

# 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>	Scott E. Brown, Director	<b>Office/Division/Program of Contract Administrator:</b>	MDOE/School Facilities
<b>Est. Contract Amount:</b>	\$ 57,000 (not to exceed)	<b>Contract or RQS Number:</b>	CT 05A-2019*3253
<b>Proposed Start Date:</b>	7/1/2019	<b>Proposed End Date:</b>	6/30/2021
<b>Vendor/Provider Name, City, State</b>	Stanley Sawyer 54 Abenaki Way Turner, ME 04282		
<b>Short Description of Good or Service:</b>	Program Consultant services to advise and assist the Maine Department of Education, Office of School Facilities, in the 21-step planning process of school construction projects that were evaluated in the 2017-2018 Rating Cycle.		
<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: <u>05/10/2019</u> To: <u>05/16/2019</u>	
<b>Notice of Intent to Waive Competitive Bidding Number:</b>		NOI# 0520190612	
<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;		
<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> <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.		

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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.

In 2015 the Department initiated an application cycle for the Major Capital School Construction Program. This program distributes limited resources to address broad statewide need for school buildings. The process over the past four years has included the writing of an application, the review of 75 submitted applications, site visitations of all applicants, evaluation team analysis and scoring, and prioritization of all projects. As a result of this work a Final Priority List was approved by the State Board of Education in August of 2018.

By rule the next required step is the recommendation of an Approved Projects List. This requires the analysis of work previously completed, the computation of estimated costs for the highest rated projects, and analysis of the Statutory Debt Ceiling. The knowledge base and experience of the evaluation team members who have been immersed in this endeavor are critical and essential for the continuation and completion of this important project for the Department and State Board of Education.

## 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.

The project requires a unique skillset that includes experience in school administration and school planning and construction. This skillset is not readily available within the Department or State of Maine government. Additionally, these services are best performed by the individuals that have been involved in the process and who have the background and experience of participating in the cycle to date.

## 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 Department will continue to use the same cost as negotiated on a previous recent contract with this vendor that was the result of an RFP.

## 5. Future Competition

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

When the Department initiates the next School Construction Rating Cycle we are committed to a new competitive bidding process for services for that new work and cycle.

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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.**

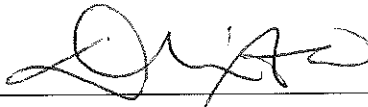
**6. Uniqueness**

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.

This work requires extensive in-depth knowledge of the circumstances involved in each of the applications that were submitted, reviewed, visited, and scored. This knowledge is unique to those specific vendors who participated in the current application cycle. This expertise is critical and essential to the development of comprehensive educational solutions for school buildings in communities across Maine. This vendor has the unique combination of teaching and school administration experience, extensive experience with school construction projects, and membership on the evaluation team for the 2017-18 Rating Cycle.

**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>	
<b>Date:</b>	Daniel A. Chubb 2 May 2019