

# 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>	Sharon L. Thomas	<b>Office/Division/Program of Contract Administrator:</b>	Department of Economic and Community Development
<b>Est. Contract Amount:</b>	\$ 50,000.00	<b>Contract or RQS Number:</b>	CT 19A 2017022100000002438-5
<b>Proposed Start Date:</b>	4/10/19	<b>Proposed End Date:</b>	12/31/19
<b>Vendor/Provider Name, City, State</b>	City of Gardiner 6 Church Street, Gardiner, ME 04345		
<b>Short Description of Good or Service:</b>	Community Development Block Grant award 2016 Micro-Enterprise Grant Amendment to increase grant award by \$50,000 for a total of \$190,000 to complete two specific façade rehabs on Water Street, that require additional Historic Preservation adjustments and extend grant end date from 6/30/19 to 12/31/19.		
<b>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.</b>		<b>To be completed by the Division of Purchases</b> Posting dates on Division of Purchases' website: From: 4/12/2019 To: 4/18/2019	
<b>Notice of Intent to Waive Competitive Bidding Number:</b>		NOI# 0420190449	
<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.			
	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;		
	<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>
	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: (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: <a href="http://www.maine.gov/purchases/info/forms/govcoop.doc">http://www.maine.gov/purchases/info/forms/govcoop.doc</a>.</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.		
<b>X</b>	If a different authorization specifically allows for this non-competitive procurement, please provide that reference here:	<b>CFDA # 14.228</b> <a href="http://www.maine.gov/decd/meocd/">http://www.maine.gov/decd/meocd/</a>	

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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.

This project is funded through a Community Development Block Grant (CDBG) which is provided by an annual allocation of Federal Funds to the State of Maine from the Department of Housing and Urban Development (HUD). Funds are disbursed through a process pursuant to the CDBG Program Statement which is established by the Maine Administrative Procedures Act (APA) process and approved by HUD. The CDBG Program funds are used to implement community and economic development needs and to benefit low to moderate income persons as defined by HUD.

CFDA # 14.228, <http://www.maine.gov/decd/meocd/>

## 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.

N/A – CDBG Grants must be awarded to Maine municipalities and counties (on behalf of unorganized territories).

## 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**.

Costs established in the application process are estimates; where applicable are the results of work by an architect, engineer or other professional. Final construction costs are determined by a bid process implemented at the municipal level.

## 5. Future Competition

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

CDBG grants are awarded through an annual process pursuant to the CDBG Program Statement which is established by the State APA process and approved by HUD. All units of general local government in Maine, including plantations, except for the entitlement communities of Auburn, Bangor, Biddeford, Lewiston and all of Cumberland County with the exception of Baldwin, Brunswick, Casco and Frye Island, are eligible to apply for, and receive, State CDBG program funds.

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.

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**6. Uniqueness**

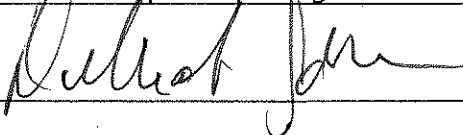
Please explain if the goods or services required are unique to a specific vendor. Describe the unique qualifications, abilities, and/or expertise of the vendor and how those particular unique factors address the specific need identified above. If the vendor has unique equipment, facilities, or proprietary data, also explain the necessity of these particular unique assets.

This vendor/provider is one of multiple "eligible applicants", as defined by the CDBG program, that demonstrated their project met the "eligible activity" and "project benefit" requirements of that program and was selected for award via the CDBG program application review process.

**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.

N/A – this contract request is not based on an emergency requiring immediate procurement of goods/services.

<p><b>Signature of requesting Department's Commissioner or Chief Executive (or designee within the Commissioner's Office):</b></p>	<p><i>By signing below, I signify that my Department requests, and I approve of, this Waiver of Competitive Bidding.</i></p> 
<p><b>Printed Name:</b></p>	<p>Deborah Johnson, Director, Office of Community Development</p>
<p><b>Date:</b></p>	<p>April 10, 2019</p>