

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.

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| DHHS/DCM Contract Administrator: | Chris Moiles / Lisa Munster | Office/Division/Program of Contract Administrator: | MeCDC/Public Health Systems/DRVS/Anne Rogers |
| Est. Contract Amount: | \$ 21,500 | Contract or RQS Number: | 10A 2019030500000002521 |
| 010-10A-Z03701-6901- 01 | | Purchasing Maine ID: | |
| | | DHHS Agreement Number: | CDM-19-1225 |
| Proposed Start Date: | 04/30/2019 | Proposed End Date: | 05/03/2019 |
| Vendor/Provider Name, City, State | SAS Institute Inc. / Kristy Smith / PO Box 406922 / Atlanta, GA 30384-6922 | | |
| Short Description of Good or Service: | SAS Institute to provide in-person on-site training on the following courses: SAS Programming 1 and SAS Programming 2. | | |
| 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. | | <i>To be completed by the Division of Procurement Services</i> Posting dates on Division of <i>Procurement Services</i> website: From: <u>04/30/2019</u> To: <u>05/06/2019</u> | |
| Notice of Intent to Waive Competitive Bidding Number: | | NOI# 0420190538 | |
| 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; | | |

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| 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: | |

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.

SAS is a software package that is used in many MaineCDC programs. Some federal grantors provide it directly to the programs they fund, other federally funded programs require the State programs they fund to purchase it themselves. The software is used to analyze, manage, clean, and manipulate data, and prepare reports for distribution. There has not been a training on SAS in Maine for several years. With the change in staff in several MaineCDC programs it is imperative to provide the training needed for a highly skilled and functioning state workforce. These courses provide foundational training on SAS programming to new and lower skilled staff who need to use this software to perform duties required by their job. This is a statistical software package used to analyze multiple data sources in the Department of Health and Human Services, Maine Center for Disease Control and Prevention. SAS is used to prepare and analyze multiple data sets for several federal grants and programs such as BRFSS, PRAMS, MIYHS, Cancer Registry; vital event data including births, deaths, marriages, divorces, fetal deaths, and abortions; as well as several programs in the Division of Environmental Health, Division of Disease Surveillance, and Division of Disease Prevention.

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.

SAS training is only offered by SAS Institute Inc. and its affiliated educational sites around the US. None are located in Maine, the closest is in Boston MA. Neither USM or UNE were offering SAS courses. We also checked with state epidemiologists to see if they could provide this training, all said they could not.

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 fee SAS Institute quoted for this service is their standard rate for all in-person on-site training. The Department considers the cost fair and reasonable compared to the alternative expense of sending state employees in need of SAS training to the nearest training venue in Boston, MA. The per attendee cost of obtaining training in Boston would be approximately \$3,600 in travel/lodging/per diem and fees, for a total of \$43,200 for the twelve individuals in need of training. The state is saving approximately \$21,700 by hosting the training in Maine.

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 Department does not intend to RFP 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.

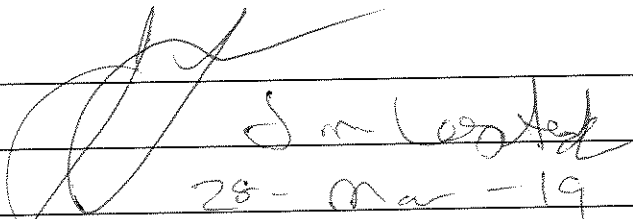
6. Uniqueness

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.

The vendor, SAS Institute, is the sole owner of the product. There are specific locations throughout the US who are certified to offer the trainings on SAS statistical software packages. No certified training centers are located in Maine, so it is necessary to go through SAS Institute.

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.

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| 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: | 28 - Mar - 19 |