

**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>	Meagan Sims	<b>Office/Division/Program of Contract Administrator:</b>	Bureau of Water Quality / Division of Environmental Assessment / Maine Healthy Beaches (MHB)
<b>Est. Contract Amount:</b>	\$ 65,000.00	<b>Contract or RQS Number:</b>	
<b>Proposed Start Date:</b>	01/21/2020	<b>Proposed End Date:</b>	09/30/2022
<b>Vendor/Provider Name, City, State:</b>	Relyon Solutions, LLC, 2501 W Colorado Ave, Suite 200, Colorado Springs, CO 80904		
<b>Short Description of Good or Service:</b>	Upgrades to the program's existing beach information system for MHB bacteria monitoring and notification data used by MHB staff and program participants to enter monitoring data, issue public health advisories, and submit required data to State of Maine and United States Environmental Protection Agency (EPA) databases.		
<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>		<i>To be completed by the Division of Procurement Services</i> Posting dates on Division of <i>Procurement Services</i> website: From: <u>2/14/2020</u> To: <u>2/20/2020</u>	
<b>Notice of Intent to Waive Competitive Bidding Number:</b>	NOI# 0220200132		
<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.			
	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;		
	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;		
<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</i>		<i>By signing below, I signify as the Governor's designee there is an emergency that necessitates this non-competitive procurement.</i> <b>Signature:</b>	
		<b>Printed Name:</b>	<b>Date:</b>

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

<i>Governor's "designee") sign and date on the right.</i>		
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.		
<b>X</b>	If a different authorization specifically allows for this non-competitive procurement, please provide that reference here:	<b>BEACH ACT of 2000 – Public Law 106-284; 33 U.S.C §1313 et seq.</b>

**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 Department of Environmental Protection (DEP) administers the Maine Healthy Beaches (MHB) program, a statewide program to monitor water quality and protect public health at Maine's coastal swimming beaches. The successful implementation of the program requires a centralized, web-accessible data collection and notification system to collect, manage, and share program data with state, federal, and municipal officials, program participants, and the public.

The DEP received a federal Exchange Network (EN) grant award to enhance the program's aging system to support improved access to, and exchange of, high-quality environmental data. The enhancements to the system need to be completed by May 2020 in order to be implemented at the

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

start of the upcoming beaches monitoring season. The MHB program's existing system was built by and has been maintained for 15 years by Relyon Solutions. Enhancements to the existing system must utilize the existing programming of MHB's current system. Therefore, the work must be completed by the programmers of the code of the current system, Relyon Solutions.

**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.

There is insufficient staffing and expertise available in the Department to perform system enhancements to the existing database. State OIT resources would have to recreate the basic system functionality before they could execute the required enhancements. This, along with OIT resources not being familiar with the business processes that the system is designed around, means that they would be unable to make the required upgrades by the project deadline (May 2020). This was discussed with the OIT DEP Application Development Team Lead who was not confident existing staff could make the enhancements prior to May 2020.

**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**.

It was determined that negotiated costs for Relyon Solutions were fair and reasonable by assessing the costs for system enhancements, as well as the ongoing annual costs to the Department to maintain the program's system once the services of this agreement are completed. The Department consulted with environmental agency personnel administering beach monitoring programs in other states to identify and evaluate existing providers with relevant beach monitoring and notification database experience. The Department then requested estimates from the existing providers that were identified. Based on this research, other assessed providers would have comparable costs for programming services, however, the ongoing costs to maintain the system would be 10x the program's current annual maintenance budget. Therefore, the negotiated rates provided by Relyon Solutions are less than the total costs charged by other assessed providers and are 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.

No vendors exist who can meet MHB's database management needs at a lower development and ongoing maintenance cost than Relyon Solutions. The MHB program has other business processes which benefit from information systems. When such information systems are procured, it will be competitive. Likewise, when it becomes necessary to fully replace the program's beach information system, MHB staff will issue a competitive request for services.

**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.**

## State of Maine Waiver of Competitive Bidding Request Form

### 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.

MHB's existing beach information system was designed and developed by Relyon Solutions in 2004. Relyon has maintained the application and performed all necessary technical support to the application over the past 15 years. MHB must enhance this existing application prior to the start of the upcoming beach monitoring season using funding from an EPA EN Grant. Because Relyon Solutions created and maintains the existing application, they are the only company who can perform the services requested in this agreement. Furthermore, this company has shown it can effectively coordinate with Department staff specializing in beach information management and perform critical database maintenance when needed. This provides confidence to the Department that system enhancements with a high level of quality can be provided in the short timeframe required (May 2020).

### 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.

N/A

**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:**

Jerry Reid, Commissioner

**Date:**

1/16/20