

State of Maine Waiver of Competitive Bidding Request Form (Formerly Sole Source Authorization 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:	Ellen Lee	Office/Division/Program of Contract Administrator:	DAFS/BBM/OIT
Est. Contract Amount:	Approx. \$2,000,000/year	Contract or RQS Number:	Master Agreement
Proposed Start Date:	Jul 1, 2019	Proposed End Date:	12/31/2020
Vendor/Provider Name, City, State	U.S. Cellular Madison, WI		
Short Description of Good or Service:	Cellular services and equipment		
Please note, for transparency purposes, Waivers of Competitive Bidding will be publicly posted. Public postings are placed on the Division of Purchases' website for a period of seven consecutive calendar days.		To be completed by the Division of Purchases Posting dates on Division of Purchases' website: From: <u>5/9/2019</u> To: <u>5/15/2019</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0520190593	
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:
X	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 Purchases "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-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 State of Maine is dependent on cellular services from basis voice service to smartphone/data services. State of Maine employees rely on cellular service for communication daily. Voice services, messaging services, and access to state applications are handled through cellular services.

The contract includes wireless voice, broadband/data, equipment and accessories. This US Cellular Contract extension coordinates contract services end dates with Verizon Wireless and AT&T Mobility Wireless Communications agreements. The State of Maine has Participating Addendums with these other carriers.

Contract services and pricing for all carriers are available and used by other State of Maine public entities such as the University System.

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.

No public resource provides these 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 State of Maine currently has 3 wireless service carriers under contract: AT&T Mobile, Verizon Wireless and US Cellular. Plan rates for each carrier are available through OIT's service catalog. Plan coverage as well as cost are taken into consideration when agencies determine the best plan for any individual within their department requiring wireless services.

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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.

It is anticipated that the State of Maine will continue to have multiple vendors under contract for cellular services. Agencies are able to compare plans and coverage across these providers, and choose which carrier under state contract best fits their collective and individual needs.

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.

US Cellular's wireless coverage extends to many areas of the State of Maine. Since there are other carriers under contract, agencies have competitive options to use whichever carrier provides the best value to their employees. Most agencies currently have services with multiple carriers.

As a regional carrier, US Cellular has local store fronts and continues to expand their network coverage across the state.

It is beneficial to the state to have alternative providers. In years past, issues had arisen on geographic signal coverage in some areas of the state, international service availability and the desire of users to have a specific phone model.

This request extends the current US Cellular contract to the same contract end date as the other carrier services available to State of Maine users.

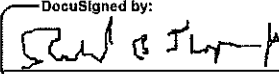
7. Timeframe

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.

Printed Name:

DocuSigned by:

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 Richard B. Thompson

Date:

5/2/2019