

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:	Robert Chicoria	Office/Division/Program of Contract Administrator:	Maine Department of Public Safety
Est. Contract Amount:	\$ 246,571.00	Contract or RQS Number:	
Proposed Start Date:	1/1/2020	Proposed End Date:	9/30/2021
Vendor/Provider Name, City, State:	See Attached List		
Short Description of Good or Service:	Purchase Law Enforcement equipment for the departments qualifying per the attached list. FY18 Byrne JAG Federal Grant set-aside for specified agencies on the attached listing provided by the U.S. Department of Justice to the Maine Department of Public Safety		
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>8/23/2019</u> To: <u>8/29/2019</u>	
Notice of Intent to Waive Competitive Bidding Number:	NOI# 0820191408		
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:

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	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.	
X	If a different authorization specifically allows for this non-competitive procurement, please provide that reference here:	Per the attached list these departments qualify for funding in the amounts provided for purposes outlined by the Department of Justice

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 Department of Public Safety (DPS) is the state administrative agency for the Edward Byrne Justice Assistance Grant (JAG). The JAG grant is received from the U.S. Department of Justice and is used to improve law enforcement operations in the State of Maine. One of the funding streams is for a select group of municipalities deemed ineligible for a direct grant award through the U.S. Department of Justice, but eligible for pass-through funds from DPS. The amounts of the awards are determined by a formula based on crime rate and are listed in the table attached. The project period is from January 1, 2020 – September 30, 2021. Municipalities eligible for the pass-through are listed below and a contract will be executed for each county or entity based on the county or entity total.

We are requesting permission to award solely to the Departments listed below up to the amount of \$246,571.00 This will permit expenditures made by the law enforcement agencies to be reimbursed in furtherance of Byrne Justice Assistance Grant for local law enforcement initiatives.

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Under the Byrne Justice Assistance Grant, a county wide contract representing their qualifying municipalities (please see attached list) will be established with the Maine Department of Public Safety.

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.

Not Applicable

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**.

Part of the funding formula is set aside for the attached municipalities. The amounts of the awards are determined by a formula based on a three-year average of the crime rate.

5. Future Competition

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

Not Applicable

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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.


Under the Byrne Justice Assistance Grant, a county-wide contract representing their qualifying municipalities (please see attached list) will be established with the Maine Department of Public Safety.

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.

Not Applicable

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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:	Commissioner Michael J. Sauschuck
Date:	8-19-19

Government Name	Govt. Type	Award
ANDROSCOGGIN COUNTY	County	\$5,231
LISBON TOWN	Township	\$3,023
LIVERMORE FALLS TOWN	Township	\$1,628
MECHANIC FALLS TOWN	Township	\$1,046
SABATTUS TOWN	Township	\$2,558
		\$13,486
AROOSTOOK COUNTY	County	\$1,744
ASHLAND TOWN	Township	\$116
CARIBOU CITY	Municipal	\$1,860
FORT FAIRFIELD TOWN	Township	\$1,395
FORT KENT TOWN	Township	\$1,279
HOULTON TOWN	Township	\$5,115
LIMESTONE TOWN	Township	\$698
MADAWASKA TOWN	Township	\$1,279
PRESQUE ISLE CITY	Municipal	\$8,138
VAN BUREN TOWN	Township	\$349
WASHBURN TOWN	Township	\$116
		\$22,089
BRIDGTON TOWN	Township	\$1,395
BRUNSWICK TOWN	Township	\$7,440
CAPE ELIZABETH TOWN	Township	\$698
CUMBERLAND COUNTY	County	\$8,719
CUMBERLAND TOWN	Township	\$233
FALMOUTH TOWN	Township	\$1,976
FREEPORT TOWN	Township	\$1,976
GORHAM TOWN	Township	\$3,371
SCARBOROUGH TOWN	Township	\$4,534
WINDHAM TOWN	Township	\$4,766
YARMOUTH TOWN	Township	\$1,163
		\$36,271
CARRABASSETT VALLEY TOWN	Township	\$233
FARMINGTON TOWN	Township	\$2,558
FRANKLIN COUNTY	County	\$3,139
JAY TOWN	Township	\$2,441
RANGELEY TOWN	Township	\$116
WILTON TOWN	Township	\$1,860
		\$10,347

