

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:	Donna Tiner	Office/Division/Program of Contract Administrator:	Education - Learning Systems - CTE
Est. Contract Amount:	\$ 50,000	Contract or RQS Number:	CT 20190514*3411
Proposed Start Date:	7/1/2019	Proposed End Date:	6/30/2020
Vendor/Provider Name, City, State:		EDUCATE MAINE 482 CONGRESS ST. SUITE 303 PORTLAND, ME 04101	
Short Description of Good or Service:		Grant for CTE services.	
<p>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>		<p>To be completed by the Division of Procurement Services 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# 0620190857	
<p>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.</p>			
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;		
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;		
X	<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: <i>[Signature]</i></p>	
	<p>Printed Name: Pender Makin</p>	<p>Date: <i>6/6/19</i></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;		

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	<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>(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>(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>

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 develop best practices for initiating CTE programming to 9th and 10th grade students to begin in the 2019-20 school year. Due to the time constraints of these activities it is imperative to contract with an organization that is already deeply knowledgeable of the educational practices of CTE and can provide these services without expending time and money on establishing the need. Funds will be dispersed in summer of 2019. 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 best practices and pilot programs for 9th and 10th grade students to participate in CTE is in alignment with the directives of George Briggs will.

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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 9th and 10th grade CTE programs in this capacity. The CTE team of the Department of Education will provide assistance and support but is not able to provide the structured services needed to develop best practices and programs in this area. The Governmental Departments are also not as well suited for this project as the Educate Maine 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.

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

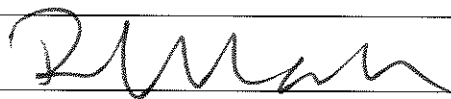
Please explain if time is of the essence and an emergency exists which requires the immediate procurement of goods or services. Describe the nature of this emergency, provide the date by which the goods or services must be delivered, and explain how that date was determined and its significance (i.e. 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.

The State Board of Education has determined, through the Perkins V stakeholder meetings, that 9th and 10th grade CTE opportunities are lacking. Currently students in these grade levels have little to no opportunities to participate in CTE and in some cases this opportunity may assist in improving Maine’s drop-out rate. In order to provide CTE schools with Perkins funding to help meet this need during FY20, the foundation work will begin soon after July 1, 2019 and must be completed by the end of August 2019. As the awareness of this gap in career and technical education came to light during State Board CTE subcommittee meetings within the past few weeks, the Board is not afforded the time to go through a full bidding process, review all bids, and have a full proposal ready for the June 12th full Board meeting. The State Board selected Educate Maine to provide these services as they are already familiar with, and involved in, CTE projects currently taking place in Maine.

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:

 Pender Makin

Date:

6/6/19