

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:	Judith Shaw	Office/Division/Program of Contract Administrator:	Department of Professional and Financial Regulation/Office of Securities
Est. Contract Amount:	\$24,000 in fiscal year 2019 \$126,000 in fiscal year 2020	Contract or RQS Number:	20190412*2926
Proposed Start Date:	05/01/2019	Proposed End Date:	06/30/2020
Vendor/Provider Name, City, State	Maine Legal Services for the Elderly, Augusta, ME		
Short Description of Good or Service:	Development and airing of three public service announcements on elder investment fraud and financial exploitation; production and airtime provided through a partnership with Maine Legal Services for the Elderly, a nonprofit legal services organization.		
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>5/9/2019</u> To: <u>5/15/2019</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0520190601	
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		

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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:	
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.	
<p>This project represents a partnership between the Maine Office of Securities and Maine Legal Services for the Elderly ("LSE"). It involves the development of three public service announcements ("PSA") on elder investment fraud and financial exploitation. The production and airing of the PSAs are part of an existing elder abuse awareness project, previously launched by LSE. This project will involve adding PSAs to LSE's existing production arrangement with producers and getting those PSA's into an airing rotation with various media outlets. By partnering with LSE, an organization with a mission and project aligned with that of the Office of Securities, the Office of Securities is able to leverage existing production relationships and reduce the overall cost of production and airing of the PSAs.</p>	
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.	
None known.	
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 .	
<p>The partnership between LSE and the Office of Securities has made it possible for the Office to utilize existing production equipment and staff that has been set up for use by LSE. The airtime for the PSAs is available at a more cost-effective rate as a result of this partnership.</p>	

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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.

The Office of Securities would be willing to consider similar future opportunities with other potential partners in order to provide this type of service to the investing public.

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 production capabilities and airtime arrangement provided in connection with the Office of Securities' partnership with LSE presents a unique opportunity. The partnership allows the Office to produce and air PSAs through a variety of notable media outlets at a reasonable cost. If the Office were to attempt to negotiate this type of arrangement on its own, it would take a considerable amount of time and the cost would likely be higher.

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.

Anne L. Head

Printed Name:

Anne L. Head

Date:

4/16/19