

**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:	Cathy Severance	Office/Division/Program of Contract Administrator:	DOE-EUT
Est. Contract Amount:	\$262,500.00	Contract or RQS Number:	05C20190513*3380
Proposed Start Date:	08/01/2019	Proposed End Date:	07/31/2024
Vendor/Provider Name, City, State:	Sunset Transportation, LLC 769 Main Rd., Milford, ME 04461 VC0000234497		
Short Description of Good or Service:	Student Transportation Provider		
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 style="text-align: center;">To be completed by the Division of Procurement Services</p> <p>Posting dates on Division of Procurement Services website: From: <u>08/20/2019</u> To: <u>08/26/2019</u></p>		
Notice of Intent to Waive Competitive Bidding Number:	NOI# 0820191394		
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:
	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.	
X	If a different authorization specifically allows for this non-competitive procurement, please provide that reference here:	The EUT is willing to accept any qualified provider.
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>On July 1, 2019 the Town of Atkinson was legally deorganized. The EUT became statutorily responsible to provide all of the educational services needed to satisfy FAPE law for the resident students of Atkinson. RFP#201903039 was issued publicly in March 2019 in order to seek a qualified student transportation provider. No responses were received from that effort. In May 2019, newly formed Sunset Transportation, LLC inquired with the EUT for service needs. The EUT requested a quote submission based on the information provided for the previous RFP and awarded the contract to the new provider.</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.

The State of Maine EUT Office does not have any vacant bus driver positions, nor extra school buses available to designate to this rural area of Northern Central Maine. The vendor is able to provide the NTSB required equipment and qualified staff to safely transport the students daily.

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 comparing previous contracted provider costs for other geographic locations with same equipment needs & annual mileage requirements, this provider's costs are significantly lower.

5. Future Competition

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

The EUT is always seeking new providers through regular communications with 80+ school districts statewide and checking with Procurement for new vendors for the commodities for which we seek services.

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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.

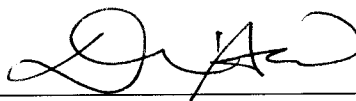
On July 1, 2019 the Town of Atkinson was legally deorganized. The EUT became statutorily responsible to provide all educational services needed to satisfy FAPE law for the resident students of Atkinson. RFP#201903039 was issued publicly in March 2019 in order to seek a qualified student transportation provider. No submissions were received from that effort. In May 2019, newly formed Sunset Transportation, LLC inquired with the EUT for service needs. The EUT requested a quote submission, based on the information provided for the previous RFP and has awarded the contract to the new provider. Federal and State Student Transportation Laws require the use of State Inspected yellow school buses. The bus drivers are also required to hold specific endorsements in order to legally transport public school students. This vendor has the ability to satisfy the requirements of the EUT and will do so at a fair and reasonable cost.

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 A. Cluikter

Date:

25 Jul 2019