

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:	Brianne Hasty	Office/Division/Program of Contract Administrator:	Department of Economic and Community Development
Est. Contract Amount:	\$ 9500.00	Contract or RQS Number:	CT 19A 20190416* 2975
Proposed Start Date:	4/1/2019	Proposed End Date:	8/15/2019
Vendor/Provider Name, City, State	Bergen & Parkinson, LLC 62 Portland Road Kennebunk, ME 04043		
Short Description of Good or Service:	Code Enforcement Training in Legal Issues and 80K		
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>4/17/2019</u> To: <u>4/23/2019</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0420190464	
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;		
	<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 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 checked="" 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.		
<input type="checkbox"/>	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.

The code enforcement officer training and certification program is obligated to provide basic training in specific certification areas including legal issues and court rule 80K at least one time per year. A code enforcement officer may lose certification if he or she has not fulfilled the recertification requirement for legal issues and or 80K training. If this happens a municipality is no longer compliant with state statute and cannot enforce ordinances.

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.

The CEO Training Program knows of no other government resources for this specific training.

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 Maine Municipal Association has, in the past, quoted us a rate of \$20,000 to provide legal issues training for the code enforcement officer training and certification program.

The going rate for many Maine lawyers is around \$185-\$200 per hour. It would take a firm approximately 30-40 hours to develop the training, then another 22 hours to provide the training (including travel and set up time). The total cost for a new law firm to provide this training would be around \$12,400.000. Bergen & Parkinson, LLC is willing to do this training for \$9,500.00

5. Future Competition

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

This training is held annually.

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.

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Bergen & Parkinson, LLC has done multiple previous legal issues trainings for the code enforcement officer program. The training is already developed where as a new contractor would have to take the time to develop a training program and materials from scratch, thus, costing more time and money.

Bergen & Parkinson, LLC has reduced their cost to provide training for code enforcement officers.

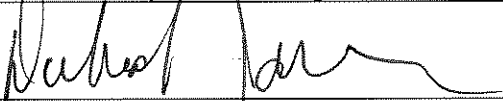
The law firm has developed the exam and training manual that the code enforcement officer training and certification program uses to certify new CEOs. Bergen & Parkinson, LLC is able to tailor their training presentation to highlight areas that a new CEO needs to know in order to pass the examination and perform their job duties.

Bergen & Parkinson, LLC deals with the legal issues related to municipalities as part of their regular mission to assist Maine municipalities.

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.

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:	Deborah Johnson, Director, Office of Community Development
	April 1, 2019