

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:	Todd Cummings	Office/Division/Program of Contract Administrator:	DAFS/BREM
Est. Contract Amount:	\$ 16,000	Contract or RQS Number:	RQS 18A-20190514*1238
Proposed Start Date:	7/1/2019	Proposed End Date:	6/30/2020
Vendor/Provider Name, City, State:	Link Systems, Stamford, CT		
Short Description of Good or Service:	Annual Subscription fee to ProLease Administration Software and Maintenance Module		
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 style="text-align: center;">To be completed by the Division of Procurement Services</p> <p>Posting dates on Division of Procurement Services website: From: <u>05/21/19</u> To: <u>05/27/19</u></p>		
Notice of Intent to Waive Competitive Bidding Number:	NOI# 0520190694		
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 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;		
<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: Printed Name: _____ Date: _____	

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	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.

Pro-Lease is the off-the-shelf application used by DAFS/BREM in order to manage the State's leased and owned property. It also provides a Maintenance Software for state owned properties. Pro-Lease has been available in Maine State government for the past eight (8) plus years. This action is required to cover the cost of the Admin Annual Software and Maintenance Module Fees.

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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.

Pro-Lease is a software tool that is not otherwise available in State government, and given that it is an off-the-shelf program, it was more cost effective to purchase it with minor customizations rather than create a similar program with the help of DAFS/OIT.

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**.

After negotiation, the Vendor agreed to keep the cost the same as the past costs of \$10,000 for Admin Annual Software Fee and \$6,000 for the Maintenance Module Fee.

The Bureau in 2018 had multiple other vendors demonstrate their similar products.

ProLease remains the Software of choice until a further analyst of needs can be done.

5. Future Competition

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

The DAFS/BREM team will continue to promote competition for any future procurement. Competition is the usual route taken for all space leasing, but this procurement was unique given the uniqueness of the vendor, as detailed above.

The Bureau in 2018 had multiple other vendors demonstrate their similar products, all which were higher priced.

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.

ProCalc / Link Systems is the company that created the ProLease Administration database and software. The State has invested in this software, and it is currently most cost effective to continue using it with occasional customizations and updates (such as this contract action), rather than seek out or design a new solution. ProCalc / Link Systems is therefore unique as the creator of this software; they are uniquely able to provide the State with its necessary upgrades from time to time. This module is another facet to the ProLease system and will allow for tracking of State owned & leased facilities.

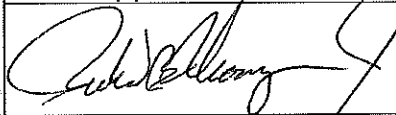
7. Timeframe (Complete only if B. is the Statutory Justification marked on Page 1)

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.

This is an existing vendor for tracking all leased and state property and the Maintenance of state owned properties. We are continuing to improve the data base data and utilize the programs within ProLease to streamline operation and make BREM more productive.

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:

Richard Thompson

Date:

5/16/2019