

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:	J. Tourtelotte	Office/Division/Program of Contract Administrator:	DAFS-OIT
Est. Contract Amount:	NA – Master Agreement, Based on service	Contract or RQS Number:	MA 18P-081022-0089
Proposed Start Date:	7-1-2020	Proposed End Date:	6-30-2021
Vendor/Provider Name, City, State:	Maine Information Network (InforME)		
Short Description of Good or Service:	Maine State Government Website / Portal and Application Hosting		
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>Posting dates on Division of Procurement Services website: From: <u>2/21/2020</u> To: <u>2/27/2020</u></p>		
Notice of Intent to Waive Competitive Bidding Number:	NOI# 0220200143		
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"/>	<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><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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	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: <ol style="list-style-type: none"> (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; <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:</i> http://www.maine.gov/purchases/info/forms/govcoop.doc.</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;
	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 Contract is being amended to extend it for 12-months to execute a competitive RFP for services and to allow service planning and transition time (if needed). The InforME Board and Office of Information Technology, which direct the contract, will collect State agency input, seek direction from new State Agency leadership, and execute a 3rd party review of the website and services, to best target the RFP and resulting contract deliverables. The 3rd party site review is planned for early 2020 with the RFP release targeted for August 2020. The additional 12 months will allow time for the RFP, contract negotiations, and some service transition time. A project manager has been assigned to the procurement project. No contract scope changes are being implemented.

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.

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The contract extension continues current contracted state internet portal operations, without change, while an RFP is executed, awarded and a contract is put in place. State agencies provide some internet content. Insufficient state resources are available to learn and support the expansive Maine portal services.

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 contract for operation of the State internet portal was competitively bid and awarded to Maine Information Network in 2008. Service Level Agreements and service rates, which provide revenue to MIN, are established and governed by the InforME board. The Board is a 17-member group, a combination of government, private business, education and association representation, focused on creating the policy that will drive the comprehensive gateway network.

5. Future Competition

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

The RFP is under development. The RFP will be fully executed and awarded during the 12-month contract extension. To identify portal service/structure change ideas the team has surveyed other States about present and future service features of their portal contract. The team is analyzing current types of Maine portal usage to better understand and forecast demand.

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

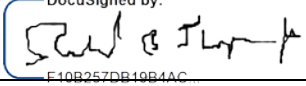
Please explain if the goods or services required are unique to a specific vendor. Describe the unique qualifications, abilities, and/or expertise of the vendor and how those particular unique factors address the specific need identified above. If the vendor has unique equipment, facilities, or proprietary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


Maine Information Network supports and hosts the InforME portal consisting of over 150 individual government services. Continued support and operation of the portal, per service level agreement terms, is required while the RFP and resulting contract are put in place. If portal operations were disrupted, requiring manual services or alternate electronic services to be established, State government service to the public would severely degrade.

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.

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Signature of requesting Department's Commissioner or Chief Executive (or designee within the Commissioner's Office):	<i>By signing below, I signify that my Department requests, and I approve of, this Waiver of Competitive Bidding.</i>
	DocuSigned by:  E10B257DB19B4AC
Printed Name:	Richard B. Thompson
Date:	11/21/2019

DocuSigned by:

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Frederick Brittain

11/21/2019