

# 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>	Beth Lambert Dept of Education	<b>Office/Division/Program of Contract Administrator:</b>	Learning through Technology
<b>Est. Contract Amount:</b>	\$ total up to \$900,000	<b>Contract or RQS Number:</b>	Multiple, TBD
<b>Proposed Start Date:</b>	<b>July 15, 2019</b>	<b>Proposed End Date:</b>	June 30, 2022
<b>Vendor/Provider Name, City, State</b>	Various (see attachment)		
<b>Short Description of Good or Service:</b>	Education Technology Grants to Schools that Meet Eligibility Criteria		
<b>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.</b>		<b>To be completed by the Division of Procurement Services</b> Posting dates on Division of <b>Procurement Services</b> website: From: _____ To: _____	
<b>Notice of Intent to Waive Competitive Bidding Number:</b>		NOI#	
<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 Procurement Services "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.			

# State of Maine Waiver of Competitive Bidding Request Form

<b>x</b>	If a different authorization specifically allows for this non-competitive procurement, please provide that reference here:	Any willing and qualified provider <sup>1</sup>
----------	--	---

**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.

Maine schools use technology in the classroom in order to enhance student learning experiences, replace textbooks and prepare students for life and work in the 21<sup>st</sup> century. The Department of Education is providing grants to all schools that meet eligibility criteria, in order to enable them to choose the technology that meets their needs, rather than having the state provide the technology to the school with limited choices.

**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.

No other state agency provides grants to schools for classroom technology.

**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 Department set the grant amount at a level (\$200/yr/seat) that can be accommodated within current MLTI budget. The grant amount is less than the amount the state spent to provide devices to schools under the HP and Apple contracts that were awarded by RFP in 2013. Tablet devices and some types of laptop devices can be purchased within the dollar amount provided; schools may supplement with their own local funds if they wish to purchase more expensive devices.

**5. Future Competition**

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

This is an “any willing and qualified provider” grant. The intent of the program is that all schools that meet the criteria of the program get grants.

**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.**

# State of Maine Waiver of Competitive Bidding Request Form

## 6. Uniqueness

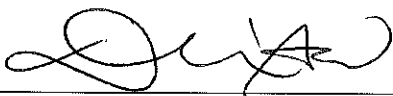
Please explain if the goods or services required are unique to a specific vendor. Describe the unique qualifications, abilities, and/or expertise of the vendor and how those particular unique factors address the specific need identified above. If the vendor has unique equipment, facilities, or proprietary data, also explain the necessity of these particular unique assets.

All Maine public schools (and publicly-supported secondary schools) that meet the following eligibility criteria receive the grant. Eligibility is determined by Beth Lambert, MLTI Project Manager, based on the following criteria:

- (1) The school must commit to operating an education technology program that provides new personal computer devices on a 1:1 basis (i.e., a device for each student and staff), makes provision for repair and replacement of devices and for professional development for staff.
- (2) The school must submit a completed application to the Department, signed by the superintendent.
- (3) Grants are provided to fund:
  - (a) 7<sup>th</sup> and 8<sup>th</sup> grade students and staff who are not in a current MLTI deployment (i.e., they don't already have MLTI devices that were ordered in 2015 or 2016); and
  - (b) 9-12 grade staff in schools that are not in a current deployment AND that provide 1:1 devices at local expense for at least 50% of the student body.

## 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.

<b>Signature of requesting Department's Commissioner or Chief Executive (or designee within the Commissioner's Office):</b>	<i>By signing below, I signify that my Department requests, and I approve of, this Waiver of Competitive Bidding.</i>
<b>Printed Name:</b>	
<b>Date:</b>	11 Mar 2019

# State of Maine Waiver of Competitive Bidding Request Form

## APPENDIX A: Potential Grantees (all eligible schools)

SAU Name	School Name	Grade 7 &8 students & staff	9/12 Staff	CTE Staff
Bangor Public Schools	Bangor High School		x	
Baxter Academy for Technology and Science	Baxter Academy for Tech & Sciences		x	
RSU 71	Belfast Area High School		x	
Brunswick Public Schools	Brunswick High School		x	
RSU 10	Buckfield Jr-Sr High School		x	
RSU 25	Bucksport High School		x	
Calais Public Schools	Calais Middle/High School		x	
Augusta Public Schools	Capital Area Technical Center			x
RSU 39	Caribou Regional Technology Ctr			x
RSU 42/MSAD 42	Central Aroostook Jr-Sr H S		x	
RSU 64	Central High School		x	
Augusta Public Schools	Cony	x	x	
Cornville Regional Charter School	Cornville Regional Charter School	x		
Caswell Public Schools	Dawn F Barnes Elementary Sch	x		
RSU 84/MSAD 14	East Grand School		x	
Easton Public Schools	Easton Junior-Senior High Sch		x	
Falmouth Public Schools	Falmouth High School		x	
RSU 09	Foster Regional Applied Tech Ctr			x
Foxcroft Academy	Foxcroft Academy		x	
RSU 11/MSAD 11	Gardiner Area High School		x	
George Stevens Academy	George Stevens Academy		x	
RSU 51	Greely High School		x	
RSU 2	Hall-Dale High School			
RSU 22	Hampden Academy		x	
Hermon Public Schools	Hermon High School		x	
Isle Au Haut Public Schools	Isle au Haut Rural School	x		
RSU 49/MSAD 49	Lawrence High School		x	
RSU 52/MSAD 52	Leavitt Area High School		x	
Lewiston Public Schools	Lewiston High School		x	
Lewiston Public Schools	Lewiston Regional Technology Ctr			x
Lisbon Public Schools	Lisbon High School		x	
Maine Ocean School	Maine Ocean School		x	
RSU 35	Marshwood High School		x	
RSU 57/MSAD 57	Massabesic High School		x	
RSU 65/MSAD 65	Matinicus Elementary School	x		
RSU 67	Mattanawcook Academy		x	
ME Sch of Science & Mathematics	ME Sch of Science & Mathematics		x	
Waterville Public Schools	Mid-Maine Technical Center			x

## State of Maine Waiver of Competitive Bidding Request Form

RSU 2	Monmouth Academy		X	
RSU 10	Mountain Valley High School		X	
RSU 03/MSAD 03	Mt View High School		X	
Maine Vocational Region 3	No Penobscot Tech-Region 3			X
RSU 23	Old Orchard Beach High School		X	
RSU 34	Old Town High School		X	
RSU 31/MSAD 31	Penobscot Valley High School		X	
RSU 2	Richmond High School		X	
RSU 54/MSAD 54	Skowhegan Area High School		X	
RSU 54/MSAD 54	Somerset Career & Tech Center			X
RSU 73	Spruce Mountain High School		X	
RSU 33/MSAD 33	St John Valley Technology Center			X
Millinocket Public Schools	Stearns Jr-Sr High School		X	
MSAD 46	Tri-County Technical Center			X
RSU 88/MSAD 24	Van Buren Regional Technology Ctr			X
Maine Vocational Region 7	Waldo County Tech Ctr-Region 7			X
RSU 45/MSAD 45	Washburn District High School		X	
Waterville Public Schools	Waterville Senior High School		X	
Westbrook Public Schools	Westbrook High School		X	
Westbrook Public Schools	Westbrook Regional Technology Ctr			X
RSU 14	Windham High School		X	
Winslow Schools	Winslow High School		X	
Winthrop Public Schools	Winthrop High School		X	
York Public Schools	York High School		X	