

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:	Sheila McDonald	Office/Division/Program of Contract Administrator:	Maine State Museum
Est. Contract Amount:	\$ 10,000	Contract or RQS Number:	20190430*3197
Proposed Start Date:	05/13/19	Proposed End Date:	06/30/19
Vendor/Provider Name, City, State	Friends of the Maine State Museum		
Short Description of Good or Service:	Membership program administration and development planning		
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>05/03/2019</u> To: <u>05/09/2019</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# <u>0520190555</u>	
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;		
x	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:		

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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 Maine State Museum, according to its enabling legislation, may have a membership program to build a base of support for the museum. The museum may also raise funds privately to support museum priorities that fall outside the basic services provided by state funding.

Within its limited staff structure, the museum has no capacity to administer a membership program or structure a community and member-based fundraising effort for priority museum projects. A membership program and active fundraising/development function are, however, essential for the museum's growth and long-term sustainability as museum's needs outgrow the limitations of state funding. These needs have been identified time and again by both internal and external analyses, as well as by the American Alliance of Museum's accreditation processes, which guide museum standards of excellence nationwide.

The Friends of the Maine State Museum was incorporated as a non-profit organization in 1992 to develop a membership program and initiate systematic, strategic fundraising and development activities. The Friends of the Maine State Museum's sole purpose is to support the Maine State Museum. In recognition of the Friends' mission, the Maine State Museum Commission has, according to law (27 MRSA Section 83 (6)), designated the Friends of the Maine State Museum as the museum's official private support organization. With this designation and active on-going work on behalf of the Maine State Museum, the Friends have built a viable organization to provide key services in support of the museum membership program, as well as fundraising and development activities.

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.

An analysis of the museum's primary responsibilities in museum education, collections care, collection management, and exhibit development revealed many years ago that the museum's staff structure lacked the capacity for maintaining an active membership program. Similarly, the museum has no ability to initiate and sustain an on-going fundraising/development effort to provide funding for necessary programs to ensure the museum's growth, relevance, and responsiveness to public needs. Additionally, there are no resources within local, state, or federal government to provide these services specifically to the Maine State Museum on an on-going basis.

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**.

Museum staff and Museum Commission members have examined costs for hiring membership program consultants or fundraising professionals to meet the needs identified by the museum. In all cases, these services have proven to be costly, far exceeding the fair and reasonable rates charged by the Friends of the Maine State Museum.

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5. Future Competition

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

As the museum examines membership development and fundraising needs in the future, the museum will continue to weigh costs and deliverables to ensure that the Friends of the Maine State Museum are providing services in a cost-effective manner compared to other providers.

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

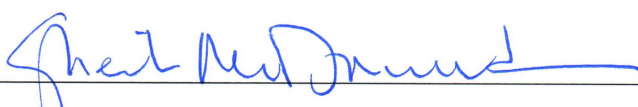
Please explain if the goods or services required are unique to a specific vendor. Describe the unique qualifications, abilities, and/or expertise of the vendor and how those particular unique factors address the specific need identified above. If the vendor has unique equipment, facilities, or proprietary data, also explain the necessity of these particular unique assets.

The Friends is a non-profit entity established in 1992 for the sole purpose of providing assistance and support to help the Maine State Museum fulfill its mission. Pursuant to statute, 27 MRSA Section 83 (6), amended in 2007, the Friends is specifically designated as the museum’s “private (non-profit) support organization.” The Friends work closely with the museum staff and follow a work plan developed jointly with the Museum Commission in order to ensure that Friends work is closely aligned with museum priorities. The Friends operate out of the museum and its activities are an integral part of the museum’s overall programs.

The Friends of the Maine State Museum is uniquely situated and capable of providing the services needed and at a more reasonable cost than could be obtained on a competitive procurement basis. The proposed services of membership program administration and fundraising and development support fall squarely within the purposes and mission of the Friends.

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:	30 April 2019
	Sheila McDonald, Deputy Museum Director and Designee of Bernard Fishman