

## 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>	James Ritter	<b>Office/Division/Program of Contract Administrator:</b>	Maine State Library				
<b>Est. Contract Amount:</b>	\$ 428,243 (over 3 years)	<b>Contract or RQS Number:</b>	CT94Q20190702*0070				
<b>Proposed Start Date:</b>	07-01-2019	<b>Proposed End Date:</b>	06-30-2022				
<b>Vendor/Provider Name, City, State:</b>	Maine InfoNet Collaborative, 5784 York Village, Suite 58, Orono, ME 04469						
<b>Short Description of Good or Service:</b>	Provides Integrated Library System (ILS) and statewide catalog support to the Maine State Library and other libraries throughout Maine.						
<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 <i>Procurement Services</i> website: From: <u>7/3/2019</u> To: <u>7/9/2019</u>					
<b>Notice of Intent to Waive Competitive Bidding Number:</b>	NOI# 0720191153						
<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-collapse: collapse;"> <tr> <td style="width: 5%;"></td> <td style="width: 95%;">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="width: 5%;"></td> <td style="width: 95%;">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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<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>  <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;"><b>Printed Name:</b></td> <td style="width: 50%;"><b>Date:</b></td> </tr> <tr> <td style="height: 40px;"></td> <td style="height: 40px;"></td> </tr> </table>		<b>Printed Name:</b>	<b>Date:</b>		
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## State of Maine Waiver of Competitive Bidding Request Form

<b>X</b>	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. 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 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>
	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.

**Libraries throughout Maine utilize an "Integrated Library System" (aka. ILS) that provides for the catalog functionality as well as numerous other system capabilities such as check-in/check-out, patron records, etc. Without an ILS, a library would not be able to provide an online catalog and borrowing services.**

**For decades, since 1994, the Maine State Library and many other libraries in the state (approximately 90) utilize Innovative Interfaces Inc. ILS product. In 2015, the Maine InfoNet Collaborative (a private non-profit) contracted directly with Innovative Interfaces Inc. to provide the ILS and related support to many of Maine's libraries. The Maine State Library contracts with Maine InfoNet as it is affordable, and in doing so, the Maine State Library's catalog and services are linked with numerous other libraries in the state. As such, these libraries**

**State of Maine  
Waiver of Competitive Bidding Request Form**

combined, constitute the statewide catalog referred to as “MaineCAT.” Absent contracting with Maine InfoNet, the Maine State Library would either: 1) have an ILS not compatible with MaineCAT and the other libraries using Innovative Interfaces Inc., or 2) essentially bid against itself through an independent contract with Innovative Interfaces Inc, as Maine InfoNet has already procured a contract with Innovative that recognizes cost efficiencies through bulk/economy of scale purchasing.

**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 are no other public resources that can replicate a compressive ILS product and support for the product.

**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**.

Maine InfoNet conducts compressive review of ILS products, and the contract with Innovative Interfaces represents fair and reasonable costs for all participating libraries.

**State of Maine  
Waiver of Competitive Bidding Request Form**

**5. Future Competition**

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

The Maine State Library and Maine InfoNet frequently review options for ILS vendors and seek meetings with such vendors at national conferences and other venues.

**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.

The vendor (Maine InfoNet) is uniquely positioned to provide the services described. The staff of Maine InfoNet have technical expertise in managing an ILS and handle all correspondence and trouble-shooting issues with Innovative Interfaces Inc.

**State of Maine  
Waiver of Competitive Bidding Request Form**

**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:**

James Ritter, State Librarian

**Date:**

07-01-2019