

# 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>	Kelly John	<b>Office/Division/Program of Contract Administrator:</b>	Human Resources
<b>Est. Contract Amount:</b>	\$ 15,000	<b>Contract or RQS Number:</b>	20190409 x 2879
<b>Proposed Start Date:</b>	April 4, 2019	<b>Proposed End Date:</b>	December 31, 2019
<b>Vendor/Provider Name, City, State</b>	Michaela Loisel 31 Foy Road Hallowell, ME 04347		
<b>Short Description of Good or Service:</b>	HR Consulting, Training, and Training Development		

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: 4/12/2019 To: 4/18/2019

**Notice of Intent to Waive Competitive Bidding Number:**

NOI# NOI# 0420190453

**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.

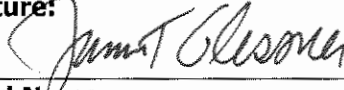
A. The procurement of goods or services by the State for county commissioners pursuant to Title 30-A, section 124, involves the expenditure of \$2,500 or less, and the interests of the State would best be served;

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;

**X**  
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.

By signing below, I signify as the Governor's designee there is an emergency that necessitates this non-competitive procurement.

**Signature:**



**Printed Name:**  
James T. Glessner, SCA

**Date:**  
April 9, 2019

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;

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>.

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-

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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.

**Our small HR group is down two positions for a manager and a trainer, as well as the HR Director out on extended FMLA and working part-time. To overcome these three positions are the top three positions in HR. We need someone with state experience that can handle an array of HR issues, including employee investigations, and pull together our training program for the next few months. Assistance will also be necessary as the vacant positions are filled.**

## 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 is a statewide shortage of HR staff, and we are seeking someone to work within a separate branch of government on an as needed bases.

## 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 costs are consistent with this type of work with a fully qualified candidate in a very specialized field.

## 5. Future Competition

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

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This is a temporary need due to severe shortages within the HR unit.

**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**

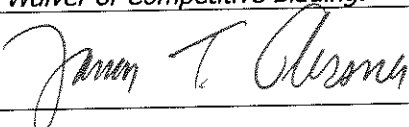
Please explain if the goods or services required are unique to a specific vendor. Describe the unique qualifications, abilities, and/or expertise of the vendor and how those particular unique factors address the specific need identified above. If the vendor has unique equipment, facilities, or proprietary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

Employee investigations within a union environment are unique. That combined with experience in developing training programs, as well as delivering them, is its own unique set of skills. This vendor possesses these skills and is available on an as needed basis as high level HR needs, and training needs come up for the next several months.

**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.

We have a training schedule for the branch we are attempting to maintain. With the shortage of HR staff, the junior level staff is in need of more direction and assistance on high level matters than the HR Director can provide on a part-time basis while on FMLA.

<b>Signature of requesting Department's Commissioner or Chief Executive (or designee within the Commissioner's Office):</b>	<i>By signing below, I signify that my Department requests, and I approve of, this Waiver of Competitive Bidding.</i>
<b>Printed Name:</b>	
<b>Date:</b>	James T. Glessner
	April 9, 2019