

# 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.

<b>Requesting Department's Contract Administrator:</b>	Emily Gribben, Chelsey Fortin-Trimble, and Janette Kirk	<b>Office/Division/Program of Contract Administrator:</b>	DOE – Office of Learning Systems
<b>Est. Contract Amount:</b>	\$ 399,000.00	<b>Contract or RQS Number:</b>	20190114*2086
<b>Proposed Start Date:</b>	May 31, 2019	<b>Proposed End Date:</b>	May 31, 2020
<b>Vendor/Provider Name, City, State</b>	Criterion Education, LLC 2121 K Street NW, Suite 700, Washington, DC 20037		
<b>Short Description of Good or Service:</b>	The Provider is responsible for leading and facilitating the National Institute for School Leadership's (NISL) 24-day Executive Development Program (EDP) and 6-day Facilitator Institute (FI) for up to 25 educators within the state of Maine.		
<b>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.</b>		<i>To be completed by the Division of Procurement Services</i> Posting dates on Division of <i>Procurement Services</i> website: From: <u>04/25/2019</u> To: <u>05/01/2019</u>	
<b>Notice of Intent to Waive Competitive Bidding Number:</b>		NOI# 0420190511	
<b>1. Statutory Justification</b> 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> <b>Signature:</b>	
		<b>Printed Name:</b>	<b>Date:</b>
<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: <a href="http://www.maine.gov/purchases/info/forms/govcoop.doc">http://www.maine.gov/purchases/info/forms/govcoop.doc</a>.</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.		
<input type="checkbox"/>	If a different authorization specifically allows for this non-competitive		

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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.

Currently, Maine DOE does not provide comprehensive executive leadership training to Maine educators. There are no current public resources that address this specific need. Today, Maine school and district leaders are expected to be effective managers and instructional leaders. The NISL training is available at a significant reduction of cost to Maine educators. The successful completion of the coursework may be accepted by the University of Maine at Orono for course credit toward a M.Ed. and/or PhD.

This need has been expressed by former Focus and Priority school and district leaders and research completed by Gordon Donaldson and George Marnik.

THE MAINE PRINCIPAL STUDY Change and Stability in School Leadership: 1997 – 2011 (Gordon Donaldson and George Marnik)

Donaldson and Marnik developed a survey for school administrators, almost identical to surveys given in 1997, 2001, and 2005. . Of the 718 notices about the survey emailed to MPA members, 479 were returned and were usable in the final study, a response rate of 67%.

In comparison to 1997, 2001, and 2005, the typical Maine principal:

- is slightly younger and has two years' less experience in administration; is supervising a larger school (enrolling 69 more students for an average size of 407) and a significantly larger staff (53) than before
- Principals' activity patterns continue to be characterized by many diverse tasks. They are most engaged in "student management" and "personnel management" activities; they devote least time to "instructional leadership" and "resource management" activities.

Tenure:

In 2011, 49% had less than 5 years' tenure in their current jobs and 23% had fewer than 2 years.

Contributors to Success:

Principals were asked to assess the degree to which a variety of activities and experiences contributed to their success as a principal. Their "experience as a teacher", "graduate training in educational leadership" and "attending professional development conferences and seminars" rated the highest (mean scores indicate that these contribute "substantially" or "a great deal" to their success).

## 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 Maine DOE will be utilizing funding available from the defunct 1003g School Improvement Grant (SIG) programming. Maine does not have staff members with the combined experience, expertise, and capacity to create an executive leadership program that is aligned with USDE requirements of "evidence-based interventions."

## 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**.

Expense	Projected Units	Per Unit Cost	Maximum Cost
Executive Development Program	25 <i>(Participants)</i>	\$12,600.00	\$315,000.00
Facilitator Institute	2 <i>(Sessions)</i>	\$21,000.00	\$84,000.00

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Total	\$399,000.00
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Payments to the Provider under this agreement will be made at a rate of \$12,600 per participant who completes the Executive Development Program (EDP) and \$21,000 per successful completion of each Facilitators Institute, for up to a maximum of 25 EDP participants, 2 FI Sessions, and a total cost of \$399,000.00. Extensive research and development regarding the EDP model has been completed with \$14 million dollars invested by the vendor to complete this work. A cost of \$21,000 is deemed fair and reasonable due to the quality of the materials provided, high quality/caliber of professional learning related to the level of academic content.

**5. Future Competition**

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

When Maine identifies the second cohort of Tier III (Comprehensive Support and Intervention - CSI) schools, the Maine DOE will provide competition for these goods for vendors that are approved as "evidence-based" and are able to provide a national executive leadership program for Maine educators.

**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.

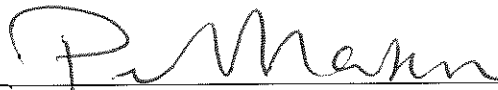
Studies conducted by both the RAND Corporation and George W. Bush Institute aimed to identify ESSA eligible programs, and NISL is the only one to appear in both as having the necessary research rigor and evidence of positively impacting student results (2) NISL is the only Professional Development to have that dual designation (study rigor and positive student results) in the Bush report and (3) NISL is the only organization to appear in the Professional Learning category of the RAND study to have that dual designation (others appear under separate designations).

**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:

Pender Makin

Date:

4/22/19