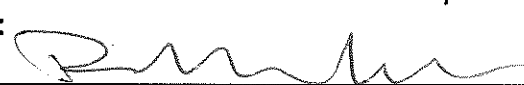


State of Maine Waiver of Competitive Bidding Request Form

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.

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| Requesting Department's Contract Administrator: | Jessica Nixon | Office/Division/Program of Contract Administrator: | Office of the Commissioner Department of Education |
| Est. Contract Amount: | \$ 60,000 | Contract or RQS Number: | |
| Proposed Start Date: | 6/1/2019 | Proposed End Date: | 12/1/2019 |
| Vendor/Provider Name, City, State: | | WB Education, LLC 16 Hemlock Drive Cumberland, ME 04021 | |
| Short Description of Good or Service: | | Examination of school governance structures, school finances and equity. | |
| 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>05/30/2019</u> To: <u>06/05/2019</u> | |
| Notice of Intent to Waive Competitive Bidding Number: | | NOI# 0520190780 | |
| 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 checked="" 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> | <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: Pender Makin, Commissioner Department of Education | |
| | | Date: 5/29/2019 | |

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| | <p>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;</p> | |
| | <p>D. It appears to be in the best interest of the State to negotiate for the procurement of petroleum products;</p> | |
| | <p>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:</p> <p style="margin-left: 20px;">(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;</p> <p style="margin-left: 20px;">(2) A sharing of project responsibilities and, when appropriate, costs;</p> | |
| | <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: http://www.maine.gov/purchases/info/forms/govcoop.doc.</i></p> | |
| | <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;</p> | |
| | <p>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.</p> | |
| | <p>If a different authorization specifically allows for this non-competitive procurement, please provide that reference here:</p> | |
| <p>Please note that the following four points below (#2 through 5) <u>all</u> require a response.</p> | | |
| <p>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.</p> | | |
| <p>In order to meet the deadlines for future legislation, this work needs to be started as soon as possible. This is a consultant contract for examining school governance structures, school finance, and equity. This consultant will be responsible for engaging school administrative unit (SAU) leadership across the state in discussions and fact-findings for the identification of both the benefits and the challenges related to the various SAU configurations and governance structures. This contract will meet the field requested needs for convening stakeholder focus groups from all regions of the state to collect data and to generate possible solutions for future study by the Center for Education Policy, Applied Research and Evaluation (CEPARE). This contract will result in an examination of the legal and financial structure related to property valuation, cost of living, regional adjustments to EPS, small school adjustments to EPS, and other related systems/conditions and trends. Significant field-based work will be done collecting information related to all regionalization efforts, including partnerships</p> | | |

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funded by FEDES grants and regional service centers, as well as informal arrangements that have been developed to increase efficiency or effectiveness of school programming. This will include collecting raw data and for preparing comparative reports that will support future analysis and proposed changes.

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 requires a specific expertise related to the school's government structures, direct experience within the education field and an ability to facilitate and interact with all varieties of stakeholders. This contractor's ability to manage significance field research around governance structures and a variety of consolidated and regionalized configurations and their impact both on the human experience and on finance. Although the Department has the expertise, it does not have sufficient staffing available to dedicate the time needed to do this work.

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**.

Similar contractors have charged the \$60 per hour rate that have the same experience and level of responsibility for field-based research.

5. Future Competition

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

This is project specific and future needs are not anticipated at this time.

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.

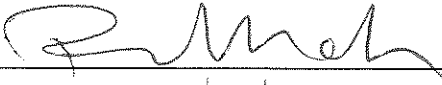
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7. Timeframe (Complete only if B. is the Statutory Justification marked on Page 1)

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.

Multiple legislative requests and general field inquiries have come in requesting data and recommendations on this topic. Work in this area does not currently exist and the need for it relates to the direct impact on the industry and the legislation that is developed that involves education that is based currently without accurate data on these topics. In order to meet the deadlines for future legislation, this work needs to be started as soon as possible.

This is unique in that the work will require extensive experience and comfort within the educational system in Maine, have the ability to manage multiple tasks, and have experience overseeing projects of this size. The specific vendor has significant multi-level experiences and interactions with school governance throughout the state and understands the specific data and stakeholder involvements required for this initiative.

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| Signature of requesting Department's Commissioner or Chief Executive (or designee within the Commissioner's Office): | <i>By signing below, I signify that my Department requests, and I approve of, this Waiver of Competitive Bidding.</i> |
| Printed Name: | Pender Makin |
| Date: |  3/29/2019 |