

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:	Dawn Kliphan	Office/Division/Program of Contract Administrator:	Commissioner's Office, Maine Dept. of Education (DOE)
Est. Contract Amount:	\$380,579.00	Contract or RQS Number:	20150519*3860
Proposed Start Date:	February 1, 2021	Proposed End Date:	January 31, 2022
Vendor/Provider Name, City, State	GEM School Software (GEM) Kennebunk, Maine		
Short Description of Good or Service:	Grant Management System		
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 Procurement Services website: From: <u>4/12/2019</u> To: <u>4/18/2019</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0420190451	
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 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>	
	Signature:	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 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: 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.		

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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.

This waiver request is to extend the current contract to ensure that the GEM system will be available for DOE to continue administering the current federal grants with related sub-grantee applications, invoices and reports, and if necessary, the grant awarded in 2019-2020 as well. As DOE proceeds with an RFP for the services, GEM School Software will continue to run the system for the grants that are already in the system. Services will continue to cover the full 27-month term of the federal grants.

The Maine DOE receives state grant allocations from the U.S. DOE in accordance with the following federal laws: *Individuals with Disabilities Education Act (IDEA)*, *Elementary and Secondary Education Act (ESEA)*, and the *Carl D. Perkins Vocational and Technical Education Act*. Various programs funded under these laws require an application process by which SAUs receive access to allocated funds. Through Program manager oversight, the GEM system provides data collection elements to the Maine DOE related to: 1) sub-grant awards, 2) distributions of funds, and for 3) audit, reporting and accountability purposes. GEM developed and continues to administer the electronic application system that has streamlined the process for the Maine DOE's review and approval of sub-grantee applications, invoices and performance reports, and required data collection. The application currently supports the administration and implementation of sub-awards totaling more than \$125,000,000 each year for eight federal grant programs. Maine DOE program managers use the GEM system to provide necessary oversight to ensure the allowable use of federal funds.

The GEM system has been customized for over 10 years to accommodate the complexities of various federal grants and continues to be the best option for the Maine DOE. GEM collaborated with Division of Administrative and Financial Services (DAFS) in creating the reimbursement system for the federal grants administered by the Maine DOE. GEM also worked with DOE's program managers in developing the electronic application and reporting system that assists the DOE in administering sub-grants and in monitoring sub-grantee expenditures.

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.

DOE worked with the State Controller's Office in previous years on the development of a grant management system using existing resources. This effort was unsuccessful and a determination was made that DOE would develop an RFP for the services.

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 for this 12-month extension will continue to cover all of DOE's federal programs except for Adult Education. The amounts will be the same as the annual amounts established from the beginning of the contract.

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5. Future Competition

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

Maine DOE is finalizing an RFP for a new grant management system. The intent is to award the contract in 2019-2020.

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.

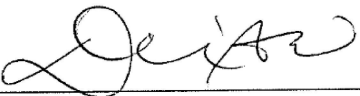
6. Uniqueness

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 GEM system is currently the only viable option for the Maine DOE to safeguard proper grant administration, including sub-grant funding applications, distributions and reporting. The GEM system is critical to the Maine DOE in managing federal grants. GEM has unique knowledge and experience with the electronic grant management system in that they designed the system in collaboration with the State. GEM understands what is needed for each federal program and where the programs interface across the grant system, and with certain components of the Maine DOE's data systems. There is no other system with the capacity to replicate the work without a delay in services to Maine SAUs, the Maine DOE and DAFS. With the continuation of the GEM system, the Maine DOE will retain the capacity to ensure accountability for program implementation for the grants and to comply with federal stipulations for continued funding.

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:	
Date:	Daniel A. Chutkan 8 Apr 2019