

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:	Agriculture, Conservation and Forestry/Henry Jennings	Office/Division/Program of Contract Administrator:	Maine State Harness Racing Commission
Est. Contract Amount:	\$ 6,550	Contract or RQS Number:	CT01A 2019 * 3104
Proposed Start Date:	May 20, 2019	Proposed End Date:	August 31, 2019
Vendor/Provider Name, City, State	Portland Research Group, One Union Wharf, Portland, ME 04101-4777		
Short Description of Good or Service:	The vendor will conduct an online market research survey of 500 Maine residents to gauge attitudes and perceptions relative to Maine harness racing in order to guide industry marketing efforts.		
<p>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.</p>		<p>To be completed by the Division of Procurement Services Posting dates on Division of Procurement Services website: From: <u>5/21/2019</u> To: <u>5/27/2019</u></p>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0520190676	
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.			
<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"/>	<p><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></p>	<p><i>By signing below, I signify as the Governor's designee there is an emergency that necessitates this non-competitive procurement.</i></p> <p>Signature:</p> <p>Printed Name: _____ Date: _____</p>	
<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: <ol style="list-style-type: none"> (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"/>	<p><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></p>		
<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:	
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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.

Responsibility for marketing harness racing was recently transferred to the Maine State Harness Racing Commission (MSHRC). No market research has ever been conducted to help determine the most likely target audiences and the barriers to attracting new fans. The efficacy of marketing efforts would likely be greatly enhanced by access to targeted market research. The cost of conducting market research has dropped considerably due to advent of contracted online survey respondents.

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.

State government generally is not in the business of marketing and does not have the resources to conduct targeted market research. Private market research companies have refined the methodology which is far more cost effective than it used to be.

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 MSHRC relied on the experience of its marketing contractor to identify the Maine company that is most competent and cost effective at market surveys. The \$6550 cost for surveying 500 Maine residents using 25 to 30 survey questions is just 15% above the low value contract price.

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

The MSHRC does not anticipate a need to repeat a market survey in the near term. But if additional market research is needed in the future, apparently there is more than one Maine based company that specializes in this type of research.

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.

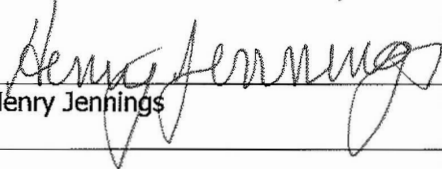
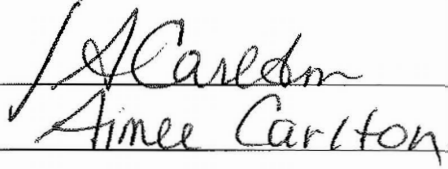
6. Uniqueness
 Please explain if the goods or services required are unique to a specific vendor. Describe the unique qualifications, abilities, and/or expertise of the vendor and how those particular unique factors address the specific need identified above. If the vendor has unique equipment, facilities, or proprietary data, also explain the necessity of these particular unique assets.

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Online market research is a relatively specialized subset of marketing. There appear to be just a handful of Maine companies that specialize in this area. It's Portland Research Group's bread and butter. They have pool of contracted Maine residents to choose who complete online surveys.

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):	<i>By signing below, I signify that my Department requests, and I approve of, this Waiver of Competitive Bidding.</i>
Printed Name:	<div style="display: flex; justify-content: space-between;"> <div style="text-align: center;">  Henry Jennings </div> <div style="text-align: center;">  Aimee Carlton </div> </div>
Date:	May 3, 2019