

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:	Steven Greeley	Office/Division/Program of Contract Administrator:	Maine Department of Labor – BLS – Workplace Safety and Health
Est. Contract Amount:	\$ 30,000	Contract or RQS Number:	CT12A20200206*2234
Proposed Start Date:	3/1/2020	Proposed End Date:	3/1/2022
Vendor/Provider Name, City, State:		Keene State College OSHA Training Institute Education Center 175 Ammon Drive, Manchester, NH 03103 VC0000115306	
Short Description of Good or Service:		Mandatory Training Classes for Safetyworks	
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.		To be completed by the Division of Procurement Services Posting dates on Division of <i>Procurement Services</i> website: From: <u>3/5/2020</u> To: <u>3/11/2020</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0320200193	
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>	<i>By signing below, I signify as the Governor's designee there is an emergency that necessitates this non-competitive procurement.</i> Signature:	
<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		

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	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: http://www.maine.gov/purchases/info/forms/govcoop.doc.</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.
	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.

Keene State College is the only educational entity in Region 1, or New England, that offers OSHA courses through Safetyworks. These trainings are necessary for our consultation and enforcement program representatives. And, because Keene State utilizes our Safetyworks Training Institute (STI) as one of their off-site facilities, the Department of Labor can offer courses required for the Federal 21(d) and 23(g) programs. Also, as the official provider of OSHA's safety and health training, Keene State's OSHA Training Institute Education Centers offer courses for every OSHA training requirement. You can even become an OSHA-authorized Outreach Trainer and earn the authority to award official Department of Labor cards (10 & 30 hours). You cannot get that anywhere else.

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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.

OSHA Training Institute Education Center, Region 1 is authorized by the Occupational Safety and Health Administration (OSHA) to provide innovative and effective safety and health training to improve safety culture and performance in the workplace. Since 1994 Keene State College's OSHA Education Center provides premier educational and professional development opportunities within the New England region and beyond. As the official provider of OSHA's safety and health training, OTI Education Centers have a course for every OSHA training requirement. You can even become an OSHA-authorized Outreach Trainer and earn the authority to award official Department of Labor cards (10 & 30 hours) through Keene State College. The State of Maine does not offer this education. Nor, can you receive it anywhere else. By utilizing Keene's OTI Education Center and the OSHA Institute the State can pass this training on to Maine's employers and employees.

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**.

When employees attend OSHA courses held through the Maine Department of Labor's Safetyworks Training Institute (STI), they save the State of Maine **fifty percent** in class registration fees. When employees attend off-site or out-of-state classes, the State of Maine not only pays the full amount of tuition but, also incurs other costs such as car rental, airfare, shuttle/taxi, lodging, and food. And, the employee misses, at least, two days of work due to travel time, depending on the location of the class. By hosting as many as 46 courses, offered by Keene State College, held through our Safetyworks Training Institute, the State of Maine is able to keep it's Consultants and Safety and Health Enforcement personnel trained at a substantial savings.

5. Future Competition

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

At this time, It is unforeseeable that another academic entity will offer such an opportunity for the State of Maine to provide and receive this important and valuable education.

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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.

Keene State College is the only OSHA Training and Education provider in New England, and Region 1. Its OSHA Training Institute Education Center is authorized by the Occupational Safety and Health Administration (OSHA) to provide innovative and effective safety and health training to improve safety culture and performance in the workplace. Keene has courses for every OSHA training requirement and offers regional “open enrollment” OSHA courses and customized trainings that meet the State of Maine’s needs.

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:

Date:



Kimberly Smith

2/24/2020