

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:	Patricia K. O'Brien Deputy Director, BUC	Office/Division/Program of Contract Administrator:	Labor, Bureau of Unemployment Compensation
Est. Contract Amount:	\$ 226,318.00	Contract or RQS Number:	CT 12A <i>20190730*0356</i>
Proposed Start Date:	8/19/2019	Proposed End Date:	8/30/2024
Vendor/Provider Name, City, State:		William Burris Burris Consulting Service 751 Wash Road, Frankfort, KY 40601	
Short Description of Good or Service:		Consulting services related to the US Department of Labor Resource Justification Model used to determine administrative funding for the Unemployment Insurance Program	
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.		<i>To be completed by the Division of Procurement Services</i> Posting dates on Division of <i>Procurement Services</i> website: From: <u>7/31/2019</u> To: <u>8/6/2019</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0720191303	
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;		

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<p><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></p>	
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 US Department of Labor (DOL) uses the data provided in the Resource Justification Model (RJM) exclusively to allocate the available dollars for the states to administer the Unemployment Insurance program in their states.

There are specific Unemployment Insurance Program Letters (UIPL's), handbooks and other directives which provide the states with directions on how the RJM is to operate and how the spreadsheets are to be completed. These provide generic examples and instruction. How states submit their data and interpret the instructions can greatly affect the amount of dollars they receive. During the fiscal year there are critical managerial decisions which can have a direct impact on future dollars. In addition, the accuracy of the data in the accounting system and how that data is entered in the RJM needs to be reviewed.

- Under the previous contract, the department used the provider to review costs to date under the base federally funded grant and identified costs that could be moved to state funding sources, to minimize the negative effect on the RJM that will be submitted for FFY 19 in January. A large portion of expenditures were moved during state fiscal year 19.

Due to the complexity of the funding model, the following factors need to be taken into consideration;

- our level of reimbursement for various types of activity (initial claims, weekly claims, claims adjudication, appeals)
- the amount of staff time charged to date and
- If that pattern of charging is assumed to continue through 9/30/19.
- The department has also used the provider on an ad hoc basis for consulting purposes when reviewing the most advantageous use of state funds with the federal financial model.
- Now that the ReEmployME system is completed, we are planning on having the provider come on site in September or October to review with staff how they are currently charging their time regarding their work with the new system. Time charge manuals will be updated, and staff training will take place on the importance of charging time accurately because on administrative funding.

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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.

There would not be a public resource for this work. USDOL does not currently have expertise within the regional office that can provide this level of knowledge or the available bandwidth of time to spend on the level of analysis needed for the department's Resource Justification Model related work. Regional office staff with knowledge have retired and due to reduced federal funding, vacant regional staff positions are not getting filled. As a result, there is no deep knowledge of the funding model with Region 1 staff currently.

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 fees from Burriss Consulting are reasonable. Considering the opportunity for ROI, all the states listed have experienced additional federal funding because of his engagement.

5. Future Competition

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

We don't see the opportunity for competition unless another consultant with comparable knowledge and skill leaves service from state government with comparable knowledge of the RJM and the UI program and creates a consulting service. There is not a consultant providing such services currently.

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.

Burriss Consulting Service was the chief designer and principle analyst on the National, Federal Resource Justification Model (RJM) used by USDOL in determining, in part, annual Unemployment Program budget allocations to states. The RJM is the federally mandated financial process used by USDOL since 1997 to capture unemployment workload activities and cost to support federal funding allocations awarded to states. RJM allows states to accurately capture and report true funding needs and assists states in obtaining data to allow for fair and equitable allocation of available federal funds. Bill Burriss of Burriss Consulting was the key developer and analyst on the national RJM review team and headed it for the first two years of its existence. Burriss Consulting Service has provided RJM assistance and other UI technical assistance to 26+ states and three regional offices and has trained 52 of the 53 states. Burriss Consulting Service is currently working with Florida,

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Tennessee, North Carolina, Mississippi, South Carolina, District of Columbia and Kentucky on RJM assistance and has been providing RJM assistance to Florida since 2001.

Burris Consulting Service provides financial monitoring, reports, recommendations, and training that enable senior Agency management staff the ability to accurately and quickly assess and determine UI workload trends, staffing levels, and other issues impacting federal UI program funding.

The services provided by Burris Consulting enables Department management to accurately project long range forecasts as to when certain actions need to take place and the potential effect of those actions.

Currently, there is no other contractor that is assisting states with the RJM process and no one with Mr. Burris' credentials and expertise. USDOL continues to provide Basic RJM training but no longer provides Advanced RJM training. They do not provide any direct assistance to states, except to answer questions on how to complete the spreadsheets that comprise the RJM.

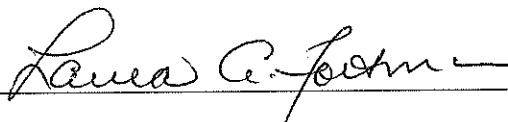
7. Timeframe (Complete only if B. is the Statutory Justification marked on Page 1)

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.

There is only one known consultant providing the services related to the RJM. We would like to create this new contract, to replace one that has been in place for approximately 5 years and has had several amendments.

**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:

LAURA A. FORTMAN

Date:

7/30/19