

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:	Matt Ruel Jaye Parker	Office/Division/Program of Contract Administrator:	Office of Public Safety – Maine State Police
Est. Contract Amount:	\$ 39,000	Contract or RQS Number:	RQS-16A-20190301*0949
Proposed Start Date:	2/28/2019	Proposed End Date:	3/31/2019
Vendor/Provider Name, City, State	Idemia Anaheim CA 92807		
Short Description of Good or Service:	Portable Live Scan equipment		
<p>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>		<p>To be completed by the Division of Procurement Services Posting dates on Division of Procurement Services website: From: 3/18/2019 To: 3/24/2019</p>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0320190325	
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 Procurement Services 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><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>	
		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;		
<input type="checkbox"/>	D. It appears to be in the best interest of the State to negotiate for the procurement of petroleum products;		
<input type="checkbox"/>	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>(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>		
<input type="checkbox"/>	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;		
<input type="checkbox"/>	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.		
<input type="checkbox"/>	If a different authorization specifically allows for this non-competitive procurement, please provide that reference here:		

State of Maine Waiver of Competitive Bidding Request Form

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.

We have been using the MorphoTrak livescans dating back to 2006 when the MSP partnered with NH and Vermont to take advantage of a Tri-State partnership where all three states benefited from sharing the costs of a AFIS system. The Maine State Police, with the assistance of grant funds, purchased numerous livescans for state and local police stations strategically located across our state to ensure that we had a working system with which to share fingerprints and other identifiable data and information with each other within our state as well as sharing information to and from our partners in our neighboring states. Technology has evolved and there are now portable units available.

Maine is looking for a pilot program to test the feasibility and usefulness of portable LiveScan devices in the hands of mobile Maine State Police Troopers. Maine, being a rural state, has many locations that are not conducive to stationary LiveScan Devices. Maine currently has devices strategically placed throughout the State at its County Jails and Prisons to capture the criminal prints of those suspects that are brought to those locations. Maine also has a current NCHIP 2018-funded Project to place 5 LiveScan devices in certain courts. But here are times in which a portable device would work best to get fingerprints taken and submitted for scrutiny and for connection to criminal history. Maine State law states that fingerprints must be taken when a suspect is charged with a crime. However, not all who are charged are taken into custody and transported to a lockup facility, where there is a LiveScan device.

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.

This is not available by any state or federal entity.

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**.

We negotiated a reduced cost of \$18,500 each to match our negotiated price for the regular LiveScans.

5. Future Competition

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

State of Maine Waiver of Competitive Bidding Request Form

future.

We have a 10-year contract with the vendor for the current AFIS system that uses these devices. When the time comes for the AFIS contract to expire, we will be following the trend closely to ensure that we will be able to identify the most up-to-date and efficient equipment available and will work to make this acquisition using the best vendor based on pricing and compatibility with our other systems and the hardware will also be replaced if another vendor is chosen.

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.

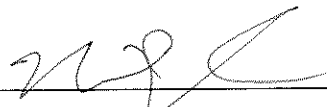
Our need to use Idemia Livescans has not changed. Since the LiveScan and fingerprint software is proprietary the devices can't be purchased from anyone other than our current vendor. Additionally, these livescans are connect to a shared system with NH and VT and their system does not allow transfer of information to or from other livescans devises as they use the same proprietary algorithms.

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.


 Michael J. Sauschuck

Printed Name:

Date:

3-1-19

OK