

## 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>	Gayle Erdheim	<b>Office/Division/Program of Contract Administrator:</b>	Dept of Education Office of School and Student Supports Homeless Education				
<b>Est. Contract Amount:</b>	\$ 6250.00	<b>Contract or RQS Number:</b>					
<b>Proposed Start Date:</b>	<b>August 1, 2019</b>	<b>Proposed End Date:</b>	July 31, 2020				
<b>Vendor/Provider Name, City, State:</b>		Kickstand, Inc. Grand Rapids, MI					
<b>Short Description of Good or Service:</b>		Annual license for use of Kickstand eLearning Platform for the McKinney-Vento (MV) Homeless Education Liaison Credentialing Program.					
<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>06/25/2019</u> To: <u>07/01/2019</u>					
<b>Notice of Intent to Waive Competitive Bidding Number:</b>		NOI# 0620191064					
<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.							
<table style="width: 100%; border: none;"> <tr> <td style="width: 5%; border: none;"></td> <td style="width: 95%; border: none;">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;</td> </tr> <tr> <td style="border: none;"></td> <td style="border: none;">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;</td> </tr> </table>					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;
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	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> <b>Signature:</b>					
		<b>Printed Name:</b>	<b>Date:</b>				

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	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;
	D.	It appears to be in the best interest of the State to negotiate for the procurement of petroleum products;
	E.	<p>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: <a href="http://www.maine.gov/purchases/info/forms/govcoop.doc">http://www.maine.gov/purchases/info/forms/govcoop.doc</a>.</i></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;
<b>X</b>	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.

**The Maine DOE Homeless Education consultant is mandated by federal law to provide training for local homeless liaisons in individual school districts. Due to frequent turnover in these often part time local positions, the annual on-site regional trainings offered by the consultant are less than optimal as the principal training modality. Online anytime/anywhere training, as offered through this contract, will significantly improve the consultant's ability to assure adequate training, differentiated for new and more experienced liaisons. This program allows the consultant to monitor progress for individual liaisons and provide directed support in areas of need. Local liaisons receive certificates upon completion of the elementary and intermediate training programs that are currently included in the package.**

**This is the only comprehensive training/certification program available for homeless education liaisons, and it is a cost effective supplemental training solution for Maine's geographically**

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dispersed school systems.

**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 Maine DOE Homeless Education program has one staff person who also oversees other programs within the Office of School and Student Support. The DOE consultant provides regional trainings annually and provides technical assistance via phone and email on a daily basis. The consultant receives frequent requests to provide district-level comprehensive training for new liaisons and targeted training for other audiences. This resource will help address that unmet need.

**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 contract administrator reviewed licensing/subscription fees typically associated with comprehensive online training in related social service areas and determined that the \$25 cost per user for this program is at or below the cost of comparable services. The annual subscription is equivalent to the consultant's mileage reimbursement for a single 56 mile round trip technical assistance/training visit.

**5. Future Competition**

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

Because the training of local homeless education liaisons is federally mandated and the services provided by liaisons is quite complex, it is surprising that more vendors have not created a market for products and services of this sort. Should other similar resources become available, the homeless education program will review them and would be happy to make a competitive selection.

**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.

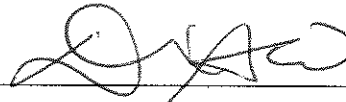
After an extensive search for comparable goods and services, it appears that the vendor, Kickstand Inc., is the sole provider of comprehensive, coordinated training systems for McKinney-Vento coordinators. The product was developed in partnership with a veteran state homeless education consultant from Michigan and continues to be refined through a unique collaboration between state coordinators and the vendor.

**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:**

Daniela Chute

**Date:**

21 June 2019