

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:	David Cheever State Archivist	Office/Division/Program of Contract Administrator:	Secretary of State Maine State Archives
Est. Contract Amount:	\$ 22,950.00	Contract or RQS Number:	29C 20190408000000001079
Proposed Start Date:	05/27/2019	Proposed End Date:	09/30/2020
Vendor/Provider Name, City, State	N-Squared Media Solutions 372 Western Ave., Hampden, ME 04444		
Short Description of Good or Service:	74 Public interest advertising spots (PIA) – Maine State Archives Bicentennial Moments		

<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</p> <p>Posting dates on Division of <i>Procurement Services</i> website: From: 4/9/2019 To: 4/15/2019</p>
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Notice of Intent to Waive Competitive Bidding Number:	NOI# 0420190432
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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.

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;
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;
	<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:</p> <p>Date:</p>
X	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;
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: <ul 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: http://www.maine.gov/purchases/info/forms/govcoop.doc.</i></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:	

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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.

In preparation for Maine's bicentennial in 2020, seventy four, thirty second public interest advertising stories about significant Mainers will be produced and distributed to all Maine television and radio outlets. These spots will be aired from September 2019 to September 2020 as a means to acquaint the public about Maine's rich history. N-Squared Media Solutions, owned by Frank Welch a professor at Husson College will produce and distribute the public service announcements (PSA). These announcements will be made using Husson College students and 2 production people, one producing and managing content, the other helping with camera and lighting setups. Historical materials for the spots will be provided by the Maine State Archivist and Communications Director. N-Squared Media Solutions can shoot, edit and distribute the PIA spots within the needed time frame.

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 no State of Maine agencies that provide this type of media production and distribution.

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 was determined to be fair and reasonable via discussion with the vendor and review of itemized costs. The Maine Association of Broadcasters (MAB) gave an estimate of \$70,000 to produce and distribute the Public Interest Advertising 30-second spots. The initial proposal from N-Squared Media was (\$29,590). We reviewed details such as the expense estimates for the talent and the camera assistant, the editing time for each PSA, and the delivery, and negotiated it down for the final quote of \$22,950. This process involved discussing the processes so we have a solid idea of the time and effort involved in each aspect of the project

5. Future Competition

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

The Department will continue to follow the State procurement policy and will obtain these services in the most appropriate way, including a competitive process such as releasing an RFP.

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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 Maine State Archives' Bicentennial Moments PSA project began in 2017 as a student project in coordination with Husson University's New England School of Communications.

The Husson students completed the first 36 PSAs in late October 2017.

In November 2017, we sent a detailed list of necessary revisions to those spots. Many had issues with diction, pronunciation, audio quality, and image scrolling. NESCOM's professors informed us that changes could not be made because the students had left for the semester. Husson agreed to make another production attempt in the new semester.

Thus, we proceeded in January 2018 with a new approach, with students on camera, and made visits to Husson to explain the project to the students and to direct the talent during shoots. A new batch of the first 20 spots was produced for August 2018. Welch shared several of them with Maine Public, which offered only to share them on their website, not run them as part of the broadcast line-up. The new batch is a big improvement, produced by a single student and featuring on-screen student presence. Some audio issues and camera movement issues persisted, however, leading to the unexpected restriction from MPBN. We sought to address the outstanding issues in the fall of 2018, and during that time connected with a student whose on-air talent we would like to see as the face of the project.

In January 2019, Welch notified us that he did not believe the new class of students could complete the project as we had envisioned, due to constraints of time and talent.


With our launch date set for fall of 2019, we are left in a difficult spot. We have a talented student lined up to do the read on-screen. If we use a different vendor, we would lose our connection with her. She recently completed on-screen reads for 20 of the PSAs and we would like to be able to use those, which we will not be able to do with a different vendor. We would also be unable to salvage any of the work that was completed from the August 2018 batch if we do not continue the project via Husson. Additionally, we have already spent more than two years discussing, planning and explaining the vision for this project with Welch, which has included the investment of time and travel to Husson.

Thus, we seek to employ the production services of the professor with whom we have worked, as he can repurpose the already completed productions, employ the onscreen talent we identified, and finish it for the fall launch date at a reasonable and fair cost. This will allow us to release the first batch of spots as planned in September, the beginning of the 2019-2020 bicentennial school year, to generate interest in Archives' materials and create overall excitement about Maine history at a time when it is on people's minds due to the statehood anniversary.

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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):	<i>By signing below, I signify that my Department requests, and I approve of, this Waiver of Competitive Bidding.</i> 
Printed Name:	David Cheever, Maine State Archivist
Date: 4/8/2019	