

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:	William Mason	Office/Division/Program of Contract Administrator:	DAFS/OIT
Est. Contract Amount:	Increase \$60,825 for total contract value \$2,859,657	Contract or RQS Number:	CT 18B 20180928*1171
Proposed Start Date:	05/15/2019	Proposed End Date:	09/30/2022
Vendor/Provider Name, City, State	Stratosphere Technical Consulting		
Short Description of Good or Service:	Pega Application Enhancements		
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>5/3/2019</u> To: <u>5/9/2019</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0520190552	
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:	
<input type="checkbox"/>	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;		
<input type="checkbox"/>	<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 State of Maine has a portfolio of Business Processing Management (BPM) applications including: LEEDS (DMR), MainePays/Travel (DAFS), MePerls (ACF), PayMaine (Treasury), PurchasingMe (Purchases), and Constituent Management Portal (DOL). BPM Applications are built upon the Pegasystems, Inc. platform and framework and are hosted in the Cloud by PegaSystems. These are production systems currently used by agencies and State of Maine Constituents.

In 2018, the State of Maine Department of Administrative and Financial Services (DAFS) Office of Information Technology (OIT) Business Process Management (BPM) group determined that transferring Pega application support and maintenance to a Managed Service Provider (MSP) was a better alternative than continuing to contract for Pega-certified resources under our staff augmentation program. In October 2018, OIT contracted with Stratosphere Technology Consulting as our Managed Service Provider for support, maintenance, and minor enhancements of these 6 applications.

In order to maximize the value of their applications, and to keep abreast with regulatory and operational changes, Agencies periodically request enhancements to their systems. These enhancements are outside of the scope of the existing Managed Service Contract. Since Stratosphere is the current MSP supporting all these applications, agencies are looking to contract with Stratosphere for required enhancement work on these specific applications only. No new applications can be developed under this agreement.

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 required expertise does not exist within state government as there are no Pega Certified state employees. No state employees will be affected by this action.

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**.

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Costs were compared to current BPM budget amounts. Rates were compared to current KSI rates. The quoted rates are consistent with the contract that is already in place.

5. Future Competition

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

Any new applications looking to use the PegaSystems platform will be competitively bid and are not included in this request. If another vendor develops the required skills and partnerships required to work on the existing systems, we could entertain competitively bidding future contracts.

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.

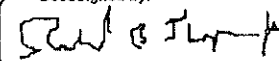
As our Managed Service Provider, Stratosphere has day-to-day interaction and knowledge of the SOM Pega applications. Most of the current applications were built by staff that currently work for Stratosphere. This amendment is specific to enhancements to DACF's application built on the Pega platform – MePERLS.

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.

DocuSigned by:


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Printed Name:	Richard B. Thompson
Date:	5/2/2019

DocuSigned by:  5/2/2019
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