

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:	Roy E McKinney	Office/Division/Program of Contract Administrator:	Dept. of Public Safety, Drug Enforcement Agency
Est. Contract Amount:	\$ 13,500.00	Contract or RQS Number:	20190806 * 0167
Proposed Start Date:	8/01/2019	Proposed End Date:	7/31/2020
Vendor/Provider Name, City, State	Tracker Products, LLC PO Box 1026 Florence, Kentucky 41022		
Short Description of Good or Service:	Evidence management application w/ 5 concurrent licenses		
Please note, for transparency purposes, Waivers of Competitive Bidding will be publicly posted. Public postings are placed on the Division of Purchases' website for a period of seven consecutive calendar days.		To be completed by the Division of Purchases Posting dates on Division of Purchases' website: From: 8/13/2019 To: 8/19/2019	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0820191359	
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;		
	<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 Purchases "GOVCOOP" form, found here: http://www.maine.gov/purchases/info/forms/govcoop.doc.</i>		
<input type="checkbox"/>	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;		
<input type="checkbox"/>	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.		
<input type="checkbox"/>	If a different authorization specifically allows for this non-competitive procurement, please provide that reference here:		

State of Maine Waiver of Competitive Bidding Request Form

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.

In 2008, the Maine Drug Enforcement Agency identified a need to improve the management of items that it recovered during criminal investigations that is not possible with the paper-based system that was in use. An electronic application that utilized bar code technology, hosted outside OIT was identified as the answer. Tracker Products LLC product was identified as the cost effective answer with a stellar reputation of its product and customer service. Tracker Products LLC concurrent user licenses were acquired in 2009 and the system was implemented beginning in 2010.

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.

This is a procurement of technology software not available within Maine State government or other governmental entities.

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 2009, a quote for five concurrent licenses was requested with the cost of the evidence management system (\$4,900) determined to be fair and reasonable. That cost has increased over the years with 2017 cost being \$7,434.00. Tracker Products LLC has updated its platform announcing in 2018 that it would no longer service the previous platform beginning 2022. The cost increase for this year will migrate our data to the newest platform saving on additional costs of up to \$5,000 for data migration and training if the agency were to wait until 2021. Tracker Products LLC continues to price its product at a fair and reasonable cost. It would not be cost effective to move to another application if one could be identified as robust as Tracker Products LLC.

5. Future Competition

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

The Maine Drug Enforcement Agency will continue to pursue opportunities for continuous improvement on technology and its costs through networking with other law enforcement associations and alliances. The Department has implemented a records management system (RMS) awarded by competitive bid to Spillman Technologies. This RMS has an evidence management module that is not as robust as Tracker Products LLC with other state law enforcement groups including Maine State Police and Fire Marshal's Office not using it but relying on Tracker Products LLC to deliver.

State of Maine Waiver of Competitive Bidding Request Form

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 Maine Drug Enforcement Agency has been successfully using Tracker Products LLC to manage the thousands of exhibits that it has in its custody.

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):	<i>By signing below, I signify that my Department requests, and I approve of, this Waiver of Competitive Bidding.</i>
Printed Name:	 Michael J. Sauschuck
Date:	8-6-19