDOL's RSI-DWG Grant. The costs incurred by this project are for backend portal communication/development services by Maine Adult Educations Managed Information System vendor, Benchmark, ITS.</p>		
<p>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.</p>		

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The vendor, Benchmark, ITS, produced and maintains the MaineStars management information system product and therefore has unique product experience and access to further develop the product to meet the requirements of the RSI-DWG Grant.

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**.

As part of the Maine Department of Labor's RSI-DWG grant, \$5,000 per quarter for three quarters was budgeted for each departments' (MDOL, MDOL and MDOE) legacy data base system to develop coding necessary to speak to the new WORKServices platform. These costs were negotiated as part of the DOL RSI-DWG grant that was part of a competitive grant process through the Department of Labor (RFP # 201805102). The negotiated price for this work is the same amount that the vendors for the other two systems received

Benchmark LLC. worked with WORKServices vendor, Literacy Pro Services, to develop the ability to export and input data from MaineSTARS to the WORKServices platform. This work was completed in three phases that corresponded to the first three quarters of 2019; January – March 2019, April – June 2019 and July – September 2019 and \$5,000 was allocated for each quarter for this work. Also included in this work was planning and development time consisting of two one-hour planning meetings each week.

The cost of this contract will be reimbursed by the RSI-DWG grant through the Maine Department of Labor.

5. Future Competition

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

Future competition would only be possible if Maine Adult Education chooses to end its relationship with Benchmark and go to RFP to acquire a new federally approved vendor for its student management system.

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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, Benchmark, ITS, produced and maintains the MaineStars management information system product and therefore has unique product experience and access to further develop the product to meet the requirements of the RSI-DWG Grant.

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.*



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Printed Name:	Daniel A. Chuhta
Date:	1/15/2020