

## 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>	Dawanna Pease/N. Willigar	<b>Office/Division/Program of Contract Administrator:</b>	DAFS/OIT/Computing, Infrastructure and Services
<b>Est. Contract Amount:</b>	AMEND 2: \$953,853.40	<b>Contract or RQS Number:</b>	CT 18B 20181114*1658
<b>Proposed Start Date:</b>	6/14/2019	<b>Proposed End Date:</b>	unchanged
<b>Vendor/Provider Name, City, State</b>	CyberNorth 15 Cottage Road Unit 2433 South Portland, ME 04116		
<b>Short Description of Good or Service:</b>	The State of Maine has standardized on HPE Servers and Pure Storage hardware, software, maintenance, training and professional services. CyberNorth currently maintains 37 HPE servers for the State of Maine and are a reseller of Pure Storage hardware, maintenance and professional 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>		<b>To be completed by the Division of Procurement Services</b> Posting dates on Division of <b>Procurement Services</b> website: From: <u>6/11/2019</u> To: <u>6/17/2019</u>	
<b>Notice of Intent to Waive Competitive Bidding Number:</b>		NOI# 0620190948	
<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 type="checkbox"/>	<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>	
<input type="checkbox"/>	<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;		
<input type="checkbox"/>	<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;		

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	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:
<b>Please note that the following four points below (#2 through 5) all require a response.</b>	
<b>2. Description of Specific Need</b>	
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 State would like the ability to request the purchasing of both the HPE servers and Pure Storage FlashBlade products together from CyberNorth. Doing so would allow for a single support model for all installation and on going support and maintenance. We can expect to save around 20% off of HPE server hardware and 50% off of Pure Storage Flash Storage</p>	
<b>3. Availability of other Public Resources</b>	
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.	
<p>OIT personnel from Computing, Infrastructure and Services, Unix, and Security have dedicated resources to several large inflight projects. Hyperconverge, Unix virtualization, FireEye deployment, Privilege access management. CyberNorth would augment and improve installation times to meet the projects timeframe.</p>	
<b>4. Cost</b>	
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 <b>fair and reasonable</b> .	
<p>20% off of HPE server hardware and 50% off of Pure Storage Flash Storage</p>	

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**5. Future Competition**

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

Hardware would need to be refreshed in five years.

**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**

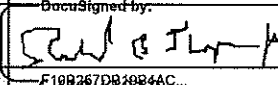
Please explain if the goods or services required are unique to a specific vendor. Describe the unique qualifications, abilities, and/or expertise of the vendor and how those particular unique factors address the specific need identified above. If the vendor has unique equipment, facilities, or proprietary data, also explain the necessity of these particular unique assets.

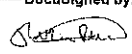
CyberNorth, is a local Maine vendor, with Maine-based employees. They are currently supporting the State of Maine Hyperconverge infrastructure, and have a dedicated support-telephone number just for the State. CyberNorth can support remotely and have a 1 hour window for travel to be onsite. CyberNorth has done several HPE server and Pure Storage installs and have dedicated subject matter experts on staff.

**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.

Our current Splunk license for is up for renewal. Due to requirement set forth by the Chief Information Security Officer, a bigger Splunk environment is required. Our current license is due to expire at the end of June. These servers and storage allow us to meet the requirements and timeline.

<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>	DocuSigned by: 
<b>Date:</b>	F109267D97084AC... 6/10/2019

DocuSigned by:  
 6/7/2019  
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