

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:	Jan M. Adams	Office/Division/Program of Contract Administrator:	Maine Workers' Compensation Board
Est. Contract Amount:	\$ 7,226.00	Contract or RQS Number:	RQS 90C
Proposed Start Date:	May 26, 2019	Proposed End Date:	May 25, 2020
Vendor/Provider Name, City, State	Software Technology, LLC 1621 Cushman Drive Lincoln NE 68512		
Short Description of Good or Service:	Computer software server & user licenses – annual maintenance.		
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>05/02/19</u> To: <u>05/08/19</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0520190542	
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>	<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:
	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.		
	If a different authorization specifically allows for this non-		

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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.

In 2016 the Board's Worker Advocate Division ("WAD") converted the client/case-management software it uses to manage client files and support litigation for administrative proceedings to the "Practice Master" product from Software Technology, LLC. Annual maintenance fees, which are standard in the off-the-shelf software sector, are required for continued functioning of the server software and user licenses.

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.

OIT and WCB were unable to identify any other governmental entities that could provide a product to address the identified need.

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**.

Technical Support/Maintenance is based on the industry standard and is typically 10-20% of original procurement. There are no other vendors that support the off-the-shelf product that was purchased last year. The cost of annual maintenance is within the industry norms.

5. Future Competition

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

The Board opted to procure an "off-the-shelf" product initially because this product has the lowest cost compared to a custom product and other off-the-shelf products providing the same functionality. Additionally, the annual maintenance cost was considered during the original procurement and was found to be lower than other products we reviewed.

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.

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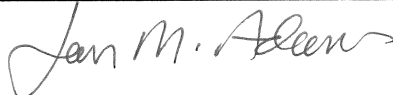
6. Uniqueness

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 WAD functions like a mini-law firm within the Board; the Division has its own offices (five across the state), its own staff, and client/case-management software it uses to manage client files and support litigation for administrative proceedings. The Practice Master software contains the records of prior clients and cases needed for cross-reference and screening, links for parties necessary to litigate claims, documents, work-product notes from WAD staff, and interfaces with word processing to generate documents including legal pleadings avoiding duplication of data entry and decreasing support staff data-entry. The annual maintenance for the server software and licenses is needed to maintain and support the existing system.

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:	Jan M. Adams, Deputy Director Business Services
Date:	<i>April 18, 2019</i>