

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.

Requesting Department's Contract Administrator:	Amelia Lyons	Office/Division/Program of Contract Administrator:	Migrant Education Office of School and Student Supports, Dept. of Education
Est. Contract Amount:	\$ 41,000	Contract or RQS Number:	20190520*3484
Proposed Start Date:	June 1, 2019	Proposed End Date:	May 31, 2020
Vendor/Provider Name, City, State:		Management Services for Education Data (MS/EdD) Sherwood, Arkansas	
Short Description of Good or Service:		MS/EdD provides MIS2000, a software system that provides storage, retrieval, transmittal, reporting and other components for the purpose of managing migrant student information. The software uploads required data directly to the US DOE's migrant data management system, MSIX	
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.		To be completed by the Division of Procurement Services Posting dates on Division of Procurement Services website: From: <u>05/20/2019</u> To: <u>05/26/2019</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0520190674	
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")</i>		
	<i>By signing below, I signify as the Governor's designee there is an emergency that necessitates this non-competitive procurement.</i> Signature:		
	Printed Name:		Date:

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	<i>sign and date on the right.</i>	
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 Procurement Services "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:	

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.

MS/EdD provides MIS 2000 and technical support for entering, storing, and securely transmitting student information as required under Title I, Part C of the Every Student Succeeds Act (ESSA). This system links to the federal Migrant Student Information Exchange (MSIX), another federal requirement. MS/EdD offers unique services for storing migrant student information and seamlessly connects the program's recruitment and eligibility determination functions with data storage and management tasks.

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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.

The children of migratory agricultural workers are a uniquely transient group of students, and data resources that allow proper identification, eligibility determination, quality assurance at the DOE, and tracking through time is a priority. No other system allows migrant education field recruiters to complete Certificates of Eligibility in electronic format and upload them daily to the system. Ms/EdD staff is uniquely knowledgeable about migrant education data from the field level through federal reporting. Their comprehensive knowledge ensures that students are promptly and correctly identified, made eligible, and served. Service information is entered via a secure web interface and real time information on students is available to direct service staff in the field and to the DOE program director. This program operates with a single DOE staff director coordinating day to day operations in collaboration with a direct service contractor with staff spread throughout the state, so an efficient, web based, secure data system that integrates all program functions is critical.

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 contract amount is consistent with the expensed for comparable services in the past three years. It includes software installation and maintenance, customization, 8 tablet work stations, 9 user licenses, server hosting, and insurance. These amounts were based on a calculation of the number of recruiters needed at peak times in Maine's migrant agricultural calendar so that Certificates of Eligibility could be submitted and approved quickly during this intensive, 4 week long peak period. Having this ability during peak periods save the DOE the cost of having to employ a seasonal data manager to process paper certificates.

5. Future Competition

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

The Maine EOE would consider competitive opportunities in the future from vendors with a comparable system of electronic certificate submission, direct upload to the federal MSIX system, migrant education expertise, and comparable technical support and customization capacity.

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.

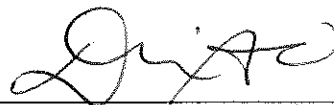
MS/Ed/D is a unique vendor. They have created an intuitive digital version of the federally required Certificate of Eligibility, the sole document that can qualify a student for Title I Part C funding. This, along with the organization of the web interface, allows for timely service data entry and rapid assessment of eligibility during peak enrollment periods. This is crucial to the success of the Maine Migrant Education Program, which identifies and serves students scattered across remote areas of the state, most of whom are eligible due to short term intensive crop harvest activities. It is far more cost effective and efficient to serve a program of this sort through a web based system like the one provided by MS/EdED.

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):

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



Printed Name:

Daniel A. Cloutier

Date:

17 May 2019