

State of Maine Waiver of Competitive Bidding Request Form

Requesting Department's Contract Administrator:	Jennifer Chisum on behalf of Ben Foster	Office/Division/Program of Contract Administrator:	DAFS/OIT on behalf of MaineDOT/Bridge Maintenance
Est. Contract Amount:	\$ 262,831	Contract or RQS Number:	
Proposed Start Date:	6/15/2019	Proposed End Date:	11/30/2021
Vendor/Provider Name, City, State	Bentley Systems, Inc., Exton PA		
Short Description of Good or Service:	Bridge asset management and inspection software as a service.		
<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</p> <p>Posting dates on Division of Procurement Services website: From: <u>06/14/2019</u> To: <u>06/20/2019</u></p>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0620190984	
<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>			
<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;		
	<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>	
		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 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: <ol 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>		
<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.		
	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) <u>all</u> require a response.</p>			

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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 Bentley's AssetWise Connect Edition was implemented by MaineDOT in 2014 to track bridge asset information, bridge inspections, and produces the annual Federal NBI report. It is a bridge specific asset management and inspection system which is kept in compliance with US Federal standards, and generates the Federal National Bridge Inventory (NBI) report files. The initial contract is coming to an end. The Department underwent extensive efforts to identify alternatives to this solution initially, and continually monitors the marketplace. It has determined that there is still no viable alternative to it at this time. It is critical to the State's highway bridge management program and ability to remain in compliance with Federal regulations.

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.

Bentley Systems Inc software licenses are proprietary. Licenses, hosting, and support are available only from Bentley directly.

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**.

Bentley uses published rates which include both a government discount and volume use discount which is applied based on all Bentley product usage – not just this contract.

Bentley has modified its price structure to be based on data points. This is not unusual: many software companies are doing so. Bentley recognized that it would have a major impact on the Maine Department of Transportation as the Department collects more inspection data points per bridge per year than typical. Bentley has given us a major price break over the course of this contract while the Department decides how best to adjust to the new price scheme.

5. Future Competition

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

The Department monitors the marketplace and other DOT's solutions so that it will be aware of new options as they occur. Options that have been rejected in the past will be reevaluated as well as the Department determines whether to pursue a new RFP or other solution acquisition at the end of this contract period.

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.

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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.

Bentley Systems Inc software licenses are proprietary. Licenses, hosting, and support are available only from Bentley directly. No other vendor offers a similar software application at this time.

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.

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:

Bruce Van Note

Date:

6/5/19