

## 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>	Sheila McDonald	<b>Office/Division/Program of Contract Administrator:</b>	Maine State Museum
<b>Est. Contract Amount:</b>	\$11,200	<b>Contract or RQS Number:</b>	CT20200203*2189
<b>Proposed Start Date:</b>	2/15/20	<b>Proposed End Date:</b>	12/31/20
<b>Vendor/Provider Name, City, State:</b>	AvantLogic Corporation P.O. Box 120 Southwest Harbor, Maine 04679		
<b>Short Description of Good or Service:</b>	The purpose of this Contract is to provide online access to a comprehensive body of historical information (Historical Records of Indians of the Far Northeast or HRI-FNE) about indigenous people who lived in Maine and neighboring states and Canadian provinces between 1600 and 1850.		
<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>2/13/2020</u> To: <u>2/19/2020</u></p>		
<b>Notice of Intent to Waive Competitive Bidding Number:</b>	NOI# 0220200125		
<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.

The Maine State Museum has received a grant award to provide online access to a comprehensive body of historical information about indigenous people who lived in Maine and neighboring states and Canadian provinces between 1600 and 1850. This information, comprising some 14,000 mentions of Native American people in a variety of primary source materials, was compiled over two decades by Maine State Museum staff.

The work of museum staff in compiling this essential research database fulfills the museum's legislative mandate in 27 MRS §85-A. 9. "to carry on research to increase knowledge in the several fields of museum activity and to provide interpretive and information services, including the dissemination and recording of information gathered through research."

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In order for this invaluable information to be meaningful for researchers, genealogists, and historians, it must be collated and related within a database so that person, kinship, ethnicity, event, place, and source information data points can come together to present a picture of named Native American individuals and their activities over time and space.

AvantLogic's Digital Archive software, after additional customized enhancements, reports, and testing covered by this grant-funded contract, is the only program with the capacity to collate and relate the data points in the Historic Records of Indians of the Far Northeast database. An added benefit is the suitability of the newly created relational database for posting on the Maine State Library's Digital Maine site, which will enable its broad public dissemination.

**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.

The Maine State Museum's analysis and inquiries over several years have revealed that sufficient staffing, resources, or expertise to carry out the complex programming and customization within the Digital Archive software are not available anywhere in state government, nor by any other vendor. Efficiency and effectiveness will be best served in this project by a contract with AvantLogic.

**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 Maine State Museum has conducted several inquiries for database programming to create the necessary relational information that will enable the Historic Records of Indians of the Far Northeast information to fulfill its potential as a key source of historical information. The cost estimate for the custom database programming required by the Historic Records of Indians of the Far Northeast is reasonable, when compared to other custom programming and report writing. Additional cost efficiencies will result with the use of Digital Archive, developed by AvantLogic, and experience with similar work that AvantLogic has done for the Southwest Harbor Public Library.

**5. Future Competition**

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

The museum is not aware of competitive companies that can provide the work required by the Historic Records of Indians of the Far Northeast project. But, the museum will continue monitoring the field and will respond appropriately by seeking cost estimates from other qualified vendors, if they become able to provide these services.

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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.

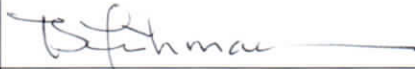
AvantLogic, through its owner George Soules, has developed the Digital Archive software and owns the copyright. Digital Archive alone, however, provides only the basic structure for the Historic Records of Indians of the Far Northeast project. Additional enhancements are necessary. Only AvantLogic can make those enhancements within the project's budget constraints. Together with the enhancements, Digital Archive is the only collection management software for historical data that provides the ability to visually show relationships among items in a database of historical records, such as that of Historic Records of Indians of the Far Northeast . Further, the efficiency and effectiveness of the enhanced Digital Archive to meet the project's needs has been demonstrated in actual examples of online sharing of data among six cultural heritage organizations on Mount Desert Island.

### 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:**

Bernard Fishman

Bernard Fishman, Maine State Museum Director

**Date:**

February 3, 2020