

**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:	Steve Lyons	Office/Division/Program of Contract Administrator:	DECD/Office of Tourism
Est. Contract Amount:	\$ 415,000	Contract or RQS Number:	20190730000000000367
Proposed Start Date:	August 1, 2019	Proposed End Date:	June 30, 2020
Vendor/Provider Name, City, State:		New England State Travel Directors, Inc. d/b/a Discover New England 100 International Drive Portsmouth, NH 03831	
Short Description of Good or Service:		International Marketing	
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>8/14/2019</u> To: <u>8/20/2019</u>	
Notice of Intent to Waive Competitive Bidding Number:		NOI# 0820191366	
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:	

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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 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.	
	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) <u>all</u> 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.		
<p>The resources needed, financial and human, to effectively attract visitors from our primary international markets are best leveraged through the collaboration of the New England states. Individually, Maine would have limited access to these markets.</p> <p>Per statute, the Office of Tourism shall administer a program to support and expand the tourism industry and promote the State as a tourist destination. We know from national statistics that the international traveler spends more per person per trip, their average length of trip far exceeds that of domestic travelers, and their trips are less weather dependent.</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.

Discover New England has a full-time staff of 3 as well as 2 contracted representation firms, one in the United Kingdom and one in Germany to assist with in-country trade and media in these core markets. This level of staffing is, at best, a minimum for this type of effort.

With the dues contribution from each state and the marketing of the destination, New England, each state reaps the benefits from the effects of a budget 5 times larger than their individual state budgets.

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 \$265,000 initial contract for international marketing programs in target markets covers all the marketing programs in which Maine participates in our target markets in the UK/Ireland, Germany, France, and Italy.

An additional one time increase of \$150,000 is included to cover expenses for the 2020 DNE International Summit and Marketplace. This Discover New England Summit event rotates annually through the New England states. Maine is the 2020 host state and as such is expected to cover the costs of several of the events associated with the conference of approximately 400 attendees from New England and the international markets with which we work. Despite efforts to offset costs with sponsorships and donations, there still is a dollar amount that must be covered by the state of Maine, Office of Tourism. The conference brings substantial benefit to Maine through exposure to the international tour operators and media, extended stays pre and post of some of the operators and delegates, as well as the revenues to Sunday River and the Bethel area which is where the conference will be held. Discover New England books the event and receives all related bills.

5. Future Competition

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

This is a unique organization whose functions could not currently be replicated.

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.

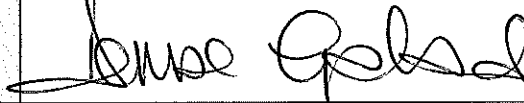
Discover New England serves as the single international marketing entity for the region. The contractor is technically the association formed by five of the New England States, governed by a board of directors comprised of the five state tourism directors. Those state tourism directors are best suited to make decisions regarding destination marketing programs both for their states individually, and collectively for the New England region. The board members individually have immediate access to their tourism research, advertising and PR plans making them best informed with regards to a fully integrated domestic and international program.

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:

Denise Garland, Deputy Commissioner

Date:

8-2-19