

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:	Mark A. Toulouse/Ralph Boynton	Office/Division/Program of Contract Administrator:	Office of the Attorney General
Est. Contract Amount:	\$ 31,654	Contract or RQS Number:	26A20180604*3799
Proposed Start Date:	7/1/2018	Proposed End Date:	6/30/2023
Vendor/Provider Name, City, State	Workgroup Technology Partners VC1000097402 207 Larrabee Road, Westbrook, ME 04092		
Short Description of Good or Service:	IT Infrastructure Network Upgrade		
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: <u>4/23/2019</u> To: <u>4/29/2019</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0420190491	
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;		
	<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:
X	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 Procurement Services "GOVCOOP" form, found here: http://www.maine.gov/purchases/info/forms/govcoop.doc.</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.		
	If a different authorization specifically allows for this non-competitive procurement, please provide that reference here:		

State of Maine Waiver of Competitive Bidding Request Form

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 Office of the Attorney General has only two IT positions managing all hardware, software, phones, computers, databases, servers, access, connection, etc. for 200+ systems at 4 locations for the Office of the Attorney General. It is necessary for this office to have a reputable IT vendor assist with the larger monitoring and patching efforts as well as hardware upgrades. It is also helpful for our staff to have on-demand vendor expertise as we upgrade our 2008 and 2012 operating systems to 2016 over the next two years. Much of the monitoring and maintenance can be done from a remote location utilizing the vendor's on-site appliance, however it is expected that the vendor will be on-site if and as necessary. The vendor should be certified on our core IT infrastructure technologies, including VMWare, Microsoft, NetApp and Barracuda.

This contract will continue Workgroup Technology Partners' (WGTECH) 24x7 monitoring and e-mail alerting for the OAG's VMWare hosts, NetApp Storage appliances, Barracuda Backup appliances, specified Microsoft Windows Servers as well as Nexus network devices (once installed). The contract will also continue automated patching of Microsoft Windows Servers using WGTECH's Windows patch management application. The contract will include up to 25 hours a year for on-demand assistance from WGTECH's helpdesk and engineering team for the OAG's VMWare hosts, NetApp Storage appliances, Barracuda Backup appliances, specified Microsoft Windows Servers as well as Nexus network devices (once installed). Finally, the contract will include all project work (design, project management, implementation, and support) for VMWare ESX Hosts upgrades (planned for FY19); Disaster Recovery build out and NetApp Storage upgrades (planned for FY20 and FY21); and Barracuda replacement (planned for FY20). Hardware will be priced separately.

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 Office of the Attorney General has only two IT positions managing all hardware, software, phones, computers, databases, servers, access, connection, etc. for 200+ systems at 4 locations for the Office of the Attorney General. It is necessary for this office to have a reputable IT vendor assist with the larger monitoring and patching efforts as well as hardware upgrades. It is also helpful for our staff to have vendor expertise as we upgrade our 2008 and 2012 operating systems to 2016.

No internal or external government entities have the certifications or connections with vendors that are required to support the specific hardware and software configurations of this office. Workgroup Technology Partners has the historical knowledge and is the only IT services provider in Maine that is certified on our core IT infrastructure technologies, including VMware, Microsoft, NetApp, Barracuda and Cisco.

State of Maine Waiver of Competitive Bidding Request Form

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**.

Rider A of CT 26A 20180604*3799 anticipated OAG's network and storage hardware upgrades, including:

- VMWare ESX Hosts upgrades (planned for July 1, 2018-June 30, 2019)

Server upgrades and have now been procured and installed.

There are no install or additional support costs, as they are accounted for in the original dollar amount and scope of work under CT 26A 20180604*3799.

5. Future Competition

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

We believe this is a subsequent renewal that was not anticipated in the March 2014 RFP. WGTECH has worked closely and successfully with our new IT staff to resolve technology issues such that we no longer have downtime and lost productivity. The ongoing support we have received from WGTECH has built a mutual trust and respect that is conducive to a continued relationship. OAG IT staff and WGTECH have successfully worked together to put the office in a position to focus on proactive IT management including important efforts such as hardware upgrades (our VMware servers are more than 7 years old and no longer supported by Dell) and business continuity and disaster recovery efforts. After their hard work, dedication, and skilled assistance, it is appropriate that WGTECH be a part of our next phase.

Once this renewal term has expired (June 30, 2023), the OAG anticipates issuing an RFP for 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.

WGTECH is the only IT services provider in Maine that is certified on our core IT infrastructure technologies, including VMware, Microsoft, NetApp, Barracuda and Cisco. Additionally, WGTECH has a historical knowledge of our environment and an in-depth understanding of the requirements needed to support and maintain our infrastructure throughout the useful life of our equipment. OAG IT staff and WGTECH have successfully worked together to put the office in a position to focus on proactive IT management including important efforts such as hardware upgrades (our VMware servers are more than 7 years old and no longer supported by Dell) and business continuity and disaster recovery efforts. After their hard work, dedication, and skilled assistance, it is appropriate that WGTECH be a part of our next phase. Also, onsite presence will be important during our hardware and operating systems upgrades; an out of state vendor will not be able to be as accessible.

State of Maine Waiver of Competitive Bidding Request Form

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.*

Mark A. Toulouse

Printed Name:

Mark A. Toulouse, Administrative Services Division Chief

Date:

4/3/2019