

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:	Pat Hinckley	Office/Division/Program of Contract Administrator:	Maine DOE/SFT/School Transportation
Est. Contract Amount:	\$20,000 (not to exceed)	Contract or RQS Number:	CT-05-A- 20190508*3315
Proposed Start Date:	July 23, 2019	Proposed End Date:	July 26, 2019
Vendor/Provider Name, City, State	Maine Association for Pupil Transportation (MAPT), C/O Richard Joseph 108 Learning Lane Farmington, ME 04938		
Short Description of Good or Service:	Comprehensive State school transportation safety conference		
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>05/09/2019</u> To: <u>05/15/2019</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0520190603	
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;		
	<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:
<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: 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.

The Maine DOE standard for driver training recommends an annual minimum of 40 hours for pre-service, 16 hours for in-service and 16 hours behind the wheel training. The state conferences is a venue for school bus driver training.

The state conference provides comprehensive professional development for transportation staff, directors, mechanics, bus drivers, and transportation software technicians, to complete annual in-service training. Standards, laws, and implementation related to school bus safety, security, and driver training are complex. They include transportation management, mechanic skills, people skills, data management, driving skills, licensing, special needs student transport, seat technology, student management, bully prevention, critical incident response, transportation software, equipment maintenance, and more. The range and complexity of transportation information and skills requires annual professional development for schools to provide safe reliable student transportation.

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.

There is one professional transportation staff at Maine Department of Education with a full work load to administer transportation services. Staff responsibilities for this position include contracting professional development services. The Maine State Police typically assist with bus inspection and classroom sessions during the state bus driver competition at the state conference.

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 projected cost, based on prior years, to deliver a state conference is \$50,000. This contract is estimated to cover 40% of the total projected state conference cost. The contract includes payment for some conference speakers.

5. Future Competition

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

There appears to be no competition in Maine for PK-12 school transportation professional development conferences. Research continues to determine if other local state organizations have the skills, abilities, and licenses to plan and deliver a quality comprehensive state transportation driver competition and conference.

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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.

Maine Association of Pupil Transportation (MAPT) is a non-profit organization. MAPT members are volunteers and do not receive payment for their work to plan, market, and coordinate the conference. MAPT is the organization in Maine that delivers PK-12 school transportation training. They have skills, experience, and equipment needed to setup, and implement the state bus driver competition obstacle course, written exams, bus inspections, and equipment demonstrations which occur during the conference. We are not aware of other organizations in the state that have the technical skills and experience to deliver a school bus driver training conference.

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.

N/A

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:

Daniel A. Chubb

Date:

2 May 2019