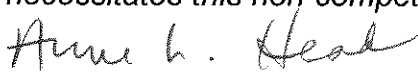


## State of Maine Waiver of Competitive Bidding Request Form

**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>	Karma Lombard	<b>Office/Division/Program of Contract Administrator:</b>	PFR Bureau of Insurance
<b>Est. Contract Amount:</b>	\$ 7972.00	<b>Contract or RQS Number:</b>	20190524*1286
<b>Proposed Start Date:</b>	5/1/2019	<b>Proposed End Date:</b>	9/30/2020
<b>Vendor/Provider Name, City, State:</b>	National Association of Insurance Commissioners 1100 Walnut, Suite 1500 Kansas City, Missouri 64106-2197		
<b>Short Description of Good or Service:</b>	Annual State Assessment		
<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>	<p style="text-align: center;"><b>To be completed by the Division of Procurement Services</b></p> <p>Posting dates on Division of <b>Procurement Services</b> website:          From: <u>05/29/2019</u> To: <u>06/04/2019</u></p>		
<b>Notice of Intent to Waive Competitive Bidding Number:</b>	NOI# <b>0520190772</b>		
<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.			
<input checked="" 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>	<p><i>By signing below, I signify as the Governor's designee there is an emergency that necessitates this non-competitive procurement.</i></p> <p><b>Signature:</b> </p>		
	<b>Printed Name:</b>  Anne L. Head	<b>Date:</b> May, 22 2019	
<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 of Maine Waiver of Competitive Bidding Request Form

	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: <ol style="list-style-type: none"> <li>(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;</li> <li>(2) A sharing of project responsibilities and, when appropriate, costs;</li> </ol> <p><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></p>
	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.
	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.

**The Maine Bureau of Insurance (MBOI) is a member of the National Association of Insurance Commissioners (NAIC). The MBOI regulates insurance matters in the State of Maine pursuant to M.R.S.A. 24 and M.R.S.A. 24-A. The NAIC is the United States standard setting and regulatory support organization created and governed by the chief insurance regulators from the 50 states, the District of Columbia and five U.S. territories.**

**Through the NAIC, state insurance regulators establish standards and best practices, conduct peer review, and coordinate their regulatory oversight. The NAIC staff supports these efforts and represents the collective views of state regulators domestically and internationally. NAIC members, together with the central resources of the NAIC, form the national system of state-based insurance regulation in the U.S.**

**NAIC members are elected or appointed state government officials who, along with their departments and staff, regulate the conduct of insurance companies and agents in their**

**State of Maine  
Waiver of Competitive Bidding Request Form**

respective state or territory.

**The mission of the NAIC is to assist state insurance regulators, individually and collectively, in serving the public interest and achieving the following fundamental insurance regulatory goals in a responsive, efficient, and cost-effective manner, consistent with the wishes of its members.**

**As such, the MBOI must contract with the NAIC on an annual basis to maintain its national standard.**

**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 NAIC provides various support services through several divisions.

Communications/Media Relations – provides communications for the NAIC and its members through media relations, news releases, electronic and web-based material and the promotion of consumer education through InsureU.

Executive – provides overall support to the NAIC and its members. The Executive Division includes the Finance Department and the Business Strategy, Risk Management and Compliance Department.

Financial Regulatory Services – provides technical expertise in areas of financial regulation, solvency regulation, financial reporting, statutory accounting, capital adequacy (risk-based capital), accounting, examinations, reinsurance, investments and international insurance issues to regulators.

Human Resources and Internal Services – contributes to the NAIC's internal operations, including human resource activities, facilities, records management and copy and mail services.

Information Services – assists insurance regulators by providing technical infrastructure to promote shared regulatory information and systems standardization.

Insurance Products and Services – markets publications and insurance company financial data to regulators and external customers, designs and has oversight of the System for Electronic Rate and Form Filing (SERFF) and the State-Based Systems (SBS) program.

Legal – researches and analyzes developments in insurance law, provides advice to state insurance regulators and serves as in-house counsel to the association.

Member Services – provides support to members and staff in the areas of Education and Training, Meeting Planning and Library Resources.

**State of Maine  
Waiver of Competitive Bidding Request Form**

Regulatory Services Division – provides support to members and staff in the areas of Actuarial & Statistical Services, Market Regulation and Financial Regulatory Services.

Technical Services – provides overall technology support with I-Site, MyNAIC, and StateNet. The NAIC Help Desk is staffed from 8am – 5pm CT, Monday through Friday.

The aforementioned divisions and services are not available within the State of Maine government.

**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**.

Annual NAIC member assessments are calculated on a relative premium volume basis, whereby Maine domestic insurance companies' premiums is utilized. States are assessed on the same formulary.

**5. Future Competition**

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

Alternatives, and future competition are not currently being considered.

**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 National Association of Insurance Commissioners (NAIC) is unique. Please see the above sections 2 and 3 for uniqueness arguments.

**State of Maine  
Waiver of Competitive Bidding Request Form**

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**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 2019-2020 assessment is due no later than May 1, 2020.

<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>	Anne L. Head
<b>Date:</b>	5/22/19