

# 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.

<b>Requesting Department's Contract Administrator:</b>	Director John B. Rogers	<b>Office/Division/Program of Contract Administrator:</b>	ME. Criminal Justice Academy Maine Dept. of Public Safety
<b>Est. Contract Amount:</b>	\$ 15,000.00	<b>Contract or RQS Number:</b>	
<b>Proposed Start Date:</b>	07/15/2019	<b>Proposed End Date:</b>	11/27/2019
<b>Vendor/Provider Name, City, State</b>	Chief Robert A. Moulton Scarborough Police Department 246 U.S. Route 139, Scarborough, ME 04074 Telephone 207-883-6361 VC-1000082179		
<b>Short Description of Good or Service:</b>	Cadre Services for the 37 <sup>th</sup> Basic Law Enforcement Training Program (BLETP)		
<b>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.</b>		<b>To be completed by the Division of Procurement Services</b> Posting dates on Division of <i>Procurement Services</i> website: From: _____ To: _____	
<b>Notice of Intent to Waive Competitive Bidding Number:</b>		NOI#	
<b>1. Statutory Justification</b>			
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> <b>Signature:</b>	
	<b>Printed Name:</b>	<b>Date:</b>	
<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: <a href="http://www.maine.gov/purchases/info/forms/govcoop.doc">http://www.maine.gov/purchases/info/forms/govcoop.doc</a>.</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-		

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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.

a. 25 M.R.S., Chapter 341 requires the Maine Criminal Justice Academy (MCJA) to provide basic training to all full-time law enforcement officers. It is essential for the Academy to provide staffing for this legislatively mandated law enforcement training program. Contracting for staffing provides professional law enforcement practitioners and is more cost efficient for the State of Maine.

b. The use of Cadre staff is critical because they provide all the training and development to each Cadet outside the classroom setting. By having currently certified, experienced law enforcement officers for a 20-week period, the classroom teaching is enhanced with practical scenario-based instruction by the Cadre staff.

## 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.

a. The Maine Criminal Justice Academy does not have sworn law enforcement officers assigned as headcount, thus the need exists to contract with outside agencies to provide this type of service.

b. The MCJA is requesting sole source procurement for Cadre staff. Each Cadre staff member is required to have at least 5 years of active law enforcement experience and required to submit to an oral interview, as well as pass a physical fitness exam at the 50<sup>th</sup> percentile. I also believe the bidding process would not be cost effective to the State of Maine, both in terms of the extra money being spent, as well as the lag time of getting someone in place and ramped up to perform the required services.

## 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 cost of this contract was based on \$18.75 per hour for 40 hours per week for 20 weeks. That equates to \$15,000. The cost comparison that I used was for every experience full-time law enforcement officer in the State that earns way more than 18.75 per hour, especially if the fringe benefit packages were added. In reality, the fully impacted wages that this contract pays for is about half of the true cost to the loaning agencies. The contract for \$15,000 using the described logic above is both fair and reasonable.

## 5. Future Competition

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

The future Cadre position opportunities exist for every Maine law enforcement officer who has a supporting agency and that has met the minimum qualifications, i.e.: 5 years of experience, passing an oral interview and passing the MCJA Physical Fitness Exam the 50<sup>th</sup> percentile. For each BLETP class, I address the Maine Chiefs of Police Association, the Maine Sheriffs Association and the Chiefs of State law enforcement agencies looking for interest. This currently makes the process open to all agencies and I do not see this changing.

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**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.**

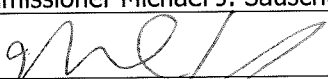
**6. Uniqueness**

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 uniqueness of this Cadre position is that Maine operates a joint law enforcement training program for all full-time law enforcement officers. All State, County and Municipal law enforcement officers are training together. The training model that we use in Maine is to have State, County and Municipal law enforcement officers teach the majority of the curriculum, as well as hold all six Cadre positions. We carefully choose our Cadre and instructors with the most qualified people. The vetting process is open to all agencies that are interested and have the resources to participate, however the minimum requirements do screen out many currently certified law enforcement officers. This is the main reason why this Cadre position is so unique. By having the most qualified Cadre makes for better trained law enforcement officers being trained.

**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.

<b>Signature of requesting Department's Commissioner or Chief Executive (or designee within the Commissioner's Office):</b>	<i>By signing below, I signify that my Department requests, and I approve of, this Waiver of Competitive Bidding.</i>
<b>Printed Name:</b>	Commissioner Michael J. Sauschuck – Maine Department of Public Safety
<b>Date:</b>	
4-29-19	