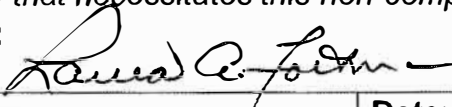


**State of Maine
Waiver of Competitive Bidding Request Form**

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.

Requesting Department's Contract Administrator:	Diane Frigon	Office/Division/Program of Contract Administrator:	Dept. of Labor, Division for the Blind and Visually Impaired/Business Enterprise Program
Est. Contract Amount:	\$7000	Contract or RQS Number:	RQS 20190530*1296
Proposed Start Date:	March 29, 2019	Proposed End Date:	
Vendor/Provider Name, City, State:	Avanti Markets, Inc., Renton WA		
Short Description of Good or Service:	Self-contained/Self-service Micro Market set up		
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.	<p>To be completed by the Division of Procurement Services</p> <p>Posting dates on Division of Procurement Services website: From: <u>06/06/2019</u> To: <u>06/12/2019</u></p>		
Notice of Intent to Waive Competitive Bidding Number:	NOI# 0620190852		
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"/>	<p><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>	<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>Signature: </p> <p>Printed Name: Laura A. Fortman</p> <p>Date: 6/15/19</p>	
<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 from only one source;		

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	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: <ul style="list-style-type: none"> (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; <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>
	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.	
<p>The Division for the Blind and Visually Impaired, Business Enterprise Program (DBVI BEP) is setting up a new self-contained and self-service Micro Market in a State Office building in Augusta. Over 10 years ago, DBVI BEP entered into a "User Agreement" with "Avanti" to furnish equipment and provide technical support to the Business Enterprise Program (BEP) Managers who run the Markets as well as the BEP staff. BEP Managers of Micro Markets are self-employed and may or may not hire employees to assist with various aspects of the business. By State and Federal law, the BEP is allowed and mandated to set up food and beverage services i.e. through Micro Markets, Snack Bars, Cafeterias and Vending operations in State, Federal and Municipal locations.</p> <p>One of the essential pieces of equipment is the Avanti Kiosk, which is a self-checkout unit providing customers with 24-7 access to food, beverages and other commodities. The Kiosk allows customers to load funds onto an Avanti Kiosk card or use Credit/Debit cards purchase items from the Market.</p>	

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The software program keeps track of inventory and provides necessary information about sales to the BEP Manager for them to run the business efficiently and profitable. The first Avanti Micro Market was set up in 2008 and the BEP continues to work with this company to maximize its investment (time and training for managers and SLA staff as well as initial and replacement equipment) and to provide consistency throughout the State of Maine for all potential BEP managers interested in Micro Market operations. A State Office building is relocating employees throughout the month of May. Having the market open for its customers is essential.

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.

There are no government entities (local, other state or federal agencies) that can provide this item and service.

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 first Avanti Micro Market was set up in 2008 and the BEP continues to work with this company to maximize its investment (time and training for managers and SLA staff as well as initial and replacement equipment) and to provide consistency throughout the State of Maine for all potential BEP managers interested in Micro Market operations.

The Micro Market Industry is growing rapidly. In order to remain competitive, Avanti (trademark and company name) must have competitive rates that are fair and reasonable to attract new customers and retain existing customers.

5. Future Competition

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

Due to the uniqueness of this product and service, the State of Maine DBVI/BEP would go through WCB.

The DBVI BEP continuously evaluates its acquisition of equipment and services. Factors not only include cost of equipment but warranties, service and technical assistance provided. In this situation with the Avanti Micro Market, obtaining bids from other companies may result in added costs to change a whole system of Kiosks, cameras, DVR's and other proprietary equipment throughout the State. The BEP currently has 7 Micro Markets in place.

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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.

One of the essential pieces of equipment is the **Avanti Kiosk**, which is a self-checkout unit providing customers with 24-7 access to food, beverages and other commodities. The Kiosk allows customers to load funds onto an Avanti Kiosk card or use Credit/Debit cards purchase items from the Market. The software program keeps track of inventory and provides necessary information about sales to the BEP Manager for them to run the business efficiently and profitable. The first Avanti Micro Market was set up in 2008 and the BEP continues to work with this company to maximize its investment (time and training for managers and SLA staff as well as initial and replacement equipment) and to provide consistency throughout the State of Maine for all potential BEP managers interested in Micro Market operations. A State Office building is relocating employees throughout the month of May. Having the market open for its customers is essential.

In this situation with the Avanti Micro Market, obtaining bids from other companies may result in added costs to change a whole system of Kiosks, cameras, DVR’s and other proprietary equipment throughout the State. The BEP currently has 7 Micro Markets in place.

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.

Request and approval for this item was put in months ago in anticipation for the opening of a Micro Market in a new State office location. A Temporary solution has been put in place, however, operating the Market in full capacity requires a full size Kiosk. In addition, delay in approval will result in having to start entire process of approval with new state fiscal year.

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.



Printed Name:

Laura A. Fortman, Commissioner

Date:

6/5/19