

## 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>	Donna Tiner	<b>Office/Division/Program of Contract Administrator:</b>	Education - Learning Systems - CTE
<b>Est. Contract Amount:</b>	\$ 30,000	<b>Contract or RQS Number:</b>	CT 20190201*2231
<b>Proposed Start Date:</b>	7/1/2019	<b>Proposed End Date:</b>	6/30/2020
<b>Vendor/Provider Name, City, State:</b>	Maine Administrators of Career & Technical Education Waldo County Technical Center 1022 Waterville Road Waldo, Maine 04915		
<b>Short Description of Good or Service:</b>	Grant for CTE services.		
<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> Posting dates on Division of <b>Procurement Services</b> website: From: <u>06/05/2019</u> To: <u>06/10/2019</u>		
<b>Notice of Intent to Waive Competitive Bidding Number:</b>	NOI# 0620190832		
<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 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"/>	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		
<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> _____	

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	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.
	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 State Board of Education is looking to provide both professional development and innovative program development activities to meet the requirements of improving CTE offerings for Maine's students. The George Briggs trust fund, which was established by Mr. Briggs in his last will and testimony, requires the interest generated on this trust to be used solely for vocational education (career and technical education) to "enable the young people of Maine to be qualified to become self-supporting and useful citizens of the State." The Commissioner of Education may disperse these funds for activities that have been approved by the majority of the State Board of Education. The State Board of Education has determined that the MACTE group, which is the only administrative group made up of the Directors of all 27 of Maine's secondary CTE schools, is best situated to assist in the development of innovative CTE programs for 9<sup>th</sup> and 10<sup>th</sup> grade students, innovative CTE programs for middle school students, and provide current and viable professional development for CTE Directors, staff, and teachers. This group encompasses Maine's secondary CTE and best understand the needs of this population. Granting these funds to an organization that is already working**

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towards these endeavors will save both time and money as the group will not need to spend resources on determining the needs of secondary CTE schools or how to reach out and provide support to meet these needs. The funds will be dispersed during the 2019-20 school year.

**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 Governmental Departments are running with limited personnel and do not have the required resources to meet the needs of the secondary CTE schools in this capacity. The CTE team of the Department of Education does provide assistance and support, but is not able to provide robust professional development or develop innovative programming at this time. The Governmental Departments are also not as well suited for this project as the MACTE group.

**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 State Board of Education may only grant an amount that is determined by the generated interest that is earned by the endowment. The State Board CTE Committee determine what associated costs will be fair, reasonable, and justifiable.

**5. Future Competition**

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

Opportunities to foster competition for these goods and services in the future will be contingent on meeting the needs of the State Board of Education approved projects. These funds will be dispersed to entities best situated to provide such services in accordance with the timeframes determined by the State Board of Education. Projects of more diverse in scope and reach beyond the need to be deeply familiar with CTE in Maine will be put forward in a more competitive manner.

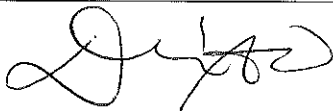
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**Please note that only one of the two points below (“Uniqueness” or “Timeframe”) requires a response. Requesting Departments are not required to respond to both points.**

**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 Maine Administrators of Career & Technical Education is an association that encompasses all 27 secondary CTE schools within the State. This organization allows MDOE to make sure that all CTE secondary schools and secondary teachers can benefit from the grant. The organization mission of Maine Administrators of Career & Technical Education (MACTE) is to promote and engage Secondary Career & Technical Education in Maine. The Administrators of each of the 27 CTE centers in Maine are bound together by this professional organization. There are many initiatives impacting CTE in Maine, which MACTE is involved in. These activities are educational and professional in nature and required active leadership and engagement by MACTE. Due to the uniqueness of the requirements of these activities, the MACTE group is the only group that able to provide these services.

**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>	31 May 2019