

# 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>	Tyler Backus	<b>Office/Division/Program of Contract Administrator:</b>	Education, School Finance and Operations
<b>Est. Contract Amount:</b>	\$ 430,530	<b>Contract or RQS Number:</b>	20180620*4030
<b>Proposed Start Date:</b>	July 1, 2019	<b>Proposed End Date:</b>	June 30,2020
<b>Vendor/Provider Name, City, State</b>	Ed Tech Soft, Inc, Duluth, Georgia		
<b>Short Description of Good or Service:</b>	Ed Tech Soft, Inc is the provider of the Department's Financial Data Collection System; this contract amendment will utilize the first renewal period provided in the contract and provide additional funds needed to complete work to complete new federal reporting requirements.		
<b>Please note, for transparency purposes, Waivers of Competitive Bidding will be publicly posted. Public postings are placed on the Division of Purchases' website for a period of seven consecutive calendar days.</b>		<b>To be completed by the Division of Purchases</b> Posting dates on Division of Purchases' website: From: <u>06/26/2019</u> To: <u>07/02/2019</u>	
<b>Notice of Intent to Waive Competitive Bidding Number:</b>		NOI# 0620191087	
<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>	<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>
<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 Purchases "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.

The Maine Education Financial System is utilized by Maine's 266 school administrative units to submit their statutorily required financial data which enables MDOE to calculate state subsidy in excess of \$1 billion, submit required Federal reporting (including data to allocate Title I Disadvantaged funds of about \$50 million), create the federally mandated ESSA per pupil reports for each school administrative unit, and to provide data to Department constituencies, which include the Maine State Legislature, in order to provide accountability and appropriate state funds for education.

This contract will include funding for maintenance & hosting, funding to create a new report for a new federal reporting requirement, and funding to include the SOC I Type 1, SOC II Type 2, and a disaster recovery plan per the department's corrective action plan.

**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.

Ed Tech Soft, Inc was awarded the upgrade and hosting of the NEO Financial System, beginning July 1, 2016. CORE possesses the necessary information, requirements and expertise to expediently complete work on this report to allow MDOE staff to report this information within the Federal timeline.

**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 cost of this extension is consistent with the per year cost of maintenance and hosting for the current system. The effort necessary is consistent with the effort necessary for previous report creation within the system. Hosting has been secured at a government rate through Amazon Government Cloud.

**5. Future Competition**

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

As any changes in financial data collection impact financial and personnel resources in Maine's 266 school administrative units, change must be managed in a thoughtful manner. In the past 3 years school administrative units have gone through multiple major system changes: those recent changes have included a new student data collection system, as was a student assessment system, and a new staff certification system. To change another major system at this time would be extremely disruptive to school unit operations, and have a fiscal impact as it would require the local accounting system vendors to modify their systems in order to interface with the State financial data collection system for creating upload files. Managing a system change over the course of the next year will allow for these school units to plan and budget for State level changes. During the course of this agreement, the Department will be analyzing next steps for a system solution, which may include re-bidding the entire system, as well as system components of hosting and maintenance.

# State of Maine Waiver of Competitive Bidding Request Form

**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.

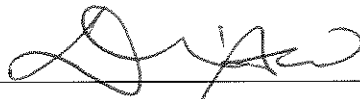
Maine has a unique school funding formula which is data-intensive, requiring detailed data points regarding school administrative staff, students and financial transactions. The MEDMS Financial System was developed by Ed Tech Soft, Inc to meet the financial data requirements of the EPS funding formula in such a way as to lessens the data submission burden on Maine's 266 school administrative units, while compiling data necessary to populate Federal reports to ensure accuracy in allocation of Title I funds to Maine's eligible school administrative units and provide data to policy makers for allocation of over \$1 billion in state subsidy dollars. Ed Tech Soft, Inc staff has been extremely responsive in any requests, which facilitates timely response to any system issues and ensures minimal disruption to daily operations.

**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:**

*21/* Daniel A. Cloutier

**Date:**

*21 June 2019*