

# 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 E. Grant, Deputy Secretary of State for Information Services	<b>Office/Division/Program of Contract Administrator:</b>	Office of information Services, Maine Department of the Secretary of State
<b>Est. Contract Amount:</b>	\$ 8,162.00	<b>Contract or RQS Number:</b>	RQS29B20190531000000001302
<b>Proposed Start Date:</b>	July 16, 2019	<b>Proposed End Date:</b>	July 15, 2020
<b>Vendor/Provider Name, City, State</b>	Totalcom Solutions, Inc. 458 Boston Street Topsfield, MA 01983		
<b>Short Description of Good or Service:</b>	Annual Maintenance Renewal for PolyCom Real Presence Group 310		
<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>06/06/19</u> To: <u>06/12/19</u></p>		
<b>Notice of Intent to Waive Competitive Bidding Number:</b>	NOI# 0620190855		
<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;		
	<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>	<b>Date:</b>
<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 from only one source;		
<input type="checkbox"/>	D. It appears to be in the best interest of the State to negotiate for the procurement of petroleum products;		
<input type="checkbox"/>	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>		
<input type="checkbox"/>	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;		
<input type="checkbox"/>	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.		

# State of Maine Waiver of Competitive Bidding Request Form

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.

In 2015, the Department of the Secretary of State initiated a video-conferencing system. Totalcom Solutions, Inc. supplied this Polycom Video Conferencing System to the Department.

In 2016, when the Polycom Video Conferencing System was in need of an upgrade and a renewal of the maintenance agreement, an RFQ was sent out. A different vendor, OneVision, Inc. won the bid and provided the Department with the Polycom Video Conferencing System upgrade which included six of the Department's twenty-two Real Presence Group 310 appliances as well as three years of maintenance on these six Real Presence Group 310 appliances.

The Office of Information Systems is requesting to return to the original vendor, Totalcom Solutions, Inc. who is able to provide maintenance for all twenty-two of the Department's Real Presence Group 310 appliances under one contract. The Office of Information Systems currently has a maintenance agreement with Totalcom Solutions, Inc. for the Polycom Video Conferencing System infrastructure and would like to include maintenance for all twenty-two Real Presence Group 310 appliances under Totalcom Solutions, Inc.

## 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.

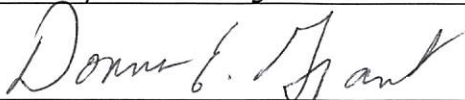
The video conferencing provided by the Polycom Video Conferencing System is an efficiency and cost-cutting measure for Departmental employees and other groups. Polycom allows motor vehicle hearings and other work sessions to be "conferenced-in" without requiring participants to travel to the Department, which would incur travel and meal costs, as well as a considerable amount of time.

## 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 Department went out to bid twice to purchase the Polycom Video Conferencing System infrastructure and maintenance. The original bid was won by Totalcom Solutions, Inc. Totalcom is the vendor which supplied, customized, and maintains the bulk of the current Polycom Video Conferencing System. The second bid was awarded to OneVision, Inc. who supplied the Department with six Real Presence Group 310 appliances as well as a few other aspects of the Polycom Video Conferencing System. OneVision, Inc. was not able to supply maintenance for some components of the Department's Polycom system and therefore the Department has had to pursue maintenance contracts with Totalcom Solutions.

## State of Maine Waiver of Competitive Bidding Request Form

<p><b>5. Future Competition</b> Please describe potential opportunities which may be available to foster competition for these goods or services in the future.</p> <p>The Office of Information Services is open to competitive bidding as long as the product/service provided by a new vendor is as good as or better than the product/service offered by the existing vendor. In this case, the Office of Information Services has invested a substantial sum in the current Video Conferencing infrastructure. The Office of Information Services plans to research updated Video Conferencing System options. As part of this research the Department plans to submit an RFQ to help evaluate the cost aspects of the updated Video Conferencing System options.</p>	
<p><b>Please note that <u>only one</u> of the two points below (“Uniqueness” or “Timeframe”) requires a response. Requesting Departments are not required to respond to both points.</b></p>	
<p><b>6. Uniqueness</b> 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.</p> <p>Totalcom Solutions, Inc. customized a Polycom Conferencing System specifically to meet the needs of the Department of the Secretary of State. To use any other vendor to support the current infrastructure would depend upon the ability for the Department to find a different vendor that could provide the same expertise as Totalcom Solutions, Inc. and that is willing to provide maintenance for all aspects of the Department’s Polycom Conferencing System. Totalcom Solutions, Inc. supports the bulk of the Department’s Polycom Conferencing System. Furthermore, it will be more efficient to have one company supply all maintenance for the Department’s Polycom Conference System.</p>	
<p><b>7. Timeframe (Complete only if B. is the Statutory Justification marked on Page 1)</b> 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.</p>	
<p><b>Signature of requesting Department’s Commissioner or Chief Executive (or designee within the Commissioner’s Office):</b></p>	<p><i>By signing below, I signify that my Department requests, and I approve of, this Waiver of Competitive Bidding.</i></p> 
<p><b>Printed Name:</b></p>	<p>Donna E. Grant, Deputy Secretary of State for Information Services</p>
<p><b>Date:</b></p>	<p>6/3/2019</p>