

State of Maine Waiver of Competitive Bidding Request Form (Formerly Sole Source Authorization 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:	Brian Guerrette Cindy Owings-Hutchison	Office/Division/Program of Contract Administrator:	OIT – MaineDOT IT Director MaineDOT-RIO
Est. Contract Amount:	\$451,900	Contract or RQS Number:	
Proposed Start Date:	July 1, 2019	Proposed End Date:	June 30, 2020
Vendor/Provider Name, City, State	AASHTO – American Association of State Highway and Transportation Officials		
Short Description of Good or Service:	Licenses to use various AASHTO products		
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.		To be completed by the Division of Purchases	
		Posting dates on Division of Purchases' website: From: <u>7/16/2019</u> To: <u>7/22/2019</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0720191212	

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:
X	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 Purchases "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-		

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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.

Looking to pay for the Licenses for various AASHTO products used by MaineDOT. The modules included in this contract are:

Project Suite (formerly known as TRNS*PORT) enables MaineDOT to manage project information throughout the entire contract and construction cycle—from cost estimation to proposal preparation, letting bids, construction and material management and data collection.

Thanks to its numerous modules this Enterprise Wide software gives MaineDOT the ability to create a consistent, integrated view of the contracting process during each phase of a project.

- **BAMS/DSS (\$80,000)** – MaineDOT utilizes Project Data Warehouse to provide decision support in the areas of bid monitoring and evaluation, vendor and market analysis, item price estimation and the planning and budgeting process.
- **Construction Administration Software (CAS) (\$61,000)** – MaineDOT utilizes CAS to manage contract information from award to final payment.
- **BIDS (\$20,500)** – Works with the Pre Construction module MaineDOT utilizes this software to allow bidders to receive proposal information
- **ESTIMATOR (\$32,500 – 30 copies)** – An interactive, standalone cost estimation system that MaineDOT utilized for transportation construction projects.
- **PRECONSTRUCTION (\$49,000)** – MaineDOT utilizes this software to address the needs (such as) of the Programs involved in the pre-letting phase of construction as well as the needs that arise during the advertisement and award phase of a project.
- **FIELD MANAGER Ext License (\$125,000 – 99 users)** – MaineDOT utilizes this comprehensive construction management system to manage and track construction projects. This system allows us to document construction progress, initiate contractor payments, and to communicate with the Department's contract administration system. The Ext License allows for software usage by a large number of MaineDOT employees and by consultants working on MaineDOT projects.
- **FieldNet (\$36,500 – 99 users)** – Provides an automated interface between Field Manager and CAS modules.
- **Project Sync Service (\$22,000 – 100 users)** - Allows for Project Modules to be used with mobile devices.
- **Pavement-ME (DarwinME) (\$25,400 – 9 users)** – MaineDOT utilized this pavement design software to support the day-to-day activities related to paving design.
- **Total = \$451,900**

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.

Annual Subscription/License agreement for several AASHTO products – FY20 (July 1, 2019 thru June 30, 2020).

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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**.

This enterprise wide software was developed by AASHTO, the U.S. Department of Transportation, and member Departments of Transportation (which includes MaineDOT) to fill a void in the market for transportation specific software. Although MaineDOT is free to explore the market for other products we have chosen to focus on utilizing this software and participating in the user's group forum working on continued improvements ensuring the software continues to meet MaineDOT's needs.

5. Future Competition

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

As other software products become available that have similar functionality, MaineDOT will review options. SHI, the State's software reseller does not offer this software. It is provided by the AASHTO association only.

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.

MaineDOT is licensing AASHTOware modules in use at MaineDOT for the period of July 1, 2019 thru June 30, 2020.

AASHTO is a nonprofit, nonpartisan association representing highway and transportation departments in the 50 states, the District of Columbia, and Puerto Rico. It represents all five transportation modes: air, highways, public transportation, rail, and water. Its primary goal is to foster the development, operation, and maintenance of an integrated national transportation system.

AASHTO works to educate the public and key decision makers about the critical role that transportation plays in securing a good quality of life and sound economy for our nation. AASHTO serves as a liaison between state departments of transportation and the Federal government. AASHTO is an international leader in setting technical standards for all phases of highway system development. Standards are issued for design, construction of highways and bridges, materials, and many other technical areas.

AASHTO serves as a catalyst for excellence in transportation by offering:

Smart solutions and promising practices;

Critical information, training and data;

Direct technical assistance to states; and

Unchallenged expertise.

Technical Leadership and Assistance to States: AASHTO Leads the Way

AASHTO is guided by a Board of Directors made up of the chief transportation officers from the 50 states, the District of Columbia, and Puerto Rico. The 12-member Executive Committee is led by AASHTO's elected officers, and is assisted by its executive director.

AASHTO's policy development, standards setting, and technical activities are the product of volunteer state department of transportation personnel who work through the AASHTO committee structure. The

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committees collaborate throughout the year and typically meet annually. These committees, which represent the highest standard of transportation expertise in the country, address virtually every element of planning, designing, constructing, and maintaining transportation services.

7. Timeframe

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:

Bruce A. Van Note

Date:

7/3/19