

State of Maine
Waiver of Competitive Bidding Request Form

7Form 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:	Sheila McDonald	Office/Division/Program of Contract Administrator:	Maine State Museum
Est. Contract Amount:	\$ 90,200	Contract or RQS Number:	
Proposed Start Date:	9/1/2019	Proposed End Date:	12/31/2020
Vendor/Provider Name, City, State:	Museum Textile Services 200 Andover Street Andover, Massachusetts 01810		
Short Description of Good or Service:	Conservation of historical clothing damaged by water		
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>08/28/2019</u> To: <u>09/03/2019</u></p>		
Notice of Intent to Waive Competitive Bidding Number:	NOI# 0820191436		
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:
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;		

State of Maine Waiver of Competitive Bidding Request Form

	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: <ol style="list-style-type: none"> (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; <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) 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.

A contract with Museum Textile Services is necessary for conservation of 17 pieces of historical clothing in the Maine State Museum's collection. These pieces were all damaged by water infiltration in the museum's state-owned collections storage facility during an unusual late January rain storm. The museum's fine arts insurer has provided coverage for the conservation of these pieces. The cost estimates for treatment were developed by Museum Textile Services during an examination and assessment that were paid for by the museum's fine arts insurer. The state's Risk Management office has been involved in making the claim for funds necessary to pay for conservation of the damaged collections.

The pieces of damaged clothing are all integral to the museum's collection. Conservation is necessary to restore the pieces to their condition prior to the water event and to ensure that the pieces are stable and continue to be available in perpetuity to fulfill the museum's core mission of exhibiting, researching, preserving, and interpreting artifacts central to Maine history.

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

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.

Staffing and expertise related to conservation of historical textiles do not exist within state government or other public resources. In determining this, the Maine State Museum communicated with other museums in New England that might have a need for such services. Museum Textile Services was universally cited as a business with the professional staff, resources, and facilities to undertake this very complex and challenging treatment. The Maine State Museum has engaged Museum Textile Services on past textile conservation projects and has always been very satisfied with the quality and professionalism of the work.

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 examining all of the damaged pieces, Museum Textile Services completed a treatment proposal that listed each piece of clothing, the damage incurred, and the proposed treatment strategy. The Maine State Museum reviewed this proposal, shared it with the fine arts insurer, and analyzed it for completeness, efficiency, and cost-effectiveness. Through each phase of analysis, the museum found the proposal by Museum Textile Services to be fair and reasonable and in line with similar work done elsewhere in the country.

5. Future Competition

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

The Maine State Museum will continue to monitor textile conservation procedures and analyze new developments, treatments, and costs in order to ensure that professional conservation practices and practitioners can be brought to the needs of the museum's textile collection.

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.

State of Maine Waiver of Competitive Bidding Request Form

Museum Textile Services is one of the few textile conservation businesses in the northeastern United States. Located in Andover, Massachusetts, Museum Textile Services is near the Maine State Museum, making transportation of collections for treatment efficient and cost-effective.

Museum Textile Services was founded in 1999 as a full-service textile conservation studio serving museums, historical societies, and private collectors. In collaborations with museums throughout the northeast, Museum Textile Services has received numerous awards from professional organizations. Museum Textile Services staff is professionally trained; its founder/chief conservator is a fellow of the American Institute for Conservation. Museum Textile Services has been a reliable and professional contractor on textile conservation projects for the Maine State Museum in the past. Museum staff have found the quality of the services, facilities, and treatments to be first-rate, affordable, and thoroughly professional.

Museum Textile Services was able and willing to respond quickly when the water infiltration event occurred in the museum's collections storage facilities. After receiving approval from the fine arts insurer to examine and evaluate the damaged pieces, Museum Textile Services was on site within a few days of the disaster and was able to professionally recommend treatments to restore the textiles to their original condition. The museum's fine arts insurer accepted the treatment proposal and provided the settlement funds that will pay for the contracted services.

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.

This request for a non-competitive contract is based on the identified vendor's uniqueness in providing the requested services. It is not based on the urgent "timeframe" requirement.

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:
Sheila McDonald

Deputy Museum Director

Date:
26 August 2019