

**State of Maine
Waiver of Competitive Bidding Request Form**

Requesting Department's Contract Administrator:	Kim Lawrence	Office/Division/Program of Contract Administrator:	MaineDOT/OIT
Est. Contract Amount:	\$302,910.00	Contract or RQS Number:	
Proposed Start Date:	8/1/2019	Proposed End Date:	7/15/2022
Vendor/Provider Name, City, State:	Artemis International Solutions Corp, 401 Congress Ave #2650, Austin, TX 78701-3708		
Short Description of Good or Service:	Application Software Support		
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>8/23/19</u> To: <u>8/29/19</u></p>		
Notice of Intent to Waive Competitive Bidding Number:	NOI# 0820191409		
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>	<p><i>By signing below, I signify as the Governor's designee there is an emergency that necessitates this non-competitive procurement.</i></p> <p>Signature:</p>	
		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;		

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	<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:</i></p> <p>http://www.maine.gov/purchases/info/forms/govcoop.doc.</p>	
	<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;</p>	
	<p>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.</p>	
	<p>If a different authorization specifically allows for this non-competitive procurement, please provide that reference here:</p>	
<p>Please note that the following four points below (#2 through 5) <u>all</u> require a response.</p>		
<p>2. Description of Specific Need</p> <p>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>		
<p>MaineDOT was Artemis APV project management software to manage construction projects schedules. This COTS software package is integrated into our customer ProjEx construction project management software to provide the project scheduling component. We have a perpetual license to the product, but we also need access to the vendor's software maintenance services so that we can receive patches, updates and technical assistant for bugs. Given the criticality and size of the Department's construction program, the high level of public and Legislative scrutiny of schedule compliance, and our dependence on the software for schedule management, we feel it would be unwise to drop this coverage.</p>		
<p>3. Availability of other Public Resources</p> <p>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.</p>		

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No entity other than Artemis can provide software maintenance for its proprietary products.

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**.

We have negotiated a reduced maintenance price with Artemis and locked it in for a three-year period. We have established that these reduces fees are in line with non-competitive procurement of similar competitor COTS packages.

5. Future Competition

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

During the next three years we will review systems that are available. We are also assessing issuing an RFP for a COTS system or possible customer development. Microsoft Project program was reviewed by MaineDOT staff and found that the cost was not the savings we initially thought it would be.

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.

Only Artemis can provide software maintenance for its proprietary products.

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.

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N/A

**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:

Commissioner Bruce Van Note

Date:

8/14/19