

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:	Bob Kautz/Amy Allen	Office/Division/Program of Contract Administrator:	Maine Charter School Commission
Est. Contract Amount:	\$23,850.00	Contract or RQS Number:	RQS,90S,2019073*126
Proposed Start Date:	July 1, 2019	Proposed End Date:	June 30, 2020
Vendor/Provider Name, City, State:	The Institute for Excellence in Education d/b/a National Charter Schools Institute ("Epicenter") Mt. Pleasant, MI 48858		
Short Description of Good or Service:	Epicenter is a web-based software system for schools, boards, authorizers, service providers and associations that will assist in managing compliance, automating workflow and evaluating performance.		
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.	<p style="text-align: center;">To be completed by the Division of Procurement Services</p> <p>Posting dates on Division of Procurement Services website: From: <u>07/31/19</u> To: <u>08/06/19</u></p>		
Notice of Intent to Waive Competitive Bidding Number:	NOI# 0720191301		
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.			
	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;		
	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) 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 the oversight process, the Charter School Commission requires the schools to submit a wide variety of documents at various times throughout the year. Currently, Maine has nine public charter schools. The "management" of the paperwork flow – from receiving documents, to saving documents, sending reminders of needed documents, etc. – had been a manual process until the Commission began using Epicenter in 2017. Now, Epicenter keeps track of and manages the documentation that the Charter Commission requires. In addition, the Charter Commission can now quickly gain insight into student demographics and enrollment trends, measure academic performance, and monitor financial performance of each of the schools

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they authorizer.

NOTE – This will be the third year that the Charter School Commission is using Epicenter and we intend to renew annually.

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.

Epicenter comes highly recommended by NACSA (National Association of Charter School Authorizers). It is a unique product that cannot be duplicated by 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 National Charter Schools Institute to discuss the needs of the Commission and the nine public charter schools that the Commission currently authorizes and oversees. The Commission's Finance Subcommittee budgeted for this expense and Epicenter is able to provide this service within the Commission's budget.

Additionally, the Charter Commission worked with OIT to ensure that all state guidelines will be met.

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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.

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.

The National Charter Schools Institute is the only agency that offers Epicenter. The product comes very highly recommended by the National Association of Charter School Authorizers (NACSA). By law, the Maine Charter School Commission must adhere to principles and standards set forth by NACSA. We have been using Epicenter for two years now and plan to continue using it each fiscal year.

The Institute provides consulting and technical support related to the use of Epicenter as an authorizer of public charter schools; provides leadership, guidance and support necessary to setup and configure epicenter so that it functions in accordance with oversight and accountability practices; provides orientation, training and support services necessary to use epicenter; ensures that Epicenter’s Help Desk and support team are available during normal business hours; ensures that Epicenter is accessible 24 hours per day, 7 days per week, 365 days per year except during planned outages that are communicated in advance; ensures professional services level that meets or exceeds industry best practice standards, and complies with applicable state and federal requirements.

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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.*

Amy L. Allen

Printed Name:

Amy L. Allen

Date:

July 30, 2019

