

PM 15576

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:	Michael Ashmore	Office/Division/Program of Contract Administrator:	MCCS/MDOE
Est. Contract Amount:	\$ 32,000	Contract or RQS Number:	20181213*1879
Proposed Start Date:	3-25-2019	Proposed End Date:	12-31-2019
Vendor/Provider Name, City, State	UMaine System dba University of Southern Maine; Data Innovation Project PO Box 9300, Portland, ME 04104		
Short Description of Good or Service:	Data Management and Evaluation Training		
<p>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.</p>		<p>To be completed by the Division of Procurement Services Posting dates on Division of Procurement Services website: From: <u>04/23/2019</u> To: <u>04/29/2019</u></p>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0420190497	
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>	<p><i>By signing below, I signify as the Governor's designee there is an emergency that necessitates this non-competitive procurement.</i></p> <p>Signature:</p> <hr/> <p>Printed Name: _____ Date: _____</p>	
	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.		

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X	If a different authorization specifically allows for this non-competitive procurement, please provide that reference here:	The Provider is named as such in the Commission's approved federal <i>Commission Investment Fund</i> Technical Assistance funding agreement.
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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 Maine Commission is required by Maine and federal statute to provide technical assistance and training to National Service programs funded by the Commission as well as to National Service programs that operate in the state but are funded through other sources. A federal priority in the provision of this technical assistance is increasing program capacity to collect, manage, and analyze data and to develop and execute high quality program evaluation. To wit, the Commission's funding for technical assistance and training requires this as a training topic with associated outcomes.

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.

This contract does access a public resource, Maine's University System. National Service programs that operate in the state of Maine must meet minimum standards for data collection, evaluation and analysis in order to meet federal and state funding conditions regarding demonstration of impact. The Commission can and does provide training to the limit of its capacity in these areas. However, the Commission does not have the capacity to provide adequate and equivalent training to all National Service programs due to geographic considerations, the variation in base knowledge among National Service program staff and the considerable time and effort necessary to meet requirements within the required timeframes. Additionally, the variation of impact areas among the Commission's funded programs (elementary school response to intervention support to trail building on public lands to opioid recovery coaching) is beyond the expertise of the Commission staff. The Data Innovation project at USM uses the expertise of individuals across the university system to provide access to the knowledge-bases necessary to provide high impact coaching and support.

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 USM Data Innovation Project was named as the contract provider in the Commission's approved federal Commission Investment Fund Technical Assistance funding agreement. The program was identified based on the scope of services and training it provides in the area of data management and evaluation.

Evaluation services of this type typically run in the tens of thousands per program. The USM group, because of their purpose "to partner with organizations to increase their capacity to utilize data to clearly define their work, achieve results, and demonstrate impact in Maine", in effect, subsidizes the cost to programs in order to meet its mission objectives

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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The Commission will continue to monitor for data and evaluation trainers or training organizations with the capacity to offer a combination of group training and individualized support in this area of expertise.

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

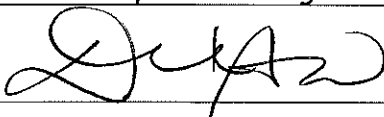
Please explain if the goods or services required are unique to a specific vendor. Describe the unique qualifications, abilities, and/or expertise of the vendor and how those particular unique factors address the specific need identified above. If the vendor has unique equipment, facilities, or proprietary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

There are an extremely limited number of trainers available in these competencies outside of the post-secondary education system in the state and they offer limited course-work in the area primarily for matriculated students. The USM group is the only one that could offer a combination of both group training on core topics and individualized support over the length of a grant period for multiple awardees as they develop and execute data management practices and evaluation activities.

While there are contractors who can provide Evaluation Services, they typically do not provide training to the organization staff but rather perform the evaluation independently. Because all of the Commission's grantees fall below the federal award amount that requires independent evaluators, and because the awarded funds offer only extremely limited resources for funding evaluation, it is critical that the organizational staff learn the competencies necessary to perform effective internal evaluations.

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. Chubta 20 Mar 2019

