

## 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.

<b>Requesting Department's Contract Administrator:</b>	Darren Henry, Interim Deputy Director	<b>Office/Division/Program of Contract Administrator:</b>	DVEM/MBVS
<b>Est. Contract Amount:</b>	\$ 64,500.00	<b>Contract or RQS Number:</b>	CT 15A 20180924*1095
<b>Proposed Start Date:</b>	<b>09/01/2019</b>	<b>Proposed End Date:</b>	06/30/2019
<b>Vendor/Provider Name, City, State</b>	American Legion 5 Verti Drive, Winslow, ME 04901		
<b>Short Description of Good or Service:</b>	Funding assistance to continue to maintain a trained and qualified Veterans' Service Office at the Veterans' Administration-Togus		
<b>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.</b>		<b>To be completed by the Division of Purchases</b> Posting dates on Division of Purchases' website: From: <u>5/24/19</u> To: <u>5/30/19</u>	
<b>Notice of Intent to Waive Competitive Bidding Number:</b>		NOI# 0520190750	
<b>1. Statutory Justification</b> 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.			
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;		
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> <b>Signature:</b>	
		<b>Printed Name:</b>	<b>Date:</b>
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;		
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 Purchases "GOVCOOP" form, found here: <a href="http://www.maine.gov/purchases/info/forms/govcoop.doc">http://www.maine.gov/purchases/info/forms/govcoop.doc</a>.</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.		
<b>X</b>	If a different authorization specifically allows for this non-competitive procurement, please provide that reference here:		Public Law Chapter 128

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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.

Public Law Chapter 128 was signed into law on May 24, 2013, which established the Coordinated Veterans Assistance Fund within the Bureau of Maine Veterans Services. This fund was established to receive two percent of the net table game income for the purpose of providing financial assistance to veterans' service organizations. Sixty-four thousand five hundred (\$64,500) of these funds was designated to be given annually to a veterans' service organization that has funded and maintained a veteran' service officer at the Veterans Administration (Togus) for at least one year prior to January 1, 2013. The purpose pf this was to provide funding assistance to those organizations that are struggling with maintaining a service officer at the VA Togus as a result of loss revenue from beano and games of chance since the inception of the casino in Bangor.

### 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.

N/A

### 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 funding assistance was determined based on what was designated in the law to be given to a veterans' service organization for this purpose.

### 5. Future Competition

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

The law was specific in the amount organizations would receive on an annual to an organization that has funded and maintained a veterans' service office at Veterans Administration (Togus) for at least one year prior to January 1, 2013. There are only two organizations eligible for these funds at the current time as the other organizations are funded by their National Headquarters not their State Departments. Contracts are being done with each of the two organizations that meet the requirements of the law to receive these grant funds.

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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.

The American Legion at Togus has a trained veterans' service officer to assist veterans and dependents in filing VA (federal) benefits. These funds are needed for them to maintain their veterans' service officer. One other organization at this time is experiencing the same difficulty in maintaining funds for the veterans' service officer. The background of the law was to provide assistance to those state veterans' organizations that fund or partially fund a veterans' service officer at Veteran Administration (Togus) and have had a loss of beano and games of chance revenue due to the Casino in Bangor. Projected revenue included in this Public Law is only estimated to support two organizations. There are other service organizations at Veterans Administration (Togus) funded by their national headquarters. If any additional organizations would fall into this situation, the Department would need additional revenue in order to seek competitive means as the law specifically states each are to receive up to \$64,500 annually and the current revenue projections shown in the law would not support more than two.

**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.

The date for awarding this financial assistance funds is no later than 6/30/2019.

It was determined that the bureau would have accumulated sufficient funding in the Coordinated Veterans Assistance Fund in the third quarter of FY18 to be able to provide an award to this veterans' service organization to assist them with meeting their cost for providing this type of service on an annual basis. Subsequent amendments to the contract will be made in other quarters as projected revenue is received.

The state department headquarters of the veterans' service organizations have expressed a need to receive funds as soon as possible as there is a concern that they will not be able to continue much longer without receipt of the funds. This organization is unique as it receives a good portion of funding from their state department headquarters, unlike other organizations that are funded by their national headquarters.

**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.*

DocuSigned by:

*Scott A Young*

**Printed Name:**

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Scott A. Young, Deputy Commissioner, DVEM

**Date:**

5/22/2019