

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:	Debra Bartlett	Office/Division/Program of Contract Administrator:	Department of Administrative and Financial Services/Maine Revenue Services
Est. Contract Amount:	\$ 7,000	Contract or RQS Number:	20170524*3633
Proposed Start Date:	7/1/2019	Proposed End Date:	6/30/2020
Vendor/Provider Name, City, State	JS McCarthy Printers 18 Darin Dr. Augusta, ME 04330		
Short Description of Good or Service:	Storage, inventory maintenance and mailing services of various State of Maine tax forms		
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 <i>Procurement Services</i> website: From: _____ To: _____	
Notice of Intent to Waive Competitive Bidding Number:		NOI#	
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;		
<input type="checkbox"/>	<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:	
<input type="checkbox"/>	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;		
<input type="checkbox"/>	<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-		

State of Maine Waiver of Competitive Bidding Request Form

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.

MRS requires the vendor to provide inventory maintenance services, storage, and distribution services for various tax forms. The vendor must be easily accessible to MRS staff and the JS McCarthy storage facility located at 15 Darin Drive, Augusta, Maine is less than 2 miles from the MRS facility at 51 Commerce Drive, Augusta Maine. Continuance of these services is essential to avoid delays in providing tax forms and other income tax assistance to the public.

The JS McCarthy maintains an inventory of approximately 200,000 forms for the current tax year and five prior tax years. Inventory of the forms is managed via an internet based archiving system developed and maintained by the vendor and is accessible to MRS. MRS orders for forms are processed and prepared by the vendor. Tax practitioners submit orders using Form 233ME and pay the applicable processing fee directly to the vendor. All orders are processed and prepared for mailing by the vendor and picked up by MRS staff making the proximity of the vendor essential to the successful performance of these services. The completed orders are either kept at MRS for in-house use or delivered to Maine taxpayers or tax practitioners via Maine State Postal Operations. Continuance of these services is essential to avoid delays in providing tax forms and other income tax assistance to the public.

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.

MRS does not have the space to store nor the staffing resources to develop and maintain an inventory of Maine tax forms including the annual recycling of outdated forms that are to be replaced with updated forms each year.

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**.

Tax practitioners who order forms must pay a fee when ordering forms, which reduces the cost of this service to MRS. The current vendor has requested minimal increases since the inception of the contract. The implementation of a new inventory system with a new vendor would require significant start-up costs.

5. Future Competition

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

State of Maine Waiver of Competitive Bidding Request Form

Availability of tax forms on the MRS website and the increase in electronic filing options has reduced the need to print and store the quantity of paper tax forms previously required. This trend is expected to grow in future years possibly resulting in the future elimination of these services.

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.

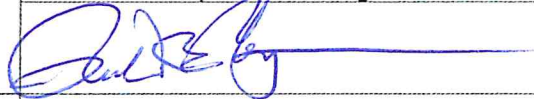
The existence of the current MRS Forms Fulfillment website developed and maintained by JS McCarthy is used by MRS to place orders for tax forms and monitor inventory levels. Additionally, there are no other known vendors able to provide the required services located within the proximity to MRS as the current vendor.

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):

By signing below, I signify that my Department requests, and I approve of, this Waiver of Competitive Bidding.



Printed Name:

Richard B. Thompson, Jr. - Dep. Commr. of Operations

Date:

4/10/19

04-10-19