

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:	Walter Beesley	Office/Division/Program of Contract Administrator:	Department of Education, Child Nutrition
Est. Contract Amount:	\$ 15,000.00	Contract or RQS Number:	CT20190702*78
Proposed Start Date:	June 30, 2019	Proposed End Date:	December 30, 2019
Vendor/Provider Name, City, State:		Marshall Communications Augusta, Maine	
Short Description of Good or Service:		Videography, including technical assistance in preparing for filming and editing videos.	
<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 Posting dates on Division of <i>Procurement Services</i> website: From: <u>07/03/2019</u> To: <u>07/09/2019</u></p>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0720191157	
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.			
<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 of Maine Waiver of Competitive Bidding Request Form

	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: http://www.maine.gov/purchases/info/forms/govcoop.doc.</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.

The Department will be partnering with the Department of Agriculture, Conservation, and Forestry (DACF) to create a series of educational videos, PSAs, and social media promotions. The purpose of the videos is to provide educational resources for food service providers, farmers, and others to increase the use of local foods in schools and other institutions. We are partnering with DACF in order to combine resources and technical ability, saving costs and creating a product that will be leveraged across multiple agencies and venues.

DACF has a multi-year contract with the Augusta marketing firm, Marshall Communications. Marshall has been working with DACF on similar work, including videography and educational projects. Because Marshall is already familiar with the relevant law (LD 1584) and many aspects of the work, has relationships with project partners, and will have collateral (such as b-footage, still photography, and promotional materials) that will enhance the project, we wish to work directly with Marshall Communications for this videography project. It will save time, money, and resources, and result in a

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

more useful end product.

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.

Both DOE and DACF will be providing staff time to support technical elements of this project, including developing the video content, scripting all work, and pulling together experts and materials to appear in the videos. However, neither department has staff with the equipment and skills to film and edit the kind of videos we seek to create.

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 DACF, working with Marshall Communications, sought quotes from 5 different videographers. The package Marshall put together was the most cost-effective and flexible. Because Marshall will be able to incorporate existing material from their work with DACF, this will provide more savings.

5. Future Competition

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

This is a one-time need.

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.

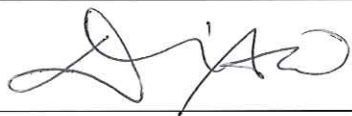
Marshall Communications is a local marketing company with extensive experience with food and agriculture. Their connections to other state agencies and producer groups (including DACF, Maine Maple Producers Association, and the Maine Dairy Board will inform this project and make it more cost effective). Because Marshall already has a large, multi-year contract with DACF, they are willing to take on this relatively small, short-term project. The Legislature has expressly requested that DOE, DACF, and other agencies partner on this work, so collaborating with the same firm to save costs will support the budget and the spirit of this initiative.

**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):	<i>By signing below, I signify that my Department requests, and I approve of, this Waiver of Competitive Bidding.</i>
	
Printed Name:	Daniela A. Chuhita
Date:	14 June 2019