

State of Maine Waiver of Competitive Bidding Request Form

Requesting Department's Contract Administrator:	Colin O'Neill	Office/Division/Program of Contract Administrator:	Corrections
Est. Contract Amount:	\$ 60,000	Contract or RQS Number:	03A2019040500000002851
Proposed Start Date:	7/1/2019	Proposed End Date:	6/30/2020
Vendor/Provider Name, City, State	VC0000226079 Atlantic Corporation		
Short Description of Good or Service:	Data & Research Management		
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>05/23/2019</u> To: <u>05/29/2019</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0520190722	
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;		
	<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: _____	
<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;		
	<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>		
<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.		
<input type="checkbox"/>	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.

The Department of Corrections Juvenile Division has a need for data and research analysis beginning July 1st 2019. The Department is seeking a continuation of services provided by their Juvenile Data and Research Manager who is resigning on June 30th. Such services include: 1) Monthly Reports; Quarterly Reports; Annual Reports; Special Request Reports; and Dissemination of Findings for all Juvenile data. A critical component of this need is for the ability to interpret, utilize, and expand the systems created by the resigning employee and deliver the reports in a timely manner identical to the current reporting scheduled determined by the Department.

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 Department conclude no sufficient staffing resources are available given the departure of the current employee. While some existing expertise exists within the entire Department, there are not enough sufficient workable hours for existing staff to assume the responsibilities of completing the required work once the new fiscal year begins. No other governmental entities can provide the highly specific need being requested.

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 requested cost is deemed fair and reasonable based on the value the Department paid for this work internally. The \$60,000 value is less than the wages and fringe packaged paid to the resigning employee for identical work. The cost is also significantly less than many other potential vendors, as the value includes no indirect costs associated with the value.

5. Future Competition

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

The Department will use FY20 to analyze, assess, and determine if a government cooperative would be a better long-term solution for these services. If so, the Department will work with a University of Maine System to create the agreement. Otherwise, the Department plans to issue an RFP for this work for FY20.

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.

N/A

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.

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Despite this request also meeting the "uniqueness" criteria, given the selected vendors ability to provide the services using identical systems and workflow processes, the timeframe is most critical to requesting a WCB. The Department is not ready to coordinate a Government Cooperative Agreement by 7/1/2019; however, the data services are needed immediately beginning 7/1, as juvenile data points are used to assist management and staff in making evidence-based decisions that impact the financial and operational health of the Department. Likewise, the Juvenile Justice Advisory Group (JJAG) is working with DHHS, under a separate RFP, to complete a systems wide assessment of the Juvenile Division. This assessment will require access to critical data immediately and does not allow the Department time to prepare a competitive bidding process. This also holds true for an existing grant with VERA for female juvenile data. The requested WCB would provide the Department the ability to continue receiving all data reporting and analysis, while executive staff determines the best long-term solution for receiving data services (i.e. new hire, RFP, or Gov. Cooperative Agreement). The Department has chosen the selected vendor as the best option to address time-sensitive procurement due to their staff capabilities. They will have staff members with State of Maine Correctional experience, specifically Juvenile data experience staff, who will contribute to the project beginning in October 2019. Additionally, their staff have managed data and research projects for other health and human service government agencies at the state and federal level.

**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:

Colin O'Neill

Date:

5/22/2019