

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:	Julie Richard	Office/Division/Program of Contract Administrator:	Maine Arts Commission
Est. Contract Amount:	\$ 16,000	Contract or RQS Number:	20190731*0379
Proposed Start Date:	July 31, 2019	Proposed End Date:	June 30, 2020
Vendor/Provider Name, City, State	Cultural Resources, Inc. Rockport, ME 04856		
Short Description of Good or Service:	Direction and administration of the Maine Arts Commission's Traditional Arts grant programs		
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: 08/13/2019 To: 08/19/2019	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0820191363	
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") 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:
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 Purchases "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:		

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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 Arts Commission is mandated by the National Endowment for the Arts to offer a Traditional Arts program as part of our statewide offerings. This program requires a trained folklorist to serve Maine's traditional arts field via the Traditional Arts Apprenticeship Program, the Traditional Arts Fellowship Program, and the Traditional Arts Project and Artist Grants programs. An important component of a Traditional Arts program is conducting the fieldwork to strengthen existing relationships and establish new ones with organizations and individual involved in traditional arts, including but not limited to Native American basketmaking (a program that was launched via this Arts Commission work), and the authentic cultural traditions of new Mainers as the number of these continue to change and grow.

Traditional arts hold great meaning in the everyday lives of individuals and communities. For example, in Maine's growing immigrant and multi-lingual communities, being able to maintain cultural traditions in textile arts, music, dance and foodways can help navigate the challenges of establishing a new home. Passed down from one generation to the next, traditional arts are learned in an informal way, give and take way, usually through observation and example rather than through classes, books or formal instruction. Now celebrating its 25th year, the program acts as a kind of cultural aquifer, honoring elders as well as encouraging new artists to pass on their skills to future generations.

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 are no resources within the State of Maine that can provide this particular area of expertise. There is only one organization working in any State of Maine agency that can address this specific and unique area of expertise. Responsibility for this area has rested with the Arts Commission, either in contracted or staff form, for more than 20 years.

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 negotiated contract is based on the most minimal number of hours and hourly wage acceptable to accomplish the defined scope of work and are considered fair and reasonable.

5. Future Competition

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

The Commission hopes to establish a transfer of knowledge between the identified contractor and new staff positions so that the specific knowledge of and relationships with these particular communities and their traditional legacies may be expanded to additional personnel.

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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.

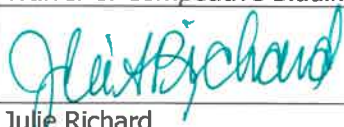
6. Uniqueness

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.

The Traditional Arts Program relies on building relationships of trust with communities often seen as marginal to Maine culture but that in fact represent the authenticity of that culture. These relationships and the skill set required to build them – that of a trained folklorist – are proprietary and personal in nature and take years to develop. Additionally, it requires proprietary knowledge of the National Endowment for the Arts partnership program and requirements. As the initiator of this program for the Arts Commission more than 20 years ago, Cultural Resources, Inc. has built these proprietary relationships and knowledge base. The Commission now seeks the continuation of the growth of this program through this contracted relationship.

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:	 Julie Richard
Date:	8-7-19