

# 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>	Lt David Tripp Jaye Parker	<b>Office/Division/Program of Contract Administrator:</b>	Office of Public Safety – Maine State Police
<b>Est. Contract Amount:</b>	\$17,100	<b>Contract or RQS Number:</b>	CT-16A-20190307*2545
<b>Proposed Start Date:</b>	<b>April 22, 2019</b>	<b>Proposed End Date:</b>	June 21, 2019
<b>Vendor/Provider Name, City, State</b>	International Chief of Police Association Alexandria VA		
<b>Short Description of Good or Service:</b>	Leadership in Police Organizations (LPO) Mentoring		
<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>		<b>To be completed by the Division of Procurement Services</b> Posting dates on Division of <b>Procurement Services</b> website: From: <u>3/22/2019</u> To: <u>3/28/2019</u>	
<b>Notice of Intent to Waive Competitive Bidding Number:</b>		NOI# <b>0320190349</b>	
<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.			
<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;		
	<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>	<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> _____	
<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: (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>		
<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:		

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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.

- a. The Maine State Police has identified the need for an executive level leadership course. Furthermore, we identified the need for selecting a course where the leadership theories were backed by scientific research and application.
- b. The Department determined there is a need for us to have a consistent approach to our supervision of our personnel. This is critical due to the fact that we offer the same services throughout a large State and our approach to supervision/leadership needs to be on the same platform. This will help assure the services delivered to the citizens are consistent and high in quality.

## 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**.

The Department concluded the cost/fees were fair as the IACP is a non-profit organization. They deliver this course on both a National and International front and the costs are factored on the course material cost, a set instructor fee and travel to send the instructor to the receiving locations.

In synopsis, the cost for this course here in Maine is on average the same as any other State it is delivered to within the United States except we are being allowed to use Lt Tripp as the trainer at no cost to the state – thus reducing the overall cost by over 10,000 as there are no travel costs associated with the contract as well.

Lt Tripp has received the waiver as required in Rider B of the contract to be the instructor of this class.

## 5. Future Competition

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

There is nothing that is being done. This course is unique to law enforcement and IACP is the only organization to offer this mentoring program. Many other States, including some in New England, have this course as well. We often times partner with these States through agreement and it is important we are all on the same platform of leadership. The caliber of instruction, class materials and scientifically based leadership theories contained in the programs are unmatched.

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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.

The uniqueness lies in the fact that the IACP is the only entity to offer this training. This is a mentoring course where the previously trained student from our agency receive mentoring by IACP as instructors for future classes/sessions. Instructors are trained to national standard levels using a well-established training and evaluation platform.

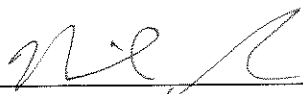
Proprietary data includes Course material, including but not limited to, course books (3 volumes), handouts, PowerPoint lessons, field guides. The development of these types of materials to supplement instruction would be cost prohibitive should we attempt to design a similar program on our own.

**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:**

3-19-19

**Date:**

Michael J. Sauschuck

OK  
Jdy  
3-18-19