

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:	Donna E, Grant, Deputy Secretary of State Information Services	Office/Division/Program of Contract Administrator:	Department of the Secretary of State, Office of Information Services
Est. Contract Amount:	\$46,319	Contract or RQS Number:	RQS29B20190419000000001107
Proposed Start Date:	June 13, 2019	Proposed End Date:	June 12, 2020
Vendor/Provider Name, City, State	Netrix, LLC 2801 Lakeside Drive, Suite 125 Bannockburn, Illinois 60015		
Short Description of Good or Service:	Yearly License and Software Maintenance Renewal for Veritas NetBackup and Infoscale		
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>4/25/19</u> To: <u>5/01/19</u>	
Notice of Intent to Waive Competitive Bidding Number:	NOI# 0420190510		
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 checked="" 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 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.		

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If a different authorization specifically allows for this non-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 Office of Information Services purchases Veritas NetBackup software licenses and maintenance to manage the backup of data stored within the IS datacenter. NetBackup is used to maintain a standard backup schedule as well as maintain the location of all backup files for Information Services' datacenter. This data includes all applications used in the Bureau of Motor Vehicles; the Bureau of Corporations, Elections and Commissions; and the Maine State Archives. It is critical that all data be backed up on a regular schedule so that in the event of any type of system failure or outage, the business of the Bureau of Motor Vehicles; the Bureau of Corporations, Elections and Commissions; and Maine State Archives is allowed to continue without a major interruption or delay.

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.

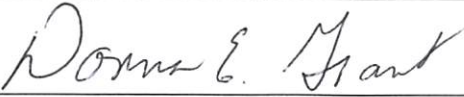
NetBackup and the storage configuration which the Office of Information Services is utilizing within its datacenter is a specialized backup and storage solution. It was designed and implemented specifically to meet the needs of the Office of Information Services and the Bureaus that it supports.

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 office of Information Services relies on the specialized configuration of the NetBackup solution provided by Netrix, LLC. This backup solution can only be purchased from an authorized NetBackup reseller. It would be significantly more expensive to replace this software with a different backup software package which would need to be tailored to the specific configuration and needs of Information Services datacenter.

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<p>5. Future Competition Please describe potential opportunities which may be available to foster competition for these goods or services in the future.</p> <p>The Office of Information Services is currently working on a Request for Information (RFI) to gain information concerning backup solutions. Information Services plans to use this RFI to work through the competitive bidding process to pursue options for backup solutions.</p>	
<p>Please note that <u>only one</u> of the two points below (“Uniqueness” or “Timeframe”) requires a response. Requesting Departments are not required to respond to both points.</p>	
<p>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.</p> <p>Veritas Corporation does not allow the direct purchase of NetBackup and Infospace. The Office of Information Services must purchase these Veritas products through a third party reseller. When the Request for Quotes was processed, Netrix was awarded the contract. Therefore, Information Services now purchases these licenses and renewals from Netrix, LLC.</p>	
<p>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.</p>	
<p>Signature of requesting Department’s Commissioner or Chief Executive (or designee within the Commissioner’s Office):</p>	<p><i>By signing below, I signify that my Department requests, and I approve of, this Waiver of Competitive Bidding.</i></p> 
<p>Printed Name:</p>	<p>Donna E. Grant, Deputy Secretary of State for Information Services, Department of the Secretary of State.</p>
<p>Date:</p>	<p>April 19, 2019</p>