

State of Maine Waiver of Competitive Bidding Request Form (Formerly Sole Source Authorization Form)

CFORM 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:	Michael Drolet	Office/Division/Program of Contract Administrator:	RIO (Results and Information Office)
Est. Contract Amount:	\$272,086.56	Contract or RQS Number:	17A 20190507*1186
Proposed Start Date:	7/1/2019	Proposed End Date:	6/30/2020
Vendor/Provider Name, City, State:	OpenText Chicago, Illinois		
Short Description of Good or Service:	Annual Support and Upgrade renewal of eDOCS DM (1800 TEDOCS User and Imaging Client licenses) and BIQuery (1 User License).		

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.	To be completed by the Division of Purchases Posting dates on Division of Purchases' website: From: <u>05/16/19</u> To: <u>05/22/19</u>
Notice of Intent to Waive Competitive Bidding Number:	NOI# 0520190650

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.

		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;		
		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: <table style="width: 100%;"> <tr> <td style="width: 60%;">Printed Name:</td> <td>Date:</td> </tr> </table>	Printed Name:	Date:
Printed Name:	Date:			
X		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;		
		D. It appears to be in the best interest of the State to negotiate for the procurement of petroleum products;		
		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: http://www.maine.gov/purchases/info/forms/govcoop.doc.</i>		
		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;		
		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.

MaineDOT purchased licenses for two application systems from Hummingbird, which has since been bought out by OpenText years ago, and has invested heavily in both systems as its basic IT systems infrastructure. Both systems support multiple critical business processes at MaineDOT. The annual bill renews DOT's access to customer support services, software upgrades and patches, and documentation.

MaineDOT's document management system, TEDOCS, is built upon the OpenText eDOCS program. This program houses the department's repository of electronic records and is a critical component of many of the department's workflows. Nearly every system with a workflow supporting validation against documents is integrated to TEDOCS to allow the document to be rapidly located and displayed.

To name a few:

- All invoices are stored in TEDOCS: the bill payment workflow includes preaudits against the TEDOCS document and will not proceed until that invoice is available. Through agreement with Archives, these TEDOCS records have been the archival records for invoices for over 12 years.
- Permit applications and issued permits, with the permit approval and monitoring systems integrated to TEDOCS
- All contracts and legal agreements, with our contract management and project management systems integrated to TEDOCS
- Our Dashboard reporting tool now calls to TEDOCS
- Our ProjEx project management tool is integrated into TEDOCS
- Risk Management report and the safety review process are integrated with TEDOCS
- We are currently working on integrating our Audit process into TEDOCS
- We are currently working on integrating our Human Resource employee files all into TEDOCS
- We have redefined our Records with Archives and initiated creation of automated records management processes completely within TEDOCS.
- All MaineDOT FOIA requests begin (and many times end) with TEDOCS

MaineDOT's TIDE data warehouse was developed in BIQ, a data warehousing tool, around 2000. BIQ provides critical access to management reporting across MaineDOT systems, and supports the development of many Federally required reports, such as the annual HPMS report upon which the Department's Federal funding levels are based. We are phasing out the licenses for the BIQ program as indicated by the drop in licenses, but are currently maintaining 1 single license for the upcoming year.

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.

Both systems are proprietary systems owned by OpenText. Only OpenText provides the customer support and maintains the applications.

4. Cost

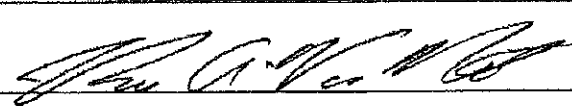
Since a waiver of competitive bidding is being requested for this procurement, please explain how the requesting Department concluded the negotiated costs, fees, or rates are fair and reasonable.

Calculating out the % increase for our OpenText products (eDOCS and BIQuery) shows a -.36% decrease over the last years (2018) renewal (due to the decrease in BIQ licenses, the TEDOCS products aside show a 2.30% increase over last year). When compared to the % increases of other comparable COTS products:

- Medgate 4% Deighton dTIMS 5% Gateway Ticketing 4%

The OpenText licensing rates are more than fair and reasonable.

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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.	
<p>OracleBI was procured years ago by MaineDOT as its next generation data warehousing solution. OIT independently chose the same vendor for its enterprise solution. As a result of that effort, DOT is looking to phase out TIDE and BIQ in the upcoming year.</p> <p>Through a recent RFP process, Enterprise OIT stated that Fortis was not scaling to meet the states growing Document and Records management needs. An effort to migrate from Fortis led to the state choosing the OpenText ECM product (of which eDOCS is on component), but that process has fallen through with no resolution to my knowledge. While MaineDOT's implementation (TEDOCS) is highly customized for MaineDOT's use and integrated with many of MaineDOT's business workflows, if we can get eDOCS out of containment, there is a possibility of other state agencies using eDOCS in a similar manner which could allow for reduced costs through negotiating addition eDOCS implementations for other state agencies that have a need not being filled by Fortis.</p>	
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.	
Both COTS systems are proprietary systems owned by OpenText. Only OpenText provides the customer support and maintains the applications.	
7. Timeframe 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):	By signing below, I signify that my Department requests, and I approve of, this Waiver of Competitive Bidding.
	
Printed Name:	Bruce Van Note
Date:	5/8/2019