

## 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>	Lisa Haskell	<b>Office/Division/Program of Contract Administrator:</b>	MDOL/BES
<b>Est. Contract Amount:</b>	\$1,864,920	<b>Contract or RQS Number:</b>	CT 12A 20190510*3355
<b>Proposed Start Date:</b>	July 1, 2019	<b>Proposed End Date:</b>	June 30, 2021
<b>Vendor/Provider Name, City, State:</b>	Northeastern Workforce Development Board/County of Penobscot 97 Hammond St., Bangor, ME04401		
<b>Short Description of Good or Service:</b>	Workforce Training Services for Adults, Dislocated Workers and Youth residing in Aroostook, Hancock, Penobscot, Piscataquis, and Washington Counties		
<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>05/20/2019</u> To: <u>05/26/2019</u>	
<b>Notice of Intent to Waive Competitive Bidding Number:</b>		NOI# <b>0520190669</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;		
<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>	
<input type="checkbox"/>	<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;		
<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 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:	
<b>Please note that the following four points below (#2 through 5) <u>all</u> require a response.</b>	
<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.	
Under the Workforce Innovation and Opportunity Act (WIOA) PL 113-128, the Governor designates local workforce areas of the State. WIOA funds are distributed to the local areas through Local Workforce Development Boards (LBs) and County Commissioners who, as the legally designated subrecipients of these funds, award and oversee the delivery of workforce services in the local area using these funds. MDOL/BES is the State Workforce Agency through which a portion of these funds are passed through to local areas according to a distribution formula delineated under WIOA Sections 128 and 133.	
<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.	
As stated above, the Governor distributes funds according to Federal law and designates local areas as recipients of these funds who, in turn, procure the delivery of workforce development services through a competitive process. The MDOL/BES oversees and assures that local areas utilize these funds per federal requirements.	
<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> .	
As stated above, these funds are distributed according a formula delineated under WIOA Sections 128 and 133.	
<b>5. Future Competition</b> Please describe potential opportunities which may be available to foster competition for these goods or services in the future.	
Per WIOA and as stated above, these funds are required to be passed through to local areas that have been designated by the Governor per the requirements of WIOA. Local areas are required to identify appropriate providers of service through a competitive process. The MDOL/BES acts as direct Federal grant recipient and provides oversight of local area use of funds.	
<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>	
<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.	
As stated above, these funds are required by law to be awarded to local areas defined under WIOA, as such the MDOL/BES acts as the “pass through” entity and the local area acts as the subrecipient of these funds. Local areas are designated by the Governor in accordance with Federal law and members of the local boards are appointed by the County Commissioners also as required under WIOA; as such local boards and county commissioners are the only eligible recipients of these funds.	

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**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.

WIOA Section 182 requires that funds be made available to local areas not later than 30 days after the date the funds are made available to the State.

**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:**

Laura A. Fortman, Commissioner

**Date:**