BAR HARBOR TOWN	Township	\$930
BUCKSPORT TOWN	Township	\$3,255
ELLSWORTH CITY	Municipal	\$2,906
GOULDSBORO TOWN	Township	\$233
HANCOCK COUNTY	County	\$233
SOUTHWEST HARBOR TOWN	Township	\$233
WINTER HARBOR TOWN	Township	\$116
		\$7,906
CLINTON TOWN	Township	\$2,441
GARDINER CITY	Municipal	\$1,744
HALLOWELL CITY	Municipal	\$581
KENNEBEC COUNTY	County	\$6,859
MONMOUTH TOWN	Township	\$465
OAKLAND TOWN	Township	\$2,441
WINSLOW TOWN	Township	\$1,976
WINTHROP TOWN	Township	\$2,093
		\$18,600
CAMDEN TOWN	Township	\$814
KNOX COUNTY	County	\$3,720
ROCKLAND CITY	Municipal	\$814
ROCKPORT TOWN	Township	\$233
THOMASTON TOWN	Township	\$698
		\$6,279
BOOTHBAY HARBOR TOWN	Township	\$1,744
DAMARISCOTTA TOWN	Township	\$1,628
WALDOBORO TOWN	Township	\$1,511
WISCASSET TOWN	Township	\$814
		\$5,697
BETHEL TOWN	Township	\$698
DIXFIELD TOWN	Township	\$465
FRYEBURG TOWN	Township	\$2,209
MEXICO TOWN	Township	\$5,231
NORWAY TOWN	Township	\$2,209
OXFORD COUNTY	County	\$5,696
OXFORD TOWN	Township	\$1,046
PARIS TOWN	Township	\$1,628

RUMFORD TOWN	Township	\$3,255
		\$22,437
BREWER CITY	Municipal	\$1,511
DEXTER TOWN	Township	\$581
EAST MILLINOCKET TOWN	Township	\$116
HAMPDEN TOWN	Township	\$1,279
HOLDEN TOWN	Township	\$465
LINCOLN TOWN	Township	\$814
MILLINOCKET TOWN	Township	\$1,046
NEWPORT TOWN	Township	\$1,163
OLD TOWN CITY	Municipal	\$2,209
ORONO TOWN	Township	\$1,628
PENOBSCOT COUNTY	County	\$2,093
VEAZIE TOWN	Township	\$465
		\$13,370
BROWNVILLE TOWN	Township	\$581
DOVER FOXCROFT TOWN	Township	\$3,139
GREENVILLE TOWN	Township	\$930
MILO TOWN	Township	\$1,046
PISCATAQUIS COUNTY	County	\$1,511
		\$7,207
BATH CITY	Municipal	\$1,744
RICHMOND TOWN	Township	\$698
SAGADAHOC COUNTY	County	\$1,511
TOPSHAM TOWN	Township	\$698
		\$4,651
FAIRFIELD TOWN	Township	\$3,604
MADISON TOWN	Township	\$814
PITTSFIELD TOWN	Township	\$698
SKOWHEGAN TOWN	Township	\$8,138
SOMERSET COUNTY	County	\$9,068
		\$22,322
PASSAMAQUODDY PLSNT	Tribal	\$3,604
PASSAMAQUODDY TRIBE (INDIAN TWP.)	Tribal	\$581

Penobscot Tribe	Tribal	\$349
BELFAST CITY	Municipal	\$3,255
LINCOLNVILLE TOWN	Township	\$930
SEARSPORT TOWN	Township	\$349
WALDO COUNTY	County	\$4,418
		\$8,952
BAILEYVILLE TOWN	Township	\$465
CALAIS CITY	Municipal	\$1,395
EASTPORT CITY	Municipal	\$1,163
MACHIAS TOWN	Township	\$2,209
MILBRIDGE TOWN	Township	\$233
WASHINGTON COUNTY	County	\$3,720
		\$9,185
BERWICK TOWN	Township	\$1,628
BUXTON TOWN	Township	\$3,371
ELIOT TOWN	Township	\$1,046
KENNEBUNK TOWN	Township	\$1,628
KENNEBUNKPORT TOWN	Township	\$698
KITTERY TOWN	Township	\$2,906
NORTH BERWICK TOWN	Township	\$930
OGUNQUIT TOWN	Township	\$814
OLD ORCHARD BEACH TOWN	Township	\$5,115
SOUTH BERWICK TOWN	Township	\$3,488
WELLS TOWN	Township	\$1,628
YORK COUNTY	County	\$7,673
YORK TOWN	Township	\$2,325
		\$33,250
Maine Ineligible Grant Total		\$246,571