

State of Maine Waiver of Competitive Bidding Request Form (Formerly Sole Source Authorization 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:	Lt. Scott Ireland Jaye-Ellen Parker	Office/Division/Program of Contract Administrator:	Division of Public Safety – Maine State Police
Est. Contract Amount:	\$8,100.00	Contract or RQS Number:	RQS-16A20190506*1180
Proposed Start Date:	5/1/2019	Proposed End Date:	7/31/2019
Vendor/Provider Name, City, State	Gladiator Forensics, LLC 100 Rialto Place, Ste 605 Melbourne, Florida 32901		
Short Description of Good or Service:	Enterprise Sensor Processing and Analytics (ESPA)		
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: 5/23/2019 To: 5/29/2019	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0520190728	
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"/>	<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. Signature: Printed Name: _____ Date: _____	
<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: (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 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 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:

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.

Mobile wireless device and network investigation evidence is primary evidence in criminal investigations. Successful prosecution of felony level cases, involving crimes against people including violent crime, require analyzing actionable intelligence to determine pattern of life and devices location history. The analysis of wireless technology requires a proven, reliable forensic platform to discover, preserve, and later present accurate facts regarding activity on cellular and Wi-Fi networks and devices, both historically and in real-time. The Computer Crimes Unit regularly receives requests internally from our Major Crimes divisions as well as our federal and local counterparts to examine mobile devices and associated networks to help identify suspects/defendants and their activities relative to crimes against people. With a tool that provides geographic information that seamlessly unifies case management, data storage and analytics e.g. call detail records, cell tower data, phone data, geo-location data, cell/Wi-Fi network coverage analysis using True-Coverage and GAR survey data, Link and Tower analysis, the Unit will be better able to protect Maine citizens and prosecute the criminals who offend them.

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.

This is not available by any State of Maine agency. Any federal agency possessing the tool is currently overwhelmed by requests for examinations due to the exasperation suffered from investigators across the country.

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**.

As the accepted, leading industry standard (used by the FBI, NYPD, NYSP, and others) in comprehensive geographic information system integrating forensic intelligence gathering and analytical tools, Gladiator Forensics offers their product (ESPA tool) to all law enforcement levels from federal to local. ESPA Lite is a robust system designed to accommodate most of the needs of law enforcement at a reduced price. The Maine State Police has detectives able to use and continue to be trained in the use of ESPA Lite. Accordingly, the price point of the tool is appropriate considering limited budgets in their market and high competition with other products. Gladiator Forensics has committed to adding concurrent users and reducing their price point for the Maine State Police, Computer Crimes Unit.

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5. Future Competition

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

ESPA and ESPA Lite has quickly become a trusted law enforcement resource. Numerous other federal and state agencies offer testimony of their success using these tools to prosecute criminals. Accordingly, as the primary technology support unit to all of Maine law enforcement, acquiring contemporary tools that bring violent offenders to justice is a responsible reaction to technology that evolves at a pace unmatched by any other investigative consideration. As the agencies see the success of a tool such as ESPA Lite, further advances may offer competition, which could adjust the market and price point.

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.

No other vendor offers the solutions that the Gladiator Forensics ESPA Lite does. As digital forensic practitioners collaborate they very frequently share experiences where ESPA has successfully given a case direction and prosecutorial success by discovering actionable intelligence and thus valuable evidence.

ESPA is the only cellular data analysis program vetted and used by the FBI Cellular Analysis Survey Team (C.A.S.T). The methodology and foundation of the Maine State Police wireless device investigations was developed by C.A.S.T. Utilizing ESPA will allow CCU investigators a tool to peer review court reports and the investigators findings. Mandatory peer review methods are used by MSP CCU to maintain quality standards, improve performance, and provide credibility and accuracy. The peer review needs to be conducted using an alternative post process program such as ESPA.

7. Timeframe

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:

Michael J. Sauschuck

Date:

5-7-19