

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:	Kendra Coates/Michelle Fournier	Office/Division/Program of Contract Administrator:	DAFS/OIT/ Workforce Development
Est. Contract Amount:	\$6,750.14	Contract or RQS Number:	RQS 18B 20190701*03
Proposed Start Date:	7/1/19	Proposed End Date:	6/30/20
Vendor/Provider Name, City, State	Skillssoft Corporation DBA Skillssoft Direct 10 Knowledge Park Drive Fredericton, NB E3C2p5 CA		
Short Description of Good or Service:	Virtual On-demand / Self-paced Information Technology (IT) Training		
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>07/19/19</u> To: <u>07/25/19</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# <u>0720191235</u>	
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;		
<input type="checkbox"/>	<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:	
<input type="checkbox"/>	Printed Name:	Date:	
<input 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 from only one source;		
<input type="checkbox"/>	D. It appears to be in the best interest of the State to negotiate for the procurement of petroleum products;		
<input type="checkbox"/>	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;		
<input type="checkbox"/>	<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>		
<input checked="" type="checkbox"/>	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;		
<input type="checkbox"/>	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.		
<input type="checkbox"/>	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.

This sole source request is necessary because Skillsoft does NOT allow their software subscriptions to be purchased through third-party resellers. Skillsoft's software subscriptions must be purchased directly through Skillsoft.

This agreement is for the renewal of Skillsoft (on-demand /self-paced training) software licenses in the amount of \$6,750.14 for a one (1) year period. Skillsoft offers technical on-demand / self-paced training that provides access to industry standard configuration information, security knowledgebase, and technology best practices. The Department depends heavily on this application to keep current with technology and trends.

Over 90% OIT employees are eligible for an annual 5% training stipend bonus upon completion of 40 hours of technical training. In an effort to reduce costs and gain efficiencies, OIT has moved toward a "virtual first" approach for technical training. Some training will continue to be delivered with a live instructor, particularly for advanced specialized technical courses. Skillsoft is key in supporting the "virtual first" approach for the enterprise. OIT also uses Pluralsight and Lynda.com on-demand training subscriptions to meet the varying training needs of all OIT employees.

As noted above, OIT employees have used Skillsoft software subscriptions for more than five (5) years and rely on the software to keep historical records of each employees accessed and completed training modules, which is a critical feature for tracking technical stipend eligibility.

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.

Currently, there are no public resources available to provide technical on-demand / self-paced training and tracks modules and individual historical training records.

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**.

Skillsoft's subscription rate is \$135.00 per user which should be considered fair and reasonable in comparison to similar purchases. OIT has also purchased two other on-demand training subscriptions (PluralSight and Lynda.com) which offer different technical courses that align more closely with some employees training needs through SHI (value added reseller). The cost of one (1) PluralSight named-user subscription was \$330.00 which is \$195 more than Skillsoft's per user cost. Also, the cost of virtual training subscriptions is significantly less than the cost of live instructor-led training.

5. Future Competition

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

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OIT expects to purchase all on-demand / self-paced training subscriptions through a national competitively bid value-added reseller contract. For example, OIT recently purchased Pluralsight subscription licenses through SHI.

Currently, OIT has Master Agreements in place with five (5) vendors who are pre-qualified for IT training services (instructor-led courses virtual or onsite). OIT issues bids to the pre-qualified vendor list as new instructor-led training needs are identified. These Master Agreements excludes on-demand/self-paced training from scope of work.

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 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.

Skillssoft does NOT allow their software licenses to be purchased through a third-party reseller. Currently, the Department purchases self-paced Lynda.com & Pluralsight training subscriptions through SHI (which is a national competitively bid value-added reseller contract). Initially, the Department reached out to SHI for quote for Skillssoft licenses, but SHI informed OIT these licenses could not be purchased through a third-party reseller.

OIT employees have been using Skillssoft for more than five (5) years. This software keeps historical records of each employee's completed training modules which is important feature for tracking technical stipend eligibility. Other on-demand / self-paced training subscriptions such as Pluralsight and Lynda.com do not offer a tracking tool and does not keep individual employee historical data.

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:

Fred Brittain, CIO

Date:

7/16/19