

## 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>	Amy Allen	<b>Office/Division/Program of Contract Administrator:</b>	Maine Charter School Commission
<b>Est. Contract Amount:</b>	\$38,600.00	<b>Contract or RQS Number:</b>	20190724*0290
<b>Proposed Start Date:</b>	August 5, 2019	<b>Proposed End Date:</b>	June 30, 2020
<b>Vendor/Provider Name, City, State:</b>	NWEA (VC1000069308) Portland, OR		
<b>Short Description of Good or Service:</b>	MAP Testing and Professional Development		
<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>	<p><b>To be completed by the Division of Procurement Services</b></p> <p>Posting dates on Division of <b>Procurement Services</b> website:            From: <u>07/25/2019</u> To: <u>07/31/2019</u></p>		
<b>Notice of Intent to Waive Competitive Bidding Number:</b>	NOI# 0720191271		
<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;		
<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;		
<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>	

**State of Maine  
Waiver of Competitive Bidding Request Form**

	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:  <a href="http://www.maine.gov/purchases/info/forms/govcoop.doc">http://www.maine.gov/purchases/info/forms/govcoop.doc</a>.</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) 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.

The Maine Charter School Commission was created by Public Law 2011, Chapter 414, to authorize and oversee public charter schools in Maine.

As part of its charter contract, a school must submit Performance Framework (agreed upon by both parties) that establishes targets for academic proficiency, academic growth, achievement gaps, attendance, enrollment, financial sustainability, parent and community engagement and school social and academic climate. The performance framework requires that charter schools measure, document and report academic growth using two assessments – (1) the MEA; and (2) a school selected assessment.

In late 2017, the Commission received two external reviews that looked at how the Commission currently authorizes and oversees Maine's nine public charter schools. These reviews provided findings and recommendations for oversight and monitoring moving forward. Both reviews indicated that the Commission should require that all charter schools use a common assessment (not a school selected assessment) to measure student academic growth and that the Charter Commission should

**State of Maine**  
**Waiver of Competitive Bidding Request Form**

pay for these assessments to be conducted twice per year (fall and spring).

Currently, all nine charter schools are already using the Northwest Evaluation Association (NWEA) assessments. These assessments have been deemed a good, reliable measure of student academic growth and will serve multiple purposes. They not only (1) provide a way to document student academic growth for accountability purposes; they (2) can provide an assessment that can be used to inform instruction; and (3) is an assessment that may be used to guide individual student growth plans. Additionally, because the NWEA is an “Adaptive Assessment”, the assessment can be adjusted to test at individual levels of proficiency which may provide a more accurate measure of individual growth.

Ongoing professional development will be provided and schools will be required to attend in order to be eligible for Charter Commission funding of the assessments.

**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.

NWEA is a research-based, not-for-profit organization that supports students and educators worldwide by creating assessment solutions that precisely measure growth and proficiency – and provide insights to help tailor instruction.

It is a unique product that cannot be duplicated by Commission/Department resources.

**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 Charter School Commission worked with representatives at the Northwest Evaluation Association (NWEA) to discuss the needs of the Commission. The Commission’s finance Sub-Committee budgeted for this expense and NWEA is able to provide the assessments and professional development within the Commission’s budget.

**State of Maine  
Waiver of Competitive Bidding Request Form**

**5. Future Competition**

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

None known.

**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.


For 40 years, NWEA has developed PreK-12 assessments and professional learning offerings to help advance all students along their optimal learning paths. They are trusted by educators in 145 countries and more than half the schools in the United States.

**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.

N/A

**State of Maine**  
**Waiver of Competitive Bidding Request Form**

<b>Signature of requesting Department's Commissioner or Chief Executive (or designee within the Commissioner's Office):</b>	<i>By signing below, I signify that my Department requests, and I approve of, this Waiver of Competitive Bidding.</i>
	
<b>Printed Name:</b>	Robert Kautz
<b>Date:</b>	July 24, 2019