

State of Maine Waiver of Competitive Bidding Request Form

	<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>	
	<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;</p>	
	<p>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.</p>	
	<p>If a different authorization specifically allows for this non-competitive procurement, please provide that reference here:</p>	
<p>Please note that the following four points below (#2 through 5) <u>all</u> require a response.</p>		
<p>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.</p>		
<p>Federal and State regulations require local education agencies (LEAs) to provide an annual alternate science assessment for all students. Maine opts to test students in grades 5, 8, and third year of high school. The Maine Department of Education has provided face to face professional learning for test administration and submission of assessments on an annual basis. For the past three years, the professional learning for the alternate science assessment has been included in the Measured Progress MSAA contract. As the MSAA assessment is currently seeking responses to proposals (RFP) and the opportunity to combine professional learning is no longer available. As Measured Progress also is the vendor for Maine's alternate and general science assessment this change in scope would add professional learning for MSAA and PAAP assessments into the existing contract and enable Maine DOE to provide professional learning for all districts and schools.</p>		
<p>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.</p>		
<p>The PAAP science test was developed for Maine in 2012 by Measured Progress and as the assessment vendor have provided necessary resources and professional learning. The Maine DOE is the only agency in the state government with staff who has assessment expertise of this nature but does not have sufficient capacity to coordinate, plan and execute the professional learning in its entirety.</p>		
<p>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.</p>		

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The \$13,700 related to the costs is deemed fair and reasonable due the following reasons:

- The cost for this full day training, held in four locations, previously embedded in the MSAA contract for the past three years.
- The cost included personnel from the MSAA program and their subsequent travel.
- The cost for both assessments was \$40,000.00.
- The current MSAA contract expires 12/31/2020 and is currently out in an RFP.
- Includes the cost of venues any meals provided as necessary.

Advanced Education/Measured Progress is able to conduct PAAP professional learning in two locations with two staff and reimburse travel expenditures for one DOE staff member to provide the MSAA training.

5. Future Competition

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

A RFP is currently out for bid regarding the MSAA assessment with hopes the contract winner will continue to include professional learning into the contract.

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 PAAP was designed for Maine only, by Measured Progress, to meet the federal requirements that all students must be assessed in science, math and ELA. Maine has used the PAAP alternate assessment since 2000 and the PAAP alternate science since 2015. Measured Progress is the sole provider with access to the assessment platform. They are unique in providing this hands-on professional learning related to the built platform. Additionally, the PAAP task bank opens annually on December 1st. Due to the expiration of the existing contract with MSAA (12/31/20) the timeframe does not allow Maine to offer professional learning to teachers without support from Advanced Education/Measured Progress. Training venues and materials must be established and included in the science contract prior to a new MSAA contract to ensure teachers will receive this professional learning.

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.

N/A

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:

Elaine Babb

Date:

7/12/19