

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:	Nicole Madore	Office/Division/Program of Contract Administrator:	Dept. of Education/Early Learning Team
Est. Contract Amount:	\$0.00	Contract or RQS Number:	2019062100000003917
Proposed Start Date:	8/1/2019	Proposed End Date:	7/31/2020
Vendor/Provider Name, City, State	Teaching Strategies, LLC 4500 East West Highway Suite 300 Bethesda, MD 20814		
Short Description of Good or Service:	Master agreement for a birth-3 rd grade online formative assessment platform.		
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 <i>Procurement Services</i> website: From: <u>07/24/2019</u> To: <u>07/30/2019</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0720191261	
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") 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:
<input checked="" 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;		
	<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>		
<input 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.		

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If a different authorization specifically allows for this non-competitive procurement, please provide that reference here:	
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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.

Since 2016 the Maine DOE has supported a cohort of over 19 schools and 53 teachers in order to support preschool programs meeting Chapter 124 Public Preschool Standards and to help align preschool through third grade assessments. Teaching Strategies GOLD (TSG) is the assessment tool that was used. This work was funded through a US Dept. of Education grant which will expire on December 31, 2019. Interest from the existing schools to continue this tool on their own has been collected through a survey. They all desire to continue and are willing to purchase it at a discounted per student rate through their local budgets and under a Maine state master agreement.

TSG is a formative assessment that addresses all domains of child development and learning from birth through third grade. Since it was used in this project over the last three school years, it is critical to keep the assessment constant so that the data can be compared. Further, this year the work includes public preschools that are in partnership with Head Start. TSG is the assessment used by the Head Start agencies. Since TSG is the assessment used by Head Start, it must be used in the partnership to ensure consistency of data collection. The purpose of this assessment is to inform curriculum and instruction. The goal is to continue to support the transfer of child data from Head Start to the public-school kindergarten teacher and allow schools to upload their data into the MAARS system.

This is the only research-based assessment tool that spans birth through third grade and includes kindergarten entry assessment (KEA) measures. Continuing the work with TSG through the master agreement enables schools to purchase individual student portfolios at a rate of \$15.95 per child, compared to \$21.95 outside of the agreement.

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.

TSG is the only whole-child, formative assessment tool that spans an eight-year period and assesses the whole-child. The state of Maine does not currently have a tool that addresses this need more efficiently or effectively.

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 Maine Department of Education was given a reduced rate for this master agreement. Typically, the cost of a child portfolio is \$21.95; we have been offered \$15.95 per child. Individual schools and their SAUs will contract individually with Teaching strategies, LLC. No funds will be given by or to the Dept. of Education.

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5. Future Competition

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

After this agreement expires, and if the state of Maine either creates a formative assessment tool or another product of similar features becomes available, then there would be a competitive bidding process.

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.

TSG is the assessment tool used in our three-year cohort and it is widely used in Head Start classrooms throughout the state; 35% of our public preschool programs are in partnership with Head Start. In order to collect comparable data across partnerships and from preschool to third grade, this tool must be used.

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):	<i>By signing below, I signify that my Department requests, and I approve of, this Waiver of Competitive Bidding.</i>
	
Printed Name:	Daniel Chuhta, Deputy Commissioner
Date:	18 June 2019