

# State of Maine Waiver of Competitive Bidding Request Form

<b>Requesting Department's Contract Administrator:</b>	Steve Hunnewell Kim Lawrence-CS	<b>Office/Division/Program of Contract Administrator:</b>	Traffic – M&O
<b>Est. Contract Amount:</b>	\$350,000	<b>Contract or RQS Number:</b>	
<b>Proposed Start Date:</b>	<b>June 1, 2019</b>	<b>Proposed End Date:</b>	June 30, 2022
<b>Vendor/Provider Name, City, State</b>	Tom-Tom, Lebanon, NH		
<b>Short Description of Good or Service:</b>	Travel Time Probe Data		
<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>5/14/2019</u> To: <u>5/20/2019</u>	
<b>Notice of Intent to Waive Competitive Bidding Number:</b>		NOI# 0520190627	
<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.		
	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.

Travel Time Probe Data is used on MaineDOT's Travel Time Signs to inform the travelling public about potential delays on I-95 and I-295. They are placed at the decision points so that the public can adjust their routes accordingly to avoid the delays by changing between I-95 and I-295 before reaching the delayed area. By reducing the overall traffic arriving at a congested area the length of the overall delay from start to finish will be reduced making for a more efficient travel system for all users

In 2018 MaineDOT advertised the Travel Time Sign Project that was awarded to Liddell Brothers, the scope of the work included Travel Time Probe Data that was provided by Tom Tom who was a sub-contractor to Liddell; MaineDOT now wants purchase additional data in order to expand the use of this data to other Advanced Traffic Management Systems (ATMS) equipment. MaineDOT wishes to purchase directly from Tom Tom to avoid paying a mark-up fee to Liddell Brothers.

## 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.

Probe Data is only provided by private entities, not available from government agencies.

## 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**.

In 2013 the 95 Corridor Coalition put out an RFP for Travel Time Probe Data, this procurement resulted in a low bid award to Tom Tom. MaineDOT is a member of the 95 Corridor Coalition but was not involved in the RFP, because we are members Tom Tom is giving MaineDOT the 95 Corridor Coalition 2013 rate.

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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.

MaineDOT intends to do an RFP for competitive bids before this contract ends.

**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 data is unique in the sense that it is the data that is already integrated into our ATMS system as part of the travel time sign project discussed in section 1. Adding a different source of data into our system would complicate both the integration of data into our devices, as well as require us to monitor manually two different sets of software to detect traffic congestion.

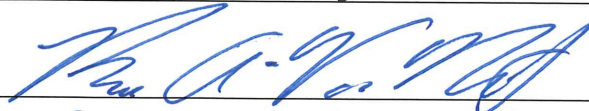
**7. Timeframe (Complete only if B. is the Statutory Justification marked on Page 1)**

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:**

Bruce A. Van Natta

**Date:**

5/10/19