

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:	Denise Garland	Office/Division/Program of Contract Administrator:	DECD/OBD				
Est. Contract Amount:	\$119,650	Contract or RQS Number:	CT 19A 20190808*0459				
Proposed Start Date:	August 26, 2019	Proposed End Date:	June 30, 2020				
Vendor/Provider Name, City, State:		Eastern Maine Development Corporation 40 Harlow Street, Bangor, ME 04401					
Short Description of Good or Service:		Grant to fund the Maine Procurement Technical Assistance Program at the Eastern Maine Development Corporation.					
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> Posting dates on Division of Procurement Services website: From: <u>8/12/2019</u> To: <u>8/18/2019</u>					
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0820191350					
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: <table style="width: 100%; border: none;"> <tr> <td style="border: none;">Printed Name:</td> <td style="border: none;">Date:</td> </tr> <tr> <td style="border: none; height: 40px;"></td> <td style="border: none; height: 40px;"></td> </tr> </table>		Printed Name:	Date:		
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						

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	products;	
	<p>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:</p> <p>(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;</p> <p>(2) A sharing of project responsibilities and, when appropriate, costs;</p>	
	<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:</i></p> <p>http://www.maine.gov/purchaserc/mf/Forms/govcoop.doc.</p>	
	<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;</p>	
	<p>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.</p>	
	<p>If a different authorization specifically allows for this non-competitive procurement, please provide that reference here:</p>	
<p>Please note that the following four points below (#2 through 5) <u>all</u> require a response.</p>		
<p>2. Description of Specific Need</p> <p>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.</p>		
<p>The Maine PTAC of the Eastern Maine Development Corporation is a program established in 1985 to serve businesses throughout the State of Maine that wish to develop or expand the market for their products or services with the Department of Defense, and other Federal and State agencies. The Federal FY1985 Department of Defense Authorization Act allocated funds to match local funding of procurement technical assistance programs nationwide as a means to increase competition. DECD has provided funding for the Maine PTAC program since 2001 when we were first appropriated funding as part of our budget for this purpose (Chapter 358, PL 2001).</p>		

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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.

The staffing, resources and expertise provided by Maine PTAC to the businesses in the state of Maine are specialized and exclusive to Maine PTAC. Through a Federal partnership the Maine PTAC program provides one-on-counseling services, bid-matching services, GSA schedules, product and procurement histories and assistance with federal regulations and military specifications.

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**.

In 2001, \$150,000 was appropriated for the Maine PTAC (f/k/a/ Market Development Center). Following several curtailment orders since that time, the annual grant agreement has dropped to \$119,650. DECD could not do the work provided by Maine PTAC for these same funds. The \$119,650 provided by DECD is matched by \$289,902 in federal funds.

5. Future Competition

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

There is no other entity in the State of Maine able to provide the services made available to businesses by Maine PTAC.

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.

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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.

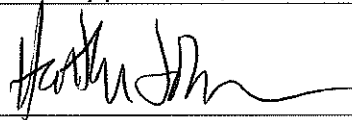
Maine PTAC is part of a nationwide network of Procurement Technical Assistance Coordinators. This statewide program is hosted by Eastern Maine Development Corporation and they work with Maine-based companies that are interested in selling their products to local, state or federal government agencies. Maine PTAC's experienced counselors provide a wide range of services that include bid matching services, assistance with federal regulations and military specifications, proposal preparation, post-award assistance. The services provided by Maine PTAC are not provided by any other entity in the State of Maine and cannot be replicated by current DECD employees.

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:

Heather Johnson

Date:

August 6, 2019