

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:	Susan D. Reed	Office/Division/Program of Contract Administrator:	Maine DOE Office of Learning Systems/Standards and Instruction
Est. Contract Amount:	\$ 36,785.00	Contract or RQS Number:	20190404*2817
Proposed Start Date:	8/12/2019	Proposed End Date:	12/31/2019
Vendor/Provider Name, City, State:		RSU #23 40 E. Emerson Cummings Rd Old Orchard Beach, ME 04064	
Short Description of Good or Service:		Adding two more Kindergarten classrooms & due to shortfall in last year's budget adding the shortfall.	
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 Procurement Services website: From: <u>08/13/2019</u> To: <u>08/19/2019</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0820191355	
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>		By signing below, I signify as the Governor's designee there is an emergency that necessitates this non-competitive procurement. Signature:	
		Printed Name:	Date:

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

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 Department of Education received supplemental funds from the US Department of Education to support public Kindergarten programs to adapt, pilot and evaluate a comprehensive Kindergarten curriculum. The funding began on 1/1/18 and must be expended by 12/31/19. As subgrantees, the district teams from MSAD 11, RSU 23, SAD 49, MSAD 17 and RSU 57 will be required to participate in training and coaching which will require travel to regional locations, substitute coverage and stipends for out-of-contract time commitments. Additionally, teachers will complete an inventory of classroom materials and equipment needed to implement this curriculum and will receive funding to support these purchases.

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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 contracted school system is one of five schools selected to participate in the Maine PreK Curriculum Pilot. Schools responded to an open application which was advertised through Maine DOE news.

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 amount of the contract is based on the number of teachers and classrooms in the school district. The amount allocated per teacher is based on current average rates for substitutes, travel reimbursement and stipends for out of contract time and cost of classroom equipment and materials to implement the curriculum.

5. Future Competition

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

The contract is related to a pilot project. All Districts who applied were accepted into the project.

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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.

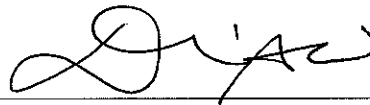
Districts who had been piloting the PreK curriculum as well as those who are Preschool Expansion Grant Districts were all offered the opportunity to apply as this work builds with District PreK teachers. All applications were accepted.

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:

Daniel Chuhta, Deputy Commissioner

Date:

7 Aug 2019