

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:	Dawn Kliphan, Contract/Grant Specialist	Office/Division/Program of Contract Administrator:	Dept. of Education (DOE) Office of Special Services
Est. Contract Amount:	\$482,450.00	Contract or RQS Number:	20190607*3765
Proposed Start Date:	July 1, 2019	Proposed End Date:	June 30, 2022
Vendor/Provider Name, City, State:	University of Maine (UMaine) Orono, Maine		
Short Description of Good or Service:	Coordinate the Maine Alternative Certification and Mentoring (MACM) project		
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 style="text-align: center;">To be completed by the Division of Procurement Services</p> <p style="text-align: center;">Posting dates on Division of Procurement Services website:</p> <p style="text-align: center;">From: <u>06/28/2019</u> To: <u>07/04/2019</u></p>		
Notice of Intent to Waive Competitive Bidding Number:	NOI# 0620191111		
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.			
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;			
<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> Signature:	
		Printed Name:	Date:
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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	D. It appears to be in the best interest of the State to negotiate for the procurement of petroleum products;
X	<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>
	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;
	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.

Certification requirements for special education teachers changed with the enactment of Every Student Succeeds Act (ESSA) in 2015. Maine has struggled historically with a shortage of special education teachers to meet the needs in Maine, but due to changes in the law, waivers for teacher certification requirements can no longer be allowed for special educators on an emergency, temporary, or transitional basis. To support full certification of Maine's special educators, the DOE and UMaine collaborated to initiate a program, now known as the Maine Alternate Certification and Mentoring Program (MACM).

MACM works with School Administrative Units (SAUs) to offer mentoring and support for conditionally certified special education teachers seeking full professional teacher certification. Under this agreement MACM will continue to build the capacity of SAUs to provide mentoring and supports towards professional certification for new teachers who are conditionally certified.

We expect that this project will continue for a total of five years. Under this third-year agreement (for three years), DOE's Certification/Mentoring project will scale-up mentoring support throughout the state by continuing to create and implement a statewide infrastructure constructed with regional systems of support. MACM will continue to build the capacity of LEAs to provide mentoring and supports towards professional certification for new teachers who are conditionally certified.

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This cooperative agreement aligns with the purposes of the Maine DOE (21-A MRSA, Chapter 502, Certification of Educational Personnel, and Rule Chapter 115, The Credentialing of Maine Personnel) and of the federal funding that supports the work under the Individuals with Disabilities Education Act (IDEA).

IDEA, 20 U.S.C. §1411 (e)(2)(C) Authorized activities. "Funds reserved... may be used to carry out the following activities: (i) For support and direct services, including technical assistance, personnel preparation, and professional development and training."

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.

There is no capacity within the DOE to conduct this work, nor do we know of any other governmental agencies with the capacity or specialized knowledge to provide these services. UMaine is part of the Maine University System, a public system of higher education.

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 Department will contribute \$482,450 and the University will contribute \$66,800 for a total project cost of \$549,249. The budget will support the Coordinator of the project at a salary commensurate with UM's salary schedule, vetted through the university. Travel will be at State rates. Other costs, office supplies and training related costs, such as equipment, lecture fees and participant travel costs are reasonable and necessary to carry out this project.

5. Future Competition

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

MACM will scale up certification and mentoring services by facilitating regional and district level efforts throughout the State.

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.

UMaine has the capacity to house the MACM project and the MACM Coordinator. They also have the capacity and the expertise to offer a mentoring course that will assist educators in becoming fully certified as required by law. The MACM Coordinator has expertise in preparing and developing educators and knowledge in the evidence-based practices to effectively serve students with disabilities. Because she participated in developing and implementing the MACM project from its inception, the MACM Coordinator has unique knowledge that will continue to be conducive to project's implementation.

Both UMaine and the Maine DOE have mutual interests and complementary strengths, which together increase Maine's capacity to ensure compliance with federal law and the full certification of special educators.

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:

David A Clurkey

Date:

26 June 2019