

# 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>	Gary Best	<b>Office/Division/Program of Contract Administrator:</b>	DACF/Bureau of Parks and Lands/
<b>Est. Contract Amount:</b>	\$ 9,392.30	<b>Contract or RQS Number:</b>	CT20190315*2616
<b>Proposed Start Date:</b>	9/4/2019	<b>Proposed End Date:</b>	9/5/2019
<b>Vendor/Provider Name, City, State</b>	Training for Impact LLC, dba Verbal Judo Institution		
<b>Short Description of Good or Service:</b>	This training program focuses on generating voluntary compliance from customers and the public using de-escalation techniques to keep staff safer and more professional when dealing with difficult people. Training in de-escalation techniques using verbal / body language tactics		
<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>05/15/2019</u> To: <u>05/21/2019</u>	
<b>Notice of Intent to Waive Competitive Bidding Number:</b>		NOI# 0520190640	
<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>	By signing below, I signify as the Governor's designee there is an emergency that necessitates this non-competitive procurement. <b>Signature:</b> <b>N/A</b>	
<input type="checkbox"/>	<b>Printed Name:</b>		<b>Date:</b>
<input 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: <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 checked="" 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.

The Bureau of Parks and Lands has identified the need to train Park Managers and Rangers in improved methods to gain voluntary rule compliance at state parks and historic sites across Maine. The Bureau of Parks and Lands is experiencing a large turnover in staff due to senior staff retiring. We have many new Park Managers and Park Rangers who have not yet attending this type of training. This turnover in staff has necessitated the urgency of this training. This critical training will be attended by Park Managers and Park Rangers who work at facilities throughout Maine. This training provides the concepts like presence, professionalism and the importance of remaining calm during stressful situations. Verbal Judo focuses on generating voluntary compliance from customers and the public using de-escalation techniques to keep staff safer and more professional when dealing with difficult people.

## 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.

Verbal Judo is a national recognized course of study that numerous law enforcement agencies use across the country and internationally. Training for Impact LLC, dba Verbal Judo Institution is the only organization who provides this training, there are no public resources available to provide this essential training.

## 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 cost of this two-day training for up to 50 participants was negotiated and is reasonable. It is essential that Maine State Park Managers and Rangers are effective with voluntary rule compliance and act in a professional and safe manner. This training will give them the skills and knowledge to do that. The cost of this training is only \$93.92 per day per participant, which is more than fair and reasonable.

## 5. Future Competition

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

At this time, this is the only organization who provides this unique training.

**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.**

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**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 training provides the concepts like presence, professionalism and the importance of remaining calm during stressful situations. Verbal Judo is a well know and widely used tactical communication philosophy taught to police and correctional officers and other professionals across the country. Verbal Judo is designed to enhance communication and persuasive skills increasing safety through reduced physical force, decreased legal liability for individuals in our department, and lowering the stress individual Park Managers and Park Rangers feel on and off the job.

**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):**

**Printed Name:**

**Date:**

*By signing below, I signify that my Department requests, and I approve of, this Waiver of Competitive Bidding.*

*Randy Charette*  
 Randy Charette  
 5/9/19