

**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>	Kristina Famolare	<b>Office/Division/Program of Contract Administrator:</b>	Administrative Office of the Courts, State of Maine Judicial Branch
<b>Est. Contract Amount:</b>	\$ 12,241.79	<b>Contract or RQS Number:</b>	
<b>Proposed Start Date:</b>	02/15/2020	<b>Proposed End Date:</b>	08/31/2020
<b>Vendor/Provider Name, City, State:</b>	Pro AV Systems, 17 Patrick Drive Suite 1, Westbrook, ME 04092		
<b>Short Description of Good or Service:</b>	Replace existing defunct courtroom sound system components and install video remote interpretation hardware to maintain compatibility with existing courtroom PA/sound systems, For the Record (FTR) digital recording software and programs, and related hardware/software components.		
<b>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.</b>	<p><b>To be completed by the Division of Procurement Services</b></p> <p>Posting dates on Division of <b>Procurement Services</b> website:                  From: <u>02/05/2020</u> To: <u>02/11/2020</u></p>		
<b>Notice of Intent to Waive Competitive Bidding Number:</b>	NOI# <b>0220200108</b>		
<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>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>			
<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>			
<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>

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<b>X</b>	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;
	D. It appears to be in the best interest of the State to negotiate for the procurement of petroleum products;
	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 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>
	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) 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.

A technical services and installation contract with vendor to update defunct courtroom sound and recording components and install video remote interpretation system that is compatible with existing courtroom/sound PA systems and sophisticated For the Record (FTR) electronic recording systems used by the courts to function properly and thus will protect the access to justice rights of the parties.

The service, procurement, and installation contract provides for installation, service, and upgrade at the Lewiston District Court from malfunctioning existing systems to secure, reliable, and uniform technology. Court staff will seek assistance from the vendor by phone, and when necessary, in person to troubleshoot the equipment.

Per the Administrative Order JB-12—1 (A. 9-17), promulgated by the Chief Justice of the Supreme Court, court hearings in which spoken language interpreters are utilized must be electronically recorded to preserve the record for appeals to the Maine Supreme Court and to protect the rights of

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the parties. The assistive listening device systems are directly linked to the digital recording systems. It is critical that all technologies linked to video remote interpretation, assistive listening systems, and digital recording systems be properly installed, serviced, and maintained and that when problems arise there be immediate access to specialized and highly skilled technicians. At this time, the vendor identified in this contract is the only entity that meets this need to procure products and services that support the existing equipment.

**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.

As a result of a diligent search, we have determined that there are no public resources available that are familiar with this specialized software and hardware. The court is a unique institution and no other local, state, or federal entities are using this software in the same manner, or as part of a statewide enterprise. The Federal Courts do not use electronic recording because they use human court reporters. FTR is a highly specialized digital recording system that is a proprietary software designed for recording court proceedings. The sound system components and video remote interpretation systems must be linked to the FTR systems and be installed and connected by a provider with the highest degree of technical understanding. The vendor identified here is the sole vendor with this ability.

No Judicial Branch staff are trained or prepared to update, install, and troubleshoot these systems.

**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**.

Pro AV quoted an installation price of \$12,241.79, including labor, travel, technical configuration, hardware, and related software for the procurement and specialized installation of this necessary project.

We compared the rates to online quotes available from other vendors that do not offer installation and troubleshooting services. This was the most competitive price available. We think this pricing is fair and reasonable.

**5. Future Competition**

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

In order to foster competition in the future, we will continue to seek alternative vendors when purchasing systems for the courts. Should we find that there are additional contractors with the training, skills, and business capacity to meet the needs of the courts we will engage with them as is appropriate.

**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.**

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### 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 knowledge base of this vendor is unique, as are the needs of the Maine Courts. As previously noted, FTR is a sophisticated software program built for digitally recording court proceedings and the assistive listening systems, sound systems, and video remote interpretation systems must function in concert with the existing FTR systems.

ProAV has extensive experience working with courts that use the FTR systems and has a professional partnership with the premier FTR distributor in Northern New England. ProAV has a deep understanding of sound issues related to courtrooms, and knowledge and experience with the capabilities and limitations of PA sound systems that complement the digital recording systems. This specialized knowledge is essential to the successful completion of this project.

There are no Judicial Branch staff trained to convert courtrooms as required while maintaining compatibility with the PA and FTR systems.

### 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.*



**Printed Name:**

Kristina Famolare

**Date:**

1/27/2020