

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:	Hannah Collins	Office/Division/Program of Contract Administrator:	DECD-Maine Office of Tourism
Est. Contract Amount:	\$ 902,364.00	Contract or RQS Number:	20190524*3579
Proposed Start Date:	July 1, 2019	Proposed End Date:	June 30, 2020
Vendor/Provider Name, City, State:		Maine Tourism Association 327 Water Street Hallowell ME 04347	
Short Description of Good or Service:		Visitor services at the seven (Kittery, Yarmouth, Fryeburg, Hampden North, Hampden South, Calais, and Houlton state operated visitor information centers.	
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>6/6/2019</u> To: <u>6/12/2019</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0620190854	
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;		
<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:	Date:
<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		

**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: (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: http://www.maine.gov/purchases/info/forms/govcoop.doc.</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.

Tourism is essential to the Maine economy. According to research conducted annually by the Maine Office of Tourism, total expenditures for tourism in 2018 equaled more than \$6.2 billion and supported nearly 110,000 jobs. With 80% of visitors to Maine driving to the state, part of an overriding strategic economic plan to move visitors throughout the state is to provide easily accessed information exchange service centers along major travel corridors within the state.

Federal Law prohibits "for-profit" ventures at visitor service facilities constructed with federal funds. The nonprofit, Maine Tourism Association, has provided these services for the state at a straight staff-operational cost since the Visitor Information Center (VIC) system was established.

The Maine Office of Tourism (MOT) was mandated in 1983 by the State legislature to provide visitor services in state owned Visitor Information Centers.

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

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.

- A. The Maine Tourism Association (MTA) furnishes all qualified travel specialists, equipment, materials and services necessary to operate the seven state-owned visitor information centers. These services are beyond the staffing capacity of the MOT to operate with existing state resources. MTA employs 9 full-time and 50 part time staff to provide 56,707 hours of coverage annually.
- B. Hospitality and travel information services targeting Maine's tourism industry are not provided by any other governmental agency.

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**.

There have been no bids for this contract other than the current contractor since the inception of Maine's Visitor Information Center system in 1983. MTA has been required through contract to "Use the most cost-effective means of operating the VICs without jeopardizing the quality of service." The base contract dollar amount has remained stable based on staffing operations required to fulfill the scope of work required by this contract. MTA has been "responsible for all reasonable costs of operation, including telephone, computers, literature racks, shelving, general office equipment, and any internal supplies not provided by the Department of Transportation. The Department has requested through national industry networks other State operations and personnel expenditures and has found the funding by the MOT consistent with other visitor center budgets. Each of these states operate 9 centers; Montana budgets \$1.9 million, South Carolina budgets \$1,858,750 and Illinois budgets \$1,000,000. The Department receives monthly lump sum invoices from the Maine Tourism Association listing all expenses as part of the "Scope of Services". These costs are reviewed monthly and are considered fair and reasonable for the DECD viewpoint.

5. Future Competition

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

The Contract Award was posted for seven days following the previous award for public comment and there have been none in the past two years. Should there be a challenge from another viable agency the Office would seek competitive bids for the operations of the seven visitor information centers. The MOT does not foresee any future competition for this contract, as there is no benefit or profit to be realized. The MTA operates these Visitor Information Centers at a straight staff-operational cost. And, as outlined in Section 2. - Federal Law prohibits "for-profit" ventures at visitor service facilities constructed with federal funds.

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

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.

- A. This contract’s most recent RFPs in 2000 and 2003 #1202267 had no other bidder than MTA. The RFP was waived by the Division of Purchases in 2007 and each year since 2014 the award has been advertised with no objection.
- B. The Maine Tourism Association (MTA) is a tourism industry supported, non-profit membership, organization comprised of a broad range of visitor-related private businesses providing information to travelers since the 1930s. MTA holds a zero-dollar contract with the Office to publish the Official Maine Travel Planner – Maine Invites You and Official Maine Road Map.
- C. MTA provides trained staff and travel specialists with a comprehensive approach to hospitality/customer service and a statewide knowledge of food, lodging and activities. It is estimated a new employee takes 600 hours (a full summer season plus a month of one-on-one of training) to be fully qualified.
- D. The State of Maine does not own any of the operational equipment in the VICs. MTA provides all the display fixtures for information distribution and “behind-the-scenes storage racks at the visitor centers. The MTA collects and distributes statewide travel information through their Hallowell and Gardner warehouse facilities (approximately 5,000 square feet) to support the annual needs of the VIC as well as providing motorized transport for material distribution. Each of the seven centers is equipped with office equipment; computers, fax machines, phone, copy machine, furniture, etc. Centers also have PCs for visitor use and a big-screen televisions for tourism related films. All the office equipment is owned by MTA at an estimated value of \$252,000 in 2012. This equipment would need to be replaced should the contractor be replaced.
- E. Service is continuous to travelers’ seven-days-a-week, twelve-months-year closed only on Thanksgiving, Christmas and Easter.

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.

State of Maine
Waiver of Competitive Bidding Request Form

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:	
Date:	