

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:	John Rioux	Office/Division/Program of Contract Administrator:	Labor
Est. Contract Amount:	359,626.05	Contract or RQS Number:	CT#20180323*2789
Proposed Start Date:	3/29/2019	Proposed End Date:	May 2021
Vendor/Provider Name, City, State	CSDC Inc. Austin Texas		
Short Description of Good or Service:	Amendment to AMANDA Software CT for acquisition and configuration of Public Portal Modules in the amount of \$359,626.05		
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 <i>Procurement Services</i> website: From: <u>5/24/2019</u> To: <u>5/30/2019</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0520190741	
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 Procurement Services "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.

Transactions requiring PII submission by schools were being transmitted through various means, some of which are not efficient for protecting confidentiality. The augmentation of AMANDA with the Public Portal software will enable submission of PII via https over browsers, securely and more efficiently than other means. The software will also enable self-service and self-maintenance for safety class registrations and public display of construction wage determinations. Entry at the source will result in better quality and less back and forth corrections between the Bureau and Superintendents' offices.

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.

OIT requested BLS purchase COTS initially to replace the BLS legacy system in 2016 and this was the only solicitation submitted with experience in labor standards agencies that matched that requirement. AMANDA software modules are configured and minimal programming is required. Local staff can make minor changes and augment existing data.

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**.

Requesting an amendment only in the added amount of \$359,626.05 to augment the existing system with a Public Portal that will enable school superintendents to submit data for minor work permits, the public to register for classes, and the public to see Maine construction wage determinations.

Costs include software and maintenance; setup of hardware environment to accommodate; and specification, configuration and testing. It is a public access system but has no fees to be self-supporting.

5. Future Competition

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

None plausible known. BLS has considerable investment in this product now and are just realizing the benefit to COTS and cloud hosting as users gain more experience within the larger community of users.

There may be competition for hosting and support of the same software product that BLS can consider for the next contract.

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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.

AMANDA is a COTS suite with dozens of modules geared for use by government for processing requests, tracking cases, and reporting results. It is uniquely geared for government in that it has Judicial, FOIA, and Public Portal, self-service modules and the ability to preserve and track changes made to case data and documents. It is in use by hundreds of government entities in the US and Canada from municipalities to states and provinces and is quite scalable and feature-rich.

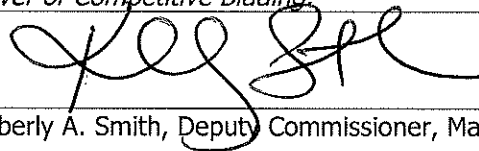
7. Timeframe (Complete only if B. is the Statutory Justification marked on Page 1)

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.

N/A

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:

Kimberly A. Smith, Deputy Commissioner, Maine Department of Labor

Date:

5/20/2019