

## 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>	Janet McKenney	<b>Office/Division/Program of Contract Administrator:</b>	Maine State Library/Library Development
<b>Est. Contract Amount:</b>	\$ 84,477.50	<b>Contract or RQS Number:</b>	CT94Q20190717*0189 CT94Q20190717*0190
<b>Proposed Start Date:</b>	July 1, 2019	<b>Proposed End Date:</b>	June 30, 2020
<b>Vendor/Provider Name, City, State:</b>		University of Maine System, Chancellor's Office, 16 Central St. Bangor, ME 04401 and the Fogler Library, 5729 Library Cir, Orono, ME 04469	
<b>Short Description of Good or Service:</b>		For the joint administration of Maine InfoNet between the University of Maine System (UMS) and the Maine State Library (MSL) to ensure that each continues to have a significant presence and voice in the continuing development and support of Maine InfoNet.	
<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>7/19/2019</u> To: <u>7/25/2019</u>	
<b>Notice of Intent to Waive Competitive Bidding Number:</b>		NOI# 0720191229	
<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.			
<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;			
<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>	
		<b>Printed Name:</b>	<b>Date:</b>

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	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;
<b>X</b>	E.	<p>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:</i>  <a href="http://www.maine.gov/purchases/info/forms/govcoop.doc">http://www.maine.gov/purchases/info/forms/govcoop.doc</a>.</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:
<b>Please note that the following four points below (#2 through 5) <u>all</u> require a response.</b>		
<p><b>2. Description of Specific Need</b>  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>Maine InfoNet was initially Funded by a \$4.9 million bond issue approved by Maine voters in June, 1996, The Maine Info Net Project was developed, promoted and continues to be operated with the goal of improving library and information services to all Maine citizens through efficient use of online resources, online networks and technology, in combination with the collections and expertise available within Maine libraries. Maine InfoNet has always been a collaborative between MSL and UMS.</p>		
<p><b>3. Availability of other Public Resources</b>  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>		

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Since this is a joint venture combining resources of both UMS and MSL – including staff and financial resources – it remains the most efficient means to accomplish the technology needed by libraries statewide to serve Maine citizens.

Currently the MSL has 2 state employees working at Maine InfoNet. UMS has 2 employees working at Maine InfoNet. This contract also subsidizes work done by a fifth employee to cover public library specific tech work and half the salary of the exec director (shared with UMS).

#### 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**.

Costs are directly related to Exec Director salary and other costs related to the support for access and authentication to statewide resources. (Salaries equal to .50 FTE for Exec. Director and support of are paid with this contract.)

#### 5. Future Competition

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

Personnel: An independent board that includes representatives from MSL, UMO-Fogler and libraries in Maine evaluate work of the Exec. Director.

**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.

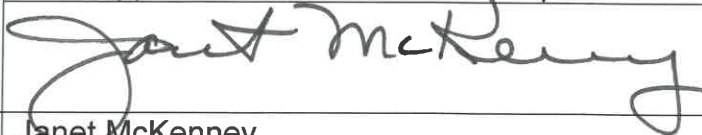
Maine InfoNet was established to address a unique need for libraries to collaborate to provide services for Maine citizens that include an online statewide catalog that provides access to library resources (print and online). This cooperative effort between MSL and UMS brings public, school, and academic libraries together to get the best pricing for needed technologies.

#### 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:**

Janet McKenney

**Date:**

June 26, 2019