

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:	J. Jordan / D. Cotnoir	Office/Division/Program of Contract Administrator:	DAFS / OIT / OSC
Est. Contract Amount:	\$ 523,098 Estimated	Contract or RQS Number:	RQS 18F 20190423*1119
Proposed Start Date:	3-1-2019 (15 months)	Proposed End Date:	5-31-2020
Vendor/Provider Name, City, State	Oracle America, Inc. PO Box 203448 Dallas, TX 75320-3448		
Short Description of Good or Service:	Oracle Analytics Cloud Software and Oracle Cloud Computing Service		
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>04/29/2019</u> To: <u>05/05/2019</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0420190525	
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: 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.		
<input type="checkbox"/>	If a different authorization specifically allows for this non-competitive procurement, please provide that reference here:		

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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 State of Maine cloud hosts and uses subscription software, Oracle Analytics Cloud Service, and OpenText GQL licensed software, to deliver its financial and human resources data warehouse service. The data warehouse is used by hundreds of State government employees to perform their essential financial/cost analysis and reporting work. The software subscription and cloud hosting agreement are required to continue to operate the system

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.

NA – Cloud hosting and off-the-shelf software subscription/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**.

All Oracle software, support and cloud computing is being acquired under the pricing, terms and conditions of the State of Massachusetts ITS-64 Oracle Software and Services contract which replaced ITS-19 effective 5-22-2018 and is in force through 6-30-2023. Massachusetts negotiated the contract with Oracle over a period of 3-years replacing the previous ITS-19 agreement. Maine indicated it would participate in ITS-64. Pricing is consistent with the existing agreement.

5. Future Competition

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

The State of Maine is in the middle of retiring OpenText GQL software moving to OACS. The State is also actively engaged in replacing the legacy human resources system, which interfaces with the data warehouse. Oracle is upgrading its service from IaaS to PaaS, which the State plans to take advantage of. OIT and the OSC will monitor cloud host vs State host cost to assure competitive pricing and best 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.

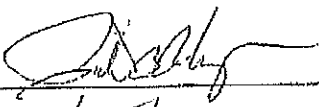
6. Uniqueness

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 financial and human resources data warehouse operates using Oracle cloud databases with Oracle Analytics Cloud software. Three years ago, the State moved the data warehouse to the cloud. The State of Maine does not operate OACS software in its on-site Oracle environment and space for the application no longer exists. The existing agreement needs to be continued for service continuity.

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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:	David Thompson
	4/12/19

FB 4-12-19