

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:	Charlotte M. Ellis	Office/Division/Program of Contract Administrator:	School Finance and Operations, Maine Department of Education
Est. Contract Amount:	\$ 215,600.00	Contract or RQS Number:	
Proposed Start Date:	08/01/2019	Proposed End Date:	08/01/2020
Vendor/Provider Name, City, State:		CPSI, Ltd. 235 Southwoods Center Columbia, IL 62236	
Short Description of Good or Service:		Software to allow Maine Department of Education staff to move Education Data into a standardized database format that is compatible with the database design required for reporting education data to the US Department of Education.	
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.		To be completed by the Division of Procurement Services Posting dates on Division of Procurement Services website: From: <u>07/22/2019</u> To: <u>07/28/2019</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0720191241	
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;			
<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")</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: _____	

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	<i>sign and date on the right.</i>		
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 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) <u>all</u> 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 Maine Department of Education is required to report data to the US Department of Education on an annual basis. This data submission process is made up of over 100 individual files that must be in the US DOE defined format, based on common education data standards (CEDs). The US DOE has provided the Maine Department of Education with a data system that will generate the files in the required CEDs format and validate them for accuracy; this system is called Generate. The system provided by CPSI will allow the Maine Department of Education to efficiently load data into Generate without needing highly technical resources. The product proposed by CPSI is in use in other states and is already designed to work directly with Generate.			

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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.

This product would allow Maine Department of Education staff to do work that otherwise would require Office of Information Technology resources. CPSI has proven successful experience with other states in using the Generate product, which OIT staff do not have. MDOE and OIT would work together with CPSI to implement this solution. Without this product, OIT will need to find resources to manually create the data transfers to Generate as current OIT resources assigned to MDOE do not have capacity to take on this work. OIT staff would also face a significant technical learning curve in order to be able to create these data transfers.

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 licensing and maintenance costs are compatible with similar services being provided by other vendors.

5. Future Competition

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

The US DOE provided system, Generate, has been recently made available to states. Discussions with the technical assistance provider for integration have informed MDOE that there are no other vendors providing the service which CPSI provides at this time. Other states currently using Generate either use in house resources (their own state OIT) or CPSI. As more states start using the system, there may be more vendors which create solutions to work with Generate but none are present in the market at this time.

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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.

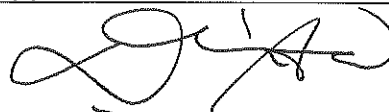
The US DOE has provided the Maine Department of Education with a data system that will help generate validated, federally mandated data files in the required format (Generate). The CPSI product was customized to work with the Generate system. Since Generate is fairly new and in use currently in 13 states, there are not a lot of systems that are customized to work with it. CPSI has worked with the state of Oklahoma for many years and has customized their software to allow ODE staff to be able to do their federal reporting with a minimum of technical staff. Due to the specialized nature of the Generate database and system, and the few states currently using it, CPSI's ETL product is the only known system that does not require highly technical staff or major customization in order to use it for the next federal reporting cycle.

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:

Daniel A. Clark

Date:

17 July 2019