


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:	Chelsey Fortin-Trimble	Office/Division/Program of Contract Administrator:	DOE/ESEA/School Turnaround
Est. Contract Amount:	\$ 48,000.00	Contract or RQS Number:	
Proposed Start Date:	October 1, 2018	Proposed End Date:	September 30, 2020
Vendor/Provider Name, City, State	121 North Kickapoo Street Lincoln, Illinois 62656		
Short Description of Good or Service:	Scientific measures of academic achievement and complementary technologies that link assessment results with instructional practice.		
Please note, for transparency purposes, Waivers of Competitive Bidding will be publicly posted. Public postings are placed on the Division of Purchases' website for a period of seven consecutive calendar days.		To be completed by the Division of Purchases Posting dates on Division of Purchases' website: From: <u>3/22/2019</u> To: <u>3/28/2019</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0320190348	
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 checked="" type="checkbox"/>	<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>	<p>Printed Name: Kendra Melen</p> <p>Date: 21 Mar 2019</p>
<input 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: (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 Purchases "GOVCOOP" form, found here: http://www.maine.gov/purchases/info/forms/govcoop.doc.</i>			
<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.		
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.

Maine currently receives federal funding for the School Improvement Grant (SIG) program under Title I, section 1003g. Currently, 3 schools are receiving funding under this grant program. SEA monitoring and support for SIG grantees is requirement of continued funding from the US Department of Education. Limited capacity at the Maine Department of Education (DOE) creates challenges with providing ongoing monitoring and support needed to accomplish effectively address the grant requirements. The Maine DOE does not have reporting forms and planning tools designed to support SEA/SAU/school planning and implementation needs for the SIG program. Development of such tools and resources would be time intensive, as exploration of scientifically-based research would be need in order to ensure effective development. Such work would also be cost prohibitive as it would require additional staffing in order to complete the associated tasks.

This requisition is for an online subscription to the INDISTAR website, developed through the Academic Development Institute (ADI), which will support the Maine DOE's implementation and monitoring requirements for the SIG program. In addition, the INDISTAR website provides necessary planning and data-tracking tools to School Administrative Units (SAUs) receiving SIG funding. This service allows SAUs, schools, and Maine DOE staff to provide ongoing monitoring, technical assistance, and support in a consistent and timely manner.

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 are currently no internal or external resources available to provide the support needed to address SEA and SAU implementation of School Improvement Grants at a cost of \$24,000 per year. This site has been developed in partnership with the US Department of Education and other educational resources. Providing online support in this manner will help to address capacities and cost challenges currently associated with the implementation of this program. With the help of federal funding, the INDISTAR site was developed at no cost to states. The Maine DOE and schools receiving SIG funding, along with 20 other states, have been using these tools developed by ADI successfully for the past three years. As federal funding decreases, Maine benefits from the economy of scale, participating with other states to share the cost of continuing technical support, training, and site design for the INDISTAR site for the coming year.

Academic Development Institute is the sole source provider of Indistar®, a web-based system created to assist LEAs in assessing, planning, and monitoring district and school improvement based on indicators of effective practice; therefore, the Department of Education is unable to provide the necessary services and expertise.

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 cost to develop an online resource such as INDISTAR would far exceed the current \$24,000 annual cost. This does not include the cost of designing the actual tools, website support, or training. In comparison, the Maine DOE currently has a contract with GEM Software Development for a far less comprehensive online application, for which the annual cost exceeds \$60,000.

The licensing agreement totals \$24,000 per year, guaranteed as an annually renewable rate for four years beginning October, 2017, with the SEA retaining the option to withdraw from participation at the conclusion of any year. Indistar® will be available for all identified focus and priority school districts and schools.

5. Future Competition

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

State of Maine Waiver of Competitive Bidding Request Form

This subscription service is for a proprietary online planning and data-tracking tool that is both vetted by the US Department of Education and provided at a minimal cost to the State of Maine. Future opportunities to foster competition for these services would require an increase in funding and capacity within the Maine DOE.

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.

The Academic Development Institute (ADI) and Indistar® are unique in that this site works in conjunction with over 20 states, including Maine, and the several other regional education centers supported by the United States Department of Education. This provides state, district, and school staff within the State of Maine the benefit of accessing the most up-to-date educational research, tools and resources directed at school improvement and increasing student success

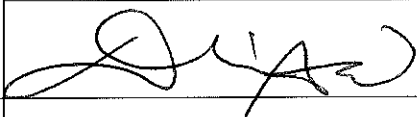
7. Timeframe (Complete only if B. is the Statutory Justification marked on Page 1)

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.

The current subscription for Indistar® services will end September 30th, 2020. This is the date by which a new contract with ADI must be in place in order to maintain the Maine DOE's current system. The anticipated renewal date for this subscription would commence on October 1st, 2018. Delaying the start date of this subscription any further may prevent schools and districts across the state from accessing the online tools, technical support, and training that may be needed for effective implementation.

The conditions of this subscription agreement may be renewed at the rate of \$48,000 in 2018-2020. However, the Maine DOE is under no obligation to continue these services beyond the 2018-2020 program cycle.

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>
---	---



Printed Name:	Daniel Chuhta, Deputy Commissioner
----------------------	------------------------------------

Date:	
--------------	--