

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:	Corrections/JJAG	Office/Division/Program of Contract Administrator:	Jay Pennell
Est. Contract Amount:	\$ 15,000	Contract or RQS Number:	03A 20190813-0503
Proposed Start Date:	9/1/19	Proposed End Date:	8/30/20
Vendor/Provider Name, City, State:	Aroostook Band of Micmacs 7 Northern Road Presque Isle Me 04769		
Short Description of Good or Service:	Cultural Programming for Micmac Youth		
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>To be completed by the Division of Procurement Services</p> <p>Posting dates on Division of Procurement Services website: From: <u>08/15/2019</u> To: <u>08/21/2019</u></p>		
Notice of Intent to Waive Competitive Bidding Number:	NOI# 0820191380		
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;		
<input type="checkbox"/>	<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;		

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	D. It appears to be in the best interest of the State to negotiate for the procurement of petroleum 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: http://www.maine.gov/purchases/info/forms/govcoop.doc.</i></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;
	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 Micmac Education Department in conjunction with the Boys and Girls Club of Presque Isle (BGCPI) will support the goals of the Office of Juvenile Justice & Delinquency Prevention, Native American Programs and will advance its mission by supporting a mind/body/spirit context of well-being for American Indian children and youth in a setting with their peers; promoting age appropriate early intervention and crime reduction strategies through protective factors; emphasizing positive self-development and building resiliency; increasing self-sufficiency behaviors while promoting access to prevention activities in culturally appropriate ways.</p> <p>To this end, the Boys & Girls Club of Presque Isle proposes to provide the youth population of the Aroostook Band of Micmacs community with positive culturally and age appropriate after-school activities and special initiatives, which will include, but are not limited to:</p> <ul style="list-style-type: none"> • Cultural Programming • 'Weekend Snack Pack' Program 	

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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.

Although there are some resources within Aroostook County services to Tribe should be based within the tribe that youth come from.

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**.

After thorough review by the JJAG committee the Department finds the following costs to be fair and reasonable:

A. Personnel			
<i>Cultural Knowledge Keeper Honorarium</i>	\$1,300	<i>\$25 per session x 52 sessions per year.</i>	\$6,292
<i>Healthy Choices Coordinator</i>	\$4,992	<i>8 hours x \$12/hr. x 52 weeks/year</i>	
B. Fringe Benefits	\$799	<i>Healthy Choices Coord. fringe at 16% of \$4,992</i>	\$799
C. Supplies	\$600	<i>Supplies for cultural crafts such as beads, string, cloth, ribbon, ash wood, sweet grass, cloth scissors, and etc.</i>	\$600
D. Weekly Food Demo Costs	\$7,309	<i>Weekly food costs for 20 youth x \$7.028/youth x 52 weeks</i>	\$7,309
TOTAL			\$15,000

5. Future Competition

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

Due to culturally sensitive nature of the proposed services, the Department concluded that the needed services should be delivered from within the Micmac tribe. The Department will consider seeking competitive bids for other less sensitive measures in the future.

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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.

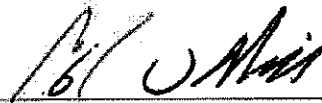
As this is an issue within and specific to the Micmac tribe, it become inappropriate to utilize services outside of the tribe to meet the needs when services are available within the tribal community. The cultural aspect of the program become the most important factor when teaching tribal history and culture and should always be taught with the tribe
This program works to meet issues that can lead youth to committing crimes utilizing cultural beliefs and teaching youth how to meet dietary needs

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:

Colin O'Neill

Date:

8/12/19