


# State of Maine Waiver of Competitive Bidding Request Form

<b>Requesting Department's Contract Administrator:</b>	Department of Corrections	<b>Office/Division/Program of Contract Administrator:</b>	Juvenile Services
<b>Est. Contract Amount:</b>	\$ 29,284	<b>Contract or RQS Number:</b>	03A2019042900000003182
<b>Proposed Start Date:</b>	<b>6/1/2019</b>	<b>Proposed End Date:</b>	<b>2/28/2020</b>
<b>Vendor/Provider Name, City, State</b>	University of Southern Maine 34 Bedford Street Portland, ME 04104		
<b>Short Description of Good or Service:</b>	Restorative Justice Data Portal		
<b>Please note, for transparency purposes, Waivers of Competitive Bidding will be publicly posted. Public postings are placed on the Division of Purchases' website for a period of seven consecutive calendar days.</b>		<b>To be completed by the Division of Purchases</b> Posting dates on Division of Purchases' website: From: <u>05/15/2019</u> To: <u>05/21/2019</u>	
<b>Notice of Intent to Waive Competitive Bidding Number:</b>		NOI# <b>0520190649</b>	
<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 Purchases "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.		
<input type="checkbox"/>	If a different authorization specifically allows for this non-competitive procurement, please provide that reference here:		
<b>Please note that the following four points below (#2 through 5) <u>all</u> require a response.</b>			

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<p><b>2. Description of Specific Need</b> 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> <p>The Department of Corrections has a need to track fidelity and monitor the impact of Restorative Justice Practices in Maine. The Department allocates over 1/3 of its budget to RJ activities and therefore an effective tool to track the progress of youth receiving the services, as well as the impact of completing the services is necessary.</p>	
<p><b>3. Availability of other Public Resources</b> 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.</p> <p>The services to be provided are not available within any local or state government entities. The Department of Corrections is losing its Juvenile Data &amp; Research Manager in June and will have no staff qualified to build or manage a toll without outsourcing the work.</p>	
<p><b>4. Cost</b> 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 <b>fair and reasonable</b>.</p> <p>Costs replicate full-time equivalents (FTE) %, negotiated indirect cost rates (NICR), and other direct cost values similar to previous contracts with the selected vendor.</p>	
<p><b>5. Future Competition</b> Please describe potential opportunities which may be available to foster competition for these goods or services in the future.</p> <p>This is a onetime purchase, there will not be another need which requires future competition.</p>	
<p><b>Please note that <u>only one</u> of the two points below ("Uniqueness" or "Timeframe") requires a response. Requesting Departments are not required to respond to both points.</b></p>	
<p><b>6. Uniqueness</b> 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.</p> <p>USM's contract with DOC has been determined as unique based on these factors:</p> <ul style="list-style-type: none"> <li>• Worked as the identified provider for other data and research needs for Department over the last 10-15 years</li> <li>• Understands the ingenuity of the tool, as they built an identical tool for another DOC client for non-RJ services</li> <li>• Owns the proprietary data related to the code needed to build the requested tool</li> </ul>	
<p><b>7. Timeframe (Complete only if B. is the Statutory Justification marked on Page 1)</b> 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.</p> <p>N/A</p>	
<p><b>Signature of requesting Department's Commissioner or Chief Executive (or designee within the Commissioner's Office):</b></p>	<p><i>By signing below, I signify that my Department requests, and I approve of, this Waiver of Competitive Bidding.</i></p> 
<p><b>Printed Name:</b></p>	<p>Colin O'Neill</p>
<p><b>Date:</b></p>	<p>5/10/2019</p>